



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

**PUBLIC HEARING
SYDNEY**

**MONDAY, 30 OCTOBER 2023
AT 10.00 AM**

DAY 13

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
MS J. GHABRIAL appears for a group of Correctional Officers
MR R. DEPPELER appears for a group of Correctional Officers
MR J. KADAR appears for two Correctional Officers
MR A. GUY appears for a group of Correctional Officers
MR C.J. WATSON appears for two Correctional Officers
MR E. JAMES appears for witness M. Paddison
MR G. COSTANTINE appears for witness Suellen Johnson**

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<THE HEARING RESUMED AT 10.01 AM

COMMISSIONER: Yes, Mr Lloyd.

5 **MR LLOYD:** Commissioner, the first witness today is Judy Barry, and I call her, if that's convenient. Ms Barry will take an oath.

<JUDITH BARRY, SWORN

10 **COMMISSIONER:** Thank you. Take a seat, please.

<EXAMINATION BY MR LLOYD:

MR LLOYD: Could you state your - I'll just wait for you.
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MS BARRY: No, I don't have my glasses.

MR LLOYD: Could you state your name?

20 **MS BARRY:** Judith Barry.

MR LLOYD: And your address is known to the Commission?

MS BARRY: It is.
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MR LLOYD: Ms Barry, you made a statement to this Commission, and you did that on 25 September?

MS BARRY: Yes.
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MR LLOYD: And what you say in that statement is true?

MS BARRY: It is.

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

MS BARRY: I did.

40 **MR LLOYD:** And that police statement contained some annexures?

MS BARRY: I believe so.

MR LLOYD: What you say in that police statement is also true?
45

MS BARRY: It is.

MR LLOYD: Commissioner, the Commission statement is behind tab 62A, volume 7. The police statement is behind tab 61. And I'll just pause and deal with one other thing. You made a short supplementary police statement?

5 **MS BARRY:** I did.

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

MS BARRY: That's correct.

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MR LLOYD: The supplementary police statement is behind tab 62, and I tender those three statements.

COMMISSIONER: All together, they will become Exhibit 17.

15

<**EXHIBIT 17 TENDERED AND MARKED**

MR LLOYD: Would you turn to tab 62A, Ms Barry.

20 **MS BARRY:** Yes.

MR LLOYD: You've got there before you your Commission statement?

MS BARRY: Yes.

25

MR LLOYD: You started as a Correctional Officer in 1995?

MS BARRY: Correct.

30 **MR LLOYD:** You worked at Dillwynia at various times after you commenced?

MS BARRY: Yes, I did.

MR LLOYD: When, approximately, were those times?

35

MS BARRY: Approximately 2011 to two thousand and - the end of 2018.

MR LLOYD: What did you do in the other times when you weren't at Dillwynia in that period?

40

MS BARRY: I went to other centres, mostly for promotion, and then ended up back at Dill. But I was there solidly from - I think it's '11 to '18, from memory.

MR LLOYD: It's not a memory test. Have a look at paragraph 4. Was it -

45

MS BARRY: Sorry.

MR LLOYD: That's all right. 2013 to 2018, you were there permanently during that period?

5 **MS BARRY:** I think it's in the supplementary document, actually, that had the dates where I was exactly there, because I didn't go back and fix the dates; I was concentrating on the rest of the document.

MR LLOYD: And you left at the end of 2018?

10 **MS BARRY:** Correct.

MR LLOYD: And then -

15 **MS BARRY:** Around October.

MR LLOYD: Where did you go?

MS BARRY: I got a promotion. I went to Mary Wade.

20 **MR LLOYD:** And then came back?

MS BARRY: And then went to Emu Plains - because of benchmarking, went to Emu Plains and then Emu Plains was benchmarked again. And then I went back to Dillwynia in about 2021.

25 **MR LLOYD:** And you're there now?

MS BARRY: I'm there now, yes.

30 **MR LLOYD:** Could I just ask you some questions. In the period of Astill's offending, approximately 2015 until you left Dillwynia in around about October 2018 - that's the period I want to ask you about.

35 **MS BARRY:** Yes.

MR LLOYD: Just have a look at paragraph 7 of your Commission statement, please, Ms Barry.

40 **MS BARRY:** Yes.

MR LLOYD: Re-read that to yourself.

MS BARRY: Yes.

45 **MR LLOYD:** Could you just tell us about what you say in that paragraph in terms of Shari - that's Shari Martin - and what you call "her boys", who you've identified there.

MS BARRY: Yes, that's -

5 **MR LLOYD:** What did you notice about that group of male officers?

MS BARRY: Well, they were always together. They had the support from Shari and Leanne.

10 **MR LLOYD:** How did you notice that they had the support of Shari and Leanne?

MS BARRY: It was obvious by the way that they were within the centre, running the centre, doing what they wanted. They could do no wrong.

15 **MR LLOYD:** Did you notice that other senior officers, including you, were treated differently by Shari Martin and Leanne O'Toole than the way -

MS BARRY: Other Seniors - officers?

20 **MR LLOYD:** Well - and you?

MS BARRY: Yeah, I can talk for myself.

MR LLOYD: Yes.

25 **MS BARRY:** I can't talk for anyone else, because as far as I'm concerned, they all stuck their head in the sand.

30 **MR LLOYD:** Just in terms of what you noticed about your treatment by Shari Martin and Leanne O'Toole, how did that differ from the treatment of that group of officers you've identified in paragraph -

35 **MS BARRY:** Well, it was more friendlier. There was more - you know, she was more receptive to what they were. But having said that, I never spent a lot of time with the MoS or the Governor as such. You know, we might have lunch together and that was it. But, you know, I - I didn't have much dealings with them, especially on a personal level at work.

40 **MR LLOYD:** You weren't friends, I take it from what you're saying, with Shari Martin or Leanne O'Toole?

MS BARRY: No.

MR LLOYD: You didn't socialise with them outside -

45 **MS BARRY:** No. I didn't - I didn't like the way they did business, and I just did my own thing.

MR LLOYD: What didn't you like about the way that they did business?

5 **MS BARRY:** I just didn't like the way Shari spoke to people, the way she swore at people, not that she ever swore at me. Leanne - Leanne was always doing her own thing, having the other Principals at the time doing her work for her.

MR LLOYD: In terms of the language, you mention Shari swearing at people, although not at you.

10 **MS BARRY:** Yeah.

MR LLOYD: What did you observe about that?

15 **MS BARRY:** Well, I haven't physically observed it. It was all hearsay.

MR LLOYD: You were told by other officers?

20 **MS BARRY:** Yes. And I couldn't tell you exactly, but it was well known that she'd tell people to fuck off out of her office.

MR LLOYD: That was something some other officers told you?

MS BARRY: Yes.

25 **MR LLOYD:** Could you just go forward to paragraph 22.

MS BARRY: Yes.

30 **MR LLOYD:** You see you've referred there to Ron Brown and said that he would do anything Astill wanted him to do?

MS BARRY: Correct.

35 **MR LLOYD:** Could you just tell us what you mean by that?

40 **MS BARRY:** I'm just looking down the paragraph where it actually states specifically what I had said. So one day in particular, I was in the admin building just before we went up for muster, and I was behind Astill and Ron Brown, and I heard Astill say, "Trash their cells." He wasn't the Chief up there at that time; I was. And when we went up to the office, I said to Ron Brown - I said, "Don't be the meat in the sandwich. Don't do it." He ran back to Wayne Astill and told Astill what I had said. He was just that type of person. For some reason, he would just do whatever Wayne wanted him to.

45 **MR LLOYD:** Was that one of many examples or can you think of others in relation to Ron Brown?

MS BARRY: No, not off the top of my head.

MR LLOYD: Can you go back to, in your Commission statement, paragraph 15. I want to ask you some questions about the reporting.

5

MS BARRY: Yes.

MR LLOYD: That is, what you understood to be the ways in which staff could make reports. Can you just re-read paragraph 15?

10

MS BARRY: Yes.

MR LLOYD: Just - first, in terms of a report by an officer about misconduct by another officer -

15

MS BARRY: Yes.

MR LLOYD: You do deal with this in other places in the statement, but just -

20

MS BARRY: I don't believe this is the second - the one I submitted. There might be some things missing.

MR LLOYD: That's okay. Just - I'll just ask you some questions and see if -

25

MS BARRY: Yep.

MR LLOYD: - what you want to say comes back. What was the first port of call if you became aware of information in the nature of a complaint about misconduct by another officer? What would be the next thing that you would do?

30

MS BARRY: When you say "by another officer", from an inmate?

MR LLOYD: Yes.

35

MS BARRY: Okay. So what I would get them to do is fill out an application, which is what we would normally do. I would then - do you want the whole steps?

MR LLOYD: Well, tell me, dealing with a complaint by an inmate of misconduct by another officer, what would be the first thing?

40

MS BARRY: Yep. So you'd give them the application. They would fill it in. The exec would generally give them the application form. They - you'd record it on a register, which you wouldn't particularly write what it was about. You might just say - you might - I'm just trying to think. You'd write it in a way that if other people - you know, they couldn't see what it was about. Then I personally would take it to the Governor.

45

MR LLOYD: That is, irrespective of whether the inmate had written a complaint in an inmate application form, you would take it to the Governor? Would you take oral complaints or only those in writing?

5 **MS BARRY:** Generally I would get them to put it in writing.

MR LLOYD: Why? Why the -

10 **MS BARRY:** Because that's the procedure that we have to follow.

MR LLOYD: What would be the procedure if an inmate made an allegation of misconduct by another officer but didn't want to write it down?

15 **MS BARRY:** Look, you would generally report it verbally, yes.

MR LLOYD: To the Governor?

MS BARRY: To the Governor, yes.

20 **MR LLOYD:** In paragraph 15, you speak of a reluctance on the part of some staff to report on issues.

MS BARRY: Yes.

25 **MR LLOYD:** Just tell us about that.

MS BARRY: Well, are you talking about Astill in particular?

30 **MR LLOYD:** Yes.

MS BARRY: Yes. So staff would be reluctant to go to Leanne because Leanne would holiday and go out together. So they were close friends. People wouldn't trust Leanne. My understanding is Leanne and Shari were - were close. And the other thing that was said - or we pretty much know it's true - Leanne's husband was an ex-police officer, or is still. I couldn't tell you. Shari's husband was an ex-police officer. And Wayne Astill was a police officer. So they had that in common.

40 **MR LLOYD:** What about examples in terms of discussion between you and other staff about reluctance to report things to either Leanne O'Toole and Shari Martin about Astill? Was that something that got discussed?

MS BARRY: Yes.

45 **MR LLOYD:** Widely?

MS BARRY: Pretty much, yeah. And I told the Governor that too.

MR LLOYD: And we'll come to some -

MS BARRY: Okay. Sorry.

5

MR LLOYD: - examples. I think one of those you're talking about is some meetings - or a meeting you had in February 2016 where you passed information on.

10 **MS BARRY:** Okay. Yeah.

MR LLOYD: Is that what you're talking about?

MS BARRY: Yes.

15

MR LLOYD: Now, can I just ask you about paragraph 16. At this point of your statement, you've told us about the reluctance on the part of some staff to take reports to the Governor or Leanne O'Toole. Remember that was in paragraph 15?

20 **MS BARRY:** Mmm.

MR LLOYD: In paragraph 16, you could not even tell who the director was at the time of the offending by Astill; is -

25 **MS BARRY:** No. Back then, you didn't know who the director was. You weren't close to the director. I now believe that the director was Hamish Shearer, but at the time I didn't know that. And I'm not sure that many people did know that.

30 **MR LLOYD:** In terms of you - your position at that time, 2015 to 2018, you were senior in the hierarchy?

MS BARRY: I was a Chief Correctional Officer.

35 **MR LLOYD:** Was your understanding that there ought to have been a direct line of communication about important matters between someone at your level of seniority and the director?

40 **MS BARRY:** No. It's not something that you would - you know, you wouldn't even know who your director was - nowadays, it's changed. But back then, you'd go through the chain of command. It was beaten into you that you go through your chain of command.

45 **MR LLOYD:** So it wasn't an available option for you or, as you understood it, even people at your level of seniority to be going to a person outside the gaol -

MS BARRY: Not unless they knew the person. No.

MR LLOYD: It was chain of command; you go to the one -

MS BARRY: Basically, yes.

5 **MR LLOYD:** - above you? Can I ask you, then, in terms of the Integrated Intelligence System -

MS BARRY: Yes.

10 **MR LLOYD:** - you deal with that in paragraph 17. Re-read that to yourself.

MS BARRY: Yep. Yes.

15 **MR LLOYD:** Just dealing with your knowledge about what you could do in terms of making reports on the Integrated Intelligence System in the period 2015 to October 2018, you say here:

"At the time, I believed that a majority of staff were not aware of this system and the fact they could submit reports via this portal."

20

Do you see that?

MS BARRY: Yep.

25 **MR LLOYD:** And is that talking about the SIU function within that system or is that generally the IIS system?

30 **MS BARRY:** Well, you can actually do - any - any staff member could have done an SIU or a communication review or an intel note. But staff didn't know about that back then.

MR LLOYD: -Did you know about the SIU option in terms of making an intelligence report?

35 **MS BARRY:** Yes, I did.

MR LLOYD: And what did you understand to be available if you used that function?

40 **MS BARRY:** Well, at the time, I was in intel a handful of times. Can you repeat, sorry?

45 **MR LLOYD:** Certainly. In this period, '15 to October '18, what did you understand to be available to you if you used the SIU function within this Integrated Intelligence System?

MS BARRY: In '18 or from '15 to '18?

MR LLOYD: In that period. What –

5 **MS BARRY:** Yep. So basically what we used to do – or what staff were aware of, you do an officer report – an – yeah, I think an officer report form back then and hand it to the Intel Officer. You’d address it to the Governor, but it would go to the Intel Officer and then they would deal – put it on the system.

10 **MR LLOYD:** And so I take it from that answer, in that period again, ‘15 to October ‘18, did you have an awareness that you could make a report using the Integrated Intelligence System using the SIU function that would go outside of the gaol?

15 **MS BARRY:** Later on – down the track, later – I’m the Intel Officer now, so it’s very hard to sort of – but at the back end, going – yes, I did know about it.

MR LLOYD: And do we make sense, then, of the end of paragraph 17, you say – after the sentence at the time you believed the majority of staff were not aware of this system, you then say:

20 “I am aware of this system and the different options because I am now the Intelligence Officer.”

25 **MS BARRY:** Correct.

MR LLOYD: Do we understand that to mean that you only became aware of the ability to make a report using the IIS system and using that SIU function once you became the Intelligence Officer?

30 **MS BARRY:** No, I did know about it, like I said, at the end – when we were heading to the end. I couldn’t tell you the exact date. Like I said, I did intel a handful of times. At that stage, I wasn’t trained.

35 **MR LLOYD:** I take it from what you’re saying here, you – and if you need to re-read paragraph 18, do that.

MS BARRY: That’s right.

40 **MR LLOYD:** At least until toward the end of that period – so close to October 2018 – is what you’re telling us here that your understanding, if you wanted to put an intelligence report on the system, you’d have to write it and physically give it to the intelligence –

45 **MS BARRY:** Not that you would have to, but that was the normal that I remember, that you give a report and give it to the Intel Officer. Now it’s obviously different because we’re trying to make more staff aware of the system, what they can do themselves.

MR LLOYD: I take it your understanding about what options are available, including the SIU function, is now different from what it was back then?

5 **MS BARRY:** No, it's the same.

MR LLOYD: Are you aware now that you're able to make a report using the SIU function –

10 **MS BARRY:** Yes.

MR LLOYD: - that goes to Professional Standards and without the Governor?

15 **MS BARRY:** And I have done one recently, yes.

MR LLOYD: And is that - what I'm trying to get at, is that information - that is, the ability to make that kind of report outside the gaol to Professional Standards and not to the knowledge of the Governor, is that information you've only learned after the Astill period?

20 **MS BARRY:** No, I did know a little bit about it beforehand.

MR LLOYD: But I think what you're telling us is you knew a little bit about it, but to your understanding most staff weren't aware of it?

25 **MS BARRY:** Correct.

MR LLOYD: That's a pretty important ability, isn't it -

30 **MS BARRY:** Yes.

MR LLOYD: - to be able to make a report to Professional Standards that the Governor might not necessarily know about? Do you agree?

35 **MS BARRY:** Yes. And it wasn't necessarily to Professional Standards; it went to another area of the gaol that solely dealt with the SIUs. So I don't believe it was Professional Standards -

40 **MR LLOYD:** When you say "another area of the gaol", do you mean the CIG?

MS BARRY: Department, sorry. No, it wouldn't even go to CIG. It goes totally different to CIG. It's a - it's a unit within themselves.

45 **MR LLOYD:** A unit within CIG, on your understanding?

MS BARRY: Not that I believe. I believe it's totally separate. CIG don't even get these reports.

MR LLOYD: Can I ask you about a different topic.

MS BARRY: Yep.

5

MR LLOYD: Have a look at paragraph 20.

MS BARRY: Yes.

10 **MR LLOYD:** You mention there that you felt that Astill was untouchable, that he was Teflon?

MS BARRY: Correct.

15 **MR LLOYD:** May I ask you this: Was that something that, to your knowledge, was widely said about him within the gaol?

MS BARRY: Yes.

20 **MR LLOYD:** As in, you heard other officers -

MS BARRY: Yes. I couldn't tell you exactly, but at the time, yes, it was widely spoken about. People were scared of him.

25 **MR LLOYD:** When you say "people", that's other officers?

MS BARRY: Yes. And inmates.

30 **MR LLOYD:** The use of the term "Teflon", is that something you heard other officers say?

MS BARRY: And I used it myself. Because shit didn't stink - shit didn't stick, sorry.

35 **MR LLOYD:** Do we understand that when you used that, that's because no matter - whether there were complaints about him or not, nothing ever seemed to happen? Is that the effect of it?

MS BARRY: Correct.

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MR LLOYD: And was that kind of thing, that is, no matter how many complaints were made about him, nothing ever happened, was that widely -

MS BARRY: That's what I'm led to believe, yes.

45

MR LLOYD: Was that widely discussed?

MS BARRY: Yes.

MR LLOYD: Between officers?

5 **MS BARRY:** Yes.

MR LLOYD: Between officers and inmates?

10 **MS BARRY:** And inmates. Yeah.

MR LLOYD: Have a look, just on the similar topic, at paragraph 29. Just read that to yourself.

15 **MS BARRY:** Yep.

MR LLOYD: You're telling us here about the searching of officers when they came to work each day?

20 **MS BARRY:** Yes.

MR LLOYD: Were you aware during this period, '15 to October 2018, of rumours that Astill was bringing contraband into the gaol?

25 **MS BARRY:** Yes.

MR LLOYD: Was that something that was widely discussed?

MS BARRY: Yes.

30 **MR LLOYD:** Between officers?

35 **MS BARRY:** Yes. And I would purposely bring him in for a search, because he'd come in and be quite intimidating to staff. So staff wouldn't necessarily pick him because he was just that type of person. He was arrogant. He - he just had a way of - of scaring staff. And he didn't have to do or say anything at this particular time, but staff wouldn't bring - bring him in for a search. And when you did bring him in for a search, he was very blasé and, "That's all right," and, "This is all right," and -

40 **MR LLOYD:** Just let me understand some things about that. The process for searching officers when they come into the gaol for work each day, there's a metal detector?

45 **MS BARRY:** Yes.

MR LLOYD: But the search you're talking about that you tried to do with Astill, that's a personal search using a wand?

5 **MS BARRY:** A wand. And what would happen is they would go through their bag. You wouldn't touch their stuff. So they'd flip open things and show you their pockets and - but they would do that. If they had a wallet, they'd just flick through the wallet.

MR LLOYD: This Commission has heard evidence that Astill was bringing drugs into the gaol.

