



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

**PUBLIC HEARING
SYDNEY**

**TUESDAY, 24 OCTOBER 2023
AT 10.00 AM**

DAY 9

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 BUTERIN appears for a group of current or former inmates at Dillwynia
MS J. GHABRIAL appears for a group of Correctional Officers**

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<THE HEARING RESUMED AT 10.03 AM

COMMISSIONER: Yes, Ms Davidson.

5 **MS DAVIDSON:** Commissioner, the first witness for this morning is Witness O, who appears on the camera, and she would like to take an oath. I call her now.

<WITNESS O, SWORN

10 **<EXAMINATION BY MS DAVIDSON:**

MS DAVIDSON: Ms O, do you have with you in the witness box a list that's referred to as a Pseudonym List?

15 **WITNESS O:** Yes.

MS DAVIDSON: And are you, if you have a look at that list, the person whose name is listed beside "O" on that list?

20 **WITNESS O:** Yes.

MS DAVIDSON: So in giving your evidence, if you're referring to other witnesses who are included on that list, I'd be grateful, if possible, if you could refer to them by the initial that's been used there. But if you accidentally use their name or slip up, that's not a disaster. We can cut the feed so that the name isn't released. But if you're able to do your best you can, that would be great. In relation to Ms Sheiles, that is, Trudy, she's not using a pseudonym. So you're able to refer to her by her name. Does that make sense?

30 **WITNESS O:** Yes.

MS DAVIDSON: Ms O, did you make a statement to the police in relation to Mr - I'll refer to him as "the perpetrator", as you have in your statement. Did you make a statement in relation to him on 16 July 2019 to the police?

35

WITNESS O: I'll go back to my statement to check the date, if - one second, please.

MS DAVIDSON: Yes. Tab 16 in the folder that you may have in front of you.

40

WITNESS O: Yes, that's correct.

MS DAVIDSON: And are the contents of that statement true?

45 **WITNESS O:** Yes.

MS DAVIDSON: Did you make another statement to police on 4 May 2021, which is behind tab 17 in the folder that you may have in front of you?

WITNESS O: Yes. Correct.

5

MS DAVIDSON: And are the contents of that statement true?

WITNESS O: Yes.

10 **MS DAVIDSON:** Did you make a statement to this Inquiry on 21 October 2023? That may be behind tab 17A in the folder that you have in front of you.

WITNESS O: Yes, I did. That's correct.

15 **MS DAVIDSON:** And are the contents of that statement true?

WITNESS O: Yes.

20 **MS DAVIDSON:** You also gave evidence in the perpetrator's criminal trial; is that right?

WITNESS O: Yes.

25 **MS DAVIDSON:** And was the evidence you gave in court on that occasion truthful evidence?

WITNESS O: Yes.

30 **MS DAVIDSON:** Commissioner, the statement is behind tab 17A in volume 5.

COMMISSIONER: Yes. Thank you.

35 **MS DAVIDSON:** Ms O, I'm going to ask you some questions, and this is not a memory test, so I'm going to ask you to have a look at some paragraphs in your statement that you've given to the Inquiry. So if you can have that document in front of you. What I'm going to ask you to do is have a look at some of those paragraphs and then answer some questions for the purposes of explaining some things. If you need to refer back either to that document or want more time to read, please just let us know.

40

WITNESS O: Yeah.

45 **MS DAVIDSON:** Could you have a look at paragraph 4 of your statement to the Inquiry.

WITNESS O: Did you say paragraph 4?

MS DAVIDSON: Paragraph 4, yes.

WITNESS O: Yep.

5 **MS DAVIDSON:** Were you an inmate at Dillwynia Correctional Centre between 4 January 2016 and the time that you were released on parole?

WITNESS O: Yeah.

10 **MS DAVIDSON:** And was the time that you were released on parole - you don't need to tell us the date, but was that some period after Mr Astill was arrested and left the Centre?

15 **WITNESS O:** Yes. Sorry. Okay. Sorry, it's just that it is difficult for me. Maybe I'm stressed. Can you ask me - can you repeat your question, please.

MS DAVIDSON: Yes. Sure. Was the time that you were released on parole - you don't need to tell us the date, but was it sometime after Mr Astill had been arrested and had left Dillwynia?

20

WITNESS O: Yes. Correct.

MS DAVIDSON: And is it right, having a look at paragraph 5, that between January 2016 when you arrived in Dillwynia and around 2020 that you lived in the SMAP unit? The SMAP?

25

WITNESS O: Yes.

MS DAVIDSON: Was that in J House or J Unit that you lived?

30

WITNESS O: Yes.

MS DAVIDSON: In paragraph 6, you - or can you have a look at paragraph 6 of your statement. Just read that over to yourself and then I'll ask - let us know when you've read that, and I'll ask you a question about it.

35

WITNESS O: Yes, I'm ready.

MS DAVIDSON: Thank you. You refer there to something you saw in the Chief's office, and you say that was the office outside the high needs area?

40

WITNESS O: Correct.

MS DAVIDSON: Was that an office that was in a building separate to J Unit but within the SMAP area?

45

WITNESS O: Yes.

MS DAVIDSON: Can you describe for the Commissioner what you saw in the Chief's office on that date that you refer to in that paragraph, in March 2017?

5 **WITNESS O:** Yes. As I mentioned in my statement, I was walking with T, and we saw what we saw in the Chief's office as Trudy was the sweeper at that time, and the perpetrator was in the office in the same time, sitting in a chair while she was vacuuming, same time changing the bin, and we saw the inappropriate touching happened.

10

MS DAVIDSON: So where did you see the perpetrator touch Trudy?

WITNESS O: On her butt.

15 **MS DAVIDSON:** On her butt. Is that the incident that you describe also in your police statement on 16 July 2019 at paragraph 6? Can you go to that document. Do you have that statement in front of you now?

20 **WITNESS O:** I do have it - yeah, I do have it. Just if - if I can have a second just to read it, please.

MS DAVIDSON: Of course. If you read paragraphs 6 to 8.

WITNESS O: Sure.

25

MS DAVIDSON: Are you okay there, Ms O?

WITNESS O: Yeah, I was just asking about one of the things in the paragraph, like, about the Witness H. I wasn't sure who it was, so I've got the clarity of that.

30

MS DAVIDSON: Yes. Witness H was a pseudonym that was being used at one point for Trudy.

WITNESS O: Okay.

35

MS DAVIDSON: So you can assume that any time you see "Witness H", that's referring to Trudy Sheiles.

WITNESS O: No worries.

40

MS DAVIDSON: Looking at paragraph 8, you say:

"He ran his hand on her arse from the bottom in an upward movement and quick motion before he moved it away."

45

Is that your memory of -

WITNESS O: Correct.

MS DAVIDSON: That reflects your memory of what you saw in the Chief's office?

5

WITNESS O: Yes.

MS DAVIDSON: Did you subsequently decide to speak to Officer Timothy Peek about that, about what you had seen?

10

WITNESS O: Yeah, I thought to speak the better one like who to listen and care about this. So he was the Senior at that time in high needs. So, yeah, I decided to speak to him.

MS DAVIDSON: And he was someone who you had previous experience with of listening to you and seeming to care about you; is that right?

WITNESS O: Well, he seems decent. If I have trouble or if I want to speak to him, yeah, he will give the time to listen.

20

MS DAVIDSON: Can you go back to your Commission statement and have a look at paragraph 8.

WITNESS O: Yeah.

25

MS DAVIDSON: You say there that you spoke to Officer Peek around lunchtime as he was coming back from the admin building next to the magic window and then you told him some things. Are you able to describe for the Commission what it was, as much as you can remember, that you told Officer Peek?

30

WITNESS O: Yeah, I was overwhelmed with what I saw and what's happening. So it was lunchtime, we went out, then I was looking for him. Then I saw him coming out of the admin building. I ask him if I can speak to him for a minute. He said "yes". So I just told him exactly what I saw, and I told him that I don't think that's appropriate or anything's right about it.

35

MS DAVIDSON: So you say you told him exactly what you saw. Did you describe - do you remember whether you described where Trudy was, where the perpetrator was? What sort of - do you remember anything about the description that you gave him?

40

WITNESS O: As I remember, I told him everything, what I saw, where Trudy was and the perpetrator and everything that's happened between them.

MS DAVIDSON: Do you remember whether you told him that the perpetrator had touched Trudy on the bottom, or on the butt as you said before?

45

WITNESS O: As I remember, yes, I did.

MS DAVIDSON: Do you remember what Officer Peek said to you?

5 **WITNESS O:** Yes. He said leave it with him.

MS DAVIDSON: And after that, if you have a look at paragraph 9, you describe being called to the Senior's office, either the same day or soon after. Can you also read paragraph 10.

10

WITNESS O: Yes.

MS DAVIDSON: You say that Officer Giles was in the office. Can you explain why you were concerned about Officer Giles being in that office?

15

WITNESS O: Can you repeat the question, please?

MS DAVIDSON: Yes. Can you explain why it was that you were concerned or worried that Officer Giles was sitting in the office when you got there with Officer Peek?

20

WITNESS O: Yes. First, every time I see him, I get terrified from him, even if it's from far away. I don't have a good experience with him.

25 **MS DAVIDSON:** So you were scared of him, is that - am I understanding correctly?

WITNESS O: Yes.

30 **MS DAVIDSON:** And did you understand there to be, having a look at paragraph 10, some difficulties in the relationship between Officer Giles and the perpetrator?

WITNESS O: Yes.

35 **MS DAVIDSON:** And what were those issues?

WITNESS O: Well, all of us, other girls there, we know those two, they can't stand each other.

40 **MS DAVIDSON:** And what had given you that understanding? Do you remember?

WITNESS O: Not exactly.

45 **MS DAVIDSON:** Had Officer Giles said anything about the perpetrator that you can remember, before this time that you were in the office with him?

WITNESS O: I don't speak to Giles very much, but it's, like, had to hear it from other girls or the way he talk with his colleagues around the lunchtime if we pass from there or we close to the office. That's what - where my understanding came from.

5

MS DAVIDSON: So it came from what the other girls had said about the two of them not being able to stand each other; is that right?

WITNESS O: Yes. And if sometimes we around the office or we close to the office and we hear them, like, walk from there to there, like, what they're saying and what - how they describe each others.

MS DAVIDSON: And did Officer Peek say anything to you about why Officer Giles was there?

15

WITNESS O: He asked me to describe and tell Giles exactly what I told him.

MS DAVIDSON: And can you just have a look at paragraph 13 in your Commission statement.

20

WITNESS O: Yes.

MS DAVIDSON: So did you recall Officer Peek saying something about Officer Giles being there or why Officer Giles was there?

25

WITNESS O: Yes. He told me - he told Giles about what I told him and described to him, and it's okay that he's here and I can - if I can repeat to him what I told him.

MS DAVIDSON: Okay. You describe telling them, "I'm scared and I don't want to talk." Do you remember anything that they said to you in response to that?

30

WITNESS O: Yes. They assured me that nothing to be scared of, and they're here to fix this and to put full stop on what's happening, and they assured me I'll be okay.

35

MS DAVIDSON: They said they wanted to fix this and to put a full stop on what's happening. Do you remember who said that? Was that Officer Peek or Officer Giles?

40

WITNESS O: As I recall, both of them. Because they was trying to assure me, like, what I'm doing, it's the right things.

MS DAVIDSON: And when they said to you they wanted to put a full stop on what's happening, do you remember what you understood them to be talking about there, what's happening?

45

WITNESS O: To be honest, my understanding was about the perpetrator and his actions toward others - other girls.

5 **MS DAVIDSON:** So did you think that at that time they knew about the perpetrator's actions with other girls?

WITNESS O: Sorry, I didn't understand you.

10 **MS DAVIDSON:** Did you think at that time that they knew about the perpetrator's actions with other girls?

WITNESS O: I can say most definitely. Everyone knew.

15 **MS DAVIDSON:** When you say "everyone knew", are you talking about officers there?

WITNESS O: Officers and girls.

20 **MS DAVIDSON:** So do you recall - and I know this is some time ago - what made you think at that time that Officers Peek and Giles knew about what was happening with the perpetrator and other girls?

WITNESS O: Can you more explain your question, please?

25 **MS DAVIDSON:** Yes. You said everyone knew, and you thought that Officer Peek and Giles knew what the perpetrator was doing with other girls. Can you remember - and I know it is some time ago - what made you think that, what made you think that they knew?

30 **WITNESS O:** Well, firstly, they wasn't shocked or surprised by what I told them, as if they were waiting for this news. And secondly -

MS DAVIDSON: Okay. Just -

35 **WITNESS O:** Sorry.

MS DAVIDSON: It's all right. No, no, no. You go ahead. I'll come back to that.

40 **WITNESS O:** Secondly, as I mentioned, everyone aware of everything happening there. If he sneeze everyone will know.

MS DAVIDSON: So when you say they weren't shocked or surprised, was there something in the way that they looked that gave you the understanding that they weren't shocked or surprised?
45

WITNESS O: Yeah, the way they look, the way they act, the way they listen to, the way - like, their attitude to what they hear. Like, if you tell someone normal

that you saw something inappropriate happen there, you will know if they are aware of it already or - or they are not - they have no idea about what was going on and they just heard it now.

5 **MS DAVIDSON:** And in telling them what occurred, when Officer Giles was there, do you remember what it was that you said to Officer Giles about what had happened?

WITNESS O: Do you mean before I described to him what happened?

10

MS DAVIDSON: How you described to him. Do you remember what you said in describing it to him?

15 **WITNESS O:** Yes, because we were sitting in that same office what's happened between Trudy and perpetrator. So I did describe to him exactly what I saw.

MS DAVIDSON: All right. So were you able - because you were sitting in the same office, did that mean that you were able to show him in greater detail where they were positioned, that sort of thing?

20

WITNESS O: Yes.

MS DAVIDSON: Did you - do you remember saying to Officer Giles that the perpetrator had touched Trudy on the bottom or on the arse?

25

WITNESS O: Yes, I did.

MS DAVIDSON: Do you remember what words you used in telling him?

30 **WITNESS O:** As I remember, I think I used "butt".

MS DAVIDSON: Okay. What did Officer Giles tell you he would do about that?

35 **WITNESS O:** It's long time ago. I can't remember exactly. But as I understood from him, as if he is aware of these actions, and he told me he's going to take care of it.

MS DAVIDSON: Did he ask you - could you have a look at paragraph 15 of your Commission statement.

40

WITNESS O: Yes.

MS DAVIDSON: You say there that:

45 "They asked me to put what I saw in writing."

And you say that Officer Giles said he would take it from there to the Governor - take it straight from there to the Governor. Do you recall whether it was Officer Peek or Officer Giles who asked to you put it in writing?

5 **WITNESS O:** Officer Giles.

MS DAVIDSON: Officer Giles. Okay.

COMMISSIONER: Do we have that writing?

10

MS DAVIDSON: The writing, yes. I'm coming to the form.

COMMISSIONER: Just back at paragraph 14, Witness O, you say that by that stage everyone in the unit knew what the perpetrator was doing:

15

"...and so I decided let's put a stop to it."

What did you understand everyone to believe the perpetrator was doing?

20 **WITNESS O:** He can talk to any girl he wants in any office he wants and any time he wants. The special treatment that he treat other girls.

COMMISSIONER: So you were concerned that he was favouring other girls, and you wanted to put a stop to it?

25

WITNESS O: Sort of this thing.

COMMISSIONER: "Started listening", what do you mean by that?

30 **WITNESS O:** Sorry, what do you mean by your question?

MS DAVIDSON: I'm sorry, Ms O. I think we might have misheard your answer. The Commissioner was asking you what did you think that everyone knew in relation to his conduct - what he was doing with other girls, and I think we heard

35 you say, "Started listening," but it might have been, "Stop listening." Are you able to answer the question again as to what it was that you thought everyone else knew in the unit about what he was doing with other girls?

WITNESS O: We trapped in that unit for 24/7. We barely have half an hour or

40 one hour to get out, so we sit with each others and everyone talk and we see what's happening, how he come there, talk in the sleep-out with the girls that he want to talk to. And the thing that we see, the girls, they get - no one else can get them. And girls talk. They will say, like, "We spoke to this person. He tried to do for us. He doing - he will get us that things that we need," or, "He going to try to get us

45 the answer," all of - of these kind of things. So if I ask something, I - like, as a question, and I don't get the answer from my question, whether the other girls get what she needed, come to her, that you know what's going on.

5 **MS DAVIDSON:** So you say she knew what was going on. Was there talk amongst the girls about the inmates that he was doing things for, the treatment he was giving them, being a result of something inappropriate between him and them?

WITNESS O: Yes. Then we end up seeing that ourselves. Like, as the new girls going to Dillwynia, we hear it, then we end up seeing that ourselves.

10 **MS DAVIDSON:** So when you say we ended up seeing it for ourselves, what is it that you were seeing for yourself?

WITNESS O: Inappropriate things happening between an officer and an inmate.

15 **MS DAVIDSON:** So just to be clear, you were seeing the favouritism, the treatment, him coming to talk to them in the sleep-out and giving them things. Did you see any inappropriate touching between the perpetrator and other girls prior to the time that you reported what you saw in the Chief's office that he did to Trudy?

20 **WITNESS O:** Not prior to that. But I report what I saw with him and Trudy, as a touching, inappropriate things, that close contact between him and another inmate.

MS DAVIDSON: Yes. Did you think before that that that kind of touching was going on between him and other inmates?

25 **WITNESS O:** I haven't seen, but I was thinking there might be something like that.

30 **MS DAVIDSON:** And was that what the girls were talking about in the unit, that there might be something like that?

WITNESS O: Yes. Yes.

35 **MS DAVIDSON:** So where you say everyone - looking at paragraph 14, you say:

"By that stage..."

The last sentence of paragraph 14 of your Commission statement, you say:

40 "By that stage, every day it was someone else being called to the perpetrator's office, making other girls feel like hell. Everyone knew because women were called to his office every lunchtime. Why else would they be going?"

45 So what was -

WITNESS O: Yes.

MS DAVIDSON: What was the talk in the unit about why they were going?

WITNESS O: I'm actually shy to tell you exactly the word that they used.

5 **MS DAVIDSON:** You're shy to tell us the word? Is there another word you could use to describe it? You don't need to be worried about -

MS GHABRIAL: Commissioner, I object. I don't think the witness said that she was shy. She said, "I don't know what word to use." I didn't hear the word "shy" -
10

WITNESS O: I said I was shy to use the word that we use.

MS GHABRIAL: Yes. I didn't understand that.

15 **COMMISSIONER:** Witness O, you needn't be shy. There's no reason why you shouldn't tell us what happened. So just go ahead and tell us what was said.

WITNESS O: We - like, we say, for example, they went there to suck for him - like, suck him to get what they need, if you guys get the idea what I'm trying to say.
20

MS DAVIDSON: We understand, yes. Thank you, Ms O. Returning to the time that you were in the office with Officer Peek and Officer Giles that you were describing at paragraph 15 - have you got your Commission statement still there?
25

WITNESS O: Paragraph 15 you said?

MS DAVIDSON: Paragraph 15. You say there that:

30 "They said..."

Again, this was Officer Peek and Officer Giles you're talking about:

35 "...you will be safe and no one will know about you making the complaint."

Do you remember whether it was Officer Peek or Officer Giles who said that?

WITNESS O: Both of them, they said that.

40 **MS DAVIDSON:** Both of them said that. And you say in the next sentence that:

"Officer Giles made a promise that what I said in the office would stay in the office. They assured me that no one would know about it."

45 Did he say - do you remember him saying, in making that promise, that what you said in the office would stay in the office? Do you remember any words he used in describing where the complaint would - where what you said would stay?

WITNESS O: Yes, he promised that whatever I tell him, it will stay in between us and won't go out of this office. And he will take my complaint as a - or as a request to the Governor, and no one will ever find out about it.

5

MS DAVIDSON: All right. So you understood, did you - tell me if I have this right - that he would go to the Governor, but nobody else would ever be told about it?

10 **WITNESS O:** Yes. I understood that only us three would know about this and the Governor, and no one will know about it.

MS DAVIDSON: And did Officer Peek say anything about that, do you remember?

15

WITNESS O: I can't recall exactly, but I think he assured me that what Giles saying is the truth.

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

20

WITNESS O: Yes.

25 **MS DAVIDSON:** You describe there you then being given an inmate application form by Officer Giles and saying that - or telling him that you didn't know how to write in English. And you indicate that he then offered to write it out for you. Do you have the folder in front of you there that contains your police statements and has some other tabs in it?

WITNESS O: One second, please.

30

MS DAVIDSON: Thank you. If you have that folder, can you go to tab 15.

WITNESS O: Yes, I do.

35 **MS DAVIDSON:** Can you go to the back of tab 15, one, two, three - four pages from the back. There should be a page that's headed New South Wales Department of Corrective Services Inmate Application.

WITNESS O: I have it in the front of me, yes.

40

MS DAVIDSON: Yes. Can I just have a look at that form.

WITNESS O: Yes.

45 **MS DAVIDSON:** It's dated 29 March 2017, and it says at the top - do you see under the - it says:

"Subject: allegations."

And then:

5 "Written on behalf of inmate..."

And then:

10 "...Witness O by SCO Peek."

Do you see that there?

WITNESS O: Yeah, I see that.

15 **MS DAVIDSON:** Yes. Is this the form - looking at the rest of it, is this the form that was filled out for you during your time in the office with Officers Giles and Peek?

20 **WITNESS O:** I can't recall because why it doesn't have my signature and why you saying that it's been filled by Officer Peek when Giles who filled it out for me.

MS DAVIDSON: So there is - this document has got some redactions for your name and details on it, and down the bottom where the signature is, there's actually - you can't see it very well in the copy because the black - well, it's been
25 whited out, but there is a signature down the bottom there.

WITNESS O: Okay. So it's been taken off.

30 **MS DAVIDSON:** It's been - your details have been taken off the form.

WITNESS O: Yeah.

35 **MS DAVIDSON:** But it does - you're right, it does say that it was written on behalf of you by SCO Peek. Looking at this, is it your memory that it was, in fact, Officer Giles who filled out this form or do you think it might have been Officer Peek?

40 **WITNESS O:** Look, as I remember, that Giles who written out. So I don't get why Peek's name there. I can't recall that if I was wrong. Because all this time - all those years that I was sure that Giles who written up the form for me.

