



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

**PUBLIC HEARING  
SYDNEY**

**THURSDAY, 19 OCTOBER 2023  
AT 11.10 AM**

**DAY 6**

**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  
MS G. DAVIS (Solicitor) appears for Witness C**

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**<THE HEARING RESUMED AT 11.10 AM**

**COMMISSIONER:** Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you, Commissioner. We are just in the process of having Witness C brought up on to the screen. While that's - and that has occurred, before I call Witness C, can I just tender three things, Commissioner.

**COMMISSIONER:** Yes.

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**MR LLOYD:** The first is a Correctives report with respect to Witness C from 2019.

**COMMISSIONER:** Sorry, what did you say it is?

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**MR LLOYD:** A Correctives report with respect to Witness C from 2019.

**COMMISSIONER:** What's the relevance of that?

20 **MR LLOYD:** I have been asked to tender it by Ms Ghabrial, who appears for a number of Officers. I accept, and am happy to explain, that it may assume some relevance in some submissions Ms Ghabrial wishes to ultimately about some of this evidence.

25 **COMMISSIONER:** Very well. It becomes exhibit 4.

**<EXHIBIT 4 TENDERED AND MARKED**

30 **MR LLOYD:** The next was the same document, Correctives report dated as of today's date.

**COMMISSIONER:** So this is another separate report, is it?

35 **MR LLOYD:** Yes, but the up-to-date one. The first one was from 2019.

**COMMISSIONER:** I will make that exhibit 5.

**<EXHIBIT 5 TENDERED AND MARKED**

40 **MR LLOYD:** And then finally a document titled Serious Offender Review Council Report dated 10 October 2017.

**COMMISSIONER:** That will be exhibit 6.

45 **<EXHIBIT 6 TENDERED AND MARKED**

**MR LLOYD:** I hand that up. The next administrative matter is Ms Ghabrial, as you know, has been granted leave to appear for a group of Officers. I think at the moment the leave relates to or includes eight Officers but I now think she wishes to seek leave to increase the number and I will allow her to do that, if I may?

5

**MS GHABRIAL:** Commissioner, I seek leave to appear for -

**COMMISSIONER:** Just speak to the microphone.

10 **MS GHABRIAL:** - a further six Officers who are known to the Commission. The Commission's instructing solicitors are aware of the names of those further Officers. I have named 12 in other documentation that the Commissioner has received to date. The further two are Officer Mirza Mohtaj, M-o-h-t-a-j, and  
15 Ronald Brown. So in respect of those further six Officers, I seek leave to appear for them.

**COMMISSIONER:** Ms Ghabrial, you have that leave. Your position has been taxing my mind a little. As I understand what you have just said, you now have leave to appear for 12 Officers.

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**MS GHABRIAL:** 14.

**COMMISSIONER:** 14. It's conceivable that they won't all have the same interest.

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**MS GHABRIAL:** At the moment, Commissioner -

**COMMISSIONER:** Well -

30 **MS GHABRIAL:** - I do not perceive that there is a conflict but if that's -

**COMMISSIONER:** It is something that you are going to have to be very careful about.

35 **MS GHABRIAL:** Indeed.

**COMMISSIONER:** And, indeed, because of the timeframe for this Inquiry, I'm not going to be sympathetic to you suddenly realising that you have got a problem and that the process of the Inquiry being delayed by the need for someone else to  
40 appear. You understand what I'm saying?

**MS GHABRIAL:** Absolutely, certainly.

45 **COMMISSIONER:** I find it difficult to think that amongst the 14 there won't be some contradictions but maybe I am too apprehensive, I don't know.

**MS GHABRIAL:** In the context of the scope of this Inquiry, Commissioner, at this time my view is that there is no such conflict. But if that situation changes at all, I certainly will let the Commission know immediately.

5 **COMMISSIONER:** Well, no.

**MS GHABRIAL:** But I'm very alive to it.

10 **COMMISSIONER:** You had better move very quickly to get other counsel.

**MS GHABRIAL:** I'm certainly very alive to the issue, Commissioner.

**COMMISSIONER:** Very well. Mr Lloyd.

15 **MR LLOYD:** Thank you, Commissioner. Witness C, can you hear me?

**WITNESS C:** Yes.

20 **MR LLOYD:** And see me?

**WITNESS C:** Yes.

25 **MR LLOYD:** And in terms of promising to tell the truth, do you prefer to take an oath or affirmation?

**WITNESS C:** Affirmation.

<WITNESS C, AFFIRMED 11.15 AM

30 <EXAMINATION BY MR LLOYD:

**MR LLOYD:** Could you first tell me whether, with you there in the witness box, do you have a pseudonym list?

35 **WITNESS C:** I do.

**MR LLOYD:** Would you just look at that please and confirm that you are C as referred to on that list?

40 **WITNESS C:** I am.

**MR LLOYD:** Now, Ms C, you made a statement to this Commission and you did that on 13 October 2023?

45 **WITNESS C:** I did.

**MR LLOYD:** And you were telling the truth?

**WITNESS C:** I was.

5 **MR LLOYD:** And you gave two statements to the police in the criminal prosecution of Astill and in those statements you were telling the truth?

**WITNESS C:** I did.

10 **MR LLOYD:** And you gave evidence at Astill's criminal trial and in that evidence you were telling the truth?

**WITNESS C:** I did.

15 **MR LLOYD:** Could you take up your statement, please, made to the Commission.

**COMMISSIONER:** Where do I find that, Mr Lloyd?

20 **MR LLOYD:** I'm so sorry, it's tab 8A in volume 5 of exhibit 3.

**COMMISSIONER:** Thank you.

25 **MR LLOYD:** You were at Dillwynia Correctional Centre from February 2014 until December 2016?

**WITNESS C:** I don't have my statement as yet, sorry.

**MR LLOYD:** I'm sorry. Could you just let me know when you've got it?

30 **WITNESS C:** Yep. May I have the date again, sorry?

**MR LLOYD:** The statement to this Commission date, is that the one you're after?

35 **WITNESS C:** Yes, please.

**MR LLOYD:** 13 October 2023.

40 **MS DAVIS:** This is Georgia Davis appearing for the witness. We can't seem to be able to find the statement in the tender bundle, but I have a copy myself if you are happy for Witness C to use the version that I have printed and brought. Is that appropriate?

45 **MR LLOYD:** If it's the finalised version, that's fine. That can be provided to Witness C.

**MS DAVIS:** I can confirm it's the finalised version with redactions.

**MR LLOYD:** Certainly. Could you put that in front of Witness C?

**MS DAVIS:** Absolutely.

5 **COMMISSIONER:** I think formally Ms Davis needs leave to appear.

**MR LLOYD:** Yes.

10 **COMMISSIONER:** Ms Davis, I assume you are a legal practitioner?

**MS DAVIS:** Sorry, I apologise. Yes, I am a legal practitioner, and may I seek leave to appear for Witness C?

15 **COMMISSIONER:** Yes, you have leave.

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

**MS DAVIS:** Thank you very much.

20 **MR LLOYD:** Now, witness, or Ms C, could I just make sure what you are looking at is the same as what we're looking at. Is the document in front of you, the words in the box up the top, "In the matter of Special Commission of Inquiry - Wayne Astill"?

25 **WITNESS C:** Correct.

**MR LLOYD:** Now, I was asking you about the time that you were at Dillwynia Correctional Centre. That was between February 2014 until December 2016?

30 **WITNESS C:** That's correct.

**MR LLOYD:** And during that time at Dillwynia, you were a victim of sexual offending by Astill?

35 **WITNESS C:** That's correct.

**MR LLOYD:** And I think you understand that those allegations have been proven in the criminal trial and it's not necessary for me to ask you about those details again here?

40 **WITNESS C:** I'm aware of that, yep.

**MR LLOYD:** But just in terms of the background to understand some of your evidence to this Commission, it's right, isn't it, that that offending occurred roughly between January or February 2016 and December of 2016?

45 **WITNESS C:** That's correct.

**MR LLOYD:** And it involved, at times, Astill being in your cell block or unit of an evening when he ordinarily would not have been there for any proper purpose?

5 **WITNESS C:** That's correct.

**MR LLOYD:** And could you just tell us, in terms of those times when he was in your cell block or unit of an evening, what was the system in terms of someone of Astill's position? Was it common for a guard in Astill's position to come into  
10 a cell block of an evening by themselves?

**WITNESS C:** No.

**MR LLOYD:** But that happened on multiple occasions?  
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**WITNESS C:** It did happen, yes.

**MR LLOYD:** And do you know whether, at any of the times that Astill was in your cell block of an evening, that was observed by other Officers at Dillwynia?  
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**WITNESS C:** I'm not aware if it was observed by other Officers but definitely other inmates.

**MR LLOYD:** Is it fair to say that, at least from your perspective, him coming in and going to your cell and behaving inappropriately was widely known within your unit?  
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**WITNESS C:** I'm not sure if it was widely known because the unit was split into two sections but definitely in the section that I was in, which was the back half of the J Unit.  
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**MR LLOYD:** Can I just ask you to look at your statement to the Commission, the one that's in front of you, and just re-read paragraph 27 to yourself.

35 **WITNESS C:** Yes.

**MR LLOYD:** You describe in there one of your first encounters with Astill; is that correct?

40 **WITNESS C:** That's correct.

**MR LLOYD:** You were in the Behavioural Intervention Unit for a few weeks?

**WITNESS C:** From memory, it was approximately, around about 14 to 16 days, I think.  
45

**MR LLOYD:** And what did he do in this early interaction?

**WITNESS C:** Sorry, could you repeat that? I didn't hear the first part.

5 **MR LLOYD:** Just tell us what Astill was doing in this early interaction between you and him. What was he saying to you or offering you?

10 **WITNESS C:** So we were locked in a secure unit with a very small opening on the door. So we couldn't see out into the unit for most of the time we were in there. Sometimes he would open the hatch and we would be able to look out if we chose to and see what the Officers or other inmates may be doing on that - in that small space. Sometimes he would come and talk to us through the window. Other times he would crack the door and speak to us through the door. But for the first period of time we didn't see much of him at all.

15 **MR LLOYD:** Was he, to your knowledge, stationed in that Behavioural Intervention Unit in terms of doing his duties or was he there for some unrelated reason?

20 **WITNESS C:** Yeah. No, from my knowledge, he was running that unit at that time.

**MR LLOYD:** And he at one point offered you a phone call to your daughter?

25 **WITNESS C:** That's correct.

**MR LLOYD:** And was that a kind of privilege or something that wasn't ordinarily available?

30 **WITNESS C:** My understanding is when you're in the behavioural unit there is no access to a phone for inmates and so the staff would grant you a phone call at their whim. So I don't think it was a privilege but I think in our - in my eyes, I was fortunate to get that call.

35 **MR LLOYD:** And what happened after the call? He said something to you about it?

40 **WITNESS C:** Yeah. So I was standing - there's a small window and the phone handset was passed through the window to me. So he sat at his desk directly opposite me and could hear the entire call and he repeated some of those parts of the conversation back to me.

**MR LLOYD:** If you have a look at paragraph 28, just re-read that and then I'll ask you some things about it.

45 **WITNESS C:** Yep.



**MR LLOYD:** And you have elsewhere in this statement described occasions when you were stripped-searched at Dillwynia and Officers would make inappropriate comments about your body.

5 **WITNESS C:** That's correct.

**MR LLOYD:** Now, what happened on this occasion when Astill started making comments to you about those strip searches? What was he saying?

10 **WITNESS C:** He was commenting that he believed I didn't have any tan lines. He couldn't understand how I had an all-over tan and that he was interested in seeing those tan lines.

15 **MR LLOYD:** And you had an understanding - I withdraw that. He wasn't there during the strip searches?

**WITNESS C:** That's correct.

20 **MR LLOYD:** And did you have an understanding from what you have just told us that Officers who were there, were passing on to him details about your body from those strip searches?

25 **WITNESS C:** That's my understanding, combined with the comments that were made to me during those searches.

**MR LLOYD:** Can I ask you to just have a look at paragraph 29.

**WITNESS C:** Yep.

30 **MR LLOYD:** You are dealing here with a period after the offending by Astill had commenced?

**WITNESS C:** Yes, that's correct.

35 **MR LLOYD:** And just describe to us what the kind of system was for him getting you to come to his office?

40 **WITNESS C:** So a lot of the time he would only just call me to the - what's called the smoke-out and that was a caged area attached to the front of the wing. It had as a door so you could go into the smoke-out and the cage part he would stand up against and he would talk to me through the caged area.

45 **MR LLOYD:** And in terms of you being called over by him to see him at various times, how did that come about? How did you get retrieved?

**WITNESS C:** So it elevated from him coming to the smoke-out and then there would be times where he would come over and open the door to the wing and call

out "Witness C, you need to come here" or he would send another Officer across to do the same thing. They'd come and open the door or they would call through the smoke-out or they would ask another inmate to call for me and then I would be escorted across to the office.

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**MR LLOYD:** You've described in this paragraph that on some of those occasions, other girls very much knew, "Shit, she has to go again" or you had been called again to reception or Astill was asking for you again. First, were those things that other inmates said to you, that kind of thing, when Astill was either

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**WITNESS C:** Yes. That's correct.

**MR LLOYD:** Do you remember whether those kind of things were said in the presence of other Officers?

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**WITNESS C:** I can't remember if other Officers were around. It's quite possible, though. Some Officers were sent to retrieve me on his command but I'm unsure of that.

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**MR LLOYD:** Could you have a look, please, at paragraph 31, going over the page.

**WITNESS C:** Yep.

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**MR LLOYD:** You are referring there to an incident about you and Astill sharing a can of Coke.

**WITNESS C:** Astill and I didn't share the can of Coke. The Coke was given to the group.

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**MR LLOYD:** So a group of inmates and Astill were together?

**WITNESS C:** Correct.

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**MR LLOYD:** And Astill was sharing the can of Coke with the other inmates, is that the sense of it?

**WITNESS C:** He opened the can of Coke and said that we can share it.

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**MR LLOYD:** Was that the kind of thing usual between Officers and inmates to share something like that?

**WITNESS C:** No.

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**MR LLOYD:** Do you know whether that came to be seen by other inmates or Officers?

**WITNESS C:** Well, obviously the ones that were standing with me, but over time it's obvious that someone else has reported that incident occurring but at the time I was unaware.

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**MR LLOYD:** I'll ask you some more questions about that in due course. Just have a look at paragraph 34 and remind yourself of what you said there and then I'll ask you some things.

10 **WITNESS C:** Yes.

**MR LLOYD:** Now, the first part, Ms C, deals with I think something you've already mentioned, being regularly called out to go to see Astill.

15 **WITNESS C:** That's correct.

**MR LLOYD:** And you describe next saying to Officer Westley Giles, "Do I have to go?" and trying to ask not to go and him saying that you had to go and see him because Astill was the manager?

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**WITNESS C:** That's right.

**MR LLOYD:** And in saying that, I just want to understand, you're not saying, are you, that when you were saying to Officer Giles "Do I have to go?" that you were at that time telling Officer Giles about the sexual abuse by Astill? You're not saying that here, are you?

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**WITNESS C:** No, I'm not saying that.

30 **MR LLOYD:** So just, in effect, you don't want to go and Officer -

**WITNESS C:** Correct.

**MR LLOYD:** - and Officer Giles saying, "Well, he is the manager so you have to go and see him if he wants to see you".

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**WITNESS C:** That's right, because it was in a very short period of time in our lunch break and I didn't want to waste my time or put myself in that position to have to go and see him again. And so I would try and get out of it by asking my Wing Officer, "Do I have to go?"

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**MR LLOYD:** But you've got here, the next part of this paragraph inmates saying things such as "Your boyfriend wants you again" or "Go down and get another favour" or "You're getting favours again, off you go". Do you see that part?

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**WITNESS C:** Yes.

**MR LLOYD:** Were those kind of things said by the inmates in front of any of the Officers?

5 **WITNESS C:** Possibly because when we were released the Officers would come out of the main office as we were exiting the high needs area and often things were said then and staff were around certainly.

10 **MR LLOYD:** And just going down on page 8 toward the end of that page, you say you suspect all of the main staff would have known how frequently you were being called and you identify some Officers. Do you see that?

**WITNESS C:** Yes. Yes.

15 **MR LLOYD:** In identifying those Officers who would have known how frequently you were being called, do I understand it correctly that you're not intending to say that those Officers were people who you believed at that time knew about the sexual offending?

20 **WITNESS C:** No, I don't believe they knew about the sexual offending but I believe they knew that Astill had a specific interest in me.

25 **MR LLOYD:** As in dealing with what you understood that they would have known from the circumstances, first, you believed they would have known how frequently you were being called?

**WITNESS C:** Correct.

**MR LLOYD:** At least Officer Giles knew that you didn't want to go?

30 **WITNESS C:** Correct.

**MR LLOYD:** And next are you saying that you believed that they would have known that you were being called to see Astill more frequently than other inmates?

35 **WITNESS C:** Absolutely.

40 **MR LLOYD:** Is that the sense of what you are saying in this part of that paragraph?

**WITNESS C:** That's right. I believed that the people that I have named were aware that I was being called down to see a particular Officer at a high-rate frequency, unquestioned, and unusual compared to other inmates in the centre.

45 **MR LLOYD:** What about this, Ms C: When you - I've asked you about the way in which you were retrieved by Astill on all these occasions. At the time you got to his office, was it the case that you went in and the door was closed?

**WITNESS C:** There were so many times that sometimes the door was open; sometimes the door was closed.

5 **MR LLOYD:** And you would be in there either door open or door closed for reasonably lengthy periods; are you able to say approximately? I know that they are multiple times but approximately how long?

10 **WITNESS C:** It depends if I was alone or if I had taken someone with me. But sometimes it could be - if I could get myself out of there, sometimes it would be only a matter of a couple of minutes and sometimes it would be up to 15, 20 minutes. Around 15 or 20 minutes, from memory.

15 **MR LLOYD:** Just dealing for the moment with those periods, the longer periods, 15 to 20 minutes, were there times when you were there for that kind of duration when the door was closed?

**WITNESS C:** Yes.

20 **MR LLOYD:** And do you know whether there were other Officers who were present at times when you went in for that kind of duration and the door got closed, as in present and able to observe you going in and the door being closed?

25 **WITNESS C:** Yes, because the main office was attached to the manager's office.

**MR LLOYD:** And do you remember which Officers were able to observe that?

30 **WITNESS C:** I would suspect all high needs Officers were aware of who was going in and out of manager's offices because they have windows that faced directly on to the manager's office. But it's so far back, I can't remember who would know. And again there was so many times that I was called in, I wouldn't know who was around watching.

35 **MR LLOYD:** Could you just have a look at paragraph 35.

**WITNESS C:** Yes.

40 **MR LLOYD:** I just want to ask you first, Ms C, about the first sentence there. You nominate a group of Officers and the timeframe is when his offending was in full throe.

**WITNESS C:** Yes.

45 **MR LLOYD:** And you say that that group gave you a hard time about it. Do you see that?

**WITNESS C:** Yes.

**MR LLOYD:** Could you just explain to us what you mean by being given a hard time about it, and if you are able to identify which of the Officers did that?

5 **WITNESS C:** Because of the consistency and the frequency of Astill's interactions with me and calling me to the office or catching me in the compound, coming across to the wing, I believed that the Officers that I've named thought that I was being favoured, that I was getting favours, I was getting preferential treatment and therefore their behaviours towards me started to change. And  
10 I believe I can correlate that to the way he was behaving, is the way they started to treat me differently.

**MR LLOYD:** Just so I can get the sense of it from your perspective, you had a firm belief that those Officers knew about the frequency of Astill retrieving you and taking you to the office and other places?  
15

**WITNESS C:** Yes.

**MR LLOYD:** You had a sense that at the time when you thought they knew about that, that their treatment of you was harsher than it had been before. Is that a fair way or have I got it wrong?  
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**WITNESS C:** Correct.

25 **MR LLOYD:** And can I ask you this, going to paragraph 36 - just re-read that, please, Ms C.

**WITNESS C:** Yes.

30 **MR LLOYD:** You are describing there a time that you went to an Officer Tania Hockey?

**WITNESS C:** Correct.

35 **MR LLOYD:** And did you know at that time that she was Astill's de facto partner?

**WITNESS C:** I don't believe at that time I did, no.

40 **MR LLOYD:** And just tell us why it was that you went to see Officer Hockey?

**WITNESS C:** So Officer Hockey was allocated my Case Officer. I had her for quite a long period of time, and I felt that the rumours and the way I was being treated by some staff members was starting to get out of hand and I went to her for  
45 some support and to get some advice on how to handle it. Yeah, she was my - she was supposed to be my go-to person.