10 **MS BARRY:** Right.

MR LLOYD: Did you hear about that?

15 **MS BARRY:** Yes.

MR LLOYD: Was that widely discussed?

MS BARRY: Yes.

20 **MR LLOYD:** At the time, '15 to October 2018, what searching was done in order to see whether an officer was bringing drugs into the gaol, if any?

25 **MS BARRY:** I would like to comment on that further. But due to security reasons, I can't comment online.

COMMISSIONER: Well, we need to know, Mr Lloyd.

MS BARRY: Can we go off?

30 **COMMISSIONER:** Yes.

MS BARRY: Because I'm talking about a security breach here, and I don't want to be putting it out there for everyone to hear.

35 **COMMISSIONER:** Okay. Well, we'll make arrangements for that in due course -

MS BARRY: Thank you.

40 **COMMISSIONER:** - but we'll need to know the answer.

MS BARRY: Yeah. (Indistinct) answer (indistinct).

45 **COMMISSIONER:** But can I just ask you this: you mentioned to Mr Lloyd that officers were searched with a wand?

MS BARRY: Yes.

COMMISSIONER: What could the wand pick up?

MS BARRY: Mainly metal.

5 **COMMISSIONER:** So if an officer had a cache of - small cache drugs in their pocket, was there any mechanism that picked that up?

MS BARRY: No, not unless it's in its metal packaging.

10 **COMMISSIONER:** If it's in a plastic package?

MS BARRY: If it's plastic package, no.

15 **COMMISSIONER:** So an officer could bring in significant quantities of drugs, secrete it in their clothing and no one would know?

MS BARRY: Again, I'd like to extend on that further -

20 **COMMISSIONER:** Okay.

MS BARRY: - at a later date.

COMMISSIONER: Well, it won't be a later date; it will be later this morning.

25 **MS BARRY:** No - yeah, that's fine, but I just don't want to put it on -

COMMISSIONER: Yes.

30 **MR LLOYD:** One thing, I think, Ms Barry, you can answer in this public forum is what, to your knowledge, were the sorts of drugs that were coming into the gaol?

35 **MR GUY:** Commissioner, I'd just like to take a section 23 objection to that. Knowledge -

COMMISSIONER: Well, I'll require you to answer. Ms Barry, give the answer.

MS BARRY: Sorry, what was that?

40 **COMMISSIONER:** Yes, you answer.

MS BARRY: Answer it? My understanding - and I never saw it myself with my own eyes - was prescription medication.

45 **COMMISSIONER:** What does that mean?

MS BARRY: That means medication that's prescribed to some person but shouldn't be given to others. So you've got to get a doctor's prescription to get it.

5 **MR LLOYD:** And do you know - tell us if you don't know about this - if that kind of medication was being used within the gaol for the preparation of drugs of a different kind?

MR GUY: I take the objection, Commissioner.

10 **COMMISSIONER:** I require you to answer.

MS BARRY: Yeah, I don't - can you repeat?

15 **MR LLOYD:** You know, it's pretty widely known, for example, if you go into a pharmacy, you buy drugs with - which contain a lot of pseudoephedrine, that there are restrictions on how much you can buy.

MS BARRY: Yes.

20 **MR LLOYD:** Are you aware of that?

MS BARRY: Yes.

25 **MR LLOYD:** What I'm asking is the kind of prescription medication, at least on your understanding, was that being used because there was a particular agent present in that that might be used to create drugs used for leisure?

30 **MS BARRY:** Look, I'm only guessing. I think it was more for - I'm guessing, if I was to say this.

MR LLOYD: That's okay. Whatever it is on your understanding, it's drugs that wouldn't be ordinarily housed in or contain any metal that would be -

35 **MS BARRY:** You'd take them out of the packet. You could put it - put it in anywhere.

MR LLOYD: We'll come back, then, to that topic -

40 **MS BARRY:** Yeah. Please.

MR LLOYD: - to deal with the searching later. Could I ask you, then, to go to paragraph 44.

45 **MS BARRY:** Yes.

MR LLOYD: On the topic of talk around the gaol about Astill and what he was doing -

MS BARRY: Yep.

5 **MR LLOYD:** - you talk here about a song that you were aware of that inmates would sing?

MS BARRY: Yep.

10 **MR LLOYD:** Just tell us about how you were aware of -

MS BARRY: One day for muster - I believe it was M Wright, we were walking in for muster, and I could hear the inmates giggling and saying, you know, "If you want to rub and tug, go to The Hub." As soon as they saw us, they stopped singing it and giggling.

15 **MR LLOYD:** But when you say as soon as they saw you, they stopped, you heard them?

20 **MS BARRY:** I heard them singing it.

MR LLOYD: You heard the lyrics?

MS BARRY: Yes.

25 **MR LLOYD:** And do you remember when it was?

MS BARRY: No, too long ago.

30 **MR LLOYD:** Could I ask you this: Was it at a time when Astill was using an office within that part of the gaol known as The Hub?

MS BARRY: Oh, yes.

35 **MR LLOYD:** And was The Hub somewhere that there was talk generally that Astill was behaving inappropriately with women?

MS BARRY: That's where I believe some of his behaviour happened. I didn't see it myself, but he definitely had inmates out.

40 **MR LLOYD:** As in, inmates in his office in -

MS BARRY: Yep. Over lunchtime. He would account for them.

45 **MR LLOYD:** With the door closed, to your knowledge?

MS BARRY: With the door closed, yes. Because that was my office too at the time. So you'd go in there, and you'd see who was in there. Or you hear over the radio, "I'm accounting for..."

5 **MR LLOYD:** Now, in terms of mentioning any inmates by name, there should be a pseudonym list in –

MS BARRY: Is that it? Yeah.

10 **MR LLOYD:** Yes. You don't need it for the purpose of these questions.

MS BARRY: Okay.

15 **MR LLOYD:** But so you know, if you want to mention an inmate, just use the letter rather than –

MS BARRY: Okay. So Witness N was constantly in that office.

20 **MR LLOYD:** M or –

MS BARRY: N for Nelly.

25 **MR LLOYD:** Just back to the song, what did you think when you heard the women singing a song with those lyrics?

MS BARRY: Basically – my understanding was more about head jobs. But that's not how it sounds, is it? But I think – that's the only thing I could think of.

30 **COMMISSIONER:** Did you understand a head job to be sexual intercourse?

MS BARRY: Well, it's not actually sexual intercourse; it's (crosstalk) –

COMMISSIONER: Well, it actually is at law.

35 **MS BARRY:** Sorry?

COMMISSIONER: It actually is at law.

40 **MS BARRY:** Okay. Yes, it is.

COMMISSIONER: You didn't understand that? You did not understand that?

MS BARRY: Understand what?

45 **COMMISSIONER:** That a head job was sexual intercourse?

MS BARRY: No, I didn't. I thought it was a sexual act.

MR LLOYD: And the words, “If you want to rub and tug,” that would have suggested to you sexual intercourse of a different kind?

5 **MS BARRY:** Well, I didn’t think it was sexual intercourse, but I –

MR LLOYD: Or sexual activity?

10 **MS BARRY:** Yes. Sexual activity, yes.

MR LLOYD: Whatever the precise nature of it, the song clearly indicated that something sexual was occurring –

15 **MS BARRY:** Correct.

MR LLOYD: - with Astill and inmates at The Hub?

MS BARRY: Yes.

20 **MR LLOYD:** How many other officers, to your knowledge, heard that song being sung?

MS BARRY: Lots.

25 **MR LLOYD:** Was it –

MS BARRY: And it was talked about. Everyone laughed about it.

30 **MR LLOYD:** I’ll come back to the talking in a minute. In terms of that song, are you aware of it being sung on more than one occasion?

MS BARRY: I heard it on one occasion. But, yes, of course they’d sing it.

35 **MR LLOYD:** Did you speak to other officers about the fact that there was sexual activity between inmates and Astill going on?

40 **MS BARRY:** Only – not there, because at the time I didn’t think about what I just said about the head jobs there. But there was another area that I had heard that was going around the centre that he was getting head jobs off.

MR LLOYD: Witness C?

MS BARRY: Where are we? Yes. Witness C.

45 **MR LLOYD:** Was the rumour of sexual activity of whatever kind between Astill and inmates something that was an open secret in your experience at the gaol?

MS BARRY: Open secret? I –

MR GUY: I take a section 23 objection on that one, Commissioner.

5 **COMMISSIONER:** Yes, I require you to answer.

MS BARRY: I don't – can you explain what you mean? What's an open secret?

10 **MR LLOYD:** Widely discussed.

MS BARRY: Yes.

MR LLOYD: Between officers?

15 **MS BARRY:** Yes. And inmates. Hence why they sung that song.

MR LLOYD: Well, could I just put this to you to get your response – actually, I withdraw that before I ask that. How many inmates were involved in that singing?

20 **MS BARRY:** There's about 11 inmates per unit, and I couldn't tell you if they were all there because some go to work early.

MR LLOYD: How many other officers were around?

25 **MS BARRY:** At least four.

MR LLOYD: Do you remember who they were?

30 **MS BARRY:** No.

MR LLOYD: Could I just put this to you and get your response: the fact that you have multiple inmates singing a song like that in the – broadly, in the presence of a number of officers, suggests that it was widely known and widely discussed that there was sexual activity between Astill and the inmates. Is that fair?

35

MR GUY: I take the section 23 objection, Commissioner.

40 **COMMISSIONER:** Yes, I require you to answer.

MS BARRY: Yes, but I can elaborate on that a bit further when – when you get to that.

45 **MR LLOYD:** Well, right now.

MS BARRY: Okay. So basically as far as The Hub was concerned, you know, you – when they used to sing, "If you want a rub and hub, go to the tug – go to

The Hub,” my understanding of it now is head jobs, right? Back then, I didn’t think too much about that. But what I did hear, and what we were aware of, that Witness C was giving head jobs and – consensual head jobs for contraband.

5 **MR LLOYD:** And when you say “consensual”, I think at least by now you understand that the concept of consensual sexual activity between an inmate and a senior officer is problematic, to say the least?

MS BARRY: Of course it is. It was a rumour at the time. There was no proof.
10 And I think that’s why nothing was done at that stage, because it was just – it was rumour. They’re – they’re going to laugh at you if you don’t have proof, especially the Governor and the way she was.

MR LLOYD: I might come to ask you some things, then, about Witness C and
15 this topic. Go to paragraph 87. This is where you start to deal with these kinds of rumours in relation to Witness C.

MS BARRY: Yep.

20 **MR LLOYD:** Just tell us about this particular event in relation to Witness C.

MR GUY: Commissioner, I take the objection in respect of this.

COMMISSIONER: I require you to answer.
25

MS BARRY: Okay. So one day – it was during – SCO O’Reilly rang me from control. I can’t tell you exactly where I was, but she rang me and said, “Wayne Astill is walking up the path sharing a can of drink with C – Witness C.” And because there’s a lot of execs around at that time, through the week, I waited till
30 a weekend when there was only two of us on. Anne – I got Anne to come down from control room to help me look at the footage because I wasn’t really – I’m not tech savvy, and she’d always worked in the control room, so she knew exactly how the computers work, the cameras and that. So she came down. We went into the - the MoS’s office. We tried to get that footage so I could quietly download it,
35 because that was proof.

MR LLOYD: Just pausing there. What you’re trying to do with Officer O’Reilly is access the record of the CCTV footage from the day of the Coke can incident in order for you to make a copy yourself?
40

MS BARRY: Correct. So I had proof to show them that this is what was happening.

MR LLOYD: What happened when you got into that – it was in the MoS –
45

MS BARRY: I was in the MoS’s office –

MR LLOYD: What happened?

MS BARRY: - at that stage, yep.

5 **MR LLOYD:** What happened when you tried to get the footage?

MS BARRY: It was gone. Now we're talking about a very experienced officer with technology. She's been in the control room for years and years. And that's why I called her down, so she could show me how – to at least where to find it and how to find it. And it wasn't there.

MR LLOYD: Do you know how shortly after the incident it was that you and Officer O'Reilly were in the MoS office trying to retrieve the footage?

15 **MS BARRY:** It's either that weekend or the following weekend. Whatever weekend Anne was back on, and I was on with only one other exec.

MR LLOYD: But definitely, from what you're telling us, not more than about two weeks after the incident itself?

20 **MS BARRY:** That's what I believe, yes.

MR LLOYD: How did you know what date to look for, in terms of how -

25 **MS BARRY:** Because - I asked Anne - as the Chief, I asked SCO O'Reilly to submit a report. Now, I don't know whether she has to this day, but I asked her to submit a report about the can of Coke. She knew what date and time because she recorded it. She wrote it somewhere. And I'm led to believe she submitted a report because, like I said, I asked her to.

30 **MR LLOYD:** Did you see whether other footage from before and after the incident was there and still on the system when you were there?

MS BARRY: We were only looking for that particular footage. I can only tell you - because she knew the time. She was very good like that. She - times and dates. And she'd had that recorded, and we only looked at that time. And it was gone.

40 **MR LLOYD:** Could I ask you this - going to paragraph 88 of your Commission statement. This deals with another event. Just re-read that.

MS BARRY: Sorry, what was the paragraph?

MR LLOYD: 88.

45 **MS BARRY:** Yes.

MR LLOYD: Now, this deals with a different event, although also concerning Witness C?

MS BARRY: Yes.

5

MR LLOYD: And it involves a ring that I think you and others observed that she was wearing after a visit?

MS BARRY: Yes.

10

MR LLOYD: You had a belief that the ring was not hers and that you'd heard a rumour that Astill had given the ring to her?

MS BARRY: That's correct.

15

MR LLOYD: Where did you hear that rumour from?

MS BARRY: It was a rumour that was going around the centre at the time. Now, I was called - well, it wasn't me - it was the Principal that was called to the visits on that day because she had this ring on her, by Jacinta Curtin. I just happened to go down with the Principal and ended up just taking over the situation, and - and the officer tried - Jacinta Curtin tried to take it off her, and she refused. That's how we got there.

25 **MR LLOYD:** And what happened next, after you tried to take it from -

MS BARRY: Okay. So we asked her for it, and she refused. So we just said to her, "Come with us," and she - she came with us. We put her in the cell in the clinic, because I didn't want to cause a scene. There was all visitors there. And if she had have jacked up, I didn't want to cause a scene in front of everyone. So we took her away. She refused to take it off - well, she was sitting on the bed and we were sitting opposite her, and she refused to take the ring off. And - and that's what you did. That was policy, that if they didn't have the ring on their property card or anything, it was confiscated. If they couldn't prove ownership, then it would go to public money. So it would be auctioned off.

35
40 So, she refused to do it. So because I had my suspicion that the ring had come from him - and I had my own suspicion that that was the case - I put her in the BIU overnight, which is something we wouldn't normally do over a bit of jewellery. But because of my suspicions, I was hoping, by putting her in the BIU where she refused again to take it off, that management would deal with it on Monday, and hopefully this would help bring up Astill's wrongdoings. But it didn't work.

45 **MR LLOYD:** At this point, you had a suspicion that there was form of intimate relationship between Astill and Witness C?

MR GUY: I take the objection, Commissioner.

COMMISSIONER: Well, I require you to answer.

5 **MS BARRY:** Could I have it again, please.

MR LLOYD: Certainly. At this point, the ring incident, you had a belief that there was some form of intimate relationship between Witness C and Astill, is that right?

10

MS BARRY: There was something. She was getting something.

MR LLOYD: And by putting Witness C in the BIU overnight, you were hoping that the more senior people in management than you might start investigating, is that right?

15

MS BARRY: I did. That was my belief. And it wasn't to pick on her or do anything like that. It was purely - one, she shouldn't have had it, and I wasn't going to fight with her to get it off her; and, two, I thought, "Well, this is one good way of hopefully bringing this out."

20

MR LLOYD: Can I ask you to go back - if you can navigate your way in that folder, there's a tab 61.

25 **MS BARRY:** 61, yes.

MR LLOYD: And then behind that, that's your police - your first police statement.

30 **MS BARRY:** Yes. Yep.

MR LLOYD: Behind that, there's tab A.

MS BARRY: Sorry, tab A. Yep.

35

MR LLOYD: A.

MS BARRY: A. Yep. Got it.

40 **MR LLOYD:** There's a document that's titled Incident Witness Report.

MS BARRY: Yes.

MR LLOYD: That's a document that you filled out on 14 February 2016 in relation to this particular event?

45

MS BARRY: Yes.

MR LLOYD: Can I ask you this: why did you complete that document?

MS BARRY: Can I just have another read of it? I haven't seen this for a while.

5

MR LLOYD: Certainly.

MS BARRY: Yes.

10 **MR LLOYD:** You there are recording in written form the incident you've just been telling us about?

MS BARRY: Mmm.

15 **MR LLOYD:** That was a "yes"?

MS BARRY: Yes. Sorry. Yes.

MR LLOYD: That's okay. Who did you give this document to?

20

MS BARRY: All documents are submitted to the Governor. So it probably would have been given to the Governor at the time.

25 **MR LLOYD:** Is this right: you don't have a specific recollection, but your usual practice or ordinary practice would have been to give this document to the Governor?

MS BARRY: Yes.

30 **MR LLOYD:** Do you remember having, at the time you prepared this document, a discussion with the Governor about that incident?

35 **MS BARRY:** I don't believe at that time. See, I was very cautious because I had no one to trust. I had Renee, who was a Senior, a rank under me, that I - all I had that I could trust at work. I had my husband at home. And that was it.

MR LLOYD: Is that - I just want to understand. Renee is Renee Berry?

MS BARRY: Correct. B-e-r-r-y.

40

MR LLOYD: Can I just understand what you're telling us there, Ms Barry, that you're in - within the gaol, the hierarchy is the Governor, the Manager of Security, Principal Correctional Officers and then -

45 **MS BARRY:** Then me.

MR LLOYD: And in terms of the day-to-day running of the gaol, though, the Chief Correctional Officer, as the person on the ground, is often going to be, in practical terms, the person effectively running (crosstalk) -

5 **MS BARRY:** Yes. Basically, yes. We would run the gaol basically on the ground, yes.

MR LLOYD: Extremely senior in terms of the hierarchy within the gaol; correct?

10 **MS BARRY:** I suppose it looked like that.

MR LLOYD: What you're telling us is that the culture within Dillwynia at this time - February '16 - was such that in relation to a serious matter of your suspicion of inappropriate conduct -

15 **MS BARRY:** Yes.

MR LLOYD: - of a senior officer towards an inmate, that the only other officer in the gaol you felt you could trust was Renee Berry?

20 **MS BARRY:** Yes, who was under me.

MR LLOYD: There was no one else?

25 **MS BARRY:** No, not at the time.

COMMISSIONER: Ms Barry, I don't want you to get upset, but we need -

30 **MS BARRY:** Yeah. I'm okay.

COMMISSIONER: That's okay. We do need to understand what was happening. Mr Lloyd, I'd like to go back to the email from Ms Martin back in November 2015. Do we have a copy of that email we can show Ms Barry?

35 **MR LLOYD:** I - just pardon me. It's in a volume of the - I can just hand up this copy that Ms Mesina has just handed me. It's Exhibit 16.

COMMISSIONER: Ms Barry, you're going to be shown a copy of an email from Shari Martin.

40 **MS BARRY:** Yes.

MR LLOYD: I think it might be, Commissioner -

45 **COMMISSIONER:** Sorry.

MR LLOYD: Leanne O'Toole.

COMMISSIONER: Leanne O'Toole, I'm sorry. And you're a recipient of it. Have you seen that?

5 **MS BARRY:** I have, but I - can I read it?

COMMISSIONER: Yes. Sure.

MS BARRY: Yes.

10

COMMISSIONER: Do you remember receiving that email?

MS BARRY: Yes.

15 **COMMISSIONER:** How did you react when you saw it?