45 **MS DAVIDSON:** If you look at the next page, it is signed by Officer Giles. So it does certainly suggest that he had contact with the document. But just having a look at what's written there -

WITNESS O: Yeah.

MS DAVIDSON: - it says:

"I believe that something inappropriate happened yesterday, 28th of the 3rd 2017, between inmate..."

5

That version says "Witness H", but the form actually says:

"...Sheiles and Astill. I believe I have witnessed this on previous occasions also."

10

Do you remember -

WITNESS O: I can see that, yeah.

15 **MS DAVIDSON:** Yes. Do you remember having any conversation with Officer Giles or Officer Peek while they were filling in the form about witnessing something similar on previous occasions?

20 **WITNESS O:** Not touching but as inappropriate - I mean, by how they stand close to each other and the stuff that she used to get from him.

MS DAVIDSON: How they stand close to each other?

25 **WITNESS O:** Well, the way they stand close to each other when they talk to each other.

MS DAVIDSON: All right. And do you remember telling Officer Peek or Officer Giles about them standing close to each other when they talk to each other?

30 **WITNESS O:** I do remember telling Peek.

MS DAVIDSON: Can you just, if it's possible, keep your finger in that document but go back to your Commission statement.

35 **WITNESS O:** Yep.

MS DAVIDSON: Paragraph 16 that we were looking at before. You say there that:

40 "Officer Giles offered to write it for me. He read it out to me, and I signed it. If I didn't understand the word, I would ask what it meant."

Do you remember whether there were any particular words, looking at the form that was filled out, that had to be explained to you?

45

WITNESS O: I think, for example, was the "inappropriate". At that time I wasn't good with English, so I didn't know what that word mean. If I describe something that's inappropriate, I think as my memory, I used to say "something wrong".

5 **MS DAVIDSON:** Do you remember them - do you remember asking them to put any more - anything else on the form after you saw that it said, "Something inappropriate happened between inmate Sheiles and Chief Astill"? Did they read that out to you and ask whether you wanted to add something?

10 **WITNESS O:** They didn't ask me if I want to add something. Because as I remember, they said, "Write this," and the Governor will speak to me and I can describe for her what I saw. Apparently that way, what we written out the request will be more safe for me.

15 **MS DAVIDSON:** Do you remember them telling you it would be more safe for you if it was written this way?

WITNESS O: Well, that my understanding was.

20 **MS DAVIDSON:** Do you remember them saying that?

WITNESS O: I think that's what they said as well, because that's how they said no one will know what this request is about and no one actually will know that I put this request.

25 **MS DAVIDSON:** Okay. So do you remember them talking about - or did you talk to them about not actually putting on the form exactly what you saw but instead saying "something inappropriate"?

30 **WITNESS O:** I can't assure you 100 per cent, I'm sorry. It's been a long time, so it's just like - the traumatise is just not good with my memory. So I'm trying to describe as much I can remember.

35 **MS DAVIDSON:** I understand. Do you remember whether there was any talk between you about what details should be put on the form? You've said that you understood it would be safer for you if it just said "something inappropriate". Do you remember having any words with them at all about that?

40 **WITNESS O:** I can't remember 100 per cent. Like, for one point - like, Giles was sitting in the front of me. That by itself was enough not to focus for them what they saying exactly, but the important word that I remember that the way that they promise me - because part of that, I was terrified to talk or say anything. But I do remember that when they promised, the way they assured me no one will know at all about me or my complaint or all these kind of things.

45 **MS DAVIDSON:** Yes. You say in paragraph 16 that you signed it. Do you remember also signing a register in relation to the complaint?

WITNESS O: I can't remember if I signed the register, to be honest.

5 **MS DAVIDSON:** Okay. Can you have a look at paragraph 26 of your statement to the Commission. This is you talking about -

WITNESS O: The Inquiry statement or the police statement?

10 **MS DAVIDSON:** Your Inquiry statement, I'm sorry, Ms O. At paragraph 26, you're talking about something that happened later when you were called into the perpetrator's office, and he showed you a register. I'm just trying to see whether you remember signing a register at the time that you signed the complaint form.

15 **WITNESS O:** Yeah, I do remember that incident, actually. And now make me think about it, like, how come we signed that register? When we put any request, we don't sign the register. Because that was part of the game now or - like, that's like what is coming to my mind.

20 **MS DAVIDSON:** So just to understand what you've just said, you didn't - is this right: You didn't usually sign a register when you put in a complaint, or you did?

WITNESS O: Usually we don't. We - we sign the request form. We give it to them.

25 **MS DAVIDSON:** All right. And do you remember at any stage signing a register in relation to this form that was filled out for you?

30 **WITNESS O:** I can't remember, but I did see my signature on that register the day that the perpetrator called me to the office.

MS DAVIDSON: All right. So you didn't - at the time that you were called to the office - the day the perpetrator called you to the office, you didn't remember having signed the register in relation to the request form; is that right?

35 **WITNESS O:** I'll make it more - I think my English is not that much well for you to understand me or how I explain it. If I put any request form, I will sign the request form. I don't sign the register book.

40 **MS DAVIDSON:** Yes. Yes.

45 **WITNESS O:** I don't know that they - I put the request about the inappropriate things that I saw between the perpetrator and Trudy Sheiles. If I did sign the register book or not, but I do remember very clearly the perpetrator opened the register book and he showed me my name and my signature.

MS DAVIDSON: Okay. I understand. After you had left the meeting with Officer Peek and Officer Giles where you signed the form, did you tell any other Officer about what you'd seen?

5 **WITNESS O:** No, because we did agree that will stay between three of us and will go to the Governor after that.

MS DAVIDSON: Can you have a look at paragraph 17 of your statement. Your Commission statement, that is.

10

WITNESS O: Yeah.

MS DAVIDSON: You say there was some officers already aware of Trudy and the perpetrator:

15

"...so I did not think there was any point telling them because they know. They see her always with him, see them going back and forward there, so they already know and nothing was happening."

20 **WITNESS O:** Yes.

MS DAVIDSON: Do you know which - when you say "some other officers" there, can you tell the Commission who you're talking about - who those other officers were? Do you remember?

25

WITNESS O: I don't remember exactly, but let's say whoever in the high need for more than two, three days, then they are aware of what's happening there.

MS DAVIDSON: So it was other high needs officers; is that right?

30

WITNESS O: Yeah. They usually - the regular officers there, for at least six month before they retiring, whatever they saying that move them around.

MS DAVIDSON: And where you say they see them going back and forward, do you mean Trudy going to see the perpetrator?

35

WITNESS O: Yes. As I mentioned, she was already the sweeper.

MS DAVIDSON: Yes.

40

WITNESS O: But she always there, whether in the lunchtime or the time that she's cleaning or any other time.

MS DAVIDSON: And when you say "always there", do you mean always in his office?

45

WITNESS O: If she is not in his office, then he will come and see her.

MS DAVIDSON: Right. So is it the amount of time that they were spending together that you are talking about there as well?

5 **WITNESS O:** Yeah, of course.

MS DAVIDSON: Can you have a look at paragraph 18 of your Commission statement.

10 **WITNESS O:** Yes.

MS DAVIDSON: You describe there being approached by another officer, after you filled out the application form, who told you that he had received your complaint form and asked you to tell him again what had happened. Do you remember whether that officer told you what it was that he was doing? Why it was -

WITNESS O: Can you repeat your question, please?

20 **MS DAVIDSON:** Yes. I'm just trying to see whether you remember anything about that conversation with that other officer apart from what you've told us in this paragraph, that is, the paragraph 18. When the other officer approached you, do you remember whether he told you why it was that he wanted you to tell him again what had happened?

25 **WITNESS O:** I can't remember 100 per cent, but because was in the Governor office. So he said he have my request about what I saw and if I can repeat to him what I saw.

30 **MS DAVIDSON:** So he took you to the Governor's office, did he?

WITNESS O: Yes.

35 **MS DAVIDSON:** And is that where you had the conversation that you're talking about in paragraph 18?

WITNESS O: Yes.

40 **MS DAVIDSON:** And do you remember what it was that you said to him about what you had seen? Do you remember the words you used at all?

WITNESS O: As I recall, whatever word that I used in the office to Giles and Peek, I told him.

45 **MS DAVIDSON:** So you said to us earlier that you think you used the word or described the perpetrator touching Trudy on the butt. Is that what you think you said to this officer in the Governor's office?

WITNESS O: Yes.

MS DAVIDSON: You said:

5

"He told me to tell him what I had seen, and I gestured as to what I saw."

WITNESS O: Correct.

10 **MS DAVIDSON:** Do you remember how it was that you gestured? Do you remember what gesture you made?

WITNESS O: I don't know how to say it in English, but I just, like - just gesture, like, you know - like, to show someone, like, what happened as a gesture.

15

MS DAVIDSON: Would you describe it as a gesture of somebody being touched on the bottom?

WITNESS O: Yes.

20

MS DAVIDSON: Were you showing this officer how it was that the perpetrator had moved his hand in the way that you described in your police statement?

WITNESS O: Yes, I did.

25

MS DAVIDSON: Do you remember what he said to you?

WITNESS O: "Leave it with me."

30 **MS DAVIDSON:** "Leave it with me." Did he tell you about what he would do with it?

WITNESS O: I don't think he told me what he's going to do with it. You talk to them; they say, "Leave it with me" - leave it with them.

35

MS DAVIDSON: You say at the end of paragraph 18 that he told you he would investigate it. Do you remember that?

WITNESS O: Well, yeah. "Leave it with me. I'll investigate it." End of story with him.

40

MS DAVIDSON: And do I have this right, having a look at paragraph 19 of your statement - the Commission statement, that is, that you don't know the name of the officer that you spoke to, but Officer Giles told you that that description matched Officer Bartlett?

45

WITNESS O: Yes, that - after I gave my statement to police, as I remember, that he came trying to ask me the name, that Acting Governor that I saw. I told him I don't remember, I don't know what his name. He asked me to describe him to him, and I did describe him, and that when he said, "Yeah, I think that is - that person is." I told him I don't know his name.

MS DAVIDSON: And did you see that acting - or the person - the officer you thought was the Acting Governor approach any other - well, approach Witness T?

WITNESS O: I didn't see that.

MS DAVIDSON: Did you see Witness T going into the Governor's office around this time?

WITNESS O: I can't see that. The Governor office, it's away from where we are in the unit. We don't see who go in and out from there except if we are in lunchtime, but that - again, it's admin. So it could be going to any office there.

MS DAVIDSON: Did you - do you remember whether you talked to Witness T about what you had seen after it happened?

WITNESS O: I can't remember that, sorry.

MS DAVIDSON: So is it right to say you don't know one way or the other whether Witness T was spoken to by this officer who you think was the Acting Governor?

WITNESS O: As I said, I can't remember, but I'm assuming it happened because we both saw what we saw. We both reported to Peek. And as remember, both put the statement in - or the request.

MS DAVIDSON: So you assume, but you just - you can't say either way because you didn't see it happen; is that right?

WITNESS O: I didn't see it happen, but I'm assuming it could be happen because, as I said, we both put the request. So if he called me, then he might call her.

MS DAVIDSON: Yes. I understand. You say in paragraph 21 that you didn't hear anything after you made the report from either Officer Peek or Officer Giles or "the person I thought was the Acting Governor". Apart from the perpetrator, did you hear anything from any other officer about the report?

WITNESS O: No.

MS DAVIDSON: Having a look at paragraph 23, is it right to say that after you made the report, the perpetrator's treatment of you changed fairly clearly?

WITNESS O: True.

MS DAVIDSON: I'm sorry, I didn't quite hear your answer then, Ms O.

5 **WITNESS O:** Yes, his attitude toward me is changed. True.

MS DAVIDSON: And that's in the ways that you describe there in paragraph 23?

10 **WITNESS O:** Sorry, I'm not getting you. You're asking me if I said that the perpetrator treatment changed toward me after I put that statement; correct?

MS DAVIDSON: Yes. And did it change in the ways that you describe there in paragraph 23?

15 **WITNESS O:** Yes, it did.

MS DAVIDSON: In paragraph 24, you say that after this you went to Officer Peek and told him what was happening, saying that, "This is what Trudy is calling me and that I did not say she had sex with the perpetrator."

20 **WITNESS O:** Yes.

MS DAVIDSON: It was getting too much for you. Do you remember whether you said anything to Officer Peek about the way the perpetrator was treating you or the change in the way that he was treating you?

25 **WITNESS O:** I can't recall that if I told him about the perpetrator.

MS DAVIDSON: Do you remember whether Officer Peek said anything to you in response to you saying, "This is what Trudy is calling me and that I didn't say she had sex with the perpetrator"?

30 **WITNESS O:** What he best can do except say, "Ignore her. Don't worry about it."

35 **MS DAVIDSON:** He said, "Don't worry about it"?

WITNESS O: "Ignore her and don't worry about it." That's the best he can say.

40 **MS DAVIDSON:** "Ignore her and don't worry about it." Right. We've already had a look at paragraph 26, which is where the perpetrator - or where you're describing the perpetrator calling you to his office. And I don't need to ask you questions about what it was that the perpetrator did to you on the subsequent occasions but to just understand what he showed you in that office. Having a look at paragraph 26, do you remember what the perpetrator said to - at all what the perpetrator said

45 to you about the Governor talking to him?

WITNESS O: I can't recall exactly if he told me that he had been asked by the Governor about my complaint or not.

5 **MS DAVIDSON:** He had been asked by the Governor about your complaint, yes. And did he say anything else about that?

WITNESS O: I can't recall 100 per cent, but he might told me - it's just like the fear in me in that moment while I'm in front of him, I can't exactly remember.

10 **MS DAVIDSON:** That's very understandable, Ms O. Can you describe what him showing you that register made you think about making complaints or the complaint that you'd made?

15 **WITNESS O:** What made me think?

MS DAVIDSON: Having been shown that register by him - by the perpetrator - have a look at paragraph 28.

20 **WITNESS O:** Yes.

MS DAVIDSON: Can you explain to the Commission what it was that you were thinking about having made that complaint after you were shown that register by the perpetrator?

25 **WITNESS O:** I felt betrayed. I felt disrespected. I felt every worst feeling ever. I've been manipulated. I've been used.

30 **MS DAVIDSON:** And do you remember in the conversation or the meeting you'd had with Officer Peek or Officer Giles there being any mention made to you of the register or of the complaint or the report going on to a register?

WITNESS O: I'm sorry bothering you. Just repeat your question, please.

35 **MS DAVIDSON:** Yes. You said you felt betrayed, and you say in paragraph 28:

"They must have known it would be written in the register for anyone, not just the officers, to see it."

40 I'm just checking whether you remember, in your meeting with Officer Peek and Officer Giles where the complaint was written out and you signed it, whether there was any mention of the register of reports.

45 **WITNESS O:** I can't remember, because if it's confidential, if it's secret, if it's no one will know about it, why would we put it there for anyone can be reachable to them?

MS DAVIDSON: So that - you didn't understand - I withdraw that. Can you have a look at paragraph 29 of your statement. You talk there about finding Officer Giles afterwards in the yard. Do you remember whether that was straight from when you came from seeing the perpetrator or was it at some later time?

5

WITNESS O: I do remember this incident, but can you please tell me what number paragraph you said?

MS DAVIDSON: Sorry, 29.

10

WITNESS O: 29?

MS DAVIDSON: Of your Commission statement, yes.

15

WITNESS O: Yeah. Yeah, I do remember that incident day. Yes.

MS DAVIDSON: Yes. So just to check, do you think that's - did you come straight from seeing the perpetrator to looking for Officer Giles or was it sometime -

20

WITNESS O: I do remember after that time I was trying to find one of them, either Peek or Giles.

MS DAVIDSON: And you spoke to Officer Giles in the yard?

25

WITNESS O: Correct.

MS DAVIDSON: You've described saying to him - you said that he would never know you promised not to tell him, and he said to you, "I don't know," shrugging, and he said, "As I told you, I took the complaint to the Governor." Do you remember whether he said anything else to you at that time?

30

WITNESS O: He said to me, "As I told you, I took the complaint to the Governor office, and I don't know after that." When I told him he did open the register book and he showed me my name, my - and the date and the signature and he knew that I'm the one who put this complaint on him, he -

35

MS DAVIDSON: You said that to Officer Giles, did you?

40

WITNESS O: Yeah, I said to Giles.

MS DAVIDSON: Yes. And what did he say in response to that?

WITNESS O: "Oh well."

45

MS DAVIDSON: I'm sorry, I didn't quite hear -

WITNESS O: That's his response to me. His response to all that I was telling him, to all the terrifying in my voice, did the shaking in front of him, to someone that don't know what to do anymore, simply respond that he gave me, "Oh well."

5 **MS DAVIDSON:** It was, "Oh well"?

WITNESS O: "Oh well."

MS DAVIDSON: And was that -

10

WITNESS O: Like someone doesn't even give a shit about the other human being that is in front of him.

MS DAVIDSON: And how did that make you feel?

15

WITNESS O: The worst feeling ever, the regret that I opened my mouth and trusted him, taking his word for what he said to me, that I put myself in the worst situation ever by trying to help another human being, by trying to trust this officer - call himself officer there. It's just, like, I'm lost who else I can go to. If you telling me, "Oh well," who else I can go to, I trusted you. You manipulated me. You - you - you used me. And your simply respond to me, after telling me this person knew what I did, knew that I did put complaint about him, "Oh well," walked off and leave me in this situation, dealing with it by myself.

20

25 **MS DAVIDSON:** And if you have a look at paragraph 30 of your Commission statement.

WITNESS O: Yes.

30 **MS DAVIDSON:** Did that experience of what happened with your complaint form or the report that you made affect the way you then after that thought about whether you could report anything about what the perpetrator was doing to you?

35 **WITNESS O:** Of course not. I put it against someone, against - I put it about what's happened between another girl and him. Where it end up? Who trusted me? Who helped me? Who stood by the truth? Who stood by the right, by their position? No one.

MS DAVIDSON: So just to -

40

WITNESS O: No one give a shit about me, by trying to help another human being. Who will give a shit about what's happening with me?

45 **MS DAVIDSON:** Just so I make sure we understand, where you said, "Of course not," at the start of your answer there, Ms O, does that mean of course not that you weren't willing to say anything about what happened to you after that?

WITNESS O: I was being threatened by this perpetrator, and the experience I had with Giles and Peek, it didn't let me to trust anyone, to open my mouth to someone, whether they will believe me or help me or do anything about it.

5 **MS DAVIDSON:** Thank you, Ms O. Are you okay to keep going or would you like to take a little break?

WITNESS O: Let's continue, please. Let's finish up on this.

10 **MS DAVIDSON:** Can you have a look at paragraph 32 of your Commission statement.

WITNESS O: Sorry, what number of the paragraph?

15 **MS DAVIDSON:** 32.

WITNESS O: Yes. Yes.

20 **MS DAVIDSON:** You're talking about here something else that happened when the perpetrator was away having some surgery, and you go on to describe making an approach to Officers Clark and Riddle.

WITNESS O: Yes.

25 **MS DAVIDSON:** In paragraph 34, you say that you thought Officers Clark and Riddle were decent officers and that they would listen?

WITNESS O: Yes.

30 **MS DAVIDSON:** Had you had some previous experience with Officers Clark and Riddle before going to them with this complaint?

WITNESS O: Mostly Mr Riddle.

35 **MS DAVIDSON:** Mr Riddle, yes.

40 **WITNESS O:** He take his job serious, and he do what's right. Like, I see many things - like, if there is trouble or anything else, he don't favour - like, he doesn't have favouritism, like, put this girl in front of this or some better than this. He just do the right things.

MS DAVIDSON: He didn't play favourites between the inmates; is that right?

45 **WITNESS O:** Yes. But also Mr Clark, like, if something wrong, it's wrong.

MS DAVIDSON: Can you have a look at paragraph 35. You say -

WITNESS O: Yes.

MS DAVIDSON: - when you went to them:

5 "...Officers Clark and Riddle told me that they were aware of the special treatment that Witness I and Witness J were receiving and that they were aware of everything that's happening. I took this to mean..."

So this is going over to the next page:

10 "...what was happening between the perpetrator and those two girls."

WITNESS O: Yeah.

15 **MS DAVIDSON:** What did you understand to be happening between the perpetrator and those two girls?

WITNESS O: What's my understanding?

20 **MS DAVIDSON:** Yes.

WITNESS O: The inappropriate behaviour. The inappropriate things that's happening.

25 **MS DAVIDSON:** The same sort of thing that was what happening to you?

WITNESS O: Most definite.

30 **MS DAVIDSON:** And where you say you took this to mean when they said they were aware of everything that's happening, do you remember whether that was Officer Clark or Officer Riddle who might have said that, or who said that?

WITNESS O: I think it was Mr Clark, and Mr Riddle agreed.

35 **MS DAVIDSON:** And do you remember talking to them about what everything that's happening was when they said that?

WITNESS O: I was talking to them about what's happening to me from those two girls.

40 **MS DAVIDSON:** Okay. So you don't remember - tell me is this right: You understood when they said, "Everything that's happening," that you took that to mean what was happening between the perpetrator and those two girls, but you didn't talk to them about that? Is that right?

45 **WITNESS O:** Yes, because I told them I did make this complaint many time to the perpetrator and it got nowhere because those two girls had the favourites with

him and the special treatment between them and him, and they said to me they are aware of it, and they are aware of everything that's happening.

5 **MS DAVIDSON:** And do you recall saying to them that they were getting special treatment?

WITNESS O: Yes, I did say that to them.

10 **MS DAVIDSON:** That is, the girls were getting special treatment. Do you remember using the words to them that "something inappropriate" was going on between the perpetrator and those two girls?

15 **WITNESS O:** I can't remember exactly. Because I just said there is a special treatment between those two girls and him, so what's that mean?

MS DAVIDSON: Yes. So they - if you can have a look at paragraph 36.

WITNESS O: Yes.

20 **MS DAVIDSON:** You describe being taken to see another officer. You're not sure whether this was the same - that's Officer Kellett, and you're not sure whether that's the same day or after. Do you remember being told by them anything about why you were going to see Officer Kellett?

25 **WITNESS O:** Yes, about the complaint I put against those two girls.

MS DAVIDSON: And did you understand Officer Kellett was more senior than Officers Clark and Riddle - you thought she was a Chief at the time, you say, in paragraph 36.

30 **WITNESS O:** Yes, she was the Chief at that time.