**MR LLOYD:** How did you find her response?

5 **WITNESS C:** I found that she wasn't really that concerned. She sort of brushed it off and said, "Don't worry, it's a bigger issue than you" and that she indicated that Astill had an ongoing battle going with Officer Barry and that I was the fall-out from it.

10 **MR LLOYD:** Can I just ask you, you mentioned rumours and I just need to ask you about the nature of the rumours you discussed with Officer Hockey.

**WITNESS C:** Yes.

15 **MR LLOYD:** Did you disclose to her, that is Officer Hockey, that there were rumours about you giving oral sex to senior corrective Officers?

**WITNESS C:** That's correct.

20 **MR LLOYD:** And at that time when you were speaking to Officer Hockey, did she make mention of the ability for you to make a complaint in writing or otherwise about treatment of you by Officers at Dillwynia?

**WITNESS C:** No, she did not. No, she did not, no.

25 **MR LLOYD:** And I'll come to this in a minute, but you've described elsewhere in your statement your understanding and what you were told about the system for making complaints, but what did you think was the availability or opportunity for you to complain about the fact that rumours of this kind were circulating?

30 **WITNESS C:** Well, things were already difficult for me because I was considered a high-profile inmate and so often treatment was very different from other inmates. So I was very cautious about placing myself in a position where I was going to be poorly treated or punished. So making complaints was something that I left right until it was really serious. I tried to go through the right channels. I would go to my Case Officer. I would go to my Wing Officer. Then the Area  
35 Manager and up through to the Manager of Security. So I tried to go through the correct channels but often I was either dismissed or blocked.

40 **MR LLOYD:** You've said this, if you need to go back and look at paragraph 8 in your statement, do so but you might be able to answer this question without going back. But you weren't given any information, plan, or induction when you arrived at Dillwynia?

**WITNESS C:** No, not at all.

45 **MR LLOYD:** And I take it from that, you weren't told when you arrived about what the system for making complaints about Officers was?

**WITNESS C:** No, not at all.

**MR LLOYD:** Can you go forward to paragraph 37.

5 **WITNESS C:** Yes.

**MR LLOYD:** Now, I just want to ask you some things. You've already mentioned this. If you had a complaint the first port of call that you understood for you was to go to one of the Wing Officers?

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**WITNESS C:** That's right.

**MR LLOYD:** Just so I can understand, is that the Officer who happened to be on duty responsible for the particular part of the unit that you were housed in at the relevant time?

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**WITNESS C:** That's right. So I was housed in what was called the Protection Wing, J Unit, and so we answered directly to the high needs Wing Officers.

20 **MR LLOYD:** And the person in that position, that is the Wing Officer, would change depending on who was on shift?

**WITNESS C:** That's right.

25 **MR LLOYD:** And can I just ask you about Officer Giles. You say he would mostly brush you off when you made complaints to him. Do you see that part?

**WITNESS C:** Yes.

30 **MR LLOYD:** Just so we can understand, that's not you saying there, is it, that you were making complaints to Officer Giles telling him about the sexual offences by Astill; you're talking there, aren't you, about other kinds of complaints?

35 **WITNESS C:** Yeah, I'm talking about just any issues or complaints, just generally in day-to-day living in the prison.

**MR LLOYD:** But the sense of this is your understanding of the way that you could make complaints about any topic was that you had to start with your Wing Officer and you felt, at least when it came to Officer Giles, that the complaints you were raising with him weren't being treated seriously. Is that right?

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**WITNESS C:** That's correct.

45 **MR LLOYD:** And is that, over the page, on page 10, you describe occasions when you asked to see a manager?

**WITNESS C:** Yes.



**MR LLOYD:** And that there were occasions when you spoke to managers, Officers, Hariharan, Holman or Hotham. Do you see that?

5 **WITNESS C:** Yes.

**MR LLOYD:** And your experience was you didn't get any traction with complaints when you went to those Officers; is that fair?

10 **WITNESS C:** That's correct. You were seen as a pest or you were - yeah.

**MR LLOYD:** No, you go. Finish your answer, I spoke over you. Just finish your answer, I spoke over you.

15 **WITNESS C:** So if you were continually going to the office or if they didn't want to deal with you, you were seen as a pest and so sometimes I felt like the issue was serious enough that I would request to see the next person up.

20 **MR LLOYD:** And I think what you're telling us is your experience when you went to the next person up wasn't any better than the first time around?

**WITNESS C:** I felt at times they were happy to listen but no action was taken, and I also felt that they were quite dismissive and often pointed me straight back to the same office to try and have it resolved at Wing Officer level.

25 **MR LLOYD:** And, again, Ms C, I just want to make sure the kinds of complaints that we're talking about here to the more Senior Officers, they're the same sorts of complaints that you have told us about for Officer Giles, that is - and understand I'm not being at all critical, but you're not talking here about complaints about  
30 Astill's offending?

**WITNESS C:** No, I'm talking about complaints that I felt were serious. For example, girls being assaulted, assaulting each other, for example, bullying, whether girls were upset after coming back from visits about inappropriate strip  
35 searches. I wasn't just going there for minor things or things that were upsetting me daily. These were issues that were building over time and I felt that needed some sort of guidance or attention from staff.

40 **MR LLOYD:** But major things that you felt weren't being properly received or acted upon, is that correct?

**WITNESS C:** Correct, and things that jeopardised our safety.

45 **MR LLOYD:** Could I ask you just to have a look, please, at paragraph 39.

**WITNESS C:** Yes.

**MR LLOYD:** Another option that you identify there for making complaints was filling out an inmate request form. Do you see that?

**WITNESS C:** That's right.

5

**MR LLOYD:** But what you're telling us in that paragraph is that if you put it in writing, it would still go to the same place in the first instance, namely to your Wing Officer?

10 **WITNESS C:** That's right and that's if they would give you a form. So sometimes you would ask, request for a form, and it was at their discretion whether they gave you one or not.

15 **MR LLOYD:** Were there times when you asked for inmate request forms and weren't given them?

**WITNESS C:** Absolutely.

20 **MR LLOYD:** And having regard to what you told us about your experience with the way Wing Officers were dealing with complaints, do we take it that the inmate request form going to the same person didn't lead you to think there would be any better outcome?

25 **WITNESS C:** That's right and also there's a danger in, if you're making a complaint and then handing that complaint to that same Officer that there would be repercussions for that.

30 **MR LLOYD:** Thank you. And by repercussions, you mean, do you, you would be worried about, if you were complaining about another Officer, it getting back to them?

**WITNESS C:** Absolutely. And then that could lead to punishments, charges or what we call therapy.

35 **MR LLOYD:** And the therapy you're talking about, you deal with this in your statement, is a spell in the BIU.

40 **WITNESS C:** It could mean that you've gone to segro. It could also mean that you would have further punishments placed upon you or extra pressure. It could mean you would get bullied for a period of time. It could mean that other inmates might bully you. So therapy was obviously something you wanted to avoid in an already very stressful environment.

45 **MR LLOYD:** Thank you. Could I ask you to just have a look at paragraph 42.

**WITNESS C:** Yes.

**MR LLOYD:** Now, you talk here about a - that common knowledge about something that was called a file 13.

**WITNESS C:** Yes.

5

**MR LLOYD:** Tell us about what you know about that?

**WITNESS C:** So file 13 really is a nickname for the shredder or the bin. So if it went into file 13 you just knew it was going to nowhere. It wasn't going to be followed up and you weren't going to get any assistance with that.

10

**MR LLOYD:** Just so I can understand what you've just told us, there was a phrase that you understand was widely known at Dillwynia, "file 13"?

15

**WITNESS C:** Correct.

**MR LLOYD:** And that phrase is used to describe a practice of where an inmate had made a complaint, that that complaint being put into the shredder?

20

**WITNESS C:** It wouldn't even just be a complaint. It could be a request, a request for a visit, a request for property. That was the, like formal system to ask for things or to make a complaint. And on numerous occasions you know, we would hear Officers say, "Oh, that's going in file 13" or laugh about it and just even act out that they were going to throw it in the bin.

25

**MR LLOYD:** And was this a practice that you only observed at Dillwynia or have you seen it at other Correctional facilities?

**WITNESS C:** I've seen it at other Correctional facilities.

30

**MR LLOYD:** Mulawa one of them?

**WITNESS C:** Yes.

35

**MR LLOYD:** What was the practice called there?

**WITNESS C:** There, it was like, it was either called like the Mulawa shredder or the Mulawa file.

40

**MR LLOYD:** Can I ask you next - I can do this, I think, without directing you to the paragraph. The Official Visitor, did you know about that option for making complaints?

**WITNESS C:** You do.

45

**MR LLOYD:** What did you know about your ability to complain to the Official Visitor?

5 **WITNESS C:** So the Official Visitor would come on to the compound generally unannounced. So if you were at work you would never see them or if you were doing an activity you would never see them, you would just have to be lucky to, like, run into them. Sometimes the girls would pass around that the Official Visitor was around. You would go and speak to them generally in an open area so everybody could hear or people are passing or interrupting and that was the person that you were supposed to go to if you were having trouble getting things followed up or you had a complaint.

10

**MR LLOYD:** What about this experience you described with the complaints to the Official Visitor, did you come to believe that if you did make a complaint that the staff at Dillwynia were immediately told about the fact you had complained?

15 **WITNESS C:** I believe that's correct because sometimes the staff were aware of the complaints girls and myself were making but we hadn't told them yet.

20 **MR LLOYD:** And just tell us, in terms of that as, the Official Visitor as an option for making complaints about something like the sexual offending by Astill, how did you feel about the viability of raising that with the Official Visitor?

**WITNESS C:** I would never do it.

25 **MR LLOYD:** And just tell us why?

**WITNESS C:** I don't see it as a trustworthy role. I don't believe, in my experience, the things that I did go to the Official Visitor about, I was never informed afterwards. There was no follow-up and nothing seemed to change, from the things that we told the Official Visitor.

30

**MR LLOYD:** Thank you. What about the Ombudsman, you make reference to knowing about the existence of the Ombudsman.

35 **WITNESS C:** Correct.

**MR LLOYD:** In terms of raising any complaint with the Ombudsman, was one of the problems, as you understood it, that you had to tell the staff at Dillwynia that you were wishing to make a complaint?

40 **WITNESS C:** You - either a sign went up or an announcement was made and you had to indicate to the staff that you wanted to put your name down on a list to see the Ombudsman when they came for a visit.

45 **MR LLOYD:** And to the extent you made complaints to the Ombudsman, did you ever come to a view about whether those complaints were brought to the attention of the Governor, Shari Martin?

**WITNESS C:** I believe that when I met with the Ombudsman at Dillwynia, I went into the senior manager's office at high needs and sat with - I believe, it was two at the same time and when I raised the particular points that I wanted to bring up, they already had the answers to it and they said that they'd already met with the Governor prior to meeting with us.

**MR LLOYD:** And in terms of the Ombudsman being a viable option for you to complain about Astill's offending, what did you think about that as being an option open to you?

**WITNESS C:** After my experience with them, no, I wouldn't go to them again. Certainly not in regards to being assaulted by an Officer.

**MR LLOYD:** Can I ask you, Ms C, just to go back to paragraph 10 in your statement. I just want to ask you some questions about the parts of your statement where you describe the environment at Dillwynia relevant to your knowledge about your ability to make complaints about Astill's conduct. Do you understand?

**WITNESS C:** Yep.

**MR LLOYD:** In paragraph 10, you make reference to occasions when staff would refer to confidential things about inmates in front of other inmates.

**WITNESS C:** Correct.

**MR LLOYD:** Can you just tell us something about that?

**WITNESS C:** So it wasn't uncommon for Officers to discuss girls' reasons for being in prison, their family situation, perhaps relationships they were having, mail they were receiving and from whom. It was very common to hear information about other inmates through staff.

**MR LLOYD:** And in terms of the confidentiality of that kind of information within the gaol, I take it you had a particular view about how confidential information was treated?

**WITNESS C:** There is no confidentiality in prison.

**MR LLOYD:** In paragraph 11 you refer again to the process you've already told us about where the first port of call for a complaint was to your Wing Officer.

**WITNESS C:** Yes.

**MR LLOYD:** But then you say if you went outside that process, that is, made a complaint to someone else that is not your Wing Officer, that there were adverse consequences. Can you just tell us about that?

**WITNESS C:** So if you go to an Officer and you don't receive the help you need or you don't get the answer that you feel that you need to get, then you go to another Officer. That's called Officer shopping and that's frowned upon by staff. And clearly they speak amongst themselves and they will block you, or they'll send you back to your original unit.

**MR LLOYD:** Thank you. Can you look at paragraph 13.

**WITNESS C:** Yes.

**MR LLOYD:** Just in terms of the second sentence there, you came to know or understand that your mail was being read?

**WITNESS C:** That's right.

**MR LLOYD:** And just tell us about the occasions where information in your mail was discussed by the Officers you identify in that second sentence?

**WITNESS C:** Oh, look, I've stood outside the office waiting to see an Officer and Officers are reading parts of girls' mail to each other. I've had Officers talk to me about things I've written in my mail or received in my mail or people that have written to me, particular people that have written to me. I know that other girls have often made comments to each other about what was written in their mail because it had been leaked to them by staff and that leads to arguments and fights. My legal mail generally was always opened. I never, you know, it was very rare for me to receive my legal mail closed. So, yeah, there's always issues around mail.

**MR LLOYD:** And knowing or believing that Officers were reading your mail and at least some of the time discussing it, what about the option for you to raise complaints about what Astill was doing by writing letters to people outside the gaol? What did you think about whether that was available?

**WITNESS C:** I did write to my partner about the behaviour of Astill and I believe I possibly wrote to my parents as well about it.

**MR LLOYD:** Can I ask you about what you observed in terms of bullying of some Officers at Dillwynia by others. Just tell us what you can remember about that?

**WITNESS C:** Officers bullying each other?

**MR LLOYD:** Yes.

**WITNESS C:** So obviously making derogatory comments about other Officers within earshot of us; make derogatory comments directly to us about particular Officers, especially the new Officers, new staff to the centre. They weren't spoken

of highly. They weren't treated very well. Spoken down to, condescending tone. I mean this - this environment is very intense and very open and I appreciate that the Officers don't have a lot of privacy either but they do have Officers that they could have gone into to discuss things. I've seen Officers, two Officers in  
5 particular, have an argument that was so bad that one of the Officers took his bag and left the centre. It was common to speak poorly of each other, to talk about overtime, not letting people have overtime. I'm not really - I don't have a great understanding of that but that was often a common scene, not letting people have overtime or giving people shit shifts, sending them to crappy posts, or they can  
10 just go to visits or they can go to so-and-so. That's common - that's a common day. You hear that on a daily basis, stuff about each other.

**MR LLOYD:** And I think you refer in one of your paragraphs to hearing an Officer who was nice or kind to inmates being sent off to, I think you describe it  
15 as a shitty post.

**WITNESS C:** Yeah, and they're called - they are referred to as, like, crim lovers or, you know, they're spoken in derogatory terms if they show any sort of care or outward care or do extras for us. So if they did an extra, what would be  
20 considered an extra, you know, that's frowned upon by the other members. They're seen as weak. They're weak.

**MR LLOYD:** Is this the right sense of it: That, at least from your perspective, Officers who were - displayed kindness and a kind of caring attitude to inmates  
25 were bullied by some other Officers for that?

**WITNESS C:** Correct. At Dillwynia there was a clear division between those who considered had the most power and held the best roles and what was considered the weak Officers or the soft Officers, definitely.  
30

**MR LLOYD:** Thank you. Can you go forward to paragraph 17.

**WITNESS C:** Yes.

**MR LLOYD:** You are describing here an event in your first week at Dillwynia?  
35

**WITNESS C:** If not the first week, it was very close to, yes. I'd only just arrived.

**MR LLOYD:** Early in your time? That's right, early in your time at Dillwynia?  
40

**WITNESS C:** Sorry, yep. Yep. It was just after I arrived, yes.

**MR LLOYD:** And just - you describe here that at muster one of the Officers kept one hand on the muster book and dropped the other down while he ran across the front of your pelvic area as he walked past?  
45

**WITNESS C:** Yep, brushed straight across me.

**MR LLOYD:** Just, Ms C, so I can understand muster, you identified one Officer there. There's more than one Officer at muster?

5 **WITNESS C:** Generally from memory there's two or three.

**MR LLOYD:** Do you know whether the other Officers at this particular muster were in a position to see what this Officer did?

10 **WITNESS C:** I hope they didn't see it and not do anything about it. I mean, I'm under the understanding that they were watching the muster. He was quite discreet but -

**MR LLOYD:** Could you just have a look -

15

**COMMISSIONER:** Mr Lloyd, before you leave Officer Brown, your statement seems that discussion of his behaviour stops at paragraph 21. I might be wrong. I'd like to know what happened to Officer Brown. Where is he now?

20 **MR LLOYD:** I will find out and tell you. If you want me to find out right now I can tell you.

**COMMISSIONER:** Whenever it suits. I would like to finish the story.

25 **MR LLOYD:** I will have an inquiry made.

**COMMISSIONER:** The witness may be aware of whether or not he is presently in the gaol, I don't know.

30 **MR LLOYD:** Yes, I will see if we know the answer. I'll come back to it, I will lead into that question. Ms C, just have a look at paragraph 20 where you deal with something that relates to the conduct of Officer Brown that you have just described to us in the muster.

35 **WITNESS C:** Yes. Yep.

**MR LLOYD:** Just tell us what happened. This is a time, obviously, after what Officer Brown did to you in the muster line; what did you do about that?

40 **WITNESS C:** I think for the first couple of days I was quite shocked and I spoke to the girls that I hung around with and then I decided that I felt that someone needed to know and so I went to Officer Giles who was standing outside the high needs office so it was out in the open. I remember saying to him that Officer Brown -- I thought Officer Brown was a sleaze bag and that he brushed passed me  
45 and touched me and he just laughed.

**MR LLOYD:** Did you say where he touched you?



**WITNESS C:** I don't think I said across my vagina but I certainly indicated that it was inappropriate touching.

5 **MR LLOYD:** And so you said those words to Officer Giles, I think you've said a couple of days or a few days after the muster.

**WITNESS C:** Yeah.

10 **MR LLOYD:** What was his immediate response after you told him about that?

**WITNESS C:** He wasn't interested. He just laughed it off and I think his actual words were, "You're not that special."

15 **MR LLOYD:** Do you know whether, or did you see any evidence of any investigation into that event that you've described Officer Giles ever occurring?

**WITNESS C:** No, I think he just took it as a joke. I think he thought, yeah, just it was a joke.

20

**MR LLOYD:** Did anyone tell you, Officer Giles or anyone else, that there was a mechanism or a system for you to make a complaint about that conduct?

**WITNESS C:** No.

25

**MR LLOYD:** And I take it aside from raising it with Officer Giles and getting the reaction you've told us about, you didn't do anything else in terms of you raised it with Officer Giles but that that's where, as far as you understood it, the matter was left?

30

**WITNESS C:** I just discussed it with my immediate friends that were at Dillwynia who indicated that they weren't surprised, and I also told my partner at the time.

35 **MR LLOYD:** Do you know where Officer Brown is now?

**WITNESS C:** No, I have no idea.

40 **MR LLOYD:** Can I just pause. He is presently employed as a Casual Officer but he's no longer in a practical sense being given shifts. I don't know at which facility, if he was being given shifts.

**COMMISSIONER:** When did he cease being a full-time Officer?

45 **MR LLOYD:** I'll find out. And I appreciate you will have a series of questions. I will make sure I've got all the answers before I come back to it.

**COMMISSIONER:** Yes.

**MR LLOYD:** Thank you, Ms C. Can I ask you then about paragraph 22. Just read the first few lines of that and then I'll ask you some things about that.

5

**WITNESS C:** Yes. Yep.

**MR LLOYD:** You talk there about bullying by Officers Barry and Berry. Do you see that?

10

**WITNESS C:** Correct, yep.

**MR LLOYD:** And do we read this as being in your mind related to that change in behaviour that you experienced by Officers after Astill started calling you out frequently to come and see him?

15

**WITNESS C:** I think it was a major reason why those two selected me to bully, yes.

**MR LLOYD:** But just so I can understand this paragraph is in a different place to the paragraph I asked you about before, is what you are describing here the sequence where Astill starts calling you out routinely. That becomes widely known and I think you said to me earlier that after those things had occurred, you noticed that you were being treated more harshly by Officers. Do you remember we went through that?

25

**WITNESS C:** Yeah, that's true. That's true, yes.

**MR LLOYD:** Is that in effect what are you describing here?

30

**WITNESS C:** Yeah, I don't think that either of those two Officers particularly warmed to me regardless. I think the Astill issue certainly inflamed that situation and gave them even more reason to come for me, yeah.

**MR LLOYD:** Can I just ask you about, in the third line:

35

"Neither of them ever asked what was going on to me or if I was okay."