MS BARRY: Look, because it was at the very beginning, I sort of didn't take it personally, but I didn't like the fact of - to me, that's another example of bullying, really. You read into it. You read in between the lines. Again, it was her standing up for Mr Astill. That's how I read it.

20

COMMISSIONER: I appreciate this is early in your time at Dillwynia, but a reader of this email would, at the very least, be concerned about whether or not there was effective management within the institution. Do you understand?

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MS BARRY: Sorry. Say that again, please?

COMMISSIONER: A reader of this email would question whether there was effective management of the institution of Dillwynia.

30

MS BARRY: Well, you can see by that email how professional - not - that is.

COMMISSIONER: What I'm trying to understand, then, by the time we get to 2018, was the situation similar to that reflected in this email?

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MS BARRY: Not much had changed, yeah.

COMMISSIONER: Was it any worse?

40 **MS BARRY:** In my opinion, as time went on with senior management, yeah. Yeah.

COMMISSIONER: Why? What was happening over time?

45 **MS BARRY:** Well, in the end, I remember Leanne - overhearing Leanne O'Toole quite vividly blaming all of her management team for her going off on stress leave.

COMMISSIONER: But in terms of management of the gaol?

MS BARRY: Well, can I be honest with you?

5

COMMISSIONER: Yes.

MS BARRY: You very rarely saw Shari Martin or Leanne O'Toole out in the compound.

10

COMMISSIONER: Right. What does that mean?

MS BARRY: That means that they - they didn't show themselves. Very, very rarely did they come out, see the staff, see the inmates. Yeah. The only time - like, I saw Leanne more than I saw Shari, and that was at lunchtime when we'd all congregate and meet for lunch. But other than that, I spent little time with them as possible.

15

COMMISSIONER: In your experience, is that usual in a gaol?

20

MS BARRY: I'd like to think that I had a management that I could talk to and be honest with, like I have now.

COMMISSIONER: Which you don't feel you had earlier at Dillwynia?

25

MS BARRY: No. Had no trust. Like I said, I - as far as I'm concerned, if it wasn't for Renee and my husband, I would be a nervous wreck.

COMMISSIONER: Yes. Thank you.

30

MR LLOYD: One thing about the email, it doesn't - Ms O'Toole doesn't name any particular person, but it's pretty clearly an attack on some unnamed staff members.

35

MS BARRY: Yep.

MR LLOYD: Do you know who?

MS BARRY: Again, it's very early in the piece, but I think it was definitely in relation to Renee, myself, Dolly. And, I mean, obviously there was a lot more other people in relation to this. And - yeah. And what was the need to put this out in the first place, for her to talk like that? Because she's obviously heard rumours, so she's put this email out to stop the rumours. That's my opinion.

40

MR LLOYD: Could I ask you about a different email. Go to tab B behind tab 61. Remembering for context, Ms Barry, by the time of the date of this email, we have

45

your report of 14 February 2016 about the incident involving the ring. Do you remember that?

5 **MS BARRY:** The incident with the ring?

MR LLOYD: Yes.

MS BARRY: Yes.

10 **MR LLOYD:** So that's come - your report about that is 14 February.

MS BARRY: Right.

15 **MR LLOYD:** And I want to ask you here - you've got an email from Shari Martin to you dated 25 February -

MS BARRY: I'm on the wrong page, sorry. Can you -

20 **MR LLOYD:** It's tab B behind tab 61.

MS BARRY: Tab E?

MR LLOYD: B. B for -

25 **MS BARRY:** I beg your pardon.

MR LLOYD: So -

30 **MS BARRY:** Sorry, tab -

MR LLOYD: 61.

MS BARRY: - B?

35 **MR LLOYD:** Tab B.

MS BARRY: I might need some help, I'm sorry. Sorry about that.

40 **MR LLOYD:** So you've got in front of you there an email from Shari Martin to you, 25 February 2016. Do you see that?

MS BARRY: Yes.

45 **MR LLOYD:** It's got:

"Jude, can you please provide a report to me in relation to the information told to you about SCO Astill. Officer Astill has also been asked to provide

a report. I'll be sending this further, so can you please provide the name of the staff member or members who informed you of his inappropriate behaviour."

Do you see that?

5

MS BARRY: Yes.

MR LLOYD: What was the information that had been told to you about Wayne Astill that it appeared that you had some discussion with Shari Martin about?

10

MS BARRY: About the head jobs. I told Shari Martin about that.

MR LLOYD: What did you tell her?

15

MS BARRY: I said that the rumour was that Witness C was giving him -

MR LLOYD: Just pause.

MS BARRY: Oh.

20

MR LLOYD: That's okay. There's a delay.

MS BARRY: I am so sorry.

25

MR LLOYD: That's all right. There's a delay.

MS BARRY: I was told - I told her Witness C was giving Wayne Astill head jobs in - by getting - this is - my belief at the time was prescription medication, possibly the ring.

30

MR LLOYD: So let me just understand. This is the meeting which you recall being at. Was it just you and Shari Martin?

MS BARRY: It was Leanne O'Toole as well. And you'll see my report in response to this somewhere further. As you can see, I was very brief because I did not want to write everything because I didn't trust her at the time. So it was very brief, my report.

35

MR LLOYD: At the moment, anyway, a meeting between you, Shari Martin and Leanne O'Toole -

40

MS BARRY: Yes.

MR LLOYD: - where you were saying to those two women, Ms Martin and Ms O'Toole, things that you believed were occurring in the gaol?

45

MS BARRY: I was very careful, what I said, again because I didn't trust her.

MR LLOYD: Do you remember -

MS BARRY: Them.

5

MR LLOYD: - doing the best you can, what it is that you said?

MS BARRY: Oh, yes.

10 **MR LLOYD:** Tell us -

MS BARRY: I told her - I basically told her that - initially, I spoke to her about the ring that she had - that Witness C had, and the fact that Witness C was giving Astill head jobs for the payment. And I also - Shari said to me, "Why didn't you
15 come - why didn't you come to me earlier?" And I said, "Because I didn't have any proof." And she said, "Well, it's not up to you to investigate." So I just left it at that, because my understanding is you don't put an officer in if you've got no proof. Anyway. So - and I said, "By the way" - I said - I looked at Leanne
20 O'Toole, and I said, "Leanne O'Toole goes on holidays and goes out with Wayne Astill and Tania Hockey, and staff are not comfortable coming to her." And with that, she walked out the room crying. And -

MR LLOYD: When you say "she", that's Leanne -

25 **MS BARRY:** Leanne O'Toole walked out the room crying. And then I spoke to Shari about - Witness C wrote a letter -

MR LLOYD: Just pause. Witness C. That's all right.

30 **MS BARRY:** Witness C wrote a letter to Witness DD.

MR LLOYD: Just pause. Sorry, that's DD. That's okay.

MS BARRY: I didn't know she was in this. Okay. So Witness C wrote a letter to -

35

MR LLOYD: Witness DD.

MS BARRY: Yes, Witness DD, stating, "Barry is to blame."

40 **MR LLOYD:** I'll come to that letter -

MS BARRY: Okay.

MR LLOYD: I just want to, Ms Barry -

45

MS BARRY: I was just going on to -

MR LLOYD: No, no, no. I just want to ask you about the meeting to make sure -

5 **MS BARRY:** That's part of the meeting, okay? So I brought up this letter. So Shari Martin then, when I brought up the letter, called me a drama queen. Now, that was just after Leanne O'Toole had left the room and I brought up the letter. Shari Martin said, "I will put this letter into Witness C's vals bag", so she couldn't send it out.

10 **MR LLOYD:** This was a letter to - that Witness C was attempting to send to Witness DD -

MS BARRY: DD, yes.

15 **MR LLOYD:** - where Witness C was making allegations against you?

MS BARRY: Yes.

20 **MR LLOYD:** Can I just ask, before we come to the discussion about that letter at this meeting, to just go back. At the time that both Shari Martin and Leanne O'Toole were in the room, you raised that - one of the things you raised was the incident involving the ring?

MS BARRY: I believe so, yes.

25 **MR LLOYD:** And what were you saying about your concerns in relation to that incident?

MS BARRY: From memory, that I believed that Wayne Astill gave it to her.

30 **MR LLOYD:** In relation to head jobs, you said that you had heard that Witness C was giving Astill head jobs. Is that what you said?

MS BARRY: Yes.

35 **MR LLOYD:** And I think you told us in - for payment?

MS BARRY: Correct.

40 **MR LLOYD:** Did you say at this meeting that your understanding was that Astill was bringing drugs into the gaol and giving them to Witness C, and that was the trade-off?

45 **MS BARRY:** I couldn't tell you what I said, whether I said drugs or whether I said contraband.

MR LLOYD: Was it at least contraband mentioned?

MS BARRY: Yes. I would have said that or drugs. I couldn't tell you the exact words.

5 **MR LLOYD:** And the next - you're telling us that in addition to those matters, you also raised that staff were not comfortable going to the Manager of Security because of her relationship -

MS BARRY: Correct.

10 **MR LLOYD:** - of a personal relationship with Astill?

MS BARRY: Correct.

15 **MR LLOYD:** What was the response when you said -

MS BARRY: Nothing was said. Because at that stage, she walked out the door in tears. And then I brought up something - the letter - I brought the letter up and then that's what I said - she called me a drama queen. There was no support. There was no nothing. There was no - I didn't even feel like she believed me.

20 **MR LLOYD:** Do you see in the email, "Officer Astill has also been asked to provide a report"?

25 **MS BARRY:** I did - yes, of course I saw it. It's here in black and white. But I don't know whether he did.

MR LLOYD: Were you ever told about what he said?

30 **MS BARRY:** Well, one thing that they did say in the room - and I started feeling sorry for him at this stage. And, look, I said to her initially I wanted mediation with him. I needed it to stop. I'd had enough, I wasn't coping and I needed it to stop. So I was prepared to do mediation with him, even though I didn't like the man. Didn't like the way he - he worked.

35 **MR LLOYD:** Can I ask you this about this meeting - go back to it if you need to, but I'll just remind you of something you say in paragraph 90 of your Commission statement:

40 "After Leanne left the office, I told Shari about the sharing of the drink with Witness C."

MS BARRY: That's right.

45 **MR LLOYD:** Is that a recollection that you have of something you said at this meeting?

MS BARRY: I did, I beg your pardon. It might have been - to set the record straight, it probably was the can of drink, not the ring, okay? The can of drink and the head job. So the ring may not have been mentioned then. I forgot about the can of drink, sorry. That was mentioned in that meeting by myself.

5

MR LLOYD: What about - in 90, you also talk about you also told Shari Martin of the rumours about Astill bringing in contraband for inmates.

MS BARRY: (Indistinct).

10

MR LLOYD: I'm just reading from paragraph 90.

MS BARRY: Right.

15

MR LLOYD: My question is this: You've told us about saying that you were concerned that he was bringing in contraband for Witness C?

MS BARRY: And - and Witness - Witness N. And there's one here that you don't have down, but anyway.

20

MR LLOYD: Another inmate.

MS BARRY: Another inmate. Yep.

25

MR LLOYD: What did you expect would happen when you've raised what you've told us is a number of things? I take it you thought each of these things was serious?

MS BARRY: Yes, of course it was.

30

MR LLOYD: What did you think would happen?

MS BARRY: When I told Shari? Do you want the truth? Nothing.

35

MR LLOYD: And what did happen, to your knowledge?

MS BARRY: Well, he'd been doing it since - he was up to no good that I can remember from 15' to when I left in November '18 - October '18. And I remember that because that's when I got a promotion. I'll never forget that.

40

MR LLOYD: Could I ask you to go to tab C, just the next tab along. There's another document, Incident Witness Report, dated 25 February 2016. And, Ms Barry, without dwelling on all the things in that document -

45

MS BARRY: Yes.

MR LLOYD: - that was about the Coke can incident?

MS BARRY: Yes.

5 **MR LLOYD:** And did you prepare this report because that was one of the things that you had discussed with Shari Martin and you wanted to put it into writing? Is that the idea?

10 **MS BARRY:** I can't tell you exactly why I wrote this report, whether - yes, it was by the Governor. She asked me to write a report.

MR LLOYD: And you gave it to the Governor?

MS BARRY: Yes.

15 **MR LLOYD:** Can I ask you to have a look at D behind that same tab 61, 4 March 2016.

MS BARRY: Oh, yes.

20 **MR LLOYD:** This is a report of 4 March where you talk about that letter you mentioned to DD -

MS BARRY: Yes.

25 **MR LLOYD:** - and you recorded this in one of these reports, I take it because you thought that was significant?

MS BARRY: Yes.

30 **MR LLOYD:** And you gave this to the Governor as well?

MS BARRY: Yes.

35 **MR LLOYD:** Did anything happen about that, to your knowledge? Was anything done with it?

MS BARRY: About the ring?

40 **MR LLOYD:** Or just about - you told us about a meeting and now - I've drawn your attention to two written reports that you prepared. Was anything done about the information you passed on at the meeting and in these reports?

45 **MS BARRY:** Well, I know eventually Leanne O'Toole asked - I think it was Renee Berry at the time - or instructed Renee Berry, if I'm right, to put the ring in her vals - in inmate Witness C's register and put it in inmate Witness C's property.

MR LLOYD: I'm more interested, Ms Barry - you've told us about extremely serious allegations you'd raised with the Governor and also the Manager of Security about Astill.

5 **MS BARRY:** Yes.

MR LLOYD: Were you aware that anything was done about those?

MS BARRY: I beg your pardon?

10

MR LLOYD: Were you aware that anything -

MS BARRY: No. Not that I expected, because it was just the way it was.

15 **MR LLOYD:** Could I ask you - you can go back to your Commission statement at tab 62A.

MS BARRY: Sorry, 62A?

20 **MR LLOYD:** Yes. In paragraphs 65 and the ones that follow, you talk about, moving forward in time, something that happened on 9 March 2016?

MS BARRY: Yes.

25 **MR LLOYD:** You were told by another officer that Astill was out to get you?

MS BARRY: Yes.

MR LLOYD: Did you understand that by this date he'd been told about the things
30 that you'd passed on at the meeting?

MS BARRY: I believe so, yes, because he was - we didn't have a lot to do with
each other, so there had to have been something why he come gunning for me
besides the ring incident. He wanted my house, my job, my livelihood. He was out
35 to get me.

COMMISSIONER: Ms Barry, you said you didn't expect anything to be done
when you filed the report.

40 **MS BARRY:** Yes.

COMMISSIONER: What, in your view, should have happened?

MS BARRY: Well, I think there should have been an investigation.

45

COMMISSIONER: By whom?

MS BARRY: By our external body, the Probity and Professional Standards. I'd expect that if there was an allegation - and not just one. We're not talking about one here; we're talking about several. If there were several allegations about myself, I would expect myself to be investigated, yes. We're not talking about one
5 or two.

COMMISSIONER: Did it occur to you that it could have been possible for you to have gone directly to those who might investigate?

10 **MS BARRY:** Look, at the time, no. Now I know, I would not hesitate at all to go to anybody who will listen. Back then, like I said, it was always a chain of command.

COMMISSIONER: What's changed now in terms of your understanding of the
15 chain of command?

MS BARRY: Because I've been through this and I'm not going to stand by this. I - I feel I've let so many people down, and I'll never ever do this again. I -

20 **COMMISSIONER:** Yes. I understand.

MS BARRY: I don't know. It's just that the chain of command has always been. It's very hard for people outside to understand that, and I get that because I probably would be the same. But when you're in there and you're amongst it, it's
25 very difficult.

COMMISSIONER: I understand.

MR LLOYD: You, after being told that Astill was after you, went and saw Shari
30 Martin?

MS BARRY: It wasn't long - it wasn't too long after that, I went to Hariharan. And I said, "Hari, you've got to get this to stop. You've got to" - because I didn't feel comfortable speaking to Shari at the time. And I just said, "You've got to get
35 this to stop. It's got to stop." I was a mess.

MR LLOYD: And then after speaking to Hariharan, you went and saw Shari because she called you into her office that day?

40 **MS BARRY:** I believe so, yes. And I ended up telling her myself.

MR LLOYD: Telling her that you'd been - you believed you were being - you'd been threatened by Astill?

45 **MS BARRY:** Yeah, I wanted it to stop. I didn't have to go into too much details; it's - it's like she knew what I was getting at.

MR LLOYD: Now, one of the things you say occurred at that meeting - and if you need to remind yourself, it's in paragraph 69 - is that Shari Martin said that you were at fault because you didn't stop the rumours (crosstalk).

5 **MS BARRY:** Yes. Yes.

MR LLOYD: What else did she say when you were speaking to her at this time?

10 **MS BARRY:** There is - there is a paragraph that specifically - where, again, she had a go at people for not passing things on, which leads into that, but I -

MR LLOYD: It's probably paragraph 68 - or it might be.

15 **MS BARRY:** Yes.

MR LLOYD: "You guys make these problems and now you want me to fix them."

20 **MS BARRY:** And that's exactly what come out of her mouth.

MR LLOYD: Could I ask you about a different event involving a different inmate. Do you remember - just have a look at the list.

25 **MS BARRY:** Yeah.

MR LLOYD: Well, we can name this one. Sarah Ward.

MS BARRY: Yes.

30 **MR LLOYD:** Have you got that?

MS BARRY: I do.

35 **MR LLOYD:** Do you remember there being a particular occasion when you walked through and saw her with Astill?

MS BARRY: Yeah. I'm not sure if it was at the time or just after he'd left.

40 **MR LLOYD:** I'll help you -

MS BARRY: Yep.

45 **MR LLOYD:** - with the location. The storage room at the back of the reception area -

MS BARRY: It's where the sweeper used to sit -

MR LLOYD: Yes.

MS BARRY: Where she used to sit with, yes, all the property.

5 **MR LLOYD:** Do you remember a particular event when you saw Sarah Ward and Astill?

MS BARRY: I remember two particular events.

10 **MR LLOYD:** Well, tell us about those.

MS BARRY: So the first event - and I'm not sure if they were on the same day, but the first event was where Astill had pulled out a picture of himself in full police uniform somewhere. It was taken - taken outside somewhere. Now,
15 I knew - I believed at the time that Renee Berry had reported this by the intelligence system. So I knew that part had been reported as to what - what would be the reason for him to bring that in. My opinion was it's for intimidation against staff and inmates. He used that tactic a lot.

20 **MR LLOYD:** Do you remember on a particular occasion where you said to Sarah Ward that you thought she looked uncomfortable in Astill's presence?

MS BARRY: I'm not sure if I said that to her, but you could tell, yes. She didn't like it at all.

25 **MR LLOYD:** And that you said to her that you knew what Astill was like? Sounds like -

MS BARRY: Yes.

30 **MR LLOYD:** - from what you've told us, something you might have said?

MS BARRY: Yes.

35 **MR LLOYD:** Do you remember ever forming the view from what you saw between Astill and Sarah Ward that there might be inappropriate sexual conduct by Astill towards Sarah Ward?

MS BARRY: Yes.

40 **MR GUY:** I take the 23 objection, Commissioner.

COMMISSIONER: Yes. I require you to answer.

45 **MS BARRY:** Yes. On one occasion. Look - and it was at - my understanding, it was at the very beginning. So it was her word against an officer's. She told me that he slapped her on the arse.

MR LLOYD: Do you remember, in terms of dates, approximately when that was?

MS BARRY: No.

5

MR LLOYD: You'd agree that disclosure by Sarah Ward of that conduct by Astill was an inappropriate sexual assault?

MS BARRY: Yes, it is. Yes, it is. Why did I not report it?

10

MR LLOYD: That was my next question.

MS BARRY: Look -

15 **MR GUY:** I take the objection to the answer to this one, Commissioner.

COMMISSIONER: Well, I require the witness to answer.