MS DAVIDSON: And do you remember whether - you say in paragraph 37 that Shari Martin was also there. Was she there at the beginning of the meeting, do you remember?

35

WITNESS O: She was there for what, sorry?

40 **MS DAVIDSON:** Do you remember whether she was there at the beginning of the meeting?

WITNESS O: Yeah, I enter there, she was there. Like, there was Kellett, there was her, Clark who took me there. And as I remember was Riddles there or someone else. I can't exactly recall. But, yeah, they were all there.

45

MS DAVIDSON: Okay. And you say in paragraph 37 you told them about what Witness I and Witness J had been doing. Can you then describe, so far as you can remember, what it was that you said to Shari Martin?

5 **WITNESS O:** She asked me why I didn't report that before, and I told her, "Yes, I did. I did many time."

MS DAVIDSON: And how did the conversation continue from there? What happened next? What did she say? You said you reported it many times.

10

WITNESS O: She be shouting and carry on.

MS DAVIDSON: She was shouting?

15 **WITNESS O:** Shouting at me and carry on like - as if I'm the one who done the wrong thing, not the wrong thing being done to me.

MS DAVIDSON: So she was shouting at you. Was that about not reporting it? Do you remember what she shouting at you about?

20

WITNESS O: Yeah. Like, why I didn't report it, why I didn't say anything before, and I told her I did, and I did many time. I did report it. She ask me to who, I said to the perpetrator.

25 **MS DAVIDSON:** And did Officer Clark say something when you were saying that you'd reported it to the perpetrator?

WITNESS O: He told her, like - because I told him I did report many time and it go nowhere. So he told her that, yes, I did report it, and I report it to the perpetrator.

30

MS DAVIDSON: Is that because you told him that earlier?

WITNESS O: Well, I told him that. Whether he know about it from the perpetrator or from somewhere else, I don't know.

35

MS DAVIDSON: All right. And what did Shari Martin say to that after Officer Clark said that you'd reported it to the perpetrator?

40 **WITNESS O:** I can't recall, but she start shouting and shouting about.

MS DAVIDSON: Do you remember - you've said at the end of paragraph 37 that you told them you wanted to report the matter to police. Was that after Shari Martin was shouting at you?

45

WITNESS O: Yes. She was telling me - shouting at me, if that true, happen to me, why I don't want to involve police. I told her, "Who told you I don't want to? I do want to involve police."

5 **MS DAVIDSON:** All right. So she asking you, was she, why you didn't want to involve police?

WITNESS O: She said if that's what's happened to me from those two girls is true, why I don't want to involve police. I told her, "Who told you I don't want to involve police? I do want to involve police."
10

COMMISSIONER: Ms Davidson, I'm not clear as to the allegation Ms Martin responds to by saying she would go to the police.

15 **MS DAVIDSON:** I'll clarify it with the witness. As - just what you were asking to involve police about, Ms O, was that what Witness I and Witness J had done to you?

WITNESS O: Yes.
20

COMMISSIONER: Which was what?

MS DAVIDSON: It is described in paragraph - can you go to your police statement at paragraph 22. That is, the first police statement - I'm sorry, the second one, Ms O.
25

WITNESS O: What paragraph, sorry?

MS DAVIDSON: 22.
30

WITNESS O: Sorry, was that 16?

MS DAVIDSON: Tab 17.

35 **WITNESS O:** Sorry. Just one minute. I need to read this paragraph, please.

MS DAVIDSON: Yes. Yes, absolutely.

WITNESS O: Yes.
40

MS DAVIDSON: Is that the allegation - what's described there in that paragraph, the allegation that you were discussing in the meeting that Shari Martin attended?

WITNESS O: Yes.
45

MS DAVIDSON: And was it that that you said you wanted to go to the police about?

WITNESS O: Yes.

5 **MS DAVIDSON:** The conduct of Witness I and Witness J that was described there?

WITNESS O: Yes.

10 **MS DAVIDSON:** You say at paragraph 38 that Shari Martin left the office at some point. After you said to her, "Who said I don't want to involve police," or something along those lines - "I do want to involve police," do you remember what happened after that? Was there more conversation with Shari Martin?

15 **WITNESS O:** No. She was angry. She left the office, and she left me with Kellett to take it from there.

MS DAVIDSON: She left you with Kellett to take it from there. Can you have a look at paragraph 38 in your Commission statement.

20 **WITNESS O:** Yes.

MS DAVIDSON: And then can you tell the Commission what you remember about what Officer Kellett said to you after Shari Martin left the meeting?

25 **WITNESS O:** Yes, she was trying to talk me off by involving police.

MS DAVIDSON: She was trying to talk you out of involving police. Do you remember anything - any words that she used in trying to talk you out of it?

30 **WITNESS O:** By saying, "That will take a long time. I still have time to do. That will be hard for me. It's better of them, and it's better left to enable those two girls and take them away, that nothing else will happen." By manipulation.

35 **MS DAVIDSON:** So where she said that nothing else will happen, did you understand nothing - her to be saying to you that nothing else will happen if you involve the police?

40 **WITNESS O:** No. By not - like, as if saying pretty sure, without involving police, let's move those two girls, and you won't have anything else to - done to me, apparently. Like, if those girls moved without involving police, that will be better for me.

MS DAVIDSON: It would be better for you.

45 **WITNESS O:** But involving police will take long time, will be headache for me. I still have time to do. And will be questioning, will be investigating, then what the outcome will be nothing.

MS DAVIDSON: The outcome will be nothing, was that - did you understand her to say that to be talking about the police outcome would be nothing?

5 **WITNESS O:** Well, basically that was my understanding from her. Like, okay, so I involve police, will take me long then.

MS DAVIDSON: And so did you understand her to be saying to you that NA-ing them, that is, putting them on a non-association, would give you a better outcome
10 than going to the police?

WITNESS O: Yes.

MS DAVIDSON: Do you remember what you said to her after she said that to
15 you?

WITNESS O: Well, after a long time there and she keep talking and manipulating me, I ask her what she want me to do then.

20 **MS DAVIDSON:** And what did she say to that?

WITNESS O: NA will be better for me and less headache.

MS DAVIDSON: She said NA would be better for you? And then I didn't catch
25 the last part of your -

WITNESS O: Yes, less headache.

MS DAVIDSON: I'm sorry, could you just repeat the last part of your answer,
30 Ms O. I apologise.

WITNESS O: She asked me to NA them, will be better for me, less headache.

MS DAVIDSON: Less pressure? Is that right?
35

WITNESS O: Yes, if that's what - like, what - yeah. What the transfer for it, yeah.

MS DAVIDSON: Did she say to you that if you NA-ed them, something would
40 happen to them?

WITNESS O: They will just be moved from this place.

MS DAVIDSON: You say in the end of paragraph 38:

45 "This was in exchange for me not going to the police."

WITNESS O: Yes.

MS DAVIDSON: Do you remember whether she used the word "exchange" or talked to you about an exchange for not going to the police?

5 **WITNESS O:** No, she - I don't think she used the exact word "exchange", but that was the outcome. Like, if I go to the police, will be question, investigation, headache, all this kind of things. But if I NA-ed them, they will say they move them from there and, yeah, will be better.

10 **MS DAVIDSON:** Can you have a look at paragraph 39.

WITNESS O: Yes.

15 **COMMISSIONER:** Ms Davidson, I'm not sure how much longer we'll be, but I think it might be time for a short break.

MS DAVIDSON: Yes, certainly, Commissioner.

20 **COMMISSIONER:** Witness O, I think we'll take just a 10-minute break now, then come back and resume.

WITNESS O: Okay.

25 <**THE HEARING ADJOURNED AT 11.31 AM**

<**THE HEARING RESUMED AT 11.43 AM**

30 **MS DAVIDSON:** Ms O, before we had a break, we were talking about paragraph 38 of your Commission statement. Could you have a look at paragraph 39, please.

WITNESS O: Yes.

35 **MS DAVIDSON:** You say in the beginning there that you eventually agreed to NA Witness J and Witness I. After Ms Kellett had said the things to you that you've described about it being better to NA them than to go to police, do you remember saying to her that - anything about whether you still wanted to go to police? Was there more of a discussion after that?

40 **WITNESS O:** That was the end of it.

MS DAVIDSON: That was the end of it.

45 **WITNESS O:** All her energy and all her effort was how to get rid of the police idea and just NA them.

MS DAVIDSON: Sorry, all of her effort and energy, is that - did I hear you properly?

WITNESS O: Yes. To get rid of the police idea.

5 **MS DAVIDSON:** Yes. And is it then that - well, did she ask you - so you were then asked to fill out an application form to say that you didn't want to go to police anymore and you wanted to NA those two girls.

WITNESS O: Yes.

10 **MS DAVIDSON:** Was that her who asked you to fill that out, that is, Officer Kellett? And is it right that you don't remember whether you wrote that out or she filled it out for you and read it back to you?

15 **WITNESS O:** Yes, I don't remember if I write it and she tell me the spelling or she write it down and read it back to me. I can't recall that exactly, but I know we filled the request form.

20 **MS DAVIDSON:** And you've then indicated that Officer Kellett called Shari Martin. Can you tell us what you remember of what Officer Kellett said to Shari Martin on the phone?

WITNESS O: That I agreed not to involve police anymore.

25 **MS DAVIDSON:** And you've said you could hear Ms Martin's voice through the phone. Did you hear any response from Ms Martin, or could you just tell it was her on the other end of the phone?

30 **WITNESS O:** I can tell that was her end of that line. I don't hear her voice, but I can tell.

MS DAVIDSON: And after the call finished, what did Officer Kellett say to you?

35 **WITNESS O:** That the Governor - she's happy now that I choose to NA them than to involve police.

MS DAVIDSON: And do you remember any words that she said to you or was that - were those the words that she used, so far as you can remember?

40 **WITNESS O:** That's the best I can remember.

MS DAVIDSON: And after that, was it immediate that Witness I and Witness J were moved out of the SMAP?

45 **WITNESS O:** Yeah, they were removed already. They put, like, in the segregation or whatever they call it. Because when I - they been moved when I spoke to Riddle and Officer Clark.

MS DAVIDSON: That is, they'd been moved earlier -

5 **WITNESS O:** But they haven't been moved from the Centre. Yes, they been moved from the unit when I spoke to Riddle and Clark, but they haven't been moved from the Centre.

MS DAVIDSON: Right.

10 **WITNESS O:** So when I spoke to Riddle, apparently from that point they been moved from the Centre.

MS DAVIDSON: You understood they were moved from the Centre after that. I see. Can you have a look at paragraph 41. You say there that you were not told about how to make a complaint at DCC, but you were told how to request something on the form?
15

WITNESS O: Yes.

20 **MS DAVIDSON:** Do you remember when you first - do I understand correctly when you first came into custody, you were housed somewhere else? You were not at DCC when you first came into custody?

WITNESS O: I was in Mulawa first -

25 **MS DAVIDSON:** Yep. Do you remember giving -

WITNESS O: - prior to Dillwynia.

30 **MS DAVIDSON:** Do you remember being given any information at Mulawa about how to make a complaint?

WITNESS O: No, I haven't been told how to make a complaint - we don't make a complaint. We an inmate, so we haven't been told - or I haven't been told how to make a complaint.
35

MS DAVIDSON: And you say at the beginning of paragraph 41:

40 "I was told about how to request something on the form, but that was not about how to make a complaint."

Do you remember when it was - was it when you first arrived at Dillwynia you were told about how to request something on the form?

45 **WITNESS O:** I think - I think in both of them, like, whether in Mulawa or in Dillwynia. Because as I mentioned before, I didn't know how to speak, like, this English in my first arrival to gaol. So to want something or need something, this is the only way, just fill out request form.

MS DAVIDSON: And that was difficult for you, am I right in thinking, because you didn't speak English at the time?

5 **WITNESS O:** Absolutely difficult. Everything for me at that time, so difficult. Don't know how to explain myself. Don't know how to ask for things that I need. Don't know how to write English.

10 **MS DAVIDSON:** And so if you wanted to fill out a form, am I right in thinking you had to get someone else to help you with that?

WITNESS O: Absolutely.

15 **MS DAVIDSON:** You say in paragraph 41:

"To make a complaint if I had trouble, I would be told to go to that officer and tell him."

20 Do you remember whether it was another officer who gave you that advice or that information to go to the officer and tell him?

25 **WITNESS O:** I don't think that was an officer who told me that. It's basically girls - like, to ask the girls, "I want this," or, "I need this," how to make it, and that's how the girls would say it. Officer doesn't even open the office to ask you a question. They don't even want to see you. They don't want you to go near them. They just - they don't care.

30 **MS DAVIDSON:** So you didn't have much contact with officers to be able to ask them questions in any case; is that right?

WITNESS O: I have very bad experience with those officers if I need something or tell them something, so I don't even go near them.

35 **MS DAVIDSON:** You mention at paragraph 42 of your Commission statement that you had some contact with the Ombudsman but only about the health clinic. Do you remember being given any information about what you could tell the Ombudsman about - or about the Ombudsman?

40 **WITNESS O:** No, haven't been told. It's just basically when I had the trouble in the end about the clinic, about medication, and the girls suggested for me to contact Ombudsman.

45 **MS DAVIDSON:** So that was the girls suggesting it, not any information you'd been given by any officer; is that right?

WITNESS O: Right.

MS DAVIDSON: When you say, "If you talk to someone on the phone even though it says confidential, they will listen to it," was that also something the girls had told you about the Ombudsman?

5 **WITNESS O:** Yeah. Officers, they won't encourage you to go to Ombudsman or complain about them or about the Centre. Like, that's why they call it confidential to call Ombudsman. But the girls, they are aware of it by their experience. Like, yes, they saying it's confidential, but in the end they will know about it. I mean, by my - my experience, for example, I told the Ombudsman about the clinic, and the
10 the clinic next minute they know I did call the Ombudsman about them. So it's there. You call the Ombudsman, the Centre will know about it.

MS DAVIDSON: So the clinic knew about it after you'd contacted the Ombudsman? Was that your experience?

15 **WITNESS O:** Yes.

MS DAVIDSON: At paragraph 43, you talk about the role of the Official Visitor and that you talked to the Official Visitor about your mail that wasn't coming to you and about phone calls or video calls to your family. You said there was talk,
20 talk, talk and then you don't hear from them anymore. And then when you see them the next time, they pretend that they don't even know you. After you raised with the Official Visitor about your mail and phone calls and video calls to your family, do you remember being told anything about what they would do with that?
25

WITNESS O: If I talk to them, they will say they will look at it. And I think I remember they will say, "We'll bring it up with the Governor." Yeah, of course, you never hear from them.

30 **MS DAVIDSON:** So you understood they would take it to the Governor?

WITNESS O: As I recall, yeah, that's who they will take it to, to discuss it with.

MS DAVIDSON: So did you understand there to be any way of raising something
35 about what was happening to you confidentially with the Official Visitor?

WITNESS O: No, nothing confidential. I will repeat that. There is nothing confidential. The Official Visitor will take it to Governor, and Governor - of course, she won't do nothing about it. And Official Visitor will do nothing about it.
40

MS DAVIDSON: And there would be no confidentiality in that process?

WITNESS O: No. There is nothing called confidential. Confidential, in my opinion, it's a word only.
45

MS DAVIDSON: Ms O, I just want to go back to some answers that you gave earlier when I was asking you about Trudy Sheiles and the - what the perpetrator

was doing to Trudy and what the rumours were that were going around amongst the girls of women going to and from the perpetrator's office and what was happening there. I think you said - and this was when you were shy about using the word - that - something along the lines of, "They go to suck for him or to suck him to get what they want." Do you remember being asked about that?
5

WITNESS O: Yes.

MS DAVIDSON: Do you remember that kind of language, that is, "They go to suck him to get what they want," being said by girls in the unit to officers around that time?
10

WITNESS O: I didn't understand your question. Can you please repeat that?

MS DAVIDSON: Yes. You said that the rumours that the girls were discussing in the unit was something like, "They go to suck for him to get what they want." That is, what girls were doing in the perpetrator's office. Do you have any memory of that kind of language being used to officers, that is, in any conversation with an officer around that time?
15
20

WITNESS O: They use it to many of them but particularly to the perpetrator.

MS DAVIDSON: I'm sorry, I missed the first part of that. Could you say that again, Witness O? The microphone is just distorting a bit as it comes into the hearing room here.
25

WITNESS O: They use it to many of the officers when the girls going to them, but mostly they use it for the perpetrator.

MS DAVIDSON: So when you say, "They use it," did they say that - did girls in the unit say that to officers that you can remember around that time?
30

WITNESS O: I can't remember.

MS DAVIDSON: "They go and suck for him to get what they want"?
35

WITNESS O: They use it mostly for the perpetrator because of his attitude and because of the girls, how they act around him, and because of what they get for him.
40

MS DAVIDSON: I understand that's what they were saying about the perpetrator. I'm just trying to see whether you remember that kind of thing being said about what girls were doing with the perpetrator being said with other officers or to other officers about what was happening between the girls and the perpetrator. Do you remember that - not by you but by other girls in the unit around that time.
45

WITNESS O: I can't remember that.

MS DAVIDSON: I'm sorry, I couldn't hear that last answer.

WITNESS O: I can't remember that. I'm sorry.

5

MS DAVIDSON: Okay. Do you remember any officer around that time talking to the girls that you heard about what was going on in the perpetrator's office when girls were being called there?

10 **WITNESS O:** No.

MS DAVIDSON: One moment, Commissioner. Those are my questions, Commissioner.

15 **COMMISSIONER:** Yes. Does anyone else have any questions?

MR BUTERIN: I have no questions.

MR SELLER: None from me. Thank you, Commissioner.

20

MS GHABRIAL: Just a couple of questions, if I may, Commissioner.

<EXAMINATION BY MS GHABRIAL:

25 **MS GHABRIAL:** Ms O, my name is Ms Ghabrial. I appear for a group of Correctional Officers, but I'm also assisting in just asking some questions in relation to Officer Giles. But I do appear for Mr Clark as well. Just in relation to your statement to the Commission, if I could just take you to paragraph 16. Now, in that paragraph, you seek - or you're trying to explain paragraph 10 of the
30 statement that you made to the police on 16 July 2019. Do you have that statement there with you?

WITNESS O: You're asking me if that's the answer, Ms Ghabrial? Your question is very confusing.

35

MS GHABRIAL: Do you have that there?

WITNESS O: I have my statement for the Inquiry in front of me. You asked me to see paragraph 16. But what was your next question, sorry?

40

MS GHABRIAL: Yes. Do you have the statement that you made in July 2019 to the police? Do you have that there?

WITNESS O: I should have it. Give me one second, please.

45

MS GHABRIAL: Thank you.

WITNESS O: Yes. What paragraph are you after?

MS GHABRIAL: So paragraph 10. Do you have that there?

5 **WITNESS O:** I'm reading it now. Yes.

10 **MS GHABRIAL:** So when you spoke to the police and made that statement, you indicated in that statement that you were the person that completed that report that was given to Officer Giles. So would it be fair to say that your memory of exactly what happened in that meeting with Officer Giles and Officer Peek is really not that great? Would that be a fair thing to say?

WITNESS O: Repeat your question, please.

15 **MS GHABRIAL:** So when you spoke to the police, you told them that you were the person that completed the report in relation to what you saw occur between Officer Astill and Ms Sheiles. Do you see where you say that you were the person that completed that one-page report?

20 **WITNESS O:** Yes.

25 **MS GHABRIAL:** It's at paragraph 10. But then you say in your statement to the Commission at paragraph 16 that you thought that it was Officer Giles who completed that for you but then said in your evidence today that you don't remember that it was Officer Peek even though the form seems to indicate that it was Officer Peek. Do you remember all of that evidence?

30 **WITNESS O:** I - I recall saying as well that I do remember that Giles who completed the form for me. That was - that why - I was confused why name Peek on the form. So I don't get exactly what was your question. Either way, I just said that we did fill this form, because I signed it.

35 **MS GHABRIAL:** So it's possible - what I'm trying to suggest to you is that would you agree it's possible that your memory of what happened in that meeting between you and Officer Giles and Officer Peek might not be accurate?

40 **WITNESS O:** Hell no. That is not fair saying that's what happened to me. How (indistinct) that someone promise me, to protect me, to be that what's happened that not to be right. It's accurate 100 per cent. I put my hands on the Bible, and I said it, and I just said it in my police statement. I said it in my other statement, I said it in my Inquiry statement and I say it to you right now.

45 **MS GHABRIAL:** And because it looks like from the form Officer Peek might have written those things for you, is it - would you agree that it's possible that you're mistaken about Officer Giles being the person that actually wrote the things on the form for you? Would you agree that it's possible you're mistaken about that?

WITNESS O: No, I don't agree. I don't agree. I don't agree. Both of them there. Both of them promised me, Giles who was sitting in the Chief's chair, Peek standing next to me. And because Giles was higher rank than Peek, that's why
5 Peek asked me to repeat that to Giles. And Giles - I spoke to him after that, and I told him, "You promised me. You said you're going to take this statement from me." (Indistinct) and (indistinct) things (indistinct). How could I possibly be mistaken?

10 **MS GHABRIAL:** I'm certainly not meaning to upset you in any way, Ms O. I'm just trying to ascertain -

WITNESS O: You're not the person who that happened to me.

15 **COMMISSIONER:** Ms Ghabrial - Ms Ghabrial -

WITNESS O: You're not the person who was in that things. I'm - I'm talking - I'm taking myself to that moment. I see myself, I'm angry and I'm shouting. I'm so sorry. But you know what? That is opening my wound.

20 **MS GHABRIAL:** That's okay. That's okay.

WITNESS O: This is opening my wound. This is really upsetting. This is - that - that - my moment in the office with those - Peek, Giles put me where
25 I am now, put me in the hell and put me for the rest of my life through this hell. Do you understand me? Do you feel me? Do you feel my pain?

COMMISSIONER: Witness O, I'm about to say to Ms Ghabrial that might bring this to a conclusion. Be careful when you're speaking too because your voice is moving away from the microphone. We sometimes can't hear you. Ms Ghabrial,
30 I'm not sure this is helping me.

MS GHABRIAL: I'm grateful for the Commissioner indicating that to me. I just wanted to ask this about paragraph - then I'll move on from that subject and move
35 on to the register. Ms O, if I could take you, please, to paragraph 26 of your statement to the Commission. And, please, I just want to ensure that you understand that I am not in any way challenging anything that you say in relation to Officer Astill and the terrible things that he did and the terrible position that you were in with regard to him. Do you understand that? I'm not challenging you in
40 any respect about that. Do you understand?

