



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

**PUBLIC HEARING
SYDNEY**

**MONDAY, 23 OCTOBER 2023
AT 10.00 AM**

DAY 8

APPEARANCES

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

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

<THE HEARING RESUMED AT 10.03 AM

COMMISSIONER: Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you, Commissioner. We have Witness P on the screen.
Could I just deal with two things. You will remember last week I attempted to
hand up replacement copies of exhibits 4 and 5 with further redactions which had
been, I thought, agreed. Ms Ghabrial wanted a chance to look at those. She has
now looked at those, and there's no difficulty with those being replaced.

10 **MS GHABRIAL:** That's so, Commissioner. Thank you.

MR LLOYD: I hand those up.

15 **COMMISSIONER:** So what do I need to do?

MR LLOYD: Have Ms Messina physically replace the existing former exhibits 4
and 5 with the ones I just handed up.

20 **COMMISSIONER:** All right. We will do that. Yes.

MR LLOYD: Next, I understand before you, Commissioner, is a revised
proposed non-publication order to replace the original non-publication order that
you made on 28 September. The effect of that is to add KP to that list, being the
25 witness - I withdraw that - the person about whom there was some evidence last
Friday -

COMMISSIONER: Yes.

30 **MR LLOYD:** - and to remove Ms Cox, who, as you will recall, Commissioner -

COMMISSIONER: Yes.

MR LLOYD: - wished no longer to be the subject of that non-publication order.

35 **COMMISSIONER:** Right. I don't have a document, do I? So do I need to make
an order in relation to this?

MR LLOYD: Yes. The proposed form of order is in the document that I hope is
40 in front of you. It's a variation.

COMMISSIONER: No.

MR LLOYD: I will hand up this - just ignore the "DAL" at the top. We will get
45 an unmarked copy.

COMMISSIONER: Well, I will make the order provided - and the Annexure A here is the correct document, is it?

MR LLOYD: Yes.

5

COMMISSIONER: Then I can just make the order in terms of this document?

MR LLOYD: Yes.

10 **COMMISSIONER:** I will make that order.

MR LLOYD: Thank you. Commissioner, unless there's anything you wish to raise, before calling the witness who is on the screen, Witness P, Mr Burns, I think, has some information that he would like to pass on with respect to the officers he is representing.

15

MR BURNS: Thank you, Commissioner. As you know, I'm the solicitor representing the 12 - sorry, 14 Correctional Officers as a group. Last week, you - we had reached a point where you suggested that that was a bit of a load for Ms Ghabrial, and in case there may be conflicts going forward, we had considered bringing on another counsel to deal with the potential for future conflicts should we arise to have a fail-safe to make sure the Commission could continue its Inquiry regardless.

20

25 So that was in place - we were under the - we had been instructed in this matter with the knowledge that there was a funding arrangement to support our legal representation as counsel in this matter. It has been brought to our attention on Friday that that doesn't exist. So we are having to rely on the applications for ex gratia legal assistance that I've made. That means that - the workload for all

30 counsel in this matter has been extreme. Ms Ghabrial has been doing a wonderful job but in excess of the time allowed for under the ex-gratia grant.

35

So what we've done over the weekend is I've brought on two new counsel, Mr Adam Guy and also Mr Robert Deppeler who is on his way back from overseas. He will be coming here tomorrow. And I've distributed the witnesses that we represent amongst these new counsel. If you would like to know who they are, I can put them on -

40

COMMISSIONER: Not at this stage. They'll need leave if and when they seek to appear. But my concern was not with the workload.

MR BURNS: Yes.

COMMISSIONER: My concern was with the prospect that their interests may conflict, and that applies to you too.

45

MR BURNS: Yes, I'm taking that into account. That hasn't happened yet and - I've got plans for that as well if you -

5 **COMMISSIONER:** Well, thank you, because you will need them - perhaps.

MR BURNS: Perhaps.

COMMISSIONER: Depends upon what emerges, but -

10 **MR BURNS:** Dealing with the immediate issue now -

COMMISSIONER: Yes.

15 **MR BURNS:** - that has been - forced us to redistribute over the weekend. And then I'll deal with the next factor as it arises, which I have things in mind.

COMMISSIONER: Very well. You understand my concern, that issues like this don't delay.

20 **MR BURNS:** That's right. We'd already tried to put in place, and that's all part of this as well. So thank you, Commissioner, for your indulgence. And Mr Guy will - is here, and he will seek leave to appear.

COMMISSIONER: Yes.

25 **MR GUY:** Thank you, Commissioner. My name is Guy, initial A.

COMMISSIONER: How do I spell that?

30 **MR GUY:** Guy, G-u-y.

COMMISSIONER: G-u-y. Okay. Thank you. And do you seek leave to appear for who?

35 **MR GUY:** Barry - Ms Barry, Ms Berry, Mr Brown and Mr Westlake.

COMMISSIONER: Well, you're all going to have to be mindful for yourself -

40 **MR GUY:** Indeed. Yes.

COMMISSIONER: - of any potential conflict too. And I'm not going to be tolerant of that issue suddenly emerging. I would expect you to have considered it by now and continue to consider it and take action as soon as the possibility arises.

45 **MR GUY:** Of course, Commissioner.

COMMISSIONER: Very well. Thank you, Mr Lloyd.

MR LLOYD: Commissioner, I thought it would be relevant - perhaps Ms Ghabrial can confirm, then, the officers who she is here for. As I understand it, that group for Ms Ghabrial is now Mr Virgo, Mr Mohtaj, Mr Clark, Ms K. Wilson,
5 Mr M. Wilson and Mr Barglik.

MS GHABRIAL: Yes, that's the case, Commissioner. Given that Mr Deppeler is not able to appear - will seek leave to appear until tomorrow, then I will be assisting in respect of the remainder of the officers that I have appearing - I have
10 been appearing for to date. But the hope is that Mr Deppeler then will step in and take care of those officers as well.

COMMISSIONER: Very well.

15 **MS GHABRIAL:** We're doing our best to keep things on track, Commissioner.

COMMISSIONER: Thank you.

MS GHABRIAL: Thank you.

20

COMMISSIONER: Yes.

MR LLOYD: Just to make sure that there's no problem with those remaining officers, as I understand it, Mr Burns remains retained by Officers Giles, Robinson, Dolly and Jeans, and he's here, and Ms Ghabrial has said that she's here
25 to assist. So there's no -

COMMISSIONER: All right. We will work out through the maze.

30 **MS GHABRIAL:** That's certainly the case. I'm here to assist in respect of those if the need arises. Thank you.

MR LLOYD: I call Witness P. I'm sorry, I don't know whether Witness P will take an oath or an affirmation. The link has been tested and appears to be working.

35

COMMISSIONER: Witness P, will you take an oath on the Bible or an affirmation?

WITNESS P: Oath.

40

<WITNESS P, SWORN

<EXAMINATION BY MR LLOYD:

45 **MR LLOYD:** Could you please look, Witness P, at the pseudonym list that you have there with you and confirm that you are "P" on that list?

WITNESS P: Yes, I am.

MR LLOYD: Now, Ms P, you made a statement to the Commission, and you did that on 14 October 2023?

5

WITNESS P: Yes.

MR LLOYD: And you were telling the truth in that statement?

10

WITNESS P: Yes.

MR LLOYD: And in relation to the prosecution of Astill, you made a statement to the police?

15

WITNESS P: Yes, I did.

MR LLOYD: And in that statement, you were telling the truth?

WITNESS P: Yes.

20

MR LLOYD: And you gave evidence at Astill's trial?

WITNESS P: Sorry, can you repeat that again?

25

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

WITNESS P: Yes.

MR LLOYD: And when you gave that evidence, you were telling the truth?

30

WITNESS P: Yes.

MR LLOYD: Thank you. Commissioner, the Commission statement is in volume 5 of exhibit 3 behind tab 12A.

35

COMMISSIONER: Yes. Thank you.

MR LLOYD: Ms P, when I ask you questions about yourself and other inmates and former inmates, I will use the letters in that pseudonym list. And so take the time you need, when I'm referring to women by the letter, to just match up the letter to the name.

40

WITNESS P: Yes.

45

MR LLOYD: And where women have pseudonyms, can you try, as best you can, to use the letters rather than the names.

WITNESS P: Yes.

5 **MR LLOYD:** But know this: That if you do slip up, it's not a disaster because there is a gap between what you say and the publication. And so we can cut the link if it's necessary. So don't think it's the end of the world if you slip up. You understand?

WITNESS P: Yes.

10 **MR LLOYD:** Could you take up your Commission statement, please, and just - in paragraph 3, you tell us that you've been in custody since April 2011 and at Dillwynia from August 2013?

WITNESS P: Yes.

15

MR LLOYD: And have you remained at Dillwynia since then to now?

WITNESS P: Yes. Yes.

20 **MR LLOYD:** I want to ask you some questions just following various paragraphs in your Commission statement, but I want to try and get you to do the very best you can to put some of the events you tell us about into the order in which they happened.

25 **WITNESS P:** Yes.

MR LLOYD: Can I just start by asking you to read to yourself paragraph 5.

WITNESS P: Finished.

30

MR LLOYD: Now, you're describing there things that you noticed occurring between Astill and Witnesses C and H on that list?

WITNESS P: Yes.

35

MR LLOYD: You can use Witness H's name, that's Ms Sheiles.

WITNESS P: Yes.

40 **MR LLOYD:** The things you've described there, you say, were obvious and include him, that is, Astill, bringing in chocolates, allowing them phone calls and generally doing favours - or what might be called favours for Ms Sheiles and Witness C?

45 **WITNESS P:** Yes.

MR LLOYD: When you say "obvious", starting with you, it was obvious to you?

WITNESS P: Yes.

5 **MR LLOYD:** To your observation, were those kinds of things that Astill was doing with respect to those two women - were they obvious to other inmates and officers?

WITNESS P: Yes.

10 **MR LLOYD:** Just tell us something about that. What are you able to say about how obvious those things were when it came to officers at Dillwynia?

15 **WITNESS P:** Astill would come to the wing and hand over envelopes, Tiger Balm.

MR LLOYD: And Tiger Balm?

WITNESS P: Yes.

20 **MR LLOYD:** And when you say "the wing", you're talking about the J Unit?

WITNESS P: Yes. J Left.

25 **MR LLOYD:** J Left. Thank you. Can you tell me, those things you've just described Astill doing in J Left, did you see him doing those things in the presence of other officers?

WITNESS P: No.

30 **MR LLOYD:** Can I just ask you to look at paragraph 6.

WITNESS P: Finished.

35 **MR LLOYD:** What you're telling us there is that you noticed that when Ms Sheiles had been to see Mr Astill - just pausing there. It was routine, was it, for Ms Sheiles to be called up and taken over to see Astill?

WITNESS P: Yes.

40 **MR LLOYD:** And you're telling us that you noticed that she would come back with a big rash on her neck?

WITNESS P: Yes.

45 **MR LLOYD:** And that was, at least on your understanding, a sign that she was stressed or distressed?

WITNESS P: Yes.

MR LLOYD: That big rash, just how obvious and noticeable was it?

5 **WITNESS P:** Very obvious. It would cover her whole neck.

MR LLOYD: It would cover her whole?

WITNESS P: Neck, yeah. Yes.

10

MR LLOYD: And to your observation, able to be seen by officers who were in and around the J Unit - J Left?

WITNESS P: Yes.

15

MR LLOYD: And it was the case, wasn't it, that officers would escort her from J Left over to where Astill was?

WITNESS P: Yes.

20

MR LLOYD: And back? And back to the unit after Ms Sheiles -

WITNESS P: Yes. Or - or at lunchtime.

25 **MR LLOYD:** Have a look at paragraph 7.

WITNESS P: Finished.

30 **MR LLOYD:** You're telling the Commission there that Astill would have three or four girls in his office at lunchtime in the J Unit?

WITNESS P: Yes.

MR LLOYD: And he'd be in there with the door closed?