**WITNESS C:** Never.

40

**MR LLOYD:** Do you see that?

**WITNESS C:** Yeah, never, ever asked me if I was okay.

**MR LLOYD:** Was this a situation where you regarded it as being, if I can put it this way, pretty obvious that something inappropriate was happening between you and Astill. Just pausing there, have I got it right so far?

45

**WITNESS C:** I think you're right, yes.

5 **MR LLOYD:** And what you're saying is that even though your understanding was that that inappropriate conduct from Astill's perspective, was occurring, that no one ever asked you what was actually going on?

10 **WITNESS C:** That's right, because generally I'm a pretty confident and pretty positive style of person and over that period of time my behaviours started to disintegrate and I was often visibly upset, angry, physically I had lost a lot of weight. It was very clear that I was struggling in that compound and not one person named so far asked me if I was okay. Even after all the rumours, all the talk amongst inmates, I mean gaols are run by rumours and talk. It's - it goes on all day long. And so they would have been very, very aware that I was not doing  
15 very well and that the reason would have been around Astill.

**MR LLOYD:** Can I ask you this, Ms C, in the second part of that paragraph 22, you describe a particular event involving a silver ring.

20 **WITNESS C:** Correct, yep.

**MR LLOYD:** Could I just make sure that we understand your perspective on this particular incident. You were wearing a silver ring?

25 **WITNESS C:** That's right. I've still got it on.

**MR LLOYD:** And do you understand that at least Officers Barry and Berry believed that that was something that Astill had given to you?

30 **WITNESS C:** Oh. No. I - I wasn't aware they thought Astill had given it to me. No, sorry.

**MR LLOYD:** Was your - from your perspective, you thought that they believed you were wearing a ring that you didn't come to Dillwynia with and so, therefore, weren't entitled to be wearing it?  
35

**WITNESS C:** That's right. I believe that they were very aware - my belief is that they were very aware that that was a very precious item for me, because obviously you don't have a lot in gaol - and that it was from my partner and it was very important to me and I believed that they were trying to remove it to upset me further.  
40

**MR LLOYD:** Your perspective of this was that this was part of the bullying you described. They were taking from you something that was precious to you, without any cause?  
45

**WITNESS C:** Correct.

**MR LLOYD:** Did you ever - I'm not being critical at all - but did you ever understand that it might have been from their perspective that you were wearing that ring and that, in fact, it hadn't come from your partner, but it had come from Astill and that that was why they were trying to remove it?  
5

**WITNESS C:** It never crossed my mind, but isn't that an issue in itself that no one even bothered to ask me before they pinned me down and wanted to take it off?  
10

**MR LLOYD:** Unfortunately, I can't answer your questions but take it from me, please, that this is an issue which will be dealt with by other witnesses. Do you understand?

**WITNESS C:** Yep.  
15

**MR LLOYD:** Can I ask you, please, Ms C, to go to paragraph 32. You are describing here again your relationship with Officer Hockey -

**WITNESS C:** Correct.  
20

**MR LLOYD:** - who you have already told us was your case worker.

**WITNESS C:** Correct.  
25

**MR LLOYD:** And I think you've already told us your case worker, at least on your understanding, was meant to be someone who you could speak to frankly and openly about problems you were having in the prison?

**WITNESS C:** That's right.  
30

**MR LLOYD:** And this is right, isn't it: That whether you knew that Tania Hockey was Astill's de facto, the fact was that at a time when he was sexually abusing you, your case worker was his de facto, Ms Hockey?  
35

**WITNESS C:** That's right.

**MR LLOYD:** And did you come to find out that private or confidential things or things that you thought were private or confidential you were telling to Officer Hockey, she was leaking to Astill?  
40

**WITNESS C:** Whether intentionally or not she absolutely passed on information because he would repeat things that I had told her to me.

**MR LLOYD:** In terms of an option for you to make a disclosure of the sexual abuse by Astill, I take it from what you have told us that your case worker, who was his de facto, who was leaking information to him, wasn't really a good idea?  
45

**WITNESS C:** No.

5 **MR LLOYD:** I'm sorry, if you need time, please, please take it, and tell me when you're ready to resume.

**WITNESS C:** Thank you. Thank you.

10 **MR LLOYD:** Ms C, take as long as you need -

**WITNESS C:** Thank you.

**MR LLOYD:** You're not under a time pressure.

15 **WITNESS C:** Thank you. Thank you.

**MR LLOYD:** Could I ask you about, in terms of the environment for making complaints at Dillwynia, Astill and Tania Hockey weren't the only couple who were working at the centre, were they?

20 **WITNESS C:** No, they weren't no.

**MR LLOYD:** You describe elsewhere, you don't need to go to it, paragraph 58, about various couples who worked there?

25 **WITNESS C:** That's right.

**MR LLOYD:** In terms of your perspective about the environment for making complaints about the sexual abuse by Astill, what did the fact that there were various couples in the centre do for your attitude about it?

30 **WITNESS C:** Well, it made it very difficult to know who was connected to who. If you went somewhere, would you be safe? Would it be - would the information that you're giving them suddenly be across the compound the next day? Would anything actually happen? There were not only just couples but there were mother/daughter combinations, there were sisters, there were cousins. And I'm not even aware of all of the relationships but it was - we were all very aware that you had to be careful where you went because you just didn't know who you were talking to.

40 **MR LLOYD:** And you've already told us about one pretty stark example where you later found out, I think - but tell me if I've got it right - that your case worker was Astill's partner but you didn't know that at the outset?

45 **WITNESS C:** That's right.

**MR LLOYD:** Paragraph 60, you also say Officers were very comfortable because they didn't rotate or move very much especially at Dillwynia.

**WITNESS C:** Yes, that's right.

5

**MR LLOYD:** And compared to other Correctional Centres that you've been to, is the sense of that, that there wasn't much movement of staff at Dillwynia compared to the position elsewhere?

10 **WITNESS C:** Yeah. In my experience, the staff at Dillwynia seemed to be permanent in the role that they were in. It was quite rare, and something that everybody was shocked when someone finally moved to a different post. Whereas, for example, at Mulawa, people moved around different posts quite regularly. You would see them in health unit, mental health unit, down on a wing,  
15 up in reception; they tended to move a lot more frequently.

**MR LLOYD:** And what about at Mulawa or anywhere else in terms of Officers moving between Correctional Centres, did you notice it happened more there than it did at Dillwynia?

20

**WITNESS C:** I couldn't comment on that. I'm not sure. When Mary Wade gaol opened a lot of the staff at Mulawa went across to Mary Wade, but I'm not sure about intergaol movements.

25 **MR LLOYD:** Can I ask you then, Ms C, to turn back to paragraph 43 of your statement?

**WITNESS C:** Yes.

30 **MR LLOYD:** In this section from paragraphs 43 to 51, you are describing various occasions when you were able to get before some Senior Officers at Dillwynia and disclose some things about Astill?

**WITNESS C:** That's right.

35

**MR LLOYD:** You've already told us about all of the barriers to you making a complaint about what Astill was doing to you, the culture with Officers and the shredding of forms on your understanding, and the Ombudsman and the Official Visitor?

40

**WITNESS C:** Yeah.

**MR LLOYD:** Do you remember that evidence?

45 **WITNESS C:** That's right, yes.

**MR LLOYD:** But here you are describing some occasions when you actually did manage to get yourself before some senior people; is that fair?

**WITNESS C:** That's fair, yep.

5

**MR LLOYD:** Can I just try and identify which parts of your evidence you relate to particular events, because - it's not a criticism of you at all, Ms C, but we need to just marry up what you've said in this statement with the particular events where you said things to senior people. Do you understand?

10

**WITNESS C:** Okay, yep.

**MR LLOYD:** The first of those occasions I've already asked you about, this was the incident involving the wedding ring on 13 February 2016.

15

**WITNESS C:** Mm-hm.

**MR LLOYD:** Now, I haven't taken that date from this statement. Will you take it from me that that's the date you identified in your first police statement at paragraph 18 about that incident?

20

**WITNESS C:** Okay. Yep, okay, yep.

**MR LLOYD:** And you had access to a diary that you recorded things in which allowed you to give some dates in that statement; is that right?

25

**WITNESS C:** Yeah. I'm an avid diary writer. I have kept a diary every year that I've been in custody and I would write down particular events, meetings, even quote things that people had said to me during my time in gaol, yes.

30

**MR LLOYD:** Thank you. Can I take you forward to the next event I want to ask you about, 23 February 2016 where you were called to the office by Leanne O'Toole. Just pausing there: she was then the Manager of Security?

35

**WITNESS C:** Okay, yep.

**MR LLOYD:** And by Shari Martin. So this is 23 February 2016, a meeting with Ms O'Toole and Ms Martin.

40

**WITNESS C:** Okay, yep.

**MR LLOYD:** Now, I'm reading again from paragraph 19 of your police statement where you say that on this occasion they wanted to discuss your use of the media to further your case and that they were unhappy about it. Do you remember that?

45

**WITNESS C:** Yes, I do.

**MR LLOYD:** You mentioned before you are a prisoner with a profile. And the discussion, at least in part, at this meeting, was about things about you being in the media. Have I got it right?

5

**WITNESS C:** That's right.

**MR LLOYD:** You say, and I'm just reading from your police statement at the moment, you took this opportunity to bring up the issue of staff being inappropriate:

10

"And I didn't specifically mention Astill or any other staff names on this occasion."

15 Do you remember that?

**WITNESS C:** Yes.

**MR LLOYD:** Just go back so we can marry up what you say in your statement to the Commission with what occurred at this meeting and have a look at paragraph 44.

20

**WITNESS C:** Forty what, sorry?

25 **MR LLOYD:** 44.

**WITNESS C:** 44, yep.

**MR LLOYD:** Just read that to yourself and then I'll ask you about it.

30

**WITNESS C:** Yes.

**MR LLOYD:** Is what you're describing in that paragraph what occurred at this meeting on 23 February 2016?

35

**WITNESS C:** I believe that to be correct, yes.

**MR LLOYD:** And have a look at paragraph 51. This is not a memory test or a trick. You've described something which is said to be a carbon copy of your previous complaint detailed in - you've got paragraph 45 but take it from me that appears to be a typo intending you to refer to 44.

40

**WITNESS C:** Okay, yep.

**MR LLOYD:** In terms of your description in paragraphs 44 and 51, is it right that really you're doing your best in those paragraphs to describe either one meeting or perhaps two, but if it was two meetings which were very similar in nature?

45



**WITNESS C:** There were definitely two meetings and now I look at the dates, yeah, I believe that - I believe the February date, dated one, was the first one out of those two meetings.

5

**MR LLOYD:** As in the one you describe in paragraph 51 on 23 February?

**WITNESS C:** Yeah, it matches up with 19 in my statement.

10 **MR LLOYD:** Thank you. And that came before the meeting you describe in paragraph 44?

**WITNESS C:** I believe so, because I remember the part about Officer O'Toole seeming fair. That was definitely her behaviour in the first meeting compared to  
15 the second one.

**MR LLOYD:** Were both meetings attended by the Governor, Shari Martin, and Manager of Security, Leanne O'Toole?

20 **WITNESS C:** From my memory, yes.

**MR LLOYD:** And were they close together in time?

**WITNESS C:** Without my diary, I'm not going to commit - I can't commit to  
25 that. I - I can't remember.

**MR LLOYD:** Just stay on paragraph 51 for a minute. At this meeting, you describe toward the end of the paragraph, you feel like the way you were treated after changed, that you complained about the inappropriate behaviour, and you  
30 didn't name Astill but said it was the manager. Do you see that?

**WITNESS C:** Correct, yep.

**MR LLOYD:** Can I just get you to do your very best to remember, when you  
35 were describing the behaviour - I'll come to who was doing it in a minute - but the behaviour itself, what can you remember saying to Officer O'Toole and Governor Martin at this meeting?

**WITNESS C:** About inappropriate behaviour?  
40

**MR LLOYD:** Correct.

**WITNESS C:** So the tone of the conversation certainly was that some staff  
45 members, obviously male - or it doesn't have to obviously be male but in this conversation it was obviously male - were showing particular interest in some inmates, favouritism, hanging around certain areas for unusual amounts of time,

going into girls' cells one-on-one. Those sort of behaviours is what I was indicating to them.

5 **MR LLOYD:** And did you say which Officer or Officer in terms of - I think you've said you didn't name Astill, but did you describe the position of the Officer or Officers you're talking about?

10 **WITNESS C:** I do remember using the term "manager", yes. But some of the behaviours were shown by other Officers too. So it was a generalised - the complaint was very much a generalised complaint about the high needs area but I do remember using the word "manager".

15 **MR LLOYD:** In terms of your description of the behaviour, you've mentioned whichever Officer, or Officer you're talking about, showing particular interest in inmates and hanging around, did you give any more details? Do you remember giving any more details about what you were suggesting was the nature of that particular interest?

20 **WITNESS C:** It was definitely a sexual undertone. It was things like, "I think it's inappropriate that an Officer or Officers are going into girls' cells, particularly one-on-one." And you've got to remember that some of these girls are very vulnerable, and quite often won't stand up for themselves and don't know how to stand up for themselves. So sometimes I was commenting and making comments about observations that I had seen, that not only that I had experienced myself but  
25 observations that I had seen that I considered, whatever standard that may be, to be inappropriate.

30 **MR LLOYD:** Was one of the details that you passed on at this meeting that there was an Officer or Officers who were going into the cells of girls by themselves?

**WITNESS C:** I believe I did, yes.

35 **MR LLOYD:** Now, you said you had the view that the conduct you were describing had a sexual undertone. Can I just ask this: When you describe the conduct that you've told us about at this meeting, did either Governor Martin or Officer O'Toole ask you to tell them what it is you were talking about, to give some details about what was going on?

40 **WITNESS C:** No, they never asked me to expand. And, in fact, I don't think they were really that impressed of what I had to say, and it was seen as though I was just a shit stirrer, that I was just trying to cause trouble.

**MR LLOYD:** Go back, please, Ms C, to paragraph 44.

45 **WITNESS C:** Yes.

**MR LLOYD:** You're talking about, you've told us, is your description of the meeting that you've said with the same people - that is Governor Martin and Ms O'Toole - after the 23 February meeting. And I just want to ask you about some things here. You went to Shari Martin and reported staff were being  
5 inappropriate, and you described some things there?

**WITNESS C:** Yes.

**MR LLOYD:** And:  
10

".. gossip and rumours about the head jobs, staff openly discussing inmates' sexually in the night senior's office, managers lurking around the smoke-out area and going into girls' rooms one-on-one."

**WITNESS C:** Yes.  
15

**MR LLOYD:** Do you see that?

**WITNESS C:** Yes.  
20

**MR LLOYD:** Are those the kinds of things that you also said at that first meeting?

**WITNESS C:** Exactly. Yes.  
25

**MR LLOYD:** And that's why, I take it, you say in paragraph 51 that the meeting was almost a carbon copy? What you're really telling us is -

**WITNESS C:** Yep.  
30

**MR LLOYD:** - these two meetings you are describing in the two paragraphs were very similar in terms of what you are saying; is that right?

**WITNESS C:** That's right, and I would have repeated myself because nothing  
35 had changed.

**MR LLOYD:** Ms C, you say toward the end of paragraph 44 you didn't name Astill and you say that you didn't do that because of you were afraid of what would happen to you?  
40

**WITNESS C:** Yes.

**MR LLOYD:** I take it that reflected your fear you have already told us about, that if you named him it would get back to him?  
45

**WITNESS C:** Correct. If I named him, it could get back to him, it could get back to other staff. I didn't know who he was connected to. He'd already made veiled

threats to me about knowing bikies, sending me to other gaols, and I was just afraid that it was all going to come down on me. I was also afraid that if inmates found out that there'd be repercussions from them - bullying, teasing, getting bashed. So I was really like stuck in between. I didn't really feel like at that stage I was willing to put myself on the line because I didn't know how long I was going to be stuck at Dillwynia for.

**MR LLOYD:** And in that environment you describe with all of those fears of what might happened to you if you named Astill, you have described the conduct you have told us about. You have said you did use the word "manager".

**WITNESS C:** Yes.

**MR LLOYD:** Can you just tell us what the response to you describing that behaviour and it being done by a manager, what was the response from Governor Shari Martin?

**WITNESS C:** Complete lack of interest. In fact, she was almost - she didn't defend her staff, but she didn't probe me for any other information. She wasn't interested in the details. And, in fact, again it just, you know, all these things happened quite quickly in a very informal way. There's no formalities. From memory, I don't remember her taking any notes, or I certainly didn't take any notes or fill any forms out. And so everything's happening very fast and under a lot of pressure. But she certainly didn't ask me any specific questions. And she didn't even try and guide me towards any form of support: she didn't send me to the counsellor, she didn't send me to a psychologist. She wasn't interested.

**MR LLOYD:** She said to you, you record here, "Either put a request or complaint in or get the fuck out of my office."

**WITNESS C:** Correct.

**MR LLOYD:** Do you remember her saying that to you?

**WITNESS C:** Correct. Yes.

**MR LLOYD:** So that was, as you understood it, her not asking you about any of the details of the conduct or the person committing it, that you had told her about?

**WITNESS C:** She wasn't interested, and saying to me, "Either put a request or a complaint in" is really, in my mind - by that stage, I had been at Dillwynia a while - is a complete joke. Where is that going to go to? If you're not showing any interest and I'm right in front of you right now, where is that going to go?

**MR LLOYD:** Well, I just want to ask you this: in terms of putting a complaint in, is that what you thought you were doing?

5 **WITNESS C:** Absolutely. I'm in front of the General Manager of the facility, who has a duty of care to take - look after me and look after the people around me, and I'm telling her something. Whether I was, in her eyes, telling the truth or not or whether I was a pest, whether I had mental health issues, she should have asked me more detail and she should have supported me and guided me to the right people.

**COMMISSIONER:** Mr Lloyd, how much longer do you expect to be?

10 **MR LLOYD:** I expect to be about another 10 minutes.

**COMMISSIONER:** Then do others have questions?

15 **MR SELLER:** Yes.

**MS GHABRIAL:** Yes.

20 **COMMISSIONER:** I think it might be sensible - Ms C, you have been giving evidence now for well over an hour - if we take the luncheon break at this stage and resume in an hour's time. All right. I'll adjourn.

**<THE HEARING ADJOURNED AT 12.45 PM**

25 **<THE HEARING RESUMED AT 1.48 PM**

**COMMISSIONER:** Yes, Mr Lloyd.

30 **MR LLOYD:** Thank you, Commissioner. Now, I will just make sure, Ms C, you can see and hear me?

**WITNESS C:** Yes.

35 **MR LLOYD:** Do you remember before the break, I was asking you about some things that you say in paragraphs 43 to 51 of your statement to try and establish the various occasions that you were able to raise problems with Astill with authority figures at Dillwynia.

**WITNESS C:** Yes.

40 **MR LLOYD:** I think where we got up to was you had described to the Commissioner the meetings with Governor Martin and Manager of Security O'Toole on 23 February 2016 and I think you said reasonably shortly after that date. Do you remember that?

45 **WITNESS C:** Yes, that's right.

**MR LLOYD:** Just have a look at paragraph 43.

**WITNESS C:** Yes.

5 **MR LLOYD:** And just focus, please, on the third sentence in that paragraph, starting "One day".

**WITNESS C:** Yes.

10 **MR LLOYD:** And read that to yourself.

**WITNESS C:** You would like me to read it out loud?

**MR LLOYD:** No, no, just to yourself and tell me when you've done it.

15 **WITNESS C:** Okay. Yep. Yep.

**MR LLOYD:** So I just want to understand there you're referring to an occasion when Shari Martin and another Officer, Paddison -

20 **WITNESS C:** Yeah.

**MR LLOYD:** - called you in for a meeting.

25 **WITNESS C:** That's right. Yep.

**MR LLOYD:** Now, in terms of trying to get a date on the meeting you describe in here, again I won't take you to it unless you want me to, but I'll just remind you of some evidence from your first police statement that you gave, where -

30 **WITNESS C:** Yes.

**MR LLOYD:** - you talked about in early 2016 you heard rumours about you having sexual interactions with Officers including Astill?

35 **WITNESS C:** That's right.

**MR LLOYD:** And then you say you have a note in your diary on 9 March 2016 that indicates, "I took this to the GM, Shari Martin, and another Senior Officer, Paddison." Do you remember saying that?

40 **WITNESS C:** Yes, I do.

**MR LLOYD:** And so -

45 **WITNESS C:** So I took those dates off my diary - sorry, I took those dates from my diary in that time, in that moment.

**MR LLOYD:** So we are able to match up your description in the third sentence of paragraph 43, that's the occasion on 9 March 2016?

**WITNESS C:** That's right.

5

**MR LLOYD:** And could you just go, please, Ms C, to paragraph 49 of your statement to the Commission and just read that to yourself and tell me when you've done that.