20 **MS BARRY:** I don't know. I was barely coping myself. And this is when I say to you, I let the girls down. You're making (Indistinct) executive officer on their own - and I'm not making excuses here because, you know, I do believe that he slapped her on the arse. And I should have reported it, and I don't know why I didn't.

25 **MR LLOYD:** You believed Sarah Ward?

MS BARRY: Look, at the beginning - probably not straightaway, but soon afterwards when I sort of thought about it.

30 **MR LLOYD:** You knew that if what she was saying was true, the conduct was very serious?

MS BARRY: Of course it is.

35 **MR LLOYD:** Could I ask you in terms of timing, without being able to put a date on it, is this an event that occurred after the events of the early part of 2016 involving Witness C?

40 **MS BARRY:** Probably because we all knew something wasn't right. So I couldn't tell you honestly. But yeah, probably, yes.

MR LLOYD: Could I ask you about a different inmate, Witness V. Just have a look at the list.

45 **MS BARRY:** Witness what, sorry?

MR LLOYD: V.

MS BARRY: V? V for victor, yes.

5 **MR LLOYD:** Just remind yourself of who that inmate is.

MS BARRY: Yes.

10 **MR LLOYD:** I just want to ask you about something she told the Commission when she gave her evidence. There was an incident where Astill had said at muster, "Smells like dogs". Do you remember hearing about that?

15 **MS BARRY:** Look, I had heard the rumour around the gaol that, "It smells like dog in here." The dogs used to get taken back to the wings as part of their progression. But I believe that he was calling the inmates "dogs".

MR LLOYD: Had you heard that a complaint had been made about Astill some time prior to that "Smells like dogs in here" comment. Had you been told that?

20 **MS BARRY:** I was told, but I couldn't tell you who.

MR LLOYD: You didn't know what the details were?

25 **MS BARRY:** No. I'm just assuming because there was two inmates - Witness B and the witness you're referring to - were his targets.

MR LLOYD: Thank you, Ms Barry. Commissioner, that aside from the particular topic about searching for contraband coming into the centre, exhausts my questions for this witness.

30 **COMMISSIONER:** Yes, does anyone else have any questions?

MS MELIS: I do, Commissioner. I think about 10 minutes worth.

35 **COMMISSIONER:** All right. Let's continue on.

<EXAMINATION BY MS MELIS:

40 **MS MELIS:** Ms Barry, my name is Christine Melis. I appear on behalf of Corrective Services. I wanted to ask you firstly a few questions about the footage that you gave some evidence about relating to Witness C being seen by Officer O'Reilly sharing a can of Coke with Mr Astill?

MS BARRY: Yes.

45 **MS MELIS:** If you go to tab 61 of your - of the bundle in front of you, which is your first police statement.

MS BARRY: Yes.

MS MELIS: And then to Annexure C which is your Incident Witness Report.

5 **MS BARRY:** Yes.

MS MELIS: That you were asked to make by Ms Martin.

MS BARRY: Yes.

10

MS MELIS: You will see that the email from Ms Martin, which is at Annexure B to you, requesting this report is dated 25 February 2016.

MS BARRY: Yes.

15

MS MELIS: And your report to her is also dated 25 February 2016?

MS BARRY: Yes.

20 **MS MELIS:** And one of the matters that you detail in your incident report is with respect to Officer O'Reilly, stating to you that she had seen Astill on camera on 8 January 2016 -

MS BARRY: Yes.

25

MS MELIS: - walking up the path alongside the admin building with offender known to me as - and Witness C. Do you see that?

MS BARRY: Yes.

30

MS MELIS: And you say they are observed sharing a can of Coke?

MS BARRY: Yes.

35 **MS MELIS:** Doing the best you can, you see you've identified the date of this incident as 8 January 2016?

MS BARRY: Where's that one, sorry?

40 **MS MELIS:** In your incident report, Annexure C.

MS BARRY: Oh, yes.

MS MELIS: You put a date on this incident as 8 January 2016?

45

MS BARRY: Yes.

MS MELIS: Doing the best you can, had you and Officer O'Reilly gone looking for the footage by the time you made this report on 25 February 2016?

5 **MS BARRY:** So what's your question, sorry, can you repeat that?

MS MELIS: By the time you made this report on 25 February 2016, had you and Officer O'Reilly gone looking for the footage?

10 **MS BARRY:** Before that, yes.

MS MELIS: You had. Okay. So –

15 **MS BARRY:** Well, it's obviously between 8 January and 25 February that we went looking for it, yes. But it was only a couple of weeks after, it would have been after that date in the report on the 8th of the 1st.

MS MELIS: All right. Is that something that you mentioned to Ms Martin that you and Officer O'Reilly had looked for the footage.

20 **MS BARRY:** Why would I do that?

MS MELIS: Just don't -

25 **MS BARRY:** No, I wouldn't do that because then I would get into trouble. Like, you know, I'd be ostracised again.

30 **MS MELIS:** And I understand that when you went looking for the footage with Officer O'Reilly, you did so because Officer O'Reilly, you say, had more experience to do that, to look through the footage?

MS BARRY: She was very experienced in the control room. She knew how to look after cameras. She knew where to look. So, yes, I used the resource that I had with me at the time. And as her boss, she's not going to question that.

35 **MS MELIS:** And if we just go forward to the annexures that we've been looking at, if you look over to - I think it would be Annexure F - I think it's marked as Annexure F.

40 **MS BARRY:** Is that the Word document?

MS MELIS: Yes. Yes.

MS BARRY: Yes, I've got that.

45 **MS MELIS:** Ms Barry, can you just assist us: is this a document that you prepared?

MS BARRY: So I can prove to the Commission that I've actually still got this on my email - on my Word - at work, and it can show you the date that I did it. So this wasn't - this was prepared after the date of some of these incidences. And then because I - I should have put it probably in a contemporaneous notebook, but
5 I started doing a Word document so I had some proof, because I hadn't done anything much prior to that. So I just put it on a Word document on my desktop. I mean, taking into consideration I was not doing very well back then. But if the Commission would like to have access to my - where I save all my documents,
10 you will see the date that I did it. So there's - there's proof there.

MS MELIS: Thank you for confirming that, Ms Barry.

MS BARRY: That's okay.

15 **MS MELIS:** And this is a document that you've provided to one of the detective sergeants, we can see at the top of the page.

MS BARRY: Correct. At the beginning, when we went to court, yes, the first time.
20

MS MELIS: And you will see that in this document, next to the date 8 January 2016 -

MS BARRY: Yes.
25

MS MELIS: - which is the reference to Astill and Witness C sharing the can of Coke -

MS BARRY: Yes.
30

MS MELIS: - you've actually put the time of the incident as being between 12 pm and 1 pm. Do you see that?

MS BARRY: Yes. Correct.
35

MS MELIS: Yes. Is that, again, information that was given by Officer O'Reilly?

MS BARRY: No. No. So that information is got from the routine of the centre. So approximately - around those times at the SMAP inmates - the detention inmates
40 have their lunch break, and they - it's changed now, but they used to have free access to the whole compound of the gaol. So the main inmates would be locked in their units, and the SMAPs would have full - where they'd go and get their pills and - and everything that they needed to do and have a bit of time out of their area. So that's how I know the specific times. I mean, give or take a few minutes
45 depending on how the musters and that go.

COMMISSIONER: Ms Melis, what are your instructions? Are you suggesting that this event didn't happen?

5 **MS MELIS:** No, not at all, Commissioner. I'm just trying to get some further clarification around the footage and -

COMMISSIONER: Well, what are your instructions in relation to it? Can we not go to the point?

10 **MS MELIS:** Certainly. I am, Commissioner.

COMMISSIONER: Well, what's the point?

15 **MS MELIS:** My next question is this, Ms Barry: when you and Officer O'Reilly went looking for the footage -

MS BARRY: Yes.

20 **MS MELIS:** - you say that your evidence was that it was gone?

MS BARRY: Yes, we couldn't find it.

25 **MS MELIS:** Were you looking specifically for that timeframe between 1 and 2 pm on 8 January?

30 **MS BARRY:** I can't tell you the exact timeframe I was looking at, but Ms O'Reilly had the time and date - that's the type of person she was. She would put this stuff down. She had the time and the date exactly. But I can't tell you what that was, because she was supposed to submit a report. I don't know if the Commission has that.

MS MELIS: Thank you, Ms Barry. Those are my questions on that topic.

35 **MS BARRY:** Yep.

MS MELIS: You said earlier in your evidence that you would always go through the chain of command -

40 **MS BARRY:** Yes.

MS MELIS: - and that at the time you didn't even know who the director was?

MS BARRY: Correct.

45 **MS MELIS:** You said, "Nowadays it's changed."

MS BARRY: Yes.

MS MELIS: Can you just elaborate for the Commissioner on what you mean by that? How has it changed nowadays with respect to the director?

5 **MS BARRY:** Well, they're more open and accessible to you. Like, we know who our director is, I suppose, because she was our Governor and so forth. But the Department's a bit more - I don't know - transparent where it comes to your directives - directors and so forth now. I wouldn't say "transparent", but back then it wasn't well known unless you went looking for who your director was. Our
10 director sits out the front in the ILU, which is at the gaol. So if we need to go and speak to her, we can go and speak to her. So we don't have to - like, it's not that we don't have to follow the chain of command; it's just if we don't feel comfortable to follow the chain of command, then we don't have to -

15 **MS MELIS:** I understand.

MS BARRY: - if we feel -

MS MELIS: Currently you are the -
20

MS BARRY: Well, we do, but if it's something that you can't trust someone, well then, of course I'm going to jump the chain of command.

MS MELIS: And currently you are the Intel Officer -
25

MS BARRY: I am.

MS MELIS: - at Dillwynia?

30 **MS BARRY:** I am.

MS MELIS: And in that role, are you - have you shown other officers how to use the SIU?

35 **MS BARRY:** Yes. Yes.

MS MELIS: Has -

40 **MS BARRY:** I mean, I don't go out of my way, "This is how you do it." But if they bring something to me, I'll generally report on it. But if they want to learn, then, yeah, I'll show them. I'll show them whatever they need to know.

MS MELIS: Those are my questions, Commissioner.

45 **COMMISSIONER:** Does anyone else have any questions?

MR GUY: Not from me, Commissioner.

COMMISSIONER: Mr Lloyd, what I'll do is take the morning adjournment now. And then when we come back, we can take the evidence in relation to security issues. The question is, who should be in the room? Obviously you and
5 Ms Davidson should be here. Counsel for Corrective Services. But is there a reason for anyone else to be in the room?

MR LLOYD: I don't think so. I'm really thinking of whoever is here for the -

10 **MR GUY:** I'm here for -

MR LLOYD: For Ms Barry, but also for the inmates and former inmates. But could I just ponder that over the break -

15 **COMMISSIONER:** Well, I don't know - what we're going to be told is what is the procedure, as I understand it, not what happened in relation to individual incidents.

20 **MR LLOYD:** I understand.

MS BARRY: I'm going to explain to you how it can be done.

COMMISSIONER: How it works.

25 **MS BARRY:** Yes.

COMMISSIONER: Well, that's a matter that I don't think anyone apart from Corrective Services and the Commission need to know.

30 **MR LLOYD:** I understand. What I would also propose to do, Commissioner, is at the break, Ms Melis to speak to the witness and find out the nature of it and see if we can get the Department's attitude to what aspects of it are confidential. Because one aspect of it, Commissioner, is that if it's a description of historically what the position was and it's changed, it may be there's no -

35 **COMMISSIONER:** Well, that's true. And that occurred to me. There may be advantages in people knowing what the system is, providing it doesn't allow them to get around it. But you can have those discussions, and let me know when you're ready. And we'll need to make arrangements to turn off the transmission process
40 too.

MR LLOYD: Yes.

45 **COMMISSIONER:** Very well. I will adjourn.

<THE HEARING ADJOURNED AT 11.30 AM

<THE HEARING RESUMED IN PRIVATE SESSION AT 11.56 AM

<THE HEARING CONCLUDED IN PRIVATE SESSION AT 12.14 PM

5 <EXAMINATION BY MR LLOYD:

MR LLOYD: Ms Barry, I just want to ask you something more about, at the time of Astill's offending, the system and its adequacy for detecting drugs and other non-metallic contraband coming into the gaol. Do you understand?

10

MS BARRY: Yes.

MR LLOYD: Without going into the details, can you tell us: was the security system at that time during Astill's offending, in your opinion, adequate to be able to detect non-metallic contraband -

15

MS BARRY: No, it wasn't.

MR LLOYD: - such as make-up? We've got some evidence that's been given to the Commission about make-up being brought in. Not effective to detect that?

20

MS BARRY: Not unless it's got metal on it.

MR LLOYD: And drugs and clothing, lingerie. Not effective?

25

MS BARRY: No, not effective.

MR LLOYD: And in terms of drugs, we've heard some evidence about sniffer dogs.

30

MS BARRY: Yes.

MR LLOYD: Were they there regularly?

35

MS BARRY: No. They don't have enough to go around the State.

MR LLOYD: When they were there, were they effective?

MS BARRY: Oh, the dogs are very good. They're very good. Well trained. Yep.

40

MR LLOYD: Those are my questions.

COMMISSIONER: No one else?

45

MS MELIS: Nothing from us.

COMMISSIONER: Anything from that?

MR GUY: No.

5 **COMMISSIONER:** Very well. Thank you, Ms Barry. Thank you for your evidence. You're now excused.

MS BARRY: Thank you.

10 **<THE WITNESS WAS RELEASED**

MR LLOYD: Ms Davidson will call the next witness.

MS DAVIDSON: Commissioner, the next witness is Renee Berry, and I call her. She'll take an oath.

15

<RENEE BERRY, SWORN

<EXAMINATION BY MS DAVIDSON:

20 **MS DAVIDSON:** Can you tell the Commission your full name?

MS BERRY: Renee Anne Berry.

MS DAVIDSON: And your address is known to the Department?

25

MS BERRY: Yes, it is.

MS DAVIDSON: Ms Berry, did you make a statement to police in relation to Mr Astill on 22 July 2019?

30

MS BERRY: Yes, I did.

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

35 **MS BERRY:** I believe so, yes.

MS DAVIDSON: Commissioner, that statement - I apologise. It is 23 July 2019, Ms Berry. That statement, Commissioner, is at tab 49 - sorry, 48, I should say, in volume 7. Did you make -

40

COMMISSIONER: That will become Exhibit 18.

MS DAVIDSON: I was going to have them tendered collectively, which I understood was the approach you've been taking, Commissioner. If I come to the others. Did you also make a supplementary statement to police on 22 July 2022?

45

MS BERRY: Yes, I did.

MS DAVIDSON: Are the contents of that statement true?

MS BERRY: Yes, it was.

5

MS DAVIDSON: Commissioner, that appears behind tab 49.

COMMISSIONER: Yes.

10 **MS DAVIDSON:** And then, Ms Berry, did you make a statement to this Commission on 18 September 2023?

MS BERRY: Yes, I did.

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

MS BERRY: I believe it is.

20 **MS DAVIDSON:** And, Commissioner, that appears behind tab 49A, the Commission statement.

COMMISSIONER: Collectively, they're Exhibit 18.

<EXHIBIT 18 TENDERED AND MARKED

25

MS DAVIDSON: Ms Berry, can I ask you to go to tab 49A in the folder there, which is your Commission statement.

MS BERRY: Tab 49A. I've got 47A.

30

MS DAVIDSON: Have you got it there now?

MS BERRY: Yep.

35 **MS DAVIDSON:** Is it right that from September 2006 onwards, you worked continuously at Dillwynia Correctional Centre up until after the time that Mr Astill had been arrested?

MS BERRY: That is correct.

40

MS DAVIDSON: And you indicate in paragraph 5 of your Commission statement that you've moved to Emu Plains, but you also refer to moving to the MRRC later on in your statement. Are you currently stationed at Emu Plains or the MRRC?

45 **MS BERRY:** Due to the poor support that I've got from the Department, I've now been moved to CSI Corporate.

MS DAVIDSON: Right. Could you just pull your microphone just a little bit closer to you so that we can pick up on your answers.

5 **MS BERRY:** So I'm currently, as of last week, at CSI Corporate.

MS DAVIDSON: CSI Corporate?

MS BERRY: Corporate, yes.

10 **MS DAVIDSON:** Right. Which is Corrective Services Industries, is it?

MS BERRY: Industries, yes.

15 **MS DAVIDSON:** I see. So you're not currently working in a correctional centre?

MS BERRY: No.

20 **MS DAVIDSON:** In 2015, you obtained the rank of Senior Correctional Officer; is that right?

MS BERRY: Yes.

25 **MS DAVIDSON:** And during the period from around the end of 2015 to October 2018, you describe being the Senior in charge of reception?

MS BERRY: Actually, I believe it was from August 2016. I won the position - rotation for reception.

30 **MS DAVIDSON:** All right. So the reception was not until sometime in 2016?

MS BERRY: No. Because I picked up Senior's at my centre, I was able to choose my centre. I was called in to a meeting with Leanne O'Toole, and I was abused for choosing that centre - remaining at my centre. She put me on a three-month rotation to make sure I had worked every area as a Senior. And she didn't do it to the following Seniors to follow me.

35 **MS DAVIDSON:** Right. That is, when you first became a Senior Correctional Officer -

40 **MS BERRY:** Yes.

MS DAVIDSON: - you, by contrast to others, were required to do three-month rotations in different areas?

45 **MS BERRY:** Yep. Just I had to - general duties, I had to work everywhere in the gaol. I was also to - subjected to - she brought Neil Holman and Michael Paddison down to lecture me on the expectation of going from one rank to another within

a centre, and I had to follow their lead. And I believe the last thing she said to me about it was, "And if you make a mistake, make sure you own up and don't lie about it."

5 **MS DAVIDSON:** After you commenced in visits, there was a period - during the time that you were a Senior Correctional Officer in visits, there was a time that Astill was assigned to work with you?

MS BERRY: Yes.

10

MS DAVIDSON: Was that in 2016 when you commenced in the visits role?

MS BERRY: In 2016 to two thousand - it was October 2016 to October 2018, I was number 1 position in reception. My father passed away in 2018, in
15 September. I came back to find out that I had been moved out of reception, that I was going to be placed into visits as number 1 and Wayne Astill was going to be number 2.

20

MS DAVIDSON: This was in 2018?

MS BERRY: '18.

25

MS DAVIDSON: I see. All right. And was it that that prompted you to make some complaint -

MS BERRY: I did.

MS DAVIDSON: - in relation to that?

30

MS BERRY: I did. When I returned to duty after my father's passing, I was approached by Principal Pam Hotham, and she explained to me - and Chief Judy Barry. They explained to me that a rotation process had been conducted in the staff room, that - when they walked in, that Neil Holman had already allocated everybody to their rotations. Pam Hotham stated to me that she said, "You can't
35 put those two together." He didn't care. He still did it. He put in Mirza Mohtaj and Wes Giles into the reception. I was upset. I'd just lost my father. I just wanted to be in something that I knew. And I didn't want to be with him - anywhere near him. I was petrified of him.

40

I spoke to my bosses about it. I even was approached by Shari Martin out the front of the staff pigeonholes, and she said to me, "I've spoke to - I spoke to the boys," and said to me, "Are you sure you want to do this?" You know, she - I was very good in reception. And she said, "I just don't have the power to change it." I'm like, "You're the Governor." So she sweetened the deal for me, and she said, "I'll
45 get you to start learning intel." So I went to Hariharan with, I believe, Pam Kellett, and I believe Grant Riddle was my support person. And I just said, "I do not want to be anywhere near Wayne Astill. I do not want to have to engage or make any

decisions with him." I followed policy and procedures. He was against following policy and procedures. We - we just didn't work.

5 **MS DAVIDSON:** So just having a look at paragraph 14 and just to clarify some of what you've told us there.

MS BERRY: Yep.

