



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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 20 OCTOBER 2023
AT 10.00 AM**

DAY 7

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
MR L. GEARY appears with MS G. DAVIS for Witness V and Witness II
MR COFFEY appears for the Commissioner of Police, NSW Police Force**

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<THE HEARING RESUMED AT 10.01 AM

COMMISSIONER: Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you, Commissioner. Before we get to the first witness this morning, could I just deal with a couple of administrative things. Yesterday, I tendered what became exhibits 4 and 5. Could I ask that the versions that I am about to hand up be substituted in place of the documents which currently are exhibits 4 and 5 on the basis there have been some additional redactions which are
10 agreed, I am told, by all of the parties with leave.

So, if it's convenient these, what I hand up now, could be substitute versions. The other way of doing it if you would prefer -

15 **COMMISSIONER:** So, you are seeking to restrict the information available further.

MR LLOYD: Yes, in a not significant -

20 **COMMISSIONER:** In that they have already been tendered.

MR LLOYD: They have been tendered but, as I am told, not published on the website or in any other way.

25 **COMMISSIONER:** Very well. Everyone has been -

MS GHABRIAL: I haven't received, and it may just be that it might not have come through to me, but I haven't received -

30 **COMMISSIONER:** I can't hear you.

MS GHABRIAL: Sorry, Commissioner, I haven't received this document. It may just be that it didn't come through on the email so perhaps if I could look at the redactions before it is handed up. I wasn't aware that this was going to happen
35 this morning.

MR LLOYD: I will defer the tender. I thought it had -

40 **MS GHABRIAL:** Thank you.

MR LLOYD: I will deal with it later.

MS GHABRIAL: Thank you.

45 **MR LLOYD:** Could I just read on to the record some additions that have been made to exhibit 3 that have been the subject of some evidence that you, Commissioner, will remember. Tab 6B is the victim impact statement of Trudy

Sheiles. These have been physically amended in your version, Commissioner, and the formal record, that is exhibit 3, has been amended in this way.

5 Tab 10B is the victim impact statement of Witness M. Tab 14B is the victim impact statement of Sarah Ward. Tab 24A is the victim impact statement of Witness I. Tab 28A is the victim impact statement of Witness A. Tab 27A is the victim impact statement of Witness G. And tab 29A is the victim impact statement of Witness D. In addition, annexure A to tab 22A some diary pages of Witness W, which were referred to in her evidence, have been added.

10 Finally, in terms of administrative matters, could I hand up to you a version of tab 46 which is the witness statement of Witness II, the second witness to be called, which contains some redactions and invites you to replace your version of tab 46 with the version I'm handing up.

15 **COMMISSIONER:** Is everyone happy for me to do that?

MR BUTERIN: Yes, thank you, your Honour.

20 **MS GHABRIAL:** Commissioner, again I haven't received these documents. I'm just having a quick look now, if I may just have a moment. Again, I don't know why I haven't received them yet but I'm just receiving them now. I can't imagine that there will be any issues.

25 **MR LLOYD:** While Ms Ghabrial is dealing with that, Commissioner, you mentioned that Mr Ryan Coffey is here representing the Commissioner of Police. He is standing behind me and is seeking leave to appear and I will explain the circumstances in one moment.

30 **MR COFFEY:** May it please the Commission, Commissioner. My name is Coffey, C-o-f-f-e-y, I seek the Commission's leave to appear on behalf of the Commissioner of Police, New South Wales Police Force, at this stage in relation to a discrete issue which concerned material information contained in the affidavits of witnesses proposed to give evidence today. The short point is that
35 that has been resolved and I won't be making an application.

COMMISSIONER: Sorry, you were going to make an application, but you don't need to make an application?

40 **MR COFFEY:** No, I've spoken to those who assist you and the matters that were of concern to the Commissioner of Police in effect have resolved itself but as a formality I wish to announce my appearance and seek leave. It may be that at further times the Commissioner needs to participate a little bit furthermore
45 actively.

COMMISSIONER: Well, you have leave but it seems to be of no purpose today.

MR COFFEY: I think so, yes.

5 **MR LLOYD:** And Commissioner, may I say, in the last 18 hours there have been multiple exchanges between me and those assisting you and Mr Coffey, which have been productive to resolve what was a significant dispute into the present situation of there being no dispute and for my part, I'm grateful to Mr Coffey for his assistance.

10 **COMMISSIONER:** Thank you.

MR LLOYD: In terms of another application for leave, Mr Geary is behind me.

15 **MR GEARY:** If it please the Commissioner, Geary, G-e-a-r-y, I seek leave to I appear for Witnesses V and II today assisted by Ms Georgia Davis who is with the witnesses in the remote location.

COMMISSIONER: You have leave.

20 **MR LLOYD:** Next, yesterday, Commissioner, you asked me some questions about Officer Ronald Brown, and I wasn't able to answer them. Could I give you this information? I am informed that he retired in July of this year. He had been working, as I understand it, at Dillwynia. From August of this year, he worked as a casual officer at Dillwynia, working about two shifts a week. As of 18 October, that's Wednesday of this week, I am told that he was informed that he would not
25 be offered any further shifts at Dillwynia until this Inquiry has completed its work.

COMMISSIONER: Yes, thank you.

30 **MR LLOYD:** If you can just pardon me for one moment, Commissioner, I will just inquire of Ms Ghabrial as to her position about Witness II.

COMMISSIONER: Certainly.

35 **MR LLOYD:** Ms Ghabrial has no issue with the redacted form of Witness II, I am told.

MS GHABRIAL: No, Commissioner.

40 **COMMISSIONER:** Right. So formally it becomes -

MR LLOYD: Part of exhibit 3 in tab 46.

COMMISSIONER: That's the redacted version, just to identify it?

45 **MR LLOYD:** Yes.

COMMISSIONER: Yes. Very well.

MR LLOYD: I call Witness V, who is on the screen and I'm not sure whether she will take an oath or an affirmation.

5 **COMMISSIONER:** Witness V, will you take an oath or an affirmation?

WITNESS V: An oath, please.

COMMISSIONER: Very well.

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<**WITNESS V, SWORN 10.10 AM**

<**EXAMINATION BY MR LLOYD:**

15 **MR LLOYD:** Commissioner, Witness V's statement to the Commission is to be found behind tab 11A in volume 5 of exhibit 3.

COMMISSIONER: Yes, thank you.

20 **MR LLOYD:** Ms V, in the witness box there, have you got a document which is headed Pseudonym List?

WITNESS V: I'm just waiting on that list at the moment.

25 **MR LLOYD:** That's okay. Just let me know when you've been given it.

WITNESS V: Yes, thank you.

30 **MR LLOYD:** Would you just look at the list. You probably need to go over to the second page. Go to your name and just confirm that the letter next to your name is V.

WITNESS V: Yes, that's correct.

35 **MR LLOYD:** And in the course of questions that I ask you, I refer to you as Ms V, and to the extent you can do this, when you are referring either to yourself or other people whose names appear on that document can you try and do it by reference to the letter rather than their name.

40 **WITNESS V:** Yes.

MR LLOYD: Now, if you slip up, it's okay, it can be cut, so don't think it's the end of the world but if you can try and follow the rule that will assist us.

45 **WITNESS V:** Okay. Thank you.

MR LLOYD: Could I ask you whether you have in front of you a statement that you made to this Commission dated 11 October 2023?

WITNESS V: 11th October - yes, I do.

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MR LLOYD: And in that statement, what you say is the truth?

WITNESS V: Yes.

10 **MR LLOYD:** You made a statement to the Police for the purpose of the prosecution of Astill?

WITNESS V: That's correct.

15 **MR LLOYD:** And what you said in that statement was the truth.

WITNESS V: Correct.

MR LLOYD: You gave evidence at Astill's trial?

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WITNESS V: Yes.

MR LLOYD: And what you said when you gave that evidence was the truth.

25 **WITNESS V:** Correct.

MR LLOYD: Can I just ask you some questions by reference first to the statement that you made to the Commission, the 11 October one. In paragraph 3 you describe the times that you were in custody at Dillwynia. It's right, isn't it, that you transferred there on 23 February 2015?

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WITNESS V: That's correct, sir.

MR LLOYD: And can I ask you whether you have in front of you your police statement that I asked you about?

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WITNESS V: Just - yes, I do.

MR LLOYD: Thank you. I want to ask you some questions about some things that you were told and then that you were involved in doing in relation to Witness M. If you want to look at the pseudonym list so you know who I'm talking about.

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WITNESS V: Yes.

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MR LLOYD: Could you just look, please, at your police statement in paragraph 6 and just read that to yourself and then I'll ask you about it.

WITNESS V: Yes.

5 **MR LLOYD:** What you're talking about there is an event - you say in this statement about 2016, between May and July.

WITNESS V: That's correct.

10 **MR LLOYD:** And in terms of dates, is it right that that was you just doing the best you could to approximate when it was that that happened?

WITNESS V: That's correct.

15 **MR LLOYD:** In any event, whatever the precise timing, what you are describing here is an occasion when you were in your room within that M Right unit?

WITNESS V: That's correct.

20 **MR LLOYD:** And Witness M and another inmate, Witness R, were inmates who lived within that same unit at that time.

WITNESS V: That's correct.

25 **MR LLOYD:** There was a particular event that occurred involving Witness M. Could you just tell us, and if you need to remind yourself of the account you have given in paragraph 6 of your police statement, please do that but just tell us what happened.

30 **WITNESS V:** Basically, as I recall, I was in my room watching TV, and my - there was a knock on my door, and inmate R and M came into my room when I opened the door, and then R sat on my bed with me, and I noticed that inmate M looked upset and started crying. And I said, "What's wrong?" and they basically told me what had happened, how Mr Astill has been touching her face and, you know, doing not appropriate things.

35 **MR LLOYD:** And did Witness R say anything about what she had seen, that's as opposed to what Witness M was telling you about what Astill was doing?

40 **WITNESS V:** Yes. I can recall Witness R saying that "I witnessed this, babe, I've seen him touch her hands, her face." So, she verified that she has, like, witnessed that happening to Witness M.

45 **MR LLOYD:** And I think you've told the Commissioner already at this time when you, Witness R and Witness M were together, Witness M was distressed.

WITNESS V: Absolutely distressed.

MR LLOYD: Have a look at paragraph 7 of the police statement and just remind yourself of that and then I'll ask you about it.

WITNESS V: Yes.

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MR LLOYD: You say here that you said to Witness M, "Let's go and see Witness B" and just have a look at the list if you need to remind yourself.

WITNESS V: Yes.

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MR LLOYD: Did you - do you make that suggestion of going to see Witness B because she was regarded as a senior inmate who you trusted?

WITNESS V: She - she was like a mother, like bigger, to us, I guess. An older sister, if not more than that.

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MR LLOYD: And so, is it right that you, Witness M, Witness R, then went to see Witness B in her room?

WITNESS V: That's correct.

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MR LLOYD: And another inmate was present in that room; that was Witness W?

WITNESS V: That's correct.

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MR LLOYD: And what happened when you got into Witness B's room?

WITNESS V: We - we knocked on Witness B's room and when we entered as Witness B and W was in her room, and we basically told them, "Hey, we need to talk to you" and we sat down, some on the floor, some on the bed, and they - again they saw that Witness M was very distressed, and Witness M spoke about what they had told me earlier in my room. And I am not so sure if it was Witness B or W who asked Witness M if who - "Did you say no - or did you say no to him when he was touching you on the face" or whatnot and I recall that Witness M ended up saying, "Yes, I told him that I didn't - like, stop" or she moved away. So, she basically was trying to reject his - his actions towards her, his touching. So, she did try to make it clear to him that she did not want him to touch her.

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MR LLOYD: Thank you. Now, at this time, at the end of this discussion in Witness B's room, was your understanding that a decision was made at that point not to make complaints on behalf of Witness M about what Astill had been doing?

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WITNESS V: At that point, I mean we had to respect Witness M's decision. She was distressed. She was very scared, very fearsome and we all felt the same way. Being in that kind of environment, we, you know, it's so hard to trust anybody, and he was a senior, he was a Chief at that time. And he was very - he made himself

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known in the Centre as a powerful man, and we basically saw ourselves as just inmates, sir.

5 **MR LLOYD:** And was Witness M, I think you said this but let me make sure I've got it right, Witness M was saying that she did not want to make any complaint at that time?

10 **WITNESS V:** At that time, she didn't want - she was actually confused. She was so upset that she was - there was a mixture of her emotion as I recall that she didn't want to make any complaint, but she doesn't know what to do. So it was - you can tell that she was very confused and very distressed, and we just allowed her to vent out to us and gave her time and we just told her it's her story to tell, we're just there to support her. And that's when we all made a pact that, hey, no one walks to the office where he is because, you know, sometimes we collect legal mails and
15 that in his office. No one walks alone, always take someone with you, if not all of us. Just to protect ourselves.

MR LLOYD: So, have I got this right: That you, for reasons you've told us, were fearful of making a complaint on behalf of Witness M and you understood
20 Witness M was also fearful about making a complaint for those same reasons?

WITNESS V: Yes.

MR LLOYD: And what you decided to do at this point in time was to try and
25 stick together where any of you were required to go near Astill.

WITNESS V: It was a one day at a time, let's survive this day, moment for all of us.

30 **MR LLOYD:** But could I ask you next, Ms V, to just look at paragraph 9 of your police statement still.

WITNESS V: Yes.

35 **MR LLOYD:** You are describing here something that happened after this meeting in Witness B's cell where you were told that Astill had found out about the conversation in the room.

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

MR LLOYD: Did you ever find out or come to believe how he came to learn of that conversation?

45 **WITNESS V:** As I recall, sir, and I do apologise, it's been a long time and, you know, sometimes our brain blocks off things that we don't want to remember, but as I can recall, to the best of my knowledge, that it was Witness B who actually informed me that witness - I think I'm able to say her name - it's -

MR LLOYD: If it is a person not on the list, you can just describe them as another inmate.

5 **WITNESS V:** Okay, another - so Witness B basically informed me, "Hey
Witness V, we need to speak to each other, it's important. Another inmate has
informed me that Mr Astill is gunning for you. He's - apparently I called
him - sorry, it makes me tongue twisted when I - a kiddy fiddler or apparently
I said that about him but I said, "No, I did not say that about Mr Astill." And
10 obviously Witness B knows that that's not true because she was in the
conversation with me. She was present in the room, and basically Mr Astill used
this as, you know, I don't know, his reason to start attacking, harassing,
intimidating and bullying me. But I did not say those words about Mr Astill. If
anything, my exact words were "What a disgusting pig for him to make women in
15 this centre feel in fear of him while they're in a vulnerable position." Those were
my exact words, sir.

MR LLOYD: Thank you. So let me just make sure I understand. You were told
that Astill had been informed that you had said that he was a kiddy fiddler; that's
20 right, isn't it?

WITNESS V: Yes. I was advised by Witness B that she was told by another
inmate that Mr Astill told that inmate that, "Oh, you know, Witness V is telling
people that I'm a kiddy fiddler" or whatnot and I was just - those are not my
25 words. Like, I get tongue twisted saying it.

MR LLOYD: And you were told that Astill having been told the wrong thing,
was gunning for you?

30 **WITNESS V:** That's correct. Apparently the inmate that told Witness B this
information, said that "You need to tell Witness V - myself - that she needs to be
careful because Mr Astill is gunning for her."

MR LLOYD: In terms of that did you notice something about what Astill was
35 doing to you and how he was treating you after this?

WITNESS V: Absolutely. Every single day, sir.

MR LLOYD: If you need any time before you answer questions, please tell me.
40 There's no time pressure. If you need time, just say so.

WITNESS V: Thank you.

MR LLOYD: Are you right to continue?
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WITNESS V: Yes, sir.

MR LLOYD: Could I just ask, you've described this in paragraph 10, I'll just summarise, and tell me if I've got it right, what happened to you after that, that he would at times look at you in an intimidating way or call you a scum or a criminal. Is that the sort of things that started happening?

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WITNESS V: That's correct. He would - he would shamelessly even say it in front of, like, while we were on muster line under his breath, or he will stare at me. You know, he would make his presence known and his presence was very intimidating. He is a large man, you know, and he - he - like I said earlier, he does make himself known or he is known as somewhat a powerful man in the Centre. So he was very intimidating.

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MR LLOYD: Could I ask you, Ms V, to go back to your statement to the Commission, the 11 October one?

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WITNESS V: Yes.

MR LLOYD: Just read paragraph 7 to yourself and tell me when you have done that.

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WITNESS V: Yes.

MR LLOYD: Just tell me what's happening here in terms of you were working in the Principal Industries Office as a clerk. Do you see that?

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WITNESS V: Yes. Basically his intimidation, harassment, bullying and - extended to the point where I was at work. I received a few phone calls, like sporadically, like several different - on different times, different days. But one particular phone call that I received, there was just a breathing on the phone, and I put it on speaker phone, and I asked the inmate that I worked with, another clerk, in the office, as well as my boss, Catherine Avery, to listen, look, look, someone's breathing on the phone. So that day I heard a chuckle in the background and, you know, sir, when you hear someone breathing, little laughter, little snide comments, you basically get that eerie feeling that you know who it is. That's just exactly how I felt that day and, in the background, I distinctly heard someone say "Wayne". At that time, I didn't even know Mr Astill's name was Wayne. I only recalled his name - I only found out his name was Wayne because as a clerk we update, like, things on the board. Apparently he was some sort of first aid - aider or something. I can't recall exactly what the list was, but it was something to do with first aid responders or something like that and I go, "Oh, so that's his name, Wayne". and I just put one and two together. I go, oh, my gosh, that phone call that I received on this particular day was Mr Astill. And that concreted my feeling, my gut feeling and my - that eerie feeling that I felt that day.

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MR LLOYD: Just on the day before you knew that Astill's first name was Wayne, have I got it right that even without knowing his first name was Wayne,

you suspected that the person on the other end of the phone doing the heavy breathing was Astill?

5 **WITNESS V:** Yes, sir, his chuckle, his - because he's previously has made little chuckles and little, you know that - that little grunts and little smart-arse comments with a little laugh in it, with little laughs in it. Like, it was very familiar to me. So I had a feeling on that day, it was just a gut feeling, that eerie feeling, and later on when I did come across that his name was Wayne, which I heard in the background on that day, on that phone call, it just concreted that my
10 feeling was right.

MR LLOYD: Did you say on the day of this phone call to Catherine Avery, I think you've told the Commissioner that you put the phone call on speaker and -

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

MR LLOYD: And she came over. Did you say to her on the day of the phone call that you thought it was Astill?

20 **WITNESS V:** Ms Avery - not so much tell her or disclose to her what was happening because I was very paranoid who I can trust and she is a woman who I respect, because she's been good to us. But on that day, I actually called the inmate that I work with, another clerk and Ms Avery, I said, "Look, someone's just breathing on the phone" like I covered the phone and put it on speaker, and I don't
25 recall exactly what happened, like the - how it all played out at the end, but I just remembered Ms Avery telling me, "Put down the phone. Put down the phone." And she shook her head and I said, "Ms Avery, I think that's Mr Astill" and the other clerk agreed with me.

30 **MR LLOYD:** Did anything else happen between you and Ms Avery in terms of a discussion after you said you thought it was Astill?

WITNESS V: I can recall her trying to comfort me because she knew I was - you know, she knew I was going through some stuff, but I was very limited to what
35 I told her as well, because on another note she was also going through some bullying in - in - in the environment as well. Like, other overseers, other officers were bullying my boss. So I didn't want to put that on her. So I was very limited to what I said to her, but she did know that I was going through some difficult things with Mr Astill, and bullying, intimidation was one of them.

40 **MR LLOYD:** Could you just look at paragraph 8 of your statement to the Commission.

45 **WITNESS V:** Yes.

MR LLOYD: Now, this is an event around the time that I've just been asking you about, the phone call. Astill came into the office where you were working?

WITNESS V: That's correct.

5 **MR LLOYD:** And tell me if I've got the right sense of what you're saying about this event in paragraph 8, that the way he was looking at you when he came into the office, you felt was intimidating.

WITNESS V: That's correct.

10 **MR LLOYD:** And you got to the point where, after the heavy breathing incident you've told us about and this event, that you approached Witness R, I take it from what you say, in distress about what Astill was doing to you.

WITNESS V: That's correct.

15 **MR LLOYD:** Is the next thing that happened, if you go to paragraph 9 of your Commission statement, that Witness R then organised with her overseer, Mr Quinton, for you and Witness R to go and speak to the Governor?

20 **WITNESS V:** That's correct.

MR LLOYD: And if you just look at paragraph 9 and then I'll ask you some things.

25 **WITNESS V:** Yes.

MR LLOYD: You had seen on the occasion Astill came into the office and you found him to be intimidating, you had seen him go into the office of the boss in your section, Mr Scott White.

30 **WITNESS V:** That's correct. On this particular day Ms Cath Avery, who is usually our Principal of Industry Officer was away so acting in her position was Mr Scott White and I basically, when someone enters the building, we - we're the first people that they see, the clerks. And then they enter the Principal of
35 Industries' Office, so we do see people coming in right away.

MR LLOYD: And is what happened that after you had seen Astill go in to see Scott White, you went in to ask Mr White what Astill was doing?

40 **WITNESS V:** That's correct. When - when Mr Astill - because he came in with that little smug look on his face, he even looked at me, you know, one of those head to foot kind of look, up and down look, very intimidating, he went into the office of Mr White, closed the door and after a while he left and did the same look
45 again, probably trying to intimidate me, and after a while I was starting to get anxious. I started feeling, like, scared again. And so I went into the office of Mr White, and I said, "Scotty, what's Mr Astill doing? What did he say to you?"