10 **WITNESS C:** Yes.

**MR LLOYD:** Is that another place where you've described what happened at this meeting on 9 March?

15 **WITNESS C:** That's correct.

**MR LLOYD:** I want to ask you some questions about what you can remember about that, that meeting. You've described that it was a meeting with Shari Martin and Officer Paddison; correct?

20

**WITNESS C:** That's right.

**MR LLOYD:** And you've described that the meeting occurred around the time those rumours you've told us about that were circulating about you giving oral sex to Officers?

25

**WITNESS C:** That's right.

**MR LLOYD:** Now, I'm just looking at paragraph 49 of your statement to the Commission. You say there that you said at this meeting that you wanted something done about it.

30

**WITNESS C:** Correct.

35 **MR LLOYD:** Can you remember what kinds of things you were saying to Shari Martin and Officer Paddison at the meeting about it?

**WITNESS C:** Yeah. So I brought up that I'd heard through various sources that Officers were talking about inmates and in particular me, giving head jobs to managers. I also said - they said, "Well, that's the kind of talk that goes on in that office, in the night senior's office" and I said, "Well, that's not right", like, just because that's what happens doesn't make it right. That was the tone of the conversation. And then Paddison was involved in the conversation and I looked at him and said, "How would you feel - how would your wife feel if she reads on the newspaper tomorrow that Witness C is giving head jobs to managers at Dillwynia" and he said, "Oh, she wouldn't she just" -

40

45

**MR LLOYD:** Just pause. Just pause. Ms C, it's okay, just stop for a minute. We're just - it's an easy slip and you made reference to your name. So we will just cut the feed. Just pause for a minute.

5 **WITNESS C:** Sorry.

**MR LLOYD:** No, no, it's okay. It's easy to do. I'll just go back. It's an easy mistake to make but just try and refer to yourself as Ms C.

10 **WITNESS C:** Sure.

**MR LLOYD:** And so I think you were up to something that you said at this meeting, in effect, making a complaint about the rumours.

15 **WITNESS C:** That's right, and I said to Mr Paddison, "Imagine in your wife saw on the front of the newspaper tomorrow Ms C is giving head jobs to managers at Dillwynia" and he said, "Oh, my wife wouldn't believe it" and I said something along the lines of, "Are you sure about that?" And during that conversation there was absolutely no comforting or compassion or understanding about where I was  
20 trying to come from and this - this had been - multiple times I've had to repeat this humiliating statement to people, that's completely untrue, and getting absolutely no action, or no empathy or understanding about what I was trying to do. It was like I was just annoying them.

25 **MR LLOYD:** Just so I can understand: The complaint on this occasion was you saying that the rumours, that the rumours you've described were not true?

**WITNESS C:** Absolutely.

30 **MR LLOYD:** And what about the rumours insofar as they extended to other inmates, so not you but other inmates, were you saying one way or the other about whether you knew that those rumours were true?

35 **WITNESS C:** I was speaking only on my behalf that they weren't true. I didn't speak on behalf of other inmates but my point about the other inmates was regardless staff should not be sitting in a common space talking sexually about other women in the gaol.

40 **MR LLOYD:** And you've described the response by Officer Paddison about that complaint. Did Shari Martin say anything?

45 **WITNESS C:** She just sat there and smirked and she wasn't particularly verbal in that actual moment, but the interaction about the newspapers and about not begging but trying to force their hand into committing to doing something about it, to shutting down the rumours or to changing the behaviour in that night senior's office.



**MR LLOYD:** And the night senior's office was a kind of common room for senior Correctional Officers at Dillwynia where, if they weren't having to do a particular task, they could recreate?

5 **WITNESS C:** I think any Officer could go in there, yes.

**MR LLOYD:** Thank you. Can I then ask you about some other paragraphs in terms of things that you describe in this part of your statement. Just have a look at the second part of paragraph 43, starting from the words, "Another time she called  
10 me" and read that to yourself.

**WITNESS C:** Yes. Yes.

**MR LLOYD:** Now, this is just so I can understand it, you are describing here  
15 another occasion that you were in with Shari Martin that was different to the times that I've already asked you about?

**WITNESS C:** That's correct.

20 **MR LLOYD:** And just let me understand what happened on this occasion: This was another discussion about something being in the media about your case?

**WITNESS C:** I think it was two separate issues. I think she originally called me  
25 down about a letter that she wasn't willing to send out, that she had intercepted or someone had intercepted. And then it developed into also about media around my case, yes.

**MR LLOYD:** Thank you. Can I just ask you about this part of it. "The  
30 conversation was always driven by her but they, or there were topics I wanted to talk to her about, for example, the behaviour of staff but I was quickly shut down." Do you see that?

**WITNESS C:** Yes. Yep.

35 **MR LLOYD:** I just wanted to ask you what you mean by being quickly shut down when you wanted to talk about the behaviour of staff. What can you remember about that?

**WITNESS C:** So she would either talk over the top of me. She'd make grand  
40 statements like, "I've heard enough of this" or, "You don't tell me how to run my gaol" and it would eventually just be "Get out."

**MR LLOYD:** Did you get to the point of being able to tell her what the nature of  
45 your complaints were in this meeting that you are describing now, what the nature of the complaints were about the staff or were you shut down before you got to the details?

5 **WITNESS C:** From memory, about the letter, she told me that I had written inappropriate comments about her staff and I suspect it probably had something to do with how I was being bullied and perhaps even assaulted. I'm sure it was to my partner. She never showed me the letter and she told me that she wasn't allowing it to go out and I said to her, "I can write whatever I like to my family. I can say whatever I need to." And she said, "No, you can't and you can't name my Officers" which I'm not sure that I did or I didn't, and she said, "I will put this letter into your property" and it never made it to my property. I've never seen it again.

10

**MR LLOYD:** Do you remember the sorts of things you were saying in the letter about the staff?

15 **WITNESS C:** No doubt it would have been that I was scared, that I hated being at Dillwynia, that I was struggling, that I was constantly upset, that staff were bullying me, they were nasty towards me, calling me names. It would have been a myriad of things. I wrote to my partner sometimes up to four times a week and he has kept all of those letters.

20 **MR LLOYD:** Could I ask you to go to paragraph 47.

**WITNESS C:** Yes.

25 **MR LLOYD:** This is you describing here, is it a different meeting than the ones that I've asked you about already?

**WITNESS C:** No, it wouldn't have been a separate - it wouldn't have been a separate meeting to the ones we've already discussed.

30 **MR LLOYD:** This is what you're describing, an event during one of the meetings you've told us about?

35 **WITNESS C:** Yes, I - yes. I believe it to be the meeting about the letter and the media.

**MR LLOYD:** And you've got here just during this part of the meeting where you are describing it, what was Shari Martin doing?

40 **WITNESS C:** She was very angry at me because I had had some media coverage in - on I believe TV and magazines, and she had hauled me in and tried to accuse me of setting it up and breaking some security, like making a security breach and I asked her, "well, where have I broken security?" She wouldn't answer me. She was very mad. She also told me that she wasn't going to bank on me, that, you know, yeah, that I basically need to just give it up. Just stop, stop trying to do what I'm trying to do with my case and just leave it be. And I think at some stage she also said this comment about, "You think you are going to the fucking media

45

and go over me". I think she meant like how dare I - a term in gaol is like put her on show, like how dare I do things with the media and in her gaol.

5 **COMMISSIONER:** Mr Lloyd, is there any prohibition on an inmate speaking to the media?

**MR LLOYD:** Not that I'm aware of.

10 **COMMISSIONER:** Ms C, can you tell us, is there any prohibition that you know of on inmates talking to the media?

**MR LLOYD:** Ms C, did you hear the Commissioner's question?

15 **WITNESS C:** Sorry. Sorry, I thought you were talking to each other, I beg your pardon.

**COMMISSIONER:** No. I was asking you a question. I will ask it again. Do you know if there's any prohibition on an inmate talking to the media?

20 **WITNESS C:** I'm not aware of any prohibition, no.

**COMMISSIONER:** And were you, in fact, talking to the media?

25 **WITNESS C:** At different times, yes, but in regards to my own personal case, not in regards to Dillwynia.

**COMMISSIONER:** Yes, that's what I was going to ask you. This is in relation to your trial and conviction and sentence?

30 **WITNESS C:** Correct. I have never spoken to the media about the gaol, just about my own personal case.

**COMMISSIONER:** Right. And were you talking to the media after the appeal or before?

35

**WITNESS C:** At different times, before and after, the various appeals I had.

**COMMISSIONER:** Before and after?

40 **WITNESS C:** Yes.

**COMMISSIONER:** Okay. Thank you.

45 **MR LLOYD:** And in terms of the Commissioner's question about prohibition, as you understood it, from what you have told us, the only prohibition in a sense was Shari Martin, as I understand it, but tell me if I've got it right, saying she wouldn't allow your letter to go out to your partner?

**WITNESS C:** Correct.

5 **MR LLOYD:** Was there any attempt in terms of the practicalities of you speaking to the media, obviously you needed the consent of the people within the gaol itself to make contact like that or could you just do it by yourself?

10 **WITNESS C:** No, most of my contact with the media was through third parties. So either through a solicitor or my partner. There were times I spoke directly with someone who was working on something for my case but never about the gaol.

15 **MR LLOYD:** And so your ways of trying to communicate with the media, or one of them, was the letter that Shari Martin was telling you she wouldn't allow to be sent out?

20 **WITNESS C:** No, they're two separate issues. She had the shits that I wrote to my partner in regards to my discomfort at Dillwynia. The media issue is to do with the fact that I was currently in the media, I was in magazines and she didn't like that. She told me to basically give up, "Just cop your sentence and just do your sentence". They're two separate issues.

**MR LLOYD:** I see. So she didn't at any point say she wouldn't permit a letter to be sent out in order to prevent you from having access to the media?

25 **WITNESS C:** Not as far as I'm aware. I mean, I know for a fact that not all of my mail has made it out, especially out of Dillwynia. But not as far as I'm aware, no.

30 **MR LLOYD:** Okay. Thank you. Could you just have a look at paragraph 48.

**WITNESS C:** Yes. Yep.

35 **MR LLOYD:** Is this your description of something that occurred during one of the meetings you've told us about?

**WITNESS C:** I think the meeting we were just discussing.

40 **MR LLOYD:** And, in effect, what did you take from what Shari Martin was saying to you as you describe in this paragraph?

**WITNESS C:** That's right.

45 **MR LLOYD:** That - could I just ask you about, toward the end, where you've said:

"Some of the girls on our wing or staff knew about things that were said in my calls or that were in my mail and Astill would read sections of mail to inmates to inflame situations."

5 **Witness C.** Yes.

**MR LLOYD:** Can you tell us more about that?

10 **WITNESS C:** He even did it to me. He read a section of an inmate's mail that was talking about me and read that part to me and I believe he did that to inflame issues amongst the wing and to cause people to fight each other, I guess.

15 **MR LLOYD:** Whatever the purpose, this - I think what you are telling us is Astill reading out to other inmates things that were in your letters going outside the gaol?

**WITNESS C:** Yes.

20 **MR LLOYD:** Could I finally just ask you in paragraph 61, just to look at that.

**WITNESS C:** Yes.

25 **MR LLOYD:** You are describing there the circumstances in which you came to be moved out of Dillwynia?

**WITNESS C:** Is it correct, sorry?

30 **MR LLOYD:** You are describing there the circumstances in which you came to be moved out of Dillwynia?

**WITNESS C:** Yes.

**MR LLOYD:** Was that done in a hurry?

35 **WITNESS C:** Very much so. It was a complete ambush.

**MR LLOYD:** Do you know it was done in a hurry or, as you say, a complete ambush?

40 **WITNESS C:** I don't factually know why but I believe Shari Martin wanted me gone because I had too much to say. I was a pest.

45 **MR LLOYD:** What was happening in the days leading up to that day on which you departed, 23 December 2016?

**WITNESS C:** Well, it wasn't particularly like those last days but we were leading into Christmas, so it's a pretty difficult time in gaol. You know, this had been

going on all year, these issues. And I was getting ready - well, I was actually in the shower when they came in and told me that I had to pack and go. It was very, very unusual for inmates to leave Dillwynia in the afternoon. They were usually on trucks in the morning. And I hadn't even got back to my cell which was only  
5 15 metres away from the shower cubicle and they were already throwing bags at me and telling me to pack up and hurry up. So I had - after three years, I had barely any time to pack my things. As I was getting dressed I was still wet. It was just - it was complete chaos. Girls were coming in and out. They were upset, no one knew what was going on and, yeah, basically I had to throw all my things into  
10 some garbage bags and then I was marched down to the reception area.

**MR LLOYD:** Thank you, those are my questions, Commissioner.

**COMMISSIONER:** Yes. Do you have any questions?  
15

**MR BUTERIN:** At this stage, I don't have any questions [(indistinct)] Mr Sheller and Ms Ghabrial have questions, and it may be [(Indistinct).]

**COMMISSIONER:** We will see where we get to. Very well. Mr Sheller.  
20

**<EXAMINATION BY MR SHELLER:**

**MR SHELLER:** Witness C, my name is James Sheller, I'm one of the legal representatives for Corrective Services. Just before I ask you any questions,  
25 I would like you to understand that I'm not going to ask you any questions which challenge any of the allegations that you made against Mr Astill nor am I likely to challenge any of the contents of your statements where you refer to individual Officers. Someone else may well do that but I am going to ask you some questions just designed to clarify some of the material in your statements.  
30

Could I just, to start with, ask just to see what statements you've got in front of you at the moment. You made a statement to the police dated 7 May 2019; is that correct?

**WITNESS C:** Yes, I've got that in front of me.  
35

**MR SHELLER:** And that goes to the - there's page numbers in the bottom right corner of each page, small but that's about eight pages?

**WITNESS C:** I think so, yeah.  
40

**MR SHELLER:** And then I think attached to - sorry, you provided some information, separate information, to police at that time including extracts of a diary which you maintained?  
45

**WITNESS C:** That's right.

**MR SHELLER:** And then, as I understand it, after the criminal proceedings involving Mr Astill had been finalised, you tried to get your diary back but you were told it had been lost; is that right?

5 **WITNESS C:** That's right.

**MR SHELLER:** Then there's a second statement, a shorter one - sorry, Commissioner, this is behind tab 8 - which only goes to two pages. Do you have that in front of you? It's eight paragraphs.

10

**WITNESS C:** I don't want to look through this, sorry. Thank you.

**MR SHELLER:** Witness C, if that's a folder with tabs inside it, I'm not sure if you have got the same folder as we do. Tab 8.

15

**WITNESS C:** Sorry, it's two pages but it's dated 7 May.

**MR SHELLER:** Yes. Have you got that in front of you?

20

**WITNESS C:** Yes.

**MR SHELLER:** Now, just, there seems to be a typographical error, you will see it has printed on the top of the first page, 7 May 2019; do you see that?

25

**WITNESS C:** Yes.

**MR SHELLER:** But if you go over the page there's a signature at the bottom of page 2 from a detective, Detective Puttock [(indistinct).]

30

**WITNESS C:** Yes.

**MR SHELLER:** It looks like someone has not changed the date on the front. Thank you.

35

**WITNESS C:** Yeah.

**MR SHELLER:** Then the third statement is that upon which Mr Lloyd has asked you a number of questions is your statement of 13 October 2023?

40

**WITNESS C:** Yes. Yep.

**MR SHELLER:** Could I ask you in relation to that most recent statement to go to paragraph 7. In that paragraph, you make reference to Officer Giles. Do you see that?

45

**WITNESS C:** Yes.

**MR SHELLER:** And I think you've given evidence elsewhere that you weren't told anything about what you had to do or you weren't given any other information - this is in paragraph 8 - upon your arrival at Dillwynia.

5 **WITNESS C:** That's right.

**MR SHELLER:** Is it the case that Officer Giles was the main person that you dealt with at that very first time after you arrived at Dillwynia?

10 **WITNESS C:** Yes.

**MR SHELLER:** And you describe in the third line of paragraph 7 being told you are going to go into protection, that was into the J Unit?

15 **WITNESS C:** That's right.

**MR SHELLER:** And the J Unit you understood was the high needs part of Dillwynia?

20 **WITNESS C:** I didn't know that at the time, no.

**MR SHELLER:** You learnt that in due course?

25 **WITNESS C:** Yes.

**MR SHELLER:** And is it right that you remained in that high needs area for the whole of your period of custody at Dillwynia?

30 **WITNESS C:** That's correct.

**MR SHELLER:** Now, I'll ask you some questions about this later on, although you weren't provided with any information or plan or induction at Dillwynia, is it correct that over time you learnt practices and procedures?

35 **WITNESS C:** Well, I had to, to survive.

**MR SHELLER:** And that learning extended to understanding the process of making complaints?

40 **WITNESS C:** Well, a lot of the processes are haphazard and they are not always followed through, they change often.

**MR SHELLER:** At some point in time you learnt that it was at least available to you to make a complaint directly to the General Manager or Governor,  
45 Ms Martin?

**WITNESS C:** No, I don't believe I learnt that.



**MR SHELLER:** That's right, isn't it?

5 **WITNESS C:** No. The belief is that you go through the correct channels. You go through your Case Officer, your Wing Officer, your Area Manager and then you may get an audience with her. Unless she calls upon you.

10 **MR SHELLER:** And you learnt at some stage that you could make a complaint or express a concern to the person known as the Official Visitor?

**WITNESS C:** That's right.

15 **MR SHELLER:** And you learnt that at some stage that you could make a complaint or contact a representative within the Ombudsman; is that right?

**WITNESS C:** That's right.

20 **MR SHELLER:** Do you have any recollection now how you became aware or who told you about those available paths for your complaints; that is the Official Visitor and the Ombudsman?

**WITNESS C:** Yeah, my fellow inmates.

25 **MR SHELLER:** Now, could I then ask you to go to paragraph 11.

**WITNESS C:** Yes.

30 **MR SHELLER:** In this paragraph, you talk about a circumstance in which you had made a complaint other than to your Wing Officer. That was Officer Giles?

**WITNESS C:** That's right.

35 **MR SHELLER:** And then you say, as a consequence, Officer Giles punished you by cancelling visits and having more than the usual searches undertaken of your cell?

**WITNESS C:** That's right.

40 **MR SHELLER:** And in your time at Dillwynia, are you able to specify approximately when that was? That is, Officer Giles took this punitive action?

**WITNESS C:** Well, I arrived in February 2014 and left in December 2016 so in that timeframe.

45 **MR SHELLER:** Sorry, you don't know. Can you be any more precise within that timeframe when this incident occurred?

**WITNESS C:** Well, I'm speaking just on behalf of myself but these things happened frequently, and it got to the point where you didn't even bother noting it anymore because they were happening - it was happening so often.

5 **MR SELLER:** Did you record what happened in paragraph 11, what you summarise in paragraph 11 in that diary?

**WITNESS C:** Possibly.

10 **MR SELLER:** If you go to paragraph 12 you will see you refer to witnessing Officers acting inappropriately?

**WITNESS C:** Yep.

15 **MR SELLER:** And in the next sentence, you say this:

"Some Officers would say to other inmates 'give you a bash' ..."

And that's you, **WITNESS C:**

20

"I'll give you \$50 for buy-up."

Do you see that?

25 **WITNESS C:** Yeah, I see that.

**MR SELLER:** Is that something that you overheard Officers saying to other inmates, that is directing other inmates in your presence to bash you for a reward of \$50 at buy-up?

30

**WITNESS C:** On various occasions I have heard staff say about other inmates, "Give her a touch-up, I will give you the green light. She deserves a whack." In regards to myself I had heard that rumour on the wing from various inmates that I lived with and I went and asked Astill if that rumour was true, if he had heard that and he had confirmed it with me.

35

**MR SELLER:** Just in relation to paragraph 12, where you talk about Officers saying to other inmates if they bash you, they will get \$50 for buy-up, that was something that was relayed to you by other inmates, correct?

40

**WITNESS C:** Correct.

**MR SELLER:** You didn't hear an Officer say it in your presence to another inmate.

45

**WITNESS C:** Sorry, I beg your pardon, can you repeat that?

**MR SELLER:** Did you hear it being said by an Officer yourself?

5 **WITNESS C:** No, because if I heard an Officer say that about getting someone to bash me right in front of me, I would have said something on the spot. I followed it up because I was being told by multiple people on the wing that they were concerned for me because they had heard that witness P was offered an incentive to bash me.

10 **MR SELLER:** All right. Then at the bottom of that paragraph, about four lines from the bottom there's a sentence beginning, "I also heard".

**WITNESS C:** Yes.

15 **MR SELLER:** "...Officers from time to time say 'We'll turn a blind eye. Give her a flogging'."

**WITNESS C:** Yes.

20 **MR SELLER:** "...or we'll green light her."