10 **MS DAVIDSON:** You're describing here events, making a complaint - this is paragraph 13 - to Pam Kellett -

MS BERRY: Yep.

15 **MS DAVIDSON:** - on 17 November -

MS BERRY: Yep.

20 **MS DAVIDSON:** - 2018, verbally. So is that the incident that you've just told us about, that you went to Hariharan -

MS BERRY: Yep. I ended up having - yep. I ended up having a follow-up meeting that I've recorded in my contemporaneous notebook. So -

25 **MS DAVIDSON:** Sorry, you ended up having a follow-up meeting with who?

MS BERRY: Yeah. Yeah, with Hariharan -

MS DAVIDSON: With Hariharan.

30 **MS BERRY:** - and Pam Kellett and Grant Riddle with me.

MS DAVIDSON: All right. You then indicated that you received an email from Pam Kellett -

35 **MS BERRY:** Yes.

40 **MS DAVIDSON:** - which is - if you - you'll see down the bottom right-hand corner, there's the little tiny numbers in the bottom right-hand corner. It refers to 30 pages in your statement.

MS BERRY: Yes.

MS DAVIDSON: If you go to the end of - so go to page 30 of 30.

45 **MS BERRY:** Yeah.

MS DAVIDSON: The page following that there's an email.

MS BERRY: Yes.

MS DAVIDSON: Do you see that?

5

MS BERRY: Yep.

MS DAVIDSON: And is that the email - at the top of it, it looks like you've sent it from yourself to yourself.

10

MS BERRY: I had to. Anything that I had in regards to protecting myself I had to send home because I didn't trust that they actually wouldn't delete things off our email systems or our M drives, the L drives and stuff like that. So I sent it home to myself.

15

MS DAVIDSON: That is, you were concerned about people in management deleting things -

MS BERRY: Yeah. 100 per cent.

20

MS DAVIDSON: That is, management in the gaol itself?

MS BERRY: Yes.

MS DAVIDSON: And had you had experience of things being deleted off your drives or in your emails -

MS BERRY: No.

MS DAVIDSON: - by management?

MS BERRY: But I had experience with Shari Martin and Leanne O'Toole. See, the culture for everybody - they're talking about the culture in the gaol since 2016. I come to that gaol with a culture already established in 2006. So from 2006 to 35 2016, I had been bullied and harassed and treated very badly by the Wes Giles and Jackie Browns of the world - Shari's boys.

MS DAVIDSON: We'll come to some more questions about (crosstalk).

MS BERRY: So, yes, I had no faith in - in that they wouldn't organise - Shari was very connected to the Commissioner at the time, which was Ron Woodham. She made that very clear, and you didn't - no, we did not trust what would happen to us -.

MS DAVIDSON: Just pausing you there. You understood Shari Martin to be very connected to the Commissioner at the time?

MS BERRY: 100 per cent. Yes. 100 per cent. She made it very -

MS DAVIDSON: And what was it that led you to understand that?

5 **MS BERRY:** She made it very clear she was the first female in the hostage response group. She was one of his girls.

MS DAVIDSON: One of Ron Woodhams's girls?

10 **MS BERRY:** Yes.

MS DAVIDSON: And that was something she said to you?

15 **MS BERRY:** She said it to anybody that listened. She was very proud of it.

MS DAVIDSON: Right. So just going back to this email, it appears originally to have been an email from Ms Kellett to you -

20 **MS BERRY:** Yep.

MS DAVIDSON: - copied to Ms Martin and Sury Hariharan.

MS BERRY: Yep.

25 **MS DAVIDSON:** And it's referring to a meeting where others were present.

MS BERRY: Yep. They wanted me to mediate with Wayne Astill.

30 **MS DAVIDSON:** Can you just have a look at that email just to remind yourself in relation to it.

MS BERRY: Yep.

35 **MS DAVIDSON:** As you've indicated, the email does suggest mediation with Astill. Do you recall what your response was and what occurred after this email was sent to you suggesting the mediation?

MS BERRY: I told her it was never going to happen.

40 **MS DAVIDSON:** You said to Ms Kellett it was never -

45 **MS BERRY:** Never. I was - I had already had a situation where I thought he was going to hit me. There was no way on this earth I was going to sit in a room and cop more bastardisation from that man.

MS DAVIDSON: You said you'd already had a situation where you thought he was going to hit you. g

MS BERRY: Yes. Yes.

MS DAVIDSON: Was that a particular situation?

5

MS BERRY: Yes, it was.

MS DAVIDSON: And can you describe what that was?

10 **MS BERRY:** Okay. So I had my inmates - numbered the situations. Okay. So it was inmate number 2 for me. He was trying to get this inmate - inmate request form signed that the inmate could actually have her identification to take out onto the compound. The inmate wanted her name changed. That went against policy and procedures. Inmates do not have their documentation out on - out on the
15 compound with them. There's processes that they can to achieve that through solicitors and stuff. He was very adamant. He was pushing for it. He even got the Governor to sign off if. But because I was running reception and knew the policy and procedures for it, I said, "No, it's not going to happen. She's not getting it." He stood there in the admin area with Pam Kellett in an office right there, Deb Wilson
20 in the printer room and an RSO, which is scheduling clerk, in her office, and he stood over the top of me, swearing, pointing his finger and telling me I'm going to -

MS DAVIDSON: No need to be shy about the language, Ms Berry.

25

MS BERRY: Okay. "You're going to fucking do it or I'll fucking do it myself." And he just kept going. I said, "I'm not going to do it, Wayne. It's against policy. I'm not giving the inmate" - I was trying to explain (indistinct). He was just - and I thought he was going to hit me till Kellett yelled out, "Stop it, Wayne." And then
30 as he's pointing in my face, he started walking around. And I've shot up - because I'm small. He's six foot four or whatever he is. And I've shot out behind and went into reception. And from that day - I had Davey Jeanes walk past my office. I was shaking. I was absolutely a mess. And Davey Jeanes walked past me and said, "Are you all right? What's happened?" And I told him. And from that moment,
35 sadly, Davey Jeanes had to organise with Grant Riddle to - a safety plan for me to be safe from him.

MS DAVIDSON: A safety plan with -

40 **MS BERRY:** Safety plan for myself.

MS DAVIDSON: And by that do you mean something formal that they organised or (crosstalk) -

45 **MS BERRY:** Between the two of them, they had - yep.

MS DAVIDSON: - spent time accompanying (crosstalk) -

MS BERRY: That - what they did was if I pressed my duress, which is the safety - emergency button that we wear, and they'd come - one of them had to come running. If Astill turned around and said I was fine, because that happens in responses, they were still to come running. I had cameras in reception. So every
5 time I heard Wayne coming - because he whistled. He'd always whistle coming through. I'd get myself under camera. I'd have to protect myself. And those boys looked after me until he was arrested.

MS DAVIDSON: And how would they have known that it was you pressing your duress alarm?

MS BERRY: Because when I press my duress alarm - mine was duress 131, and it comes off the - bounces off the sensors. It goes to the control room, comes up in
15 control room, "Renee Berry, duress 131," my location, response.

MS DAVIDSON: I see. So that would -

MS BERRY: They would have announced it over the radio, and the boys could
20 have come running.

MS DAVIDSON: I see. So there would have been a radio announcement -

MS BERRY: Yes.**MS DAVIDSON:** - if your particular duress alarm had gone
25 off. Can you turn to paragraph 17(e), which is on page 4. You're referring there to Officer Riddle -

MS BERRY: Yes.

MS DAVIDSON: - and you indicate here that he was continually stating to Judy
30 Barry and yourself about encouraging others to make reports about Astill's behaviour.

MS BERRY: Yes.

MS DAVIDSON: Did he indicate to you particular people that he'd encouraged to
35 make reports about Astill's behaviour?

MS BERRY: The first time I ever heard Grant Riddle say that was on 13
40 February.

MS DAVIDSON: 3 February of what year?

MS BERRY: 2016. It was the day of the ring incident.
45

MS DAVIDSON: Right.

MS BERRY: It was literally right after the ring incident. I feel like an idiot to everybody else in the centre. I was oblivious. I had no idea what - what was -

5 **MS DAVIDSON:** We'll come in some more detail to that. So did he encourage particular people on that date that you remember (crosstalk) -

MS BERRY: He just kept saying, "I'm trying to get people to report it. They won't report it."

10 **MS DAVIDSON:** And -

MS BERRY: That's exactly what he said that day.

15 **MS DAVIDSON:** Did you have a subsequent conversation with him about him - where he told you he encouraged other people to report it?

MS BERRY: After - are you talking about the conversation we had privately after that?

20 **MS DAVIDSON:** I'm talking about any conversation you had with Officer Riddle -

MS BERRY: No. No.

25 **MS DAVIDSON:** - in relation to that.

MS BERRY: No.

30 **MS DAVIDSON:** So where you say in 17(e) that:

"Riddle was continually stating to Judy Barry and myself that he was encouraging..."

35 **MS BERRY:** He was always - yeah, he was whinging about it all the time. He was trying to get it out there. Riddle and I had a bit of a, on that day, as you say we'll get further into that, had a bit of a mistrust situation. So I'd hear about it but I didn't engage much with Riddle because I had a bit of a trust issue, because he betrayed my trust.

40 **MS DAVIDSON:** And was that in relation to the incident you've described in your statement where Westley Giles found out about something.

MS BERRY: Yes.

45 **MS DAVIDSON:** - that you complained about?

MS BERRY: Yes.

MS DAVIDSON: I see. You've referred in paragraph 18 to two groups attached to the management team. The first one was led by Shari Martin and you've described that as group 1, and then the second is group 2.

5

MS BERRY: Yes.

MS DAVIDSON: Do you see over the page?

10 **MS BERRY:** Yes.

MS DAVIDSON: - which you say was led by Leanne O'Toole when Astill was her boy.

15 **MS BERRY:** Yep.

MS DAVIDSON: Were there others, apart from Tania Hockey, who were part of Leanne O'Toole's group?

20 **MS BERRY:** No. See, like I said, in 2006 I started. There was a different boys group. Wes Giles was still attached to Shari Martin but there were some other - other gentlemen who moved on to other centres. During that period, James O'Dare arrived. He joined. Neil Holman joined. Michael Paddison joined.

25 **MS DAVIDSON:** That is, joined in what you have said to be Shari Martin's -

MS BERRY: 100 per cent Shari Martin's boys. Wayne Astill, when he arrived in 2009, from what, I saw it appeared the relationship and friendship with between Tania and Leanne was established first. We saw that. We were affected by that.

30 There was preferential rostering for Tania and Wayne to be on the same shift. Other staff members and relationships weren't afforded that. She managed to avoid a lot of hospital escorts and being a female officer -

MS DAVIDSON: When you say "she", you mean Ms Hockey.

35

MS BERRY: Yep, Tania Hockey being a two-striped female officer and others. You'd notice it because you'd go on the escort. You'd be the one having to stay back after work. She seemed to be able to avoid doing that sort of stuff. And then it became knowledge about the husbands and - Shari's husband, Leanne's husband being a policeman; Wayne telling people that he used to work with him.

40

MS DAVIDSON: He told you?

MS BERRY: I heard him in the night seniors, yeah, he'd talked openly about it.

45

MS DAVIDSON: That he used to work with Shari's husband?

MS BERRY: Yeah, yeah. Yeah. And then it grew from there.

5 **MS DAVIDSON:** So, as to Leanne's group of those that she was friends with, to your perception that close friendship was really with Astill and Tania Hockey; is that right?

MS BERRY: Yeah.

10 **MS DAVIDSON:** And not, she didn't have other favourites?

MS BERRY: No.

15 **MS DAVIDSON:** Can you have a look at paragraph 22, subparagraph (b). You are responding here to a question about processes for inmates reporting an incident at Dillwynia. That is an inmate reporting on an officer?

MS BERRY: Yep.

20 **MS DAVIDSON:** You indicate there at (b) that a physical report went to the Manager of Security. You indicate there at the top line of (b) it remains confidential. They investigate the complaint. Did you understand that to actually be the practice in terms of -

25 **MS BERRY:** Well, the practice was that at the time, because Shari Martin had two gaols. She had Emu Plains and Dillwynia Correctional Centre. And as this has all evolved and everything, it's come to the realisation Emu Plains thought that Shari was at our centre all the time and we thought Shari was at Emu Plains centre all the time. Shari Martin lives very close to the gaol. So I don't think she was at either gaol, I think she was at home. So left Leanne O'Toole in charge. So when
30 you reports or issues you needed to submit the majority of the time, you would be heading to the Manager of Security, Leanne, because she was running the gaol.

MS DAVIDSON: And to the extent there you say it remains confidential -

35 **MS BERRY:** Yeah because it -

MS DAVIDSON: - it was your understanding that Leanne O'Toole was keeping inmate applications or inmate application forms reporting an incident confidential and investigating them?
40

MS BERRY: I don't think she would. I don't think she has the capability.

MS DAVIDSON: All right. So is what you are describing there what you understood to be what was meant to happen?
45

MS BERRY: What was meant to happen.

MS DAVIDSON: I see. If you go to paragraph 29 - 30 really, you are responding there to the question at 29 and describing a process that you would - an impact that you would follow if you were told that an inmate had been sexually assaulted. Is that a procedure that you've had cause to follow in the period of your career?

5

MS BERRY: Sadly, Chief Barry and myself had to attend to an inmate after Wayne Astill's arrest that claimed to have been sexually assaulted. And it's heart wrenching. It is really hard to deal with. But the priority is making sure that inmate is safe, getting her the help she needs, which we did, because we were able to do that because we had Governor Smith and she works more efficiently. That inmate ended up getting a considerable amount of time for that inmate but, yeah.

10

MS DAVIDSON: So -

15 **MS BERRY:** (crosstalk)

MS DAVIDSON: Later in your statement you describe being part of receiving a complaint from a particular inmate after Mr Astill - Astill I should say, had been arrested?

20

MS BERRY: Yeah.

MS DAVIDSON: Is it your evidence that you tried to follow the process that was set out that you've described in paragraph -

25

MS BERRY: Yes, we did.

MS DAVIDSON: - 30.

30 **MS BERRY:** Yes, we did.

MS DAVIDSON: Had you received any training in what to do when an inmate, or if an inmate reported a sexual assault to you?

35 **MS BERRY:** No. No. We don't receive any training for it. We received training on if they self-harm, if they, you know - yeah, first aid training and stuff like that. Anything about a sexual assault. And it is something we should - we should be dealing with.

40 **MS DAVIDSON:** Had you done the course in relation to working with female offenders?

MS BERRY: I've just recently done it.

45 **MS DAVIDSON:** Recently?

MS BERRY: Yeah, I have recently. Anyone - any officer that works in a female facility has to do it. So it is our priority.

5 **MS DAVIDSON:** During the time that you were in Dillwynia prior to Astill's arrest -

MS BERRY: No.

10 **MS DAVIDSON:** You hadn't done that?

MS BERRY: We did a Working with Female Offenders. It was a very short course, I think we did it in our primary training.

15 **MS DAVIDSON:** I see.

MS BERRY: As you can imagine, primary training everything is overwhelming you. You really haven't got the concept of the gaol yet.

20 **MS DAVIDSON:** And you haven't had any experience of that?

MS BERRY: That's right. That's right.

MS DAVIDSON: - working with females.

25 **MS BERRY:** Well, we haven't had experience with women that have been so sexually abused and mistreated in their lives. It's different from learning it from a textbook to actually firsthand experience. And it's not an easy thing to walk up and say, "Oh", you know, "Oh, you've been sexually abused." You know, you can send them to a risk cell, they could be hurting themselves after that conversation. So it
30 does need training and it does need fixing.

MS DAVIDSON: Can you have a look at paragraph 31 of your statement. Here, you are still talking about receiving -

35 **MS BERRY:** Yeah.

MS DAVIDSON: - reports of sexual assault.

40 **MS BERRY:** Yeah.

MS DAVIDSON: You refer there to a senior officer being a chief or principal or manager of security or governor taking charge of the complaint?

45 **MS BERRY:** Yeah.

MS DAVIDSON: And you refer to looking at moving the inmate to a secure location?

MS BERRY: Yep.

5 **MS DAVIDSON:** You refer to the senior officer there conducting an initial investigation. Are you able to explain what you mean by your understanding that the senior officer would conduct an initial investigation?

10 **MS BERRY:** Well, as a SCO back then, if I had an inmate come to me and saying they were sexually assaulted, firstly the priority is make her safe secured, somewhere where no one can be near her. And then I would have to call down one of my, like Judy Barry explained, my chain of command. I would probably look at a female chain of command because it is a sensitive nature. And they would follow the processes that they're trained in to follow. I would submit all the reports I need to submit.

15 **MS DAVIDSON:** All right. So you don't know actually know one way or the other whether they would be expected to conduct an initial inquiry?

20 **MS BERRY:** Oh, they'd have to do - (crosstalk) they can review footage and they can see, you know - it's not an investigation per se. What they do is information gathering.

MS DAVIDSON: I see.

25 **MS BERRY:** You've got information gathering -

MS DAVIDSON: So assembling material -

30 **MS BERRY:** Yes.

MS DAVIDSON: - that could be relevant?

MS BERRY: Yes, yes.

35 **MS DAVIDSON:** You say in the last sentence of that paragraph 31 that:

"The expectation following this kind of report would be a referral to Professional Standards Branch or New South Wales Police if this is staff alleged."

40 Would you explain what you mean by "if this is staff alleged"?

45 **MS BERRY:** Well, if an inmate has alleged that a staff member has done this to them, it'd got to be reported to the police. It's got to be reported to PSI. Until they are proven guilty we don't know. Everything is alleged.

MS DAVIDSON: I see. So you don't mean only if this is alleged also by a staff member. (Crosstalk) what you mean is if it is an allegation about a member of staff, is that right?

5 **MS BERRY:** Yes. Yes.

MS DAVIDSON: Did you understand, that is during the time period prior to Astill's arrest, that you had any means or mechanism for reporting something like an allegation of sexual assault on an inmate outside the gaol; that is you as an
10 officer?

MS BERRY: 2013, I was a two stripe working in medium needs. I had shown some interest in intelligence. I was working on Scott Westlake and Brian Gurney. They were trained intelligence officers. Scotty Westlake started teaching me some
15 processes, and that's where he taught me - which I wanted to just clarify too on something because I've listened to other people's statements. Yes, you go into the IIS system. It's actually in the web form. You can do an information note. You can do a communication review. Anybody that logs on to the computer intranet, on that blue screen, has the ability to do it. It's just not officers. It can be SAPOs, it
20 can be anybody has that ability to send that SIU through.

MS DAVIDSON: Right. So just in terms of your understanding -

MS BERRY: I did understand.
25

MS DAVIDSON: - from 2013.

MS BERRY: Yes.

30 **MS DAVIDSON:** You understood that could submit a report outside the gaol?

MS BERRY: I did.

MS DAVIDSON: And who did you understand that SIU kind of report would go
35 to?

MS BERRY: Security Investigations Unit, that it would jump the Governor.

MS DAVIDSON: It would jump the Governor?
40

MS BERRY: That's what I hoped for.

MS DAVIDSON: That was Mr Westlake who taught you that?

45 **MS BERRY:** Yes, it was.

MS DAVIDSON: Was that in the context of him wanting to assist your (crosstalk) development.

5 **MS BERRY:** Speak to me himself, yep. That was a casual day. He taught me something that actually came into fruition a lot later on.

MS DAVIDSON: You weren't an Intel Officer at that -

10 **MS BERRY:** I used to - I used to give intel to Deb Wilson because I worked in medium needs, and it was considered the - the worst part of the gaol for drug and assaults and stuff like that. So if I saw anything as suspicious and stuff, I would give that information to Deb Wilson. She'd get us to act on it. Sometimes we had successes; sometimes we didn't. But, yeah, it was just - him just monitoring me.