35

WITNESS P: Yes.

MR LLOYD: Did you see those women going into his room and him closing the door?

40

WITNESS P: Yes.

45 **MR LLOYD:** And just - can you just tell us what you say in the next part of that? What is it that happened between you and other inmates and officers about this practice of Astill having three or four girls in his office at lunch?

WITNESS P: Sorry, could you repeat that again?

MR LLOYD: Just tell us what you are able to say happened between you and other inmates and officers about this practice of Astill having three or four inmates in his office at lunchtime?

5

WITNESS P: We would just roll our eyes and wait on muster for them to return.

MR LLOYD: So there'd be the muster and those girls would be missing or late to it?

10

WITNESS P: Yes.

MR LLOYD: And muster - at muster, there's generally multiple officers present?

15

WITNESS P: Yes.

MR LLOYD: And what you're telling us is that you or other inmates would say when you were at muster, "Where's a particular inmate or inmates?"

20

WITNESS P: Yes.

MR LLOYD: And then you say, after that was said at muster, the officers would just roll their eyes?

25

WITNESS P: Yes.

MR LLOYD: What did you understand from that reaction by the officers rolling their eyes in answer to that question?

30

WITNESS P: That they were late again for muster.

MR LLOYD: Was it ever discussed at muster when those girls were late that they were with Astill?

35

WITNESS P: No.

MR LLOYD: Do we get the sense of it correctly if I say that your understanding, at least when that question was asked by inmates, "Where's the particular inmate who was with Astill?" and the officers would roll their eyes, at least your understanding was that those officers knew that they were late because they were with Astill?

40

WITNESS P: Yes.

45

MR LLOYD: But that wasn't - just so I make sure I get it right, that wasn't something that was discussed in words at the muster?

WITNESS P: No.

MR LLOYD: And you've identified some officers there who were the ones who would roll their eyes in answer to that question: Mr Mirza, Mr Peek and Mr Clark?

5

WITNESS P: Yes.

MR LLOYD: Could I ask you - just go forward to paragraph 25.

10 **WITNESS P:** Yes. Finished.

MR LLOYD: Do you remember whether this incident was something that happened some time in the early part of 2016?

15 **WITNESS P:** I cannot remember.

MR LLOYD: Could you just tell us about this particular event?

20 **WITNESS P:** Yes. I was walking with Ms Barry at lunchtime, and Astill was seen with inmate C, sharing a can of Coke.

MR LLOYD: And were you with a particular officer, Ms Barry?

25 **WITNESS P:** Yes.

MR LLOYD: And you and Ms Barry saw Astill with inmate C, sharing a can of Coke?

30 **WITNESS P:** Yes.

MR LLOYD: And what did Ms Barry say?

WITNESS P: "That's a bit inappropriate, Wayne."

35 **MR LLOYD:** And do you see in paragraph 25, after Ms Barry said that, "That's a bit inappropriate, Wayne," you've got there:

"I told her how he was behaving towards inmates."

40 Do you see that?

WITNESS P: Yes. Yes.

MR LLOYD: Do you remember what you said?

45

WITNESS P: No.

MR LLOYD: When you had that sentence in there, "Told her how he was behaving towards inmates," do you have a recollection about the sorts of things that you told Ms Barry?

5 **WITNESS P:** Just how he was being towards other inmates in High Needs.

MR LLOYD: You've already told us about some examples of things that he was doing with respect to Ms Sheiles and Witness C -

10 **WITNESS P:** Yes.

MR LLOYD: - bringing in - things into the gaol and doing favours. Are those the sorts of things that you mentioned?

15 **WITNESS P:** Yes.

MR LLOYD: Do you remember any - if you don't remember, just say so. I know it's many years ago.

20 **WITNESS P:** Yep.

MR LLOYD: But do you remember mentioning anything else to Ms Barry at this time?

25 **WITNESS P:** And the way that he was treating me.

MR LLOYD: And just tell us about that.

30 **WITNESS P:** Trying to intimidate me. Just, yeah, stuff like that.

MR LLOYD: You mentioned getting your room ramped?

WITNESS P: Yes. Yes.

35 **MR LLOYD:** And just tell us what that was.

WITNESS P: Where an officer goes into your room and checks your cell, like, basically turns it upside down.

40 **MR LLOYD:** And were you saying that you thought you were, in effect, being targeted unfairly in that way by Astill?

WITNESS P: Yes.

45 **MR LLOYD:** Thank you. Just go back to paragraph 8. Do you see there you tell us that:

"We used to call Astill the Don and Rolf Harris."

WITNESS P: Yes.

5 **MR LLOYD:** And you called him that in front of other officers?

WITNESS P: Yes.

10 **MR LLOYD:** Is that - are you saying you and multiple other inmates?

WITNESS P: Yes.

MR LLOYD: And to multiple officers or only a few?

15 **WITNESS P:** Just a few. Yes.

MR LLOYD: Do you remember who?

20 **WITNESS P:** No.

MR LLOYD: And was there ever any discussion when you or other inmates called Astill the Don or Rolf Harris?

25 **WITNESS P:** Yes.

MR LLOYD: Ever any discussion between you and the officers about why you were calling him that?

30 **WITNESS P:** Me and other inmates would talk about it if he was coming to the wing or - yes.

MR LLOYD: And what would you say?

35 **COMMISSIONER:** Sorry, Mr Lloyd. I think you might have separated your courses there. You're talking about conversations with officers, I think, aren't you?

MR LLOYD: Yes.

40 **COMMISSIONER:** Can you make sure that stays in view.

MR LLOYD: Ms P, just - I will just go back. You and other inmates called Astill the Don and Rolf Harris?

45 **WITNESS P:** Yes.

MR LLOYD: And I think you then tell us in paragraph 8, "We called him that in front of other officers."

WITNESS P: Yes.

5 **MR LLOYD:** And I think you've told us that you and other inmates called him those titles - or used those titles in front of a few officers?

WITNESS P: Yes.

10 **MR LLOYD:** Can I ask you: when you and other inmates called Astill the Don or Rolf Harris in front of those few officers, was there ever any discussion between you and other inmates and the officers about why you were calling him that?

WITNESS P: Not - not the officers but inmates.

15 **MR LLOYD:** And so amongst the inmates, there was discussion about why you were calling him the Don or Rolf Harris?

WITNESS P: Sorry, can you say that again?

20 **MR LLOYD:** Amongst inmates, there was discussion about why you were using those terms for him?

WITNESS P: Yes.

25 **MR LLOYD:** But no conversation that you can remember between inmates and the officers about why you were calling him those titles?

WITNESS P: Yes. Yes, with officers. Not all the time.

30 **MR LLOYD:** Did officers ever say things like, "Why are you calling him the Don?" Or "Why are you calling him Rolf Harris?"

WITNESS P: No, they didn't say anything.

35 **MR LLOYD:** Could I ask you to go back to paragraph 28. Do you see there, in that part of your statement, you have you telling Mr Clark how Astill was treating you and telling him that no one was listening to you?

WITNESS P: Yes.

40 **MR LLOYD:** And Mr Clark saying to you that Astill's relationship with Witness C was inappropriate?

WITNESS P: Yes.

45

MR LLOYD: In terms of first the timing - I will ask you about the content of that discussion, but you've got that conversation happening before a particular letter that you sent to Witness HH?

5 **WITNESS P:** Yes.

MR LLOYD: And so just take it from me for the purposes of these questions - you may know this anyway - that letter was October of 2016. If I'm right about the date of that letter, what we're talking about here is a conversation
10 between you and Mr Clark some time before October 2016?

WITNESS P: Yes.

MR LLOYD: Just about the content of the discussion, you describe here
15 Mr Clark telling you that Astill's relationship with Witness C was inappropriate. Can you remember what it is that Mr Clark said?

WITNESS P: No.

20 **MR LLOYD:** Do you remember whether any part of the conversation with Mr Clark was - about Astill's relationship with Witness C was that it was a sexual relationship?

WITNESS P: It was inappropriate, yes.
25

MR LLOYD: But any discussion about whether there were - whether there was a sexual element?

WITNESS P: No.
30

MR LLOYD: Could I -

COMMISSIONER: Why did you think he said it was inappropriate?

35 **WITNESS P:** Because they were always together. And with the body language.

MR LLOYD: And I take it the body language, that included the incident with the can of Coke?

40 **WITNESS P:** Yes.

MR LLOYD: Which I take it from what you're saying about that incident, that at least in terms of appearances, it looked like it was some intimate sharing between Astill and Witness C?
45

WITNESS P: Yes. Yes.

MR LLOYD: And is that how you understood what Officer Clark was saying to you, that there was at least appearing to be some form of inappropriate intimacy between Astill and Witness C?

5 **WITNESS P:** That, and also Witness H.

MR LLOYD: So that's Ms Sheiles?

WITNESS P: Yes.

10

MR LLOYD: So this discussion in paragraph 28 with Officer Clark, is it right that you've just told us that Officer Clark was saying, in his view, Astill's relationship with Witness C appeared to be intimate and inappropriate? Have I got that right?

15

WITNESS P: Yes. Yes.

MR LLOYD: And was he saying the same thing to you about his view of Astill's relationship with Ms Sheiles?

20

WITNESS P: Yes.

MR LLOYD: That is, that that relationship, in Officer Clark's opinion, was intimate and inappropriate as well?

25

WITNESS P: Inappropriate, yes.

MR LLOYD: Was there any discussion between you and Officer Clark about him reporting what he thought was inappropriate relationships between Astill and Witness C and Ms Sheiles to anyone else in the gaol?

30

WITNESS P: No.

MR LLOYD: You said a minute ago about Ms Sheiles. I asked you whether Officer Clark was saying he thought that relationship was intimate and inappropriate, and I think your answer was, "Inappropriate."

35

WITNESS P: Yes.

40 **MR LLOYD:** Do we understand that to mean that, on your recollection, Officer Clark wasn't saying to you that that relationship appeared to be intimate?

WITNESS P: No. Inappropriate.

45 **MR LLOYD:** Thank you. Could you go down - forward to paragraph 29 and just read that to yourself.

WITNESS P: Yes.

MR LLOYD: Do you have a recollection about when it was that you went to see Officer Westley Giles and asked to see the GM, that's Shari Martin?

5

WITNESS P: Yes.

MR LLOYD: Do you remember when that was?

10 **WITNESS P:** No, sorry.

MR LLOYD: That's okay. Can you just look at what you've said:

15 "I can't remember exactly what he said, but the gist was, 'I can see what he's doing, but I can't do anything'."

WITNESS P: Yes.

20 **MR LLOYD:** Just before he said that to you, do you remember what it was that you said to him?

WITNESS P: Just how that he was treating me and other girls.

25 **MR LLOYD:** Just starting with you, is that the kind of bullying and intimidation or unfair treatment that you told us about?

WITNESS P: Yes. Yes.

30 **MR LLOYD:** What about with respect to other girls? What do you remember telling Officer Giles about what Astill was doing to other girls?

WITNESS P: I can't remember.

35 **MR LLOYD:** Do you remember whether you discussed with Officer Giles on this occasion the inappropriate relationships between Astill and Witness C and Astill and Ms Sheiles?

WITNESS P: No.

40 **MR LLOYD:** As in, you don't have a recollection of discussing that with him?

WITNESS P: No.

45 **MR LLOYD:** Have a look at paragraph 30.

WITNESS P: Yes.

MR LLOYD: You say you've put in a request form to see Shari Martin?

WITNESS P: Yes.

5 **MR LLOYD:** Do you remember what, if anything, you said in that request form you wanted to discuss with her?

WITNESS P: I just said that I would like to see her.

10 **MR LLOYD:** And you got a meeting with her?

WITNESS P: Yes.

15 **MR LLOYD:** And you say that you told her what Astill was doing to other inmates and to you?

WITNESS P: Yes.

20 **MR LLOYD:** Just in terms of timing, this meeting, you say, happened before you sent the letter, I asked you about a little while ago?

WITNESS P: Yes.