WITNESS O: Got it.

MS GHABRIAL: Okay. Good. Now, if I could just take you to paragraph 26.
45

WITNESS O: Yes.

MS GHABRIAL: That was the time when Officer Astill said to you that he was aware that you had made a complaint or something to that effect; is that right?

5 **WITNESS O:** Can I ask you first, do not mention his name. I was clear about that. Do not mention his name. I asked to be referred to him as a perpetrator. Can we please do that?

10 **MS GHABRIAL:** Of course. I was not aware of that, Ms O, and I will certainly do that. I was not aware of that. So please forgive me for that. The perpetrator had a conversation with you about the complaint that you had made; correct?

WITNESS O: Yes.

15 **MS GHABRIAL:** And you said in that paragraph that the perpetrator had told you that he had the register; is that correct?

WITNESS O: He showed me the register book.

20 **MS GHABRIAL:** All right. But before you spoke with the perpetrator at that time, had you ever actually seen the register book or you had never seen it before?

WITNESS O: About - particularly about that complaint, you mean?

25 **MS GHABRIAL:** No, not about the complaint; just generally. Before the perpetrator spoke to you and said to you that he had the register book, had you ever actually seen the register book before?

30 **WITNESS O:** Yeah, I'm confused. Do you mean, like, do I know about the register book - there is a register book? Or do you mean since I put that complaint, have I seen this register book?

MS GHABRIAL: I'm not talking about the complaint.

35 **COMMISSIONER:** Ms Ghabrial, I'm not sure this is going to help me either.

MS GHABRIAL: Commissioner, what I'm trying to ascertain is whether or not the witness was familiar with the register book and whether, indeed, it was a book she had seen before to establish whether or not, indeed, she was shown the register book. Because my instructions are that -

40 **COMMISSIONER:** Why do I need to know?

MS GHABRIAL: Pardon?

45 **COMMISSIONER:** Why do I need to know? How is it going to help me to work out the things I have to work out?

MS GHABRIAL: It was just something that potentially may have impacted Officer Giles, but Officer Giles can certainly answer questions in that respect. Then I don't need to upset the witness by asking any more questions -

5 **COMMISSIONER:** I think that's right.

MS GHABRIAL: - about that. Just bear with me for a moment. Just one final thing - and, again, please understand that I am not intending in any way to upset you at all. Do you understand that?

10

WITNESS O: Yes.

MS GHABRIAL: All right. You did give some evidence earlier when Mr Lloyd of Senior Counsel, Counsel Assisting, was asking you some questions, and you indicated that during this period that you were in custody that you didn't speak or write English. Do you remember giving that evidence?

15

WITNESS O: Yes.

20 **MS GHABRIAL:** So would it be fair to say that when you did communicate with officers that it is possible that you may have misunderstood what officers were saying to you? Is that possible?

25

MS DAVIDSON: Commissioner, I object.

WITNESS O: No, it's not possible.

COMMISSIONER: She answered -

30 **WITNESS O:** Because I could ask them to explain to me what they mean.

MS GHABRIAL: But it would be fair to say that you wouldn't have understood every single word that was being said to you; correct?

35 **MS DAVIDSON:** Commissioner, again, the generality with which this question is being asked is not in respect of any time period or meeting or -

COMMISSIONER: It's not going to help me.

40 **MS GHABRIAL:** She has answered the question in any event. Thank you. Nothing further. Thank you, Commissioner.

COMMISSIONER: Yes. Very well. Nothing, Ms Davidson?

45 **MS DAVIDSON:** No.

COMMISSIONER: Thank you, Witness O. That ends your evidence. Thank you for coming forward and talking to us. You are now formally excused.

WITNESS O: Thank you.

5

<THE WITNESS WAS RELEASED

MR LLOYD: Commissioner, the next witness is Witness B and -

10 **COMMISSIONER:** Sorry, witness?

MR LLOYD: B.

COMMISSIONER: B.

15

MR LLOYD: And could I ask for a short adjournment just so that we can establish the audiovisual link from Darlinghurst Courthouse?

COMMISSIONER: Very well.

20

<THE HEARING ADJOURNED AT 12.12 PM

<THE HEARING RESUMED AT 1.32 PM

25 **COMMISSIONER:** Yes, Mr Lloyd.

MR LLOYD: Thank you, Commissioner. Witness B is on the screen. I've tested the link, and it is working. She will take an oath on the Bible.

30 **<WITNESS B, SWORN**

<EXAMINATION BY MR LLOYD:

MR LLOYD: Have you got there in the witness box a pseudonym list?

35

WITNESS B: Yes, I have.

MR LLOYD: Could you please look at it and confirm that you are "B" on that list?

40

WITNESS B: Yes, I am.

MR LLOYD: Now, Ms B, when I ask you questions about yourself and other inmates and former inmates, for the most part I'll do that by reference to the letter that has been assigned to them, and I'll ask you to just refer to them by letter.

45

WITNESS B: Yes.

MR LLOYD: If you make a mistake, it's not the end of the world. There's a delay between what you say and the broadcast so it can be fixed. But to the extent you can, just try and use the letters.

5

WITNESS B: I will.

MR LLOYD: You made a statement to this Commission, and did you that on 21 October 2023?

10

WITNESS B: That's correct.

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

15

WITNESS B: Yes, I was.

MR LLOYD: And you made a statement to the police for the purpose of the prosecution of Astill?

20

WITNESS B: Yes.

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

25

WITNESS B: Yes, I was.

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

30

WITNESS B: Yes.

MR LLOYD: Could you just take up your Commission statement, and I'll ask you some questions about it. You've been an inmate in Corrective Services New South Wales since January 2006?

35

WITNESS B: Correct.

MR LLOYD: And at Dillwynia from February '15 until the present?

40

WITNESS B: Correct.

MR LLOYD: Could I just ask you, please, Ms B, just have a look at paragraph 6.

WITNESS B: Yes.

45

MR LLOYD: You talk there about the period when you were being housed in medium needs, and you were told that everyone called Astill "poppy Astill" or "poppy"?

WITNESS B: Yes.

5 **MR LLOYD:** Can you just tell us what you remember being told, first by other inmates, about Astill at that time?

WITNESS B: That if you needed help in any area, you'd go to him and he would be able to help you.

10 **MR LLOYD:** And in a sense of help that was in the nature of favours that he'd do for some inmates?

WITNESS B: That is correct.

15 **MR LLOYD:** At that point, were you told anything about him bringing drugs into the gaol?

WITNESS B: I was aware of what was happening, yes.

20 **MR LLOYD:** And when you say you were aware, Ms B, of what was happening, that includes Astill bringing drugs into the gaol?

WITNESS B: Correct.

25 **MR LLOYD:** Who told you that?

WITNESS B: I witnessed several people actually collecting it.

30 **MR LLOYD:** As in, you witnessed several other inmates collecting drugs from Astill that he'd brought into the gaol?

WITNESS B: Yes.

35 **MR LLOYD:** And did you know at this point where you witnessed this occurring, the collection of the drugs - did you know whether there was, in a sense, a trade that was occurring, Astill was giving drugs in return for something?

WITNESS B: Yes, he was getting favours from the inmates.

40 **MR LLOYD:** And was that something you were told by an inmate or inmates?

WITNESS B: Inmates.

45 **MR LLOYD:** And did those inmates tell you what the sort of favours that he was getting in return for him supplying drugs were?

WITNESS B: Sexual favours.

5 **MR LLOYD:** Now, I know this is hard, but if you can, do you remember about a time period when you first observed what you told us you've observed, that is, inmates going in collecting drugs, and when you were told that they were getting those drugs from Astill in return for them giving sexual favours to him?

WITNESS B: When that happened? What year, is that what you're asking?

10 **MR LLOYD:** Yes.

WITNESS B: In about 2017.

15 **MR LLOYD:** Now, can I ask you, in terms of this knowledge that you had, that you'd observed yourself, of inmates collecting drugs - just in relation to that, is that something that you discussed with officers as well as with other inmates?

WITNESS B: Just inmates.

20 **MR LLOYD:** And what about then - does the same apply for the performing sexual favours in exchange for the drugs? Was that again discussions between you and inmates, rather than discussions between you and officers?

WITNESS B: Inmates. Just with inmates.

25 **MR LLOYD:** Did you have a sense, Ms B, about whether there was knowledge on the part of other officers about what Astill was doing with respect to the drugs and the sexual favours?

30 **WITNESS B:** I don't know about the drugs, and I don't know about the sexual favours.

MR LLOYD: Thank you. Can I ask you, then, just remind yourself of what you say in paragraphs 7 and 8.

35 **WITNESS B:** Yes.

MR LLOYD: In relation to 7, you were told that Astill would get clean urine results for the girls who did drugs and who didn't want to fail the tests?

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

MR LLOYD: Was that - to your knowledge or understanding, was that practice of Astill getting clean results for those girls - was that for the same girls who he was supplying the drugs to?

45 **WITNESS B:** Correct.

MR LLOYD: So, as you understood it, the system was he'd bring the drugs in, supply them and then fix up the dirty urine results for those same girls who he was supplying?

5 **WITNESS B:** Yes. And others.

MR LLOYD: So not just the girls he was supplying with drugs; he'd fix up by cleaning up the urine results for other girls as well?

10 **WITNESS B:** That's correct.

MR LLOYD: Was that practice that you've described of Astill altering urine results - was that something that you were aware was known by other officers?

15 **WITNESS B:** I actually spoke to an officer at one point when one of my friends did a urine, and she was extremely concerned that the urine was going to be changed.

20 **MR LLOYD:** She was concerned about it being changed, what, from a clean to a dirty?

WITNESS B: That's correct.

25 **MR LLOYD:** And who did you speak to? Which officer?

WITNESS B: Ms Barry.

MR LLOYD: And what did you say to Ms Barry about that?

30 **WITNESS B:** I was with -

MR LLOYD: Ms B, if they're not on the list, just tell us "another inmate".

35 **WITNESS B:** Just another - yeah, another inmate. Sorry.

MR LLOYD: You were with another inmate, and you spoke to Ms Barry about the concern of -

40 **WITNESS B:** Sir, it's V. It's V.

MR LLOYD: Thank you.

WITNESS B: It's inmate V. Sorry.

45 **MR LLOYD:** So you were with V -

WITNESS B: Yes.

MR LLOYD: You were with V, and you raised with Ms Barry a concern that V had?

5 **WITNESS B:** Yes.

MR LLOYD: And -

10 **WITNESS B:** We were concerned that her urine would be changed.

MR LLOYD: And what did Ms Barry say?

15 **WITNESS B:** She said not to worry, he doesn't have that access and that it would be okay.

MR LLOYD: Could I ask you this, then, about paragraph 8: Just tell us a bit more about why you believed that Astill was able to change the urine samples?

20 **WITNESS B:** The urine fridge was kept in a room that I used to use for my work items, and it was not locked, and the - and the urines were kept in there. Anybody had access to it, anyone with a key.

MR LLOYD: So there was easy access, first, to the samples?

25 **WITNESS B:** Yes.

MR LLOYD: But then something changed with that access around the time that you say tensions started rising around Astill and his behaviour?

30 **WITNESS B:** Yes. The fridge was taken out of my room -

MR LLOYD: No, you keep going.

35 **WITNESS B:** The - the fridge was taken out of my room, and it was placed out in the area under the cameras, and a lock was put on it.

40 **MR LLOYD:** Do you believe - I withdraw that. The sense I get from what you say in paragraph 8 is that your belief is that the discussion in the gaol about Astill and his behaviour was linked to that decision to move the fridge into the sight of the CCTV and lock it. Have I got that right?

WITNESS B: Correct.

45 **MR LLOYD:** What is the basis for that, the timing between when there was talk and when that moved?

WITNESS B: Yes. Yes, the - the timing.

MR LLOYD: And what was the nature of that talk - sorry, what was the nature of that talk at that time about Astill and his behaviour?

5 **WITNESS B:** That there were things going on. There - the officers were talking about it.

MR LLOYD: Do you remember approximately when?

10 **WITNESS B:** That officers were talking about it?

MR LLOYD: Yes.

15 **WITNESS B:** For me, it started in about 2017.

MR LLOYD: And when you say officers talking about it, did that include officers talking about Astill's habit of changing urine results?

20 **WITNESS B:** I don't know if officers were talking about that. But when I raised it, suddenly things changed.

MR LLOYD: You raised it. And is that the time that you raised it with Ms Barry?

25 **WITNESS B:** Yes, that's correct.

MR LLOYD: Thank you, Ms B. Is the sequence, then, you, with - in the presence of Witness V, raised this conduct by Astill with Ms Barry?

30 **WITNESS B:** Yes, that's correct.

MR LLOYD: And then some time shortly after you had raised it with Ms Barry, there was a change to the location and security of that fridge?

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

MR LLOYD: Could I ask you, please, Ms B, to go to paragraph 11 of your Commission statement. Without you re-reading that paragraph and the ones that follow to yourself, you're describing in paragraph 11 and the following paragraphs some events that occurred in 2017 with respect to Witness M.

40 **WITNESS B:** Yes.

45 **MR LLOYD:** We've had some evidence about that, Ms B. So I'll just put to you what I understand you to be saying, and you tell me if I've got it right.
Witness - there was a time when Witness M came to see you and - with some other inmates and disclosed that Astill was behaving inappropriately towards her; is that right?

WITNESS B: That's correct.

5 **MR LLOYD:** Witness M was distressed about what Astill was doing but at that time wasn't prepared to come forward and make a formal complaint?

WITNESS B: That's correct.

10 **MR LLOYD:** And with Witness M not being prepared to make a formal complaint, at least at that first time when she came to you, you didn't feel that it was appropriate or fair to Witness M for you to make a complaint effectively on her behalf?

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

MR LLOYD: But after that initial meeting with M, you were told that Witness V and Witness R had made arrangements to go and see the Governor to tell the Governor about a number of things in relation to Astill. Have I got it right?

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

MR LLOYD: And there was an occasion when you, Witness V and Witness R went along for the purpose of speaking to the Governor about Astill and his behaviour towards Witness M?

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

MR LLOYD: Now, at that meeting, you tell us - and this is paragraph 14 if you need to remind yourself. You understand that there was the Governor, Shari Martin, and a number of other officers present?

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

MR LLOYD: But - and not a criticism, but you yourself weren't actually inside the room during that meeting; you sat outside during it?

WITNESS B: That's correct.

40 **MR LLOYD:** You spoke to Witness V and Witness R immediately after they came out of the meeting?

WITNESS B: Yes, I did.

45 **MR LLOYD:** And did you see, Ms B - I withdraw that. Did you see which officers were inside the room during the meeting?

WITNESS B: No, I did not.

MR LLOYD: You had a discussion with Witness V and Witness R immediately after they came out of the meeting?

5 **WITNESS B:** Yes, I did.

MR LLOYD: Just have a look - you'll need to just go forward a few pages in your statement to paragraph 37. Just read that to yourself.

10 **WITNESS B:** Yes.

MR LLOYD: In that discussion that you had with Witness R and Witness V immediately after the meeting, they were saying some things to you about, in effect, what had happened at the meeting?

15

WITNESS B: That's correct.

MR LLOYD: Just tell us about what you can remember them saying to you about the response they'd received at the meeting.

20

WITNESS B: They said that they didn't believe that the - the people in the room actually believed them. And at one point, they actually said, "Girls do lie." So we were all concerned, obviously, that maybe they hadn't taken the whole thing seriously.

25

MR LLOYD: And that statement, "Girls do lie," did they say who it was at the meeting who had said that?

30 **WITNESS B:** I can't remember who exactly it was. It could have been the Governor.

MR LLOYD: Just remind yourself by re-reading the second sentence in 37.

35 **WITNESS B:** Yes, it was the Governor.

MR LLOYD: Now, I take it -

WITNESS B: Shari Martin.

40 **MR LLOYD:** Thank you. I take it, Ms B, that when Witness V and R were recounting to you that they felt that they weren't believed and that the Governor had said, "Girls do lie," does that mean that when you were speaking to those two women, V and R, that they had told you, in effect, what they disclosed during the meeting?

45

WITNESS B: Yes.

MR LLOYD: And do you remember what they were saying they told to the people at the meeting about Astill's behaviour?

5 **WITNESS B:** That it was inappropriate and that he had tried to touch an inmate.

MR LLOYD: That inmate, I think it follows from what you told us earlier, you're referring to is Witness M?

10 **WITNESS B:** That's correct.

MR LLOYD: Could you go back, please, in your statement, to paragraph 16.

WITNESS B: Yes.

15 **MR LLOYD:** You're describing there something that happened after the meeting that you, Witness R and Witness V went along to but where you sat outside. This is an event that occurred after that meeting; correct?

20 **WITNESS B:** On paragraph 16?

MR LLOYD: Yes.

WITNESS B: Yes, that's correct.

25 **MR LLOYD:** And just tell us about this: You were at the clinic dealing with some health or medical issue, and Astill and other staff were there?

WITNESS B: That's correct.

30 **MR LLOYD:** And you say you believe Astill knew that you were involved in the complaint that had been made that you've just told us about with respect to Witness M?

35 **WITNESS B:** Yes, 100 per cent.

MR LLOYD: And the basis for your belief about that was what Astill did at this time in the health clinic; correct?

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

MR LLOYD: What did he do?

45 **WITNESS B:** While I was standing at the counter, he looked at me and said that some inmates should get a lethal injection and smiled at me. And then the nurse -

MR LLOYD: While staring at you?

WITNESS B: Yes.

MR LLOYD: And then the nurses - sorry, you keep going.

5 **WITNESS B:** Sorry, the nurses and a couple of the officers just laughed.

MR LLOYD: Was one of the officers there Officer Robinson?

WITNESS B: That's correct.

10

MR LLOYD: Is that Mishelle Robinson?

WITNESS B: I don't know what her first name is. I just know her as Robbo.

15 **MR LLOYD:** After that statement by Astill at the health clinic, you spoke to Officer Robinson?

WITNESS B: That's correct.

20 **MR LLOYD:** And what happened when you spoke to Officer Robinson?

WITNESS B: As she let me out the door, she whispered to me, "Meet me at the Night Senior's." And I went around to the Night Senior's. And then she asked me to - to tell her exactly, word for word, what he had said so that she could make
25 sure that that's actually what she had actually heard.

MR LLOYD: What was the response to you telling her what Astill had said to you?

30 **WITNESS B:** She was shocked, and she said to me that I needed to start writing things down any time something happened like that.

MR LLOYD: And I'll come to the detail in a minute, Ms B. But you followed Officer Robinson's advice, and you started to write things down in relation to
35 Astill after this time; correct?

WITNESS B: That - that's correct.

MR LLOYD: But in any event, what you're describing here is a response from
40 Officer Robinson which you thought indicated that she felt that Astill's comment was inappropriate and should not have been said?

WITNESS B: Correct.

45 **MR LLOYD:** And that you should start making a record of the way he was behaving towards you?

WITNESS B: That's correct.

MR LLOYD: Was there any discussion between you and Officer Robinson about why you thought it was that Astill was treating you so badly?

5

WITNESS B: No. I just wanted to get out of there.

MR LLOYD: In paragraph 19, you describe some other things that Astill started doing after this occasion of the meeting involving Witnesses V and R, including Astill searching your rooms during muster?

10

WITNESS B: That's correct.

MR LLOYD: Just tell us some more about what happened on this particular occasion you're talking about in paragraph 19 when Astill came with three or four other officers.

15

WITNESS B: They came in to do a muster, and Mr Astill was with them, and we were all standing waiting to have our names called out. And then Mr Astill walked down to mine and V's rooms, went into V's room first, and he was in there for a very long time. As we were all just standing there watching, wondering what he was up to, an officer, Mr Mirza, who was in charge on that day, he went down and spoke to Mr Astill for a few minutes. Then he came back out, and he just stood there. And then Mr Astill came out of V's room and went into my room.

20

25

MR LLOYD: Was it normal for someone to be doing what Astill was doing on this day during muster -

WITNESS B: Not at -

30

MR LLOYD: - an extended search of rooms?

WITNESS B: Not at all.

MR LLOYD: Sorry. Now, did Mr Mirza or any other officer ever ask you what was going on between you and Astill and what the cause of it was?

35

WITNESS B: No.

MR LLOYD: Could I ask you about paragraph 21. And again, Ms B, I'll just put to you some things that have emerged already in the evidence in this Commission. You're talking about, in paragraph 21, another occasion during muster when Astill and other officers, including Robbo, were present?

40

WITNESS B: Yes.

45

MR LLOYD: Is that Officer Robinson, the same one you've told us about already?

WITNESS B: That's right.

5

MR LLOYD: And Astill, during this muster, said, "This place smells like dog"?

WITNESS B: That's correct.

10 **MR LLOYD:** And you took that as being -

WITNESS B: He walked up -

MR LLOYD: Sorry, you go.

15

WITNESS B: He walked up and down the line, looking at us all, and he was really close, and he was really intimidating. And then he turned around and stopped and said, "This place smells like dog."

20 **MR LLOYD:** And there were dogs in the M Unit from time to time, but I take it that the unit did not smell like the dogs. They were pretty well looked after?

WITNESS B: That's correct. None of the dogs in the house did not smell at all.

25 **MR LLOYD:** And "dog" had a particular meaning in the gaol, being someone who was informing?

WITNESS B: Yes, that's correct.

30 **MR LLOYD:** So you took this to be directed at you and Witnesses R and V, because you'd gone over to see those officers on the occasion you've told us about?

WITNESS B: That's correct.

35

MR LLOYD: During this muster, he said, "If anyone has anything to say, say it to my face and not backstab me." and you said, "Are you directing that to me?" And he said, "No, it is to all of you, but especially you," pointing to you.

40 **WITNESS B:** That was not at that muster. He actually - our unit was let out until 5.30 that day. And we were let out, and an inmate - what had actually happened is when he said, "This place smells like dog," I actually responded, "Well, you would know." It just popped out. Anyway, he spun around in my face and was like - screamed in my face, "what did you say?" And I just covered - I tried to say,
45 "Oh, the house doesn't smell like dog. Everything's great." You know, "I don't know what you're talking about." So he didn't actually know at that point that it was myself who actually said that.