15 **MS DAVIDSON:** And when you say you would give that information to Deb Wilson, was that information that you would report using the intranet form or (crosstalk) -

20 **MS BERRY:** No. It was easier over the phone, "I've just seen inmate such and such, such and such, such and such walking back and forth to the phone five times today together." You know, then they would - she would say, "Okay. Leave it with me." She'd go and have - review the phone calls and hear they were organising maybe a drop over the fence line. We'd go see the fence line. Or an inmate may have something on them. We'd go search the inmate. It was that sort of stuff. It
25 was - it was your basic intel stuff.

MS DAVIDSON: Right. So intel within the gaol, you (crosstalk) -

30 **MS BERRY:** Yeah. Local intelligence.

MS DAVIDSON: - informally (crosstalk) -

MS BERRY: Local intelligence, yeah.

35 **MS DAVIDSON:** Can you turn to paragraph 38 of your statement. You say there - you refer there to Shari Martin picking and choosing what to send to Professional Standards. How is it that you came to know that Shari Martin was picking and choosing what to send to Professional Standards?

40 **MS BERRY:** Okay. Because in 2018, Dolly arrived at the Dillwynia Correctional Centre. Jean Dolly and I became friends. She was terrorised by Wes Giles. And because I was friends with her, I was also terrorised by Wes Giles. She put numerous complaints in. I knew of another lady that carried an actual book with her, Tracy Iversen, and she would write everything that Wes did against her.
45 I myself have kept notes on what Wes has done to me. Reports would get submitted by - Dolly was very vocal, as we heard, and she seemed to be the only one getting in trouble. Her increments stopped, deferred that many times, PSBs -

MS DAVIDSON: So is it the case that you don't actually know yourself whether or not Shari Martin was picking and choosing what to send to Professional Standards (crosstalk) -

5

MS BERRY: It appeared that - it appeared that she was not dealing with anything that had to do with Wes Giles.

MS DAVIDSON: All right. So that was your understanding from Officer Dolly's experience in relation to Mr Giles?

10

MS BERRY: Yes. And - yeah. And a few other officers that would complain. Actually, I'm going to put a few female other officers that would complain.

MS DAVIDSON: Right. And were they complaints about matters that you understood plainly should have gone to Professional Standards?

15

MS BERRY: He's a bully.

MS DAVIDSON: I'm sorry. Again, where we're talking about "he", are we now talking about Mr Giles?

20

MS BERRY: Wes Giles - Wes Giles is a bully. Yeah.

MS DAVIDSON: I see. So this was other incidents in relation to Mr Giles' conduct; is that right?

25

MS BERRY: Yes. Yes.

MS DAVIDSON: Can you turn to paragraph 42 of your statement. You're referring there to the relationship between Shari Martin and Leanne O'Toole.

30

MS BERRY: Yes.

MS DAVIDSON: Can you describe for the Commission what you understood about the nature of that relationship?

35

MS BERRY: It was a weird relationship. I had a lot to do with Leanne O'Toole, being reception. She had to sign my section 24 movement orders every day. And sometimes I'd go in there and Shari would be sitting on the couch to the right of her. Shari just treated her - spoke to her terribly, like she was a piece of garbage. And Leanne would - Leanne had a habit of grunting at people. I know - I know it sounds terrible to say. I used to think she grunts like a pig. Just grunted at people all the time.

40

45

MS DAVIDSON: So Shari would speak badly to -

MS BERRY: Yeah, down to Leanne. Yeah, very - very - Shari spoke to everybody disgustingly. But I figured that being - they should have worked as a team together. Being the MoS and the general manager, they're supposed to be in sync. There was no in sync.

5

MS DAVIDSON: So you understood they didn't -

MS BERRY: No.

10 **MS DAVIDSON:** They weren't friends?

MS BERRY: No.

15 **MS DAVIDSON:** You refer to what was evident to all staff in terms of the relationship between Shari Martin and Leanne O'Toole. What, to your understanding, was it that was evident to all staff about their relationship?

20 **MS BERRY:** Shari wasn't backwards in coming forwards. She didn't care who she told off or humiliated. So if she had something to say to Leanne, she said it in front of everybody. There was no -

MS DAVIDSON: So do you mean like on parade or -

25 **MS BERRY:** Parade, walking around the compound, in her office. She had no respect for Leanne's rank.

MS DAVIDSON: And you could overhear that -

30 **MS BERRY:** Yes. Yeah.

MS DAVIDSON: - from where you were in reception?

35 **MS BERRY:** Like I said, constantly back and forth to that MoS office. With reception work - that was my job - to the pigeonhole. So, yes, I - I actually got to see a lot of the executive staff and their interactions with staff.

MS DAVIDSON: All right. You move on at paragraph 44 to the subject of intel licences.

40 **MS BERRY:** Yes.

MS DAVIDSON: And you refer there to Dillwynia having six -

45 **MS BERRY:** Yes.

MS DAVIDSON: - allocated. Is that your understanding based on - at the time or presently or you don't know?

MS BERRY: Okay. So after I finished in reception, I moved across to visits. After I moved from visits, I put a proposal together to - for the union to put forward to get a new position under the intel banner. It was SCO urinalysis and security.

MS DAVIDSON: We've heard some evidence of there now being not just one intel officer (crosstalk) person.

10 **MS BERRY:** Yep. Yeah. Well, I - that's -

MS DAVIDSON: That was your initiative?

15 **MS BERRY:** That was my initiative. I worked in conjunction with Governor Emma Smith at the time. I - I actually held that position for the first time. So I can tell you, there - having licences were - there's only a certain amount of licences allocated to each centre, depending on the size of the centre, the security of the centre.

20 **MS DAVIDSON:** And did you understand that to be because it was the people who were working in the intel function who were trusted with greater access to the intel system?

25 **MS BERRY:** You had to be trained, yes.

MS DAVIDSON: Right.

30 **MS BERRY:** So you had to have - you had to be a team to be trusted and have integrity.

MS DAVIDSON: And do you remember prior to you being - so back one step. Did you at some point have some formal training in intelligence in addition to the informal training that Mr Westlake -

35 **MS BERRY:** Yes, I did.

MS DAVIDSON: - had given you?

40 **MS BERRY:** Yes, At Brush Farm Academy, I had -

MS DAVIDSON: And when did that occur, do you remember?

MS BERRY: I couldn't tell you. It would have been after 2018. Yeah, I couldn't -

45 **MS DAVIDSON:** After Astill was arrested?

MS BERRY: Yes.

5 **MS DAVIDSON:** And do you remember whether prior to that, that is, prior to doing that training, you were required to submit any sort of application or go through any kind of selection process in terms of having that additional trusted access?

10 **MS BERRY:** From what I was told, I wasn't there. But I was told by Intelligence Officer Deb Wilson that Shari Martin came to her and said, "I need you to identify some Senior Correctional Officers who would be good for the intelligence." I was identified.

MS DAVIDSON: Right. So, that is, Deborah Wilson told you that at some earlier point, that you were (crosstalk) -

15 **MS BERRY:** Yeah. She said, "You've been identified." Dave Alessi had been identified, and James O'Dare had been identified.

20 **MS DAVIDSON:** All right. But I'm asking you a question about subsequently when you did go off to do the training -

MS BERRY: Yeah.

25 **MS DAVIDSON:** - did you understand yourself as having to put forward any further information for any checks or -

MS BERRY: Oh, yes. Yes. Yes.

30 **MS DAVIDSON:** - extra security processes that the Department would go through -

MS BERRY: Yes. (Indistinct).

35 **MS DAVIDSON:** - if they were to make sure that you were suitable for that trusted access?

40 **MS BERRY:** Yeah. Yes. Yeah. There is actual - even now - when I was at Emu Plains, I had the access, being a standalone manager. When I moved to Dillwynia, I've got to apply for that access to be moved. It's always applying and - they're always upgrading it and checking it. It gets vetted all the time, yes.

MS DAVIDSON: And do you know who did that vetting process?

MS BERRY: I believe CIG does it.

45 **MS DAVIDSON:** I see. And so do you understand that for Astill - is it right that at one point Astill had - you understand Astill had one of these six assigned licences?

MS BERRY: Yes.

MS DAVIDSON: And that he would have had to go through a vetting process -
5

MS BERRY: Yes.

MS DAVIDSON: - in order to -

10 **MS BERRY:** Yes.

MS DAVIDSON: - get that assigned to him?

MS BERRY: Yes.

15

MS DAVIDSON: Right.

MS BERRY: It was concerning.

20 **MS DAVIDSON:** You've referred to, in paragraph 45, people who have an IIS
licence being able to effectively check the system.

MS BERRY: Yes.

25 **MS DAVIDSON:** Was that a function that they were only able to perform when
they were acting as Intelligence Officer?

MS BERRY: No. We called it the grid. So when a CR, IR or IN are submitted at
local level - and it's generated through local level -

30

MS DAVIDSON: Right. So I'll just stop you there. This is an information note,
communication report or -

MS BERRY: Yeah. And intelligence report.

35

MS DAVIDSON: Or an intelligence report.

MS BERRY: Is submitted. Anyone that carries that licence is able to view it at
any time on any computer in any location on any day.

40

MS DAVIDSON: Right. So it wasn't - although you described the process of
needing to move access from centres, once you were working at a centre and
had - that is, needed to move your licence over when you changed centre.

45 **MS BERRY:** Yes.

MS DAVIDSON: Otherwise, when you were within that centre, even if you weren't on that day acting as the Intelligence Officer, you would be able to have access to that system?

5 **MS BERRY:** Yes. Yep.

MS DAVIDSON: And did that enable you to see SIU material?

MS BERRY: SIU - no.

10

MS DAVIDSON: Right.

MS BERRY: Anything SIU, we do not see. It goes out, which is another poor process.

15

MS DAVIDSON: And is it also your understanding that the SIU material didn't generate any receipt for the officer who was submitting it?

20

MS BERRY: No. No. I - I confidently can say I've submitted four SIU reports in regards to this matter. I have confirmation of three. I haven't seen my original one. I do believe that we should be issued a receipt, and I do believe we should have something like the Taxation Department has when you lodge your tax - the actual process it's going through, that it's actually being - it's been received, it's been reviewed, it's been escalated, it's been - sometimes they're put (indistinct) CIG analysis, whatever. It just - it's literally a dead end; you just hear nothing.

25

MS DAVIDSON: Right. That is, something of a trail in terms of - is what you think would be appropriate (crosstalk) -

30

MS BERRY: 100 per cent.

MS DAVIDSON: - an SIU report?

MS BERRY: 100 per cent.

35

MS DAVIDSON: Can you turn to paragraph 47. You say there that you asked for training from Officer Westlake.

MS BERRY: Yeah.

40

MS DAVIDSON: That's the intel training. Was there something in particular that prompted you to ask for that training?

45

MS BERRY: Like I said, it was a boring day in medium needs and he started training me. I'm always proactive in my learning. I had to go learn reception in my own time. I stayed back after work with permission from the boss. I was always trying to learn stuff and, I suppose, make my time a lot easier at Dillwynia,

because I was coping a really hard time. So I just made myself busy with other things.

5 **MS DAVIDSON:** Can you have a look at paragraphs 50 and 51. You give some answers there in relation to a process that you and Judy Barry completed in 2017 or 2018, seemingly in relation to the OIMS system -

MS BERRY: Yes.

10 **MS DAVIDSON:** - and that that process, you indicate, enables you to say that other things at the time in Dillwynia were being reported correctly; for example, assaults, sexual harassments and all drug use? Firstly, can you describe what was the process that you were performing with Judy Barry and, secondly - well, do that first.

15 **MS BERRY:** Okay. So 2017 we were tasked with doing the risk assessments for the benchmarking. So that was looking at positions in the gaol that needed to be removed or added. So what it was, Chief Barry and my job was to prove why we needed to keep positions. We had to do this assessment. So it was broken down in
20 each areas of the gaol. It was a big job, we were tasked with a very big job. We were taken offline for several months to do it.

MS DAVIDSON: When you say "taken offline", that is you were taken out of working -

25 **MS BERRY:** Yes. Yeah, we were actually based down in the Governor's office, yeah, out the back of admin. And we constantly worked on the risk assessments, had to prove the risk and to prove - and to justify what we could keep and not keep. I went through and, because I'm not very tech savvy so I pulled up every
30 IRM for the period that Shari dictated that she picked.

MS DAVIDSON: That's an Incident Reporting Module?

35 **MS BERRY:** Yep. Yep. And under each category. So there was health, there was assaults, there was contraband. There was all different things so we could basically do data sheets and we made graphs and we were able to determine if
40 there was high risk and low risk and stuff. Jude predominantly did the risk assessments. I gathered the data, read the IRMs. So I could see by reading these IRMs, we had a serious assault on an inmate by another inmate, sexual assault,
45 that was quite serious, that actually made the living unit that they were in from 40 out down to a 20 out. So there was a good result come out of that. There was a lot of contraband, a lot of fights, a lot of assaults, staff assaults. So no one can tell me that no one knew how to actually report and do things correctly. It just seems that if it involved Wayne Astill that everyone got a mind blank or struggled.

MS DAVIDSON: Right. So do I understand you correctly to say because you reviewed all of these -

MS BERRY: Yeah.

MS DAVIDSON: - IRMs you understood that there was a skilled base -

5

MS BERRY: Yes.

MS DAVIDSON: - amongst the staff at the centre -

10 **MS BERRY:** 100 per cent.

MS DAVIDSON: - in relation to reporting things like assaults on inmates.

MS BERRY: Yes.

15

MS DAVIDSON: You refer at paragraph 50 to sexual harassment. Do you remember whether sexual harassment was something you specifically looked for when you were going through the categories?

20 **MS BERRY:** What it was, there should have sexual harassment. What I actually was meaning by that was the assault on the inmate, because it was a serious sexual assault, it was very bad.

MS DAVIDSON: That is an inmate assaulting another inmate?

25

MS BERRY: Yes. For sexually assaulting that inmate, yes.

MS DAVIDSON: Do you recall in the course of that reporting, or information gathering exercise reviewing any information or reports about sexual harassment or assault of inmates by officers?

30

MS BERRY: No. No.

MS DAVIDSON: Was that something that surprised you at the time?

35

MS BERRY: No. No.

MS DAVIDSON: That is -

40 **MS BERRY:** It was an overwhelming job. I was actually impressed that we had all that as it was. And I remember an officer - I don't believe that we didn't actually - that would have a category. I'm not sure. I'd have to check on that one. I would have (crosstalk)

45 **MS DAVIDSON:** So is that something that might not have come up (crosstalk).

MS BERRY: Yeah. Usually when you have staff that have done something wrong, especially towards an inmate, it's dealt with, with discretion. So I don't - and an IRM could be seen by everything.

5 **MS DAVIDSON:** When you say it's dealt with by discretion -

MS BERRY: Yeah.

10 **MS DAVIDSON:** - you mean to try to keep it confidential from other staff?

MS BERRY: Yes, just so it can be dealt with properly. (Indistinct) so it can be dealt with properly.

15 **MS DAVIDSON:** Commissioner, I note the time. There is a bit to go with this -

COMMISSIONER: Very well. We will take lunch.

<THE HEARING ADJOURNED AT 1.01 PM

20 <THE HEARING RESUMED AT 2.01 PM

COMMISSIONER: It seems we've lost Mr Sheller, have we?

25 **MS DAVIDSON:** I think we have. He can't be found, as I understand it. Commissioner, would you like me to continue or do you wish to wait?

COMMISSIONER: I think we'll continue and see what happens.

30 **MS DAVIDSON:** I'm sure that he'll be here presently. Ms Berry, could I ask you to go to paragraph 56 of your Commission statement.

MS BERRY: Yes.

35 **MS DAVIDSON:** You're discussing there an instance after Astill's arrest when you spoke to then Assistant Commissioner Kevin Corcoran in relation to reporting. You asked a question that you recount there. Can you tell us what you remember of your question and his answer?

40 **MS BERRY:** Okay. Mr Corcoran came out to the centre - I think he was doing the rounds of the centres, talking about new initiatives and stuff in the centres. It was towards the end of the session, and I raised my hand, which I normally don't do in staff meetings or anything like that. I'm quiet. And I just said straight out, "Sir, what do we do when we can't report to a Governor or a Manager of Security? Is there somewhere outside we can report to?"

45 **MS DAVIDSON:** Did you mention reporting in relation to what?

MS BERRY: No, because all the staff were in there. So he looked at me. He looked confused. He looked - he - yeah, I think he looked shocked. I probably didn't expect him to answer at that moment, but I would have liked him to later on pull me aside and say, "What was that about?"

5

MS DAVIDSON: Right. And that didn't occur at that time?

MS BERRY: That did not occur until the day after I did my ministry - Inquiry statement. I think it was 19 September. He attended Dillwynia Correctional Centre again where he - he offered myself and Judy Barry a one-on-one meeting with him. And Dr Anne-Marie Martin, I believe Director Emma Smith was there, Acting Governor Mark Dean and Dave Bartlett. I addressed him again. I said, "I asked you a question back in 2020, and you ignored me. I'm going to - can I ask you that question again?" And he said, "Yes." And I did.

10
15

And firstly he apologised (indistinct) answering it back in 2020. And then he said - actually, before he could even say his response, Director Emma Smith jumped in and said, "You can report to the director." And then he turned around and said, "You can report to all my senior management. You should be able to report to all of us, including myself." And I did say to him, "Well, sir, if I'm ever unfortunate to be in this situation again, I'll either be knocking on your doorstep with what I've got or you will be getting a phone call from the police station to attend."

20

MS DAVIDSON: Just in relation to your initial question, "What can we do when we can't report?", can you explain what it was that you felt you couldn't report to your Governor or Manager of Security?

25

MS BERRY: You couldn't report anything to do with Wayne Astill to the Governor or Manager of Security.

30

MS DAVIDSON: So it was anything to do with Wayne Astill?

MS BERRY: Anything to do with Wayne Astill, Wes Giles - any of the boys.

35

MS DAVIDSON: And why was that?

MS BERRY: Because they were Shari's boys and Leanne's boys. They were untouchable.

40

MS DAVIDSON: Can you have a look at paragraph 60 of your statement.

MS BERRY: Yeah.

MS DAVIDSON: At the bottom of the page there, you're referring to -

45

COMMISSIONER: Sorry, Ms Davidson. Can I go back a second. Ms Berry, did Mr Corcoran give you any indication that he knew why you weren't able or didn't feel able to report?

5 **MS BERRY:** In the first question time? No, he didn't (crosstalk).

COMMISSIONER: What about the second time? Did he -

MS BERRY: The second - oh, yes.

10

COMMISSIONER: Did he indicate he understood why you hadn't been able to report?

15 **MS BERRY:** Yes, I told him straight out. I told him we had a Governor that would stand there and call her staff on parade c-u-n-t-s. Like -

COMMISSIONER: Don't worry about the language. We've heard it all.

20 **MS BERRY:** Okay. So she would address her staff as cunts. I said to him - he did say, "That was never reported to me." We just didn't have the ability, and he knew that. We - Chief Barry have been very, very clear to the Commissioner, to the two Deputy Commissioners, to any AC that will listen to us, any directors. We have actually - after he was sentenced, I've actually emailed the directors asking for the executive team to be investigated on behalf of Jude Barry and myself. So
25 we've - we've pushed it, sir.

MS DAVIDSON: You see the bottom of page 11 -

30 **MS BERRY:** Yes.

MS DAVIDSON: - you're referring there to the question of missing SIU reports -

MS BERRY: Yes.

35 **MS DAVIDSON:** - and to a rumour in relation to the management of SIU reports from Wayne Astill by Michael Hovey.

MS BERRY: Yes.

40 **MS DAVIDSON:** Can you tell me what that rumour was?

MS BERRY: Okay. When I was approached in July 2019 when - after Mr Astill was arrested, I was approached by Leading Detective Michael Cambridge and Acting Director Paul Coyne. And they asked me -
45

MS DAVIDSON: 2019?