And he said, I can recall that he "Yeah, mate," like he asked him why he had me working in that office.

MR LLOYD: And then -

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WITNESS V: And - sorry.

MR LLOYD: What did Mr White say to you? What was his advice?

10 **WITNESS V:** He just basically told me, "Mate, I suggest just keep your head
down and, you know, just keep working, you'll be all right." He was trying to - he
was trying to calm me down but very - I think he - he just couldn't disclose what
they spoke about, whatever they spoke about, but I know for a fact Mr Astill rarely
15 goes into that office. And he - I felt that Mr Scott White underplayed his
response, but he did do his best to try and keep me calm and just tell me just I'll be
all right.

MR LLOYD: And is what happened next that Mr White came to see you and
say, "I'm going to take you to the Governor", you understood to be in response to
20 what Witness R had been doing to try and arrange for that to happen?

WITNESS V: That's correct.

MR LLOYD: And just go to paragraph 10 of your statement to the Commission
25 and look at that and then I'll ask you about it.

WITNESS V: Yes, sir.

MR LLOYD: So you thought you were going to see the Governor, Shari Martin.
30 You were taken to her office; is that right?

WITNESS V: That's correct.

MR LLOYD: But that in her office when you arrived was not at that stage Shari
35 Martin, but was acting Manager of Security, Michael Paddison, Officer Neil
Holman and Officer Scott Westlake; is that right?

WITNESS V: That's correct.

40 **MR LLOYD:** And maybe another officer but you don't remember who that was.

WITNESS V: That's correct.

MR LLOYD: Can I just ask you then, in terms of the details of what happened at
45 this point, that is to make it clear, in Shari Martin's office, was it you and
Witness R and those three officers you've named and perhaps the other one who
you can't remember.

WITNESS V: That's correct.

MR LLOYD: And if you need to look at paragraph 11, you were distressed?

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WITNESS V: Yes.

MR LLOYD: And you asked for help to stop Astill harassing and intimidating you and other women.

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WITNESS V: That's correct, sir. Just, you know, on that day, I just couldn't handle it anymore. It was a build-up of weeks, even months. I don't even recall how long. But it was a build-up of intimidation after intimidation, harassment after harassment and on that day it just - I don't know. My anxiety was just on overdrive, I couldn't handle it anymore. That's why I ran to Witness R - sorry.

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MR LLOYD: Just pardon me. It's okay, we'll deal with it. That's okay. I think you're saying you went to Witness R and that's why, because you were highly distressed about the intimidation over weeks, you had had enough and so you went to Witness R to try and go and see the Governor. Is that the sense of it?

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WITNESS V: Yes, sir, I basically told Witness R that I can't do this anymore. Witness R, we need to do something, like I feel sick. I feel, I don't know. I just couldn't handle it anymore. So she was the one who basically organised it with her overseer, Mr Craig Clinton, if we could see the Governor and at that time was Shari Martin.

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MR LLOYD: And I think we got up to the point, Ms V, where you are in the room with those officers you have identified. You were distressed and asked for help to stop Astill harassing and intimidating you and others, and the point that occurred next that I want to ask you about is Officer Paddison asked you and Witness R why you thought Astill was intimidating and harassing you. Do you remember that?

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WITNESS V: That's correct, sir. He wanted to, I guess - I guess he wanted to paint a bigger - like understand the bigger picture why is Mr Astill harassing or intimidating us, and that's when Witness R and I looked at each other because at that point we were still holding someone else's story, you know, and we were trying to protect that.

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MR LLOYD: Just pausing there.

WITNESS V: Sorry.

MR LLOYD: The someone else you are talking about is Witness M.

45

WITNESS V: That's correct. Witness M's story.

5 **MR LLOYD:** So, here, Officer Paddison's asking why you thought Astill would be trying to intimidate you. Just pausing there, I don't get the sense you are saying you thought that that was unreasonable by Officer Paddison. That sounded like a pretty fair question.

10 **WITNESS V:** I believed that it was a fair question at that time. He was - I took that as he was trying to understand why is Mr Astill harassing or intimidating us. He wanted to -

MR LLOYD: Then -

WITNESS V: Yes.

15 **MR LLOYD:** Sorry. I understand. You and witness R, when Officer Paddison asked that question, effectively looked at each other, at least in your mind, wondering whether even though Witness M had not wanted to make a complaint, whether this was the time for you to disclose what you knew in terms of what she had told you about what Astill had been doing to her? Is that right.

20 **WITNESS V:** That's correct.

MR LLOYD: Can I just ask you this then: In about the fifth - I withdraw that, the sixth line down in paragraph 11 you say:

25 "We told them what Astill had been doing to Witness M."

Can I ask you to tell us what you remember, either you or Witness R saying about what Astill had been doing to Witness M?

30 **WITNESS V:** Basically exactly what Witness M told me in my room, that he was touching Witness M in the face, holding Witness M's hands and just touching her inappropriately. I mean, just any touch from an officer inappropriate - I feel is inappropriate.

35 **MR LLOYD:** And did you hear Witness R saying anything to the officers who were in the room about what Witness M had been disclosing?

40 **WITNESS V:** Yes. Basically, she - after I was - as I recall, after I told them what Witness M had told me, Witness R basically, as I recall, told them that "I've witnessed this", you know. So she was there, and I guess in some instance that - when that happened, she caught Mr Astill doing that.

45 **MR LLOYD:** Now, I just want to test your memory, Witness V. You have told us you have a memory that you passed on to these officers in the room at this point what Witness M had told you that Astill was doing, and you are now telling us about something that Witness R said and I just want to make sure that you have

a distinct recollection of Witness R saying she had not only been told by Witness M about what Astill was doing but had actually seen it.

WITNESS V: That's correct.

5

MR LLOYD: Can I ask you next in the sequence with respect to this part of the meeting, officer Paddison, after being told by you of the things you've told us about and being told by Witness R of the things you've told us about, said something to you and Witness R. What was that, that he said?

10

WITNESS V: Yes. I recall Mr Paddison saying, "Girls, I'll have to stop you there because due to the seriousness of the allegation we need to call the general manager inside the room". and I don't recall who exactly went out to get Ms Shari Martin, who was the general manager, but I know later on that's when Ms Shari Martin, the general manager, entered the room. It was actually her office.

15

MR LLOYD: Thank you. So at this point where officer Paddison had said, "We'll get Shari Martin" obviously you and to your understanding Witness R thought what you were disclosing was very serious?

20

WITNESS V: Absolutely very serious.

MR LLOYD: And on your understanding from what officer Paddison said to you, he thought it was very serious.

25

WITNESS V: That's correct. And I also felt - well, this is my own perspective, that they were all men in the room. So I felt that because we do have a female general manager, whether they felt uncomfortable, I'm not sure but they - they, I guess, took it as serious enough for them that they need to call the general manager. That's what he expressed verbally. So I'm going to take that he took that seriously.

30

MR LLOYD: Did you have a chance to make any observations about the look on the faces of the officers in the room at that time or their body language in response to what you and Witness R were saying.

35

WITNESS V: Oh, absolutely. They were - it was like their eyes were playing ping-pong with each other, they were looking at each other. I mean, I felt uncomfortable. They looked like they looked uncomfortable. But everything just happened so fast. We were - I was upset, I was distressed at that time. So, yeah, that's all that I observed and what I can recall, their eyes were playing ping-pong with each other, trying to figure out what to do next.

40

MR LLOYD: The next part that you've described is Shari Martin coming into what was her office; correct?

45

WITNESS V: That's correct.

MR LLOYD: And the first thing that she said was what?

5 **WITNESS V:** She's like, "Hi girls" I know - I recall her saying Hi to us. She didn't really say much. She basically jumped in there, "What's going on?" And, again, we repeated what we - we disclosed to the men in the room, like Mr Paddison, Mr Holman and Mr Westlake and there was another officer I don't recall, and -

10 **MR LLOYD:** Just pausing there -

WITNESS V: The first thing -

15 **MR LLOYD:** Just pausing there, I just want to make sure I understand. You said when Ms Martin came into the room, you repeated to her what you had told to those three identified officers and the one who you can't recall.

WITNESS V: That's correct.

20 **MR LLOYD:** I just want to make sure that we understand you correctly. Is that you saying the same things that you had said to those officers before saying them again to Shari Martin?

25 **WITNESS V:** That's correct. Word-for-word I repeated what we had told them, the gentlemen, earlier.

MR LLOYD: What about Witness R?

30 **WITNESS V:** She also - we were basically - I don't recall exactly how we said it at that time to Ms Shari Martin, but we were basically jumping off each other's sentences. This is what happened and then she'll - you know, she'll say what she said. But it's basically exactly the same, along the same line of Witness M was being touched in the face, was being touched in the hand, inappropriately by Mr Astill.

35

MR LLOYD: What about Witness R when Shari Martin came in, did she say anything at that point about what she had herself witnessed?

40 **WITNESS V:** Prior - yes, she did say but prior to her saying that to Ms Shari Martin. So after we told Ms Shari Martin what had happened, after us repeating ourselves, the first thing that she said was, "Well you do know that inmates lie, right?" and that's when I recalled Witness R- sorry.

45 **MR LLOYD:** That's all right. Just pause for a minute.

WITNESS V: I'm sorry.

MR LLOYD: That's okay. It happens.

COMMISSIONER: That's okay. You realise that it doesn't get broadcast. It gets cut off before it goes out of this room.

5

WITNESS V: Yes, your Honour, thank you.

COMMISSIONER: So don't be concerned.

10 **WITNESS V:** Thank you.

MR LLOYD: I think you were right at the point of Shari Martin has said, I think you described the first thing she said to you after what you and Witness R said, was "You know inmates lie, right?" Do you remember telling us that?

15

WITNESS V: That's correct. After she said - after - sorry.

MR LLOYD: No, it's all right. I think you were about to tell us in response to that Witness R said something and what was that?

20

WITNESS V: After - after Ms Shari Martin said that "You do know inmates lie, right", Witness R immediately said, "But I saw it. I witnessed it" or somewhere along those lines but she articulated that she witnessed it with her own eyes, that that's - that that happened to Witness M.

25

MR LLOYD: Could I ask you this, then: You describe in paragraph 11:

"Everyone in the room was looking at each other."

30 And you could see the smirk in their faces. Do you see that?

WITNESS V: I can recall Ms Shari Martin having a little smirk on her face. I apologise but I don't recall other people's faces but there was a little smirk on Ms Shari Martin's face, and we - I immediately, when I saw that I recall feeling deflated.

35

MR LLOYD: Thank you. Then you've described the next thing that Shari Martin said, "Okay, we'll look into this".

40 **WITNESS V:** That's correct. I recall her looking at Mr Paddison, like silently, they didn't - they were kind of mumbling to each other, whispering to each other. I did not hear what they said to each other. But after they had their own little whisper, Ms Shari Martin said, "We will look into this" and we were basically ushered out of there.

45

MR LLOYD: And you recount some conversations between Shari Martin and Officer Paddison that you could not hear and Officer Paddison saying, "We'll look into this and get back to you."

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

MR LLOYD: And were they saying or was he saying, "We'll get in touch with Witness M"?

10 **WITNESS V:** That's correct. I recall him saying that he will be in contact with Witness M.

MR LLOYD: Can I just ask you this, Ms V: You've described to us today and elsewhere in your statement all of the problems that faced women at Dillwynia in making complaints of misconduct by officers, correct?
15

WITNESS V: That's correct.

MR LLOYD: I'll come to this, but difficulties with fears of retribution by officers, and not knowing about formal systems of complaints and that kind of thing were, I think you say, significant barriers to making reports of the kind that you had made, that you've just told us about.
20

WITNESS V: Sir, as I sit here today, I still - I still experience all of this, till this day. And, yes, absolutely. I live, I genuinely - I can only speak for myself, but I genuinely just try to survive every single day when all I want to do is do my time and try to get out of - into the community a better person but until this day as I sit here, I'm still scared.
25

MR LLOYD: And having got yourself, despite the things you've told us about, into a position where you were actually able to make a complaint of the kind you've just told us about to the Governor, did you expect something to happen?
30

WITNESS V: I was hoping something would happen. I was hoping - I was hoping, sir, I was - I was hoping that something would happen because they were - we didn't see, you know, we saw senior management. We saw the Governor. We saw the Manager of Security, these people were the ones who are supposed to have that extra - make sure that everyone was, like, doing their job, everyone was acting right, appropriately. I was hoping they would do something, absolutely, sir.
35
40

MR LLOYD: In terms of what did happen from your perspective, just have a look at the first sentence in paragraph 12 of your statement to the Commission.

45 **WITNESS V:** Yes.

MR LLOYD: Did you need some time before you answer the questions or are you okay?

WITNESS V: I'm okay.

5

MR LLOYD: Now, in paragraph 12, you're making reference to something that you described in your police statement. I can probably do this without making you find that piece of paper. Can I just get you to tell us if this is right. A few days after the meeting you've just told us about with the officers and then Shari
10 Martin, there was an event, wasn't there, when you were in the muster line with Witness R and Witness B and Witness W?

WITNESS V: That's correct.

15 **MR LLOYD:** And Mr Astill came into that area where you were in the muster line.

WITNESS V: That's correct.

20 **MR LLOYD:** And what did he do?

WITNESS V: He walked past us. He even made a little pause in front of me, and Witness B, but basically he was doing a sniffing gesture and coming close to us, like he was sniffing us. He made that, as he said the words, "Smells like dogs in
25 here".

MR LLOYD: Now could I just ask you, the use of that term, "dogs", that had a particular meaning to your understanding at Dillwynia?

30 **WITNESS V:** In the prison system, I guess here in Australia, sir, "dogs" is a derogative term for a snitch.

MR LLOYD: And there were, at that time, occasions when there were greyhounds within the M Unit?

35

WITNESS V: I can assure you, sir, I remember it very clearly that the greyhounds, although they do come into M Right, they weren't in the premises for maybe at least a week already. They haven't come to the house. They haven't slept in the house because I remember Mr Astill and the - the - another officer,
40 Mr Riddles, who I guess was in charge of the greyhounds, they were butting heads in allowing Witness B to bring back the greyhounds. I can recall that with every fibre of me that the greyhounds were not - was not taken back to the unit for at least a week or, you know, almost a week at that time of his comment. And our house, M Right, was always constantly used as a walk-in when there's visitors, if
45 the Governor was - or anyone of senior management was to walk visitors, they would use our house as a little tour guide because it was always kept clean and it never smelt like dogs.

MR LLOYD: And in any event, the dogs, to your observation were extremely well cared for, weren't they?

5 **WITNESS V:** 100 per cent and the dogs were - they never really stayed in the lounge, the common area. They would probably be there for maybe a few minutes and then they would strictly be insides the room of the caretaker, who was Witness B and I'm not sure if Witness W was working with her at that time.

10 **MR LLOYD:** And you took the reference then, "Smells like dogs in here", by Astill to, in fact, be a reference to what you disclosed at the meeting the day before?

15 **WITNESS V:** 100 per cent.

MR LLOYD: What did you think about the fact that, at least to your observation, Astill had been told within a few days of what you had disclosed to the people at the meeting?

20 **WITNESS V:** I can actually recall that making it more concrete, sir. Aside from him saying, "It smells like dogs in here" and he waffled on with other stuff I don't recall but he also said, "If anyone has something to say, say it to my face", something along that line. And I can recall him looking at Witness B and pointing his finger at - or actually, I don't remember - I don't recall him pointing his finger,
25 but he looked at - I'm 100 per cent sure that he looked at Witness B with a very intimidating look and I recall Witness B saying back to him, "Are you referring to me?" And then she was the one who gestured with her finger pointing at herself and that's when Mr Astill said, "Especially you" and that's when he used his finger, gesturing at Witness B.

30 **MR LLOYD:** And just to make sense of Witness B's involvement, she had been in the original meeting where Witness M had said what Astill was doing, but she had also gone to the Governor's office with you and Witness R but didn't come into the meeting; is that right?

35 **WITNESS V:** That's correct. To the best of my recollection, sir, she just waited for us outside. But later on, like, because when we exited the administration office, where we had the meeting, she was outside. So she was waiting for us outside.

40 **MR LLOYD:** Thank you. Can I just ask you to have a look at paragraphs 13 and 14 of your statement.

45 **WITNESS V:** Yes.

MR LLOYD: You are recounting here something that happened with regard to being called in for a urine the following day.

WITNESS V: Yes, sir.

5 **MR LLOYD:** And that was something that happened from time to time; they test your urine including for drugs.

10 **WITNESS V:** At that time I think I was coming up for progression, meaning our category was about to go down. So I was - as far as I can recall, the - the urinalysis was for that. It's for programs, yes.

MR LLOYD: You had a conversation with an Officer Barry?

WITNESS V: That's correct.

15 **MR LLOYD:** Can you just tell us about what happened in that conversation?

20 **WITNESS V:** So, basically, I recall Mr Astill, he was in the reception area too at that time - well, at that time Area 1 did not exist, it was just Area 2. He was - I'm not sure if Mr Astill was in charge of urinalysis but he was absolutely in that area all the time. He had his own little space there, a little office where I always, like, kind of see him through the doors. And that basically freaked me out. My paranoia went through the roof thinking, "Oh my gosh, is he going to tamper with my urine" because he is known for tampering with urines or making dirty urines disappear for some girls.

25 **MR LLOYD:** And were you told something about - by Officer Barry about the report?

30 **WITNESS V:** So when Witness B and myself, we bumped into Ms Barry and we, as I recall, I was like a bit panicky, I go, "Oh, my gosh, Ms Barry, I just had a urine but Mr Astill's in there, is he going - oh, my gosh what he is going to do?" So I was very panicky and she basically said something about, "Yes, I heard what happened" and that took me aback a little bit because I go, "What do you mean, what happened?" that we made a complaint or something like that against him?"
35 And that literally just happened a few days ago and so I was very shocked that what happened in that office when Witness R and myself spoke to Ms Shari Martin and the other officers, it already leaked out. And she - I recall Ms Barry saying that "I have a little hunch who might have said something but I'm - I'm not going to go there, girls."

40 **MR LLOYD:** And I think it's - tell me if I've got this right, you deal with this in paragraph 14 - is it correct that you don't put any blame on Ms Barry for not acting in relation to the complaint that you had made to those officers and Shari Martin? Have I got that right?

45 **WITNESS V:** That's correct. The way Ms Barry, like - I've known Ms Barry for a very long time, since I came into custody, even in, back in Mulawa, and she's

always been kind and nice to me. And I've never really had much dealings with her, because I didn't really get into trouble that much. But she - she did express that "I want to help you girls but I can't because I have something personal with Mr Astill and I don't want to" - I'm not sure if she used the word "taint" but along
5 those meaning - she didn't want to, if I can use the word "taint" but I'm not sure if that's the word she used about our complaint. But she did tell us, she did advise Witness B and myself that she advised us to speak to someone about it. And she assured me that he won't tamper with my urine because there was like, you know, like barcoding seals and he'd have to go through a lot of changes to make, to
10 tamper with my urine. So she was trying to assure me that everything will be okay.

MR LLOYD: Thank you. Can I ask you to go to paragraph 17 of your
15 Commission statement.

WITNESS V: Yes.

MR LLOYD: You are dealing here with an event that I think you say might have been quite a bit later than the occasion when you made the complaint to Shari
20 Martin and the others. Is that right?

WITNESS V: That's correct.

MR LLOYD: Can I suggest to you that the mediation that you are referring to
25 here was somewhere between December 2017 and February 2018. Does that sound about right?

WITNESS V: The years sound about right but I can't be sure with the months,
30 sir.

MR LLOYD: Can you just, at that point, there was at the point of this event, the mediation, there was an acting Governor, Mr Wood?

WITNESS V: That's correct.
35

MR LLOYD: You got called in with the chaplain, Susie Johnson?

WITNESS V: That's correct.

MR LLOYD: Did you understand she was to be your support person at this
40 mediation process?

WITNESS V: That's correct.

MR LLOYD: When you arrived for the so-called mediation, that was you and
45 Ms Johnson and then Mr Wood and Mr Astill were in the room?

WITNESS V: That's correct.

MR LLOYD: And you say you think that was something Shari Martin organised, this mediation. Why do you think that?

5

WITNESS V: Prior to this mediation, I was able - Ms Shari, I actually saw Ms Shari Martin. Witness B and myself, and I'm not sure if there was another inmate but all separate - at all separate times, we were called to the administration office where the Governor's office was, and Ms Shari Martin spoke to us about, you know, Mr Astill wants to do a mediation. "Are you willing to do that?" And I'm like "I don't know how I feel about that". And I remember as I went outside when I finished talking to her, so she did mention about the mediation, but she didn't say that it was going to go ahead because I never gave her any permission that I'm willing to do the mediation. If I may also continue to say that when I waited outside Witness B also spoke to Ms Shari Martin on that day and when she came out, she was shaking. She was - Witness B was shaking. She was crying.

MR LLOYD: Take your time.

20

WITNESS V: She was pale. And all I could do was hug her and ask her "What's wrong?" and -

MR LLOYD: Thank you.

25

WITNESS V: - after all -

MR LLOYD: Keep going.

WITNESS V: She said that after I - I was able to console her and she was able to speak a little clearer, I made her - I don't recall if we sat down anywhere, but she told me that Ms Shari Martin grabbed her and shook her and I think pushed her against the wall, as I can recall. And told her, basically if she doesn't drop this thing with Mr Astill, she will be tipped out of the gaol, meaning be removed and sent somewhere else, another Correctional Centre.