Then after let go, an inmate, N, was called around to the Senior's - it's case management now, but it's right behind our unit. And we all watched her run around there. And then at 5.30 lock in, Mr Astill and Mr Hollyoaks came back. He
5 asked us to sit in the lounge room. And then he ranted on with, "If you've got something to say, say it to my face. Don't backstab me." And the whole time, he was glaring at me. And I waited for him to finish. And then when he finished, I said, "Are you directing that at me?" And he said, "No. I'm directing it at everybody." And then he pointed his finger at me in an extremely threatening way
10 and said, "Especially you."

MR LLOYD: Thank you. So two different musters on the same day where these two events have occurred?

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

MR LLOYD: Can I ask you this, Ms B. Toward the end of paragraph 21, you've got:

20 "I later told Mr Riddle, potentially the next day, that this had happened."
Because he was your boss in the dog yard?

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

MR LLOYD: What did you tell him had happened?

30 **WITNESS B:** I told him that Mr Astill had come into the house and had made the claim that the house smells like dog and that what I had actually said with, "You'd know" - in my contract, I am restricted from doing any bad behaviour. I can't do drugs, I can't do anything and I have to behave immaculately at all times. So I believed at that point I was going to get sacked because of what I said to him.

35 **MR LLOYD:** And you were telling Officer Riddle about that?

WITNESS B: Yes, I was.

40 **MR LLOYD:** But what I'm getting at, Ms B, is this: The sense that you had from what had occurred at these two musters was that Astill, in the company of a number of other inmates and officers, was basically accusing you openly of dogging on him, that is, reporting him?

WITNESS B: That's correct.

45 **MR LLOYD:** Were you saying to Officer Riddle when you told him about what had happened that that had occurred, that is, in effect, you were being accused by Astill of dogging on him or reporting him?

5 **WITNESS B:** We didn't actually talk about that. I was freaking out. I was just like, "I'm going to get sacked." And so I said to Mr Riddle, "This is what's happened." And he had also - we'd had issues with him keeping the dogs out of the house and reporting me.

10 **MR LLOYD:** So no discussion that you can remember between you and Officer Riddle about what was going on here, including the report that was made about Astill in relation to Witness M?

WITNESS B: Yeah, that's correct. I didn't know at that point who we could trust.

15 **MR LLOYD:** Could I ask you just to go forward, please, to paragraph 30. You talk about some things in relation to Sarah Ward?

WITNESS B: Yes.

20 **MR LLOYD:** Is the sense of paragraph 30 that you understood, when you were talking to Sarah Ward, that Astill might also have been behaving inappropriately toward her?

WITNESS B: Yes, that's correct.

25 **MR LLOYD:** She, indeed, had told you that directly or hinted at it; is that right?

WITNESS B: Yes, she did.

MR LLOYD: As in, said it to you directly or -

30 **WITNESS B:** She spoke to me directly about what Astill was doing to her.

MR LLOYD: Could I then ask you to go to paragraph 31. You told us before about the advice that Officer Robinson had given to you to start writing down what Astill was doing?

35 **WITNESS B:** Yes.

40 **MR LLOYD:** And you and some other inmates started doing that in the form of diaries?

WITNESS B: That's correct.

45 **MR LLOYD:** I just want you at this point - if you can get someone in that courtroom to help you to turn up volume 5 and go to tab 11.

WITNESS B: Yes.

MR LLOYD: Just go four pages into that tab, and you see a page May 2017 at the top left.

WITNESS B: Yes.

5

MR LLOYD: Could I just get you first to help us by identifying what these - this page and the ones that follow are. But you tell us that there were two small exercise books stuck together. That was the form in which the diaries took?

10 **WITNESS B:** Yes, that's correct.

MR LLOYD: If you look at just the first page here, which has some numbers up the top right-hand corner ending with 4.

15 **WITNESS B:** Yes.

MR LLOYD: If you just look through there, without reading every page, and just go through until the page ending in 37.

20 **WITNESS B:** I have page 37.

MR LLOYD: Could I just ask you, Ms B, just looking through those pages, are you able to say that those pages between 4 and 37 are photocopies of pages from those two small exercise books?

25

WITNESS B: Yes, they are. But that's - that's not everything that was in our book.

MR LLOYD: Well, that was my next question. Are those pages that I've asked to you look at - that wasn't the entirety of the two exercise books, I take it?

30

WITNESS B: No.

MR LLOYD: Now, I'd only asked you to just look at this quickly, so this may be an unfair question and tell me if you can't answer it. Are you able to say, even approximately, how many pages were originally in the exercise books which don't appear between pages 4 and 37 here?

35

WITNESS B: There's a lot of pages missing. I couldn't tell you the exact number, but there are a lot of pages missing. These just seem to be about Mr Astill.

40

MR LLOYD: If I ask you this, tell me if you can answer it: Do you think that those pages that I've asked you to look at - were they the pages from the books that contained entries about Astill?

45 **WITNESS B:** Yes.

MR LLOYD: Do you remember whether there are other pages that aren't photocopied here in the pages in front of you that were in those books that related to Astill, or did they relate to other people or things?

5 **WITNESS B:** To other people and Astill.

MR LLOYD: So is the way we look at these pages, on your recollection, that someone has made a photocopy of the pages from those two exercise books which related to Astill?

10

WITNESS B: Yes, that's correct.

MR LLOYD: Thank you. Can I ask you next to just help us - we won't have to do this for all the pages, but there's a number of different inmates who made entries in various pages?

15

WITNESS B: Yes, that's correct.

MR LLOYD: And if you - I just wanted to ask you about a couple of the entries. Go to page 4.

20

WITNESS B: Yes.

MR LLOYD: That's the first one. That's not your handwriting, is it?

25

WITNESS B: No.

MR LLOYD: Do you know whose that is?

30

WITNESS B: Yes.

MR LLOYD: Who is it?

WITNESS B: It's V.

35

MR LLOYD: V. And so if you look, for example, at just about halfway down the page, there's some entries in there made by Witness V about what Witness M was saying Astill was doing to her.

40

WITNESS B: Yes.

MR LLOYD: And when I say "Astill", there's a reference there to "Mr X". I take it that's how you described Astill in the document?

45

WITNESS B: That's correct.

MR LLOYD: And that was obviously to anonymise him in case he ramped your cell and found the book?

WITNESS B: Yes, that's correct.

5

MR LLOYD: Could you have a look, please, at page 7. Is this also Witness V's entry?

WITNESS B: Yes, that is.

10

MR LLOYD: And just go down toward the end of that page and tell me if you remember anything about the entry about four lines from the bottom. There's a reference there to an event involving a person touching someone's face and shirt. Do you see that?

15

WITNESS B: Yes. Yes.

MR LLOYD: And then over the page, reference to the screw having white hair, "And that's all I heard as I walked back to the office"?

20

WITNESS B: Yes.

MR LLOYD: Did you know about this incident from something you were told?

25

WITNESS B: Yes.

MR LLOYD: What did you know about it?

30

WITNESS B: Could I just read this, please? No, this one I actually don't know about. This was about two girls.

MR LLOYD: Thank you. Just go to page 16. This is another entry by Witness V.

WITNESS B: Yes.

35

MR LLOYD: And this is, as you understand it, a description by Witness V of what occurred - or at least some of the things that occurred in the meeting between Witness V and Witness R and Shari Martin and the other officers you've told us about?

40

WITNESS B: Yes.

MR LLOYD: And just finally go to page 24. Do you see there a reference to Witness Q informing PIO office?

45

WITNESS B: Hold on, I have just got to it.

MR LLOYD: That's okay. I'll give you the question again. Do you see an entry about Witness Q up the top?

WITNESS B: Yes. Yes, I do.

5

MR LLOYD: Is that your writing?

WITNESS B: No.

10 **MR LLOYD:** And down the bottom:

"K Right house feels uncomfortable, awkward the way Witness GG and Mr X talk to each other."

15 **WITNESS B:** Yes, I've got that.

MR LLOYD: Did you know anything about that feeling of being uncomfortable about the way GG and Astill were talking to each other?

20 **WITNESS B:** I just need - yes.

MR LLOYD: You just need to look at the pseudonym list.

WITNESS B: Yep. I just didn't know who it was. Sorry.

25

MR LLOYD: That's okay. Did you know anything about the feelings of discomfort by K Right about the way GG and Astill were talking to each other?

WITNESS B: That she was very uncomfortable.

30

MR LLOYD: What was the discussion -

WITNESS B: I'm actually a bit mixed up on what page I'm on.

35 **MR LLOYD:** I'm sorry. Page 24, down the bottom.

WITNESS B: Yep.

40 **MR LLOYD:** The reference to GG and Astill and feelings of being uncomfortable about the way they were talking to each other.

WITNESS B: I actually wasn't present for that.

45 **MR LLOYD:** Was there talk about it, the way GG and Astill were relating to each other?

WITNESS B: I wasn't - I wasn't present for that actual - him pulling her aside. I'm sorry.

5 **MR LLOYD:** That's okay. You can close that up, and I just want to ask you some things about what happened to these exercise books. If you go back to your Commission statement at 33, you say Witness V and you told Ms Wilson about the diary?

10 **WITNESS B:** Yes, that's correct.

MR LLOYD: That's the Officer Deborah Wilson who was in various positions, including Intelligence Officer?

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

MR LLOYD: Just tell us what happened when you and V spoke to Ms Wilson about the diary. Did you - first, did you tell Ms Wilson why it was that you started to create the diary in the first place?

20 **WITNESS B:** Yes, that we were told by an officer that it was a good idea to start recording everything that was happening, and that's why we started.

25 **MR LLOYD:** Did you give her the background about there being a complaint with respect to Astill's conduct towards Witness M and then bullying by Astill?

WITNESS B: Yes, that's correct.

30 **MR LLOYD:** Did you tell her what the nature of the complaint was about Astill's behaviour towards Witness M?

WITNESS B: Yes, we did.

35 **MR LLOYD:** Did you tell her anything else about the inappropriate conduct by Astill?

WITNESS B: We told her everything. We told her about the - every complaint. M. We talked about what happened in the house with being called dogs. Everything.

40 **MR LLOYD:** Everything, that includes - I'll just remind you of one thing you've told us in your evidence today, of Sarah Ward telling you about Astill's inappropriate behaviour. Do you remember telling us that?

45 **WITNESS B:** Later on she - later on she knew.

MR LLOYD: When you say, "Later on she knew," let's just start with this meeting with you and V and Ms Deborah Wilson. Did you tell Ms Deborah Wilson about the behaviour by Astill towards Sarah Ward?

5 **WITNESS B:** No, not at that time.

MR LLOYD: Are you saying there was a subsequent time when you told Ms Deborah Wilson about what Astill had been doing to Sarah Ward?

10 **WITNESS B:** I don't remember if we actually told her, but we had several meetings with her about what was going on. At that point, Sarah hadn't come forward -

MR LLOYD: After this meeting -

15

WITNESS B: Yeah, after this meeting.

MR LLOYD: I understand. After this meeting. Was this the first time you spoke to Deborah Wilson about what Astill had been doing?

20

WITNESS B: Yes, this is the first time.

MR LLOYD: And this was the time you've already told us you handed her the two small exercise books or showed them to her?

25

WITNESS B: Yes. Yeah, we showed them to her.

MR LLOYD: And how many other meetings after this did you have with Ms Deborah Wilson?

30

WITNESS B: I can't remember how many, but it was probably more four or five.

MR LLOYD: And what sort of things were you telling her at those meetings? I think you've already mentioned that at one of those meetings, you told her about what Sarah Ward had told you?

35

WITNESS B: Yes.

MR LLOYD: And just to be clear, Ms B, what did Sarah Ward tell you about what Astill had been doing to her?

40

WITNESS B: That he had grabbed her hand, tried to kiss her, grabbed her on the bottom in reception, put his jacket across his arm and moved past her and grabbed her on the bottom.

45

MR LLOYD: And what you're telling us is that at one of the subsequent meetings with Deborah Wilson, you told her that information that Sarah Ward had told you?

WITNESS B: Yes, that's correct.

5 **MR LLOYD:** Did you tell Deborah Wilson at any of these other meetings about other inappropriate sexual conduct by Astill towards inmates?

10 **WITNESS B:** Not all of them, no. She wasn't interested. She just said if girls want to speak to her, they can come and talk to her. She wasn't going to go and look for them.

MR LLOYD: Is that - is that - was that said in response to you telling her about Sarah Ward?

15 **WITNESS B:** Not that I remember. I don't remember, sorry.

MR LLOYD: Do you remember what she said when you told her about Sarah Ward?

20 **WITNESS B:** I can't remember, I'm sorry.

MR LLOYD: Did she say that she would conduct any kind of investigation or speak to Sarah Ward?

25 **WITNESS B:** When we spoke to her the first time - or the first couple of times, she just said if girls want to come and speak to her, they can come and speak to her; she's not chasing girls.

30 **MR LLOYD:** So she would wait and field a complaint by the girl in the position of Sarah Ward, but otherwise, on your understanding, she wouldn't do anything about that information?

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

35 **MR LLOYD:** Were you told by her about - on the Sarah Ward occasion, staying with that, about the options available to you to make a complaint to someone in management about what Astill had been doing to Sarah Ward?

WITNESS B: No, I don't remember.

40 **MR LLOYD:** Could I just take you back in time, then, Ms B, to the occasion when you showed Ms Wilson the two exercise books. Just tell us what happened on that occasion. What did Ms Wilson do when you showed her the exercise books?

45 **WITNESS B:** She just read a few pages and, yeah, she - she was just like, "Oh." She didn't seem overly stressed by it. She was just a bit more surprised that we had actually started collecting what was happening into books.

MR LLOYD: Is what you're saying she looked through some but not all of the pages in them?

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

MR LLOYD: You say in paragraph 33 she took the diary away from you. Do you see that -

10 **WITNESS B:** Yes, that's correct.

MR LLOYD: - in the second -

WITNESS B: Yes.

15

MR LLOYD: And:

"When she spoke to us again, she said she had shown it to Shari Martin."

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

MR LLOYD: How long was there between you and V going to see Ms Wilson and showing her the diaries and when she took the diary away from you - between that event and when she spoke to you again? Was it on the same day?

25

WITNESS B: No. It was later. I don't remember how long between.

MR LLOYD: But just help us with this: Not on the same day?

30 **WITNESS B:** No.

MR LLOYD: Doing the very best you can, do you think it was a period of days or weeks or months?

35 **WITNESS B:** Days. I can't remember exactly, but I'm assuming days.

MR LLOYD: Did she say on the next - that is, the next occasion now I'm asking you about when she spoke to you, that is, the occasion she told you that she'd shown it to Shari Martin, did she say to you what Shari Martin had said about the diary, if anything?

40

WITNESS B: No, I don't remember her actually saying anything that Shari Martin had said.

45 **MR LLOYD:** You say here:

"We asked her to speak to the inmates in that book."

Do you see that?

WITNESS B: That's correct. Yep.

5

MR LLOYD: I just want to ask you some things about that. This is you and V?

WITNESS B: Yes.

10 **MR LLOYD:** I take it the sense of what you're telling us, Ms B, is that this is responsive to Ms Deborah Wilson saying to you, in effect, "Look, I'm not going to do anything unless the women themselves who have been the victims of this conduct come forward"?

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

MR LLOYD: So you and V saying - in response to that, asking Ms Wilson to go and speak to them. Is that the sense of it?

20 **WITNESS B:** Yes. Yes, that's true.

MR LLOYD: What did Ms Wilson say when you said that, in effect, she should go and speak to them?

25 **WITNESS B:** She said she wasn't going to go chasing them around. If they wanted to speak to her, they can come and talk to her.

MR LLOYD: What about what Ms Wilson said to you about what you should physically do with the diary? What can you tell us about that?

30

WITNESS B: Later on - later on, after she had shown it to Ms Martin, she said that we should get the diary out - get rid of the diary. Either she could shred it for us.

35 **MR LLOYD:** Was this at a time - I withdraw that. After that first meeting, do you remember - obviously Ms Wilson physically had the diary herself?

WITNESS B: Later on, yes, after our first conversation.

40 **MR LLOYD:** So she physically kept the diary after that first conversation?

WITNESS B: Yes.

MR LLOYD: Was a photocopy made?

45

WITNESS B: I don't know.

MR LLOYD: So just so I can understand what you're telling the Commissioner, at a time when you don't know whether a copy had been made, one of the options she was giving you was to shred the diary?

5 **WITNESS B:** Yes.

MR LLOYD: I take it you didn't -

10 **WITNESS B:** She didn't want it on the compound.

MR LLOYD: Sorry, say that again.

WITNESS B: She didn't want it on the compound.

15 **MR LLOYD:** I take it you didn't think -

WITNESS B: Sorry.

20 **MR LLOYD:** - it was a good idea to just shred it?

WITNESS B: No, not at all. Inmate V actually spoke to her lawyer and asked if we could actually send it to him and then we told that to - to Ms - Ms Wilson.

25 **MR LLOYD:** Can I just ask, Ms B, the time when the option of shredding it was raised by Ms Wilson, did she say to you that there should be some record made of it or that she'd made some record of it by photocopying it?

WITNESS B: No, she didn't.

30 **MR LLOYD:** Did you understand that the option of shredding it at the point that this was raised was, in effect, destroying the original in circumstances where, for all you knew, that was not a photocopy made?

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

MR LLOYD: And you've already told us -

COMMISSIONER: Mr Lloyd, where did we get these extracts from?

40 **MR LLOYD:** They - as I understand it - but I'm having this explored - the police photocopied from the original diaries those entries which they thought were relevant to Mr Astill.

45 **COMMISSIONER:** And the original diary is now?

MR LLOYD: As I understand it - but I'll just check with Ms Nash that I'm saying the right thing. As we understand it, it's still with the police.

COMMISSIONER: Still with the police?

5 **MR LLOYD:** There may be a dispute, in the sense - I think the police's position is that they were returned to Witness V, but I think Witness V says she doesn't have them anymore.

COMMISSIONER: Were they used in the trial? Were they tendered in the trial?

10 **MR LLOYD:** They were annexed to a police statement, being -

COMMISSIONER: The entire diary or -

15 **MR LLOYD:** No, just these pages.

COMMISSIONER: Just these pages. Right. So we don't know what else was in the diary?

20 **MR LLOYD:** No. That's why I took some care with this witness, Commissioner, to try and work out whether the other missing pages are material.

COMMISSIONER: Yes. Well, that's the question. If they weren't used in the trial, they may be material to us, though.

25 **MR LLOYD:** Quite. But what we're - what the sense from the police was that they extracted the parts that were relevant for their purposes -

COMMISSIONER: I can understand that.

30 **MR LLOYD:** - but maybe not for ours.

COMMISSIONER: Yes.

35 **MR LLOYD:** So I think your answer to that question, Ms B, was that you and Witness V didn't much like the idea of shredding your original diaries without knowing that there had been a copy made and that something else happened. What was that?

40 **WITNESS B:** That's - that's correct.

MR LLOYD: What happened then? Witness V spoke to a lawyer, I think you've told us that.

45 **WITNESS B:** Yes.

MR LLOYD: And was an arrangement made to get the diaries out of the gaol?

WITNESS B: Yes.

MR LLOYD: So that solution meant that they didn't have to be shredded and could be used, but they wouldn't be in the gaol and be susceptible to being
5 discovered by Mr Astill; is that right?

WITNESS B: That's correct.

MR LLOYD: Were you aware from your direct dealings with Ms Wilson or any
10 other officer there about a practice by officers at Dillwynia of shredding relevant documents in the nature of complaints?

WITNESS B: No.

MR LLOYD: Sorry, I could just make out with the blurring you're shaking your
15 head, but I couldn't hear the answer. Is that a "no"?

WITNESS B: No.

MR LLOYD: So other than the occasion of the shredding conversation with
20 Ms Wilson you told us about, you couldn't remember any other time where that kind of idea had come about?

WITNESS B: No.

MR LLOYD: Could you go, please, to paragraph 41 of your Commission
25 statement. Just read that - re-read that to yourself.

WITNESS B: Yes.

MR LLOYD: When you talk about speaking to many officers about what Astill
30 was doing, can I just understand - and I'll just take you through this, Ms B, by reference to each of the officers you mention here to get an idea from you about what you're talking about when you say you spoke to the particular officer about
35 what Astill was doing. Understand?

WITNESS B: Yes.

MR LLOYD: And in the context of what you've told the Commissioner, that
40 there's a range of things that you were aware of or believed Astill was doing, ranging from the practice of altering urine samples or results to sexually inappropriate conduct with inmates.

WITNESS B: Yes, that's correct.

MR LLOYD: And also the bullying and intimidation you've told us about.
45

WITNESS B: Yes.

MR LLOYD: Just going through the list: Mr Holman, do you remember having a conversation with Mr Holman about Astill's conduct within the gaol?

5

WITNESS B: Yes, I did.

MR LLOYD: And what do you remember telling him about what Astill was doing?

10

WITNESS B: I had a couple of different conversations with Mr Holman in regards to two different episodes that had happened.

MR LLOYD: Just tell us about those.

15

WITNESS B: Okay. One was - okay. In the ILU, there was inmate - okay. Inmate - I'll just say "inmate".

MR LLOYD: Yes.

20

WITNESS B: I can't find her on here. Okay. Mr Astill went out to ILU and spoke to her and other inmates several times in relation to - he told people that Witness V had -

25

MR LLOYD: Sorry. Just pardon me. We'll get the feed cut. That's okay. I think that he had gone out there and said Witness V had done something. Just continue on.

30

WITNESS B: Okay. That Witness V had called him a kiddy fiddler, which wasn't true. And he was trying to enlist people by saying that I was going to testify against her, that - that she had actually said this, and he was just trying to get me bashed. But inmate V and I talk. And when I saw her the next morning, I spoke to her, she spoke to me and I got Inmate - inmate, sorry.

35

MR LLOYD: Sorry.

WITNESS B: And -

40

MR LLOYD: Just pause. Just wait there for one minute. Yes. No, continue on. Inmate -

45

WITNESS B: I took - spoke to the inmate, and she relayed what Astill had told her, which was a pack of lies. So I said we needed to speak to Mr Holman. I don't remember what officer we asked at the time, but they rang Mr Holman and said we needed to speak to him. We didn't see him until the afternoon. And then we relayed what was happening out at the ILU, and he said he was going to come back on Monday and take a statement from myself and the other inmate.

MR LLOYD: Thank you. The second occasion you spoke to Mr Holman that you've mentioned, was that about a different topic?