MS BERRY: 2019. Yep. July 2019. It was early. Mr Cambridge to said me - his exact words were, "Are you willing to give a statement? We have your reports." So I took that as my SIU reports. When I sat with Andrew Tesoriero, the detective, for three days, he said, "We're going to need a copy of those SIU reports." I've
5 emailed. (Indistinct) find some, not find some. I know I've submitted a minimum of four. I've been able to get my hands on three, but I know there's still one missing. I did speak to Director Emma Smith about it. She encouraged me to contact, at that time, Michael Hovey.

10 **MS DAVIDSON:** He was the director of investigations (crosstalk) -

MS BERRY: He was the director of the Security Investigations Unit. He didn't respond back to me, but he put me on to a Sarah - another staff member of the Security Investigations Unit. She was able to give me two extracts of two of them.
15 Then I spoke to Stephen Virgo, and I said, "I've heard a rumour from another staff member that Michael Hovey's been stood down because the SIU reports in regards to Wayne - they've gone missing."

MS DAVIDSON: Right. And which was the staff member you'd heard that
20 rumour from?

MS BERRY: Belinda Gurney.

MS DAVIDSON: Is that another staff member at Dillwynia?
25

MS BERRY: She was a part of the support team - group that the Commissioner had sent around to help support - from the date he was arrested to the date he was sentenced, the Department offered no support for the team, okay? We - I think they sent somebody in the day after the first person gave evidence, which was
30 Jude Barry. But it was too late by then. So in the meantime, they sent - made up the support group. Belinda Gurney has been very proactive. Like, she rang me a couple times, come out and saw us. We've - I think it was Michelle Young and another Lucy - somebody else. But there's been nothing else since. So - yeah. And I said to her in my support meeting with her, "Apparently my SIU reports have
35 gone missing." She goes, "Yes. Apparently those reports are missing."

MS DAVIDSON: Right. And it was she who suggested to you, was it, that Mr Hovey had been stood down in relation to the missing reports?

40 **MS BERRY:** No, I can't remember how I heard that. I just know I went to - I was furious. I was absolutely furious. I went to Steve Virgo who - he's - he's my mentor. He's taught me my intelligence career. And I said to him, "Is it true?" And he said, "Yes." And I said, "How do I - how do I have faith in the system? I thought I was doing the right thing by SIUing. I thought I would be safe. The
45 inmates that I - the inmate that I disclosed on there, she wasn't safe. You know, what have we got? What are we left with? And he goes, "No, you have to trust in

the - in the Security Investigation Unit. It's all been restructured. It's all better now." And I said to him, "Not until my reports are found."

5 **MS DAVIDSON:** So looking at the reports that you've listed at paragraph 61 that you believe you completed four SIU reports in total, which is the one that you believe is still missing?

10 **MS BERRY:** I have a copy of the police photo. I have a copy of the contrabands. I have a copy of Tania Hockey using an alias to bad-mouth the Department. But I am missing a copy of an inmate that's not on this list in regards to her identification, which was done in 2017.

15 **MS DAVIDSON:** So that was the incident that you were referring to in your answer earlier, was it, where Astill was -

MS BERRY: An assault, yeah.

MS DAVIDSON: - agitating for the inmate to be able to have access to her own -

20 **MS BERRY:** It was beyond advocating. Yep. Yep.

MS DAVIDSON: And that was in 2017, that report that you're referring to (crosstalk) -

25 **MS BERRY:** Well, that's the incident - yeah.

MS DAVIDSON: - there?

30 **MS BERRY:** That incident occurred in 2017. So I can't tell you exactly how quick I did that -

MS DAVIDSON: Right.

35 **MS BERRY:** - but I know the other three I actioned on the date of the incidences.

40 **MS DAVIDSON:** If you go to paragraph 81 in your statement. You're referring that inmates are being called during lunchtime muster. We've heard some evidence in relation to Witness N frequently being in Astill's office. You say there that it happened with other inmates too. Do you recall any particular other inmates in relation to which -

MS BERRY: Okay.

45 **MS DAVIDSON:** - they were regularly called for and Astill would say, "She's with me"?

MS BERRY: Okay. So the - where the reception was, I had no - I could not hear the PA system. So everything I heard was across the Motorola people or officers -

MS DAVIDSON: The radio?

5

MS BERRY: Yep. Motorola.

MS DAVIDSON: Right.

10 **MS BERRY:** The most common one I heard was Witness N on a regular basis. I couldn't tell you the other names, but it just felt like every lunchtime or every second lunchtime he had somebody up there. But the most predominant one was Witness N.

15 **MS DAVIDSON:** When you say -

MS BERRY: It became a joke, actually, because staff would actually respond back to him and go, "Of course you do," or, "Yeah, where else would she be?" Like, this was staff replying to it. And there's no point me reporting it because
20 I can tell you now the Governor, the MoS and every executive staff member carried a radio and heard the same transmissions.

MS DAVIDSON: So when you say it became a running joke -

25 **MS BERRY:** Yeah.

MS DAVIDSON: - do you mean those responses on the radio within the gaol?

MS BERRY: Yeah. Yeah.

30

MS DAVIDSON: Do you remember there being discussion amongst officers in relation to the frequency with which -

MS BERRY: I was isolated. I was down in reception. So unless something come
35 across my desk or my path, I dealt with it. The rest of the stuff I heard through either Jean Dolly, Jude Barry, Grant Riddle or Pam Hotham. So I didn't have a lot of interaction out there.

40 **MS DAVIDSON:** Right. And do you know whether it was a running joke amongst inmates?

MS BERRY: I couldn't tell you.

45 **MS DAVIDSON:** Right. You say at paragraph 83 that when Astill called an inmate, you would pay attention. Are you referring there to calling an inmate over the PA system?

MS BERRY: No, over the Motorola.

MS DAVIDSON: Right. So he would call over the radio as well?

5 **MS BERRY:** He would call - yeah. Yeah. "Anyone know their whereabouts?"
Yeah, he was always trying to locate people. Or - at lunchtime was when our
section 24s would come back into the gaol from the morning ones. So I'd have
to - I would take the inmate over to clinic to be checked, to be cleared, and you'd
see him working around trying to find inmates.

10

MS DAVIDSON: You say you would pay attention. Why was it that you were
paying attention in relation to (crosstalk) inmate?

15 **MS BERRY:** Because of what I was - because of what I was hearing from my
fellow staff members.

MS DAVIDSON: In terms of what?

20 **MS BERRY:** That he was having too much interest with inmates, having - calling
them all the time, always being a pest or -

MS DAVIDSON: Did you think that other people were paying attention when he
was calling for them repeatedly?

25 **MS BERRY:** The whole gaol was paying attention, and anyone that says they
weren't, is a liar.

MS DAVIDSON: When you say the whole gaol was paying attention, you mean
other officers (crosstalk) -

30

MS BERRY: I'm talking uniformed, non-uniformed, anybody that was working
there that had a Motorola or could hear the PA system, because it's an open
compound, would hear.

35 **MS DAVIDSON:** We've heard some evidence in relation to, "Well, there were
things coming over the PA all the time. People were being called all the time."

MS BERRY: Yeah.

40 **MS DAVIDSON:** Is it your evidence that you were paying particular attention
because of what you'd heard from Jude Barry and others about Astill consistently
wanting to be in contact with particular inmates? Were you aware of other officers
paying that sort of attention, repeated -

45 **MS BERRY:** No, I just think that when you hear Witness N's name on a regular
basis, you pay attention. That's - we have to pay attention to the radio. It's
a security - security - our form of security. So when you hear that name constantly,

you are going to pay attention. And when you hear his voice, when you hear him whistle, when you see him walking near, you pay attention.

5 **MS DAVIDSON:** And you were paying attention because of what he was doing to you at the same time?

MS BERRY: He was - he was, yeah, terrorising myself and Jude Barry, yes.

10 **MS DAVIDSON:** Did that give you at the time concern in relation to what might be happening to Witness N?

MS BERRY: No.

15 **MS DAVIDSON:** No?

MS BERRY: No.

MS DAVIDSON: Notwithstanding that he was calling for her repeatedly?

20 **MS BERRY:** No.

MS DAVIDSON: You realised it was a -

25 **MS BERRY:** The nature of Witness N - she - she loved to assist officers all the time. She was always wanting to go to their - you know, clean their offices and stuff. I had heard the rumours about the contraband. That's -

MS DAVIDSON: Contraband coming to her?

30 **MS BERRY:** No, I didn't hear that until - I believe it was August 2018, about the actual inmate telling me it was going to her. But Witness N is an inmate that you pay attention to because she is problematic.

35 **MS DAVIDSON:** But it didn't - am I right in thinking, at the time, it didn't prompt you (crosstalk) -

MS BERRY: I was probably paying more attention to him than - than the inmates, yeah.

40 **MS DAVIDSON:** All right. But in terms of what might be occurring between him and her, did that -

MS BERRY: No.

45 **MS DAVIDSON:** - cause you to wonder?

MS BERRY: No.

MS DAVIDSON: Do you think it should have?

MS BERRY: Like everybody else should have.

5

MS DAVIDSON: If you go to paragraph 95. You're describing here - (indistinct) just go to 94. This is the ring incident in -

MS BERRY: Yes.

10

MS DAVIDSON: - February 2016.

MS BERRY: Yes.

15 **MS DAVIDSON:** You've described in paragraph 94 a conversation that you had with Tania Hockey. Was that in the immediate aftermath of the incident, do you remember?

MS BERRY: Yes, it was.

20

MS DAVIDSON: So can you describe as much as you can in terms of your memory of who said what in your conversation.

MS BERRY: You just want the conversation -

25

MS DAVIDSON: Yes.

MS BERRY: - or you want the scenario of what happened?

30 **MS DAVIDSON:** No, the conversation you had with Ms Hockey.

MS BERRY: Okay. So it was clear to me that Tania had actually gone out to get Mr Astill to come attend visits.

35 **MS DAVIDSON:** Yes.

MS BERRY: When Principal Hotham and Chief Barry had removed the inmate from the area, I remained there. I was shaken up. After what I'd just been through, I was, yeah, pretty shaken up. Tania Hockey returned to the visits area because that's where she was working. That's where she was posted for the day.

40

MS DAVIDSON: Right.

MS BERRY: And it was in our little kitchenette area. And Tania and I have been friends before Wayne Astill turned up to the gaol. Everyone loved Tania. She was a loveable person. Unfortunately, because of him, they don't. And I said to her, "What's his problem?" And she turned around and said, "He's just upset because

45

I told him off this morning because inmate that's on the list when she was leaving told me that all the new inmates are talking about him getting blow jobs off inmate C." I said, "What's that got to do with, like, him treating me like that? It's disgusting." And I walked out.

5

MS DAVIDSON: That was the end of the conversation?

MS BERRY: Between us two, yes.

10 **MS DAVIDSON:** And in terms of what she'd said to you about she'd been telling him off about the rumour -

MS BERRY: Yeah.

15 **MS DAVIDSON:** - receiving blow jobs from inmate C -

MS BERRY: Yeah.

MS DAVIDSON: - is that something you'd heard before?

20

MS BERRY: No. Literally, 13 February 2016 - because I must have been an absolute mushroom - was the first day that I heard - heard anything to do with anything of Wayne Astill's behaviour. But I learnt very quick and fast, through Shari and Leanne.

25

MS DAVIDSON: So you go on to say that after speaking with Ms Hockey, you approached Officer Riddle, and Chief Barry and Principal Hotham were also there. Was that a conversation that also occurred in the kitchenette?

30

MS BERRY: No. So what happened was I left the visits area, like I said. I went over to the admin area. I was still shaking. I was upset that he'd spoken to Jacinta Curtin and myself like that, that the inmate and him had spoken to us like that. I went over - Grant Riddle was on a day off. He'd been working at one of the offices there, putting a report together. It was actually out the front of the lunch room, near the pigeonholes. There was - it was Grant Riddle here. There was Hotham and there was Barry. And Grant said to me, "You all right?" And I said, "No." And I told him what had happened in - him what had happened in visits, and he turned around and looked at Hotham and Barry and said, "This Witness C stuff has to stop." Oh, sorry.

40

MS DAVIDSON: Yes.

MS BERRY: Okay.

45

MS DAVIDSON: Use "Witness C" if possible, please.

MS BERRY: I'll try my best. Then all I heard from them - them three was the mention of the Coke can and that he seems a bit too close to her. Hotham and Barry left. And then I had a private conversation with Mr Riddle about it.

5 **MS DAVIDSON:** Right. And did Mr Riddle at that point in that subsequent conversation you had with him tell you other things that he'd had heard about Astill's behaviour?

10 **MS BERRY:** No. No. I told him something that I had seen, that - it was like the penny just dropped for me. I thought, "Hang on a minute. I saw something strange as well."

15 **MS DAVIDSON:** So this was the incident in reception that you refer to at paragraph 97; is that right?

MS BERRY: Yeah. I think that was 2015, yeah. Yeah.

MS DAVIDSON: And so in terms of what occurred -

20 **MS BERRY:** Was that 97, did you say?

MS DAVIDSON: I think that's where you're describing the incident.

25 **MS BERRY:** Yeah.

MS DAVIDSON: So in terms of what was said by Officer Riddle while Chief Barry and Principal Hotham were there, there was a reference to the sharing of the Coke can.

30 **MS BERRY:** Yep.

MS DAVIDSON: Can you have a look at paragraph 96. You say there that he also mentioned Astill was known to go into the units after hours.

35 **MS BERRY:** No, I didn't hear that until I went into Shari's office when she accused me of saying it.

MS DAVIDSON: Okay. So this is -

40 **MS BERRY:** So I must be mistaken -

MS DAVIDSON: This is a mistaken recollection, is it?

45 **MS BERRY:** Yeah. Yeah. Because that -

MS DAVIDSON: This is your statement, so I'm just trying to get clear the sequence of what occurred.

MS BERRY: Yeah. Yeah. I can tell you - because they - they're the ones - I - when I walked into that office on the Monday morning and had a meeting with Shari and Leanne, I knew about the Coke can, I knew about the ring and that he'd been close. By the time I walked out of there, they had accused me of everything else that the rest of the gaol was talking about. And I knew nothing, but they filled me in very quickly.

MS DAVIDSON: All right. So this is the meeting with Shari Martin that you referred to at paragraphs 99 and 100; is that right?

MS BERRY: Yes.

MS DAVIDSON: Meeting on the Monday?

MS BERRY: Yes.

MS DAVIDSON: So you say they were accusing you -

MS BERRY: I - I was brought into the office. I was radioed down. I came into the room. I wasn't offered a support person or anything. I had Shari -

MS DAVIDSON: What did you understand the meeting to be about? Or you just (crosstalk) -

MS BERRY: I had no idea. When the Governor calls you, you just come.

MS DAVIDSON: Right.

MS BERRY: So when I went down there - I - I thought in my head it may be about the incident that happened on the weekend and how I'd been badly treated by Wayne Astill. I probably hoped that's what it was going to be about, in my favour, not against me.

MS DAVIDSON: Yes.

MS BERRY: I've walked in. Shari is sitting at the desk. Leanne is sitting directly behind her with her arms folded. And Shari started off and said, "Ms O'Toole is here, but she won't be talking because you've accused her that she won't do anything because she holidays with Mr Astill." And it just went downhill from there.

MS DAVIDSON: Had you accused her of that?

MS BERRY: Hadn't - hadn't even heard it. Like I said, I walked out - I - up until two days earlier, I was like a mushroom in that gaol. I didn't know what was going on. By the time I walked out of that office, those - well, not those two because

Leanne sat there and said nothing. But Shari brought me very up - quickly up to speed.

MS DAVIDSON: All right. So how was it that Shari brought you up to speed?

5

MS BERRY: Okay. She addressed the ring situation. I remember her saying to me, "Was every other inmate targeted?" Like, she abused me, telling me off because the Chief and the staff had done their job. The ring that was - that was found on the inmate, I want to make it clear as well, it wasn't a normal flat women's wedding band. It was a large men's - old-school chunky men's ring. So besides the fact it was - the value was too high and - actually if she assaulted another inmate, it could actually cause some damage.

10

So I thought she'd be talking to me about that. I didn't. I got told off for that. I got told - I had the right of reply. I told her how aggressive he was, how aggressive the inmate was to us, walked through. And then she turned around and said - and I said - and she said, "Why was he so angry with you?" And I said, "Well" - and I told her the conversation I'd with Tania Hockey, when I asked her, "Why was he so angry?" And I told her that Tania said that an inmate had told her that he was getting blow jobs off Witness C. She turned around and looked at Leanne O'Toole and just nodded. She turned back around and said to me, "You need to stop all these rumours, him going into units and bringing" - something about bread, bringing bread in. All that stuff - like, accused me of the stuff. And I'm like -

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20

MS DAVIDSON: She was telling you what the rumours were that you needed to stop; is that right?

MS BERRY: I was - yep. And she said, "If you keep going, I'm going to get your rank taken off you. You're going to have no job." As soon as she said that, I'm just thinking of my six children. And like I said, just - it was - it was bastardisation.

30

MS DAVIDSON: There's some water there if you need to take -

MS BERRY: That's fine. So after she finished berating me and - and threatening me about my job and basically telling me to shut up about Wayne Astill, I walked out of that - she told me to get out. She didn't tell me (indistinct) she didn't tell me to get the fuck out. She just told me, "Get out." I did. I remember walking back to reception. I remember hearing on the Motorola again, "Chief Barry to the Governor's office." And then I thought, "Hang on a minute. They're trying to work out which one is the one that knows this stuff." And they thought it was - and as you can see what - the dealings here have had, Barry and Berry keep getting mixed up (crosstalk).

35

40

MS DAVIDSON: And that happened at the gaol as well?

45

MS BERRY: Yeah. Yes. And they - but what it did was it brought - Jude - Jude actually come and saw me, because Jude had heard the radio call for me prior.

After she come down, she was in tears. And - and that's where we looked after each other for the rest of the time and made a promise to each other that we will finish this to the end where the executive team will have to answer for enabling him to do what he did.

5

MS DAVIDSON: Now, am I right in thinking you knew how to make an SIU report at this time?

MS JOHNSON: What was it, sorry?

10

MS DAVIDSON: You knew how to make an SIU report by this time, that is -

MS BERRY: Yeah, I did.

15

MS DAVIDSON: - 2016?

MS BERRY: I did.

20

MS DAVIDSON: Do you remember whether you considered doing that in relation to the meeting that you'd had with -

MS BERRY: No, because - firstly, I was petrified. I was absolutely -

25

MS DAVIDSON: Petrified of Shari Martin as well?

30

MS BERRY: 100 per cent. 100 per cent. Her and Leanne were - were demons. And I was by myself. If I had a support person like every other meeting that you're actually entitled to bring a support person with you in a situation like that, I would have been able to put it as my word against theirs. I was petrified. And I'm a mother of six children. My job's important. I just got remarried. I had to re-establish my life. It was quite - yeah.

MS DAVIDSON: Can you have a look at paragraph 102.

35

MS BERRY: What was that, sorry?

MS DAVIDSON: 102. You say that you walked out knowing more than when you walked in.

40

MS BERRY: Yes.

MS DAVIDSON:

45

"I felt stupid. I thought, 'Where have I been? How has all this been happening and I didn't know?'"

Do you know what you meant by "how has" - what is the "all this" that you're referring to there?

5 **MS BERRY:** All - all this stuff she accused me of talking about, him going into units - like, contraband - I assume that's what she meant by the bread and stuff. Yeah, I tell a Governor and MoS that inmates are talking about him having oral sex with Witness C, and it - any other decent manager would have been shocked or, you know, asked more questions, would have gone, "Oh my God, what have we got here?" Just the turning around, looking at Leanne and nodding was like - to
10 me, it indicated, "We've got the wrong one. We've got the wrong officer." And I believe that's why Judy Barry was called down after me.