**WITNESS C:** That's right.

25 **MR SELLER:** Is that something you heard Officers say or was that something that was relayed by other inmates that they had heard inmates say?

**WITNESS C:** Both.

30 **MR SELLER:** And so, is this the case, that you overheard Officers saying to one or more inmates to give another inmate a flogging and they'll turn a blind eye?

**WITNESS C:** Correct.

**MR SELLER:** Are you able to identify these Officers?

35 **WITNESS C:** I'm not going to commit to identifying them because it happened regularly and I don't have anything to support what I'm saying except that I know that it happened.

40 **MR SELLER:** Well, you've got your own memory of being present when these things were being said. Does that memory extend to being able to identify -

**WITNESS C:** It was seven years ago. Yeah, it was a long time ago.

45 **MR SELLER:** Or is that memory extinguished?

**WITNESS C:** I remember it - no, it's not extinguished, I remember it sitting right here right now. It was just so often. It went over a long period of time and I did

use my diaries to note these things especially incidents like that, because of these sort of incidents upsetting me so much and when I was making complaints I wanted to have something to support me to make me credible, and I won't commit to naming people right now because I don't have that to support me.

5

**MR SELLER:** Well, now, Witness C, did you record, as best you can recall, the names of the Officers you heard say words to the effect, "Give an inmate a flogging and we'll green light it". Did you put that in your diary?

10 **WITNESS C:** Yes, I believe I did. And I feel confident, as I sit here who it is but I'm not willing to commit to naming people unless I'm 100 per cent sure.

**MR SELLER:** If you go to paragraph 13, you will see in the first sentence you make reference to Officers' verbal abuse and the names given to inmates by those  
15 Officers.

**WITNESS C:** Yes.

**MR SELLER:** And I take it this was something that occurred frequently, is that  
20 your evidence?

**WITNESS C:** Yes.

**MR SELLER:** And are you able to identify the Officers responsible for that  
25 type of language and name calling of inmates?

**WITNESS C:** The majority of high needs Officers spoke like that. Not all Officers spoke like that. But, again, it was - happened on a daily basis. It was directed at you. It was around you. It was directed at other inmates and that's  
30 what upset me so much is being spoken to like that, and that is why I would go to staff or to managers to make those complaints about those behaviours.

**MR SELLER:** In the third line of the paragraph you identify two Officers in a slightly different context in relation to your mail.  
35

**WITNESS C:** Yes.

**MR SELLER:** Were those Officers ones you recall using the language in the first and second line of the same paragraph?  
40

**WITNESS C:** Yes.

**MR SELLER:** Were those two Officers amongst - sorry, I withdraw that. And the third last line of that paragraph where you describe Officers reading out sections of inmates' mail and laughing about it?  
45

**WITNESS C:** That's right.

**MR SELLER:** Were those two Officers you have identified in the third line of paragraph 13 Officers who were engaged in that activity, that is reading out parts of inmates' mail publicly and then laughing about it?

5

**WITNESS C:** Yes.

**MR SELLER:** Then, Witness C, could I ask you to go forward to paragraph 18.

10

**WITNESS C:** Yes.

**MR SELLER:** You have a list of, amongst some of the papers in front of you - have you got a list of what pseudonyms that have been given to particular witnesses?

15

**WITNESS C:** I do, yep.

**MR SELLER:** Could I just ask you whether the cell mate referred to in the third line in paragraph 18, whether she is on that list? Don't identify her but if you can tell us whether she is on that list?

20

**WITNESS C:** Sorry, 18.

25 **MR SELLER:** Third line of paragraph 18?

**WITNESS C:** Yes. Yes.

**MR SELLER:** Then if you go over the page just to telegraph something to you, Witness C, you will see paragraph 22.

30

**WITNESS C:** Yes.

**MR SELLER:** Ms Ghabrial, who is another one of the legal representatives in the Commission is going to ask you some questions about that. So I will skip over that. Then at the bottom of paragraph 23 -

35

**WITNESS C:** Yes.

**MR SELLER:** - you give an example of Officers telling witness P to smack other inmates. Do you see that?

40

**WITNESS C:** For example, the Officers would tell witness P to go smack other inmates?

45

**MR SELLER:** Yes, I'm going to ask you similar to what I've asked you already. Did you hear Officers say words or words to that effect, to witness P?

**WITNESS C:** Yes.

**MR SHELLER:** Could I ask you then to go forward to paragraph 30.

5

**WITNESS C:** Yes.

**MR SHELLER:** In the second sentence in paragraph 30 you make mention that your understanding was that Astill did not want you to interact with other staff?

10

**WITNESS C:** That's correct.

**MR SHELLER:** But did he specify any staff in particular that you should not interact with?

15

**WITNESS C:** He didn't particularly want me to interact with Ms Barry. He didn't particularly want me to interact with what was considered Giles' gang up in high needs.

**MR SHELLER:** Yes. Any other Officers?

20

**WITNESS C:** They were the two that was most clear to me, named by him.

**MR SHELLER:** Do you recall him ever giving a reason why he didn't want you to interact with Ms Barry?

25

**WITNESS C:** I got the sense from the conversation that he didn't want me interacting with any - he - he wanted me to be able to come to him for things so it supported his calling me to the office all the time, and asking for me to come to the office. He - it was clear, and he did tell me, that he didn't get along with her but really she wasn't just the focus. I just don't think he wanted me to go to anyone else but him.

30

**MR SHELLER:** Then in paragraph 31, you talk about the Coke can incident.

35

**WITNESS C:** Yeah.

**MR SHELLER:** What's your understanding you say regarding the Coke can incident? Do you have an understanding that persons - sorry, I'll withdraw that. I will be more direct. There has been some evidence to the Commission to date that the - that it was only you and Astill sharing the Coke can or the can of Coke. I take it you dispute that?

40

**WITNESS C:** I do dispute that. There were multiple people involved in that situation. So, you know, obvious someone is seeing it from their perspective or what they believed they saw but there were multiple people in that situation.

45

**MR SHELLER:** In the third line of that paragraph, paragraph 31, you make mention to "his office". It's my understanding that he had an office but he also had mobile offices, that is, that he could move into an office depending where he was at Dillwynia. Is that what you recall?

5

**WITNESS C:** Yeah, that's right.

**MR SHELLER:** When you talk about "his office" in the third line, is that an office that he would be occupying in the high needs area or somewhere else?

10

**WITNESS C:** How I've said that in "his office" meaning wherever he was stationed, that was his office. That was just allocated for him only, not a staff office. So it could be medium needs, low needs, high needs, clinic. He had an office in the back of clinic. They're the ones I'm aware of.

15

**MR SHELLER:** And was the office that you were going to when he was calling you out, was that an office in the high needs area that you were going to?

**WITNESS C:** It could be high needs office, over medium needs office over near the M Units. It could be the low needs office down near, behind O Units. It could be the clinic office. There was - I think there was two offices between night seniors and the clinic that he had - he was in one of those or it could be reception. There was a little office attached to reception.

**MR SHELLER:** As I understand it, inmates in the high needs would not necessarily intermingle with inmates in the other areas; is that wrong?

**WITNESS C:** That's correct.

**MR SHELLER:** So if you were going off that high needs area to any of these other offices would that be at a time when the low needs and medium needs inmates were locked in?

**WITNESS C:** That's right. So we were allocated, I think it was between 12 and 1. We got about 45, 50 minutes to go and do our jobs and to go to clinic and do things like that.

**MR SHELLER:** But that was the time of day that you were allowed to leave the unit which housed the cells, for example, J Unit?

40

**WITNESS C:** That's right.

**MR SHELLER:** J Block. And on those occasions where you were leaving the high needs area to go to any of the other offices occupied by Mr Astill, whether it was near reception or at the back of the clinic, did you have to be escorted?

45

5 **WITNESS C:** No. Not in that one-hour timeframe. We were free to - usually a couple of us would do - we would run or we would walk or we would do exercises and then we would do other jobs like go and collect things that we needed to pick up, go to clinic or if an Officer called us we would have to go to that posting.

10 **MR SHELLER:** And in your case, you could go to that posting by just leaving the high needs area while the low needs and medium needs were in lock down unescorted?

**WITNESS C:** That's right.

**MR SHELLER:** Then in paragraph 34 you talk about the frequency of the calls.

15 **WITNESS C:** Yep.

**MR SHELLER:** Just so I understand, is the PA at that time at Dillwynia operated in a way where any call made for an inmate, wherever they were, to go somewhere else, would be heard by everyone? That is, all inmates, all staff?

20 **WITNESS C:** Definitely on the compound. I didn't live in the medium needs or low needs units so I'm not aware if the messages went into their units.

25 **MR SHELLER:** I see. But it was audible throughout J Block when these calls were coming in so everyone else in that block could hear?

**COMMISSIONER:** Mr Sheller, I'm not sure where all this is going. Can you help me to understand what I'm looking for in the questions?

30 **MR SHELLER:** I'm really, to some extent, just gaining information for when these Officers come along to understand, when they give evidence, this information.

35 **COMMISSIONER:** Why don't we ask them?

**MR SHELLER:** I was just trying - sorry. Thank you. Then Witness C, if you go to paragraph 35.

40 **WITNESS C:** Yes.

**MR SHELLER:** There you identify, I think, eight Officers in the second line as Officers who gave you a hard time?

45 **WITNESS C:** That's right.

**MR SHELLER:** Then further down in that paragraph, about the middle of paragraph - of the sentence beginning "This went on for a period over 12 months".



**WITNESS C:** That's right.

5 **MR SHELLER:** Is this the 12 months leading up to that sudden leaving on your part from Dillwynia, or some other period?

10 **WITNESS C:** Well, when I first got to Dillwynia, I was considered a high profile inmate, in a protection unit with probably the most heinous charge that could be placed against you, and so I was not a favourable inmate. The staff did not treat me very well from the beginning. But it was not to the point that - I had already  
15 been in gaol for three years so I understood there were already difficulties with inmates and staff, and I took their behaviour, I didn't like it, I complained to my family, I complained to my friends. I complained to the girls around me. And I complained to staff but for the last 12 months of my time at Dillwynia, it was unbearable. Every single day I was singled out, isolated, bullied, abused, hurt, disadvantaged, regressed solidly on a daily basis.

20 **MR SHELLER:** And the language that you've described, the name calling that you suffered, the verbal abusive behaviour, is that - do you attribute that to all of the eight Officers you've identified at the top of the paragraph?

**WITNESS C:** Yes.

25 **MR SHELLER:** Or some of them?

**WITNESS C:** All of them spoke like that.

30 **COMMISSIONER:** Witness C, it's the Commissioner. I get the impression, can you tell me whether it's correct, that you believe you were singled out because there was publicity attached to your case? Is that right?

**WITNESS C:** Of course, your Honour. That's correct. And then with the Astill element that began, it just multiplied.

35 **COMMISSIONER:** And so you became, you believe, isolated by Prison Officers and mistreated, is your statement?

**WITNESS C:** That's correct, yes.

40 **MR SHELLER:** The eight Officers that you identify at the top of paragraph 35, did they say things to you about your court case?

**WITNESS C:** Sometimes.

45 **MR SHELLER:** And amongst those eight Officers were there any Officers in particular who were more abusive than the others or singled you out more than the others.

**WITNESS C:** Officer Berry, Officer Barry, Officer Giles, Officer Brown and Officer Rowe.

5 **MR SHELLER:** Witness C, if I can just ask you to have a look at this section. I think you clarified it with Mr Lloyd when you were answering his questions. It's the section beginning "Shari Martin" above paragraph 43.

**WITNESS C:** Yes.

10

**MR SHELLER:** As you are aware, these meetings that you had which Governor Martin was in attendance and other Officers from time to time, some of these meetings you described in your statement to police of 7 May 2019? Feel free to go back and have a look at that statement just to confirm that. Do you have that longer statement, the eight page statement of 7 May. Do you have that?

15

**WITNESS C:** Yes, I've got that now.

**MR SHELLER:** So if you are able to compare the statements together, you will see, in the statement at paragraph 19 -- in your police statement of paragraph 19 you talk about the meeting of 23 February 2016.

20

**WITNESS C:** In the police statement paragraph 19?

25

**MR SHELLER:** Yes.

**WITNESS C:** Yep, I can see that.

**MR SHELLER:** And then if you go to your most recent statement, the October statement, you will see paragraph 51 has the same date, that's 23 February 2016.

30

**WITNESS C:** 23 - so 19 and 51 you want me to compare?

**MR SHELLER:** Yes, I just want to confirm, you may have done this already if that's the same meeting you are describing in those two paragraphs?

35

**WITNESS C:** I believe it to be the same meeting, yes.

**MR SHELLER:** Then just going back to the police statement, you talk about the use of the media as being a subject matter.

40

**WITNESS C:** In the police statement?

**MR SHELLER:** Yes.

45

**WITNESS C:** Yep. They - yep. Yes.

**MR SELLER:** Then if you go back to your most recent statement.

**WITNESS C:** Yep.

5 **MR SELLER:** The subject of the media appears in another paragraph, paragraph 47. Do you see that?

**WITNESS C:** Okay, yep.

10 **MR SELLER:** Do you think that that reference in paragraph 47 to those words said to you or the words screamed at you by Governor Martin was part of that 23 February meeting?

15 **WITNESS C:** Well, it's possible because we discussed pretty much the same topics every time that we met and she screamed at me every time we met. So it is possible, yes.

**MR SELLER:** Then just another point of comparison. If you have a look at paragraph 21 of your police statement.

20

**WITNESS C:** Yep.

**MR SELLER:** You will see in the fourth line you make reference to making a note in your diary on 9 March 2016?

25

**WITNESS C:** Yep. 9 March, yep, 2016.

**MR SELLER:** Yes, and then if you go to your most recent statement, paragraph 49, it doesn't -

30

**WITNESS C:** Yes.

**MR SELLER:** It doesn't specify a date in that paragraph, but it talks about the meeting with Governor Martin and Officer Paddison, that's P-a-d-d-i-s-o-n.

35

**WITNESS C:** Yes.

**MR SELLER:** Do you think that's the same meeting as paragraph 21 in your police statement?

40

**WITNESS C:** It would be because I only met with Shari Martin and Officer Paddison once together.

**MR SELLER:** Now, still in that section, paragraph 45.

45

**WITNESS C:** Paragraph 45?

**MR SELLER:** Yes, in your new statement.

**WITNESS C:** Yes.

5 **MR SELLER:** You make reference to being sent regularly to the BIU without charge.

**WITNESS C:** I don't say regularly but I have been sent on multiple occasions.

10 **MR SELLER:** Sorry, yes, that's - and you've connected that - that sending to the BIU as being after you had made a complaint?

**WITNESS C:** That's right, because in a very - J Unit is a very small wing compared to the rest of the gaol and on that wing are a lot of very vulnerable  
15 women, and fortunately I have an education. I have some understanding of, you know, what's right and what's wrong, and I took it upon myself quite often to stick my head up and go and make these complaints and in turn I was punished and sent to segregation for days on end without any communications, in the boiling heat, often with another person jammed into a box and given absolutely no care purely  
20 because I made a complaint.

**MR SELLER:** You say in the third line words would be said to you, "You don't run this gaol" or "You don't have a say".

25 **WITNESS C:** Yes.

**MR SELLER:** Who was saying those words to you?

**WITNESS C:** Well, Officer Giles said it to me. Officer Holman said it to me.  
30  
Officer Rowe said it to me. Shari Martin said it to me.

**MR SELLER:** Who of those Officers were the ones that were, as you understood it, sending you to the BIU without charge?

35 **WITNESS C:** My understanding was it came from the top. Usually in prison you go to segregation for assaulting someone, assaulting staff, for using drugs or bringing drugs into the prison. You go to segregation for serious matters and I had been - and you would get charged and you would have multiple punishments. I  
40 was being sent to segregation because I had the audacity to speak up.

**MR SELLER:** Now could I ask you then to go to the section, External Complaints, above paragraph 52?

45 **WITNESS C:** Yes.

**MR SHELLER:** I think you've answered this already but where you talk about knowing about the Official Visitor, this is something you found out from speaking to other inmates; is that right?

5 **WITNESS C:** That's right.

**MR SHELLER:** And as I understand what you say in paragraph 52, you did make a complaint, or at least one complaint and brought that to the attention of the Official Visitor; is that right?

10

**WITNESS C:** I took multiple issues to the Official Visitor. They weren't all complaints. Sometimes it was just to try and seek employment or to have some programs for the girls, or to improve the situation at visits. It was for multiple reasons.

15

**MR SHELLER:** And would this involve you approaching the Official Visitor in the grounds at Dillwynia or was there something done beforehand?

20

**WITNESS C:** Yeah, you'd literally just run into them. If they came up to the wing, they might call throughout the smoke-out, does anyone want to speak to the Official Visitor. It was just luck of the draw, really.

25

**MR SHELLER:** So there wasn't any occasion where you had, before the Official Visitor came on that particular day, made any, or tried to make any arrangements to see him or her before they came; is that right?

30

**WITNESS C:** I may have possibly asked staff when was the next time that the Official Visitor was coming or I may have asked the Case Officer or the Chaplain or someone. I would have verbally asked but I wouldn't have put it in writing.

**MR SHELLER:** And you described them coming to the smoke-out, that is a sort of open room on the edge of the J Block; is that right?

35

**WITNESS C:** Yeah, it's like a caged area that the girls used to smoke cigarettes in.

40

**MR SHELLER:** And the discussions that you had with the Official Visitor, would they be - involve both of you being in that space, that is, in the smoke-out, I think it's also referred to as the sleep-out area.

45

**WITNESS C:** Possibly. Possibly it was just done standing on the compound in that lunch break, possibly it was on the wing. He or she may have come on to the wing but it was always in an open space, it was never in an office or you were never taken away and placed in an office.

**MR SELLER:** And the matters that you raised with the Official Visitor are the matters otherwise addressed in your statement as matters of general concern as to how Dillwynia was running; is that right?

5 **WITNESS C:** Yeah, the general day-to-day goings on, I didn't speak to her about or him, it was generally a woman but I didn't speak to her about anything personal. I didn't name Astill. I generally talked about things like inappropriate strip searches, no employment, the condition of the food, girls not getting correct health care, those sort of issues.

10 **COMMISSIONER:** Ms C, am I understanding that any inmate who spoke with the Official Visitor would have to have that conversation in a location where anyone in the prison would be able to see that the conversation was occurring?

15 **WITNESS C:** That's correct, your Honour.

**COMMISSIONER:** And there was never an arrangement made to see the Official Visitor at any private location?

20 **WITNESS C:** No, never.

**MR SELLER:** In paragraph 54 you talk about your knowledge concerning contacting the Ombudsman.

25 **WITNESS C:** That's correct.

**MR SELLER:** And again that's something you had learned from other inmates?

30 **WITNESS C:** That's right.

**MR SELLER:** That you could do that.

35 **WITNESS C:** Yeah, and a paper sign would be placed up amongst all the other signs that are placed up in gaol, and if you were lucky enough to see it then you knew when they were coming.

**MR SELLER:** Was that a sign that was placed up in the J Block, or wing?

40 **WITNESS C:** Generally at the office window or the magic window, somewhere like that. More general space.

**MR SELLER:** The magic window is where clothing was issued; is that right?

45 **WITNESS C:** That's right.

**MR SELLER:** Was that part of the high needs area or somewhere else?

**WITNESS C:** No, it was located down - a bit further down from the reception area and the library.

5 **MR SHELLER:** In your time in the J Block, was there a telephone?

**WITNESS C:** There was a telephone, yes.

10 **MR SHELLER:** And is this right: There was a single telephone available for inmates both in J Left and J Right; is that correct?

**WITNESS C:** That's right. Yep, that's true.

15 **MR SHELLER:** And was there an arrangement where J Left had a certain time of the day where their inmates could use the telephone and J Right had a time as well?

**WITNESS C:** It depended on our behaviour.

20 **MR SHELLER:** Do you recall - I know it's a long time ago now, but do you recall whether there were numbers on a piece of paper near the telephone?

**WITNESS C:** I believe there was a call list there, yep.

25 **MR SHELLER:** Do you remember seeing the Ombudsman on the call list?

**WITNESS C:** Yes.

30 **MR SHELLER:** Do you recall having any understanding at the time that you could telephone a representative of the Ombudsman?

35 **WITNESS C:** I don't recall timeframes, no, but I know a lot of us had a lot of difficulty getting through to them. They were often closed or they didn't pick up or the problem is too, that in gaol you have timed phone calls and so you would finally get through and then you would have two minutes to speak to them.

**MR SHELLER:** I think, is this right, at the time the timed calls were about six minutes altogether?

40 **WITNESS C:** They were six minutes at that stage, I believe, yes.

**MR SHELLER:** Are they longer now?

45 **WITNESS C:** I don't know. I'm not at Dillwynia now.