25 **MR LLOYD:** Now, in terms of you telling Shari Martin what Astill was doing, just starting with to you, is that the same kind of thing that you've told us about that you told Officer Giles, the bullying and intimidation?

WITNESS P: Yes.

30 **MR LLOYD:** What about in terms of what you told Shari Martin that Astill was doing to other inmates? Do you remember what you said?

WITNESS P: I can't remember.

35 **MR LLOYD:** Do you think it was the information that would have included the inappropriate relationships, or are you not able to say?

WITNESS P: Not able to say.

40 **MR LLOYD:** Just have a look at paragraph 31.

WITNESS P: Yes.

45 **MR LLOYD:** There's another female officer whose name you don't want to share. You say you talked to her about everything that was going on with Astill?

WITNESS P: Yes.

MR LLOYD: In terms of what you disclosed to her, is that the same kind of thing that you've told us about that you mentioned to Officer Giles and Shari Martin, that is, the bullying and intimidation of you?

5

WITNESS P: Yes. And about other inmates.

MR LLOYD: And, again, was that, on your best recollection, bullying and intimidation of other inmates?

10

WITNESS P: Yes.

MR LLOYD: Do you remember whether you disclosed to this person of any view that you had about sexual conduct by Astill towards other inmates?

15

WITNESS P: No.

MR LLOYD: Could you - do you have there, Ms P, your police statement?

20

WITNESS P: Yes.

MR LLOYD: Just have a look, please, at the document that's attached to the police statement.

25

WITNESS P: The letter?

MR LLOYD: Yes.

WITNESS P: Yes.

30

MR LLOYD: Do you remember I asked you about a letter and suggested to you that there was a letter that you wrote in October of 2016?

WITNESS P: Yes.

35

MR LLOYD: And you mention the letter in your statement to the Commission. Is this the first page of that letter?

WITNESS P: Yes.

40

MR LLOYD: Is it you writing to Witness HH?

WITNESS P: Yes.

45

MR LLOYD: And you say, I'll just remind you, in your Commission statement that you wrote this letter because no one was listening?

WITNESS P: Yes.

MR LLOYD: And you thought she could get it out to the media?

5 **WITNESS P:** Yes.

MR LLOYD: In terms of the circumstances in which you wrote this letter, do we understand it correctly that you wrote this after you had been speaking to the people about what had been happening that you've already told us about, that is,
10 Shari Martin, Westley Giles and the other unnamed female officer?

WITNESS P: Yes.

MR LLOYD: And I think what you're saying is you felt you weren't getting
15 anywhere, so you decided to write the letter in the hope that it might change things?

WITNESS P: Yes.

20 **MR LLOYD:** Could I just ask you about a couple of things in the letter. First, did you understand that within the gaol, officers read your mail?

WITNESS P: Yes.

25 **MR LLOYD:** Have a look at the first page of this letter. Down about 10 lines or so from the end, you make reference to Witness C. Do you see that?

WITNESS P: Yep. Yes.

30 **MR LLOYD:** Then about eight lines from the bottom, do you see a line saying, "She's even having"? Do you see those words?

WITNESS P: Yes.

35 **MR LLOYD:** That's - that reference is to Witness C?

WITNESS P: Yes.

MR LLOYD:

40

"She's even having a fling with one of the male officers here, the dirty slut."

Do you see that?

45 **WITNESS P:** Yes.

MR LLOYD:

"Getting him to bring stuff in for her, sending her mail, special phone calls, you name it."

5 **WITNESS P:** Yes.

MR LLOYD:

10 "Promise you I've seen (indistinct)."
Do you see that?

WITNESS P: Yes. Yes.

15 **MR LLOYD:**

"His wife/girlfriend works here too. She's been..."
Is that:
20 "...pulled up before about it."

WITNESS P: Yes.

25 **MR LLOYD:**

"I'm serious."

30 **WITNESS P:** Yes.

MR LLOYD: Now, you don't name Astill in that part of the letter?

WITNESS P: No.

35 **MR LLOYD:** But it's obvious that that's who you're referring to?

WITNESS P: Yes.

MR LLOYD: And can I ask you, then, to go back to your Commission statement.

40 **WITNESS P:** Yes.

MR LLOYD: And just have a look at paragraph 11.

WITNESS P: Yes.

45

MR LLOYD: After you sent this letter - before I come to ask you about what you tell us in paragraph 11 - did anyone else from Dillwynia ever speak to you about the contents of this letter, other than Astill?

5 **WITNESS P:** Yes.

MR LLOYD: That's paragraph 12, Ms Kellett?

WITNESS P: Yes.

10

MR LLOYD: And what about Ms Deborah Wilson? Did she ever speak to you?

WITNESS P: No, not that I can remember.

15 **MR LLOYD:** Shari Martin?

WITNESS P: No.

20 **MR LLOYD:** Just in terms of what you observed happened after you sent this letter, can you just tell us, by reference to paragraph 11, what was the next thing that happened?

WITNESS P: After I sent this letter?

25 **MR LLOYD:** Yes.

WITNESS P: Sorry. He got my room searched to check out my handwriting.

30 **MR LLOYD:** And before that, on muster, Astill said to you, "Witness P, you've got creative writing, don't you?"

WITNESS P: Yes.

35 **MR LLOYD:** Which you understood to be a direct reference to your letter?

WITNESS P: Yes.

40 **MR LLOYD:** And what did you think when you came to learn that Astill had got hold of the letter that you'd been sending out of the gaol saying things about him of the kind you told us about?

WITNESS P: I was shocked.

45 **MR LLOYD:** And what happened next, you say, is he got another officer to search your room to check your handwriting?

WITNESS P: Yes.

MR LLOYD: What about the next paragraph, 12? Officer Kellett -

WITNESS P: Yes.

5

MR LLOYD: - came to see you. What did she say?

WITNESS P: She said that she would put it in my property so it could be used at a later date.

10

MR LLOYD: Did you and Officer Kellett talk about the contents of your letter, as in -

WITNESS P: No.

15

MR LLOYD: - the things that were in it?

WITNESS P: No, not that I can remember.

20 **MR LLOYD:** No discussion about Astill in the conversation with Officer Kellett?

WITNESS P: No.

25 **MR LLOYD:** Did she explain to you what she meant by putting it in your property so it could be used at a later date?

WITNESS P: No. I was very confused.

30 **MR LLOYD:** Did you understand - did this mean - I withdraw that. Did this mean, on your understanding, the letter was not going to go outside the gaol to Witness HH?

WITNESS P: Yes.

35 **MR LLOYD:** So they were preventing it, on your understanding, from actually being sent to that person?

WITNESS P: Yes.

40 **MR LLOYD:** So just so we understand, you made a complaint in the letter to your friend, Witness HH, suggesting that -

WITNESS P: Yes.

45 **MR LLOYD:** - Astill was having a fling with an inmate?

WITNESS P: Yes.

MR LLOYD: And by "fling", I take it what you were intending to say was a sexual relationship?

5 **WITNESS P:** Yes.

MR LLOYD: At least that's how it looked?

WITNESS P: Yes.

10

MR LLOYD: And Officer Kellett was saying that the letter wouldn't, in fact, be sent out of the gaol?

WITNESS P: No.

15

MR LLOYD: And it would be put in your property -

WITNESS P: Yes.

20 **MR LLOYD:** - to be used at some future time?

WITNESS P: Yes.

MR LLOYD: Did she say what it would be used for at some future time?

25

WITNESS P: No.

MR LLOYD: At this point, did Officer Kellett say anything to you about your ability to make a complaint -

30

WITNESS P: No.

MR LLOYD: - in writing or otherwise, about the things in the letter?

35 **WITNESS P:** No.

MR LLOYD: Can I ask you to go forward to paragraph 27. Just read that to yourself.

40 **WITNESS P:** Yes.

MR LLOYD: I just want to see whether, Ms P, you're able to tell us whether there's a link between what you describe about Ms Kellett in this paragraph and what I've just been asking you about. Is this - first, is this the same conversation with Officer Kellett that you've just been telling us about that you had about the letter?

45

WITNESS P: No.

MR LLOYD: A different conversation. Do you know if it was before or after the conversation about the letter?

5

WITNESS P: After.

MR LLOYD: Just tell us what you can remember about this conversation with Officer Kellett.

10

WITNESS P: Sorry, can you say that again?

MR LLOYD: Just tell us what you can remember about the paragraph 27 conversation with Officer Kellett.

15

WITNESS P: I was telling her how Astill was behaving with other inmates, with Witness C.

MR LLOYD: What were you saying?

20

WITNESS P: I was telling her everything that was happening with Witness C and Mr Astill.

MR LLOYD: Just do the best you can to remember the kinds of things you were saying to Officer Kellett that were happening between Astill and Witness C.

25

WITNESS P: That he was buying her chocolates. Yeah, just - yeah. Sorry, I can't remember.

30

MR LLOYD: What about the - do you remember you've told us that the letter which you've said you wrote before this conversation with Officer Kellett - you said that, in your words, Astill was having a fling with Witness C?

WITNESS P: Yes.

35

MR LLOYD: Were you saying that to Officer Kellett?

WITNESS P: I can't remember at the time.

40

MR LLOYD: Do you remember whether you said to Officer Kellett that there was any sexualised or sexual conduct by Astill towards Witness C?

WITNESS P: No.

45

MR LLOYD: As in, you don't remember one way or the other?

WITNESS P: No.

MR LLOYD: Just -

5 **COMMISSIONER:** Witness P, it's clear from your answers to Mr Lloyd that you had formed the view that Astill was having a sexual relationship with Witness C; correct?

WITNESS P: Yes. Yes. It looked that way.

10 **COMMISSIONER:** I take it you weren't the only inmate who had that view. Would that be right?

WITNESS P: Yes.

15 **COMMISSIONER:** And I have the impression that it may have been a matter of general discussion between inmates that Astill was having a sexual relationship at least with Witness C; is that right?

WITNESS P: Yes. Yes.

20 **COMMISSIONER:** Now, you've said you don't remember whether you talked to any officer about -

WITNESS P: No.

25 **COMMISSIONER:** - Astill having - I find that surprising. You're telling me that you knew, others talked about it, but you didn't talk to an officer about it?

WITNESS P: No, because I was scared.

30 **COMMISSIONER:** Scared of what?

WITNESS P: Just the repercussions.

35 **COMMISSIONER:** What repercussions did you fear might happen?

WITNESS P: That I could be moved out of the gaol or sent to another placement, like, within the gaol.

40 **COMMISSIONER:** Did you understand in your conversations with officers - although you didn't mention, you say, sexual relationships, did you understand that the officers would have known about Astill's behaviour too?

WITNESS P: Yes and no.

45 **COMMISSIONER:** Well, you will have to help me. What's the "yes" bit and what's the "no" bit?

WITNESS P: They could see that something was going on, but if it was sexual - I don't know if it was sexual or not.

5 **COMMISSIONER:** No, no. We're talking about the officers, you see. You tell me that the inmates - as a matter of general discussion amongst the inmates.

WITNESS P: Yes. Yes.

10 **COMMISSIONER:** I find it difficult to conclude that as a consequence, the officers wouldn't have known as well.

WITNESS P: No.

15 **COMMISSIONER:** When you say "no", what do you mean?

WITNESS P: No, they wouldn't have known, sorry.

20 **COMMISSIONER:** They would have known or wouldn't have known?

WITNESS P: Wouldn't have known.

COMMISSIONER: Why would they not have known?

25 **WITNESS P:** Because Astill was always in the Senior Chief's office.

COMMISSIONER: Well, the view that you formed about what was happening was from your observations of the behaviour of Witness C and Mr Astill, wasn't it?

30 **WITNESS P:** Yes.

COMMISSIONER: Are you suggesting to me that officers couldn't have made the same observations and come to the same conclusion?

35 **WITNESS P:** I'm not sure.

COMMISSIONER: Very well.

40 **MR LLOYD:** Ms P, could you just have a look at paragraph 23 of your Commission statement.