5 **WITNESS B:** That's about a different topic. It was -

MR LLOYD: Can you tell us about that?

10 **WITNESS B:** Mr Astill and another inmate, N, were asking for dirt on myself and V from - from Silverwater gaol, trying to get any dirt they could use against us. He told me to be careful, and I went and relayed this to inmate V. And then I went back and asked this officer, Mr Raoul, if he would actually talk to Mr Holman and relay what was told to him and asked of him, and he said he would. But Mr Holman, I don't believe, spoke to him.

15

MR LLOYD: Can I ask you just to deal with Officer Kellett. What do you remember saying to Officer Kellett about what Astill was doing?

20 **WITNESS B:** I told her about the intimidation on myself and V, told her that there were girls who were actually being touched up on numerous occasions -

MR LLOYD: Just -

25 **WITNESS B:** - inappropriately.

MR LLOYD: - going back - the numerous occasions, was that numerous occasions where you told that to Ms Kellett or you told Ms Kellett that there were girls being touched up on numerous occasions?

30 **WITNESS B:** Yeah, I actually saw her on numerous occasions, but I also told her on numerous occasions.

MR LLOYD: And just doing the very best you can to remember what it was that you said to Ms Kellett on those numerous occasions?

35

WITNESS B: She said that she would try to help us, but unfortunately her hands were tied.

40 **MR LLOYD:** And that's what she said to you, but just - you mentioned to the Commissioner a minute ago when I asked you about meetings with Ms Kellett that you told her the girls had been touched up?

WITNESS B: Yes, that's correct.

45 **MR LLOYD:** Is that the kind of language or are they the kind of words you used when speaking to Ms Kellett?

WITNESS B: Yeah, I could speak openly.

MR LLOYD: And you've told us that Ms Kellett's response was that her hands were tied?

5

WITNESS B: Yes.

MR LLOYD: Did she explain what she meant by that?

10

WITNESS B: No.

MR LLOYD: Just dealing with these occasions, Ms B, do you remember, even approximately, what period of time we're talking about in these meetings with Ms Kellett?

15

WITNESS B: In 2017. I don't remember the exact dates. It was if she was walking behind my dog yard.

MR LLOYD: Do you remember where you were when you told her?

20

WITNESS B: It would be between reception and my dog yard. It's only about 10 steps.

MR LLOYD: Could I just ask you this: By this time, 2017, you'd been at Dillwynia for around about two years?

25

WITNESS B: Yes. Yes, that's correct.

MR LLOYD: Now, this isn't a criticism, but you'd been within Corrective Services for about nine years before that?

30

WITNESS B: That's correct.

MR LLOYD: So experienced by this time with the system, not just at Dillwynia but at another gaol?

35

WITNESS B: That's correct.

MR LLOYD: You've just told us that on more than one occasion - I withdraw that. You knew that Officer Kellett was senior within the gaol?

40

WITNESS B: Yes.

MR LLOYD: And what you're telling us is that on more than one occasion, you went to her and told her that a Senior Officer at Dillwynia had touched up inmates more than once?

45

WITNESS B: Yes.

MR LLOYD: And her response was that her hands were tied and she couldn't do anything?

5

WITNESS B: Yep.

MR LLOYD: What did you think was going on in terms of the response of the Senior Officer to you telling her that there'd been serious misconduct by an officer but that, in effect, nothing could be done?

10

WITNESS B: That obviously going up higher wasn't going to work.

MR LLOYD: Say that again?

15

WITNESS B: That obviously going up higher wasn't working.

MR LLOYD: Did you understand what serious options you had to make reports of the kind you'd made to Officer Kellett and get some action? Did you know what you could do?

20

WITNESS B: At that time -

MR LLOYD: Yes.

25

WITNESS B: - we were absolutely terrified of everyone. We didn't know who was involved with Astill. We didn't know what officers could be trusted. We had gone to hierarchy and told them what was happening, and nothing was happening. We were just being called liars.

30

MR LLOYD: Was this after - sorry, you keep going. Was this after the meeting you told us about where R and V were in the room with all the officers?

WITNESS B: Yes.

35

MR LLOYD: Did you get the sense that Ms Kellett didn't believe what you were saying?

WITNESS B: No, I don't think - I didn't get that feeling, that she didn't believe me, but I did get the feeling that she just didn't want to make the hard call.

40

MR LLOYD: Could I then ask you, just going through the list in 41, Ms Dolly.

WITNESS B: Yes.

45

MR LLOYD: What did you tell Ms Dolly about what Astill was doing?

WITNESS B: When we actually - this is a different situation.

MR LLOYD: Witness V.

5 **WITNESS B:** Yes. Ms V had been put on a green card by Mr Astill, and we had
gone around and spoken to Mr Astill to try and find out what was going on. And
then he basically said that it was the clinic's fault, the NUM's, and that we should
go and take that up with her. We went to the clinic, and Ms Dolly was on the - the
10 door. She asked us what was happening. Ms V said that she'd been put on a green
card and could we speak to the NUM.

MR LLOYD: And what's a green card?

15 **WITNESS B:** It's where you have to be in a two-out hold. So you might have
a medical condition. That means you must have another inmate around you at all
times.

MR LLOYD: Thank you. Now, the next person on the list is Ms Wilson. Again,
that's Deborah Wilson?

20 **WITNESS B:** Yes, that's correct.

MR LLOYD: And does that refer to what you've already told us about that you
passed on to Deborah Wilson?

25 **WITNESS B:** Yes, that's correct.

MR LLOYD: Moving on, Ms Martin - that's obviously a reference to the
Governor?

30 **WITNESS B:** Yes, that's correct.

MR LLOYD: Is that a reference to what you understood R and V had told her?

35 **WITNESS B:** As well as my interactions with - with her as well.

MR LLOYD: I wanted to ask you - so in addition to R and V, are there other
occasions when you told Ms Martin about things that Astill was doing in the gaol?

40 **WITNESS B:** Yes, that's correct.

MR LLOYD: Can you tell us about those?

45 **WITNESS B:** I had a meeting with her about the intimidation, that Mr Astill had
threatened to have my daughters raped and my parents killed. He showed me their
addresses and - and said that he could get them wherever they were. He told me

that he used to be a police officer and that he was also a member of a bikie gang, and he could get my family. I told her all about that.

5 **MR LLOYD:** When, approximately, did that happen? As in, when did you tell her?

WITNESS B: I don't remember a - a date, I'm sorry.

10 **MR LLOYD:** Face-to-face meeting?

WITNESS B: Face to face, yes.

MR LLOYD: In her office?

15 **WITNESS B:** Yes.

MR LLOYD: Did she tell you that you should make a complaint in writing about it?

20 **WITNESS B:** No, she just called me a liar and that nothing ever happened.

MR LLOYD: Sorry, is that the extent of her response to you telling her that Astill had threatened to have your daughter raped and your family murdered, that you were a liar?

25 **WITNESS B:** Yes, I was a liar. It never happened.

MR LLOYD: Did she mention that there was an option of making a report about that conduct to someone outside the gaol?

30 **WITNESS B:** No.

MR LLOYD: Mr Riddle is the next - I withdraw that. You mentioned, I had thought, there being more than one time when you made reports to Shari Martin. Do I have that right, that there's more than one time that you went to her about Astill?

WITNESS B: Yes.

40 **MR LLOYD:** You told us about the one where you passed on the threats that Astill made. What happened on the other time or times when you went to her?

45 **WITNESS B:** I told her that there were girls that were being inappropriately touched and again said that the people were being intimidated, people were afraid for their safety. He was going into wings. I told her everything I knew, and she basically called me a liar and I was a waste of her time and that I should get out of her office. She had me taken out.

MR LLOYD: Taken out by someone else?

WITNESS B: Yes.

5

MR LLOYD: Were there other people present at the meeting you're just describing now or the one you told us about before?

WITNESS B: Ms Wilson.

10

MR LLOYD: On both occasions?

WITNESS B: Yes.

15

MR LLOYD: Can I just ask this, Ms B. Tell me if you have a recollection. At either of those meetings, were they close together in time to the occasion when you showed Ms Wilson the two exercise books with the various allegations in them?

20

WITNESS B: No, these ones were closer to the mediation.

MR LLOYD: The mediation, you've described in another part of your statement.

WITNESS B: Yes.

25

MR LLOYD: Do you remember that that's something that occurred toward the end of 2017?

WITNESS B: Yes.

30

MR LLOYD: So these are things that you said - so far we've got two meetings between you and Ms Wilson and Ms Martin where you've told her those various things that Astill was doing?

35

WITNESS B: Yes, that's correct.

MR LLOYD: Both ending in Shari Martin saying to you that she thought you were a liar?

40

WITNESS B: Yes. Yes, that I was making it all up.

MR LLOYD: Were there other times - I'm sorry, making it all up. Yes. Ms B, if you need to take a break or need any time before answering, please say so.

45

WITNESS B: Yep. No, I'm okay.

MR BUTERIN: Commissioner, I apologise to Counsel Assisting. Could I ask for a very brief adjournment to have a discussion with Mr Lloyd in relation to his questioning generally. I've just been instructed in relation to the line of questioning, and it's something I can't disclose further yet without speaking with Mr Lloyd. I'll only need a couple of minutes.

COMMISSIONER: Well, arrangements -

MR BUTERIN: I know it's very - I know I'm being very vague and -

COMMISSIONER: You're being totally mysterious at the moment. But if you need a short adjournment, I'll take a short adjournment. You understand, Witness B, what's been said to me?

WITNESS B: Yes, I do.

COMMISSIONER: Yes, I'll just adjourn very briefly and then we'll resume in a minute.

MR BUTERIN: Thank you, Commissioner.

<THE HEARING ADJOURNED AT 2.46 PM

<THE HEARING RESUMED AT 2.58 PM

MR LLOYD: Thank you, Commissioner. And I thank Mr Buterin for his intervention which, while mysterious, was timely. Witness B, can you hear me now?

WITNESS B: Yes, I can.

MR LLOYD: I just wanted to ask you about the next officer you've identified in paragraph 41.

WITNESS B: Mr Riddle?

MR LLOYD: Yes. Do you remember what you told him? You told us some things already about discussions you had with him. Are there other things that you told him about Astill?

WITNESS B: Yes. I told him that - sorry.

MR LLOYD: No, you go. You tell us.

WITNESS B: I was having a lot of dramas with Mr Astill and my work. He was - part of my job is to take the greyhounds back to the house overnight and over lunch. And Mr Astill would come on muster lunch - at lunch muster and yell

at me and say that it's not my job to bring the dogs, they're not allowed in the house, they have to be taken back, and I would have to run across the compound right on muster time, which meant I was late, and get back to muster. And I also told Ms Barry about that as well, about him stopping me doing my duties.

5

MR LLOYD: This is Ms Barry?

WITNESS B: Yes, that's correct.

10 **MR LLOYD:** So this, if I can summarise, is behaviour by Astill that was victimising you and bullying you after that report that went up to the group of officers in relation to Witness M?

WITNESS B: Yes, that's correct.

15

MR LLOYD: Making it hard for you to do your job with the greyhounds?

WITNESS B: Yes, that's correct.

20 **MR LLOYD:** And making you late for meetings and that kind of thing?

WITNESS B: For muster, which we have to be at muster. I told Mr Riddle on numerous occasions.

25 **MR LLOYD:** And generally - generally just trying to make your life difficult within the gaol after being involved in making a report about him?

WITNESS B: Yes, that's correct.

30 **MR LLOYD:** What about Ms - the reference in paragraph 41 in the third line to Ms Berry. That's Officer Renee Berry?

WITNESS B: Yes, that's correct.

35 **MR LLOYD:** Do you remember what you told her about what Astill was doing?

WITNESS B: About the intimidation and that he was interfering with my - sorry, the intimidation about my - about my family and about my children.

40 **MR LLOYD:** I see. So in relation to Ms Berry, that conversation between you and her included intimidation by Astill and the threats that he'd made?

WITNESS B: Yes, that's correct.

45 **MR LLOYD:** Do you remember what -

WITNESS B: To myself and my (crosstalk).

MR LLOYD: Just dealing with the ones first about you, do you remember what Ms Berry said?

5 **WITNESS B:** She told me that her hands were tied as well.

MR LLOYD: What did you understand that to mean?

10 **WITNESS B:** That she was unable to take it higher.

MR LLOYD: Did she say why?

WITNESS B: No. She said she couldn't talk to me about it.

15 **MR LLOYD:** Now, you mentioned threats not only to you but of others. What did you tell Ms Berry about threats by Astill towards other inmates?

20 **WITNESS B:** Intimidation, that he had been touching people, about Sarah Ward - I knew about Sarah Ward.

MR LLOYD: Do you remember the closest thing you can recall to what exactly you told Officer Berry about Astill touching inmates?

25 **WITNESS B:** That - that it was inappropriate, he tried to kiss them. I told her about what Sarah Ward had told me about that - at the BIU. I told her that I knew also what - he was leaving notes in her workspace, that I knew what was going on with Sarah.

30 **MR LLOYD:** And the "her" is Sarah Ward?

WITNESS B: Yes, that's correct.

35 **MR LLOYD:** And what, on your recollection, did Officer Berry say to you when you told her particularly about the inappropriate touching and kissing by Astill towards - just to make sure we've got it right, you're talking here about disclosing that conduct in relation to both Witness M and Sarah Ward; is that right?

WITNESS B: Yes, that's correct. That's correct.

40 **MR LLOYD:** What did she say when you told her about that conduct by Astill?

WITNESS B: She said that she was looking after Sarah and that she wasn't able to help with the other one; her hands were tied.

45 **MR LLOYD:** Do you remember approximately when this conversation with Officer Berry occurred?

WITNESS B: No, I can't tell you that exact date, sorry.

MR LLOYD: Just help me with -

5 **WITNESS B:** The officers walk past my work location. At that time, there was no Area 1 and all these officers had to walk past my work location to get into the old reception. So I would see them pretty much every day.

MR LLOYD: Did you have a pretty good relationship with Officer Berry?

10

WITNESS B: I - she looked after me when Mr Riddle was away in the dog yard. She would keep an eye or if I needed to get anything out of my room, she would - she would help me.

15 **MR LLOYD:** Generally, from your perspective, an officer looking out to try and help you where she could?

WITNESS B: Yes, definitely.

20 **MR LLOYD:** But nonetheless an officer telling you that she felt she couldn't do anything when you disclosed to her that Astill was being sexually inappropriate with two other inmates?

WITNESS B: Yes, that's - yes.

25

MR LLOYD: What does that say to you, that situation that you've just described to us about the culture of the gaol?

30 **WITNESS B:** That no matter what happened, nobody was going to do anything about it.

MR LLOYD: Could I then just ask you, please, Ms B, to just look at paragraph 50. You're describing there -

35 **WITNESS B:** Yes.

MR LLOYD: - the current situation at Dillwynia?

WITNESS B: Yes, that's correct.

40

MR LLOYD: Just tell us about what that's like in terms of the environment there now between officers and inmates.

45 **WITNESS B:** The intimidation is still going on. If an officer takes a dislike to you, they can do anything they want. They can put anything on your case notes. They can intimidate you. And it's still going on today.

MR LLOYD: You say in 54, there are some officers there who treat you like human beings?

WITNESS B: That's correct.

5

MR LLOYD: So at - presently, some officers treat you well, but other officers engage in intimidation. Is that what you're saying?

WITNESS B: That's correct. Some officers are just doing their job. They're not there to be judge and jury. They are just there to help us in any way they can within their job. And they don't ask for anything in return. They're just doing what they're paid to do. They don't judge us. And then you have officers that have personal vendettas towards inmates, and this continues on to today -

10
15 **MR LLOYD:** Could I just ask you about -

WITNESS B: - and probably will after this investigation.

MR LLOYD: Sorry, I'll ask you something about that in one moment, but could I just ask you about paragraph 53. You talk about regular instances of officers swearing at inmates?

20
WITNESS B: Yes. That goes on constantly.

MR LLOYD: Just dealing with the situation currently, this Commission has already heard some evidence of officers routinely referring to inmates in the presence of other inmates as "moles" or "cunts". Is that what you're talking about?

WITNESS B: Yes. Yes, calling us stupid.

30

MR LLOYD: Does that happen routinely?

WITNESS B: It happens every day.

35 **MR LLOYD:** Sorry, calling you stupid?

WITNESS B: Yep. Every day.

MR LLOYD: And is that conduct that you've seen officers who engage in it calling inmates those names - do they get picked up on it by other officers and told not to talk to inmates like that?

40
WITNESS B: No. In my experience with officers that have actually used that behaviour in front of me, they are not pulled up because they're actually FMs. So they're Functional Managers. So they are up the totem pole.

45 **MR LLOYD:** As in, Senior Officers?

WITNESS B: That's correct.

5 **MR LLOYD:** And those officers who call inmates those names, do you get the sense, at least when it comes to them, that the culture of the gaol is one of "us and them", as in, officers against inmates? Is that your sense of it?

WITNESS B: Yes. It's a boys' club. Everybody knows everybody (crosstalk).

10 **COMMISSIONER:** Can you tell me -

WITNESS B: Sorry. Sorry, sir.

15 **COMMISSIONER:** Can you tell me, Witness B, how many officers, in your experience, engage in those sorts of conduct towards inmates, abusing them and so on? How many?

20 **WITNESS B:** 50 to 100. There are so many officers at Dillwynia who continuously do this every single day, degrade inmates, treat them like they are lesser people, treat them like they are just something like cattle. And, unfortunately, this happens across Dillwynia Correctional Centre. And after this Commission has finished, sir, this is going to continue on. Unless we have something that we can actually - is not attached to Corrective Services, we have no protection.

25 **COMMISSIONER:** You mean somewhere to go to complain which is not attached to Corrective Services?

30 **WITNESS B:** Yes.

COMMISSIONER: I understand that that suggestion has been made previously, and it will be considered, you should understand.

35 **WITNESS B:** Thank you, sir.

MR LLOYD: Ms B, you've mentioned twice now, once to one of my questions and once to the Commissioner's, about this conduct that you've described, being you fear conduct that will continue after this Inquiry?

40 **WITNESS B:** Yes.

MR LLOYD: Has there been any conduct by officers towards you, or to your knowledge any other inmate, that has made reference to this Inquiry and what it's investigating?

45 **WITNESS B:** Sorry, sir, I didn't quite hear that. Could you repeat that for me, please?

MR LLOYD: It's a bad question. I'll ask you a different one. Has there been discussion between officers and inmates at Dillwynia about the work that this Inquiry is doing?

5

WITNESS B: Yes.

MR LLOYD: What has been the discussion that you know of between officers and inmates about this Inquiry?

10

WITNESS B: They're just asking who - who's actually testifying, that basically we're all full of shit. The officers are talking about this constantly.

MR LLOYD: To you? Have you had officers say to you, "Are you testifying?"

15

WITNESS B: Yes.

MR LLOYD: Have you had officers say to you that, "You're full of shit"?

20

WITNESS B: Yes.

MR LLOYD: Are you prepared to - and, Witness B, if you're not, please say so. Are you prepared to say who's saying it to you?

25

WITNESS B: No.

MR LLOYD: Is that because you -

WITNESS B: I am still in -

30

MR LLOYD: Sorry, you go.

WITNESS B: I am still in the Corrective Services, and I'm - I'm still having to deal with these people every single day.

35

MR LLOYD: Are you not prepared to say who's the officer or officers who are saying that because you're worried what will happen to you at the gaol?

WITNESS B: Yes.

40

MR LLOYD: Is that kind of thing, that is, officers saying to inmates, "Are you testifying" and officers saying to inmates, "You're full of shit," something that's happening more widely than just to you?

45

WITNESS B: I can't say to anybody else, but I know this myself.

MR LLOYD: Is there a lot of talk about this Inquiry at the gaol?

WITNESS B: Yes. Yes.

MR LLOYD: Between inmates?

5

WITNESS B: Between inmates, yes. It's on the tablet.

MR LLOYD: And between officers and inmates?

10 **WITNESS B:** In my situation, yes.

MR LLOYD: You mentioned the tablet. Where is it appearing on the tablet?

15 **WITNESS B:** On the news segment. It gives a daily update of what's happening. It shows a picture of Mr Astill and what is being said in this - in this Inquiry. Briefly, not - not the full extent.

20 **MR LLOYD:** Can I ask you this, Witness B: have you felt under pressure from what's happened at the gaol about coming along and telling us the things you've told us about?

WITNESS B: Yes.

25 **MR LLOYD:** Have you felt under pressure not to come along, that is, to not come along and tell us what you've told us about?

WITNESS B: Yes.

30 **MR LLOYD:** And has that pressure come to you from an officer or officers currently employed at Dillwynia?

WITNESS B: Yes, officers that are employed in Dillwynia.

35 **MR LLOYD:** More than one?

WITNESS B: Yes.

40 **COMMISSIONER:** What have they been saying to you? What has been said to you?

45 **WITNESS B:** That - okay. I - that there would be retribution, and it has already started happening. I had case notes - bad case notes put on my - my case notes. And, unfortunately, they can say whatever they want on there. I'm still an inmate, and there are so many other inmates that depend on our good case notes to get us to the Parole Board. And, unfortunately, I've run into one or two over the last couple of months who are applying pressure and making it difficult to -

COMMISSIONER: Now, would you be prepared to provide names but not in public?

5 **WITNESS B:** No. They - they work at the centre. I've got four and a half years to go. And once this Inquiry is finished, I've got no protection.

COMMISSIONER: I understand.

10 **MR LLOYD:** And, Ms B, I take it from what you've just told the Commission that, in effect, you've described a number of events that happened before Astill was arrested where disclosures were made by you of very serious sexual misconduct by Astill to a range of officers and, in effect, they were saying, at least some of them, "My hands are tied. I can't do anything."

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

MR LLOYD: And your evidence to us is, in effect, you didn't know what else you could possibly do to advance those complaints in addition to what you did?

20 **WITNESS B:** Yes.

MR LLOYD: And in relation to the very situation in which you find yourself in on this very day, you are telling us that you're under pressure and being intimidated by more than one officer about giving evidence?

25 **WITNESS B:** Yes.

MR LLOYD: And you still don't know about what system is available to you to make a complaint about those officers in a way which won't leave you in a position where you're unsafe?