MR LLOYD: Thank you. Can I just make sure we understand what you're talking - what event you are talking about here. This is something Witness B told you that Shari Martin did to her in a meeting shortly after that meeting you've told us about involving you and Witness R? Is that right?

40

WITNESS V: That's correct. That's correct, sir.

MR LLOYD: Thank you. Can I ask you then just to go forward in time to the mediation that I've asked you about. Did you understand what was being mediated was the complaints of bullying and intimidation and harassment you had

45

made about Astill and the complaints that you had passed on about what he was doing to Witness M?

WITNESS V: Yes.

5

MR LLOYD: Just tell us something about the process of what was called a mediation. How did it start? You've described here Astill saying some things. What kind of things was he saying?

10 **WITNESS V:** Sir, if I can be very, very bluntly honest, I think there was no such thing as mediation. It was called a mediation but it's basically to cover Mr Astill's
arse, because a lot of reports were starting to pile up against him, and it was his
way to save his - himself. I'm not sure. And with the help of Ms Shari Martin,
they organised this. I'm not saying that Mr Wood was part of that because he was
15 only the - that Governor was only there for such a short time. So poor man that he
was caught up in all that. But when I entered that room, like you described earlier,
Mr Wood, Chaplain Susie was there and Mr Astill. It didn't go anywhere.
I basically looked at Mr Astill in the eye and said, I go, to my recollection I told
him "Why are you doing this to us? I refuse for you to make me feel inferior to
20 you" even so I was so scared but I wanted him to know that that he can't just do
that and that's when he just, like, he was like a monkey that threw a banana
statement at me and said, "Well, I heard you're putting strips in people's drinks"
and I'm like "What?"

25 **MR LLOYD:** Can I understand this is in this so-called mediation process,
Mr Astill started making allegations about things you had been doing in the gaol;
is that what you're saying?

WITNESS V: That's correct but they were false allegations.

30

COMMISSIONER: I was going to take a short adjournment soon. But I might take it now.

MR LLOYD: Certainly.

35

COMMISSIONER: Ms V, I think we will adjourn just briefly now so everyone can regather their thoughts and we'll come back in about a quarter of an hour. I'll adjourn.

40 **WITNESS V:** Thank you.

<THE HEARING ADJOURNED AT 11.21 AM

<THE HEARING RESUMED AT 11.41 AM

45

COMMISSIONER: Yes, Mr Lloyd.

MR LLOYD: Thank you, Commissioner. We're just waiting for Ms V to come back into the witness chair. Mr Geary is on the job. Ms V, can you hear and see me?

5 **WITNESS V:** Yes, sir.

MR LLOYD: I was asking you before that break about the mediation process as it was described. Do you remember that?

10 **WITNESS V:** Yes, sir.

MR LLOYD: Can I just ask you, in paragraphs 18 and 19, you don't need to read them to yourself, I'll just ask you this question. In the period after you and Witness R made the complaint to Shari Martin and the others, as you've told us,
15 it's right, isn't it, that the conduct, bullying, intimidation by Astill towards you got worse? Is that correct.

WITNESS V: That's correct. I mean prior to that, he was already starting to - I was starting to receive negative comments from him, but it just escalated even
20 more after this event.

MR LLOYD: So if I said this to you, tell me if I've got it right: You went to complain to the Governor of the gaol about things which included Astill bullying you and intimidating you, and after that complaint was made, the bullying and
25 intimidation conduct got worse?

WITNESS V: Yes.

MR LLOYD: Can I then just ask you to go forward, in paragraph 21 of your statement, you make reference to an event involving Witness K and ending in a meeting with the Acting Governor, Mr Woods. Do you remember that?
30

WITNESS V: Yes, that's correct.

MR LLOYD: Can I just ask you, in your presence - sorry. And Witness K, I think you now know you can name, that's Ms Ward?
35

WITNESS V: Okay, yes, thank you.

MR LLOYD: Now, I just want to ask you this: In your presence with Mr Woods on this occasion, did either you or Ms Ward say anything to Mr Woods about what Astill had been doing, either on your understanding to Witness M or the bullying and intimidation of you?
40

WITNESS V: I recall, if I'm able to back track a little bit, I came - I came back to the unit after work one afternoon. I went straight to my room and in my room, as soon as I opened it - I'm a little bit OCD, everything is in place, and as soon as
45

I opened my room, there were dental dams and, like, I don't know if it was creams or whatnot but basically my room was made to look like some sort of sexual thing happened in there. And I ran out of my room, and I came across Ms Sarah and Sarah at that time was also distressed and going through emotions of whether she should speak out or whatnot, but it was her story to tell, like we were very respectful with that. And we got into an argument. I don't even recall exactly what our argument was, but it was along the lines of she thought that I was upset with her, or that she hasn't come forward and I was trying to explain to her. I left her in the unit, and I was-- I just had enough. I was so exhausted, emotionally and mentally, even physically. So I ran out of-- I walked out of the house, and I saw-- I saw-- I came across Witness B, and I said to her-- I go "Witness B, I got to my room, and it's got dental dams and Sarah and I just had an argument about Mr Astill, like I can't do this anymore. I'm so tired". And that's when we were trying to look for someone to speak to, to, you know, because I forgot to tell you earlier, when I was coming back from work, I saw Mr Astill exiting our unit. So I wasn't sure, like my - my anxiety just went on overdrive at that moment and as we were looking for someone to report what just happened or to even inspect my room to have a look at the scene of my room, Witness B and myself, we were running around the compound and we bumped into Westley Giles, I think that's his first name, Westley Giles. And -

MR LLOYD: Yes, and what did you say?

WITNESS V: And he was the first basically Senior Officer that we saw. He was a Chief at that time, Acting Chief and we said, I recall me being frantic and saying, "Mr Giles, please, like, I need your help. Like Sarah and I just had an argument about Mr Astill. My room had" - I think I was rambling on and as soon as he heard the name of Mr Astill, I recall him saying "Oh," he can't, like basically he can't - he can't have anything to do with that, or something along that line. He basically was very - he was very - he was very - he was not helpful at all. Like, you can tell he did not want to help me.

MR LLOYD: But he, I think, Ms V, you say that he directed you to where Mr Woods, the Acting Governor was?

WITNESS V: Actually, that's after. He did direct Witness B and myself to Mr Wood because I remember Witness B saying "Well, who can we talk to? Who can we talk to?" And that's when he pointed at the night senior office, he said, "Well, Mr Wood is at the night senior at the moment, you can go there and speak to him." And that's when we went to the night senior office and spoke to Mr Wood. I was the only one who spoke to Mr Wood.

MR LLOYD: I see. And now I just want to find out, when you spoke to Mr Wood, did you tell him about what Astill had been doing to you in terms of bullying and intimidation?

WITNESS V: Well, he already knows about - I'm pretty sure he knows all about that, because this happened after the so-called mediation. So he is aware of what Mr Astill has been doing. And on that day when I -

5 **MR LLOYD:** Sorry.

WITNESS V: Sorry.

10 **MR LLOYD:** Sorry, did you tell him about what you and Witness R had earlier told Shari Martin about Witness M?

WITNESS V: Sorry, can you please repeat that?

15 **MR LLOYD:** I think you've told us when you spoke to Mr Wood in the night senior's office on this occasion, I asked you whether you told him about the bullying and intimidation of Mr Astill and I think you've told us that, in effect, you didn't because he already knew about it.

20 **WITNESS V:** That's correct, yes. Yes.

MR LLOYD: But my question is: Did you tell Mr Wood about the allegations that you'd raised about what Astill was doing to Witness M when you'd met with Shari Martin at that earlier time?

25 **WITNESS V:** That's correct. It was all a mixture of that, but, yes, I did mention - rehash that again with Mr Woods in that office.

MR LLOYD: Could you just tell us about what you can remember about what it is that you said to Mr Woods about that issue, the Witness M issue?

30 **WITNESS V:** To the best of my recollection, like I said I was in a frantic mode, and I was very distressed. I went in there and I think I was rambling on. I said, "Mr Wood" and he said, "Yes" - he still can remember me because of the mediation. I said, "Sarah Ward and I just had a fight about Mr Astill. I'm not sure
35 what she's going on about. My room is in a state. Please someone have a look at my room" and then he was - I felt like he was a little bit dismissive but kind of like patting my shoulder, "It's okay, don't worry. You did well. You did well. I commend you for being courageous and you did well in that mediation. You were brave to do that." And then I think I can recall him asking one of the officers
40 to call or page Sarah Ward to the night senior and not long after, Sarah Ward then came into the night senior office. Whilst - whilst we were in the night senior office with Sarah Ward, I can recall Mr Wood saying that "What you guys came forward about is a brave thing to do. You did the right thing" and then he looked
45 at Sarah Ward and said, "You should be proud of them. You guys shouldn't argue with each other. Support each other" and basically he just told us, it's like, "Go away, you did - I'll pat you a little bit on the head, on the back, but okay, I'm done,

it's the afternoon, I need to go home". That's how I felt that day. He was trying to, like, say the right things but brush us off quickly.

5 **MR LLOYD:** Can I ask you to look at paragraph 24 of your statement to the Commission and just see if I can understand what happened on this occasion. This is when you were working in the Principal Industries Office as a clerk, correct?

WITNESS V: Correct.

10 **MR LLOYD:** Two of the First Nations women at Dillwynia came past and you saw that one was upset and the other was comforting her.

WITNESS V: That's correct.

15 **MR LLOYD:** And you heard one of them describe being grabbed on the face, neck and chest by a guy with white hair who was wearing a chain. Do you remember that?

20 **WITNESS V:** That's correct. I have to maybe clarify maybe not "grab" but more like stroke, now that I can - like remember it a bit more. It wasn't - I don't know. I just take "grab" as a bit more forceful, but she mentioned like stroking her face and touching her neck/chest area. Sorry.

25 **MR LLOYD:** And - no, that's okay. You understood or believed from the description that they were talking about Astill?

30 **WITNESS V:** That's correct. At that time the only white hair if that's how - as those girls described, the only white hair man and with his description like a "big guy", the only man that I know that walks around in the compound with that description is, I'm not sure if he is a SAPO or some facilitator for a program, along that line. There's only two of them with that stature and that description that I've seen anyway.

35 **MR LLOYD:** After hearing those two women describing what you've told us about, you went to the back office and told Erin McDonall.

WITNESS V: That's correct.

40 **MR LLOYD:** Who was she?

WITNESS V: She was an overseer for the Principal of Industries. Like, she's a general maintenance or like an overseer for wherever she is needed in the Industry Department.

45 **MR LLOYD:** And what did you tell her?

WITNESS V: I basically told her, "Erin, there's two girls out there. One is really upset and apparently a guy with white hair was stroking her face" or something about a neck chain, like a necklace the girls described this man to be wearing. Touched her face, stroked her face, was touching her neck or chest, and I recall
5 Erin was like, "What?" And then when I go, "I'll go and get them" but basically Erin said that "Well, they can maybe talk to Ms Kellett" who is another senior in a senior management role. I don't recall exactly her role at that time.

MR LLOYD: Did you tell Ms McDonall who you thought the women were
10 talking about?

WITNESS V: Yes, I did tell her, "I think they're talking about Mr Astill" and then I remember Erin saying "Yeah, that sounds like Astill all right".

MR LLOYD: And you say here that when you went back to find the two women,
15 they weren't there anymore, they'd moved to some other part of the gaol.

WITNESS V: Yeah. I stepped out of the office, because there was - we kind of took a little longer than - because I was describing everything to, telling Erin and
20 Erin looked a little bit hesitant to, like, deal with the issue. So when I told her, "I'll go outside, I'll go get them" they walked off, and I'm not really familiar of who they were.

MR LLOYD: After this incident, did you come to understand that Astill had
25 been told about it, that is about the allegations the girls, or the girl was making?

WITNESS V: I only basically verified this, or it was brought to my attention that Mr Astill was told about this incident later on, because of what Ms Erin McDonall's comment was after Mr Astill was, I think, arrested at that - I'm not
30 sure if he was arrested already or he was getting investigated. I don't recall exactly the timeframe, but Ms Erin McDonall was in the office and conversing with another officer in the office. She said that she - she needs to retract her - how does she get her statement back, or something like that, because you know, she doesn't - I guess she doesn't want to be involved with Mr Astill knowing that he's
35 in a lot of trouble now, at that time.

MR LLOYD: Did you know what statement she was talking about?

WITNESS V: Well, at that time I was a little bit more curious. I wasn't 100 per cent sure but when she looked at me and I - we had - like our eyes met and we had
40 our eyes - when our eyes met, she basically said, "Yeah, that statement that I - about those" I'm not sure if she - I don't recall if she said "the two girls" but it was made clear that she was pertaining to that incident of the two women.

MR LLOYD: Thank you. Can I just ask you about what you understood about the systems or procedures available to you when you were at Dillwynia about making complaints? You deal with this in your statement. Let me just understand

if I've correctly understood your evidence. That you don't recall being told anything about what to do if you wanted to make a complaint of serious misconduct about an officer, is that right?

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

MR LLOYD: Could I ask you this: At paragraph 29 you say that you've heard from officers at Dillwynia that they've been told by the big boss not to say anything about Astill.

10

WITNESS V: That's correct.

MR LLOYD: And you're talking here at a time after Astill had been arrested and removed from the Centre?

15

WITNESS V: That's correct.

MR LLOYD: And that you were told that - by Officers Renee Berry and Glenn Clark that they'd been told by the big boss not to say anything about Astill? Do you see that?

20

WITNESS V: I remember - I remember it was Mr Clark who said that "Even us, we're not allowed to - we were told not to talk about this. We're basically told to shut our mouths". and I recall Ms Berry, she wasn't there too long she said, "Yes, we were told but we know better, right?" and that's all I recall Ms Berry saying and she walked off.

25

MR LLOYD: Can I just understand, do you know whether, in terms of those officers disclosing the direction they'd been given, was that - to your understanding, did that have something to do with Astill's criminal trial, that it shouldn't be discussed while that was occurring?

30

WITNESS V: No, I'm pretty sure he - as far as I can recall, I think he was already sentenced, to the best of my recollection, when this conversation took place. I think he was already sentenced and he's already in custody, and I think they were pertaining to the further inquiry of whether it's Ms Shari Martin because we - they did speak about Ms Shari Martin, like, Ms Shari Martin who swept things under the rug, needs to take accountability of all of this, because as Mr Clark said, "The bastard almost got away". That's when he said, "Even us, we were told not to say anything, to basically shut our mouths."

35

40

MR LLOYD: I understand. Thank you. Just pardon me. Those are my questions, Commissioner.

45 **COMMISSIONER:** Witness V, could you just have a look at paragraph 27 of your statement?

WITNESS V: Yes, sir.

COMMISSIONER: Do you see in the first sentence you say:

5 "There are girls in gaol who have addictions and can be bribed."

Now, I assume you're talking about drug addictions?

10 **WITNESS V:** That's correct. Yeah, any addiction, sir, but I was pertaining to drug addiction, yes.

COMMISSIONER: Now, I don't want you to name any names, but do you know how the drugs can come into the gaol?

15 **WITNESS V:** Well, sir, in many ways. There's a lot of ways. Don't forget sir, I'm still in custody.

20 **COMMISSIONER:** What ways – well, I don't want you to name names but what ways do drugs come into the gaol?

WITNESS V: Officers, through inmates, and I guess, you know, there's several ways for it to come in, sir. But I'm not really in that scene. So I –

25 **COMMISSIONER:** No, I appreciate that.

WITNESS V: So I try not to – yeah.

30 **COMMISSIONER:** Yes. Very well, thank you. Mr Geary, do you have any questions?

MR GEARY: No questions.

COMMISSIONER: Who is first between you two?

35 **MR SELLER:** I will go first, Commissioner.

<EXAMINATION BY MR SELLER:

40 **MR SELLER:** Witness V, my name is James Sheller. I'm one of the legal representatives for Corrective Services. Can I just indicate before I ask you a few questions, that I'm not intending to challenge anything you have had to say concerning your dealings with Mr Astill or with other officers when reporting Mr Astill's conduct. Do you understand that?

45 **WITNESS V:** Yes, sir.

MR SHELLER: What I was just trying to do is to see if I can pin down some approximate dates for some of these actions that you have set out in your most recent statement, that is the 11 October 2023 statement. Do you have access to the 11 October 2023 statement?

5

WITNESS V: Yes, sir.

MR SHELLER: Do you also have access to your police statement which is dated 17 July 2019? Commissioner, that's tab 11.

10

WITNESS V: Yes, sir.

MR SHELLER: Attached to the July 2019 statement it appears to be extracts from a notebook. Do you have those extracts?

15

WITNESS V: Yes, sir.

MR SHELLER: And I think you describe in your police statement at paragraph 14, which is on page 3 of 3, how you and Witness B started making notes in Witness B's diary book.

20

WITNESS V: Yes, that's correct.

MR SHELLER: And then you describe how you gave the diary book to your solicitor who then passed it on to a police officer. Do you see that?

25

WITNESS V: That's correct. But there were a lot of pages missing.

MR SHELLER: All right. Well, could I just ask you, if you go to those – that attachment to your July 2019 statement, is that the diary book of Witness B that you're referring to, or at least parts of it?

30

WITNESS V: That's correct.

MR SHELLER: And then if I could just ask you to go – there's no page numbers on it but if you could go to what is the first page of the extract. It says on the top of the page, I think it's slightly cut off, "May 2017".

35

WITNESS V: That's correct.

40

MR SHELLER: And then a bracket "(exact date unsure)".

WITNESS V: That's correct.

MR SHELLER: Then could I just ask, on the rest of the page, there's some very clear printing.

45

WITNESS V: Yes.

MR SHELLER: Is that your printing?

5 **WITNESS V:** That's my – yes.

MR SHELLER: And if you could just accept from me that what you have printed on that page very clearly is this discussion that you participated in with a number of people including Witness B and Witness M.

10

WITNESS V: That's correct.

MR SHELLER: Concerning Witness M recounting what she said had happened to her at the hands of Mr Astill.

15

WITNESS V: That's correct.

MR SHELLER: Could I just ask you, is the date written at the top of the document, May 2017, is that your writing as well?

20

WITNESS V: That's correct.

MR SHELLER: Does that assist you at all in being able to tell the Commission when this meeting involving several witnesses including – sorry, several persons including Witness M, took place?

25

WITNESS V: Yes, it was roughly around that timeframe, yes.

MR SHELLER: So you think May 2017.

30

WITNESS V: That's correct. This diary was basically – we started writing things down, things that we remember at a later date because things were starting to – the intimidation, the harassment, the bullying, was starting to intensify. So we decided to just write things down as much as we could remember. Like, don't forget, sir, that you know in our environment when we do things, the same thing every single day it's like Ground Hog Day. It does get a little bit confusing with what day and what time whatnot, but this is to the best of my knowledge I can recall the date that this happened.

35

MR SHELLER: I'm not criticising you for a moment, Witness V, about the dates. I'm just trying to work out what you think the date was when that meeting took place. If you go back to your police statement which was at the front, on the first page there's a paragraph 6.

40

45 **WITNESS V:** Yes.

MR SHELLER: Paragraph 6 says:

"Approximately three years ago 2016, between May and July."

5 And then you talk about the rest of the paragraph, that meeting involving
Witness M.

WITNESS V: Yes.

10 **MR SHELLER:** Do you accept that what seems to be the likely date because of
this notebook maintained by Witness B into which you wrote, that the correct
approximate date is May 2017?

15 **WITNESS V:** Yes, it's - it was either between those times. I can't recall the - if
it's the 2016 but I think it was a little bit more, maybe in the 2017. I can't be sure,
sir. But I do know it was roughly around those months, only because there were
birthdays.

20 **MR SHELLER:** I see. Now, you then, if you go back to your most recent
statement, that's the one from 11 October this year -

WITNESS V: Yes.

25 **MR SHELLER:** The first page, paragraph 6, you tell the Commission that after
this discussion with Witness M, you decided to make the report about one or two
weeks later.

WITNESS V: Again, roughly those timeframes, yes, sir.

30 **MR SHELLER:** Yes, and then we've heard your evidence this morning about
what happened in those reports - sorry, what happened in terms of reporting it
through Mr Paddison and then Ms Martin.

WITNESS V: Yes, sir.

35 **MR SHELLER:** Could you then go to paragraph 25 of your most recent
statement.

WITNESS V: Yes, sir.

40 **MR SHELLER:** In that paragraph, and feel free to have a look at it in detail, one
of the things you address is that Witness M left Dillwynia to go to court. She was
meant to come back but she didn't. Do you remember that?

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

MR SHELLER: Then - sorry to be taking everyone around in different places but I just want to see if I can get this chronology right. If you go back to the notebook attached to your police statement -

5 **WITNESS V:** Yes.

MR SHELLER: - on the second page about halfway down, there's a date, June 2017?

10 **WITNESS V:** Yes.

MR SHELLER: And then again written after that, "Exact date unsure".

WITNESS V: That's correct.

15

MR SHELLER: Only if you can, Witness V, and I appreciate it's a long time ago, do you have a recollection whether by June 2017 Witness M had left Dillwynia.

20 **WITNESS V:** Possibly maybe.

MR SHELLER: Do you have any recollection whether the sequence, that is hearing from Witness M as to what had happened to her at the hands of Mr Astill, then you attending upon ultimately Governor Martin to relay what you had heard, and Witness M's departure from Dillwynia were very close in time?

25

WITNESS V: That's correct.