WITNESS P: Yes.

45 **MR LLOYD:** Do you see you're telling us there that you tried to report these matters to a number of officers -

WITNESS P: Yes.

MR LLOYD: - including the Governor of Dillwynia, and nothing got done about it?

5

WITNESS P: No.

MR LLOYD: The matters that you're talking about there, they, I take it, included the treatment by Astill toward you?

10

WITNESS P: Yes.

MR LLOYD: Did they include what you believed about the inappropriate relationships between Astill and Witness C and Ms Sheiles?

15

WITNESS P: No.

MR LLOYD: And you name the officers that you remember speaking to: Ms Barry, Ms Berry, Pam Kellett, Mr Clark, Mr Giles, Ms Martin and Ms Wilson?

20

WITNESS P: Yes.

MR LLOYD: Just pausing there. Is that Ms Deborah Wilson, the Intel Officer?

25

WITNESS P: I don't remember her.

MR LLOYD: Do you remember the position that Ms Wilson was in at the gaol?

30

WITNESS P: No.

MR LLOYD: What do you remember telling those officers you've identified there about Astill's behaviour?

35

WITNESS P: I was telling them about how he was towards me, being intimidating.

MR LLOYD: And not about the sexual - I withdraw that - the inappropriate relationships?

40

WITNESS P: No.

MR LLOYD: Was it ever just discussed generally those inappropriate relationships between you and other officers?

45

WITNESS P: I can't remember.

MR LLOYD: Can I ask you about paragraph 32.

WITNESS P: Sorry, could you say that again?

MR LLOYD: Ask you about paragraph 32.

5

WITNESS P: Yes.

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

10 **WITNESS P:** Yes. Finished.

MR LLOYD: You're describing there a conversation between Witness C and Ms - or Officer Tania Hockey?

15 **WITNESS P:** Yes.

MR LLOYD: Any idea, even roughly, about when that was?

WITNESS P: No.

20

MR LLOYD: You could hear the things they were saying to each other in the conversation?

WITNESS P: Yes.

25

MR LLOYD: Could anyone else hear it?

WITNESS P: No.

30 **MR LLOYD:** And just tell us what you can remember hearing them saying to each other in this conversation.

WITNESS P: I heard Ms Hockey ask Witness C if there was anything going on with her - going on with her and Mr Astill, and Witness C - Witness C kept saying "no".

35

MR LLOYD: Do you remember anything else that was said in the conversation?

WITNESS P: No.

40

MR LLOYD: Do you remember Officer Hockey saying to Witness C, by way of questions, what it is that she was actually asking about in terms of conduct or anything going on between Witness C and Astill?

45 **WITNESS P:** Yes, that's what she'd asked her.

MR LLOYD: Any other questions you remember Officer Hockey asking Witness C?

WITNESS P: No.

5

MR LLOYD: How long did the conversation go for?

WITNESS P: I can't remember.

10 **COMMISSIONER:** Witness P, is it right to think that there's been a lot of chatter in the gaol about this Inquiry and the giving of evidence to this Inquiry?

WITNESS P: No.

15 **COMMISSIONER:** Inmates haven't spoken to each other at all about it?

WITNESS P: No.

20 **COMMISSIONER:** What about officers talking to inmates about it? Has that happened?

WITNESS P: No.

25 **COMMISSIONER:** You say not at all?

WITNESS P: No.

COMMISSIONER: Very well.

30 **MR LLOYD:** Could I just ask you two other things, Ms P. In terms of your knowledge about making reports or complaints about misconduct by an officer, what did you know at the time, say, 2016 - what did you know about the system for making a complaint about an officer?

35 **WITNESS P:** I didn't know anything.

MR LLOYD: Do you ever remember seeing someone called the Official Visitor at the gaol?

40 **WITNESS P:** No.

MR LLOYD: Ever remember being told anything about the Ombudsman?

WITNESS P: No.

45

MR LLOYD: What about - what did you understand about the mechanism inside the gaol if you wanted to make a complaint about an officer behaving badly? What did you think you needed to do?

5 **WITNESS P:** I'd never been in this position before, so I didn't know who - who I could turn to. So -

MR LLOYD: Could I ask you about one other event. It's not dealt with in your statement, but I'll just see if you have a recollection of this. The time is about
10 November of 2017. Do you remember there was a discussion between a number of inmates in the SMAP house about Astill and what he was doing with women at the Centre?

WITNESS P: No.
15

MR LLOYD: Do you remember a number of inmates going to see the manager - the then Manager of Security, Ms Deborah Wilson, to make complaints about Astill?

20 **WITNESS P:** I remember vaguely.

MR LLOYD: Just tell us, if you can - I will just ask you some things and then see if it jogs your memory. Do you remember a number of inmates in the SMAP house one day going to the office occupied by the Manager of Security,
25 Ms Wilson, to make some complaints about Astill?

WITNESS P: It's coming back to me now, yes.

MR LLOYD: Do you remember there - now some things about this event are coming back to you, do you remember there being any discussion between
30 inmates in the SMAP house about Astill prior to the time when some women went to see Ms Wilson?

WITNESS P: I cannot remember.
35

MR LLOYD: Do you remember, at least generally, there being discussion - just to put this in - I'll withdraw that, and I'll put it in context. The time we're talking about - this is about one year after Witness C was transferred out of Dillwynia, if that helps you in terms of the timeframe, I'm asking you about. Do you remember
40 around that time, that is, about a year after Witness C was transferred out, there was discussion between a number of the women within the SMAP house about Astill and his behaviour?

WITNESS P: Yes. I think so, yes.
45

MR LLOYD: And just in terms of your memory about what sort of things were being discussed, do you remember what some of the women were saying about Astill?

5 **WITNESS P:** No. Just how inappropriate - sorry, just how inappropriate that he was towards them.

MR LLOYD: Now, if I just put this to you: this Commission has heard some evidence about some inappropriate things, being dirty jokes and Astill -

10

WITNESS P: Yes.

MR LLOYD: - saying sexual - sexualised things in front of inmates.

15 **WITNESS P:** Yes.

MR LLOYD: Do you remember that?

WITNESS P: Yes.

20

MR LLOYD: And do you remember that being discussed?

WITNESS P: Yes.

25 **MR LLOYD:** And what about rumours about him having sexual contact with inmates by this time? Do you remember there being rumours in the SMAP house about that?

WITNESS P: No.

30

MR LLOYD: Going back to what you can remember about the time that some women went to Ms Wilson, I put to you in around November of 2017, do you remember going with some other women to see Ms Wilson?

35 **WITNESS P:** No, I cannot remember.

MR LLOYD: But I think you told us you have a vague memory about an event like that -

40 **WITNESS P:** Other inmates - yes, other inmates going to see her.

MR LLOYD: So you - I understand you have a recollection that other inmates within the SMAP house were going to see Ms Wilson; correct?

45 **WITNESS P:** Yes.

MR LLOYD: And you understood they were going to see her to discuss Astill?

WITNESS P: Yes.

5 **MR LLOYD:** And to make complaints, on your understanding, about Astill?

WITNESS P: Yes.

10 **MR LLOYD:** Did you ask any of those inmates, do you remember, what they were going to say to Ms Wilson?

WITNESS P: No, because that's their story.

15 **COMMISSIONER:** But, Ms P, you said to Mr Lloyd you didn't remember whether you went with them.

WITNESS P: No, I cannot remember.

COMMISSIONER: Is that right?

20 **WITNESS P:** Yes.

COMMISSIONER: You remember that they went, but you don't remember whether you went with them?

25 **WITNESS P:** No. It was long ago.

MR LLOYD: And - could I just ask you this, Ms P: The Commissioner asked you before about discussion about this Inquiry in the gaol. There are still some officers there who were at Dillwynia at the time of Astill's offending; that's right?

30 **WITNESS P:** Yes.

35 **MR LLOYD:** And could I just ask whether - you now know about the fact that Astill has been convicted of multiple offences involving multiple inmates, as in, sexual -

WITNESS P: Yes.

40 **MR LLOYD:** Sexual abuse offences?

WITNESS P: Yes.

45 **MR LLOYD:** And you described at least some discussions that you were involved in in the period of that offending that you had with some Officers about at least inappropriate conduct?

WITNESS P: Yes.

MR LLOYD: Has there been no discussion between you and any of those Officers who were there at the time of that sexual offending -

5 **WITNESS P:** No.

MR LLOYD: - and who are still there now?

WITNESS P: No.

10

MR LLOYD: No discussion about this Inquiry?

WITNESS P: No.

15 **MR LLOYD:** And I take it, in giving your evidence, you're not concerned about saying anything that might have an adverse effect on you within the gaol?

WITNESS P: Sorry, can you say that again, please?

20 **MR LLOYD:** I take it, in giving your evidence today, you're not worried, are you, about saying anything that might have an adverse effect on you within the gaol?

WITNESS P: I'll get in trouble?

25 **MR LLOYD:** Or have a bad effect on you?

WITNESS P: Yes.

30 **MR LLOYD:** When you say "yes", let me just understand. What I was really asking you is, are you worried in giving your evidence that if you say something about officers knowing at the time about what Astill was doing that that might have a bad effect on you within the gaol?

WITNESS P: No. I don't understand.

35

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

COMMISSIONER: Witness P, can you just look at your statement to the Commission for me.

40

WITNESS P: Yes.

COMMISSIONER: Paragraph 18. You say there that Shari Martin told you if you didn't mediate, you would get moved.

45

WITNESS P: Yes.

COMMISSIONER: Why did you think she would be saying to you that if you didn't mediate, you would get moved?

5 **WITNESS P:** Yeah, she told me that if I didn't mediate with Mr Astill that I would get moved Centres. So I think she wanted to keep the peace.

COMMISSIONER: Well, that's what you're going to have to help me with.

10 **WITNESS P:** Yes.

COMMISSIONER: Why did you understand her to be saying that to you?

WITNESS P: I don't understand, sorry.

15 **COMMISSIONER:** Well, you say she wanted you - or she wanted this to happen to keep the peace.

WITNESS P: Yes.

20 **COMMISSIONER:** Why was it necessary to keep the peace between you and Mr Astill?

WITNESS P: Well, I shouldn't have had to - I shouldn't have had to do mediation with Mr Astill.

25 **COMMISSIONER:** I understand that, but why was Ms Martin - what had happened for Ms Martin to be concerned to try and keep the peace between you and Mr Astill?

30 **WITNESS P:** I'm not sure.

COMMISSIONER: So she asked you to go to a mediation, but you didn't know why she would be asking you to do that?

35 **WITNESS P:** No. Like - no.

COMMISSIONER: Well, the meeting happened, and you say the Acting General Manager started the mediation?

40 **WITNESS P:** Yes.

COMMISSIONER: You said everything that Astill was doing to you?

WITNESS P: Yes.

45 **COMMISSIONER:** What did you tell the mediation Astill was doing to you?

WITNESS P: That he was being intimidating and bullying towards me.

COMMISSIONER: Yes.

5 **WITNESS P:** And Mr Astill made me out to be a liar.

COMMISSIONER: What things did he suggest you were lying about?

10 **WITNESS P:** He was having a conversation with Witness J in the High Needs office area, and I overheard them - he was - sorry, he was calling me a cunt to this inmate.

COMMISSIONER: Yes. What was he saying to make you out to be a liar?

15 **WITNESS P:** Like, if I was starting issues in the house - in the SMAP house, he would say, "Is that Witness P starting shit again, the c-u-n-t?"

COMMISSIONER: Right. You say you became so angry you had to leave?

20 **WITNESS P:** Yes.

COMMISSIONER: Did the Acting Governor seek to discuss the matters further with you after that?

25 **WITNESS P:** No. No.

COMMISSIONER: And I take it you weren't moved gaols?

WITNESS P: No.

30

COMMISSIONER: Yes. Thank you.

<EXAMINATION BY MR VILLA:

35 **MR VILLA:** Ms P, my name is Dominic Villa. I'm acting for you. I don't know whether you can see me, because I can -

WITNESS P: Yes.