30 **WITNESS B:** There is nothing - at this point, there's nothing today that can protect me from retaliation from officers within Dillwynia Correctional Centre. There is no way. I can't do it by mail. I can't do it by phone. I can't do it by Official
35 Visitor. Everything is monitored. The tablets are monitored. And it says that at the beginning of the agreement you sign, that says that they can monitor everything except your legal calls. There's no - there's no way. And in the Official Visitor, it goes directly to the Governor. It does not leave the system.

40 **MR LLOYD:** The complaint system that you've described back then and even now is different to the complaint system that you experienced when you got to Mulawa?

45 **WITNESS B:** Yes.

MR LLOYD: You say the complaint system at Mulawa was effective?

WITNESS B: Yes.

MR LLOYD: What made that system there effective and the system at Dillwynia as bad in all the various ways that you've told us that it's bad?

5

WITNESS B: Back in Mulawa, if you filled out a request form or - and you sent it to the Wing Officer, they would actually take it to where it needed to go. There wasn't everything - I mean, I've never in my whole time have gone through anything like this that I have at Dillwynia. Mulawa was not like this.

10

MR LLOYD: And so -

COMMISSIONER: Can you help me by telling me what are the differences between Mulawa and Dillwynia that you experienced?

15

WITNESS B: So if there was a complaint, the Governors that were there at that time were onto it straightaway and did not back down. They would just act on what they were given. In my experience with Dillwynia, the Governor that I was dealing with did - did nothing. She did not care. She did not want to know. She just didn't give a shit. Sorry, sir.

20

COMMISSIONER: I understand. And today - do you say that if you were to complain today, your complaint wouldn't be properly dealt with in Dillwynia?

25

WITNESS B: We've got a new Governor. I don't know anything about her. She's just come in. Pretty much the only person I would say I trust at Dillwynia would be Mr Virgo.

30

COMMISSIONER: Right. You understand that if people - Prison Officers have been applying pressure to you or others in relation to the giving of evidence at this Inquiry, that's a very serious matter. You understand?

WITNESS B: Yes, I do, sir.

35

COMMISSIONER: If you were to go to the Governor and complain, do you think that that would be taken seriously or not?

40

WITNESS B: As I said, sir, I don't know her. I - I've - I've only had one conversation with her in my greyhound yard. I don't know her. But the officers that are doing this are still - they're still here. I don't feel safe.

COMMISSIONER: I understand.

45

MR LLOYD: Ms B, we know from the evidence you've given - and take it from me there's other evidence before this Commission - that a number of the inmates looked up to you as a senior inmate who they trusted. Is that your -

WITNESS B: Yes.

MR LLOYD: - sense of it?

5 **WITNESS B:** Yes.

MR LLOYD: In terms of your experience about what an environment would look like where inmates felt safe to make complaints about Officers, do you think the system where the complaint could be made to a person who was completely independent of Corrective Services would be one - would be a system likely to
10 instil some confidence in inmates that their complaints would be treated properly?

WITNESS B: Yes. But it has to be independent of Corrective Services and not monitored by Corrective Services.

15

MR LLOYD: So in a way which isn't recorded in the way the mail is read and the phone calls are monitored?

WITNESS B: Yes, that's correct.

20

MR LLOYD: And to someone who's not within Corrective Services?

WITNESS B: Yes, that's correct.

25 **MR LLOYD:** Pardon me. Sorry, there is one other thing. Paragraph 59. You're now a delegate on something called the Inmate Delegate Committee?

WITNESS B: Yes.

30 **MR LLOYD:** And that committee allows issues to be raised for the Commissioner to consider?

WITNESS B: Yes.

35 **MR LLOYD:** And you say that your experience, at least some of the time, on that committee has been that the minutes of it are changed before they go to the Commissioner?

WITNESS B: Yes.

40

MR LLOYD: Tell us about that.

WITNESS B: It goes to - it goes to the Governor and then the Governor approves what is - what is sent. Whether it's wording or whatever, it gets -

45

MR LLOYD: What sort of - what sort of things get changed?

WITNESS B: When I was with Shari Martin, a lot of stuff didn't even make it into our minutes. It was taken away, and we would be asking why, we brought this up at the IDC and it just disappeared.

5 **MR LLOYD:** What sort of things wouldn't make their way onto the minutes?

WITNESS B: I can't remember off the top of my head, sorry, sir.

10 **MR LLOYD:** Sorry. In paragraph 48, you say you didn't escalate your complaints about Astill higher than Shari Martin?

WITNESS B: Yes.

15 **MR LLOYD:** Did you understand where else you could go, as a practical matter, that was higher than Shari Martin?

WITNESS B: No.

20 **MR LLOYD:** Those are my questions, Commissioner.

COMMISSIONER: Yes. Does anyone else have any questions?

MR BUTERIN: I have no questions.

25 **COMMISSIONER:** No questions?

MS GHABRIAL: No, Commissioner. Thank you.

30 **COMMISSIONER:** Mr Sheller?

<EXAMINATION BY MR SHELLER:

35 **MR SHELLER:** Witness B, my name is James Sheller. I'm one of the legal representatives for Corrective Services. I just want to ask you a few questions about both your statement to the Commission and your police statement and the diary. Just so you understand, I'm not challenging what you say in your police statement or what you say in your Commission statement, but I do have to ask you some questions about these things you've just said in the last little while about
40 your current concerns and that they may come across as challenging. They're not meant to be; I'm just trying to ascertain one or two things about them as well.

WITNESS B: Yes. Yes.

45 **MR SHELLER:** Could I just ask you first to go to your Commission statement. This is the one from October. I think just after the break, you gave some evidence about some attempts by you to report things involving Mr Astill to Mr Riddle.

WITNESS B: Yes.

5 **MR SHELLER:** Do you remember giving that evidence? And as I understand it, Mr Riddle, one of his tasks was as an overseer of the greyhound program; is that right?

WITNESS B: Yes.

10 **MR SHELLER:** And then I think you gave - also gave some evidence about Mr Astill, that one of the things he was doing by way of intimidation towards you was making it difficult for you to work as part of that program?

WITNESS B: Yes, that's correct.

15 **MR SHELLER:** If you could just go to your Commission statement, at the bottom of page 4, paragraph 22. That goes across to page 5. Could you just have a look at that and tell me, does that capture what you were describing before concerning these actions on the part of Mr Astill?

20 **WITNESS B:** Yes, that's correct.

MR SHELLER: And then I think you expanded upon that in paragraph 23 by describing a particular incident or set of circumstances where you were concerned about going to see the greyhounds as a consequence of Mr Astill being up there waiting for you; is that right?

25 **WITNESS B:** Yes, that's correct.

MR SHELLER: Thank you. Then if you could just move on, then, to paragraph 27. I just want to check a word. In the third line, you talk about Mr Astill going to the Intensive Living Unit. Was that meant to be the Independent Living Unit?

WITNESS B: It's the ILU. Yes, Independent Living Unit.

35 **MR SHELLER:** Independent, not intensive?

WITNESS B: Yeah, independent.

40 **MR SHELLER:** Thank you. Then if you go across to paragraph 31 where you talk about the diary and then just go down actually to paragraph 32. You talk about your dealings with Mr Stoffers. Do you see that?

WITNESS B: Yes.

45 **MR SHELLER:** Now, the - as you were told before, the diary is elsewhere in that folder in front of you. It's behind tab 11. And you were shown some pages. Could I just ask you this before I take you to any particular pages: Was it occasionally

the case that you would tell Witness V some information and she would write it into the notebook on your behalf?

WITNESS B: Yes.

5

MR SHELLER: So if you go to the diary, which is attached - sorry, which is at the back of tab 11, and see the page numbers on the top right-hand corner and have a look at page 6.

10 **WITNESS B:** Yes.

MR SHELLER: You'll see in the top left-hand corner reference to you, Witness B?

15 **WITNESS B:** Yes.

MR SHELLER: And then a description of events. Is that, to your recollection, Ms V's handwriting, though?

20 **WITNESS B:** Yes.

MR SHELLER: But then if we go forward to page 20.

WITNESS B: Yes.

25

MR SHELLER: If you go down to the third line of page 20, you'll see a reference to Mr Raoul. That's Mr Stoffers?

WITNESS B: Yes, that is.

30

MR SHELLER: And this, I think, is your account of what you've set out in paragraph 32 of your Commission statement.

WITNESS B: Yes.

35

MR SHELLER: Is that your handwriting?

WITNESS B: Yes, it is.

40 **MR SHELLER:** Thank you. Then, Witness B, if I could just take you back to this evidence that you've just given about what's happening at the moment at Dillwynia. What you've just told the Commission is that the practice of intimidation of inmates continues to this very day at Dillwynia?

45 **WITNESS B:** Yes, it does.

MR SELLER: And you've described attempts, as I understand it, to intimidate you in relation to your evidence before the Commission; is that right?

WITNESS B: Yes, that's correct.

5

MR SELLER: Where you are within the Centre at the moment, do officers still attend upon you in pairs or do sometimes they come as just a single officer?

WITNESS B: Mostly in pairs.

10

MR SELLER: And so have these words said to you been by one or both officers when they've been in your presence?

WITNESS B: The - when they spoke to me, they were by themselves.

15

MR SELLER: Sorry, it was you and two officers?

WITNESS B: No, it was me and one officer that was on the compound.

20

MR SELLER: And - I see. And is it just one officer that has tried to intimidate you in relation to your evidence before the Commission?

WITNESS B: No, it's more than that. But when I've spoken to these people, it has not been with another officer present; it has been one on one.

25

MR SELLER: And how many officers have attended upon you one on one and tried to intimidate you in relation to your evidence before the Commission?

WITNESS B: I'm reluctant to say that because I am still in this Centre, and they will know that I've been saying exactly what's happening.

30

MR SELLER: And could you assist us with this: have their words been to the effect, "Do not cooperate at all," or "Watch what you say," or -

35

WITNESS B: If I don't be careful, I'll be moved out of the Centre. My job will be gone. I will go backwards. And we can put anything we want on your case notes.

MR SELLER: In relation -

40

WITNESS B: I'm a SORC inmate, and everything matters.

MR SELLER: I'm sorry, I spoke across you. Could you just repeat the first part of what you just said? I'm sorry.

45

MR SELLER: I'm a SORC inmate, and everything matters.

MR SELLER: When you say you're a SORC inmate, there's a particular review process that attaches to your status within Dillwynia; is that right?

WITNESS B: Yes, there is.

5

MR SELLER: Just pardon me a moment. Just pardon me, Commissioner. Yes, those are the questions. Thank you.

WITNESS B: Thank you.

10

COMMISSIONER: Ms Ghabrial, you don't have any questions?

MS GHABRIAL: No. Thank you.

15

COMMISSIONER: Mr Lloyd?

MR LLOYD: No.

20

COMMISSIONER: Yes. Thank you, Witness B. That concludes your evidence. Thank you for coming forward and talking to us about those matters today. You are now excused.

WITNESS B: Thank you so much for listening to us, sir.

25

COMMISSIONER: That's good.

<THE WITNESS WAS RELEASED

30

COMMISSIONER: Mr Lloyd.

MR LLOYD: Commissioner, we have another witness here who, if it's convenient, we can certainly start. It's possible we may finish with her today, but otherwise we've got almost half an hour -

35

COMMISSIONER: We should use the time.

MR LLOYD: Yes. I call Julijana Miskov. Now, that statement is found in a folder that, Commissioner, you will not have opened, possibly, yet. It's volume - it's called volume 7 of 8.

40

COMMISSIONER: Julijana?

MR LLOYD: Miskov. Tab seventy -

45

COMMISSIONER: Spelt?

MR LLOYD: J-u-l-i-j-a-n-a, new word, M-i-s-k-o-v.

COMMISSIONER: M-i-s-k-o -

MR LLOYD: V.

5

COMMISSIONER: V.

MR LLOYD: And it's behind tab 76 of a folder I think you're about to be handed. I wasn't going to tender this whole folder, Commissioner; I was rather proposing to just deal with it statement by statement.

10

COMMISSIONER: So it should have a separate exhibit number?

MR LLOYD: If that's convenient.

15

COMMISSIONER: Very well. Well, perhaps we'll get you sworn and then we'll go from there. Will you take an oath on the Bible or an affirmation?

MS MISKOV: On the Bible.

20

COMMISSIONER: Bible.

<**JULIJANA MISKOV, SWORN**

COMMISSIONER: Take a seat.

25

<**EXAMINATION BY MR LLOYD:**

MR LLOYD: Could you please say your name?

30

MS MISKOV: Julijana Miskov.

MR LLOYD: And your address is known -

COMMISSIONER: Can you just bring the microphone across you.

35

MR LLOYD: Your address is known to the Commission. Can I show you this document.

MS MISKOV: Thank you.

40

MR LLOYD: Is that a statement that you made to this Commission on 21 September 2023?

MS MISKOV: Yes, it is.

45

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

MS MISKOV: Yes, I am.

MR LLOYD: I tender that statement.

5

COMMISSIONER: It becomes exhibit 7.

<EXHIBIT 7 TENDERED AND MARKED

10 **MR LLOYD:** Before I ask you about the statement, Ms Miskov, what's your current employment?

MS MISKOV: I'm a Correctional Officer.

15 **MR LLOYD:** Where at?

MS MISKOV: Geoffrey Pearce Correctional Centre.

MR LLOYD: Say that again?

20

MS MISKOV: Geoffrey Pearce.

MR LLOYD: Yes. I'll ask you the details. You spent a short period of time at Dillwynia in the middle part of (indistinct)?

25

MS MISKOV: Yes, I did.

MR LLOYD: And that was the very start of your career in Corrections?

30 **MS MISKOV:** Yes, it was.

MR LLOYD: After you left Dillwynia after that period of about a month, where did you go?

35 **MS MISKOV:** I went to - I was a Correctional Officer. I went to Silverwater Women's, and I worked around Amber Laurel and Silverwater, then I got a permanent position at Silverwater.

MR LLOYD: What - and what position are you in there now?

40

MS MISKOV: At the moment, I'm a Senior Officer (indistinct).

MR LLOYD: You don't have to be modest. It sounds like your career has gone pretty well after you left Dillwynia; is that -

45

MS MISKOV: It has, yes.

MR LLOYD: And have you been continuously employed in the period since you left Dillwynia within Corrections?

MS MISKOV: Yes, I have.

5

MR LLOYD: Could I just ask you some questions about things in your statement, and if you need to look at your statement to answer them, please do. In paragraph 5, you tell us about graduating from the Brush Farm Cottage on 16 May 2016?

10 **MS MISKOV:** Yes.

MR LLOYD: That is a period of training that you did at that college?

MS MISKOV: Yes, 10 - 10 weeks training.

15

MR LLOYD: And you went to - after that training had finished, to Dillwynia?

MS MISKOV: Yes, I was offered the team for six months.

20 **MR LLOYD:** Is it right that when you first went to Dillwynia, there was a kind of induction?

MS MISKOV: Yes.

25 **MR LLOYD:** So you're shown around the gaol?

MS MISKOV: Yep.

30 **MR LLOYD:** And were you also shown on that same day by way of an induction around Silverwater?

MS MISKOV: Yes.

35 **MR LLOYD:** So, that is, both on the same day taken around by way of an induction to those two gaols?

MS MISKOV: Yes.

40 **MR LLOYD:** In paragraph 7, you talk about the induction that you had at Dillwynia; correct?

MS MISKOV: Yes.

45 **MR LLOYD:** And you met an officer there, Michael Paddison?

MS MISKOV: Yes.

MR LLOYD: And he introduced you to an officer, Wayne Astill?

MS MISKOV: Yes, he did.

5 **MR LLOYD:** And was it Astill who took you around the gaol?

MS MISKOV: Yes, he did.

MR LLOYD: Astill took you and another person?

10

MS MISKOV: Yes.

MR LLOYD: Another graduate?

15 **MS MISKOV:** Yes. She was in my class.

MR LLOYD: Just you two and Astill?

MS MISKOV: Yes.

20

MR LLOYD: Just tell us about what happened when Astill was giving you the induction around Dillwynia?

25 **MS MISKOV:** The minute he met me, he straightaway said I remind him of his first love. He was like, "You look exactly like her. You talk like her. You act like her." And he was ongoing all the two hours we were there - or hour and a half. I'm not sure - quite sure how many hours we were there. He kept going about it. He wasn't really concentrating on showing us around; he was just talking how I remind him of his first love.

30

MR LLOYD: And I take it that made you feel pretty uncomfortable?

MS MISKOV: Yeah. Yes, of course it did.

35 **MR LLOYD:** And when you went on to Silverwater and had the induction, what was your experience like there?

MS MISKOV: It was very different. More professional.

40 **MR LLOYD:** No one telling you you reminded them of their first love, I take it?

MS MISKOV: No.

45 **MR LLOYD:** Just - after that induction, you came to be assigned to work at Dillwynia?

MS MISKOV: Yes, I did.

MR LLOYD: And in paragraph 9, if you need to remind yourself, you were assigned on your first day to the high needs area?

5 **MS MISKOV:** Yes.

MR LLOYD: And you stayed in that - working in that high needs area for the month that you were stationed at Dillwynia?

10 **MS MISKOV:** Yes.

MR LLOYD: And Astill was the Senior Correctional Officer within high needs for that entire month?

15 **MS MISKOV:** Yes.

MR LLOYD: And did you - every shift you were on, was he on?

20 **MS MISKOV:** Most of the time, yes.

MR LLOYD: And you obviously had to report up to him?

MS MISKOV: Yes.

25 **MR LLOYD:** In paragraph 11, you talk about your - from your very first shift in high needs what Astill was doing, what he was saying to you?

MS MISKOV: Yep.

30 **MR LLOYD:** Just tell us about that.

MS MISKOV: He made comments about the way I look, how I reminded him of his first love, and it was very inappropriate.

35 **MR LLOYD:** Did he make particular comments about your body?

MS MISKOV: Yes.

40 **MR LLOYD:** And what sort of things was he saying?

MS MISKOV: He talked about how I look, my bottom, the way I speak, my hair, everything.

45 **MR LLOYD:** Inappropriate sexualised comments about -

MS MISKOV: Yeah. It was very inappropriate.

MR LLOYD: Did he do that in front of other officers?

MS MISKOV: Yes.

5 **MR LLOYD:** How many other officers, do you remember, he said those kinds of things in front of?

10 **MS MISKOV:** There was officers around all the time who are working with us or who was sitting there having lunch with him. So it was a few officers. I can't tell you exactly the numbers of officers, but two or three, sometimes four, depends what time. He was constantly saying the same things.

15 **MR LLOYD:** Did you ever hear any of the other officers who were nearby when he was saying these things pull him up on it and say it wasn't appropriate?

MS MISKOV: No. Never.

20 **MR LLOYD:** And just the scene you're telling us about is you as a graduate having inappropriate sexualised comments made to you in the workplace by a Senior Officer?

MS MISKOV: Yeah.

25 **MR LLOYD:** And no one at any point saying to him, "That's not acceptable"?

MS MISKOV: No.

MR LLOYD: Did anyone pull you aside when he wasn't there -

30 **MS MISKOV:** Never.

MR LLOYD: - and talk to you about the way to deal with it?

35 **MS MISKOV:** Never.

MR LLOYD: Were you told about a system of making complaints about him?

MS MISKOV: No.

40 **MR LLOYD:** Could I ask you, then, about paragraph 12. I think what you're describing there, after him behaving in the way you've told us about for a few days, you'd had enough and so you decided to confront him?

45 **MS MISKOV:** Yes.

MR LLOYD: And you told him that it was not acceptable?

MS MISKOV: Yes, I did.

MR LLOYD: How did he respond?

5 **MS MISKOV:** He is saying - he had a smirk on his face like, "I don't care." So I walked away.

MR LLOYD: Did something happen, in your view, about the way you were treated by other officers after you confronted him?

10

MS MISKOV: Yes.

MR LLOYD: Just tell us about that.

15 **MS MISKOV:** So before that, I was treated okay because obviously he liked me at the beginning. So all his friends were nice to me. But after that incident when I confronted him, the next day, my journey as officer changed there. I was picked on. Constantly something happening. Whatever I did was wrong, and they used to put me on show a lot, tried to frame me for things that I didn't do. So it was very
20 uncomfortable and stressful.

MR LLOYD: Just in terms of the officers who you thought were his friends -

MS MISKOV: Yep.

25

MR LLOYD: - you've told us some of those people in paragraph 13?

MS MISKOV: Yes.

30 **MR LLOYD:** Correct?

MS MISKOV: Yes. Correct.

35 **MR LLOYD:** And I just wanted to ask you - I'll ask you something about what you told us a minute ago about the framing, but just about the language. Where you say there:

"They would yell out to me, call me names like 'cunt'..."

40 **MS MISKOV:** Yeah.

MR LLOYD: Are you talking about those people you'd mentioned in paragraph 13?

45 **MS MISKOV:** Yes.

MR LLOYD: And just tell us about how this is happening. You're a new graduate there. I can imagine these officers calling you names like "cunt" - did they call you other things?

5 **MS MISKOV:** There was constant name-calling and making me look stupid in front of everyone. And I was there to learn. I was new. So - in front of inmates as well, I was called names. In - in front of - in front of other officers. It was constant name-calling. Lots of name-calling.

10 **MR LLOYD:** In front of officers and in front of inmates?

MS MISKOV: Yes.

MR LLOYD: And constant?

15

MS MISKOV: Constant.

MR LLOYD: Every day?

20 **MS MISKOV:** It was every day, yes.

MR LLOYD: Could I ask you, then, about paragraph 14. You said you worked in high needs, but you happened to be on this particular day in the medium needs for the purposes of a muster.

25

MS MISKOV: Yes.

MR LLOYD: Just tell us about what happened then?

30 **MS MISKOV:** So we go and help him muster - with the women muster, and I went to grab muster book, because that's what we do. Newbies grab the books. And -

35 **MR LLOYD:** Just pausing there, that's what you'd been trained to do, grab the muster book?

40 **MS MISKOV:** Yes, that's what I was told, always carry the book for the Senior. So I did. I went to grab it, and one of the officers yell out, "Don't touch" - I can't remember exactly, but, "You don't touch that," and he called me a name and yelled in front of everyone. I dropped the book as he told me. I can't recall (indistinct) but yeah.

45 **MR LLOYD:** I just want to prompt your memory. You might feel some shyness about the language in court. Can I say you don't need to be. Is what was said to you by that other officer when you grabbed the book, "Leave that fucking book. You don't touch that"?

MS MISKOV: Yes.