**MR SHELLER:** Do you recall ever having - making a telephone call to the Ombudsman?

**WITNESS C:** I believe I did make a call to the Ombudsman but I'm not sure it was when I was at Dillwynia.

5 **MR SHELLER:** Do you remember having, whether you had an understanding at the time you were at Dillwynia or elsewhere, that telephone calls to the Ombudsman were not listened in to or monitored?

**WITNESS C:** No one believed that in prison.

10

**MR SHELLER:** No one believed that?

**WITNESS C:** No.

15 **MR SHELLER:** Do you recall that that was something that was communicated to you that they were not monitored?

**WITNESS C:** From my recollection, the recording at the start says that they are all recorded or monitored and some are monitored regardless - it doesn't matter. In  
20 prison all phone calls are listened into. That's the common understanding.

**MR SHELLER:** At paragraph 56 of your statement, you make this observation about Justice Health.

25 **WITNESS C:** Yes.

**MR SHELLER:** Again is that something that - I think it's what you say in paragraph 56 you were told not to share information with them?

30 **WITNESS C:** I couldn't - in my experience, I couldn't trust Justice Health. On a couple of occasions, I've had health assessments done through a cell window where the nurse is yelling health instructions all about my personal health in front of three other cells and numerous inmates and guards walking around. I have had assessments with Justice Health where I'm sitting in a chair and an Officer is  
35 standing right next to me and I'm being expected to discuss my health issues to the nurse so my trust in Justice Health is extremely low.

**MR SHELLER:** What you just described there where there was an Officer, was that while you were in a cell or in the clinic?

40

**WITNESS C:** In the clinic. Sometimes they would do your assessment - at Dillwynia, in particular, they would do your health assessment at a window with the entire wing standing behind you. So thankfully, I didn't have to do it very often but women would line up with some pretty serious situations that they  
45 needed to talk to a professional about and ten girls, not all friendly, standing behind them listening to every word.



**MR SHELLER:** Can I just ask you then, Witness C, about more recent times. Have you been issued with a tablet?

**WITNESS C:** No.

5

**COMMISSIONER:** I don't think she is in Dillwynia.

**MR SHELLER:** No, in any - wherever she is or wherever she has been. No tablet even -

10

**WITNESS C:** Wherever I've been? In Clarence I had a tablet, excuse me, but I haven't - I'm not there now. I'm in a different facility now and we don't have tablets.

15

**MR SHELLER:** So you had a tablet at Clarence?

**WITNESS C:** Correct.

**MR SHELLER:** And did that - well, I'll ask you openly, was that useful?

20

**WITNESS C:** Very useful.

**MR SHELLER:** Did it represent a significant improvement in terms of communication with the outside world?

25

**WITNESS C:** Significant and also too with staff because at Clarence they had a very different system to the gaols in Sydney where they had request lines and complaint lines and you could privately send your request or complaints or health issues via your tablet directly to whoever was supposed to see it. There were some hiccups, sometimes some staff went into areas they weren't supposed to but generally it was a much better system.

30

**MR SHELLER:** And were you trained in how to operate the tablet or did you have to work that out for yourself?

35

**WITNESS C:** No, I just had to work it out for myself.

**MR SHELLER:** Yes, thank you, those are my questions.

40

**COMMISSIONER:** Ms Ghabrial.

**<EXAMINATION BY MS GHABRIAL:**

**MS GHABRIAL:** Thank you, Commissioner.

45

Ms C, my name is Ms Ghabrial. I appear for a group of Correctional Officers which includes Officers Berry, Barry, Giles, Clark, Robinson and Brown. Do you understand that?

5 **WITNESS C:** Yes.

**COMMISSIONER:** I thought you were appearing for more than that?

10 **MS GHABRIAL:** These are the Officers that she has spoken of - Witness C has spoken about in her evidence.

**COMMISSIONER:** Very well. You might have to bring that microphone across a little. You are a little too far from the microphone.

15 **MS GHABRIAL:** Is that better?

**COMMISSIONER:** That's better.

20 **MS GHABRIAL:** Before I start -

**MR LLOYD:** We'll just find out what's happening, Commissioner.

**COMMISSIONER:** Yes, the picture must remain pixelated.

25 **MS GHABRIAL:** Commissioner, may I take this opportunity to just take a quick break, if I may.

30 **COMMISSIONER:** You would like a short break? We'll take a short break. Let us know when you are ready. Someone might explain to me though what is happening.

**MR LLOYD:** I will find out.

35 <**THE HEARING ADJOURNED AT 3.04 PM**

<**THE HEARING RESUMED AT 3.20 PM**

**COMMISSIONER:** Everything is back in order, is it?

40 **MR LLOYD:** It is but I just want to say a couple of things about it, Commissioner. First, I will reiterate in open court what I just said to Witness C which is an apology that the protection we offered her failed in that instance. What I am told happened is that the TV in use in the court in which Witness C is giving her evidence went unexpectedly into standby mode and that came about  
45 because of the length of time it had been on for during Witness C's evidence.

I am informed by the Commission's IT provider that that problem will not occur again today and there has been a further protection put in place since the problem happened, in the sense of there is pixelation or blurring at the end of Ms C is giving her evidence and a further pixelation or blurring are being applied at this end, so even if that was to fail again which I'm assured it won't, at Witness C's end there's another protection here.

5  
10 **COMMISSIONER:** I understand we were able to catch the false image and stop it going out on the stream, is that right?

**MR LLOYD:** I am assured that that is right.

**COMMISSIONER:** Witness C, you understand that too?

15 **WITNESS C:** Yes, your Honour, thank you.

**COMMISSIONER:** Yes.

20 **MR LLOYD:** And one last thing. We have also sought assurances going forward for any future witness who wishes to have the protection of blurring or pixelation that this problem won't happen.

**COMMISSIONER:** Very well. Thank you. Yes, Ms Ghabrial.

25 **MS GHABRIAL:** Thank you, Commissioner. Ms C, I will start again. Before I do ask you the questions that I am going to ask you, I just wanted to make sure that you understand one thing. Do you understand that the questions that I will be asking you in the context of this Inquiry are not intended in any way to lessen or minimise the seriousness of the offences that Mr Astill committed against you and the impact that it has had on you. Do you understand that?

30 **WITNESS C:** Yes, I do. Thank you.

35 **MS GHABRIAL:** I just wanted to start with something that you said about being in custody for a heinous offence. Now, I do not want you to go into any details about that, please. I don't wish you to discuss your case.

40 **COMMISSIONER:** Look, I won't let you. So there's no need for you to say it but we're not here, you understand that, Witness C, we are not here to look at why you are in custody at all.

**MS GHABRIAL:** Sure. Thank you.

45 You were, though, sentenced for a very long period of time and that didn't sit well with you; is that correct?

**WITNESS C:** That is correct.

**MS GHABRIAL:** And I also understand from your record that you had previously also been found guilty by a jury -

5 **COMMISSIONER:** Ms Ghabrial, I think I have got the record, haven't I? I don't need to traverse this ground. Is that right Mr Lloyd, I have the records in evidence?

**MR LLOYD:** Exhibit 4 and exhibit 5.

10

**COMMISSIONER:** Very well, thank you.

**MS GHABRIAL:** If the Commissioner doesn't feel that I should -

15 **COMMISSIONER:** No, I don't need you to. If I have got evidence, I don't need anything further.

**MS GHABRIAL:** And the findings of guilt against you and the sentences did not sit well with you, and to this day - I don't want you to explain why, but you have maintained that you didn't commit those offences; is that correct?

20

**MR LLOYD:** I object.

**COMMISSIONER:** Ms Ghabrial, I'm not sure where this is going, and I'm not sure I'm going to allow it. What's the purpose?

25

**MS GHABRIAL:** Could I perhaps deal with that issue without the feed, Commissioner?

30 **COMMISSIONER:** Without?

**MS GHABRIAL:** Without the feed.

**COMMISSIONER:** Without the feed? No. No, this is a public hearing.

35

**MS GHABRIAL:** Of course. I was going to ask Ms C whether, as a result of her feelings about all of that, that it would be fair to say that she didn't feel like she should have been in gaol at all.

40 **COMMISSIONER:** Well, look, she has maintained her innocence throughout, as I understand it. It's reasonable to assume in those circumstances someone would feel they shouldn't be in gaol. Now let's move on to something that will help me.

**MS GHABRIAL:** Would it be fair to say, Ms C - you have heard what the Commissioner said, would it be fair to say that you were angry at the system?

45

**COMMISSIONER:** Ms Ghabrial, that's not going to help me either.

**MS GHABRIAL:** Would you agree that you were angry about that?

5 **COMMISSIONER:** Ms Ghabrial, I don't think you are understanding me. Someone who has maintained their innocence of something for which they have been convicted will certainly be upset. No question about that. Now we are here to discuss what happened to her when she was in Dillwynia. Perhaps we can move to those topics.

10 **MS GHABRIAL:** Do you agree that you did not like Corrective Services Officers generally, do you agree with that?

**WITNESS C:** I didn't know any before I came to prison.

15 **MS GHABRIAL:** And so would it be fair to say that you didn't like Correctives Officers generally; is that correct?

**WITNESS C:** I didn't have any experience with them prior to coming to prison.

20 **MS GHABRIAL:** If you could just answer my question.

**COMMISSIONER:** No, no, she has answered your question. Your question is not working, I'm afraid.

25 **MS GHABRIAL:** Whilst you were at Dillwynia did you feel like the rules were more strict there compared to where you had been previously?

**WITNESS C:** There were many rules at both facilities that were very strict and there were some that were very lax.

30

**MS GHABRIAL:** Did you feel you were hard done by, by having to comply with those rules?

35 **WITNESS C:** No, I am naturally a rule follower. So following rules and discipline is not difficult for me. No.

40 **MS GHABRIAL:** Well, just in respect of that point, whilst you were at Dillwynia, there were a number of occasions where you would challenge directions given by various Officers and argue with them; wouldn't that be the case?

45 **WITNESS C:** Especially if I felt unsafe or I felt the girls were unsafe or I felt like they were being unjust or unfair. I would have difficulties with some particular Officers.

**MS GHABRIAL:** And just in that regard, I just wanted to take you to paragraph 22 of your most recent statement that you made to the Commission where you do

talk about an incident that you say occurred with Officers Barry and Berry. Do you have that there?

**WITNESS C:** I do.

5

**MS GHABRIAL:** Now, just in relation to that, what I'm going to suggest to you is that the way that you've described the behaviour of Officers Barry and Berry in that interaction relating to the silver ring, is not a correct description of what occurred. Would you agree with that or disagree with that?

10

**WITNESS C:** I'm not sure what your suggestion is.

**MS GHABRIAL:** If you could read in the first line, from Officers -

15 **COMMISSIONER:** Perhaps you could ask her to read but then can you put what you say is inaccurate. So she can get to the point.

**MS GHABRIAL:** In paragraph 22 firstly you say that the ring incident occurred during your visit with your family. Do you see that there? Five lines down?

20

**WITNESS C:** I do see that.

**MS GHABRIAL:** And I'm just going to ask you a question about some evidence that you gave in the trial against Mr Astill in respect of that incident. Do you understand that during the trial - this is in volume 1 - on 1 August 2022, page 95, Commissioner, that in the version of events that you gave there, you indicated that the incident relating to the ring occurred after the visit and not during it. Do you remember that?

25

30 **WITNESS C:** In my current statement I say - sorry.

**MR BUTERIN:** I just wanted to ensure this witness had the -

**COMMISSIONER:** You will have to get near a microphone.

35

**MR BUTERIN:** I just wanted to ensure Witness C had this extract in front of her. There was reference to volume 1. But if she is being taken to an extract of the transcript. I just want to ensure this witness has it in front of her.

40 **COMMISSIONER:** Yes. Witness C, do you have the transcript of the trial there available to you?

**WITNESS C:** Not currently. Would you mind repeating what part of the transcript it is?

45

**MS GHABRIAL:** I'll read what you said in the trial and I'm going to suggest to you that what you have said in paragraph 22 is different to what you told the court.

**COMMISSIONER:** I think you are going to suggest that in one statement she says "during" and in another one she says "after".

5 **MS GHABRIAL:** A completely different version.

**COMMISSIONER:** I'm sorry, Ms Ghabrial, that's not completely different at all. It's quite understandable that at this distance in time someone is going to remember slight distinctions between whether it was before or during. I'm not  
10 going to be impressed by that question.

**MS GHABRIAL:** Commissioner, it's not just in that one respect.

**COMMISSIONER:** Then go to the bit that is relevant.  
15

**MS GHABRIAL:** You indicated in your statement that that incident occurred during a visit and that Officers Barry and Berry noticed a silver ring that you were wearing and told you that it was not listed as being in your property and asked you to take it off. Do you see that in paragraph 22?  
20

**WITNESS C:** I do see that.

**MS GHABRIAL:** On 1 August 2022 I'm going to read what you said about that incident. I'll quote it. I'll quote your words:  
25

"After a visit with my family, four or five Officers approached me and demanded I take the ring off. I refused to."

So, so far, do you agree that the version that you've given there is different to the  
30 version that you've stated in paragraph 22.

**COMMISSIONER:** Ms Ghabrial, are your instructions that the Officers never asked her to take the ring off?

35 **MS GHABRIAL:** It's a different version to -

**COMMISSIONER:** Are your instructions that she was never asked by Officers to take the ring off?

40 **MS GHABRIAL:** She was asked to take the ring off.

**COMMISSIONER:** Then does it matter whether it's before, during or after? Truly? If she has been asked to take it off and then there was obviously resistance to that proposition, I'm not sure it matters whether we're precise now in her  
45 recollection as to whether it's before or during or after.

**MS GHABRIAL:** I'll move on, Commissioner.

You then said in paragraph 22 that after you refused to take the ring off, you say these words:

5 "Officer Berry and Officer Barry dragged me down the corridor to the back of the clinic near the night seniors where you go if you have a mental health issue, and said, 'Take it off or we will fucking cut it off'."

Do you see those words?

10

**WITNESS C:** I see those words.

**MS GHABRIAL:** But in the trial you stated that the four or five Officers that had approached you then took you to a holding cell where they left you for a period of time, you say these words:

15

"They then took me to a holding cell where they left me for a period of time where one after the other they would come in and threaten me and demand to take the ring off me."

20

Do you agree that in your evidence in the trial, you said nothing about Officers Berry and Barry dragging you down the corridor. Do you agree with that?

**WITNESS C:** Both events occurred. Both events occurred.

25

**MS GHABRIAL:** You say in your statement at paragraph 22 that Officers Barry and Berry demanded that you take your clothes off and put on a no-rip gown without any underwear and no one intervened. Do you see those words there?

**WITNESS C:** I do.

30

**MS GHABRIAL:** And what you say in relation to the balance of that incident in the trial after you say that they threatened and demanded - the four or five Officers threatened you and demanded you to take the ring off, you say these words:

35

"In the end I was sent across to the segregation unit and placed in segregation because I wouldn't remove the ring and then management would come and see me and demand the ring be taken off me."

40 That's what you said in the trial.

**WITNESS C:** That's correct.

**MS GHABRIAL:** Do you understand that? And I'm going to suggest to you that at no time in the trial did you say that Officers Barry and Berry demanded that you take your clothes off and put on a no-rip gown without any underwear; do you understand that?

45



5 **WITNESS C:** Because perhaps the question didn't go to that. I understand what you're asking me. You don't need to ask me if I understand. Perhaps the questioning during the trial didn't go as deep as the statements because we were focusing on the sexual abuse of Astill.

**MS GHABRIAL:** Is it possible that because you had been asked by an Officer to take your ring off after the visit, that you were upset and angry about that?

10 **WITNESS C:** I was upset that Officer Berry approached me directly in the visits area, my family hadn't even left the venue, and demanded that I take the ring off and that I was going to another section of the gaol in an aggressive manner with multiple Officers surrounding me and screaming and demanding things from me, when I had just finished a pleasant visit with my teenage daughter and my elderly  
15 mother. So of course I was upset.

**MS GHABRIAL:** Ms C, I just want to suggest to you that perhaps with the passage of time an event that occurred in relation to the ring has become distorted into the version that you've given -  
20

**COMMISSIONER:** Ms Ghabrial, I'm not going to allow that question. If you want to discuss this issue further, you will need to be precise and you will need to indicate what it is that you are seeking to assert to which the witness can respond.

25 **MS GHABRIAL:** Yes.

**COMMISSIONER:** At the moment, let me assure you that I don't think there's the slightest doubt that a ring incident occurred, that it was distressing for the witness and that she was placed in an isolation cell. As far as I can see, there can  
30 be no dispute about that and I'm not sure where this is going.

**MS GHABRIAL:** Perhaps if I could just ask these questions.

**COMMISSIONER:** Put an assertion that she can deal with.  
35

**MS GHABRIAL:** What I'm going to suggest is that the following actually took place and I want you to either agree or disagree, that on 13 February 2016, Officers Berry, Curtin, Brown and Astill's partner, Officer Hockey, were the Officers in the visits area at that time. Do you agree or disagree with that?  
40

**WITNESS C:** What was the date?

**MS GHABRIAL:** The date of the wedding - or the silver ring incident, 13 February 2016, Officers Berry, Curtin, Brown and Hockey were the Officers that  
45 were on duty in visits at that time.

**WITNESS C:** So seven years ago after having visits twice a week for 13 years, you want me to remember what Officers were on duty that day?

5 **MS GHABRIAL:** I'm going to suggest that Officer Barry was not there at the time that another Officer asked you to take your ring off. Do you agree or disagree with that? Could you be mistaken about that?

**WITNESS C:** I don't agree with you.

10 **MS GHABRIAL:** The Officer that came over to you to ask you to take your ring off was an Officer by the name of Officer Curtin. Do you remember that?

**WITNESS C:** Officer Berry asked me to remove the ring.

15 **MS GHABRIAL:** The Officer that originally came over to you to ask you to remove the ring was Officer Curtin. Do you remember that?

**WITNESS C:** Are you telling me or you're asking me?

20 **MS GHABRIAL:** Do you recall that happening?

**WITNESS C:** Multiple Officers asked me to take the ring off at multiple times.

25 **MS GHABRIAL:** And you refused to take the ring off and that's when Officer Berry came over and tried to negotiate with you to take it off because it was not an item that was on your property list and you understood that. Is that correct?

30 **COMMISSIONER:** Ms Ghabrial, I understand the story perfectly well. What's the point?

**MS GHABRIAL:** There's a point.

**COMMISSIONER:** No, what's the point?

35 **MS GHABRIAL:** Officer Astill then comes to the unit. She isn't taken away straightaway. Officer Astill then comes to the unit.

**COMMISSIONER:** Maybe but where is it going?

40 **WITNESS C:** No. That's not correct.

**MS GHABRIAL:** I'm just asking her if she remembers him doing that.

45 **COMMISSIONER:** No, I need to know more than that. How is it going to help me? Look, again, I say to you the incident happened some years ago. It's very clear that the incident occurred. Very clear that it was distressing. And I have a pretty good understanding as to the sequence of events that occurred.

**MS GHABRIAL:** Maybe I will just say this: I'm suggesting, Ms C, that the way you described it in paragraph 22 is not correct. It's not an accurate description.

5 **COMMISSIONER:** That doesn't help me, Ms Ghabrial, at all. If you want to make a point of any contrary assertion to that which is in evidence presently, you will have to identify it and make it specific and explain to me why it matters.

10 **MS GHABRIAL:** Commissioner, Officer Berry gave evidence in the trial in respect of this incident and described what had occurred and had described that Officer Astill had come to the unit about the ring incident, and demanded to be let in through the radio and he was let in and he tried to intervene and it was only then that Officers Hotham and Barry then were called down to deal with the issue. So Officer Barry and Officer Berry weren't involved in the original incident and there  
15 is evidence of that from the trial, from Ms Berry, that's before.

**COMMISSIONER:** That may be, but does it matter?

20 **MS GHABRIAL:** I'll move on then.

Now one thing that you did say in your evidence, when you were answering Mr Sheller's questions, is that in relation to the BIU which I understand is the segregation unit; is that correct?

25 **WITNESS C:** That's right.

**MS GHABRIAL:** You are quite clear about this, that each time that you spoke up and made a complaint, then that resulted in you getting sent to segregation and that was only because, purely because you had made a complaint. Do you  
30 remember giving that evidence?

**WITNESS C:** I believe I said after I made a complaint, I would either be sent to BIU, segregation, or given therapy.

35 **MS GHABRIAL:** And I think you indicated also that you were sent purely because you were making complaints. Do you remember saying that? You used the word "purely".

40 **WITNESS C:** That's what I said.