40 **MR VILLA:** - only see you in the blurred version. I just wanted to ask you a few quick questions. You are currently still in SMAP; is that right?

WITNESS P: Yes.

45 **MR VILLA:** And can you just tell the Commissioner how much contact you have with other inmates while you are in SMAP?

WITNESS P: How much contact? I have contact with them all day.

5 **MR VILLA:** All right. Now, Mr Lloyd asked you some questions about the letter that you were sending to - or attempting to send to Witness HH. Do you recall those?

WITNESS P: Yes. Yes.

10 **MR VILLA:** Now, you also told Mr Lloyd that Officer Kelly Graham had searched your room searching for handwriting. Do you recall that?

WITNESS P: Yes.

15 **MR VILLA:** Were you present when Officer Graham searched your room?

WITNESS P: No.

20 **MR VILLA:** How did you come to know that Officer Graham had searched your room, do you recall?

WITNESS P: Ms Graham had told me.

25 **MR VILLA:** All right. And was she the one who told you that the purpose of searching your room was to get a sample of your handwriting?

WITNESS P: Yes.

30 **MR VILLA:** All right. Now, you also told Mr Lloyd about some discussions that you had with Officer Kellett in relation to the letter. Do you recall that?

WITNESS P: Yes.

35 **MR VILLA:** Did Ms Kellett tell you how it was that she came to have possession of the letter?

WITNESS P: No.

40 **MR VILLA:** Did you have any understanding as to why it was that Ms Kellett had the letter in her possession?

WITNESS P: No, she just called me into the Senior's office and told me about my letter.

45 **MR VILLA:** All right. And I think you told Mr Lloyd that she told you that she would put the letter into your property. When she did that, did you ask her not to do that but to send it on to Witness HH?

WITNESS P: No. She told me that she was putting it into my property.

5 **MR VILLA:** All right. I think you also told Mr Lloyd - told the Commission in response to questions from Mr Lloyd that you couldn't recall whether the contents of the letter were discussed; is that right?

WITNESS P: Yes.

10 **MR VILLA:** But do you recall Officer Kellett saying anything to you that suggested to you that she had, in fact, read the letter?

WITNESS P: No.

15 **MR VILLA:** All right. Thank you. That's all the questions I have, Commissioner.

COMMISSIONER: Mr Sheller.

<EXAMINATION BY MR SHELLER:

20 **MR SHELLER:** Witness P, my name is James Sheller. I'm one of the legal representatives on behalf of Corrective Services.

WITNESS P: Yes.

25 **MR SHELLER:** Could I just indicate this before I ask you some questions. I'm not challenging anything that you say either in your police statement or the statement that you have prepared for this Commission -

WITNESS P: Yes.

30 **MR SHELLER:** - except I might ask you one question about your placement in three-out.

WITNESS P: Yes.

35 **MR SHELLER:** I'm just trying to ascertain, if I can, from you the sequence - some of the sequences - sorry, the sequence of some of these events -

WITNESS P: Yes.

40 **MR SHELLER:** - so I just understand what the order is. Do you have access to your - the letter that you tried to send out to HH?

WITNESS P: Yes.

45 **MR SHELLER:** If you just look at the top page of it, I've got - I'm looking at the version which is attached to your police statement dated 28 February 2019.

WITNESS P: Yes.

5 **MR SHELLER:** You'll see on the front page just the -

WITNESS P: Sorry. Of the statement?

10 **MR SHELLER:** Yes. Sorry, I'm looking at the - attached to your police statement
is your letter to HH.

WITNESS P: Yes.

15 **MR SHELLER:** And if you just have a look at your letter. I'm not sure if you've
got some numbering in the top right-hand corner of the letter, but if you do, you'll
see some - the last four digits are 0004.

WITNESS P: Yes.

20 **MR SHELLER:** And then just beneath that, you'll see the date 19/10/16?

WITNESS P: Yes.

25 **MR SHELLER:** Now, if you then go to the statement that you prepared for the
Commission, on the last page there's a paragraph 28.

WITNESS P: Yes.

30 **MR SHELLER:** In that paragraph, you address the discussion that you had with
Mr Clark?

WITNESS P: Yes.

35 **MR SHELLER:** And you'll see in the last sentence that you say that the
conversation you had with Mr Clark was before you sent - or tried to send the
letter to HH?

WITNESS P: Yes.

40 **MR SHELLER:** Then just if you go through the paragraphs that follow, what I'm
interested in is whether all of these events, if you know, also took place before you
tried to send the letter to HH. So you'll see there paragraph 29, discussion with
Officer Giles?

WITNESS P: Yes.

45 **MR SHELLER:** Do you think that happened before you sent the letter to - or
tried to send the letter to HH?

WITNESS P: Yes.

5 **MR SHELLER:** Then, next, the attendance upon Governor Martin. You'll see the last sentence there -

WITNESS P: Sorry, say that again?

10 **MR SHELLER:** Next - sorry, paragraph 30.

WITNESS P: Yes.

15 **MR SHELLER:** Discussion with Governor Martin. And at the end of that paragraph, you say you think that that occurred in 2015. So, again, before you tried to send this letter?

WITNESS P: Yes.

20 **MR SHELLER:** And then the next two paragraphs, the discussion with the female officer whose name you don't want to share and then overhearing the discussion between Ms Hockey and Mr Astill, are they also events you recall took place before you tried to send your letter?

25 **WITNESS P:** I'm not sure. I can't remember, sorry.

MR SHELLER: Then if you just go back to earlier in your statement on the third page - that's the statement prepared for the Commission - the section in which you deal with the mediation.

30 **WITNESS P:** Yes.

35 **MR SHELLER:** Do you have a recollection now as to whether that mediation which had the Acting GM at it and Mr Peek, Mr Astill and the chaplain - whether all of that took place before you tried to send your letter?

WITNESS P: I cannot remember.

40 **MR SHELLER:** Now, just then going to your letter, you've told us that obviously the letter was intercepted and was read by Mr Astill and then passed on to Ms Kellett.

WITNESS P: Yes.

45 **MR SHELLER:** Do you have a recollection now as to whether the letter was able to be put in an envelope by you and addressed?

WITNESS P: Sorry, can you say that again?

MR SHELLER: Do you have a recollection now whether this letter that you wanted to send to HH -

5 **WITNESS P:** Yes.

MR SHELLER: - had been put in an envelope by you and addressed?

WITNESS P: Yes.

10

MR SHELLER: Now, in the letter, if you could just follow those numbers in the top right-hand corner, there's a number - there's also some - I think your handwriting at the top left-hand corner. The number I'm looking at in your writing is number 5 up the top, and the number at the top right-hand corner is 008.

15

WITNESS P: This one? Yes.

MR SHELLER: In the third line of that, you'll see a statement by you:

20

"I'm in a three-out."

WITNESS P: Yes.

25 **MR SHELLER:** Do you see that? Do you have a recollection now whether you had been put in the three-out before you had sent this letter by way of some punishment?

WITNESS P: I was in - I was in the three-out when I sent this letter. I was in J Left. I got moved into the three-out on J Right.

30

MR SHELLER: After you - sorry, did you get moved to J Right after you had sent this letter?

WITNESS P: Yes.

35

MR SHELLER: Or tried to send the letter? But you hadn't been moved from a one-out to a three-out before you sent the letter? Do you have a recollection of that?

40 **WITNESS P:** I can't remember.

MR SHELLER: If you could just have a look at the - there's a document - I'm not sure whether you have it - that immediately follows your letter. It's some typed script, and it has a number in the top right corner finishing with digits 0009.

45

WITNESS P: Yes.

MR SELLER: And you'll see it's headed Case Note Report?

WITNESS P: Yes.

5 **MR SELLER:** And there's a - seem to be four separate entries. The first is 30 October 2016, and the last is 2 August -

WITNESS P: Yes.

10 **MR SELLER:** - 2017. Do you see that?

WITNESS P: Yes.

15 **MR SELLER:** And these all seem to be documents or entries made by Mr Astill concerning you?

WITNESS P: Yes.

20 **MR SELLER:** If you could just go back to your statement prepared for the Commission, paragraph 13 and on onwards, pages 2 and 3.

WITNESS P: Yes.

25 **MR SELLER:** You'll see paragraph 13 starts, "After Astill found out about the letter."

WITNESS P: Yes.

30 **MR SELLER:** And then paragraph 14 through to paragraph 17, you describe actions taken by Mr Astill concerning you?

WITNESS P: Yes.

35 **MR SELLER:** And do those actions set out in paragraphs 14 to 17 equate with what we see here on the page I've just shown you, the 0009, these four entries by Mr Astill?

WITNESS P: Yes.

40 **MR SELLER:** I think Mr Lloyd, when he was asking you some questions before, may have identified the fact that Witness C left Dillwynia in about Christmas 2016. Do you remember that?

WITNESS P: No.

45

MR SELLER: You obviously recall that at some stage she went?

WITNESS P: Yes. Yes.

MR SHELLER: And is it fair to say that overall you had made a lot of efforts to pass on information and concerns you had about the relationship between
5 Mr Astill and Witness C -

WITNESS P: Yes.

MR SHELLER: - and had not got anywhere to the point that you had tried to
10 write this letter to HH?

WITNESS P: Yes.

MR SHELLER: And that the consequence of the writing of the letter to HH was
15 that it never left the prison?

WITNESS P: Yes.

MR SHELLER: Correct? You were then the subject of punishments?
20

WITNESS P: Yes.

MR SHELLER: Witness C left?

WITNESS P: Yes.
25

MR SHELLER: And from your perspective, that was the end of the matter?

WITNESS P: Yes.
30

MR SHELLER: Witness P, you've been asked some questions about things at the moment at Dillwynia. I'll just ask you a general question. Do you have a tablet now?

WITNESS P: Yes.
35

MR SHELLER: Has that proven to be beneficial?

WITNESS P: Sorry, can you say that again?
40

MR SHELLER: Has that been helpful or beneficial to you?

WITNESS P: Very helpful.

COMMISSIONER: Mr Sheller, I think I said to you last week that I'm satisfied that's true.
45

MR SHELLER: Thank you.

COMMISSIONER: I don't think we need to pursue it.

5 **MR SHELLER:** I won't. Thank you, Commissioner. Those are my questions.

COMMISSIONER: Yes.

<EXAMINATION BY MS GHABRIAL:

10

MS GHABRIAL: Yes, Commissioner. Thank you. Just a couple of questions. Witness P, my name is Ms Ghabrial. I appear for a group of Correctional Officers. At this time, I am going to ask you just some questions in relation to the letter which will -

15

WITNESS P: Yes.

20

MS GHABRIAL: - relate to one of my clients, Ms Wilson, but it's Ms Kim Wilson, not Ms Deborah Wilson who is the Manager of Security. Do you understand that?

WITNESS P: Yes. Yes.

25

MS GHABRIAL: And I just wanted to also make clear, like Mr Sheller has, that in no way am I challenging the terrible experiences that you had at the hand of Mr Astill in any way. Do you understand that?

WITNESS P: Yes.

30

MS GHABRIAL: Thank you. In relation to the letter, you speak about that in your statement to the Commission at paragraphs 9 to 12 -

WITNESS P: Yes.

35

MS GHABRIAL: - and the various things that occurred after your letter had become intercepted. Before you found out - or before you were approached in the way that you've described in your statement to the Commission by the various officers, Kelly Graham and Officer Kellett, about the - or to notify you, essentially, of the existence of the interception of your letter -

40

WITNESS P: Yes.

45

MS GHABRIAL: - there was a time that, would it be fair to say, you thought the letter had gone missing; is that correct?

WITNESS P: I can't remember.

MS GHABRIAL: Was there a time, do you remember, raising a concern with Officer Kim Wilson about worrying that a letter that you had written to a friend of yours on the outside had gone missing? Do you remember raising that concern with Kim Wilson?

5

WITNESS P: No, I can't remember.