MR SHELLER: Then, Witness V, if I can just ask you, I don't need you to look at any of these particular notes, but I just want to see if this is the pattern in the notebook of Witness B. If you go to the next page, you will see this is the notebook again, top of the page, a date 16 July 2017.

30

WITNESS V: Yes, sir.

35

MR SHELLER: And then there's "Witness B" written beneath that.

WITNESS V: Mm-hm.

40 **MR SHELLER:** Is that still your very clear printing on that page?

WITNESS V: That's correct. When we were writing this diary, it was like sometimes it would be two of us, like Witness B and I. She's like, "Oh, please write this down while I'm still remembering this" so it's either her or myself or someone else writing it. So it's whatever we remember happened, yes. But this is my writing still, yes.

45

MR SELLER: So you had the role of reporting what - not only what you could remember but what Witness B could remember as well.

WITNESS V: That's correct.

5

MR SELLER: Then if you just, I'm sorry there's no - there is a sort of number, I'm not sure it will be on your version, but do you see a number at the top right corner of each page, lots of numbers?

10 **WITNESS V:** Yes.

MR SELLER: If you look, if you could go to the one that ends in 18. Do you see that?

15 **WITNESS V:** Yes.

MR SELLER: And this one has, on the top of the page Witness B, do you see that?

20 **WITNESS V:** Yes.

MR SELLER: Is that, to your recollection, or observation, Witness B's writing on that page or still yours?

25 **WITNESS V:** No, this is her writing. It looks like her writing.

MR SELLER: And just to give you a little bit of context for that, that particular entry, if you look down about six or seven lines, you will see "Witness V had called Mr X", that's Mr Astill, "a kiddy fiddler". Do you see that?

30

WITNESS V: Yep.

MR SELLER: That's what is asserted, it didn't happen but that's what is asserted, you will see a date at the top, 20 July 2017 and then a reference to NAIDOC Day the previous day. Do you see that?

35

WITNESS V: Correct, yes.

MR SELLER: Then if you could go to the very last page of that section of the notebook, as attached to your police statement. It has got the number 37 in the top right-hand corner?

40

WITNESS V: Yes.

MR SELLER: Just at the last entry of that page, there's a note, and it says, "This was case noted on OIMS" and then there's a reference to SORC down the bottom, in the last line. Do you see those?

45

WITNESS V: That's correct.

MR SHELLER: Is that - are you familiar with what those references mean?

5

WITNESS V: Yes.

MR SHELLER: What do you understand them to mean?

10 **WITNESS V:** This is basically what happened to - so, Mr Astill was very frustrated with Witness B, myself, Witness R and Witness W. He was very frustrated at us because we weren't in the drug scene. We kept out of trouble. We just worked trying to do our time. He was very frustrated with us because he wasn't able to entice us with the things that he was using to, you know, lure girls in, I guess. And the only thing that I recall him - he was desperate to do something towards me because if you heard earlier on, he was gunning for me.

15

MR SHELLER: Yes.

20 **WITNESS V:** And one of those - yes, and one of those things that he did, he walked to High Needs, and I can recall, I don't remember the officer's name, but she confirmed with me that Mr Astill went to High Needs. He was looking through my old records because I moved from High Needs to Medium Needs. And so maybe my stuff was still there, like all my other records, I don't know what kind of records they keep. But he basically found an old medical where I needed to be in a two out for medical reasons.

25

MR SHELLER: Sorry, when you say two out, you mean a shared cell with another inmate?

30

WITNESS V: That's correct, like you're not allowed - like a green carder is what they call them. Medically, you are not allowed to be in the cell by yourselves - by yourself and he found a very, very old medical, I think, alert of mine, which was probably back in Mulawa. And he used that, he took it - he took it to the Justice Health which is the clinic and he brought it to the attention of the NUM, which is a Nursing Unit Manager, Miriam was her name and he basically used that very old paperwork to remove me from my one-out cell which I had been sleeping in for the last two years in Dillwynia. He - they made me get out of there. He got - he got the officers to tell me that - our Wing Officer, he told them to take me out of my room and put me in a three-out, which is three girls in one room. And those little things, sir, makes us uncomfortable. It's very - it's imperative for us, it's important for us to have our own space and when we do get to that stage where we finally get our own space, it's luxury to us, sir, because we - every day, it's - we're living in a communal environment.

40

45

MR SHELLER: So is the reference at the bottom of that page, your understanding that in the computer system Mr Astill made entries to support your

movement from a one-out cell to at least a two and it turned out being a three-out cell on account of some made-up medical condition; is that right?

5 **WITNESS V:** I'm not 100 per cent sure who basically case-noted it. The only
reason that I recall that it was case-noted because I'm actually a SORC inmate and
we basically have to sit in front of them when we go through progressions, and
whatnot with our classification. And one of the questions was - that they brought
to my attention was me being removed from my cell due to an altercation with, or
10 some sort of argument with another inmate. They wanted to ask about that, if that
was fine, and I told them everything that happened. But there was - there was no
altercation at all. There was no - nothing. It was basically Mr Astill, it was his
way to make me feel uncomfortable and he used our NUM, Miriam, to facilitate
that for him and she allowed that. She basically even lied to me and lied
15 to - actually Officer Dolly Jean was present at that time. When I tried to fix this,
this matter, I was ushered into one of the clinic rooms and another nurse told me
that, "Oh, because of your medical issues, you can't be in one - in a one-out cell"
and I said, "I don't have any medical issues that needs for me to be with another
person in the cell." I go the only time that happened was in Mulawa a long, long
20 time ago. So where is this coming from? And I think that that nurse particularly
felt, like, uncomfortable and she basically ended up saying, "Oh, look, it might
have been an officer who told our NUM to move you, so she ended up squealing
and I believe that Ms Dolly Jean was present during that conversation. And when
I said, "Where's Miriam, where the NUM?" and the nurse said, "She will be gone
for two months or a few weeks" or something like that, as I can recall, "She will
25 be on leave as of today" and as I looked outside the corridor, I saw the Nurse
Miriam running from one room to another. She was hiding from me. And
basically, she allowed herself to be used by Mr Astill to do this to me, yes.

30 **COMMISSIONER:** Mr Sheller, I think I understand -

MR SHELLER: I just wanted to understand what -

35 **COMMISSIONER:** Is there any other matter that you wish to challenge or seek
further detail of?

MR SHELLER: Just one other issue.

40 **COMMISSIONER:** That is going to help me because I think I do understand the
evidence pretty well.

MR SHELLER: Yes. Then, Witness V, can I just ask you to go back to your
most recent statement, the one of 13 October.

45 **WITNESS V:** Yes.

MR SHELLER: Do you have that in front of you? In the last paragraph you talk
about the tablet. Do you see that?

WITNESS V: Yes.

MR SHELLER: Has the tablet proven useful?

5

WITNESS V: For my entertainment's sake, yes, only.

MR SHELLER: What about the other things that you refer to there, managing visits, buy-ups?

10

WITNESS V: That's - that's a little bit more convenient for us instead of using paper form, yes.

MR SHELLER: And what about the alerts that you refer to?

15

WITNESS V: In regards to phone numbers when we get new numbers?

MR SHELLER: Yes.

WITNESS V: At the moment, like I haven't - it's not pertaining to my situation, so it hasn't been really helpful but for those people who wish to, you know, be advised with who to call and whatnot, I guess so, yes, for them.

20

MR SHELLER: Sorry, I was going to just ask you one thing. Just going back to that earlier issue about the change of cells from one-outs to three-outs, did that actually happen that you ended up changing cells from one-out to three-out?

25

WITNESS V: Yes.

MR SHELLER: Thank you. Those are my questions.

30

COMMISSIONER: Mrs Ghabrial, do you have any questions?

MS GHABRIAL: Yes, briefly.

35

<EXAMINATION BY MS GHABRIAL:

MS GHABRIAL: Ms V, my name is Ms Ghabrial and I appear for a group of Correctional Officers. I'm only going to ask you some clarification questions in relation to three officers of the group that I represent. So I won't take too much of your time. I just wanted to take you firstly to paragraphs, just to clarify, of your current statement to the Commission. So I just wanted to ask you this: When you read from paragraphs 8 through to paragraph 11, did all of those things occur on the one day, the same day? So the time that Mr Astill came to the office when Scott White was there and then the organisation to see the Governor and then the meeting with the Governor, or did they occur on different days?

40

45

WITNESS V: They occurred on the same day.

5 **MS GHABRIAL:** On the same day. And just in that regard then, the notebook entries that were attached to your police statement, that Mr Sheller was talking you through, could I take you to those?

WITNESS V: Yes.

10 **MS GHABRIAL:** Do you have those there?

WITNESS V: Yep.

15 **MS GHABRIAL:** So those numbers at the top of the page, if I could take you to page 9, first of all.

WITNESS V: Yes.

20 **MS GHABRIAL:** Do you have that there? Now it's copied sideways but at the top of the entry it says the words "NAIDOC day 2017".

WITNESS V: That's correct.

MS GHABRIAL: Is that your handwriting?

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

30 **MS GHABRIAL:** And it talks about an event, this event of NAIDOC day where you were asked to take some pictures. And in the second paragraph on that page, it appears to talk about, and please correct me if I am wrong, talk about the incident that you describe in your statement to the Commission at paragraph 8. Am I correct in that regard?

WITNESS V: That's correct.

35 **MS GHABRIAL:** And then if you go over the page, on page 10, it appears to continue to talk about that incident; is that correct?

WITNESS V: That's - that's correct.

40 **MS GHABRIAL:** So if you just then move through each page from page 11, just taking your time, through to page 14, can you just confirm that they are all still entries relating to that same day?

45 **WITNESS V:** Yes, that's correct.

MS GHABRIAL: Thank you. And then when we get to page 14, about halfway down the page, the second paragraph, is that still your handwriting? Is it all your handwriting on those pages that I've taken you through so far?

5 **WITNESS V:** Yes, that's correct.

MS GHABRIAL: And it's still your handwriting on page 14?

WITNESS V: That's correct.

10

MS GHABRIAL: So where it says:

"As Scotty and I approached the office door..."

15 Are you now starting to talk about the items or the things that happened that you describe in paragraph 10 of your statement to the Commission about going to the Governor's office with Scott White to have what you thought was a meeting with Shari Martin?

20 **WITNESS V:** That's correct.

MS GHABRIAL: And if you just then navigate through the next few pages, 15, 16 and 17, can you please confirm whether they are all in respect of also paragraphs 10 and 11 of your statement to the Commission?

25

WITNESS V: That's correct.

MS GHABRIAL: So NAIDOC Day 2017 is what you've noted as being the entry of the day for that day; correct?

30

WITNESS V: Yes, that's correct.

MS GHABRIAL: And just to clarify, on page 18 of your notes - or of the notes.

35 **WITNESS V:** Yes.

MS GHABRIAL: It says, "Witness B" and then there's a date that appears to be 20-something 2017. Do you know what that's supposed to say in terms of the date?

40

WITNESS V: It is not my writing, but.

MS GHABRIAL: That's not.

45 **WITNESS V:** Yeah, it looks like - yes.

MS GHABRIAL: So this page is not your writing?

WITNESS V: This page, like the page 18 where it says under Witness B, yeah, it's not my writing, no.

5 **MS GHABRIAL:** Not your writing. But it does, do you see, record a date for NAIDOC Day on the third line down. Do you see that there?

WITNESS V: Mm-hm.

10 **MS GHABRIAL:** Does that accord with your memory of the date that NAIDOC Day occurred on or you can't be sure?

WITNESS V: I think it did happen on NAIDOC Day because I remember we were all able to have barbecue or something like that on that day, so it was
15 a special day. Yeah, I think it - yes, NAIDOC Day, yes.

MS GHABRIAL: And just in terms of when you speak about arriving into the office at paragraph 10 of your statement to the Commission -

20 **WITNESS V:** Yes.

MS GHABRIAL: You talk about going into the office and seeing Acting Manager of Security, Michael Paddison, and some other officers.

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

MS GHABRIAL: You've included in that list of officers, officer Westlake. Do you see that there?

30 **WITNESS V:** Yes.

MS GHABRIAL: Is it possible that you might have mistaken another officer for Officer Westlake and thought that it was Officer Westlake as opposed to actually knowing it was him?
35

WITNESS V: No. I know Mr Westlake. It was him.

MS GHABRIAL: And also I just wanted to take you through to - sorry, I just wanted to clarify too that I am appearing for Mr Westlake so that was why I asked you that question.
40

WITNESS V: Okay.

MS GHABRIAL: In relation to paragraph 29 of your statement to the Commission, your most recent one - do you have that?
45

WITNESS V: Yes. Yes, I do.

MS GHABRIAL: Thank you. Just in relation to that, you talk about what you heard being said about not being able to speak about Mr Astill and not to say anything about Mr Astill, would it be fair to say that the impression of anything
5 said about that was that people were not supposed to speak about Mr Astill whilst there were proceedings ongoing in any form? Would that be fair to say that that would be the impression?

WITNESS V: No. That's incorrect. It was very clear that Mr Clark said that
10 "We're not even allowed to talk about this further Inquiry" because Mr Astill was already locked up when this comment was made, I'm pretty sure. And it was basically very clear that Mr Clark said that "we" whoever the "we" are, maybe officers or whatnot, "are not even allowed to discuss this matter. We were told to basically shut our mouths." So I don't know who's telling them to shut their
15 mouths, the management I'm guessing the way he was describing it to me. I was in the greyhound yard at that time and Witness B, along with another inmate, I don't recall the inmate's name, was present as well. But I don't think she heard the conversation, but she saw Mr Clark there conversing with myself and
20 Witness B.

MS GHABRIAL: And just in relation to that, would it be possible that what Mr Clark was trying to convey was that they were not supposed to speak about anything relating to Mr Astill whilst things were still ongoing in respect of
25 investigations or proceedings?

WITNESS V: Ms Ghabrial, that's incorrect. He was clearly stating that they should – they were told to basically shut their mouths and don't talk, they're not
30 allowed to talk about the further Inquiry, especially this whole Shari Martin thing. He explained to me clearly, and I understood him clearly. It wasn't just Astill because Astill is – has been finished. He's done, like he's locked up. But he was basically pertaining to the further Inquiry.

MS GHABRIAL: And not to discuss anything in relation to that, whilst this Inquiry was ongoing? Would that be fair to say, just something along those lines,
35 or is that the impression that you got?

WITNESS V: The exact impression I got was they were told that they can't even speak up because he was basically saying to me, "We're not even allowed to speak
40 about this. We're not even – we were told to basically shut our mouths about this." So, to me, that's very discouraging because for someone who wants to have a platform for – for us girls, like to speak up, but then the management is, I guess, telling them, the officers, to shut their mouths. So that's very discouraging to me when I heard that.

MS GHABRIAL: And just in relation – and Officer Clark is one of the officers that I appear for, and I also appear for Ms Berry. In relation to Ms Berry, you

indicated that you thought that she was present at that time that Officer Clark was speaking; is that correct?

5 **WITNESS V:** That's correct. She was – she wasn't really standing still. She was passing by. She was holding a few paperwork, I guess, in her hand, and she looked like she was in a rush. But she did, like, walk – she walked slow enough to hear what we were – what Mr Clark was saying, and she said, "But we all know" – sorry, I don't 100 per cent recall exactly what she said but along the lines where I got the impression what she meant was, "But we won't keep silent". That's what I got from what she said. I don't recall her exact words but that's what I understood. And then she just walked past. She looked like she was in a hurry but walked close enough and slow enough to be part of the conversation even for a snippet of time.

15 **MS GHABRIAL:** She obviously wasn't, on your evidence, part of the whole conversation; is that – would you agree with that?

WITNESS V: That's correct, except with what she said, and that's it.

20 **MS GHABRIAL:** Is it possible that you're mistaken about it being Ms Berry that was the officer that walked past? Is that possible?

WITNESS V: Sorry, we are talking about Ms Berry, B-e-r-r-y?

25 **MS GHABRIAL:** Ms B-e-r-r-y. Is it possible you are mistaken it was her (indistinct).

WITNESS V: No, I am talking about Ms Berry.

30 **MS GHABRIAL:** Ms Berry?

WITNESS V: Yeah. She – I hardly seen Ms Berry with the E. So it was very – it's hard for me to mistake her for anyone. Like, I know Ms Berry and I know Ms Barry with an A very well. So I know it was Ms Berry with the E that I am talking about.

MS GHABRIAL: Thank you, Ms V.

WITNESS V: Thank you.

40 **MS GHABRIAL:** They are all my questions, thank you, Commissioner.

COMMISSIONER: Mr Lloyd, anything?

45 **MR LLOYD:** I have one, it won't take very long.

<FURTHER EXAMINATION BY MR LLOYD:

MR LLOYD: Ms V, it's Lloyd again, I was the first person to ask you questions.

WITNESS V: Yes.

5

MR LLOYD: Could I just ask you one thing about the notes that were attached to your police statement that you've been asked some questions about?

WITNESS V: Yes.

10

MR LLOYD: Could you just go – up the top right-hand corner there's some numbers, just to the number ending in 17.

WITNESS V: Yes.

15

MR LLOYD: Just to make sure that what you're looking at, it starts with "Mr Paddo"?

WITNESS V: That's correct.

20

MR LLOYD: This is part of the note that you have told the Commissioner you made recording what happened when you went to Shari Martin's office to raise a complaint about bullying and the intimidation and what was happening with Witness M; correct?

25

WITNESS V: That's correct.

MR LLOYD: Do you see in this note – I withdraw that. How soon after that meeting did you make the note?

30

WITNESS V: I don't recall but I know that a lot happened already when we started putting all these notes into this diary, because I know that this diary was – basically it got in the hands of the – I don't know if she's the Intel Officer at that time, Ms Wilson, and she basically asked us, well should we – she basically told us, "Do you want me to shred it? Where do you want me to take this because you shouldn't have this in the gaol." And Witness B and myself told her "No, we'll send it to our lawyer". But she was the one who facilitated the mailing to my lawyer and I didn't – I didn't realise that it was missing a lot of pages till the whole thing was obtained by the investigators when the whole Mr Astill thing happened. So there's a lot of things that were missing on this, but it was complete when we - when Ms Wilson, I think her first name is Deb Wilson, took it from us and she said she was going to post it to my lawyer, Michael Blair, and I even gave her his address.

40

COMMISSIONER: Ms V, the pages that are missing, to your recollection do they contain, or did they contain, an account of significant events, in your view?

45

WITNESS V: Yes, sir. Witness B and myself and I'm not sure if there was another girl in my - in M Right at that time who also noted a few things that happened to her with other officers. There was a lot of notes there. I can't even tell you on the top of my head. There was a lot of things that were missing. There were notes about Ms Shari Martin. There were notes about the IAT teams. There were notes about - a lot, a lot of notes. I can't even list a lot that was missing.

COMMISSIONER: Yes, that's fine. Thank you.

MR LLOYD: Ms V, can I just get you to tell us this, if you are able to: You've seen the notes obviously that are attached to your police statement, and you've looked at those?

WITNESS V: Yes.

MR LLOYD: And are you able to say, in terms of the number of pages - I know you won't be able to get the exact number but just in terms of an approximation or an estimate, how many pages do you think are missing?

WITNESS V: So those two - it was an exercise book. So there were two exercise books that were stuck together. The back page of one and the front page of one were stuck together to make a whole notebook. One of a whole notebook was missing.

MR LLOYD: Now, I'm sorry to press you for details but I think we all know that exercise books come in varying sizes, in terms of number of pages. Have you got an idea of how many pages were in the entire notebook of pages that went missing?

WITNESS V: Probably one of those 97 pages, like less than 100.

MR LLOYD: But close to, but a bit less than 100?

WITNESS V: Yes, that's correct.

COMMISSIONER: You said that one of the exercise books was missing. Did you mean one whole book was missing?

WITNESS V: That's correct. But the - like, the whole book wasn't all filled out. There was probably a good 20 pages that were blank, but the rest were - that was missing; because we stuck those two notebooks together, to make it as one, and the other notebook was missing when we received - I mean when we got all these copies, yeah. And I asked my lawyer, like "How many books did you receive?" He goes, "I only received the one, Witness V." Whoops.

MR LLOYD: It's okay.

COMMISSIONER: Where is the book now?

WITNESS V: Can I answer now?

5 **MR LLOYD:** Just finish your answer and then we'll just deal with something else.

10 **WITNESS V:** Okay. Your Honour, it disappeared. It never - my lawyer never received it. He only received one of the booklets and the notebook, and the other part is missing. And the person that mailed it was, I believe she was our Intel Officer at that time, was Ms Wilson.

15 **COMMISSIONER:** So who has the, whatever it is, that we've now got? Who has it?

MR LLOYD: I will start just by asking Ms V. Was that directed at Ms V?

COMMISSIONER: No, it was directed at you.

20 **MR LLOYD:** I might ask this witness and then I will find out to answer your question.

25 Ms V, first, do you know where that book that I think you've told us went to Ms Deborah Wilson to go to your lawyer, do you know where that physical exercise book, that made its way to your lawyer, is now?

30 **WITNESS V:** Well, first of all, she suggested that we shred it, but we said, "No, I'll send it to my lawyer" and she said, "Would you like me to mail it?" and we're like "Oh, okay" thinking - I don't know what we thought. We thought we could trust her. So I gave her the address and the details of my lawyer that I wanted her to send the booklet to. And from there on she said she mailed it and I confirmed it with my lawyer, "Oh, did you receive like a booklet" blah, blah, blah and he said, "Yes." I didn't even think at that time to ask him or to confirm if it was two

35 **COMMISSIONER:** Ms V, can I just stop you for the moment. Do you know where the book is? What arrived with your lawyer, do you know where it is now?