**MS GHABRIAL:** And I'm going to suggest to you that after this ring incident where you disobeyed a direction of an Officer to remove an item that was not on your list, that was not anything to do with making a complaint about anybody. Would you agree with that?  
45

**WITNESS C:** Going to BIU for not removing something that was on my hand since I entered custody in 2010 which they then decided, for whatever reasons

unknown, that they were going to forcibly remove off me the last possession I had of my partner, which has his name engraved on the ring, which I couldn't possibly have done in prison, without any conversation or discussion, negotiate? Please, there was no negotiations. They were screaming. They were aggressive. They were intimidating. They were bullying me. And then I went to BIU for not participating in their circus.

**MS GHABRIAL:** I'm going to suggest to you that you understand that it is normal procedure that items that belong and are in the possession of an inmate in a corrective setting has to be on that inmate's property list. You understand that that is the rule, don't you?

**WITNESS C:** Sorry.

**MS GHABRIAL:** You understand that?

**WITNESS C:** I just need to take a breather. I am well aware of New South Wales Corrections written policies and what they have put in play and what is actually a policy, do not match up. I am well aware of the system that I have been in for 13 years.

**MS GHABRIAL:** And it would be fair to say that all that the Officers were trying to do was enforce a rule, because the ring was not on your property list.

**COMMISSIONER:** Ms Ghabrial, again, can we find out where this is going and what is relevant? It's very clear that she gives evidence that it's her ring from her partner, apparently has a name engraved on it. It is not surprising that someone in her circumstances would have a ring. It doesn't bespeak care to the level that one would expect of a prisoner to be challenging her in relation to the ring, even though it's not on a list. It's not unknown for a bureaucratic mistake to be made. Now what's the purpose here?

**MS GHABRIAL:** I'll move on, Commissioner, thank you.

Now, you've - it would be fair to say that the specific allegations that you have made against particular Officers, Giles, Barry, Berry, Robinson and Brown, those Officers are Officers that you have a particular dislike for; correct?

**WITNESS C:** I'm not fussy.

**MS GHABRIAL:** I suggest to you that the specific allegations that you have made against those Officers are influenced and have been influenced by your particular dislike of them; do you agree with that?

**WITNESS C:** No, they have been selected because they did the wrong thing.

**MS GHABRIAL:** And I'm going to suggest to you that that's not the case; that all these Officers have been doing is trying to do their job.

5 **MR BUTERIN:** Commissioner, I object. I don't know how this witness can give evidence as to -

**COMMISSIONER:** She can give her opinion based on her observations. I'll allow the question.

10 **MR BUTERIN:** Thank you, Commissioner.

**MS GHABRIAL:** The reality is that all these Officers that I've named were trying to do was just do their job. Do you agree or disagree with that?

15 **WITNESS C:** Besides Robinson, the other Officers I have observed, in my opinion, over many years, shown behaviours that I believe to be inappropriate, to be unhelpful, to be abusive, to be harassing, to hurt people. It was daily. These people don't come and go month in month out. They are in our presence every single day and there's no doubt they have a difficult job but they are also supposed  
20 to take care of us and make sure that we are safe and that we are reasonably well and that we're fed correctly and that we have all those basic needs met without abuse or harassment, bullying. That's what I suspect their job is.

**MS GHABRIAL:** And I'm going to suggest to you that those Officers that I've  
25 named did that job without harassing, bullying you, intimidating you and treating you poorly in the way that you have described throughout your statement to the Commission. Do you understand that?

30 **WITNESS C:** You can make that suggestion but you're completely wrong and I do understand that, yep.

**MS GHABRIAL:** One of the Officers that you speak about in particular is Officer Brown in your statement to the Commission, from paragraphs 17 to 21 and then again you mention here at paragraph 35. If I could take you to paragraphs 17  
35 to 21. Do you have that there?

**WITNESS C:** I do.

40 **MS GHABRIAL:** I'm going to suggest to you that what you've described in paragraphs 17 to 19 -I withdraw that. In particular, in paragraph 17 where you talk about an incident that you described as an inappropriate touching earlier in your evidence, and also in your statement. Do you see that there?

45 **WITNESS C:** I do.

**MS GHABRIAL:** I'm going to suggest to you that Officer Brown did not engage in that conduct against you.

**MR LLOYD:** I object, Commissioner, on this basis. That allegation made by Ms C in the paragraph about Officer Brown is, one, because of its nature that, in my respectful submission, this Commission will not be able to make any findings about the accuracy of. The relevance of that evidence in paragraph 17 for our purposes is two-fold. One, whether that conduct described in paragraph 17 would warrant a referral elsewhere for the investigation of a criminal offence; that is, not for us, as in this is, in my submission, not for this Commission to make a determination about it.

The second aspect of relevance is to the evidence at paragraph 20 of Ms C, about the disclosure that she says was made to Officer Giles about the incident.

**COMMISSIONER:** Ms Ghabrial?

**MS GHABRIAL:** Thank you. In relation to paragraphs 17 to 19 and the things that you say about Officer Brown, you didn't mention anything about Officer Brown along those lines when you spoke with the police in early 2019 in relation to Officer Astill, did you?

**WITNESS C:** They turned up at Mulawa unannounced to speak to me about a very upsetting and serious matter that had occurred to me years before. I was not prepared. I didn't know what they wanted from me. I wasn't willing to cooperate at the start because I believed in that time that there could be further repercussions for me, especially in that environment and they weren't there to ask me about Officer Brown, they were there to ask me about Officer Astill.

**COMMISSIONER:** Mr Lloyd, I've just reflected upon your objection, I think I should allow that question for this reason: That although I can't make a finding that a criminal offence has been committed, I am obliged to report as to whether or not there is any evidence or sufficient evidence warranting prosecution. Now, I think that question would have to be informed by any challenge to the accuracy of the allegation.

**MR LLOYD:** May it please the Commission.

**COMMISSIONER:** Yes, I think, Ms Ghabrial, you understand what I have just said.

**MS GHABRIAL:** I do.

**COMMISSIONER:** I think I should allow that question but Ms C and everyone should understand that I'm not able to make a finding that someone has actually committed a criminal offence but I am able to report that someone, as I understand it, evidence for me to indicate that consideration should be given to a prosecution. So I will allow that question. If you want to go back to it, I will allow the question.

**MS GHABRIAL:** Thank you.

5 You didn't mention any of the things that you have spoken about from paragraphs  
17 to 19 in your statement to the Commission. When the police turned up to speak  
with you in early 2019, you didn't speak to them about any of those matters or you  
didn't raise any of those matters with the police, did you?

10 **WITNESS C:** From memory, the second time - after I had sought legal advice  
and I had spoken to those same police officers a second time, I do believe that  
I indicated to them that Astill was not the only one and they were focused on  
investigating Astill.

15 **MS GHABRIAL:** But you didn't give a name of this Officer to the police at that  
time? Is that correct?

**WITNESS C:** No, I did not. That's correct.

20 **MS GHABRIAL:** And there was nothing, do you agree, stopping you from doing  
that at that time?

**WITNESS C:** The fact that I was still in Corrections and under their care made it  
very difficult for me to make decisions on where my safety would lie if I spoke  
about all the things that have happened to me in prison.

25 **MS GHABRIAL:** But you were obviously making a statement about Officer  
Astill, and you would agree that the things that Officer Astill did to you were more  
extensive in terms of opening up about things and exposing you in Corrections  
than what you have alleged against Officer Brown. Would you agree with that?

30 **WITNESS C:** What's the question, sorry?

**MS GHABRIAL:** It was more exposed, there was more exposure by speaking  
out and making a statement against Officer Astill, wasn't there?

35 **WITNESS C:** Being in prison daily is a risk management assessment. I have to  
weigh up what is going to keep me safe and sane in that moment. Those police  
officers came to me to ask me questions about Officer Astill. I was willing to  
answer those questions because that's what they were asking me.

40 **MS GHABRIAL:** And at the time that you spoke with those Officers, Officer  
Brown was not working at the gaol that you were speaking to the police at; is that  
correct?

45 **WITNESS C:** Not on that day.

**MS GHABRIAL:** Well, you were at Mulawa, weren't you?

**WITNESS C:** Correct.

**MS GHABRIAL:** And Officer Brown wasn't at Mulawa at that time, was he?

5

**WITNESS C:** I'm not aware of Officer Brown's roster, sorry.

**COMMISSIONER:** Ms Ghabrial, again, I've got to ask you what's the point? Is it to be suggested that this event didn't happen?

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**MS GHABRIAL:** Yes.

**COMMISSIONER:** Well, then suggest that it didn't happen, we will get an answer and we can move on.

15

**MS GHABRIAL:** What I'm going to suggest to you is the reason why you didn't name Officer Brown at the time you spoke with police is because the incidents that you have described just did not happen, did they?

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**WITNESS C:** That's incorrect and I told my partner at the time that those incidents occurred. I told Officer Giles that that incident, that particular incident occurred and I also know that - excuse me while I get my paperwork, that inmate DD was aware and possibly also inmate U over time was made aware because we had - I had discussed it with them. My cell mate that I had when I returned to Mulawa is well aware of what Mr Brown did to me on that day and she is also aware of him in her experiences at Dillwynia. So there were multiple people that were aware besides just me in that moment

25

**MS GHABRIAL:** I'm going to suggest to you that when you say at paragraph 20 that you went to Officer Giles to speak about Officer Brown, you didn't have any such conversation with him as described in paragraph 20 because that allegation that you've made simply did not occur, did it?

30

**WITNESS C:** I disagree.

35

**MS GHABRIAL:** And, in fact, when you spoke with the police and made your first statement, which is the statement of 7 May 2019, do you have that there, Ms C?

40

**WITNESS C:** I do.

**MS GHABRIAL:** If I could ask you just to turn to paragraph 12. In fact, if you could just look through that statement to satisfy yourself that paragraph 12 is the only time that you talk about Officer Brown to the police in that statement. So please take your time.

45



**WITNESS C:** No, that's fine. I spoke about Brown in that context because they were asking me about Officer Astill.

5 **MS GHABRIAL:** And so at the time you spoke to the police, you did mention Officer Brown but the only thing that you said about Officer Brown was this: That on 21 November 2015 that you had a visit from a friend and Officer Brown, you allege that Officer Brown was looking up your friend from visits on the internet. Do you agree that's what you say there, that I've summarised that correctly?

10 **WITNESS C:** I agree with the statement, yep.

**MS GHABRIAL:** And that's the only allegation you make against Officer Brown at that time?

15 **WITNESS C:** We weren't taking a statement about Officer Brown. We were taking a statement about Astill.

**MS GHABRIAL:** But it would be fair to say, by raising his name, you could have, if what you were saying -

20 **COMMISSIONER:** Ms Ghabrial, this is not helping me either. It's very plain that the police were investigating a particular crime or alleged crime. It's not surprising that they didn't or she didn't go and explore other possible crimes at that time. It doesn't help.

25 **MS GHABRIAL:** And, in fact, during the trial when you gave evidence on 1 August 2022 again you didn't mention any of this conduct that you've detailed in your statement to the Commission about Officer Brown touching you inappropriately in any way.

30 **COMMISSIONER:** Ms Ghabrial, it would have been ruled irrelevant in the trial. I'm afraid that issue just goes nowhere.

**MS GHABRIAL:** May it please the Commission.

35 One thing you did say was that you went and spoke to Officers Martin - in the trial you said that you had complained to Officer Martin about the managers being appropriate [sic] towards the inmates. Do you remember giving that evidence and also giving that evidence again today?

40 **WITNESS C:** That management or men? Sorry?

**MS GHABRIAL:** Managers, I think was the word that you used.

45 **WITNESS C:** Managers, yes.

**MS GHABRIAL:** About managers being inappropriate towards inmates.

**WITNESS C:** Yes.

5 **MS GHABRIAL:** And you specifically said, you were specifically asked by the Crown who that included, and you said that one of those Officers was Brown but you never told that to Officers Martin or Governor Martin. Do you remember giving that evidence? Page 129.

10 **WITNESS C:** I don't have the transcript, sorry. I don't know what you're talking about.

**MS GHABRIAL:** Page 129, just bear with me, you said on page 130:

15 "Originally when I met with Ms Martin and Ms O'Toole..."

**COMMISSIONER:** Sorry, which line?

**MS GHABRIAL:** Starting at line 22.

20 Your evidence was this:

25 "When we met with - question - when you met with Ms Martin and Ms O'Toole, you said originally when I met with Ms Martin and Ms O'Toole it was their concerns about media coverage that I was having in regards to my personal legal case and during that conversation I brought up the conversation of Officers being inappropriate towards inmates."

Do you remember giving that evidence in the trial?

30 **WITNESS C:** Yes.

**MS GHABRIAL:** And in cross-examination you were asked by the Crown whether Officer Brown was one of the Officers that you had named as being a person engaging in inappropriate conduct in that conversation with Ms Martin and Ms O'Toole. Do you remember being asked that question?

**COMMISSIONER:** Well, where is the question?

40 **MS GHABRIAL:** Page 129, Commissioner.

**COMMISSIONER:** 129, line?

**MS GHABRIAL:** Starting at line 33.

45 **COMMISSIONER:** Sorry, line?

**MS GHABRIAL:** 43.

**COMMISSIONER:** 43.

**MS GHABRIAL:** The question in cross-examination was:

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"So you didn't name Brown then?

Answer: Not from my memory. I think I said..."

And then you quote what you say as this:

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"The Officers from high needs and the managers."

And then end quote - and then you explain, go on and say:

15

"Because of the rumours that were being spread about the managers."

Do you remember giving that evidence?

**WITNESS C:** Yes.

20

**MS GHABRIAL:** I'm going to suggest to you that what you were trying to explain in the trial was that these concerns that you raised about inappropriate conduct towards inmates were being raised by you with Officers Martin and O'Toole, because of rumours that were being spread about the managers.

25

**COMMISSIONER:** This is cross-examination, isn't it?

**MS GHABRIAL:** In cross-examination.

30

**COMMISSIONER:** So?

**MS GHABRIAL:** This is evidence she gave in cross-examination.

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**COMMISSIONER:** Yes, I know but the issue that is being raised has been raised by the cross-examiner. It's not being raised by Witness C. The issue is being introduced by the cross-examiner.

**MS GHABRIAL:** He asked if she had named Brown -

40

**COMMISSIONER:** Yes. That's right.

**MS GHABRIAL:** - as one of those officers. The answer was:

45

"Not from memory. I think I said the Officers from high needs and managers."

And then she goes on to say because of the rumours that were being spread about the managers. I just wanted to ask a question about that.

5 I'm going to suggest to you that you were intending to explain to the court that you raised issues about the Officers and the managers based on rumours that were being spread about them, not based on experiences that you had seen or had gone through; correct?

10 **WITNESS C:** Incorrect.

**MS GHABRIAL:** And you didn't say in the trial, "because of my own experiences with those managers", did you, or those Officers?

15 **WITNESS C:** Well, I had been subpoenaed to court based on the fact that I was a victim.

20 **MS GHABRIAL:** But I'm suggesting in respect of the managers that you have given evidence about earlier, including Brown, you didn't name him and you said that you raised those concerns based on rumours; correct?

**WITNESS C:** I don't think that's accurate how you're trying to describe it. It was multiple meetings, multiple conversations, multiple interviews, multiple days at trial. So what you're trying to put to me is not accurate.

25 **MS GHABRIAL:** But at no time during the trial did you say that you based that comment about the Officers from high needs and managers being based on your own personal experiences with those managers, and I'm not challenging anything in respect of Officer Astill in any way; I'm talking about Officer Brown or other managers.

30 **WITNESS C:** All the evidence and all the statements I have given are based on my personal experiences.

35 **MS GHABRIAL:** I'm going to suggest to you why you used the word "rumours" because it wasn't something you had seen or experienced yourself with Officer Brown.

**WITNESS C:** It's not correct.

40 **MS GHABRIAL:** Is that correct?

**WITNESS C:** No, I disagree.

45 **MS GHABRIAL:** What I wanted to point out, you agree that the timing of the meeting that you had with Shari Martin and Ms O'Toole being on 23 February 2016, which was that meeting that you were talking about in the trial as well that I

have taken you to, that that wasn't long after the incident relating to the ring.  
Would you agree with that?

5 **WITNESS C:** I absolutely agree with you on that.

**MS GHABRIAL:** And would it be fair to say that you were angry at the Officers  
that were present during that incident?

10 **WITNESS C:** What incident?

**MS GHABRIAL:** The incident with the ring.

**WITNESS C:** I was - I had mixed emotions. I had a whole bunch of emotions at  
15 that stage.

**MS GHABRIAL:** And did that influence the meeting and the things that you said  
to Shari Martin and Ms O'Toole, did that influence the things that you told them  
about the Officers, your anger, against them?

20 **WITNESS C:** Absolutely not.

**COMMISSIONER:** Ms C, can I just go back, because I'm trying to understand  
the transcript, what happened at the trial. You don't have the transcript there with  
25 you, do you?

**WITNESS C:** I do, your Honour.

**COMMISSIONER:** You do?

30 **WITNESS C:** I do.

**COMMISSIONER:** Can we go to page 129.

**WITNESS C:** Yes.  
35

**COMMISSIONER:** At line 33, when you are being cross-examined, the  
question is "Who is Mr Brown?"

**WITNESS C:** Yes.  
40

**COMMISSIONER:** You say:

45 "He was an Officer working in high needs.  
Was he the one who you complained about to Ms Martin. He was one of the  
officers, yeah.  
So did you ... in the meeting you say with O'Toole and Martin and Paddison?  
No, you didn't. "

Question:

5 "Right. So you didn't name Brown then?"

You say:

10 "Not from my memory. I think I said, 'The Officers from high needs and the managers' because of the rumours that were being spread about the managers."

Do you have a recollection now of what motivated you to say "The rumours spread about the managers"?

15 **WITNESS C:** I think I, in this transcript, I think I'm combining - there seems to be a combination of two issues here. So they asked me who Officer Brown is, probably because somewhere else we've discussed him.

20 **COMMISSIONER:** Yes.

**WITNESS C:**

25 "Was he the one you complained about to Ms Martin?  
He was one of the officers, yeah."

I think there was a stage where I complained about Brown as a collective and their behaviours. I - at no time did I tell Shari Martin that he'd touched me in the private areas. But about the rumours, I think that's a combination of the head job rumours, plus my own experiences on the wing.

30 **COMMISSIONER:** Yes. So the rumours being spread about the managers related to -

35 **WITNESS C:** Meaning the - yeah, sorry.

**COMMISSIONER:** - did it, to sexual activity -

**WITNESS C:** Yes.

40 **COMMISSIONER:** - of the managers. That's what you - yes.

**WITNESS C:** Yes, so the sentence is split (crosstalk).

**COMMISSIONER:** Sorry, yes.

45 **WITNESS C:** Sorry, if you split the sentence, the Officers from high needs, they were the complaints about aggressiveness, inappropriate language, bullying, those

sort of things, and the managers because of the rumours about the oral sex comments.

5 **COMMISSIONER:** Yes. I mean, what other rumours were there about managers, if any?

**WITNESS C:** Well, yeah, I wasn't concerned about all the other ones, I was just concerned about the ones about me giving oral sex to managers.

10 **COMMISSIONER:** Ms Ghabrial, you are welcome to ask questions if you wish to, but I think I now understand what has happened. I didn't before.

15 **MS GHABRIAL:** Can I say this: That part of this questioning at page 129 earlier, before there's the exchange about Officer Brown working in high needs and you not naming him to Officers Martin and Paddison, you had earlier been asked questions about what you spoke about in your police statement about Brown looking up visitors and Astill telling you that Brown was still looking up visitors. Do you recall that?

20 **WITNESS C:** That's true, yes.

**MS GHABRIAL:** And I'm going to suggest to you that that was the only issue that you had with Officer Brown, and that's the reason why that's the only thing that you mention in your statement to the police.

25 **WITNESS C:** No, that's incorrect. I had another serious issue with Mr Brown that occurred on the wing when he forgot to lock the back door of our facility when there were workmen putting up the new high needs fence, and he left the entire back of the wing open, where there were multiple men building fences that could have come into our unit at any time and who knows, you know, what could have happened. We could have left the unit. And he came through and said, "I want you moles" or "you scabs" or something disgraceful, to clean this up, this unit's a pigsty." And I said, "You want to close the back door so we're safe?". And that was just one of the multiple run-ins I had with him where we just didn't see eye to eye on particular issues.

35  
40  
45 So it wasn't one particular issue. In three years I had multiple issues with him in my room, going through my things, throwing my daughter's photos on the ground during ramps, throwing food on top of them, taking things off me when it wasn't his right to do so. So, no, it wasn't just one incident with Officer Brown. There were multiple incidents that went over a very long period of time. He looked up my visitors online, on Google. Do you understand? He - he infringed on people's personal rights. He looked them up and then questioned them about their occupation, about why they were coming to see me.