MS GHABRIAL: Do you know Officer Kim Wilson?

10 **WITNESS P:** Yes. Yes.

MS GHABRIAL: So you don't remember raising a concern that the letter had gone missing with her?

15 **WITNESS P:** No, I cannot remember.

MS GHABRIAL: So I won't ask you any more questions, then, about that. Can I ask you this, though: Did you ever become aware that any concern about the letter going missing had been reported by an officer to the Governor? Do you recall becoming aware of that information?

20

WITNESS P: No.

MS GHABRIAL: Now, I am only assisting today in respect of Officer Giles, but I just wanted to ask you a question about Officer Giles, if I could.

25

WITNESS P: Yes.

MS GHABRIAL: At paragraph 29, you talk about remembering going to see Kim and asking to see the GM, Governor -

30

WITNESS P: Yes.

MS GHABRIAL: - about Astill. I just wanted to ask you this: I don't know whether it was this time or another time, but do you remember a time speaking with Officer Giles where the state that you were in was really upset, and you were crying, and you were shaking, and you said something along the lines of - and please pardon the language. I'm just repeating what I understand was what you said to Officer Giles at the time, and I quote, words to the effect of, "This cunt is wrong. He's fucking wrong. Astill's fucking wrong." Do you remember approaching Officer Giles on an occasion and actually being in that state and saying words to that effect to him?

35

40

WITNESS P: I can't remember, but I've been in that state plenty of times.

45

MS GHABRIAL: And do you remember on the occasion that you said that to Giles, if you remember saying that at all to Giles, that Officer Giles then took you

to Officer Hariharan and had you taken to the Governor to speak to the Governor about what you had relayed to him? Do you remember him taking you to the Governor to see her?

5 **WITNESS P:** I cannot remember, sorry.

MS GHABRIAL: You can't remember. That's okay. They're all the questions. Thank you.

10 **WITNESS P:** Thank you. I can't remember.

COMMISSIONER: Thank you. Mr Lloyd.

MR LLOYD: There's no questions.

15

COMMISSIONER: Very well. Thank you, Witness P. That concludes your evidence to the Commission, and you are formally excused.

WITNESS P: Thank you.

20

<THE WITNESS WAS RELEASED

COMMISSIONER: We might take the morning adjournment, Mr Lloyd, if that's convenient.

25

MR LLOYD: Thank you, Commissioner. It is. We will try in the break to see if we can bring forward Witness R who's presently scheduled for 2 pm, and I'll be able to tell you whether we can do that when we resume, if that's convenient.

30 **COMMISSIONER:** Right. You might come and talk to me in chambers about the order of things, if you would.

MR LLOYD: Certainly.

35 **COMMISSIONER:** Thank you.

<THE HEARING ADJOURNED AT 11.30 AM

<THE HEARING RESUMED AT 12.03 PM

40

COMMISSIONER: Yes, Ms Davidson.

MS DAVIDSON: Commissioner, I'll be taking this witness.

45 **COMMISSIONER:** Who is?

MS DAVIDSON: Ms R.

COMMISSIONER: Ms R?

MS DAVIDSON: Yes.

5

COMMISSIONER: Ms R, can you hear me?

WITNESS R: Yes, I can.

10 **COMMISSIONER:** You need to be sworn. Will you take an oath on the Bible or an affirmation?

WITNESS R: An affirmation, please.

15 **COMMISSIONER:** Very well. Just wait. Yes.

<**WITNESS R, AFFIRMED**

<**EXAMINATION BY MS DAVIDSON:**

20

MS DAVIDSON: Ms R, can you just have a look at the pseudonym list that I understand that you have with you there -

WITNESS R: Yeah.

25

MS DAVIDSON: - and confirm that you are the person - your name is listed beside "R" on that list?

WITNESS R: Yes.

30

MS DAVIDSON: And did you provide a statement to this Commission that's dated 21 October 2023?

WITNESS R: Yes.

35

MS DAVIDSON: And in that statement, were you telling the truth?

WITNESS R: Yes.

40 **MS DAVIDSON:** Did you also - Commissioner, that statement is behind tab 21A in volume 6.

COMMISSIONER: Yes. Thank you.

45 **MS DAVIDSON:** Ms R, did you also make a statement to the police in relation to the investigation of Mr Astill's offending on 29 January 2019?

WITNESS R: Yes.

MS DAVIDSON: And in that statement, were you telling the truth?

5 **WITNESS R:** Yes.

MS DAVIDSON: And you also gave evidence at Mr Astill's criminal trial; is that right?

10 **WITNESS R:** Yes.

MS DAVIDSON: And you were telling the truth when you gave your evidence?

15 **WITNESS R:** Yes.

MS DAVIDSON: Looking at that pseudonym list that you have in front of you, when you're giving your evidence, if you need to refer to another inmate, if you could just be so kind as to take the time to have a look at that list and try, if you can, to use the pseudonyms that are there for other inmates. But if you're not able to, we do have a technological means of cutting the feed. So if you slip up, it's not a disaster. We can address that. So don't worry too much about it, but if you're able to try, that would be wonderful.

25 **WITNESS R:** Yeah.

MS DAVIDSON: And please let us know if you do need to take a break in the course of your evidence this afternoon. Can I just ask that you have that witness statement that you gave to the Commission up in front of you. I understand it's on the screen rather than with you in paper form; is that right?

30 **WITNESS R:** No, I managed to get it printed just in time.

MS DAVIDSON: Okay. Well done. All right. I'm going to ask you to go to a number of paragraphs of that statement and just have a look at them and then I'm going to ask you some questions about them. This is not a memory test. At paragraph 3 of your statement, you were an inmate at Dillwynia Correctional Centre from late 2016 until 23 January 2019; is that right?

40 **WITNESS R:** Yes, that's right.

MS DAVIDSON: And was it early in that time that you formed a friendship with Witness M?

45 **WITNESS R:** Yes.

MS DAVIDSON: Did you live in the same house as Witness M at that time?

WITNESS R: Yes. Not when I first arrived at the Correctional Centre, but in Medium Needs, yes.

5 **MS DAVIDSON:** Once you moved to Medium Needs. And I think you indicated perhaps to the police that that was about a week after you moved to the Centre that you moved to Medium Needs; is that right?

WITNESS R: Yes.

10 **MS DAVIDSON:** And was the house that you were living in with Ms M the M Right house?

WITNESS R: Yes.

15 **MS DAVIDSON:** Did you also work together in buy-ups with Ms M?

WITNESS R: Yes.

20 **MS DAVIDSON:** And did you work with her through the whole period from when you moved to Medium Needs up until the point that she left the centre?

WITNESS R: Yes.

25 **MS DAVIDSON:** Can I ask you to read over to yourself paragraph 5 of your statement.

WITNESS R: Yep.

30 **MS DAVIDSON:** Can you tell the Commission what led you to first approach Mr Astill once you arrived in Medium Needs?

WITNESS R: To follow up a inter-gaol phone call.

35 **MS DAVIDSON:** Was that something you asked him to help you with?

WITNESS R: Yes.

40 **MS DAVIDSON:** And what was the reason for choosing - you choosing to approach him in relation to that?

45 **WITNESS R:** Because, like, not a lot of officers necessarily were very helpful, and Chiefs obviously have a lot more power. So it was a lot faster to go through a Chief to have something like that done, and Mr Astill was somebody that would help.

MS DAVIDSON: You say in paragraph 5 that it was common knowledge that Astill was an officer who could help you if you needed assistance.

WITNESS R: Yes.

MS DAVIDSON: Do you remember being told that by other inmates?

5

WITNESS R: Yes. I - I don't recall exactly who. It was just sort of general knowledge that had obviously gone around through the women in the prison.

MS DAVIDSON: Do you remember what you were told about his willingness to help?

10

WITNESS R: No.

MS DAVIDSON: Was Witness M also at the same time wanting to make a request of Mr Astill?

15

WITNESS R: Yes.

MS DAVIDSON: And what was that about?

20

WITNESS R: An extended visit with her daughters.

MS DAVIDSON: And is that because they were travelling from interstate -

25

WITNESS R: Yes.

MS DAVIDSON: - and she wanted to spend some more time with them? Was that something that, like the inter-gaol phone call, required some special arrangement to be made?

30

WITNESS R: Yes.

MS DAVIDSON: And did you - do you remember discussing with Witness M approaching Mr Astill before you did that?

35

WITNESS R: Yes, because prior I had been seeing him for the inter-gaol phone call, and she also went there for her extended visit request.

MS DAVIDSON: All right. So is this right: you asked him about the inter-gaol phone call first?

40

WITNESS R: Yes.

MS DAVIDSON: And then as a result of that, she went to ask him about the extended visit?

45

WITNESS R: Yes.

MS DAVIDSON: And was he helpful in relation to the inter-gaol phone call?

WITNESS R: Yes.

5

MS DAVIDSON: Can I ask you to have a look at paragraph 8 of your statement.

WITNESS R: Yep.

10 **MS DAVIDSON:** For the Commission, that is. What did you start to notice in relation to Mr Astill's treatment of Witness M?

WITNESS R: It just progressively became more inappropriate and had passed the point of officer and inmate.

15

MS DAVIDSON: When you say it had passed the point of officer and inmate, can you explain what you mean by that?

20 **WITNESS R:** Sharing personal details about himself, making comments about M's appearance and - like, not obviously straightaway, but eventually leading to other more inappropriate things such as touching and trying to kiss her.

25 **MS DAVIDSON:** So sticking just with the initial stage at the moment, in paragraph 8 you say his behaviour gradually progressed and wouldn't necessarily have been very obvious to others. The things that you've just told us about, in terms of making comments, were they things that you heard? Were you there at the time?

WITNESS R: Yes.

30

MS DAVIDSON: Okay. And the same for telling information about himself, were you there for that?

WITNESS R: Yes.

35

MS DAVIDSON: Okay. And when you say his behaviour would not necessarily have been very obvious to others, especially at the beginning - this is paragraph 8 - why is it that you think that?

40 **WITNESS R:** Well, predominantly because nobody else was there.

MS DAVIDSON: Right.

45 **WITNESS R:** It would be in the Chief's office, so it wasn't as though it was visible to anybody else, which would be probably the number one reason.

MS DAVIDSON: So is this at a time that he would call the two of you to his office that it started to escalate?

5 **WITNESS R:** No. So at the beginning when things weren't so obvious, that was when we were actually going to see him on our own accord for things that we required. It had started to get more obvious once Mr Astill was being - for M to go and see him. That was when things had become more obvious and obviously more alarm bells were going off.

10 **MS DAVIDSON:** All right. So is this right: Initially you had a reason for going to see him, and that was more than once that you had a reason to go and see him about the requests that you were making; is that correct?

15 **WITNESS R:** Yes.

MS DAVIDSON: But things progressed from there after he started to call for Witness M?

20 **WITNESS R:** Yes.

MS DAVIDSON: Is that right? You mentioned that - and if you could have a look at paragraph 9 of your statement, that Mr Astill started to tell you personal information. Can you have a look at paragraph 9 and tell the Commissioner what it was that Mr Astill shared with you about himself?

25 **WITNESS R:** So he would share various things. I can't obviously remember all of them, but I do remember such things as he told us how he had a motorcycle. He had also told us that he had been a police officer. And I - I kind of deemed the last comment of him being a police officer a bit of - form of intimidation or to
30 demonstrate the power and control, I guess, that he had, given the situations that myself and M ended up in gaol.

MS DAVIDSON: So you felt at the time that he started to share that personal information with you that he was trying to intimidate you; is that right?
35

WITNESS R: Yeah. Well, just to show his power, I guess, to - to show the level of power and control and, I guess, how little power and control me and M had.

MS DAVIDSON: Had any other officer shared information of that kind with you at the time?
40

WITNESS R: Not to that significant nature. Obviously, if - if you are with an officer quite frequently, sometimes conversations do happen. But it was of a different nature with Mr Astill.
45

MS DAVIDSON: Could I ask you to have a look at paragraph 10 of your statement.