40 **WITNESS V:** I - I believe it's either with my lawyer still or because when they started the investigation for Mr Astill, my lawyer got like an authority for him to release it to the investigators. That's why all this paperwork, like all these photocopies came about. So I'm guessing that the original booklet -

45 **COMMISSIONER:** Very well -

WITNESS V: Yep.

COMMISSIONER: Very well, we will make inquiries and find it.

MR LLOYD: I can answer your question now, Commissioner. We don't have it. We understand it may be still with police, but we'll advance that.

5

COMMISSIONER: We should get it.

MR LLOYD: Certainly.

10 Could I just ask you this: Were you there when what you've told us is that two exercise books stuck together were physically handed to Ms Deborah Wilson?

WITNESS V: That's correct.

15 **MR LLOYD:** Could you just make - I withdraw that. Can I make sure I understand what you are telling us that happened on that occasion about the reference to shredding?

WITNESS V: So -

20

MR LLOYD: What was said by her about that?

WITNESS V: So, she basically said to Witness B and myself - actually, Witness R was also requested to speak with her, but Witness R at that time was not comfortable speaking with her. So it was just Witness B and myself that attended the office. And Ms Wilson basically told us "Girls, I understand the seriousness of what is inside this, in the diary" she called it, "but you can't have this lurking around" or "being around" like out in the open in the gaol or in our rooms because she said that "Wrong eyes might fall upon it". That's what she said, as I can recall. And she said, "Would you like me to shred it?" And Witness B and myself looked at each other and we immediately said "No", and then that's when I gave the suggestion can she send it to my lawyer. And she -

25

30

MR LLOYD: Thank you.

35

WITNESS V: - offered to mail it.

MR LLOYD: Thank you. Could I just ask you, going back to that page 17 entry?

40

WITNESS V: Yes.

MR LLOYD: You have got it recorded there, "Mr Paddo and Mr Hallman" - now that's obviously Mr Holman?

45

WITNESS V: Yes.

MR LLOYD: "..said to Witness R and I that quote:

".. you do not ..."

5 Sorry, I take that back:

".. you do know that sometimes accusations/allegations like this may not be true."

10 **WITNESS V:** Yes.

MR LLOYD: Now, do you have a recollection about which of those officers said that?

15 **WITNESS V:** It was Mr Paddison. Mr Holman never really spoke much in that meeting.

MR LLOYD: And was that said by Mr Paddison at the part of the meeting where Shari Martin was present?

20

WITNESS V: No, this was before. And when Ms Shari Martin came in and we told her the story, she immediately said - the first thing that came out of her mouth after we told them what happened, after we told her what happened was, "You do know inmates lie, right?"

25

MR LLOYD: And I think what you've already told us is, in between Mr Paddison saying, "You do know that sometimes accusations/allegations like this may not be true", after what you are telling us about him saying that, he had left the room to go and get Ms Martin?

30

WITNESS V: I don't recall who left the office to collect Ms Shari Martin, but it wasn't Mr Paddison who left the office, because he continued to speak to us, like you know, "How is your days, girls? Are you guys okay? Do you need anything?" So he was like trying to comfort us with tissues, water, whatever, while someone exited the room and got Ms Shari Martin.

35

MR LLOYD: I see. It was Mr Paddison said, "We're going to have to get Shari Martin" but it wasn't him who physically went out of the room to get her?

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

MR LLOYD: Those are my questions, Commissioner.

COMMISSIONER: Yes, thank you, Ms V. That concludes your evidence.
45 Thank you for coming forward.

WITNESS V: Thank you.

COMMISSIONER: You are now formally excused, thank you.

WITNESS V: Thank you so much.

5

<THE WITNESS WAS RELEASED

COMMISSIONER: Mr Lloyd.

10 **MR LLOYD:** We are expecting to be able to call Witness II at 2 pm.

COMMISSIONER: Very well. We will have to finish on the dot of 4 today.

MR LLOYD: Yes.

15

COMMISSIONER: Adjourn until 2.

<THE HEARING ADJOURNED AT 12.56 PM

20 **<THE HEARING RESUMED AT 2.00 PM**

COMMISSIONER: Yes, Mr Lloyd.

25 **MR LLOYD:** Thank you, Commissioner. The next witness presently is on the pseudonym list, but has elected in very recent times to give her evidence publicly and in those circumstances could I hand up a proposed form of variation to be non-publication order that you originally made on 28 September.

COMMISSIONER: Mr Geary, you are aware of what is going on?

30

MR GEARING: Yes, Commissioner, I'm instructed to agree.

COMMISSIONER: Very well, I will make the order amending annexure A.

35 **MR LLOYD:** Thank you, Commissioner. Ms Cox, in terms of promising to tell the truth, would you like to do that on the Bible with an oath or an affirmation?

MS COX: With an oath.

40 **MR LLOYD:** With an oath, thank you.

<ELIZABETH ANNE COX, SWORN 2.02 PM

<EXAMINATION BY MR LLOYD:

45

MR LLOYD: Your name is – actually just tell us your full name.

MS COX: Elizabeth Anne Cox.

MR LLOYD: And your address is known to the Commission. Ms Cox, you made a statement to the Commission, and you did that on 14 October 2023?

5

MS COX: Yes.

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

10 **MS COX:** Yes.

MR LLOYD: And you've got a copy of that one with you in the witness box there?

15 **MS COX:** I do, yes.

MR LLOYD: Commissioner, it's tab 46 in volume 6 of exhibit 3.

COMMISSIONER: Yes, I have it.

20

MR LLOYD: Could I also ask you, Ms Cox, have you got access to a document headed Pseudonym List?

MS COX: I do, yes.

25

MR LLOYD: Now, you don't need to worry about the entry that was once on there for you, because you have made the decision to give your evidence publicly, but some other inmates who are on that list, if I ask you about those, just take the time to check the list to match the name and the letter so you know who I'm talking about.

30

MS COX: Okay.

MR LLOYD: Could I ask you just some questions about your time in the Corrective Services system in New South Wales. Part of that time was spent at Dillwynia?

35

MS COX: Yes.

MR LLOYD: And during the time or times you were at Dillwynia, you had experiences, if I can call them that, with Wayne Astill?

40

MS COX: Yes.

MR LLOYD: And I think you understand that I won't be asking you about - questions about the things that Astill did to you in the course of your evidence today?

45

MS COX: Yes.

5 **MR LLOYD:** I really want to ask you some questions about things that you said or told to other officers at Dillwynia about what Astill was doing to you and to other inmates.

MS COX: Yeah.

10 **MR LLOYD:** Could you just have a look in your statement at paragraph 11. Just read that to yourself.

MS COX: Yeah.

15 **MR LLOYD:** Without asking you to describe the details, can I just ask if I've got it right, if I put this to you: That there were many occasions when Astill was calling you over the loud speaker to go and see him and because of what he was doing, you became fearful to the point of being terrified at times when you got those calls?

20 **MS COX:** That is correct.

MR LLOYD: I asked you about one of those times, if you look at paragraph 26 in your statement, and I should say, Ms Cox, if it's easier for you to manage the paperwork by just taking your statement out of that big folder, please feel free to do that and get rid of the rest of it.

25 **MS COX:** Was that 26?

30 **MR LLOYD:** 26, yes.

MS COX: Yeah.

MR LLOYD: Now this was one of the times where you were paged to go and see Astill but you didn't want to go and you said so.

35 **MS COX:** Yeah.

MR LLOYD: And you had a discussion with an officer, Officer Dolly, about that?

40 **MS COX:** That's correct.

MR LLOYD: Do you remember what you said to Officer Dolly about why you didn't want to go?

45 **MS COX:** Yes.

MR LLOYD: You've got recorded there that you told Officer Dolly that Astill was a predator and you said, "Please don't make me go in there".

5 **MS COX:** That's correct.

MR LLOYD: Did you say anything else to Officer Dolly about why you didn't want to go?

10 **MS COX:** I did. I don't recall exactly what, though.

MR LLOYD: Could I just ask you about whether you remember an event, whether it was this one or another time, when you were paged but didn't want to go. Do you remember there being an event where Officer Dolly put you in
15 a storeroom to hide you from Astill?

MS COX: No, I don't recall that.

MR LLOYD: Could I ask you, Ms Cox, just in terms of your statement, in
20 paragraph 27, could you just tell me whether I've got the right sense of it. If I say to you what had happened, is you went to see Astill because he paged you, and he told you that you'd got a dirty urine result?

MS COX: Yeah, that's correct.
25

MR LLOYD: And I think what you're saying is that you knew that what he was saying about you having a dirty urine was false.

MS COX: That's correct.
30

MR LLOYD: Because what from you had been doing, your urine sample could have been clean.

MS COX: That's correct.
35

MR LLOYD: By "dirty" what he was saying to you, Astill, was that it was showing that you had been taking drugs; is that right?

MS COX: Yes, that's correct.
40

MR LLOYD: But you knew you hadn't been?

MS COX: I beg your pardon?

45 **MR LLOYD:** But you knew you had not been taking drugs, so you knew what he was saying was false?

MS COX: That's correct.

MR LLOYD: And was there a practice that you are aware of, or believed that occurred in the gaol of Astill changing results for inmates either from dirty to clean or, in your case, from clean to dirty?
5

MS COX: Yes.

MR LLOYD: During this meeting with Astill where he told you about the false dirty result, another officer, Riddles, came in?
10

MS COX: He was about to come in.

MR LLOYD: And what happened when he arrived?
15

MS COX: Well, beforehand, I'd tried to get out of the room. I was grabbed by Mr Astill. And I got away from him. I got to the door in time for Mr Riddles to open the door and Mr Astill yelled at him not to let me out. So he shut the door in my face and then he realised something was going on, and then he opened the door and let me out.
20

MR LLOYD: That "he" being Officer Riddles?

MS COX: Yes, Officer Riddles.
25

MR LLOYD: So Astill directed Officer Riddles to restrain you physically, but Officer Riddles didn't do that, he let you go.

MS COX: He just instructed him not to let me out of the room. He didn't tell him how to do that and Officer Riddles could see the distress in my face and let me out.
30

MR LLOYD: And after that, you went to see Officer Dolly?

MS COX: That's correct.
35

MR LLOYD: And I take it that's because you had some trust and faith in Officer Dolly to deal with you fairly?

MS COX: Yes.
40

MR LLOYD: And what happened, you go in to see Officer Dolly, this is after you've already told us Astill's physically grabbed you violently in the room, you have told us you got out of the room and were heading over to Officer Dolly, was Astill kind of chasing you?
45

MS COX: Yes.

MR LLOYD: What was he doing?

MS COX: He was yelling over the top of me instructions to Officer Dolly.

5

MR LLOYD: And the instructions being that because of the false dirty urine, you had to be moved into High Needs.

MS COX: He didn't give her any reason why, he just told her to move me, make sure I was moved to High Needs.

10

MR LLOYD: And was Astill, to your understanding, more senior than Dolly at this time in the hierarchy?

MS COX: Yes.

15

MR LLOYD: So, as you understood it anyway, Officer Dolly was bound to follow his direction?

MS COX: Yes.

20

MR LLOYD: And I take it that, Ms Cox, the idea of being moved to High Needs wasn't happy news, that was obviously enough intended to be a punishment to you; is that how you understood it?

25

MS COX: Not only that it was a punishment, but it was easier to be - for Mr Astill to access inmates in High Needs.

MR LLOYD: Because he was rostered on there frequently?

30

MS COX: It didn't matter where he was rostered on.

MR LLOYD: But the access for him was easier because of the kind of logistical things with High Needs inmates.

35

MS COX: Yes, because they were locked in their room at night.

MR LLOYD: Can I ask you this: If you look at paragraph 30, you say you spoke to Officer Clark, that's Glenn Clark, about the incident?

40

MS COX: That was after I asked Dolly for an AVO on Astill, yeah.

MR LLOYD: So I'm sorry, thank you. After the direction to Officer Dolly by Astill to move you to High Needs you told Officer Dolly you wanted an AVO taken out on Astill?

45

MS COX: Yes.

MR LLOYD: And I take it nothing happened about that, you weren't given any advice or weren't aware of how you might try and do that?

5 **MS COX:** No, Officer Dolly took me back to my wing and let me in to pack. She made a comment to me, I can't remember where we were, but I got the impression that she wasn't going to let the incident go but it was left at that until I got up to High Needs and spoke to Mr Clark.

10 **MR LLOYD:** So you thought, when you finished speaking to Officer Dolly, that she was going to try and take it higher up; that is what had happened that day?

MS COX: I thought so. I was hoping so. I could see that she was under a lot of pressure, but I was hoping to.

15

MR LLOYD: Were you aware of there being any conflict between her and Astill?

MS COX: No.

20

MR LLOYD: Can I ask you then about the occasion when you spoke to Officer Clark?

MS COX: Yeah.

25

MR LLOYD: You told him about what had occurred?

MS COX: No, I was very – I was very upset, and he asked me what was wrong, and I told him about the urine. Officer Clark asked me if I had been using drugs. And I told him no, that I hadn't but if I wanted to, I would go and get it off Astill.

30

MR LLOYD: How did you know that you would be able to get it off Astill?

MS COX: Everybody knew.

35

MR LLOYD: That he would bring drugs into the gaol and give it to the inmates who he wanted to give them to?

MS COX: Well, sell, yes.

40

MR LLOYD: When you say everyone knew starting with inmates, that that was widely known amongst inmates that you could get drugs off Astill?

MS COX: Yes, that's correct.

45

MR LLOYD: Do you know from speaking to officers whether it was also widely known by officers?

MS COX: I believe it was.

5 **MR LLOYD:** Do you remember any particular officers you discussed the fact that Astill was bringing drugs into the gaol with?

10 **MS COX:** Not - not particular officers' names, no. Well, I heard - I had alluded to the fact of officer Hockey but my - my concern more than that was the unwanted sexual advances he was making more than the stuff he was bringing in. I thought that was more of an issue.

15 **MR LLOYD:** Could I just ask you, Ms Cox, again without asking you about your own direct experiences with Astill and criminal assaults, is what you're saying that there was a link between the bringing in of drugs by Astill and the requests for sexual favours?

MS COX: Most definitely.

20 **MR LLOYD:** Could you just tell us what you knew about that?

MS COX: That was - that was the price he was selling it for.

25 **MR LLOYD:** So when you said to me a little earlier, when I asked you about bringing them into the gaol and you said selling them that the price you're talking about, as you understood it, was inmates performing sexual favours for Astill in return for him giving them drugs?

MS COX: That's correct.

30 **MR LLOYD:** Was that practice something that you discussed in recollection with an officer or officers?

MS COX: Mr Clark.

35 **MR LLOYD:** So in paragraph 30, where you say, "I spoke to Officer Clark about this incident", was this one occasion where you told him or discussed with him this practice you just told us about?

40 **MS COX:** Yes.

MR LLOYD: Were there other occasions?

MS COX: Discussing that with Mr Clark particularly, no.

45 **MR LLOYD:** Other occasions where you discussed this practice with other officers besides Officer Clark?

MS COX: No, I discussed him bringing things in. It was mainly at the end of my time at Dillwynia on sentence, I was telling anyone that would listen that he was a predator and he shouldn't be near us.

5 **MR LLOYD:** And that includes officers?

MS COX: Yes, mainly officers, because I was being escorted, I was being escorted everywhere around the gaol as per Shari Martin's orders, for Wayne Astill's protection.

10

MR LLOYD: We will come to that but what you are telling us is that there was a time after you brought complaints to Shari Martin's attention about Astill and the response, was for you to always be escorted when you were moving around Dillwynia; is that right?

15

MS COX: That's correct, yes. As per Shari Martin's direction.

MR LLOYD: But no action to your knowledge taken against Astill?

20 **MS COX:** No.

MR LLOYD: I'll come back to that but I just want to ask more questions about paragraph 30 and Officer Clark. I think you got up to telling us that Officer Clark had asked you if you had, in fact, been using, you told him no, you hadn't. And that Astill had doctored or tampered with the sample to turn the clean into a dirty urine?

25

MS COX: Yeah, I don't believe he tampered with the sample, just the results when they came through.

30

MR LLOYD: I understand. You tell us in paragraph 30 that you then heard Officer Clark take some action in response to Astill tampering with your sample. Can you just tell us what you remember Officer Clark doing in your presence?

35 **MS COX:** He rang Shari Martin and also told her not just that, but that he had information that he was selling drugs in the gaol, and as far as I can gather, she hung up on him. I don't know what she said on the other end, but I assume that he got abused and she hung up on him.

40 **MR LLOYD:** But from what you could hear, obviously you could hear what Officer Clark was saying but not what Shari Martin was saying, if anything?

MS COX: That's correct.

45 **MR LLOYD:** Just going back to Officer Clark, I think you've told us that when he rang Shari Martin, he said that Astill had been bringing drugs into the gaol?

MS COX: That's correct.

MR LLOYD: You mentioned to us before a minute ago about the price for the drugs. Do you recall whether Officer Clark said anything about that when he
5 spoke to Shari Martin in your presence?

MS COX: I don't believe he got a chance to.

MR LLOYD: You think that, in effect, after he said Astill's bringing drugs into
10 the gaol that that's when it appeared to you Shari Martin hung up the phone?

MS COX: That's correct.

MR LLOYD: I think you mentioned that Officer Clark said he was going to send
15 an email to Shari Martin about this issue. Do you remember saying that in paragraph 30?

MS COX: I do, yep.

MR LLOYD: And this was, on your understanding, Officer Clark saying to you,
20 in effect, "I've just been hung up on trying to make a verbal complaint, I'll put this in writing"?

MS COX: That's correct.

MR LLOYD: And you don't know, obviously, whether anything was done about
25 that, you haven't seen an email and as you understand it, Officer Clark can't find any email that he sent, is that the position?

MS COX: That is correct. I don't know if he did or not; I would never be able to
30 see that. I trust that he would do what he says he's going to do but, yeah, I believe he can't find it.

MR LLOYD: How did you find Officer Clark as someone who was
35 approachable and generally trying to do the right thing by inmates?

MS COX: That's correct.

MR LLOYD: Could I ask you to move forward then, please, Ms Cox, to
40 paragraph 32 of your statement. Just read that paragraph to yourself and then I'll ask you some things.

MS COX: Yep.

MR LLOYD: In the first part of that paragraph you tell us about an altercation
45 with Astill about a phone list. Do you see that?

MS COX: Yep.

5 **MR LLOYD:** And then you move on, Ms Cox, to say that during this meeting with Mr - I withdraw that - with Astill, you told him some things that you knew or understood that he had been doing in the gaol.

MS COX: Yes.

10 **MR LLOYD:** What did you say and just, if you are able to do this, Ms Cox, to the extent that you said things about what he was doing to you, you just might leave that out of the account and just tell us the other things.

15 **MS COX:** Yes, I knew he was touching young girls, changing urine samples, bringing in drugs and contraband, yeah.

MR LLOYD: And you made a threat to him, I don't mean threat in any bad way but you said to him, after you told him that you knew that he was doing, all those things, that you were going to go and tell the Governor?

20 **MS COX:** That's correct.

MR LLOYD: After that interaction with Astill -

25 **COMMISSIONER:** Just before you do that, Ms Cox, you say that you knew that Astill was doing these things. How did you know?

MS COX: I had been told by inmates he had done them to and for.

30 **COMMISSIONER:** So you were relying upon what other inmates had told you?

MS COX: Yes. I had also heard him, heard him myself making derogatory comments to young girls.

35 **MR LLOYD:** Yes. And there is a portion of your statement just in terms of what you just told the Commissioner, Ms Cox, I just remind you of, for example, in paragraph 35.

MS COX: Yes.

40 **MR LLOYD:** And 36, you don't need to read it all, but, in effect, you are describing in those paragraphs statements made of a highly inappropriate nature by Astill to inmates; correct?

MS COX: Yes.

45 **MR LLOYD:** And also if you go into 37, you describe the general understanding amongst inmates that Astill would get people contraband.

MS COX: Yes, I had also seen him bring tobacco in, in his bag as well, myself.

5 **MR LLOYD:** Were you told with respect to tobacco that that was also being sold in return for sexual favours?

MS COX: Yes.

10 **MR LLOYD:** Just while we're on this section, I'll just ask you at this point about paragraph 37. You say about the general understanding that Astill would get people contraband and then that you thought mentioning this to officers would be a good way to test the water of what their views were. Do you remember which officers you raised this with?

15 **MS COX:** No, I don't. I remember their response but I didn't know their names.

MR LLOYD: Was it more than one?

20 **MS COX:** Yes.

MR LLOYD: Could I just go back in terms of the sequence of events. You've told us about the time in the office when you told Astill that you knew about all the things that he was doing. What followed that meeting - sorry, and that you were going to tell the Governor about it, what followed that meeting you have described in paragraph 33 which was an Officer Robbo?

25 **MS COX:** Yes.

MR LLOYD: Was that Robinson?

30 **MS COX:** Yes.

MR LLOYD: Being instructed, as you understood it, to take you to High Needs.

35 **MS COX:** Yes. Yes, he had moved me back to High Needs again, yep.

MR LLOYD: As you understood it, a direct consequence in the form of a punishment of you in response to what you had said to him in the office?

40 **MS COX:** That's correct.

MR LLOYD: And did you tell Officer Robinson that you wanted to take an AVO out on Astill?

45 **MS COX:** I told everyone that would listen at the end, but I believe I did.