He told some of my family that I was in segregation and friends that I was in segregation when that is not his right to do so. So, Miss, there were a lot of

incidents so I'm sorry to be upset but it was not all hinged around one particular incident.

5 **MS GHABRIAL:** I'm going to suggest that the information that you received about Brown was information you had received from Astill. Is that correct?

**COMMISSIONER:** Sorry, what information?

10 **MS GHABRIAL:** Sorry, the information - sorry for that - information that you had received or that you understood about Brown looking up your visitors, was information that you had received from Officer Astill. Is that correct?

15 **WITNESS C:** Originally it came from my visitor. He had said - made a comment to her about being an actress and that he believed that she was visiting me because we were going to make a movie and she was going to play me as the part. And I've known that woman since we were children, and it had nothing to do with what her occupation was. And then I was talking to other inmates about it, and Astill actually confirmed it with us that Mr Brown commonly got on Google and looked at our visitors from the visits list or when they came to the visits area.

20

**MS GHABRIAL:** But you were never present and saw that yourself, correct?

**WITNESS C:** I'm not an Officer so I'm not allowed on computers.

25 **MS GHABRIAL:** And you never observed or heard him say those things to your friends that you say spoke to you. Is that correct?

**WITNESS C:** My visitor was extremely upset. She - sorry.

30 **MS GHABRIAL:** You said that your friend told you that an Officer had asked her questions about being an actress. You weren't present for that conversation, were you?

**WITNESS C:** I wasn't present -

35

**MS GHABRIAL:** No.

40 **WITNESS C:** - but she told me as soon as she sat down after she had discussed with him eight metres away from me what he had just said to her. She was visibly upset and she told me word for word what he had just said to her.

**MS GHABRIAL:** I'm going to suggest to you that you didn't say anything in the trial or in your statement to the Commission or even in your statement to the police about all of those details that you've just given evidence of.

45

**COMMISSIONER:** No, Ms Ghabrial, you've opened it up. You asked the question and you've got the answer.



**MS GHABRIAL:** You didn't offer any of that information?

5 **COMMISSIONER:** No, Ms Ghabrial, you asked the question. The assumption is that someone else would have asked that question. I doubt if it was ever relevant to the police to know the answer to the question you asked, but you asked the question.

10 **MS GHABRIAL:** What I'm going to suggest to you is that the other evidence that you've given about Officer Brown leaving the back door and behaving in the way that you've described in relation to that incident, you never describe any of that in the statement you've made to the Commission; correct?

15 **WITNESS C:** It is in my prison records because he charged me after that event.

**MS GHABRIAL:** But it's not in your statement that you have made to the Commission, is it?

20 **WITNESS C:** I don't have enough time in the day to replay three entire years of Dillwynia and 10 other years of prison in New South Wales. I'm sorry about that.

25 **MS GHABRIAL:** And wherever else that you've complained about Officer Brown in this statement, I'm going to suggest to you is simply borne out of your own particular dislike of him but not because of anything that he has actually done to you. Do you agree or disagree.

**WITNESS C:** I disliked him from the start because he touched my vagina.

30 **MS GHABRIAL:** I'm also going to suggest that you also had an intense dislike for Officer Giles. Do you agree with that?

**WITNESS C:** No, I don't agree with that.

35 **MS GHABRIAL:** At paragraph 7, you say that when you first -

**COMMISSIONER:** This is in the statement to the Commission?

40 **MS GHABRIAL:** Sorry, of the statement that you made to the Commission - do you have that there?

**WITNESS C:** Yes, I do.

45 **MS GHABRIAL:** And, in fact, before I ask you questions about the particular allegations you have made against Officer Giles what I'm going to suggest to you is that you've made a number of allegations against him which I suggest to you are not accurate. Would you disagree with that or agree with that?

**WITNESS C:** I would disagree with that.

5 **MS GHABRIAL:** And that they're coloured by your own perceptions and biases against, or prejudices against Corrective Officers generally. Would you agree or disagree with that?

**WITNESS C:** That is incorrect.

10 **MS GHABRIAL:** In fact, you say at paragraph 7, for example, that Officer Giles and Officer Nicholson, when you were received at Dillwynia, actually went to the trouble of telling you that you would be safe in J Unit; correct?

15 **WITNESS C:** That meeting was set up by Louise Harper at Mulawa. I don't think it would have occurred unless she instigated that connection. No other inmate, from my knowledge, was taken to that same space and given an introductory welcome. It was purely because of my concerns of going to Dillwynia that Louise Harper had set up that introduction via Ms Nicholson I believe and that's why I ended up in that space with them.

20 **MS GHABRIAL:** And you agree that you've stated to the Commission that they, Officer Giles and Officer Nicholson, assured you that you would be safe; correct?

**WITNESS C:** Yes, they did.

25 **MS GHABRIAL:** But two lines down you then say that you felt intimidated by some of the Officers at that time particularly Officer Giles. I'm going to suggest to you that Officer Giles had not done anything to you at that time to make you feel that way. Do you agree or disagree?

30 **WITNESS C:** I disagree.

**MS GHABRIAL:** And he had, indeed, tried to reassure you and make you feel safe and comfortable on your arrival, didn't he?

35 **WITNESS C:** Well, he's not going to tell me that there'd been three assaults that week and a girl is in hospital, or someone's been stabbed. I wouldn't think he would say that to me on the first meeting, no.

40 **MS GHABRIAL:** You say nothing about him saying those things to you in paragraph 7, do you?

**WITNESS C:** That's just what I said then.

45 **MS GHABRIAL:** I'm going to suggest to you that he didn't do anything to make you feel intimidated but, rather, you found the environment intimidating and you have placed that on to Officer Giles. Would you agree or disagree with that?

**WITNESS C:** Incorrect. Disagree.

5 **MS GHABRIAL:** Now, you speak at paragraph 9 of what you describe as a group of Officers known by some of the inmates as the "Giles gang". That is something you say the inmates labelled those Officers that you've described and listed there as. Is that correct?

10 **WITNESS C:** Is it correct that inmates referred to those group of Officers as "Giles gang"?

**MS GHABRIAL:** Yes.

**WITNESS C:** That's correct.

15 **MS GHABRIAL:** So that's not something that Officer Giles or any of the Officers that you've listed there, being Officer Brown, Officer Mishelle Robinson, that's not something that they used themselves as terminology, was it? That was just something the inmates used?

20 **WITNESS C:** Well, Giles was the head of them. They all followed and did what he said. He ended up marrying one of them. And they couldn't think for themselves. So that's why they were referred to as "Giles's gang". What he said went and that was the end of it.

25 **MS GHABRIAL:** You understood during your time at Dillwynia that Officer Giles, on occasion, occupied the role as Chief Correctional Officer. You understood that?

30 **WITNESS C:** I don't know what roles he held while I was there.

**MS GHABRIAL:** And you understood, did you not, that there was indeed a hierarchy of Officers in the facility; correct?

35 **WITNESS C:** There is a hierarchy in Corrections, that's correct.

**MS GHABRIAL:** And that Senior Officers or Officers occupying senior positions do, on occasion, have to give directions to other Officers and those Officers are required to listen because they're the boss. You would agree with that, wouldn't you?

40 **WITNESS C:** If they're the right directions, I would agree with that, yes.

45 **MS GHABRIAL:** And I'm going to suggest to you that all that Officer Giles tried to do was manage the unit according to the rules and that he never harassed or bullied or engaged in any of the behaviours that you've described in your statement to the Commission.

**WITNESS C:** That is untrue.

5 **MS GHABRIAL:** And at no time did he treat you or any other inmates in the way that you have suggested or in ways suggested throughout your statement to the Commission?

**WITNESS C:** That is untrue.

10 **MS GHABRIAL:** And you've also made a number of allegations throughout this statement to the Commission about the behaviour of the Officers generally in that unit. Would you agree with that?

**WITNESS C:** Some of the Officers that worked up in high needs, yes.

15 **MS GHABRIAL:** And various things that you've said and read contained at, not just paragraph 9 in respect of general allegations against Officers generally, but also - I take you to paragraph 12. Do you have that there?

20 **WITNESS C:** Yep.

**MS GHABRIAL:** This is the turning of the blind eye and the flogging. And then -

25 **WITNESS C:** Yep.

**MS GHABRIAL:** And then paragraph 13, the calling of the names.

**WITNESS C:** Yes.

30 **MS GHABRIAL:** Paragraph 14 being nasty to other Officers and you give some examples.

**WITNESS C:** Yes.

35 **MS GHABRIAL:** Paragraph 15, similarly examples of interactions with other Officers.

**WITNESS C:** Yes.

40 **MS GHABRIAL:** And 16, comments about your body during strip searches.

**WITNESS C:** Yes.

45 **MS GHABRIAL:** 23, which you have given some evidence about as well.

**WITNESS C:** Yes.

**MS GHABRIAL:** In relation to Officer Rowe and telling Officers - Officers telling Witness P to go and smack other inmates.

**WITNESS C:** Yes.

5

**MS GHABRIAL:** 28, complaints of the strip searches by staff and their comments.

**WITNESS C:** Yes.

10

**MS GHABRIAL:** 35, where you talk about the group of Officers that you say started to behave differently towards you after you thought that they noticed that Officer Astill was calling you to the - his office on many occasions. Do you recall giving that evidence as well?

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**WITNESS C:** But it doesn't say - it just says when Astill's offending was in full throe. It doesn't say because of his offending.

20

**MS GHABRIAL:** Earlier you gave evidence that this was something that you perceived that, because he was calling you all the time and harassing you, that there was this group of Officers - Berry, Barry, Giles, Robbo, which is Mishelle Robinson, Brown, (indistinct) Rowe and Gaffney, you said that they all gave you a hard time about it.

25

**WITNESS C:** But they were giving me a hard time. From my evidence I think you can recall, they were giving me a hard time prior to that. It ramped up once Astill began harassing me and stalking me. It got worse.

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**MS GHABRIAL:** But it's certainly the case that you're not suggesting, and I don't think you suggested earlier either, that any of these Officers knew about the sexual offending that Officer Astill was committing against you. Do you remember giving that evidence earlier?

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**WITNESS C:** Can you ask that question again, please?

**MS GHABRIAL:** You certainly haven't suggested that during this time those Officers knew what Mr Astill was doing to you in terms of offending against you?

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**WITNESS C:** I'm not sure what they knew.

45

**MS GHABRIAL:** This was just your perception because, with respect, Officer Astill was doing things to you that he shouldn't have been, was it the situation that perhaps you might have been oversensitive and a bit paranoid about the way that people were treating you and that that - your perception of their behaviour towards you might have been influenced by that?

**WITNESS C:** You're asking that of a victim of sexual assault? Are you serious? In a prison where I can't go anywhere. I've got no comforts, no supports. No one will listen to me. I went to the right channels. Got brushed off every single time, then got punished for it. Are you seriously asking me that question?

5

**MR LLOYD:** Commissioner -

**MS GHABRIAL:** I didn't think that it was inappropriate, I'm sorry.

10 **MR LLOYD:** I'm concerned, with the break we've had for the technical failure, the witness has been in the witness box for a long time.

**COMMISSIONER:** I was thinking in the same territory. How long are you going to be, Ms Ghabrial?

15

**MS GHABRIAL:** (Indistinct) Commissioner.

20 At paragraph 10, there are other examples of you giving evidence in your statement to the Commissioner of the behaviour of Officers generally. I'm going to suggest to you that the Officers didn't behave in those abusive, harassing ways that you have described throughout your - the entirety of your statement. Do you agree or disagree?

25

**WITNESS C:** I absolutely disagree.

**MS GHABRIAL:** And certainly not Officers Berry, Barry, Giles, Robbo and Brown?

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**WITNESS C:** Minus Robbo, they were the worst offenders.

**MS GHABRIAL:** And there was one thing you said at paragraph 10 about muster, I want to ask you about that. You said there that in relation to Officer Giles he would often say that he ran the unit or ran the show, and I'm going to suggest to you that he never spoke in those terms. That was just an impression -

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**WITNESS C:** Yes he did.

**MS GHABRIAL:** - that you got.

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**WITNESS C:** No. He said it. He said those words.

**MS GHABRIAL:** And in relation to your allegations about what went on during muster, which goes on to page 3 of paragraph 10, go over the page, you talk about line-up during muster and Officers talking openly about inmate issues, and inmates trying to make requests during muster. Do you see that there?

45

**WITNESS C:** Yes.

**MS GHABRIAL:** I'm going to suggest to you that during muster, the staff and the inmates do not speak to each other, other than for the staff to call out the names of the inmates to check that they're there. Isn't that the case?

5

**WITNESS C:** In J Unit - I can't speak for the other units because I only lived in J - they would open the door near the smoke-out or they would come through from the other section of the facility, because we had two sections, they would walk through the telephone room. And during that time people would ask them questions or they would deliver messages to girls for the following reason: because most of the day they avoided us. They ignored us, or we'd have to shout out across to try and get their attention to come across to the wing. There was no intercom system where we could buzz into the office. So if someone was getting bashed or there was a health issue or something like that, we had to stand in the smoke-out and scream out to an office that had reflective tint on it. So most of the time we didn't get any service or any help. And at lunchtime in the break when we went across, 10 or 12 of us could be lining up to see them in a very short period of time. And again, as I've explained earlier, they would discuss personal issues of inmates in front of me, in front of - my personal stuff in front of other inmates. So that is not correct about muster. When the muster begins and they scream at us to "Shut the fuck up" or "Get in line" or "Hurry the fuck up", then it becomes silent. But before then that is not a correct statement.

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**MS GHABRIAL:** In fact, during muster inmates are meant to line up, stand there, and they're not allowed to talk to each other. Is that correct?

25

**WITNESS C:** There's a lot of things that are supposed to happen in prison that don't happen.

**MS GHABRIAL:** I'm going to suggest to you that what you've described there just did not happen during muster at all.

30

**WITNESS C:** So 13 years of gaol and I've just made that up?

**MS GHABRIAL:** And Officers - the Officers did not speak openly and loudly about personal issues relating to the inmates in front of other inmates?

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**WITNESS C:** That is incorrect.

**MS GHABRIAL:** And particularly not Officer Giles and Berry and Barry and Brown, and Robinson that you specifically named throughout your statement.

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**WITNESS C:** I'll give you a specific example. Ms Barry called me a fucking liar on muster and discussed an issue that was no one else's business and did it quite openly in front of the entire muster line-up. They make snide remarks. The girl next to me had a baby the day before and an Officer said to her on the muster line, "Have you had that baby yet or are you just fucking fat?" To a woman who's

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incarcerated and has been separated from her child less than 24 hours before with no psychological care or support, she had mastitis, and the health clinic told her to stick some frozen fruit or frozen salad dressing packs down her bra. So to tell me that things don't happen on muster and they don't speak to us like that, you are  
5 incorrectly informed. I knew about the health issues of multiple women on the wing. You ask me and I will let you know. I knew about their personal issues. I knew about them losing their children. I knew about them going to court, what their sentences were and it wasn't always from the inmate's mouth. It was from  
10 Officers leaking that information to people, speaking openly in front of everybody about people's business, without a care in the world. Not even a care. Not - not girls that were cutting up their throats, cutting up their faces, hurting themselves. Mental health issues. Distressed. I had a woman that was next to me, an elderly woman that looked like she was having a stroke and they told us to - when we  
15 called out they said, no, you can wait until the lunch break. And I'm just making all of that up, am I? I'm sorry to be upset but that is absolutely offensive to tell me what I haven't experienced and I can give you, if you've got the time - if you've got the time, I've got the time. I'll give you multiple, multiple examples and if I had my diaries, it would be even easier to do.

20 **COMMISSIONER:** Ms C -

**WITNESS C:** So no, I disagree with you entirely.

25 **COMMISSIONER:** Ms C, thank you, I do understand what you are saying.

**WITNESS C:** I'm sorry, your Honour.

**COMMISSIONER:** That's all right. I just wanted you to understand that I understand what you are saying.

30 **MS GHABRIAL:** I'm finishing up, Commissioner.

**WITNESS C:** Thank you.

35 **MS GHABRIAL:** And I'm certainly not meaning to extend this, I will just ask you another question and it's certainly in relation to Ms - did you say it was Ms Berry or Ms Barry?

40 **WITNESS C:** About what?

**MS GHABRIAL:** Moments ago you said that it was a Ms Berry or Ms Barry that had made that comment towards you are during muster.

45 **WITNESS C:** Called me a fucking liar?

**MS GHABRIAL:** Yes.



**WITNESS C:** Just one example. That particular example on that day was Ms Barry.

5 **MS GHABRIAL:** I'm going to suggest to you that she didn't speak to you like that and clearly you disagree with that, is that correct?

**WITNESS C:** She did say it and she said it in front of the entire wing.

10 **MS GHABRIAL:** Just one final thing. You speak at paragraph - I won't be long, I just wanted to ask you a question about the last paragraph of your statement. There you talk about having been put in a car to go to Mulawa at about 4.30 pm in the afternoon. Now, the reality is that you don't know the reason why it occurred at that time, do you?

15 **WITNESS C:** Inmates in New South Wales prisons generally, and the majority of the time, are transported between facilities in secure trucks, hand cuffed with multiple Officers to safely take them to their next facility. At 4.30 the day before Christmas Eve, I was put into a civilian style car with three Officers, Berry, Alessi, and I'm unsure of the third person, with barely any of my property, 20 ambushed, wet from the shower, two days before Christmas after I had been making these complaints all year and suddenly I'm being transported in an unusual way to another facility with one of the biggest bullies sitting next to me, still bullying me in the back of a car.

25 **MS GHABRIAL:** I'm going to suggest this, that you don't know the reason why it occurred at that time of the afternoon; is that correct?

**WITNESS C:** If I could look at the documents of why I was transported, I'm sure there are some, then we could all find out why I was transported in that fashion. 30

**MS GHABRIAL:** And are you aware that it is normal practice that inmates who are SMAP, in SMAP placements are transferred out as beds are limited because of SMAP placements across the facilities. Are you aware of that?

35 **WITNESS C:** SMAP, SMAP inmates -

**MS GHABRIAL:** Yes.

40 **WITNESS C:** Generally don't move because there are only two facilities. I had a bed. So I don't know why they needed it because I was sleeping in it. Plus I'm also an SORC, SORC inmate, and you can't transport SORC inmates generally without permission from SORC, or some sort of interview prior to moving you. So it was rare to move a SMAP SORC inmate in a car, unmarked car, at 4.30 in the afternoon two days before Christmas. I'd like to see what the documents say 45 about that? What do the documents say?

**MS GHABRIAL:** That it would be fair to say -

**WITNESS C:** There aren't any?

5 **MS GHABRIAL:** It is fair to say that you don't know the reason why it occurred in that way, do you?

**WITNESS C:** What do the documents say? What do the transfer papers say?

10 **MS GHABRIAL:** I'm asking you and, please, I'd like to finish.

**COMMISSIONER:** Ms Ghabrial, I think the answer to your question is without the documents she can't tell you.

15 **MS GHABRIAL:** Well, at the moment, you don't know the reason why it was that time of the afternoon and in a car, do you?

**WITNESS C:** Because I'm not the general manager of Dillwynia.

20 **MS GHABRIAL:** And Officer Berry was the only female Officer out of those three Officers that was with you on that afternoon or that transport; is that correct?

**WITNESS C:** Was she? I believe so. She was the one sitting in the back with me.

25 **MS GHABRIAL:** So, and you're aware that it is usual procedure for a female Officer to sit in the back with a female inmate during transport and she was the only female Officer there; correct?

30 **WITNESS C:** Incorrect, because when you're on a truck you are locked inside a cabin. There are no Officers sitting with you.

35 **MS GHABRIAL:** I'm going to suggest to you that during that trip Officer Berry only engaged in some small talk with you but nothing of any significance. Isn't that the case?

**WITNESS C:** What's significant? Sorry, I don't understand the question.

**COMMISSIONER:** Ms Ghabrial, how does that help me?

40 **MS GHABRIAL:** Well, she certainly didn't behave in a bullying way towards you at all.

**WITNESS C:** Yes, she did. Yes, she did. Yes, she did.

45 **MS GHABRIAL:** Nothing further, Commissioner, thank you.

**MR BUTERIN:** Commissioner, I have no questions.

**COMMISSIONER:** Thank you.

**MR LLOYD:** I have no re-examination.

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**COMMISSIONER:** Thank you, Witness C, thank you for what has been a long day and thank you for coming forward and giving us your evidence. You are now formally excused.

10 **WITNESS C:** Thank you, your Honour.

**<THE WITNESS WAS RELEASED**

**COMMISSIONER:** Mr Lloyd.

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**MR LLOYD:** Nothing further today. There are some other things but I can deal with them tomorrow morning.

**COMMISSIONER:** We will adjourn until 10 o'clock.

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**<THE HEARING ADJOURNED AT 4.44 PM**