WITNESS R: Yep.

5 **MS DAVIDSON:** You say there that things started to escalate when Mr Astill moved his office from low needs to Medium Needs. Is that when he started to call more frequently for Witness M?

WITNESS R: Yes.

10 **MS DAVIDSON:** And you say that he started to find reasons to call her. Did you know what those reasons were?

15 **WITNESS R:** So there were various reasons. One reason was he wanted us to go and clean the office that he was moving into; for legal mail; various different reasons like that.

MS DAVIDSON: Would he call for her over the public address system?

20 **WITNESS R:** No.

MS DAVIDSON: Okay. So how would you know that he was calling for her?

25 **WITNESS R:** So through officers at muster, and also I believe N had told me and M that he had requested us to go to the office as well.

MS DAVIDSON: And would he - would those requests be for both of you to attend the office or just Witness M?

30 **WITNESS R:** No. Usually just M, but I would always go with M.

MS DAVIDSON: All right. And what was the reason that you would always go with her?

35 **WITNESS R:** Because at that stage she had felt uncomfortable.

MS DAVIDSON: And when you got to the office, you said she'd sometimes be told it was help with moving or for help with cleaning.

40 **WITNESS R:** Yeah.

MS DAVIDSON: Was that the reason that - when you got there?

WITNESS R: No.

45 **MS DAVIDSON:** Did he ever discuss with you the reason that she'd been called for?

WITNESS R: Just to talk and sit down and talk with him about nothing. It was just essentially so he could see her, and he would openly state that.

5 **MS DAVIDSON:** And this tended to be at lunchtime; is that right?

WITNESS R: Pardon?

MS DAVIDSON: This tended to be at lunchtime, after the muster; is that right?

10 **WITNESS R:** Yeah. So it wouldn't be during lunchtime; it would be after - it would be after let go, but these requests would happen during lunchtime. But we obviously get locked in during lunchtime, so it would be after let go that he would request -

15 **MS DAVIDSON:** So the request would be that you go and see him after let go instead of going back to work; is that right?

WITNESS R: So the - the - those times were when work wasn't happening. Those times -

20 **MS DAVIDSON:** I see.

WITNESS R: - were when we were working.

25 **MS DAVIDSON:** Okay. So you note in - well, can you have a look at paragraph 11.

WITNESS R: Yep.

30 **MS DAVIDSON:** You say you were working a lot, and you were working in buy-ups with Witness M.

WITNESS R: Yep.

35 **MS DAVIDSON:** Was she on the same work schedule as you were, so far as you understood?

WITNESS R: Yes.

40 **MS DAVIDSON:** So on days that you were working where you say:

"I would be picked up in the morning by one of the overseers or the supervisor, Officer Craig Quinton, and they would then take me to work."

45 Did you understand the same thing was happening for Witness M?

WITNESS R: Yes.

MS DAVIDSON: And would they pick her up at the same time as picking you up?

5 **WITNESS R:** Yes.

MS DAVIDSON: All right. And you say by the time you returned to the unit, there would only be about another half an hour until you were locked in. Was that half-hour period sometimes a period that Witness M would be called for by Mr Astill?

WITNESS R: Yes.

MS DAVIDSON: Can you have a look at paragraph 12.

15 **WITNESS R:** Yep.

MS DAVIDSON: Is what you're describing there still a stage where you were working in buy-ups?

20 **WITNESS R:** Yes.

MS DAVIDSON: And did you continue to work in buy-ups throughout the period up until when Witness M left the Centre?

25 **WITNESS R:** Yes.

MS DAVIDSON: Do you remember Witness M saying anything at work about Mr Astill calling for her?

30 **WITNESS R:** I remember Witness M requesting Overseer Quinton not to send her to Astill if Astill was to call for her.

MS DAVIDSON: Astill was - I'm sorry, if he was to call for her?

35 **WITNESS R:** Yeah.

MS DAVIDSON: Did she say why?

40 **WITNESS R:** I don't believe - I believe she just said that she doesn't require to see him. I - I don't recall exactly what reason she said that he would request her for, but she had just said that she doesn't require to see him.

MS DAVIDSON: Do you remember her saying that on only one occasion?

45 **WITNESS R:** Yes.

MS DAVIDSON: Or more than once?

WITNESS R: Only once that I can recall.

5 **MS DAVIDSON:** And what do you remember Mr Quinton - or Officer Quinton saying in response to that?

WITNESS R: I can't remember his exact response, but I do remember that he didn't send her to go and see Astill that day.

10

MS DAVIDSON: You say at paragraph 12 he actually supported her - we need to pause. I'm told, Ms R, there's a problem just with the transcription. Just for a couple of minutes.

15 **WITNESS R:** I might - I might go and try and lay the baby down whilst we're having a pause.

COMMISSIONER: Yes, that's fine.

20 **MS DAVIDSON:** Thank you. I'm told we'll be five minutes, Commissioner.

COMMISSIONER: Five minutes, I might go off, if that's the case.

<**THE HEARING ADJOURNED AT 12.23 PM**

25

<**THE HEARING RESUMED AT 12.31 PM**

30 **MS DAVIDSON:** I understand the issue is resolved, Commissioner. Ms R, I'd been asking you about paragraph 12 and the occasion on which Witness M said to Officer Quinton - or suggested that Officer Quinton tell Mr Astill that she did not need to go and see him. Do you recall saying something similar to any other overseer when she was called by Mr Astill?

35 **WITNESS R:** I don't recall.

MS DAVIDSON: Could I ask you to have a look at paragraphs 13 and 14.

WITNESS R: Yeah.

40 **MS DAVIDSON:** You're referring here to the incident, I should say, that you've described at paragraph 12 that you've already referred to of Mr Astill attempting to kiss Witness M. You say at paragraph 13 you can't recall the exact circumstances about how the incident involving Witness M was reported to Shari Martin. Do you remember anything about how that came to be reported to the Governor?

45

WITNESS R: So, no, it was reported to the Governor by myself. But I can't recall the circumstances surrounding how it came about.

MS DAVIDSON: All right.

5 **WITNESS R:** I do know that I did report it to Shari Martin, but I can't remember the circumstances leading up to that happening.

MS DAVIDSON: And that's in the meeting that you had with Ms Martin that you reported it to her; is that correct?

10 **WITNESS R:** Yes.

MS DAVIDSON: All right. We'll come to that. Before we get to your meeting with Ms Martin, what do you remember about Witness M's reaction to that incident where Mr Astill tried to kiss her?
15

WITNESS R: She was very, very distressed, very upset, quite inconsolable.

MS DAVIDSON: Did you observe her telling other inmates about the incident?

20 **WITNESS R:** Yeah. I - I can't recall if I observed it, but I know that she did tell other inmates. I - I can't recall exactly if I was present when she told them or she had just informed me that she had told them.

MS DAVIDSON: All right. So where you say in paragraph 14:
25

"Witness M had told me that she had spoken to Witness B and Witness V about the incident."

WITNESS R: Yes.
30

MS DAVIDSON: It's possible that you also were part of those conversations, or you don't think that you were?

35 **WITNESS R:** I don't believe I was. I believe I had only been told by M that she had spoken to B and V. However, I - I - I can't recall exactly.

MS DAVIDSON: All right. Can you have a look at paragraph 16.

WITNESS R: Yes.
40

MS DAVIDSON: You say there that after Witness M left, you attended the administration building and approached Officer Holman. Was that after Witness M left for her court date?

45 **WITNESS R:** Yes.

MS DAVIDSON: And do you have any idea when that was?

WITNESS R: I don't, sorry.

5 **MS DAVIDSON:** If I was to suggest to you that it was some time in 2017, would that sound approximately correct?

WITNESS R: Yep.

10 **MS DAVIDSON:** You approached Officer Holman, you say in paragraph 16. Do you remember why it was that you went to Officer Holman?

WITNESS R: So it was to report what had happened to M, but again (crosstalk).

15 **MS DAVIDSON:** And why did you choose to approach him?

WITNESS R: Because he was the - I think - I believe he was the Manager of Security of Dillwynia.

20 **MS DAVIDSON:** At that time?

WITNESS R: Yes.

25 **MS DAVIDSON:** And so did you understand the Manager of Security to be a person who is more senior than Mr Astill?

WITNESS R: Yes.

30 **MS DAVIDSON:** And do you remember whether you were thinking that you needed to report it to somebody who was more senior than Mr Astill?

WITNESS R: Yes, definitely.

MS DAVIDSON: And why was that?

35 **WITNESS R:** I guess, in my mind, reporting a serious allegation about an officer in a high position would require you to report to somebody in a higher position, because an officer who is of a lesser position probably wouldn't really have as much capabilities to do anything about the situation.

40 **MS DAVIDSON:** You say that you went to the administration building. Do you remember where in the administration building you had this conversation?

45 **WITNESS R:** So not - not exactly. Like, I - I - I can see it, but to - to describe it, it's a little bit more difficult. It was right near the reception building - in between buy-ups and the reception building where student - not student - the - the girls' administration was where you could go and collect shoes and things like that. There was also a - a door which the Manager of Security's office was, I believe.

MS DAVIDSON: And do you remember whether you were inside the Manager of Security's office?

5 **WITNESS R:** Yes.

MS DAVIDSON: You say in paragraph 16 you believed there were other officers there at the time. Do you - when you're thinking about your picture of that conversation now, can you picture any other officers being inside the office at the
10 time?

WITNESS R: Yes, I do believe that there were other officers. However, I don't recall who they were. I believe that there - there had to be other officers. Given the conversation that we were having, that obviously there had to be more than one
15 officer present.

MS DAVIDSON: Can you have a look - when you say there had to be more than one officer present, why did you understand there had to be more than one officer present for the conversation that you were having?
20

WITNESS R: Because of the serious allegations - the seriousness of the allegations.

MS DAVIDSON: So do you remember whether Mr Holman went to get another officer?
25

WITNESS R: I don't recall.

MS DAVIDSON: Can you have a look at paragraph 17 and read that to yourself.
30

WITNESS R: Sorry, which paragraph?

MS DAVIDSON: Paragraph 17.

35 **WITNESS R:** Yep.

MS DAVIDSON: Can you tell the Commissioner what you remember about that conversation with Mr Holman?

40 **WITNESS R:** That Mr Holman continued to reiterate the fact that - like, the - the seriousness of the complaint and the types of ramifications for an officer if these complaints are made. And due to the seriousness of the allegations, that Governor Martin would need to also be brought into the room for the conversation.

45 **MS DAVIDSON:** So do you remember him going to get Governor Martin or somebody else going to get Governor Martin?

WITNESS R: I don't recall.

5 **MS DAVIDSON:** All right. And then Governor - you tell us in paragraph 18 that Governor Martin came into the room, and you indicate that you told her the same thing that you told Officer Holman. Can you remember at all the words that you used in describing what had happened to her?

WITNESS R: No, I don't recall.

10 **MS DAVIDSON:** Do you remember her asking you questions about it?

15 **WITNESS R:** No, not really. It was a very brief conversation. It - it really didn't last very long. And I - I believe that I mainly was suggesting for them to speak to M regarding the situation, considering the allegations were involving her and not myself.

MS DAVIDSON: Can you have a look at your police statement, if you've got that on your screen there.

20 **WITNESS R:** Yep.

MS DAVIDSON: Have a look at paragraph 19 of that statement.

25 **WITNESS R:** Yep.

MS DAVIDSON: And that goes from the bottom of page 4 over to the top of page 5. Have you read that over to yourself now?

30 **WITNESS R:** I'm just reading it.

MS DAVIDSON: Okay.

WITNESS R: Yep.

35 **MS DAVIDSON:** You indicate there that Ms Martin said that the allegations were serious and that a lot of the time - sorry - and that a lot of the time, a lot of these allegations turned out to be false.

40 **WITNESS R:** Yes.

MS DAVIDSON: Do you remember responding to that in any way?