MR LLOYD: Could I ask this: Did you pass on to Officer Robinson the sorts of things that you had just confronted Astill about in terms of his conduct within the gaol?

5 **MS COX:** In the form of yelling across the compound at Mr Astill while they were trying to move me to High Needs. So she heard what I was yelling out to him.

10 **MR LLOYD:** But in terms of the particular details you had confronted Astill about that you've told us, knew he was touching young girls, changing urine samples and bringing in drugs and contraband, I'm not being critical, did you pass those details on to Officer Robinson?

15 **MS COX:** That's what I was yelling out, yes.

MR LLOYD: This is you yelling out matters -

20 **MS COX:** I was yelling out - I was telling everyone that would listen basically, anyone that could (crosstalk).

MR LLOYD: You're yelling at Astill across the compound those things that you've just told us about?

25 **MS COX:** Yes.

MR LLOYD: And Officer Robinson was - where was she when you were yelling those things out?

30 **MS COX:** Next to me.

MR LLOYD: Were there any other officers within the area where you were, close by?

35 **MS COX:** There were, I couldn't tell you which ones.

MR LLOYD: Thank you. Can I take you forward in the sequence in paragraph 34. After confronting Astill and then him getting you taken to High Needs and the yelling over the compound, you put in a request to see Governor Shari Martin?

40 **MS COX:** Yes.

MR LLOYD: How did you do that, if you remember, in terms of the practicalities, was there a document or something?

45 **MS COX:** An inmate request form.

MR LLOYD: And you didn't say what the details were, just that you wanted to see the Governor?

MS COX: Yes.

5

MR LLOYD: If you move down, you describe what happened next in paragraph 38 and then over in 39, a day or two after the inmate request form, you tell us that you got called down to the hole in the wall which is where you go to be taken into the Governor's office. Do you see that?

10

MS COX: Yes.

MR LLOYD: And your assumption was that that call to the Governor was in response to the inmate request form you had put in?

15

MS COX: I thought it was, yes.

MR LLOYD: And you arrived, went to the office and arrived, and who was in the room?

20

MS COX: There was Shari Martin, and Wes Giles.

MR LLOYD: And could you just tell us - I withdraw that. Ms Cox, just read or re-read to yourself paragraph 40 and then I'll just ask you some questions.

25

MS COX: Yep.

MR LLOYD: I just want to ask you some things taking this meeting one step at a time, Ms Cox. But you've got, in paragraph 40, the first thing happening being that you were informed that you were there because Astill had made an accusation that when you were in the office with him on the period - time a couple of days before, that you'd tried to bribe him; is that right?

30

MS COX: Yes.

35

MR LLOYD: And Shari Martin (audio dropout) confronted Astill about two days before, rather so far, anyway, the meeting was that you being confronted about an accusation Astill was making against you; is that right?

40

MS COX: Yes, what I assumed was Astill's attempt at a pre-emptive strike, yes.

COMMISSIONER: Mr Lloyd, just pardon me a moment.

MR LLOYD: Sorry, Ms Cox, we have just got a technical problem, we'll fix it in a minute.

45

MS COX: That's okay.

COMMISSIONER: Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you. We got to the point, Ms Cox, where Shari Martin has said, or has asked you whether you had been in the office two days earlier, and you tell us in paragraph 40 that you had told her that you had been in the office. What else did you tell her about what had happened when you were in the office with Astill two days earlier? You've told her that you were there. What else did you say to her about what happened at that meeting?

10 **MS COX:** I told her about my suspicions he had changed the urine results because I know that it was clean. She told me that that can't be done. And I told her of all the things that I accused him of.

15 **MR LLOYD:** Could you just do the best you can. We know because you've told the Commissioner today and it's in your statement in the paragraph that I took you to earlier, paragraph 32, what you say that you had confronted Astill about at that meeting a couple of days before. But can you just do the very best you can to remember what you said to Shari Martin and Westley Giles at this meeting about those allegations you had confronted Astill with?

20 **MS COX:** I omitted any inmate names. I didn't say any inmate names other than my own to Shari Martin. But I told her that I had even seen him myself bringing tobacco in. I informed her that he was even having people debt collect - on debt collect for him, basically. Sexual favours wasn't the only payment he was getting. And he wasn't only bringing in drugs, he was bringing in jewellery, he was bringing in anything that was censored - clothes, things are not on the gaol buy-up, things that make women feel like women.

30 **MR LLOYD:** Make-up?

MS COX: Sorry?

35 **MR LLOYD:** Make-up?

MS COX: Make-up, yes, anything that makes a woman feel like a woman, yeah. Hair products, hair, anything that makes hair look pretty. Lots of things, things that are not, for the gaol buy-up.

40 **MR LLOYD:** I interrupted you. You were at the point where you were telling Shari Martin that he was bringing in all of those things and using people to debt collect for him?

45 **MS COX:** Yep. He had a hit list even. I told her that he was - that I had had several young girls, and I'm talking 18, 18 to mid-20s, come crying to me asking for help because they don't know what to do any more, because -

MR LLOYD: Take your time.

MS COX: Because he's sexually harassing them.

5 **MR LLOYD:** Take your time, Ms Cox.

MS COX: And they had no one else to go to. Basically I drew the line short of what he did to me because I know she doesn't like me - she didn't like me, and I didn't think if I had the focus on me that she would care to help.

10

MR LLOYD: So can I just make sure I understand it in terms of this aspect of what you passed on, you didn't want to pass on what was happening to you for the reason you've just told us?

15 **MS COX:** That's correct.

MR LLOYD: But you said that he was being sexually inappropriate with, and harassing girls aged between 18 and mid 20s?

20 **MS COX:** Yes.

MR LLOYD: That those girls had been coming to you distressed?

MS COX: Yes.

25

MR LLOYD: But you didn't feel comfortable in passing on their names and that's not a criticism, I just want to understand the details.

MS COX: No, I and I told the girls that I wouldn't, for fear of repercussions.

30

MR LLOYD: Is that what was happening, when those girls were coming to you, were they telling you that they were scared about making any complaints?

MS COX: Yes.

35

MR LLOYD: And were they saying why, what was – what in their mind was the problem, fear of retribution, I think you've mentioned?

MS COX: Yes, and being hurt further or harassed further or like being – him getting to them, like, further. As like, as punishment.

40

MR LLOYD: Would I be right in saying that the girls that you were speaking to about this harassment by Astill were inmates who knew about the things that had happened to you when you had made complaints to Astill and in response being moved to High Needs?

45

MS COX: Yes.

MR LLOYD: Can I just ask you, in sequence, in this meeting – just go back to paragraphs 40 if you need to remind yourself. You, at that point “I told her about the notes that I had been keeping on all the incidents.” Do you see that?

5

MS COX: Yes, I had them with me.

MR LLOYD: Can you just tell us something about the notes, how many pages, approximately?

10

MS COX: There was four foolscap pages which is approximately like A4 pages, lined pages and I had a small Salvation Army notebook about half the size.

MR LLOYD: And in those notes, do we understand it correctly that you’d deleted or didn’t include any references to what was happening to you, but you did include what you had been told was happening to the other girls?

15

MS COX: I did include incidents that had happened to me, just not the incident in the BIU in 2015.

20

MR LLOYD: And in relation to the other girls, were there entries in those notes about what you had been told that Astill was doing to them?

MS COX: Yes. Like I said, I didn’t write their names down but when they came to me, I wrote it down.

25

MR LLOYD: That is without including the names, but I just want to make sure in those notes there was - that you are telling us that you included reference to the harassment, the sexual harassment that you've told us by Astill of those girls?

30

MS COX: Yes, and their state of mind at the time when they came to me.

MR LLOYD: As in the distress you've told us that they were in?

35

MS COX: Yes.

MR LLOYD: And the other things you've told us about, were they in the notes, the bringing in of contraband?

40

MS COX: Yes, and his attitude towards it as well.

MR LLOYD: Could I ask you this: Do you remember whether, in the notes, was there any reference to what you've told us earlier about your understanding of the trading of drugs for sexual favours by Astill?

45

MS COX: Yes.

MR LLOYD: Are you sure that was in the notes?

MS COX: Yes.

5 **MR LLOYD:** And did you say that to Shari Martin and Westley Giles in this meeting?

MS COX: Yes. They didn't read them at the time but I told them what the pages contained.

10

MR LLOYD: In terms of what happened to those pieces of paper, the notes that you'd made, what was done with those at the meeting by Shari Martin and/or Westley Giles?

15 **MS COX:** Shari Martin instructed Mr Giles to go and take a photocopy, which he went out of the room and came back and gave me back the originals and kept a copy for them.

20 **MR LLOYD:** So you got to keep the originals and, as you understood it, Westley Giles made a photocopy?

MS COX: Yes, and gave them to Shari Martin.

25 **MR LLOYD:** And I think you've described in your statement that you don't know where the originals are now?

MS COX: No, I did take them out with me but I've since come back into custody and I couldn't tell you their location right now.

30 **MR LLOYD:** Did you see what Shari Martin did with the photocopies when Westley Giles gave them to her?

MS COX: No, when I left the room, they were still in front of her.

35 **MR LLOYD:** Thank you, Ms Cox. Can I ask you about some other things that occurred at this meeting. If you want to remind yourself by looking at paragraph 42, please do that.

MS COX: Yes.

40

MR LLOYD: This discussion in 42, this is part of the same meeting?

MS COX: Yes.

45 **MR LLOYD:** Can I just ask you again without asking you for the details, the most recent incident that you've recorded in your notes had occurred within 24 hours of the meeting?

MS COX: Yes.

5 **MR LLOYD:** Can I just ask you, was that an incident involving Astill and you or Astill and one of the other inmates?

MS COX: Astill and one of the other inmates.

10 **MR LLOYD:** You say you asked Shari Martin how long they keep the CCTV footage for and that she said 18 months?

MS COX: Yes.

15 **MR LLOYD:** Were you saying at this meeting with respect to that incident within the last 24 hours, that you understood it may have been recorded on CCTV?

MS COX: Yes, it should have been, yes.

20 **MR LLOYD:** Is that what you had been told?

MS COX: I believe 100 per cent it would have been.

25 **MR LLOYD:** And did the inmate who was telling but about that incident, did that person describe the location to you in a way that led you to believe there was a camera there?

MS COX: I witnessed the incident and there was more than one camera.

30 **MR LLOYD:** And did you know - did you know that there was a camera in that area which you believed would have recorded it?

35 **MS COX:** Yes. And also, I believed when the doors to the wings are opened after lock-in that it registers somewhere else on their monitoring as well and that was the incident here, as we say, "crack the door" after lock-in.

MR LLOYD: This is in effect you saying to Shari Martin, was Westley Giles in the room at this point?

40 **MS COX:** Yes.

MR LLOYD: You saying to Shari Martin and Officers Giles that you were aware of an incident involving Astill and another inmate that ought to have been recorded on CCTV and, in effect, suggesting to them that they should have a look?
45

MS COX: Yes.

MR LLOYD: Do you know whether they ever retrieved it or were you ever made aware of what the footage recorded?

MS COX: I was never made aware.

5

MR LLOYD: Could I ask you, please, Ms Cox, to move forward to paragraph 44. In this paragraph, I think you're describing something that occurred at the end of this meeting you've been telling us about.

10 **MS COX:** Yeah.

MR LLOYD: And just tell us what it is you can remember that Shari Martin said to you at the end of the meeting?

15 **MS COX:** She said to me verbatim, "Even if I didn't believe you, I have to err on the side of caution."

MR LLOYD: Did you understand that to mean erring on the side of caution by, at least on your understanding, doing something in response to what you had told her that Astill had been doing to inmates?

20

MS COX: I believe, I thought that meant she did believe me and that she was going to report it higher up, yeah.

25 **MR LLOYD:** Something would happen?

MS COX: Sorry?

MR LLOYD: Something - you understood what she was saying in effect was something was going to have to happen after what you had told her?

30

MS COX: That's correct.

MR LLOYD: I think you've recorded here Shari Martin told you not to go near him and that she would make sure that he didn't come anywhere near you?

35

MS COX: Yes.

MR LLOYD: And is one of the things that happened after this meeting that any time you wanted to go anywhere in the gaol outside of High Needs, you had to have an escort?

40

MS COX: Yes, two officers.

45 **MR LLOYD:** Astill was, to your observation, still working at the gaol?

MS COX: Yes, all access.

MR LLOYD: Still doing the same things in terms of same duties, to your observation, that he was doing beforehand?

5 **MS COX:** Yes.

MR LLOYD: Did you notice anything different about Astill? There was a change you told us about you, you had to have an escort, did you notice anything that had changed about Astill after this meeting?

10

MS COX: No.

MR LLOYD: Still had the same, to your understanding, ability to obtain access to you and other inmates if he wanted to? Is that fair?

15

MS COX: Yes.

MR LLOYD: Just have a look at paragraph 46.

20 **COMMISSIONER:** Mr Lloyd, there's obviously some blanks in the paragraph that I've got. Do we know the pseudonym that fills in the blanks?

MR LLOYD: I will make an inquiry. I think I know why it is being dealt with in this way rather than by pseudonym but I'll - I'm informed Commissioner, it's an inmate who is otherwise not referred to in the materials and who is not on the pseudonym list, but I think I understand your -

25

COMMISSIONER: It's a bit hard to do anything with material that doesn't go anywhere near identifying anyone.

30

MR LLOYD: I accept that. I will see if it can be dealt with shortly but at the moment I'll just try to do what we can.

35 Could I just understand, in paragraph 46, Ms Cox, after the meeting you've told us with Shari Martin and Westley Giles, you reported back to the inmates who had come to you in distress about what had happened at that meeting?

MS COX: Yes.

40 **MR LLOYD:** And I take it what you were saying is that you thought that something was going to happen in response to deal with Astill?

MS COX: Yes, but I did - I did tell them that if - it would hold more weight if they went in and gave their own names and it would help reiterate my store, my complaint.

45

MR LLOYD: You were encouraging those women to come forward and make direct complaints about what had happened to them; is that right?

MS COX: Yes.

5

MR LLOYD: And you say here you were told by an inmate whose name is not recorded here, that she came to you and told you that she had been to see officer Giles.

10 **MS COX:** Yes.

MR LLOYD: Can I ask this, Ms Cox: In the version you've got in 46, there's a blank where the name of that inmate would be?

15 **MS COX:** Yes.

MR LLOYD: Without revealing her name, do you know who she is?

MS COX: Yes, and I believe she has given a report to police as well.

20

MR LLOYD: Commissioner, I will come back -

COMMISSIONER: Well, there's - paragraph 49 has some physical locations missing. Is there a reason for that?

25

MR LLOYD: Commissioner, I believe that the reasons for this relate to the investigation which is presently being pursued.

COMMISSIONER: But where she went surely isn't -

30

MR LLOYD: We can deal with it, Commissioner.

I think I was asking you, Ms Cox, you told me that you know who the inmate in paragraph 46 is?

35

MS COX: Yes.

MR LLOYD: I'll come back to that. What did that inmate tell you had happened when she went to see Officer Giles?

40

MS COX: Just that she reported to him what she had reported to me and that - that that was that.

MR LLOYD: And did you get - were you told by that inmate about whether anything happened as a result of that report?

45

MS COX: I don't believe it did.

COMMISSIONER: Mr Lloyd, what's troubling me about it is without some means of putting the allegation to Mr Giles, which presently there is not, it can go nowhere.

5

MR LLOYD: What I was proposing to do, Commissioner, if it is convenient, is at the conclusion of the questions I have for this witness, Mr Sheller could ask questions. I don't imagine that he will be asking questions about this topic. In that time I propose to speak to Mr Geary to find a way to see whether that inmate can be added to the pseudonym list so that I can ask questions.

10

COMMISSIONER: Because otherwise, I'm sure you understand, Mr Geary will understand too, there's nothing that I can do with it. It's a serious allegation and needs to be taken seriously but without being able to put it to Mr Giles in any comprehensible way, goes nowhere.

15

MR LLOYD: I understand. There's a concern we will need to get to the bottom of about whether this is affected by the affected by the position the Commissioner of Police.

20

COMMISSIONER: Sure.

MR LLOYD: In the time that Mr Sheller asks questions we will try and sort it out, and if we can't sort it out then we will deal with it on another occasion.

25

Can I ask you this then, Ms Cox, about paragraph 47: You were at the point where nothing has happened, to your knowledge, after the report you made to Governor Martin and Officer Giles, and you were told you were being transferred out of Dillwynia.

30

MS COX: That's correct. Officer Paddison came and told me at High Needs that I was going to Berrima.

MR LLOYD: And instead of being taken out of Dillwynia, you were pulled away and taken to Astill.

35

MS COX: I was taken with several other inmates to reception, along with my property with the intention of going to Berrima. And everybody gets strip searched before they get on the truck. I was being - I got taken out, believing that I was going to be strip searched and instead I was then taken to Mr Astill.

40

MR LLOYD: Did you know why there appeared to be a change in terms of you - a plan being to get you out of Dillwynia and then that changing?

MS COX: No, and I immediately became upset and asked why I was there and that he shouldn't be near me - informed the other officers that he shouldn't be near

45

me. I don't want to be near him and that I felt that he was a predator and that I wasn't safe.

5 **MR LLOYD:** Which officers did you say that to?

MS COX: I don't know the officers' names, just another officer in reception.

10 **MR LLOYD:** In paragraph 49, you're dealing with a period after there was that change of decision resulting in you staying at Dillwynia. So you spent the night in High Needs. And then you say in the statement you went to, and it's blanked out. I think you can now tell us that, if you remember.

15 **MS COX:** So I went to Silverwater which was Mulawa then. Silverwater Women's.

MR LLOYD: And you were sent from there; where did you go from Silverwater?

20 **MS COX:** They then sent me to Berrima.

MR LLOYD: And in 49 you were such a mess at which of the centres?

MS COX: At Berrima.

25 **MR LLOYD:** Could I ask you this, go forward please to 52. You talk about "Officer Giles is still here and I struggle to see him. I have reported what was happening to Giles and I think now about how many people got raped after I told him and he did nothing." Do you see that?

30 **MS COX:** Yes.

MR LLOYD: Is that report to Officer Giles that you're talking about the occasion in the office with Shari Martin and Officer Giles that I've asked you about and you've told us about?

35 **MS COX:** That's correct.

40 **MR LLOYD:** Was there any other occasion that you're talking about when you made any report to Officer Giles?

MS COX: No, I did discuss the incident, I discussed with him briefly with him, on coming back into custody because I was struggling, basically seeing him there every day.

45 **MR LLOYD:** Struggling because, I take it, you remembered what you disclosed and believed that nothing had happened?

MS COX: That's correct.

COMMISSIONER: Mr Lloyd.

5 **MR LLOYD:** If you need time, Ms Cox, please say so.

COMMISSIONER: Mr Lloyd, I'm having a little trouble putting paragraph 52 into its context.

10 **MR LLOYD:** I'm trying to - I understand what you're - just tell me when you are ready, Ms Cox.

15 **MS COX:** Sorry, I struggle to see him walking around the compound knowing that - knowing that nothing had happened after I reported it and I felt responsible because the girls came to me. I felt like I let them down. And I wanted to help the other women who got raped after they did nothing. After him, Shari Martin did nothing.

20 **MR LLOYD:** Could I just ask you, Ms Cox, I just want to see if I can get from you a timeframe for the conversation that you're talking about in paragraph 53 with Officer Giles. When did that happen?

MS COX: Last year or early this year. Last year or earlier this year.

25 **MR LLOYD:** This is you back at Dillwynia and after Astill had been convicted?

MS COX: Yes.

30 **MR LLOYD:** And you were still dealing, when you were at Dillwynia, with Officer Giles?

MS COX: Yes.

35 **MR LLOYD:** And so that's the frame or context in which the conversation in paragraph 53 occurred?

MS COX: Yes.

40 **MR LLOYD:** Can I just ask you about - you asked Officer Giles whether he remembered the meeting you had with him and Shari Martin about Astill?

MS COX: Yes.

45 **MR LLOYD:** And just tell me the best recollection you have about what he said to you?

MS COX: Yep.

MR LLOYD: What did he say to you?

5 **MS COX:** He said that he remembered. He said that even if I had asked him six months earlier, he still wouldn't have believed that Shari Martin would have swept it under the carpet but that he now did. And that he knew things were going on, but he didn't catch Astill and he couldn't - he couldn't run on a hunch, and that Shari Martin outranked him.

10 **MR LLOYD:** Did he say anything else about what that meant from his perspective, that Shari Martin outranked him?

MS COX: The conversation was longer than that but that's all that I can actually remember.

15

MR LLOYD: Could I ask you about paragraph 54, conversations with Officer Robinson and Officer Dolly, since you returned to Dillwynia?

MS COX: Yes.

20

MR LLOYD: When did they occur?

MS COX: 2022 and 2023.

25 **MR LLOYD:** And just tell us, if you would, just in terms of Officer Robinson, what happened when you spoke to her?

30 **MS COX:** She was escorting me back to my living unit, from reception. She told me that she hadn't had a chance to see me to talk to me since I'd been back. Asked how I was, and told me - she started crying.

MR LLOYD: Just take your time.

35 **MS COX:** She told me that she remembered how she had to pull me off the compound and I was abusing Astill, giving it to Astill across the compound and that she looked in my eyes and she knew I was telling the truth and that she was sorry she didn't do anything.

40 **MR LLOYD:** And as you've mentioned, when you told us earlier, when you had been moved back to High Needs by Astill, or one of the times anyway?

MS COX: Yes.