MR LLOYD: In front of other officers and inmates?

5 **MS MISKOV:** Yep.

MR LLOYD: And paragraph 16, could I just ask you about that. There was an issue, you say, in front of the night Senior Officers involving Officers Robinson, Patricia Peek and Wayne Astill?

10

MS MISKOV: Yes.

MR LLOYD: Just tell us what happened.

15 **MS MISKOV:** So I was doing lady things. That's how we call it. And we're supposed to wear vests, but at that time there was constructions happening. They were building new Dillwynia, like, new units. And I asked if there is a vest for me. (Indistinct) The officer said "No." He said, "You'll be all right." So I was walking with a lady in low needs, and one of the officers walked out of the night Senior
20 office and yelled out, "Hey cunt, where's your vest?" So I was like, "Okay." I look up, she's talking to me. So I took the lady with me. I said, "Can you come with me?" And I said, "Hi. I'm Julijana. Nice to meet you. Can you please not call me that in front of inmates. You can call me in my face, but not in front of the inmates. Just doesn't look good." And she said, "Where is your vest?" And
25 I explained to her. She didn't want to hear about it. And I walked away. And not even half an hour later, I was called in the office to see Principal, which was Mr Paddison.

30 **MR LLOYD:** And tell us about what happened. So half an hour later, you're in a meeting.

MS MISKOV: Yes.

35 **MR LLOYD:** Is it after - just to recount, you've been told by one officer there were no vests and so you weren't wearing one?

MS MISKOV: Yeah. Yes.

40 **MR LLOYD:** And then abused in the way you've told us for not wearing a vest by another officer?

MS MISKOV: Yes.

45 **MR LLOYD:** And then called into a meeting half an hour later with Officer Paddison, who you understood was part of senior management?

MS MISKOV: Yes. He was a Principal.

MR LLOYD: And were there other people in that meeting or just you and him?

5 **MS MISKOV:** Just me. I wasn't - then he asked me if I needed a support person or anything like that. He just told me there's reports about me, that I was yelling at the officer and being inappropriate.

10 **MR LLOYD:** This is you going up to the officer who'd said, "Hey cunt, where is your vest?"

MS MISKOV: Yes.

MR LLOYD: And asked that officer to not call you that in front of inmates?

15 **MS MISKOV:** Yes.

MR LLOYD: So that officer made a complaint about you?

20 **MS MISKOV:** Yes. Also a few other officers wrote a report to the Dillwynia office.

COMMISSIONER: Who was that officer?

25 **MS MISKOV:** Astill. Robbo. Sorry, that's all I know her name.

MR LLOYD: That's okay. I'll clear it up, Commissioner. The other reports - there were three reports discussed with you at this meeting. One was by Astill. One was by Robbo.

30 **MS MISKOV:** Yes.

MR LLOYD: The other one that I think the Commissioner was asking about, was that by Patricia Peek?

35 **MS MISKOV:** Yes.

MR LLOYD: And was that the report made complaining that you had taken up with her not calling you a cunt in front of the other inmates?

40 **MS MISKOV:** Yes.

MR LLOYD: So you were told the three complaints by those officers?

45 **MS MISKOV:** Yes.

MR LLOYD: And they're the same ones I think you've told us - or at least some of them who had been treating you badly after you confronted Astill?

MS MISKOV: Yes.

5 **MR LLOYD:** What happened? You tell us that you said to Officer Paddison that those reports were false, there was no substance to them?

MS MISKOV: Yes, I was told to pull my head in, I'm a new officer and to listen to my senior staff.

10 **MR LLOYD:** You had some days off after that?

MS MISKOV: Yes.

15 **MR LLOYD:** Was that rostered days off or -

MS MISKOV: Yes, rostered days off.

20 **MR LLOYD:** When you next came back to the gaol, you were called into another meeting?

MS MISKOV: Yes.

MR LLOYD: Just tell us about that one.

25 **MS MISKOV:** I was called in, asking -

MR LLOYD: Sorry, first, who was there?

30 **MS MISKOV:** Mr Paddison.

MR LLOYD: Just look at paragraph 19. It's not a memory test.

35 **MS MISKOV:** I think the Governor - she didn't introduce herself, so I'm assuming it was Shari Martin. But she never introduced herself, so I can't really say exactly it was her. But she was the Governor at that time. And I was asked about leaving doors open, and I asked them when and what date. And I got my diary, because I always used to mark when I worked and when I had days off and where I worked. And they said in medium needs. And I said if you are going to frame someone, you make sure that I am on that day because I wasn't working that day. And, again, they said - I think they were disappointed that I was off. And I
40 was again told to pull my head in. I didn't do anything wrong. They didn't offer me any support or nothing. They just went by reports - whoever wrote these reports. And - yeah.

45 **MR LLOYD:** Tell me if I've got it right from what you've just told us. You're called in to a meeting with three very Senior Officers within the gaol?

MS MISKOV: Yes.

MR LLOYD: You're accused of leaving a door in the medium needs section open in contravention of your duties as an officer?

5

MS MISKOV: Yes.

MR LLOYD: And that was an allegation that you did that on a particular day?

10 **MS MISKOV:** Yes.

MR LLOYD: You say, "I didn't do it, and I wasn't even working on that day"?

MS MISKOV: Yes.

15

MR LLOYD: And I think you've just told us, after saying that, you were then told by people at the meeting that you needed to pull your head in or -

MS MISKOV: Yeah.

20

MR LLOYD: - something to that effect.

MS MISKOV: The same thing every time they called me in. It was my fault, even though I wasn't there. That's how I felt.

25

MR LLOYD: Can I ask you, then, to move on in your statement. You talk in paragraph 20 about an occasion when you were having lunch sitting by yourself across from the high needs kitchenette?

30 **MS MISKOV:** Yes.

MR LLOYD: This is in an officers' station?

MS MISKOV: Yes.

35

MR LLOYD: So let me just understand the scene. You're sitting at a table by yourself?

40 **MS MISKOV:** So there's - there's the computers. That's where I was sitting. And there's a little table, I believe, for lunch. It's not a big area, but that's where Astill and a few other officers were sitting having lunch.

MR LLOYD: How many officers in that area having lunch?

45 **MS MISKOV:** At that - I think there was about four officers. I can't tell you exactly, but about four.

MR LLOYD: Do you remember who it was?

MS MISKOV: Yes, I do. I think - so Patricia Peek was there. Robinson. And I can't pronounce his name, Robinson's partner.

5

MR LLOYD: Westley Giles?

MS MISKOV: Giles.

10 **MR LLOYD:** So -

MS MISKOV: And Astill.

MR LLOYD: So those are the four?

15

MS MISKOV: Yes.

MR LLOYD: Were they sitting having lunch with each other?

20 **MS MISKOV:** Yeah, they were having lunch. Yeah.

MR LLOYD: Just describe what happened as you were sitting there eating your lunch or trying to eat your lunch.

25 **MS MISKOV:** Well, I was having my lunch at the desk - computer desk, and there was enough room. He got up -

MR LLOYD: He being?

30 **MS MISKOV:** Mr Astill would walk up to me and rub his crotch on my face as I was sitting.

MR LLOYD: Now, we're talking about - again, don't be shy, Ms Miskov. You don't need to be at all. Physical contact -

35

MS MISKOV: Yes.

MR LLOYD: - between his crutch or groin and your face?

40 **MS MISKOV:** Yes.

MR LLOYD: How long for?

MS MISKOV: Rubbed against my face.

45

MR LLOYD: In, to your observation, full view of the other officers?

MS MISKOV: Yes. Definitely.

MR LLOYD: Did they - was there any reaction? Did they say anything?

5 **MS MISKOV:** No. They laughed.

MR LLOYD: You heard them laugh?

MS MISKOV: Yes.

10

MR LLOYD: You thought that was directly responsive to what he did?

MS MISKOV: Yes, I believe so.

15 **MR LLOYD:** What, if anything, did you say?

MS MISKOV: I got up and pushed him, because he was in my - that was just my reaction. I walked away. I wrote a report.

20 **COMMISSIONER:** Do we have the names of those officers?

MR LLOYD: We have got, on the evidence, Officers Giles.

COMMISSIONER: Sorry, her evidence, is this?

25

MR LLOYD: Yes, well, I will reiterate just to make sure we have got it absolutely right. Those officers who were sitting at the table having lunch with Astill, who you've told us were at the table and laughed as he rubbed his crotch in your face, just tell us those names again?

30

MS MISKOV: Officer Peek.

MR LLOYD: Patricia Peek?

35 **MS MISKOV:** Patricia Peek; Robinson, I'm not sure of her first name; Astill and -

MR LLOYD: And you didn't know his name but you identified him as Officer Robinson's partner?

40

MS MISKOV: Yes.

MR LLOYD: And I mentioned Westley Giles.

45 **MS MISKOV:** Yes.

MR LLOYD: And you agreed?

MS MISKOV: Yes.

5 **MR LLOYD:** And those are the three - that is Westley Giles, Robinson and Patricia Peek - who were sitting at the table and, to your observation or understanding, saw Astill do what he did, rubbing his crotch in your face?

MS MISKOV: Yes.

10 **MR LLOYD:** And laughing?

MS MISKOV: Yes.

15 **COMMISSIONER:** Did they all laugh, did they?

MS MISKOV: Sorry?

COMMISSIONER: They all laughed, all of them?

20 **MS MISKOV:** I heard laughter, sir, from the table, yes. I can't say all of them, but it was laughter.

MR LLOYD: But raucous laughter as in more than one?

25 **MS MISKOV:** Yes, yes.

MR LLOYD: You got up to the point, Ms Miskov where you wrote a report.

30 **MS MISKOV:** Yes.

MR LLOYD: I take it you wrote a report because you regarded what had happened to you as disgraceful?

35 **MS MISKOV:** Yes.

MR LLOYD: What did you say in your report?

40 **MS MISKOV:** Exactly what happened and I was called in again in the office and –

MR LLOYD: I'm going to come to that. I want to find out, when you say "exactly what happened", that is recounting first the assault by Astill rubbing his groin in your face?

45 **MS MISKOV:** Yes.

MR LLOYD: What about, do you remember in the report, did you describe who else was present when that happened?

MS MISKOV: Yes, I did.

5

MR LLOYD: Each of those officers?

MS MISKOV: Yes, I did. I wrote – I didn't put full names, just the nicknames, because I didn't know. I was new there, that was only the first week of being there, so I didn't know the full names.

10

MR LLOYD: That's Robbo for Officer Robinson?

MS MISKOV: Yes.

15

MR LLOYD: What was Patricia Peek's nickname?

MS MISKOV: Trish.

20

MR LLOYD: Trish.

MS MISKOV: Yes.

MR LLOYD: And what about Westley Giles?

25

MS MISKOV: I can't recall if I put his name but I did tell the Governor about him. I described as Robbo's partner. I think that's what I put in the report, but I can't tell you 100 per cent, it's a long time ago.

30

MR LLOYD: Did you include in the report what their response was?

MS MISKOV: Yes, I did.

MR LLOYD: Did you include anything else in it?

35

MS MISKOV: No.

MR LLOYD: What did you do with the report? You say you made the report. Was it typed?

40

MS MISKOV: Yeah, it was typed. I printed it and I sent – I took it to the Governor's office. She was not there to see me straightaway, so I was called in again the same day.

45

MR LLOYD: You took it to the Governor's office. Where did you put it?

MS MISKOV: I gave it to the PA and she put it – I watched her put it on the Governor’s desk.

5 **MR LLOYD:** I think you left out one bit, with the report. You signed it.

MS MISKOV: Yes, I signed it.

MR LLOYD: Your name was on it?

10 **MS MISKOV:** Yes.

MR LLOYD: You gave it to the PA in the belief that it would be put on the Governor’s desk or brought to her attention?

15 **MS MISKOV:** I saw her putting it on the desk.

MR LLOYD: What happened next?

20 **MS MISKOV:** I was called in maybe half an hour, 40 minutes later. And I believe Mr Paddison was there and Shari Martin. I missed seeing her a few times, so I’m assuming she was the Governor. Again, I wasn’t introduced to her. And they basically ripped my report and said, “We’re going to deal with this in-house.”

25 **MR LLOYD:** When you say they "ripped the report" just describe -

MS MISKOV: Actually ripped my report.

MR LLOYD: Who did that, Paddison or Shari Martin?

30 **MS MISKOV:** To be honest, I can't tell you exactly who ripped the report, it just - I can't remember.

MR LLOYD: Whoever did it was in the presence of the other?

35 **MS MISKOV:** Yes.

MR LLOYD: So the three of you at the meeting?

MS MISKOV: Yes.

40 **MR LLOYD:** Do you remember who said, "We'll deal with this in-house"?

MS MISKOV: Ms Shari Martin.

45 **MR LLOYD:** Did they say anything else to you at the meeting?

MS MISKOV: No. Again, the same thing. Pull my head in, like I was doing something wrong and, "We'll deal with this in-house." That was it. I walked out crying.

5 **MR LLOYD:** Just out of interest, Ms Miskov, in the training at Brush Farm College -

MS MISKOV: Yes.

10 **MR LLOYD:** Was there any training about the way sexual harassment in the workplace should be dealt with?

MS MISKOV: No.

15 **MR LLOYD:** Did you know what your options were here? You've been assaulted in the way you've described. You've written a report and brought it to the attention of the Governor. And from what you are telling us been told to pull your head in after the report has been ripped up. Is there anyone who is telling you about what your options were?

20

MS MISKOV: No.

MR LLOYD: You say in paragraph 23 you went home sick after that meeting?

25 **MS MISKOV:** Yes.

MR LLOYD: And then asked to be moved to another Centre?

MS MISKOV: Yes.

30

COMMISSIONER: Who did you ask?

MS MISKOV: I called rosters, the local rosters, and I've asked if he can take Dillwynia off my calling, because as a casual, you get called for all different Centres. I said, "I'll work anywhere else, just not Dillwynia."

35

COMMISSIONER: Did you tell that person why you wanted to be taken off the Dillwynia roster?

40 **MS MISKOV:** No, I didn't.

COMMISSIONER: What happened to you must have been pretty shattering at the early stage of your career in Corrective Services. It says something about your strength that you're still there.

45

MS MISKOV: Yeah.

COMMISSIONER: But did you contemplate going higher up the management structure and telling them what had happened?

5 **MS MISKOV:** To be honest, I didn't even know - I wasn't aware what to do. And I just wanted to leave in past. I just want to be removed from that Centre and move on, because I was new and I like my job and, you know, just wanted to work. So I don't but I didn't know what else I can do so I just believe in karma. I thought karma will get them, that's the way I think, and I just kind of left it.

10 **COMMISSIONER:** Have you only been to the one other Corrective institution or have you been to more than one?

MS MISKOV: I worked seven different Correctional Centres.

15 **COMMISSIONER:** Seven?

MS MISKOV: Yes.

20 **COMMISSIONER:** And in terms of comparison of the culture between Dillwynia, as you experienced it, and all of the others, is Dillwynia an exception? Does it stand out?

25 **MS MISKOV:** Yes. Very different. It's like a cult. I explain it like a cult. They just look after each other. They're very much, I believe, to be safe.

COMMISSIONER: And you say all of the others are different?

30 **MS MISKOV:** Different, yes. Every Centre has issues, you know, but not like this. Not like this.

COMMISSIONER: Have you experienced anything like this at all in any other Centre?

35 **MS MISKOV:** No. No.

MR LLOYD: One final thing, Ms Miskov. You describe in your statement that you got blamed for leaving the high needs door open.

40 **MS MISKOV:** Yes, that was another incident.

MR LLOYD: And that was another false accusation?

MS MISKOV: Yes.

45 **MR LLOYD:** And I think you later came to find out that one of the things that Astill did to allow him to commit his offences was to leave that door that you had been accused of leaving open, open?

MS MISKOV: Yes.

MR LLOYD: What did you think when you heard that?

5

MS MISKOV: Again, I just let karma - you know, I'm glad that he got caught. So - yeah.

COMMISSIONER: I asked you about your experience in other prisons. Have you seen or observed or experienced yourself sexual harassment in any other gaol?

10

MS MISKOV: No.

MR LLOYD: Those are my questions, Commissioner.

15

COMMISSIONER: Yes. Does anyone else have any questions? Mr Sheller?

<EXAMINATION BY MR SHELLER:

MR SHELLER: Yes. Thank you. Ms Miskov, I'm one of the legal representatives for Corrective Services. My name is James Sheller. Could I just ask you to have a look at your statement on page 3, paragraph 17.

20

MS MISKOV: Yes.

25

MR SHELLER: Could I just clarify, the female officer referred to in the second line, is that one of the officers referred to in paragraph 13, that is, Ms Robinson or Ms Peek, or is it another officer?

MS MISKOV: No, that was Ms Peek.

30

MR SHELLER: Ms Peek?

MS MISKOV: Yes.

35

MR SHELLER: And then in paragraph 18, where you describe - in that first sentence, you describe being called by Paddison to go to his office. And you say they had written reports. Is that something Mr Paddison told you that he - that there were written reports?

40

MS MISKOV: He had three reports next to him -

MR SHELLER: Yes.

MS MISKOV: - and I saw the names myself.

45

MR SHELLER: I see.

MS MISKOV: He didn't hide it well, and I seen who wrote the reports.

MR SHELLER: But he didn't -

5

MS MISKOV: No.

MR SHELLER: - show you the reports or anything like that. But there were actual written reports you saw the cover page of?

10

MS MISKOV: Yes.

MR SHELLER: Right. And then the yelling at her, is the "her" in the second line Ms Peek?

15

MS MISKOV: Yes.

MR SHELLER: Then in paragraph 22, just on the last page, is the report that you refer to at the top of the - in the first line there, is that - was that an incident report that you completed?

20

MS MISKOV: Yes. This is regarding Astill.

MR SHELLER: Yes, what he had done to you -

25

MS MISKOV: Yes.

MR SHELLER: - at lunch?

30

MS MISKOV: Yes.

MR SHELLER: And did you try - or were you capable of saving the report into the system?

35

MS MISKOV: I tried looking through my emails, but I think it's one of the computers - we save it on a desktop. So it doesn't always follow us. So I'm not sure - I tried to look for the reports, but it's not showing up in my emails. Because back then, we used to print it off, sign it and give it to them.

40

MR SHELLER: Right.

MS MISKOV: And I'll usually save it on desktop. So I can't - unless I'm on that computer in high needs, maybe I can get it if it's the same computer.

45

MR SHELLER: So you think you saved -

MS MISKOV: Yes.

MR SHELLER: - the computer version of the report onto the desktop -

MS MISKOV: Yes.

5

MR SHELLER: - in addition to printing it off and signing it?

MS MISKOV: Yes.

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

COMMISSIONER: Yes, Ms Ghabrial. Do you have any questions?

<EXAMINATION BY MS GHABRIAL:

15

MS GHABRIAL: Yes, just briefly. Officer, I am Ms Ghabrial. I'm appearing for a group of Correctional Officers, but I'm also assisting until new counsel can come on board in respect of Officers Giles and Robinson. So I just want to ask you some questions about that. In your statement to the Commission at paragraph 13, which is the time that you say that things got bad after you had that confrontation with Officer Astill - do you see that there?

20

MS MISKOV: Yes. After I confronted him outside. Yeah.

25 **MS GHABRIAL:** And you attribute and you say that the people that you describe as Officer Astill's puppets had started behaving in the way that you describe towards you as a result of you confronting Officer Astill; is that correct?

MS MISKOV: Yes.

30

MS GHABRIAL: And you're asserting to the Commission that these officers, including Ms Robinson and Mr Giles, were friends of Mr Astill. Is that what you're asserting?

35 **MS MISKOV:** Yes, all of them were friends. Yes.

MS GHABRIAL: And, indeed, you also indicate and seem to intimate in paragraph 20 and in your evidence today that Officers Robinson and Giles, whom you knew were in a relationship with each other, were also sitting with Officer Astill having lunch with him and Officer Peek at the time of that incident or shortly before that incident. Is that what you're suggesting? And are you suggesting that that appeared to be reflective of your view that they were all friends?

40

45 **MS MISKOV:** Yes.

MS GHABRIAL: Officer, were you aware that Officer Astill had bullied Mishelle Robinson?

MS MISKOV: No.

5

MS GHABRIAL: And you were aware, you would accept, that at the time that you were there, you knew that Officer Giles and Officer Robinson were in a relationship; correct?

10 **MS MISKOV:** Yes.

MS GHABRIAL: And what I'm going to suggest to you is that there was no behaviour at all by Officer Giles and Officer Robinson that was in the way that you've described as a result of you confronting Officer Astill in any way. I'm going to suggest to you that that just didn't happen.

15

MS MISKOV: Well, it did happen.

MS GHABRIAL: And I'm going to suggest to you that Officer Giles and Officer Robinson were definitely not friends of Officer Astill because of that history that they have with Officer Astill. Do you agree or disagree with that?

20

MS MISKOV: I disagree with that.

MS GHABRIAL: And I'm going to suggest to you also that neither Officer Giles nor Officer Robinson have ever behaved in the way that you describe towards you in your statement.

25

MS MISKOV: I disagree with that.

30

MS GHABRIAL: Nothing further. Thank you, Commissioner.

COMMISSIONER: Yes. Nothing further from anyone?

35 **MR BUTERIN:** No.

COMMISSIONER: Mr Lloyd?

MR LLOYD: No, Commissioner.

40

COMMISSIONER: Yes. Thank you, Ms Miskov. That's the end of your evidence. You are excused.

<THE WITNESS WAS RELEASED

45

COMMISSIONER: And do we adjourn?

MR LLOYD: If that's convenient, Commissioner.

COMMISSIONER: Mr Sheller, the evidence we had this afternoon was most disturbing.

5

MR SHELLER: Yes.

COMMISSIONER: I expect you to speak to those who are in senior management in the Corrective Services in New South Wales and provide me with an assurance tomorrow morning that steps have been taken to ensure that no inmate will suffer retribution, bullying, criticism or, indeed, any misbehaviour by reason of their participation in this Inquiry.

10

MR SHELLER: Yes.

15

COMMISSIONER: I'm sure I make myself plain, but I expect that assurance tomorrow morning.

MR SHELLER: Yes, Commissioner.

20

COMMISSIONER: Very well. We'll adjourn.

**<THE HEARING ADJOURNED AT 4.09 PM TO WEDNESDAY, 25
OCTOBER 2023 AT 10.00 AM**

25