45 **WITNESS R:** No, I - I - I don't recall. I - I believe that in - in that meeting, I was quite taken aback by the - the - the response of both Holman and - and Shari Martin. And being an inmate, having a conversation not only with the Manager of Security of the gaol but also the Governor where my concerns were sort of brushed off didn't really leave me in a place to - to feel like I could express my

feelings towards the situation or have any sort of request as to what they were going to do.

5 **MS DAVIDSON:** You say were you taken aback by what Officer Holman - Officer Holman's reaction and Ms Martin's reaction. What was it about Officer Holman's reaction, do you remember, that led to you feeling taken aback?

10 **WITNESS R:** Just the fact of being reiterated how serious the allegations are and the - the ramifications for the officer. Both Shari Martin and Holman seemed to have little regard for M in the situation. It - their concerns seemed to be focused on Astill, which didn't give me much confidence in them taking it seriously or it amounting to anything. And obviously given the fact that I still had quite a substantial amount of time to serve myself, I didn't want to say anything that could possibly jeopardise my time.

15 **MS DAVIDSON:** Was that part of the reason that you told us that you emphasised talking to Witness M?

20 **WITNESS R:** Yes.

MS DAVIDSON: Because you didn't want to jeopardise the remaining time that you had to serve?

25 **WITNESS R:** And also because it - it - it was something that happened to her, and obviously getting second-hand information from somebody is never as accurate or as good as hearing it from the person that it actually happened to. And I didn't want to be the one to decide that something needed to happen. I feel that that was M's decision, as to whether she wanted - what she wanted to happen, whether she wanted something to happen, whether she didn't want something to happen. And one - yeah, I didn't want to make that call.

30 **MS DAVIDSON:** What were the repercussions for you, or consequences for you, that you were worried about in making this - or raising this complaint in relation to what had happened to M?

35 **WITNESS R:** Regression, so not being able to progress through the gaol system or being tipped back to maximum security, having - having just little things taken away that can mean quite a lot. It's - it's very possible in - in those sorts of situations for, you know, your phone to not work or for your buy-up to not go through. And - and - and there's ways that officers can make your time very difficult in gaol. And you - you can't do anything about it.

40 **MS DAVIDSON:** Were you aware of those kinds of things having happened to other inmates who had made complaints about officers' conduct?

45

WITNESS R: Not necessarily about other officers' conduct, but just potentially they have upset an officer by doing something, said something wrong to an officer, which has resulted in certain things like that happening.

5 **MS DAVIDSON:** Do you remember giving a piece of paper, or maybe more than one piece of paper, to Shari Martin in that meeting?

10 **WITNESS R:** So I didn't initially, but I do recall after briefly reading through my police statement that that actually is how the - me going to Shari Martin came about, because of a letter that M had written to me detailing what had happened. And it also involved V having issues with Astill, because she - he was saying that she had said that he was a kiddy fiddler, and she was scared that she was going to get tipped gaols. And she had only - she never made that comment. She only made
15 comments about what happened to M. And so she wanted to have that obviously come out to alleviate her - the - the impact of what Astill was saying was happening on her, because she believed that she was right in the things that she was saying about him.

20 **MS DAVIDSON:** So do you remember whether she - thinking about it now, do you think she approached you in relation to going to see Officer Holman or the Governor?

WITNESS R: Yes.

25 **MS DAVIDSON:** And you say that you had received the letter from Witness M. The letter - well, is this right: Did the letter describe what had happened to Witness M, what Mr Astill had done to her and trying to kiss her?

30 **WITNESS R:** Yes, I don't - I don't recall exactly what the letter had said, but it did detail things that had happened with Astill and M.

MS DAVIDSON: You say you handed the Governor a photocopy of that letter. How did you come to have a photocopy of it? Do you remember?

35 **WITNESS R:** I believe - I - I can't recall exactly, but I believe V may have copied it with a printer in one of the offices.

40 **MS DAVIDSON:** All right. And do you remember what happened to the letter itself? Did you keep it?

WITNESS R: I believe I kept the letter.

MS DAVIDSON: And do you know what happened to it after that?

45 **WITNESS R:** I would say that once I was released, I probably got rid of most of my letters that I had kept.

MS DAVIDSON: Okay. Do you remember how the meeting ended?

WITNESS R: I - I don't recall. I - I believe that they said that they were going to look into it, and that was the last that I had heard.

5

MS DAVIDSON: So when you say "they said", is that something Governor Martin said?

WITNESS R: Yes.

10

MS DAVIDSON: Do you remember whether Mr Holman said much in the meeting once Governor Martin had been called in?

WITNESS R: I don't recall.

15

MS DAVIDSON: Did you speak to anyone else, that is, any other inmate, about the meeting after you'd had the meeting?

WITNESS R: Possibly V, but other than that, no, I - I don't believe so.

20

MS DAVIDSON: Was Witness V in the meeting with you?

WITNESS R: I don't recall.

25

MS DAVIDSON: And do you remember speaking to any officer about the meeting after you'd had the meeting, that is, during your time at Dillwynia?

WITNESS R: No.

30

MS DAVIDSON: Can you have a look at paragraph 22 of your Commission statement, not the police statement.

WITNESS R: Yep.

35

MS DAVIDSON: You refer to reporting incidents at DCC leading to poor outcomes for inmates.

WITNESS R: Yes.

40

MS DAVIDSON: Did you have - apart from what you've described of the meeting you had with Governor Martin, did you have any other experience during your time at DCC of those kinds of consequences that are referred to by you in paragraph 22?

45

WITNESS R: Personally, no.

MS DAVIDSON: You mention at paragraph 27 the Official Visitor, and you indicate that you might have spoken to them about better dental care. Do you recall having an understanding of whether there were particular types of complaints that were or weren't appropriate to raise with the Official Visitor?

5

WITNESS R: So, in my - in my opinion, I don't believe that very many complaints raised with the Official Visitor actually result in any - anything really happening anyway. But obviously in making a complaint about what happened to M an Official Visitor would be silly because there's no way - like, the Official Visitor can (indistinct) if you like. But for action to be taken when you're making a complaint, if it's kept anonymous, how is it going to actually be resolved? And you would think that making a complaint to the most senior person of the gaol would actually result in an outcome. If that didn't result in an outcome, would a complaint to an Official Visitor help?

10
15

MS DAVIDSON: You say that you found your complaint to the Official Visitor was not taken seriously. What was it that gave you that impression?

WITNESS R: So I didn't make a complaint about what happened to M. I had had dental issues previously in the past, and I was left with excruciating toothache and only given Panadol as pain relief and waiting six months to see a dentist. And that you would see that that was (indistinct) continuously in - in gaol. Some women could be waiting 12 months to see a dentist. And, you know, that resulted in me actually having to have two teeth pulled out that potentially could have been saved and only needed a filling. But in having to wait six months to see a dentist and being in excruciating pain, you don't have the confidence in the system when you're left with that.

20
25

MS DAVIDSON: And just to be clear, Ms R, I'm not suggesting that you made any complaint to the Official Visitor about Mr Astill. I'm not putting that to you at all. It was just a question about your experience in relation to what complaints you did make.

30

WITNESS R: Yeah.

35

MS DAVIDSON: Do you recall when you came into gaol, or at any other time, being given any information about how to make a complaint within the gaol?

WITNESS R: Vaguely. I think - not at Dillwynia, I don't recall. But I do believe at Mulawa or Silverwater upon - at some stage there. I don't think it was necessarily when I first arrived, but it - it was made apparent that you could call the Ombudsman. And the - the Official Visitors are supposed to come out every so often. However, that actually never did seem to happen on a regular basis. It was quite rare that an Official Visitor would make an appearance.

40
45

MS DAVIDSON: Was that for Dillwynia as well as your time at Silverwater -

WITNESS R: Yes.

MS DAVIDSON: - that you found it quite rare that an Official Visitor would make an appearance?

5

WITNESS R: Yes.

MS DAVIDSON: Just in relation to the - going back to the letter from Witness M that you handed to Governor Martin - that you remember handing to her in that meeting, you've indicated that it related to the incident where Mr Astill tried to kiss her. Do you remember - well, what do you remember about how that was described? Did she use those - that is, did M, do you remember, use those words in relation to telling you what had happened?

10
15 **WITNESS R:** I - I don't recall.

MS DAVIDSON: Do you remember whether she talked about any other incident with Mr Astill apart from the incident where he tried to kiss her?

20 **WITNESS R:** I don't recall what the letter actually said.

MS DAVIDSON: Okay. But is it fair to say this, thinking about it now and looking back at the content of your police statement, that you were concerned by the contents of the letter?

25

WITNESS R: Yes. Yes. Because obviously the letters are screened when they come through the mail and obviously being concerned that, I guess, another officer could have potentially read what was in the letter.

30 **MS DAVIDSON:** Were you worried about Mr Astill reading the contents of the letter?

WITNESS R: Not necessarily him directly reading it, but possibly somebody who could inform him of what the letter said.

35

MS DAVIDSON: Right. You've referred to inappropriate comments and other actions that Mr Astill took towards Witness M and the build-up kind of process. Do you remember whether the letter talked about any of that?

40 **WITNESS R:** I - I don't recall.

MS DAVIDSON: But do you think there was something in the letter that was sufficiently clear - or you understood to be sufficiently clear in relation to what Mr Astill had done, that if another Officer read it, that that caused you to be worried and have to take it to Mr Holman?

45

WITNESS R: Yes.

MS DAVIDSON: Those are my questions, Commissioner.

COMMISSIONER: Yes. Does anyone else have any questions?

5

MR SELLER: Not from me, no.

MS GHABRIAL: No, Commissioner.

10 **COMMISSIONER:** No?

MS DAVIDSON: No.

15 **COMMISSIONER:** Well, thank you, Witness R. That concludes your evidence. Thank you for coming forward, and you are now formally excused.

WITNESS R: Thank you.

<THE WITNESS WAS RELEASED

20

MR LLOYD: Commissioner, I apologise to have to tell you that we do not have any further witnesses today. You may remember last week I said that because of the logistical issues with the inmates and former inmates, it was necessary to schedule them for particular times and there was the risk of this happening. That risk has manifested today. We don't have any further inmates or former inmates available today.

25

30 As for tomorrow, we have Witnesses B and O who are - subject to whether we can call Witness KK, who's come on to the pseudonym list today who was the subject of some evidence last Friday, which you remember - subject to Witness KK, they are the last of the inmates or former inmate witnesses. And then after those two witnesses tomorrow, B and O, we'll be into the officers and former officers.

35 **COMMISSIONER:** How long do you expect the two witnesses to take tomorrow?

40 **MR LLOYD:** I am concerned that we will not be able to finish them by lunch, but we will be able to finish them before the day is out. And for that reason, it's proposed, if you're content with this, to move the first of the officer witnesses, officer Clark, up to have him available to start his evidence tomorrow.

COMMISSIONER: I'm more than content, Mr Lloyd. That should happen.

45 **MR LLOYD:** Thank you. And I should say -

COMMISSIONER: And from now on, I would expect arrangements to be made, which may prove inconvenient on occasions, but nevertheless arrangements

should be made to have a witness standing by, irrespective of what we might anticipate will happen, so that we don't lose any time.

5 **MR LLOYD:** Yes. And I will aim to have all of the parties with interests, and of course the witnesses, informed as far ahead of time as we can of the witnesses who will be required on each day to make sure that, unless something exceptional occurs, we don't run out of witnesses again. As you know, we have a multitude of officer witnesses to get through, and it won't help us if we run out of time.

10 **COMMISSIONER:** No. All right. Well, you will no doubt discuss with other counsel what the arrangements will be. But everyone should understand that this should be, so far as possible, a continuous process.

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

COMMISSIONER: All right. So we'll adjourn until 10?

MR LLOYD: Yes.

20 **COMMISSIONER:** 10 o'clock in the morning.

<THE HEARING ADJOURNED AT 1.00 PM TO TUESDAY, 24 OCTOBER 2023 AT 10.00 AM

25