45 **MR LLOYD:** What about conversations with Officer Dolly? You told us the timeframe, but can you tell us what you remember about the content of the discussion?

MS COX: Yes.

MR LLOYD: Do you remember what you and Officer Dolly have discussed?

5 **MS COX:** Officer Dolly said that she remembered when she – when Astill told me – made her go and get me for him, and that she didn't want to send me in there, but he outranked her and that she was sorry, she was also in tears. She later told me that she was carrying a lot of guilt and that she was getting counselling. She told me she remembered me asking for an AVO.

10

MR LLOYD: Just pardon me. Could I ask you about - I don't need you to read these to yourself, Ms Cox, but in paragraphs 57 to - I withdraw that, 56 to 61, you tell us about the system, as you understood it, for giving you options to make complaints within the gaol and to places outside?

15

MS COX: Yes.

MR LLOYD: If I put this to you by way of a summary of what you tell us there about your understanding of the options available to you, would it be fair to say that you didn't, in the circumstances, understand that any of those options were really viable or available to you, to make reports about Astill's conduct?

20

MS COX: That's correct.

25 **MR LLOYD:** And that's for the reasons that you have set out in your statement?

MS COX: Yes, I mean I had experience trying to report an Officer in Dillwynia.

MR LLOYD: You don't - but that's an officer different to Astill?

30

MS COX: Yes.

MR LLOYD: And you have described that particular experience in here, and I take it that wasn't productive in terms of there being any viable way to make a complaint?

35

MS COX: No, when I made a complaint against an officer, I was pulled into a room with that officer and told that if I went any further with it, I was going to be charged with making a frivolous complaint.

40

MR LLOYD: Just - don't take this to be a criticism at all, Ms Cox, but you've been over a number of years in a number of different Correctional Centres.

MS COX: Yes.

45

MR LLOYD: You obviously can read and write?

MS COX: Yes.

MR LLOYD: From what you're telling us you are obviously an inmate who other younger inmates looked up to and respected?

5

MS COX: I think so, yes.

MR LLOYD: May we take this as a comment, you are articulate, you can express yourself well?

10

MS COX: Yes.

MR LLOYD: You are telling us in these circumstances that you didn't know in all the years you've been in the various Centres about where you could go to or where you could turn to make a complaint of serious misconduct; is that right?

15

MS COX: That's correct.

MR LLOYD: Are you able to say -

20

MS COX: I know there's suggestions, but I know they're also not viable.

MR LLOYD: You know from your experience with a range of other inmates that there are a very significant number who either don't have English as a first language or who have difficulties reading and writing.

25

MS COX: Yes.

MR LLOYD: And who might be less articulate and assertive than you.

30

MS COX: Yes.

MR LLOYD: Can you tell us how this system of making complaints, I'm not just talking about Dillwynia - generally across the centres you've been at, what's the system for making complaints in your experience look like for those inmates?

35

MS COX: Bleak. I mean it's bleak for us. I know somebody wrote to the Ombudsman, that letter was left by an officer for the inmates to get hold of and every inmate mentioned got a copy of it. That inmate was then bashed. We have a lovely Official Visitor, but she will inform me that any complaint you make she takes straight to the Governor.

40

MR LLOYD: Commissioner, subject to the issue that you've raised with respect to paragraph 46 that I'm going to try and fix up, those are my questions.

45

COMMISSIONER: Yes, thank you.

MR LLOYD: Thank you, Ms Cox.

COMMISSIONER: Mr Geary, do you have any questions?

5 **MR GEARY:** For the same reason, if I could please speak with Mr Lloyd.

COMMISSIONER: Yes, thank you. Who is to go first between you two? Have you talked about time, remembering that we have to finish by 4, no later? And I don't wish this witness to be inconvenienced beyond today if at all possible.

10

MR SHELLER: I won't be very long, I promise, Commissioner.

MR LLOYD: May I be excused from the Bar table to try and advance that matter for one moment?

15

COMMISSIONER: Sure. Yes, Mr Sheller.

<EXAMINATION BY MR SHELLER:

20 **MR SHELLER:** My name is James sheller. I'm one of the legal representatives for Corrective Services and I'm just going to ask you a few questions. I'm not asking any questions in relation to specific incidents involving you and that are set out in your statement involving Mr Astill. Nor am I challenging any of your accounts. What I wanted to ask you about is to see if I can try and get a couple of
25 dates of events and try and assist you with some dates. Then I might just ask you about what's happening currently in relation to complaints and in particular whether you've got - and I'll ask you this at the end, if I remember, whether you got the tablet as a piece of technology now available to you at Dillwynia. Is that all okay?

30

MS COX: Yes.

MR SHELLER: Ms Cox, if I just take you to that.

35 **COMMISSIONER:** Mr Sheller, we need not spend too much time on the tablet. I understand the advantage that would have to an inmate.

MR SHELLER: Thank you. Ms Cox, could I ask you to have a look in your statement, paragraph 49. This is the paragraph where you talk about that night
40 that you spent in High Needs after you thought that you were leaving Dillwynia and you were pulled off the truck.

MS COX: Yes.

45 **MR SHELLER:** Do you have that?

MS COX: Yes.

MR SHELLER: Could you just accept from me that you left Dillwynia to go to Silverwater on that occasion in June 2018?

5 **MS COX:** Roughly, yes. I can't remember the exact dates. They would be recorded, though.

MR SHELLER: Yes, just accept I'm taking that from a recorded piece of information that that's when you went from Dillwynia to Silverwater and then on to Berrima.

MS COX: That's correct.

15 **MR SHELLER:** Then could I just ask you then, when you talked about, if you go back, to the false urine sample for which Mr Astill was responsible, you address that in your statement at - sorry, I'm just lost now - paragraph 32. Sorry.

MS COX: Yes.

20 **MR SHELLER:** Firstly, paragraph 27 and then paragraph 32. After you told - sorry, was it normally the case that if there had been a dirty urine test that there would be some sort of punishment imposed?

MS COX: Correct.

25 **MR SHELLER:** Did you have a recollection as to whether there was any punishment imposed in relation to the faked dirty test?

MS COX: Yes.

30 **MR SHELLER:** Did you have any recollection as to whether that punishment was reversed, or did it run through all the way?

MS COX: No, I got multiple punishments and they went all the way.

35 **MR SHELLER:** So no one has ever suggested to you that there had been an incorrect entry in your record in relation to a urine test?

MS COX: Can you repeat the question?

40 **MR SHELLER:** No one ever suggested to you that in your record there had been an incorrect entry made for a false - sorry, for a failed urine test?

MS COX: No.

45 **MR SHELLER:** If I suggested that there was some comments about urine tests at Dillwynia for you in about September -

COMMISSIONER: Mr Sheller, there is a document?

MR SELLER: There is.

5

COMMISSIONER: Perhaps let's have a look at the document.

MR SELLER: Sorry, just for the purpose of -

10 **COMMISSIONER:** Do we have this document?

MR SELLER: I don't think it's in the possession of the Commission.

COMMISSIONER: Well, it should be.

15

MR SELLER: I don't think it has been -

COMMISSIONER: Well, it should have been.

20 **MS COX:** I believe I know what you're referring to.

MR SELLER: I'm just trying to - this is purely for the purposes of trying to ascertain dates. Is the incident involving Mr Astill -

25 **COMMISSIONER:** Sorry, Mr Sheller, do you have the document?

MR SELLER: I have a - something on a screen which is the - has details of urine tests for the witness, yes.

30 **COMMISSIONER:** Well, it should have been produced by now. But anyway keep going.

MR SELLER: Thank you. If I suggested that - sorry, does September or October 2017 seem like a reasonable estimate of the time in which you believe
35 that Mr Astill had faked your urine test?

MS COX: Yes. That would be roughly correct. I did get urined excessively at Dillwynia. But yes.

40 **MR SELLER:** Then in your statement at paragraph 38 at the bottom of page 6, you talk about the written request to the Governor.

MS COX: You will have to excuse me, I don't have my glasses on.

45 **COMMISSIONER:** Mr Sheller, I'm sorry, are you suggesting that, in fact, your client recognised that there was a false reading?

MR SELLER: No, no.

COMMISSIONER: Then why did you raise it?

5 **MR SELLER:** There's a reference to an incorrect entry, I don't know exactly what it means in the context of a -

COMMISSIONER: Well, the witness is at a complete disadvantage. She says that there was a false reading made. You say there's a correction in the record.
10 I don't know what you are actually looking at or talking about and probably she doesn't either.

MR SELLER: All I'm endeavouring to do is to create a timeline for these accounts because presently in the statement there's no timeline. I have something
15 of a document which I'm happy to make available to the Commission. It doesn't say anything about a faked test. It just uses the word "incorrect entry".

COMMISSIONER: Where is it going? Are you suggesting that there was
20 a faked test, and it was corrected or not?

MR SELLER: No, I am endeavouring to identify because the statement doesn't and there's no criticism of the statement, some timeframes for all of these because these timeframes will be relevant to witnesses to come. That's what -

25 **COMMISSIONER:** You haven't helped me. What is the allegation or the assertion your client is going to make?

MR SELLER: It's not necessarily an assertion, possibly that what is being described here by the witness, which is not in contest, occurred in about
30 September or October 2017.

COMMISSIONER: So it's not in contest that there was a fake entry?

MR SELLER: What I say it's not in contest we have got nothing to say it didn't
35 happen, if I could put it that way, or we are not challenging what Ms Cox says on this issue.

COMMISSIONER: Very well, your client is content if I was to make a finding that there was a fake entry.
40

MR SELLER: There won't be any challenge to what this witness says Mr Astill engaged in.

COMMISSIONER: Did you understand that Ms Cox?
45

MS COX: Yes.

5 **MR SELLER:** Sorry, Ms Cox, I'm just trying for the purpose of this, and I'm sorry if I haven't been clear about it, it is to try and just establish a timeline for things. In paragraph 38 at the bottom of page 6 when you talk about the written request to the Governor, that written request, as I understand it, was triggered by a number of things, that is the reports that you were receiving from other inmates, but was it also triggered by that dealing with Mr Astill and the urine test?

MS COX: Yes, because he physically assaulted me at the same time.

10 **MR SELLER:** And are you able to indicate to the Commission approximately how long before you left Dillwynia and went to Silverwater and then Berrima it was that the meetings, the meeting took place with Governor Martin and Mr Giles? Was it several months or several weeks?

15 **MS COX:** Yeah, it was at least several weeks. I have a lot of trouble with timing, I understand that inmates deliberately look at calendars, it's not something we do every day, it shows down the time.

20 **MR SELLER:** I understand. No, that's why I'm trying to assist if I can in trying to find a timeframe for some of these actions. Those are the questions, thank you.

COMMISSIONER: Thank you, Mr Lloyd.

25 **<FURTHER EXAMINATION BY MR LLOYD:**

MR LLOYD: I will deal with the paragraph 46 issue. Before I do that, Ms Cox, I thought I would ask you this, but I've been told I didn't. Paragraph 47 that gaol you refer to there, is that Berrima?

30 **MS COX:** Yes.

MR LLOYD: And in paragraph 49, the blank at the end, where's that?

35 **MS COX:** At Berrima.

MR LLOYD: Thank you.

40 **MS COX:** Sorry, I was sent back to Mulawa, back to Silverwater.

MR LLOYD: Thank you. Can I just ask you to go to paragraph 46.

MS COX: Yes.

45 **MR LLOYD:** The name which has been blanked out.

MS COX: Yes.

MR LLOYD: In the second line and the third-last line.

MS COX: Yes.

5

MR LLOYD: Do you see that?

MS COX: Yes.

10 **MR LLOYD:** Is that the same person?

MS COX: Yes.

15 **MR LLOYD:** Now, you've been given a piece of paper, I think by someone where you are, or if you haven't you will be in a minute.

MS COX: Yep, I have.

20 **MR LLOYD:** And you have looked at, there's a name that's on there.

MS COX: Yep.

25 **MR LLOYD:** And is the name that's on the piece of paper the person whose name has been blacked out in lines 2 and the third-last line in paragraph 46?

MS COX: Yes.

30 **MR LLOYD:** Commissioner, what I propose to do, if this is satisfactory, is to ultimately, when we get that piece of paper, have it tendered but with a non-publication order, have that person added to the pseudonym list and given a pseudonym. I will ask Officer Giles questions about it, and we will, if necessary and appropriate, once we have spoken to the police, to ascertain their position, we will call that person as a witness. Is that a suitable course?

35 **COMMISSIONER:** Yes, providing it's satisfactory to Ms Ghabrial.

MS GHABRIAL: I was just going to raise that obviously my ability -

40 **COMMISSIONER:** You will need a microphone before I can hear you.

45 **MS GHABRIAL:** Obviously my ability, Commissioner, to ask questions in relation to that, I will need to know those details so that I can obtain some instructions in relation to that as a matter of fairness. And so I would not be able to do that this afternoon, and in those circumstances, I wouldn't be in a position to finish asking questions of this witness.

COMMISSIONER: Well, let's have a look at it. In paragraph 46 Ms Cox is saying that she spoke to this person and told her there would be more weight if she went up herself and gave her name. Now, there's nothing there that is going to trouble your clients.

5

MS GHABRIAL: The difficulty, Commissioner, is that this witness has indicated in her evidence earlier that she believed that nothing had been done by Officer Giles about that.

10 **COMMISSIONER:** Well, that's a different question. But just looking at that first blank, I can't see anything there that's going to impact upon your client. The next day -

MS GHABRIAL: Not in that sentence no.

15

COMMISSIONER: "The next day she came", same person "and told me she went" - "the girls shouted at the Governor and made" - and so on. "They said I was their last hope. Later I spoke to - and she said never followed up things with Giles after that first report to him because she was too scared after seeing that happen to me."

20

Now, I'm not sure that that's going to impact upon your client either. There's nothing you can say to that.

25 **MS GHABRIAL:** Well, the difficulty is I don't know who this witness is.

COMMISSIONER: No, no, even if you did, there's nothing you could possibly put that would contradict what is said by Ms Cox because this is the conversation.

30 **MS GHABRIAL:** Well, that's not entirely the case.

COMMISSIONER: No, hang on, this is a conversation between Ms Cox and another person.

35 **MS GHABRIAL:** Yes, but without knowing the identity of that witness, I can't get instructions on certain things about whether or not that particular witness was even at the centre at the relevant time. So it puts me in a difficult position in respect of that issue.

40 **COMMISSIONER:** Well, you don't need to put that to Ms Cox, if that turns out to be the position. But we are not talking about the witness, we are talking about your client.

45 **MS GHABRIAL:** No, I understand that. It's just it does put me in a difficult position in terms of (crosstalk) whether that could possibly have happened at that time.

COMMISSIONER: I can't see it, I'm afraid. You proceed and ask the questions you wish to ask, and we will see where we get to.

5 **MS GHABRIAL:** May it please, thank you Commissioner.

COMMISSIONER: You appreciate there's a time constraint.

10 **MS GHABRIAL:** I do, and I will do my best, Commissioner, thank you. I'm very live to the issue.

<EXAMINATION BY MS GHABRIAL:

15 **MS GHABRIAL:** Ms Cox, my name is Ms Ghabrial, and I appear for a group of Correctional Officers, some of those officers you have spoken about in your statement, including -

COMMISSIONER: You need to bring that microphone across.

20 **MS GHABRIAL:** I'll move it back across. Can you hear me?

COMMISSIONER: We can now.

MS COX: Yes.

25 **MS GHABRIAL:** My name is Ms Ghabrial, I appear for a group of Correctional Officers. That group includes a number of the officers that you have spoken about in your statement, being Officers Berry - bear with me for a moment - Officers Berry, Dolly, Clark and Officer Giles, and I think you've also spoken about
30 Officer Virgo. But I'm not going to be asking you any questions about Officer Virgo, okay, specifically. I just wanted to start off by saying that in no way are my questions of you about the matters that I am going to raise, in no way are they intended to challenge or minimise or diminish the seriousness of the things that have occurred to you, or in any way to minimise the traumatic impact that it has had on you. Do you understand that?

35 **MS COX:** Yes.

40 **GHABRIAL MS:** I just need to ask you questions about certain things that you have said but there's certainly no intention to do that in any way, okay. Now, Mr Sheller asked you about the time that you were moved from Dillwynia. Do you remember approximately, I mean do you know the date or the month and year that you were moved from Dillwynia to, I think you said it was Berrima first; is that correct?

45 **MS COX:** That's correct, yes.

MS GHABRIAL: Do you remember when that was?

MS COX: I believe the gentleman before just told me it was June or July '18 but I don't remember that myself.

5 **MS GHABRIAL:** I'm not - I'll take you to your statement at paragraph 47. I'm not specifically talking about the incident that you talk about there where you were pulled off the truck. I'm talking about where you actually ended up being transferred to Berrima, or did that happen after you were pulled off the truck?

10 **MS COX:** Yeah, two days later. I went to Mulawa two days later.

MS GHABRIAL: All right. So the day that you were moved was July, June/July of, which year was it?

15 **MS COX:** '18, 2018.

MS GHABRIAL: Do you recall an incident that occurred a couple of days - just bear with me for a moment, the day before you were moved to Berrima. I'm going to ask you about an incident that involved, or that Officer Dolly was involved in, okay. Do you remember going to Officer Dolly the day before you were moved to Berrima? Do you remember that and seeing her?

MS COX: I don't recall.

25 **MS GHABRIAL:** Perhaps I'll give you some more details. You were in Medium Needs at that time; is that correct?

MS COX: No. I was in High Needs before I got moved.

30 **MS GHABRIAL:** You were in high - okay. You came to see Officer Dolly because you had been paged to go and see Mr Astill. Do you remember that occurring the day before you were transferred to Berrima, and look, and I appreciate that times and dates and order of events have been difficult. But do you remember that occurring the day before you moved to Berrima?

35 **MS COX:** No, it was some time before. It was the incident referred - that was the incident referred to in my statement, and I was living in Medium Needs at the time and that was some time before.

40 **MS GHABRIAL:** What I want to suggest to you is that the incident that you refer to in your statement at paragraph - this is the statement to the Commission - if I could take you to that, starting at - it starts at paragraph 26 and goes through to paragraph 29. Do you remember being asked questions about that?

45 **MS COX:** Yes.

MS GHABRIAL: What I'm going to suggest to you is that it's possible that the incident that involved Officer Pedley and the incident that involved Officer Dolly were two separate incidents that you've mistakenly put together into the one incident. Is that possible?

5

MS COX: I don't believe so.

MS GHABRIAL: There was a time - and I just wanted to ask you about this - there was a time when you went to go and see Officer Dolly, crying about having been paged by Officer Astill and pleading with her for you to not go. Do you remember that?

10

MS COX: Yes. I remember pleading with her, with Dolly, not to go into a room with Astill, yes.

15

MS GHABRIAL: And she asked you what was going on and you said that he had been paging you to The Hub. Do you remember saying something along those lines to her during that conversation?

20

MS COX: Yes.

MS GHABRIAL: And in fact, he, at the time, was working in the Chief at The Hub; do you remember that?

25

MS COX: Yes.

MS GHABRIAL: And she was quite concerned, you could see that she was quite concerned about the state that you were in, you were crying and pleading with her. Do you remember that?

30

MS COX: Yes.

MS GHABRIAL: And it was at that time that she put you in a room and asked another officer to stand outside of the room. Do you remember that occurring? I'm talking about a different incident to what you've described in your statement, a separate incident.

35

MS COX: No. I believe it's the same incident. I just mistaken that Mr Astill had asked Dolly to call me.

40

MS GHABRIAL: Is it possible that you've just not remembered that particular incident where she did put you in a room to keep you safe, to try and sort something out to prevent you from having to go and see Mr Astill. Is it possible that you've forgotten that?

45

MS COX: Well, anything's possible. It's possible. But I don't remember that.

MS GHABRIAL: I'll give you some more details -

MS COX: so obviously if it did happen, I've forgotten it.

5 **MS GHABRIAL:** I will give you some more details to see if it will jog your
memory. About five minutes later, Officer Astill comes screaming in the door
saying something along the lines of - and I don't know whether you heard this or
not but maybe you will remember it, if he did - he said words to the effect of,
10 "Where the fuck is she, you fat bitch". Do you remember hearing words to that
effect or something like that?

MS COX: I do recall the incident you're talking about, yes, I wasn't in the room,
but I was standing near the Medium Needs office.

15 **MS GHABRIAL:** And she - do you remember hearing her say, "I don't know
what you're talking about" and he yelled at her -

MS COX: Yes.

20 **MS GHABRIAL:** - and said, "I know she's fucking here". You remember that?

MS COX: Yes.

MS GHABRIAL: And then do you remember hearing the door slam and he had
25 left?

MS COX: I don't know about that. I was around the side. I wasn't in a room, I
was around the side where he couldn't hear me. I do remember that, yes.

30 **MS GHABRIAL:** Okay. And so after he left, what Officer Dolly then did is she
took you through the community centre that runs through the opposite - runs
opposite to Medium Needs. Do you remember her doing that? And that was
through the back of High Needs into the sterile zone and entering the admin via
the sterile zone. Do you remember her taking you through that path?

35

MS COX: No, I don't remember that part.

MS GHABRIAL: Do you remember her taking you to go and see the Governor
about what Officer Astill had just done and your state that you were in?

40

MS COX: I don't remember that part, no.

MS GHABRIAL: Do you remember speaking - her taking you to the Governor's
office and saying "Ma'am, Ms Cox is here". Do you remember anything along
45 those lines? I'm just trying to jog your memory about that because obviously this
incident is separate to the incident that you have spoken about in paragraphs 26
through to 28. I'm just trying to jog your memory about what you remember about

that incident. Do you recall that she took you to the Governor and announced your arrival. And during the time that you were on the way to see the Governor, that's when you raised with Officer Dolly that you wanted an AVO against Astill?

5 **MS COX:** I don't recall that.

MS GHABRIAL: Do you remember at all hearing her say anything to the Governor that you wanted an AVO being taken out against Mr Astill? I appreciate -

10

MS COX: I don't recall that. There were several incidents with Mr Astill, that I haven't put in my statement, that keep coming to memory. I've remembered a lot since the statement actually. But I don't recall - I remember him abusing Dolly. I remember her going to see him and reporting back, and then him chasing her and abusing her in front of everybody, other officers, inmates. And I don't recall, I don't recall going to the Governor.

15

MS GHABRIAL: I'll try and give you some more details -

20 **MS COX:** I'm sorry.

MS GHABRIAL: - and see if you can remember it. Do you remember something along the lines of Governor Martin jumping out of her chair and saying, "You are not taking a fucking AVO out against anyone - out against one of my best officers. You are a fucking troublemaker" - directed - and she directed that comment towards Officer Dolly. "Get her the fuck out of here." Do you remember hearing something like those words coming out of the Governor's mouth in front of you?

25

30 **MS COX:** It sounds like something, it definitely sounds like something Shari Martin would say. I'm sorry, I just don't recall it.

MS GHABRIAL: And I appreciate that this has all been very traumatic for you, and you may not have a memory of it, but it's possible that that could have happened; that she had taken you to see the Governor and that Shari Martin said something along those lines to Officer Dolly, it's possible?

35

MS COX: Oh it's possible.

40 **MS GHABRIAL:** And not long after that, where Wayne Astill abused - the things that you remember about that exchange, not long after that, that's when you were transferred; is that correct?

MS COX: It was still a couple of weeks after that because I wasn't being escorted around everywhere then.

45

MS GHABRIAL: Is it fair to say that you don't actually remember, you're just guessing?

5 **MS COX:** Well, before I was transferred I was being escorted around everywhere by two officers.

MS GHABRIAL: Is it possible that it wasn't long after that exchange with Officer Dolly and Mr Astill's behaviour that you were transferred?

10 **MS COX:** It wouldn't have been long but it wasn't a matter of days. It would have been a matter of weeks.

15 **MS GHABRIAL:** Now, in relation to what you do talk about at paragraph - and, again, appreciating that obviously there are difficulties with times and dates and events and the order of events and things, and the like. I just wanted to take you back to what you do say in relation to the Pedley urine test incident, paragraph 26 through to 28. Now, I'll just wait for you to get that. So when - and I'll just go back to what I was asking you before about the Astill/Dolly incident where he abused Officer Dolly, and you have a recollection, or you think that you were
20 around the corner instead of in a specific room. Can I suggest that when that incident occurred with Astill and were you around the corner, that before Astill came in, that it was during that interaction with Officer Dolly that you told Officer Dolly that he was a predator?

25 **MS COX:** It was.

MS GHABRIAL: Do you recall that?

30 **MS COX:** This incident in my statement that I first mentioned it.

35 **MS GHABRIAL:** Is it possible that you've made a mistake there and that it was when you actually had that interaction where she essentially hid you away from Astill? Is it possible that it was then that you said that to her, and that that was the reason why she then took those steps, the fact that you were very upset in saying these things to her, that she took these steps to hide you away from him and protect you?

40 **MS COX:** No. I believe that in between these two incidents, it was better known what Astill was up to. So it was believed when it was said again. I believe it just was maybe not really worried about in the first instance.

45 **MS GHABRIAL:** And, again, I'm not wanting to upset or offend you in any way by asking you this. Is it possible that you're mistaken about saying it on that occasion and that it might have been on the other occasion? Is that possible?

MS COX: No, that's not possible.

MS GHABRIAL: And in relation to where you say at paragraph 28, you went straight to see Officer Dolly and Astill was hot on your heels, is it possible that what you're referring to in that paragraph, paragraph 28, is actually the separate incident that I've spoken you about where he barged in and you were hiding
5 around the corner, and it was then that you had actually asked her for the AVO, that it's that incident and it wasn't actually related to the Pedley urine incident?

MS COX: So you're saying paragraph 28 is not related to the Pedley incident?

10 **MS GHABRIAL:** Yes -

MS COX: No, that's not correct. He didn't make it all the way to the office with that incident. He stopped short because I made it to Dolly first, and yelled out instructions to her, in my statement.

15

COMMISSIONER: Ms Cox, the impression I have is that you accept that Officer Dolly was doing what she could to help you; is that right?

20 **MS COX:** Yes. That's my impression, yes. I understand that she was in a difficult position. I believe her to be a strict, firm but fair and compassionate officer.

25 **MS GHABRIAL:** Thank you. Thank you. I'll move on to the next areas then. Thank you. In relation to - just bear with me for a moment - Officer Clark - now - in relation to officer.

MR LLOYD: You might just want to wait a minute.

30 **MS GHABRIAL:** Pardon? I'm so sorry. I didn't notice.

MS COX: I can't breathe.

35 **COMMISSIONER:** Ms Cox. Ms Cox, take your time but do you feel able to continue today or would you prefer to wait until Monday?

MS COX: I'll continue today.

40 **COMMISSIONER:** Sorry, we didn't get that. Okay, you will continue today. It will only be for about another 10 minutes.

45 **MS GHABRIAL:** I'll do my best to finish in that time, Commissioner. Relating to Officer Clark, is it the case that it was about 28 June - I withdraw that. Where you talk at paragraph 30 about your interaction with Officer Clark, I understand that that was about towards the end of June two thousand - or around the end of June 2018 which was only not long before you were transferred to Berrima. Would you agree with that?

MS COX: No, I believe that maybe it established that it was around October, the urine incident, in 2017.

5 **MS GHABRIAL:** Well, it's possible that the conversation that you had with
Officer Clark was not long before you were moved to Berrima. If it's not the
incident in September/October 2017, the urine incident, if it wasn't around that
time, I'm suggesting to you that you spoke to Officer Clark towards the end of
June 2018 not long before you were transferred to Berrima. Does that accord with
10 your memory or you're not sure? Just putting to the side what was suggested to
you is a potential date -

COMMISSIONER: Ms Ghabrial, does it matter?

15 **MS GHABRIAL:** Well, I just -

COMMISSIONER: I mean, the dates are always going to be difficult.

20 **MS GHABRIAL:** I understand that. I understand that. It's just in terms of the
timing, timeline of events.

COMMISSIONER: Maybe the timeline, but does it actually matter?

25 **MS GHABRIAL:** Well, it does in respect to future witnesses but if she can't, if
the witness can't remember, then it's (indistinct).

COMMISSIONER: I'm just trying to understand why it does matter.

30 **MS GHABRIAL:** Do you remember whether it was long before you were
moved?

MS COX: I did have a conversation with him before I went on the truck, but it
was separate to the urine conversation.

35 **MS GHABRIAL:** At that stage he was the senior of High Needs. Do you
remember that?

MS COX: Very possibly.

40 **MS GHABRIAL:** And were you in High Needs at the time that you had your
conversation with him; is that correct?

MS COX: Yes, both times.

45 **MS GHABRIAL:** Now, she - sorry, you went to him. You were really upset. He
stepped out of his office and asked you what was wrong. Is that correct?

MS COX: No, that was - yes, that's happened both times, yes.

MS GHABRIAL: And did you say words to the effect of that you were "sick of being fucked around", something along those lines?

5 **MS COX:** Highly likely. I don't recall that, but highly likely.

MS GHABRIAL: And he noticed something about your arm and asked about it. Do you remember that?

10 **MS COX:** No. This was the urine incident. This was after I was - yeah.

MS GHABRIAL: I'm going to suggest - or do you remember having that conversation that I'm talking to you about, where he noticed something about your arm?

15

MS COX: That was when I came over after I'd been - after the dirty bodgy urine, yep, the changed the urine results. And he asked me if I was using, and I told him no -

20 **MS GHABRIAL:** That's right and (indistinct).

MS COX: Yes, that's the same - that's after the - yeah. That wasn't that time.

25 **MS GHABRIAL:** And it's at that stage that you said that - well, he asked you for the name of the officer that you told him was bringing in drugs into the prison and you told him it was Wayne Astill. Is that correct?

30 **MS COX:** He didn't ask, I volunteered the information. He asked me if I was using. I told him I wasn't but if I wanted to, I would go and get the drugs off Wayne Astill - or Astill. I would go and get it off Astill, I told him.

35 **MS GHABRIAL:** Do you remember saying, "Clark, if I wanted drugs, see that man, he brings it in" and then he asked you who, to name the person, and you said "Astill". Is that approximately right?

MS COX: I told him I'd go and get it off Astill.

COMMISSIONER: That's what she just said.

40 **MS COX:** Yeah. Yeah, I may have pointed to Astill but I told him if I wanted drugs, I'd get them off Astill.

45 **MS GHABRIAL:** And I think earlier you said that there was a discussion during that conversation with Officer Clark about an AVO; that you had told him that you wanted an AVO during that conversation?

MS COX: No, I told him during the conversation before I went to Berrima.

MS GHABRIAL: Is it possible that you might be sort of mixing up who you told the request for an AVO to; that it was Officer Dolly that you said that to, not Officer Clark?

5

MS COX: As well as -

MS GHABRIAL: Is it possible that you might have mixed that up.

10 **MS COX:** No, but it's possible he might have missed it. I was quite irate at that time when I got pulled off of the truck because I just believed Mr Astill was trying to get me into Segro.

MS GHABRIAL: Is it possible -

15

MS COX: So, he shouldn't have been near me. I thought I was safe, and I wasn't. And I was quite irate. So, it's possible he may have missed it, but I did, I did ask for it.

20 **MS GHABRIAL:** Thank you.

MS COX: Again, Mr Clark is an officer that I have a lot of respect for, and I believe he did the best he could for us with what he had.

25 **MS GHABRIAL:** And you've quite fairly indicated he may not have heard you saying that, because you were obviously in a state. Is that correct?

MS COX: That's correct.

30 **MS GHABRIAL:** Now, I'm going to ask you, just finally, some questions in relation to the meeting that you had Shari Martin that Officer Giles was present for. Now, it's not an uncommon thing for when an inmate goes to see the Governor that the Governor will have an officer present as a witness. That's not an uncommon thing, is it? So he was, as you understood it, present there as the
35 witness. Is that correct?

MS COX: That's correct.

40 **MR LLOYD:** And you said during your evidence that at a particular point you had - she had given up on - well, you had given up on the conversation about, or the allegation that she made about you bribing Astill. You had given up on that because you didn't seem to be getting anywhere. Do you remember that?

MS COX: Correct.

45

MS GHABRIAL: Now, at the beginning of that meeting, the main focus was this bribing allegation. Is that correct?

MS COX: That is correct.

5 **MS GHABRIAL:** And after you - and it was up until you dropped that conversation, that that whole conversation up until that point -

MR GEARY: Commissioner, sorry, the way in which the conversation is being put is -

10 **COMMISSIONER:** I am sorry, I can't hear.

MS GHABRIAL: I know what you are saying, I will correct it. It wasn't you who dropped the conversation about the bribing, it was Officer Martin - Governor Martin that dropped that conversation. Is that correct?

15

MS COX: I couldn't say. I guess. I mean, if neither of us aren't discussing it anymore, then it's dropped, isn't it.

20 **MS GHABRIAL:** So, after the exchange ended in respect of the bribing allegation, it was at that point that you told her that you had some notes that you had been keeping about incidents. Is that correct?

25 **MS COX:** Yes. I told her that she - I thought she'd called me to the office because I had requested to see her. And it was funny that she should call me about something Mr Astill had said, because I'm there to see her about him.

30 **MS GHABRIAL:** And, at that stage, by that time that you had pointed out you had notes about incidents that you wanted to talk to her about, you hadn't actually given any details of those incidents by that time. Is that correct?

30

MS COX: I believe so.

35 **MS GHABRIAL:** And you had the four foolscap pages and the notebook. Now, you said in your statement at paragraph 40, if I could take you to that, thank you - I won't be too much longer. So, after you presented, or indicated you had the notebook with you, the next thing that you then spoke about, according to your statement, was that - it was about the urine incident; correct?

40 **MS COX:** Yes.

MS GHABRIAL: And then after that discussion ended because you dropped that conversation because she didn't seem to be responding to you, you then say in your statement that you moved on to other complaints because it was clear she wouldn't believe you about the urine incident. Do you see that there?

45

MS COX: Yes, I'd also given her examples of when he'd changed a certain inmate's urine results from dirty to clean as well, but yes.

MS GHABRIAL: Okay. And in relation to those conversations about the dirty urine, changing the test, changing your test, changing other girls' tests, was it whilst you were telling her those things that Officer Giles was asked to go out and take copies of the notes?
5

MS COX: No, it was after I asked about the CCTV.

MS GHABRIAL: Can I ask you this: In relation to the things that you said that you were focusing on in respect to the other girls, what specific things do you say you actually said about those incidents, or was it just a global sort of complaints about various things?
10

MR LLOYD: I object. I took Ms Cox in very great detail through what happened at this meeting in the same way that Ms Ghabrial is intending to do so now. In my respectful submission, if Ms Ghabrial, who is here for Officer Giles, has a version of this meeting to put to this witness which differs from that which she has already told you Commissioner, she should put that version.
15

COMMISSIONER: That's right, Ms Ghabrial.
20

MS GHABRIAL: For the sake of time, I will –

COMMISSIONER: Is there anything you want to put that actually matters –
25

MS GHABRIAL: Yes.

COMMISSIONER: - in terms of a different recollection of this meeting?

MS GHABRIAL: Yes.
30

COMMISSIONER: And why does it matter?

MS GHABRIAL: Well –
35

COMMISSIONER: No, you tell me, why does it matter?

MS GHABRIAL: It matters because the presence of an officer when certain things are said at that time may be a focus of this Inquiry and -
40

COMMISSIONER: Help me, please.

MS GHABRIAL: Well, I'm going to suggest that when Officer Giles was present that there was no actual use of the words "sexual" or "rape" or anything along those lines.
45

COMMISSIONER: Well, put that proposition.

MS GHABRIAL: I will. I will.

5 When Officer Giles was present and you were trying to talk about Officer Astill's
conduct towards the other girls, you didn't actually go into details of girls being
raped or sexually assaulted, did you?

MS COX: I don't believe I used the term "rape" at all. I don't believe I mentioned
10 the word "rape" at all in my statement or in the meeting.

MS GHABRIAL: It was - and it's fair to say that the effect of what you were
saying was that he was behaving poorly towards the inmates and entering their
cells and doing raids and interfering with urine tests and all those sorts of things,
15 and that the details of the incidents were in your notebook. That's the effect of
what went on. You didn't go into the details, you just indicated that those details
were in your notebook because you'd made detailed notes. Would that be fair to
say?

MS COX: Can you repeat the question, please?

20 **MS GHABRIAL:** You didn't go into-

MS COX: (Indistinct).

25 **MS GHABRIAL:** You didn't go into details of sexual things in respect of the
girls. Essentially, the topic was, "There are these things going on with the girls
and I've detailed all of it in my notebook, here I've got them" and then Officer
Giles was told to take the notebook away, copy it and bring it back. That was the
effect of it, wasn't it?

30 **MS COX:** I gave specific examples. I just didn't tell the Governor the inmates'
names that it was done to, but I did give specific examples, yes.

MS GHABRIAL: And I'm going to suggest that in respect to those specific
35 examples you didn't give examples of sexual assaults or sexual behaviour, but
other examples. Is that correct?

MS COX: I gave examples of things he had said and done to other inmates.

40 **MS GHABRIAL:** But nothing in terms of sexual misconduct. You didn't
actually go into those details.

MS COX: Yes.

45 **MS GHABRIAL:** Is that correct?

MS COX: Well, the things he said and done were sexual misconduct.

MS GHABRIAL: In terms of sexual, like rapes and sexual assaults and committing sexual offences, you didn't use those words?

5 **MS COX:** Like I said, I never used the word "rape", I never said I used the word "rape" in that office. But I mean if you're going to make comments on a person's vagina or the fact that they need sexual things done to them that to me is sexual misconduct.

10 **COMMISSIONER:** Can I just help to understand, Ms Cox. Are you saying that in your discussion with Ms Martin you referred to sexual matters without referring to rape or sexual assault?

15 **MS COX:** That's correct. I mean I refer to paragraph 41 myself. That would be the only context I would use the word rape and as I say I never discussed that incident with her.

COMMISSIONER: No, but what about –

20 **MS COX:** Yes, so everything – it was definitely sexual misconduct I mentioned.

COMMISSIONER: What about your notes? Did your notes contain references to sexual activity, sexual misconduct?

25 **MS COX:** Yes, but I say again, they didn't mention the word rape either.

COMMISSIONER: No, but your notes referred to sexual misconduct.

30 **MS COX:** 100 per cent.

MR GEARY: Commissioner, I think also in fairness to the witness she has said that in the conversation she used words of sexual misconduct.

35 **COMMISSIONER:** I think that's – I think I asked her that, didn't I?

MR GEARY: Pardon me.

40 **MS GHABRIAL:** I just wanted to suggest that you didn't actually speak about sexual misconduct during that conversation in front of Officer Giles. What you did indicate, though, was that you had detailed all of the incidents that you were complaining about in respect to the other girls and yourself in that notebook. Would that be – is that possible?

45 **MR GEARY:** I object.

MS COX: I think you're flogging a dead horse, really.

COMMISSIONER: No, no, I'll allow that question.

MS GHABRIAL: I'm just suggesting to you that you didn't discuss particulars of sexual misconduct in front of Officer Giles.

5

MS COX: And I've already suggested to you that I did.

MS GHABRIAL: Okay. Now, he did go away, come back and give those notes, the copies of those notes straight to Officer Martin, correct?

10

MS COX: Correct.

MS GHABRIAL: And essentially that was the end of his involvement in that meeting; is that correct?

15

MS COX: He was in the room until I left but yeah, that's correct, that was essentially the end of the meeting.

MS GHABRIAL: You didn't see him keep a copy of notes for himself at all?

20

MS COX: No.

MS GHABRIAL: And those notes were still with officer – Governor Martin when you left; correct?

25

MS COX: Yes.

MS GHABRIAL: Now just in relation to –

30 **COMMISSIONER:** Ms Ghabrial, how much longer are you going to be?

MS GHABRIAL: Just bear with me a moment, your Honour – sorry, Commissioner.

35 **COMMISSIONER:** I don't really have a moment.

MS GHABRIAL: Not long.

COMMISSIONER: No, tell me.

40

MS GHABRIAL: Five minutes at the most.

COMMISSIONER: Well, that means 10. I don't have 10 minutes at this stage. I have an appointment that I have to fulfil.

45

MS GHABRIAL: Can I just ask one question then, if I may?

COMMISSIONER: Yes.

5 **MS GHABRIAL:** You did indicate in paragraph 52 that you struggled to see Officer Giles and you base that on your impression, would it be fair to say, your impression, or your belief that he didn't do anything? Is that correct?

MS COX: Yes.

10 **MS GHABRIAL:** But you do understand that Governor Martin was the Senior Officer during that meeting, and you relayed that information to her as the most Senior Officer there; correct?

15 **MS COX:** That's correct and if I had to look at her everyday I would struggle with her as well but that is correct, yes.

20 **MS GHABRIAL:** But the reality is that 12 weeks ago you had no difficulties approaching Officer Giles to ask him to see if you could be moved from the new part of Dillwynia A1, back to the old part, A2. Do you remember having that conversation with him?

25 **MS COX:** Yes, I had several conversations with Officer Giles but the conversation I had about that was after that - was before that, sorry, and I had to have that conversation so that I could look at him every day and speak to him without being angry. I needed to know basically that I had been heard by him and what his involvement was, and I wanted to know what he thought. He told me he didn't - he thought she would go on with it, that was what he told me. He is still an officer at the gaol and who else am I going to go to.

30 **COMMISSIONER:** Ms Ghabrial, I'm going to have to bring this to an end now.

MS GHABRIAL: Yes, Commissioner.

35 **COMMISSIONER:** Ms Cox, I'm sorry, I can't stay longer today. What I'm going to ask Ms Ghabrial is to have a look at the transcript and then inform me on Monday whether there are further questions she wishes to ask of you and she will have to tell me what those questions are and what their purpose is.

MS GHABRIAL: Of course.

40 **COMMISSIONER:** And then, I regret to say, we may have to ask you to give further evidence at a later stage, do you understand?

MS GHABRIAL: I'm hoping that is not necessary.

45 **COMMISSIONER:** So do I, but Ms Cox do you understand?

MS COX: Yes.

COMMISSIONER: I'm sorry, but that's the way we will have to proceed in order to be fair to everyone.

5 **MR GEARY:** Commissioner, I believe it to be correct that the witness has another compelling commitment on Monday in an unrelated matter.

COMMISSIONER: It doesn't have to be Monday. I just want to hear from Ms Ghabrial on Monday morning and then we will work out what happens from
10 there.

All right. Ms Cox, I'm sorry we have to do this, but we really have no choice. All right?

15 **MS COX:** Yes, sir. Thank you.

COMMISSIONER: I'm going to adjourn. 10 o'clock.

<**THE HEARING ADJOURNED AT 4.09 PM TO MONDAY, 23 OCTOBER**
20 **2023 AT 10.00 AM**