MS DAVIDSON: Did you assume that the other things you didn't know about beforehand in relation to Astill were true?
15

MS BERRY: I'm not going to lie. Astill come over in 2009 from Parklea Correctional Centre when it privatised. So did my husband and several other overseers and Correctional Officers. I was warned about Astill. I was warned -

20 **MS DAVIDSON:** In 2009?

MS BERRY: Yes. I was warned -

MS DAVIDSON: By whom?
25

MS BERRY: By my husband, who told me, "He's an arrogant man. He's a pig of a man. He's a chauvinist. Can't stand women." He was also very - not respected at Parklea, and it continued over to Dillwynia, because it was made very aware that he was having an affair with his wife's carer - his wife was dying, okay? And that
30 wasn't received well. Even though - and I - and I think people just tolerated it because we liked Tania. And then he came over there. He was arrogant. My first interaction with him, I'll never forget, he's sitting in the night senior's chair with his leg up - because he was always leaning and, like, bits like - and he turned around and spun the chair and said, "You've got a twin sister in the job." And I
35 said - he goes, "I've been told." I said, "Yes, I do." He goes, "What's her name?" I said, "Lucy Yeomans." He looked at me, and he goes, "Is she married to Paul Yeomans?" And I said, "Yeah." And he goes, "He's an arrogant fuck," in front of a whole office full of people, about my own family member. And I said to him,
40 "Can you not talk about my family that way?" So we got off on a bad start.

MS DAVIDSON: Right.

MS BERRY: So -

45 **MS DAVIDSON:** Just coming back to the question, which was about whether you - having learned in this meeting with Shari Martin in 2016 about those other rumours that she was suggesting that you were spreading, did you - do you

remember forming a view one way or the other about whether they were likely true in relation to him?

5 **MS BERRY:** I didn't really give it much thought. Look, if you tell a Governor and a MoS that you believe that there's ah - sexual conduct happening, it's their responsibility to chase that up. When nothing come of it, I just assumed that it had been dealt with and nothing - nothing was founded. I believe my suspicions came of him more heading into late 2017 when I kept coming across other unusual contraband, because that was my - my issues with him was - was property. And
10 then he arrives with two brand new - they had his and her matching BMWs, matching his and hers \$10,000 dogs each and I'm thinking, "Okay. What's going on here?"

15 **MS DAVIDSON:** Right. So am I understanding you correctly that at the time of the incident in 2016, you didn't assume that there was any foundation to the rumours or that otherwise that could have been dealt with by -

20 **MS BERRY:** Well, with the - I should it should have been dealt with. The behaviour between Witness C and Wayne Astill was - I've described it in, I think, both statements. It was - he defended her harder than my husband's ever defended me. It was a very - very close relationship. It was very strange. But he was a very strange man.

25 **MS DAVIDSON:** So you've then come to describe what you refer to as complaint 2 in January 2017, which relates to the ID - the name change.

MS BERRY: Yeah.

30 **MS DAVIDSON:** I just wanted to clarify some aspects of that. You meet with somebody you refer to as Governor McRae. That was an acting Governor; is that right?

MS BERRY: Yes.

35 **MS DAVIDSON:** Can you have a look at paragraph 111 where Governor McRae, you indicate (indistinct) long-term issues between yourself and Astill.

40 **MS BERRY:** Yes, I was informed by Philip Duncan that Wayne Astill had submitted a report on me stating that I was insubordinate and disrespected his rank.

MS DAVIDSON: So you'd been told that in that meeting; is that right?

45 **MS BERRY:** No, I actually got told that just in passing in the morning. She said, "Heads up, Wayne Astill - Wayne has submitted a report about you to the bosses that you've been insubordinate," because he was bragging to her about it and that I - I won't listen to his instructions -

MS DAVIDSON: Right.

5 **MS BERRY:** - and disrespect his rank, which I found strange because at that time we were the same rank.

MS DAVIDSON: You had the same rank.

10 **MS BERRY:** He was a substantive SCO and I was a substantive SCO.

MS DAVIDSON: Right. This is the time that he was acting as the Chief?

MS BERRY: Yeah.

15 **MS DAVIDSON:** Did you understand it to be about that? You say at paragraph 112 that after the meeting, you weren't ready to put him on paper by writing a report. We've heard some other evidence in relation to the term "putting an officer on paper", "putting someone on paper". Is that something that you understood officers shouldn't do in relation to other officers?

20 **MS BERRY:** No. I - no. And still to this day, I - I already assume that you've - if you've got corrupt behaviour, I'm going to put you on paper. I won't stand for it. I won't stand for bullying either. And I've already done it recently since this, for a lot higher ranking staff. But in regards to why I didn't put it on paper, because I was scared for my safety. Because that was the incident I thought he was going to hit me, and I didn't trust that he wouldn't actually hurt me.

25 **MS DAVIDSON:** Were you aware of being - and we've heard some evidence of older school officers talking about not putting another officer down on paper. Is that a term that was being used that you were aware of?

30 **MS BERRY:** That's a little bit of an old school mentality, but can I just say - and I heard it the other day. They referred to some dinosaurs. There are some dinosaurs that are very up to speed and with today's policies and procedures and very - they take on the new - the new ways of the centre. And there's some brand new ones that want to live off the old dinosaurs. It's the individual person on how they behave and how they react.

35 **MS DAVIDSON:** Right. So you say at paragraph 112 you weren't ready to put him on paper:

"...because that would have meant me being taken out of the gaol."

40 **MS BERRY:** Yes.

45 **MS DAVIDSON:** I'm just trying to understand why it is it would have been you being taken out of the gaol if you put him on paper.

MS BERRY: Because I believed if I had put him on paper for bullying and harassment, Leanne O'Toole and Shari Martin would have removed me and not him.

5

MS DAVIDSON: Right.

MS BERRY: And I felt I had to protect my reception area.

10 **MS DAVIDSON:** All right. And you say you felt it was unfair to palm this problem off to another SCO.

MS BERRY: Yeah.

15 **MS DAVIDSON:** Did that relate to -

MS BERRY: My reception.

MS DAVIDSON: Right.

20

MS BERRY: Reception - if I had left reception, then they would have put another SCO in and he would have tried to reach them. So why - why inflict that on somebody else?

25 **MS DAVIDSON:** The Inquiry has heard some evidence in relation to steps or discussions that you had with Mr Riddle about arrangements in reception -

COMMISSIONER: Just before we go to that.

30 **MS DAVIDSON:** Yes.

COMMISSIONER: Did Governor McRae give you any indication that knowledge that by that stage Ms Martin had been passed on about Astill's behaviour?

35

MS BERRY: No, you just - all Mr McRae told me was there was a report. He said, "I believe there's some issues between you two." I said to him, "Yes, it refers back to a ring incident a year earlier." He said - and he just said, "I'll have a talk with him." And I never heard anything back. I did email him for a meeting just to follow up, and I never heard back. And I think you've actually got that in evidence, the email.

40

COMMISSIONER: Right. So he didn't give you any indication that he was aware of the sexual allegations?

45

MS BERRY: No. No. No.

MS DAVIDSON: And in relation - just to be clear, in relation to Astill's relationship with the inmate whose identification -

MS BERRY: Yeah.

5

MS DAVIDSON: - is the subject of this incident, were you aware of - I think it's an inmate whose name is not included in the pseudonym list. Were you aware of anything in relation to - or anything in his relationship with that inmate that gave you cause for concern about there being something inappropriate about it?

10

MS BERRY: No, that was the only one incident that I saw, heard or had to deal with. But his behaviour, the way he challenged me, the way he threatened me and stuff, I think it was more about me than the actual inmate. I don't think he liked a female - and I was told that by Chief Kellett when she had a meeting with him about me. He doesn't like being told by a female what to do.

15

MS DAVIDSON: Did it remind you of the way that he had acted in relation to Witness C?

20

MS BERRY: Worse.

MS DAVIDSON: Worse. That is, worse in terms of his conduct towards you?

MS BERRY: I thought he was going to hit me. I didn't feel that with Witness C.

25

MS DAVIDSON: You - I was about to ask you - the Inquiry has heard some evidence in relation to steps or discussions that you had with Mr Riddle in relation to the reception area and steps that could or should be taken in relation to what Wayne Astill might be doing in there. Do you recall having any discussions with Mr Riddle about that?

30

MS BERRY: If that's in regard to Mr Riddle's evidence about the lock on the door, the lock on the door never got changed. It only got changed when - that reception area, when the new build came - came in, turned into the intel hub. So when the intel hub come about, an actual key padlock went on the door. The actual process that we had in place - to secure my - my stuff that I had - and it was literally photocopies of every report or anything that I dealt with in that drawer. Riddle had - I think it was three drawers. The bottom one, he had it padlocked. And he used to keep his coffee and tea in there because officers would steal it or knock it off, borrow it, whatever you want to call it. So he gave me his spare key. He had a key; I had a key. I popped my paperwork in the bottom.

40

MS DAVIDSON: Was that a measure that was taken because you were worried about Astill interfering with your -

45

MS BERRY: He was. He was constantly trying to interfere with reception. We would find canvas bags with the seals stretched. And then when the junior staff

would be doing their property audits, there would be stuff missing. Yeah. Every time - the actual reception area hasn't been explained 100 per cent correctly. The reception desk and everything is at the front. Where the property was at the back where the sweeper's table and that was, that was actually a thoroughfare. That was
5 actually a walk-through. So all staff would constantly be walking in and out of there all day. So we were constantly having to monitor the reception area, staff taking stuff, you know - because we had to count (indistinct) and stuff, taking property to give to inmates and making sure Astill didn't - well, basically, whatever he was arguing with me over property wasn't trying to steal back.

10 **MS DAVIDSON:** And did you find that extraordinary, that you were considering taking steps and measures -

MS BERRY: Ridiculous. Absolutely -

15 **MS DAVIDSON:** - in relation to another officer -

MS BERRY: Absolutely atrocious.

20 **MS DAVIDSON:** And is that something that - those measures that you were taking -

MS BERRY: I can tell you those measures - we came in - I had moved my stuff out. I didn't feel comfortable, it in there, because - locker room, because
25 sometimes you'd forget to put the padlocks on. So I moved that paperwork up to my own personal locker that's up near the front gate area. We came in, padlocks had been cut off. Now, the only way these padlocks could have been cut off is grabbing the bolt cutters from the gate and cutting them off.

30 **MS DAVIDSON:** So padlocks had been cut out of the drawers in reception.

MS BERRY: Yep.

MS DAVIDSON: Do you remember when that was?

35 **MS BERRY:** No, I don't. I - I just remember he was furious because that was his padlocks. I was just relieved my stuff wasn't in there.

MS DAVIDSON: Do you remember considering whether that was something that
40 you should report to SIU or via the SIU function?

MS BERRY: I had been submitting SIU - those reports had already been submitted to the Governor.

45 **MS DAVIDSON:** Sorry, those reports? That is, the incident -

MS BERRY: My - my property reports. Yep. That's what it was. It was about - everything was about property.

5 **MS DAVIDSON:** Right. But did you report the padlock-cutting incident to anybody?

MS BERRY: Only Grant and I knew about it.

10 **MS DAVIDSON:** Right. Did that strike you as something that was sufficiently extraordinary or out of the ordinary that it was something that should have been reported outside the gaol?

15 **MS BERRY:** For most - for most normal officers, that would have been. For Wayne Astill and his behaviour, it was just - that was just Wayne Astill.

MS DAVIDSON: Have you ever had to take that kind of action, that is, locking things away, in relation to any other officer's behaviour in the reception area?

20 **MS BERRY:** Yes, I have. But that is under the banner of intelligence (indistinct). So we have an actual safe. And that was - yeah, that was confidential. I had reports and stuff that would be going to the Governor, yeah.

25 **MS DAVIDSON:** But was that because were you worried about a particular officer interfering with them?

MS BERRY: No, that was just security measures that intelligence has.

MS DAVIDSON: Right. That was a general security measure -

30 **MS BERRY:** Yeah.

MS DAVIDSON: - but am I right in thinking you regarded this as a particular measure you were taking because of Astill's behaviour?

35 **MS BERRY:** Yeah. Because I used to keep them in my bag, and I think it was Grant that suggested to me to pop them in the drawer. Yeah. It's probably - looking back, yeah, it's probably - it was a measure you shouldn't have to do against another officer, but living in the situation and living in the mistreatment at the time, it was just the day to day. Every day you walked in there,
40 it was just some other issue you were dealing with. So on the scale of things, that was probably minor.

45 **MS DAVIDSON:** So if it recurred now, is that something that you would report via an intelligence function and via the SIU, for example?

MS BERRY: Yes. Yes. All - yes. And the Governor. The Governor doesn't listen, going to the director. Director doesn't listen, I'm going to Kevin Corcoran.

MS DAVIDSON: Can you go to paragraph 122. You're describing there what you refer to as complaint 4 in relation to Witness P.

5 **MS BERRY:** Yeah.

MS DAVIDSON: Did you understand anything about why Witness P was being targeted by Astill?

10 **MS BERRY:** Okay. So I'd heard through my four other officers, Barry,
Riddle - and I couldn't tell you which one it was, but a report had been submitted
on information that Witness P had given to the officer. I was informed the officer's
taking it - took it down to Leanne O'Toole, handed the report. Leanne O'Toole has
15 read it, with all the information from Witness P. This is what I've been informed
and saw - told, not what I saw. Apparently Leanne O'Toole said to her, "Give it to
the Intel Chief." The officer's looked over - because the officer was directly over
here. She said, "I can't. It's about him." And she said, "I'm directing you to give it
to him." And she did. And that inmate was mistreated from there onwards.

20 **MS DAVIDSON:** Right. So you believe that he was targeting Witness P because
he understood that an intel report - that she had provided intel -

MS BERRY: Yeah.

25 **MS DAVIDSON:** - to another officer in relation to him; is that right.

MS BERRY: Yeah, he was very vocal. He did the same thing with myself and
Judy Barry. He - to quote him, "That" - sorry, sir. "That cunt in the gate," referring
to me, "and her cunt mate, Barry, I'm going to take their houses and everything off
30 them if they don't stop running to the bosses about me."

MS DAVIDSON: Just sticking with Witness P and the incident -

MS BERRY: Yep.

35 **MS DAVIDSON:** - in relation her at the moment. Did you - well, this complaint,
as I understand it, is not one of the ones that you've listed in paragraph 61 as being
the four SIU complaints that you confidently recall making.

40 **MS BERRY:** Yep.

MS DAVIDSON: So at the end of paragraph 123, you refer to reporting this by
SIU. But do you have an actual memory of reporting anything in relation to
Witness P via SIU? Is it possible you recorded it in some other way?

45

MS BERRY: What number is that, sorry?

MS DAVIDSON: The targeting of Witness P.

5 **MS BERRY:** Witness P is in my contemporaneous notebook. If I didn't report it, I recorded it in my own contemporaneous notebook that we're issued from the academy.

MS DAVIDSON: Okay. But you weren't - well, I'm just trying to refresh your memory of it -

10 **MS BERRY:** Yeah. I - I'll be honest with you. I know I'm - I believe I submitted five, but I can confidently say four.

MS DAVIDSON: Okay. So this is the one that's the maybe; is that right?

15 **MS BERRY:** It could be. It could be the one. And I'd love to - and I've asked them to investigate it. I want my SIUs back, and I want to know actually what I reported.

20 **MS DAVIDSON:** I see. You talk in paragraph 122 about Astill being banned from high needs towards the end of his time.

MS BERRY: Yes.

25 **MS DAVIDSON:** Did you know why that was?

MS BERRY: Yes. Because he was upsetting Witness P. That ban came from Shari Martin. He wasn't to go anywhere near high needs. The whole gaol knew it. He would then try and antagonise her and do stuff through junior staff.

30 **MS DAVIDSON:** So you understood that (crosstalk) -

MS BERRY: He tried to get me to do it.

35 **MS DAVIDSON:** - impose the ban -

MS BERRY: Yes.

MS DAVIDSON: - as a means of stopping him from -

40 **MS BERRY:** Going in the high needs, yes.

MS DAVIDSON: - harassing Witness P?

45 **MS BERRY:** Yes.

MS DAVIDSON: And, I'm sorry, you say he tried to get you to -

MS BERRY: Yes. I'm aware of - he tried Ron Brown. He tried Glenn Clark. One day he told me - he said to me straight up, "She's got a jug in there. She's not supposed to have it in her cell." He came back to me three times that day, and on the third time I said to him, "If you've got a problem with it, Wayne, go take it yourself." Because I knew that he wasn't allowed up there, and I would have loved to have pounced on him when he went in there.

MS DAVIDSON: Can you go to paragraph 135. You're referring here to Witness H in your statement, but the name is not going to be on there anymore because the pseudonym has been taken off. So we're talking about Trudy Sheiles -

MS BERRY: Okay.

MS DAVIDSON: - here, and we can use her name.

MS BERRY: Yep.

MS DAVIDSON: You're, at paragraph 135, talking about her time in the BIU. And you understood that Astill was often coming to see her to conduct what you refer to as "welfare checks" on Witness H, but if he was doing this, he should have had another officer with him. Do you think that it was odd that it was him particularly repeatedly conducting welfare checks?

MS BERRY: No, what it is, is when you have inmates in the BIU - and because I was reception, I was constantly seeing all the time - the Chief on duty that day of that area - I can't even remember which area it was - had to come down and do welfare checks on any inmate that's in there, okay? So if there was staff in there, I wasn't concerned. But when he would come down and want to go in by himself, I would always say, "I'll come with you." And he'd always say no, but I always followed him in there. Because I just didn't trust him - didn't trust him. He was going against policy, two officers in a segregation unit.

MS DAVIDSON: So you weren't aware of him -

MS BERRY: No.

MS DAVIDSON: - going to see her on his own?

MS BERRY: No. I did not find out, sadly, what happened to her till after he was arrested.

MS DAVIDSON: Right. Can you go to paragraph 137. You give a date there of October 2019. Should that be 2018? This is where Trudy Sheiles comes to you and asks to speak to Stephen Virgo.

MS BERRY: 37, did you say?

MS DAVIDSON: 137, sorry.

MS BERRY: Oh, 137. Yeah. She did, yeah. (Crosstalk). Yep.

5 **MS DAVIDSON:** Can you turn to paragraph 143 - start, really, at paragraph 138. You refer to complaint 8 in relation to Witness K. Now, again, you won't see her name on the pseudonym list because the pseudonym is no longer being used in relation to that witness. But who are you talking about there?

10 **MS BERRY:** In 143?

MS DAVIDSON: Well, if you start at paragraph 138, you're talking about -

MS BERRY: Hang on a second.

15

MS DAVIDSON: - a person. I just want to make sure that we're talking about the same person.

MS BERRY: Yes.

20

MS DAVIDSON: Sarah Ward; yes?

MS BERRY: Yes. Yes.

25 **MS DAVIDSON:** Do you recall Sarah Ward ever coming to you and saying to you that Astill had either touched her or grabbed her on the bottom?

MS BERRY: No. But I did walk in on - halfway through the conversation, her with Jude Barry, discussing it.

30

MS DAVIDSON: All right.

MS BERRY: Sarah -

35 **MS DAVIDSON:** We'll come to that, but just to test your recollection -

MS BERRY: Yeah. No. I would have - I would have pounced on that, like - as sad as that situation was, if I had acted on and gone up against him and put myself in a situation where I could have been hurt by him over property, I would have pounced on - on that and - and tried helping her.

40

MS DAVIDSON: So again, just to test your memory, do you recall her ever saying to you that she didn't like the attention from him and she wanted it to stop?

45 **MS BERRY:** No, she said she didn't like how he talked for her - to her for too long. He always - always wanted to talk to her for ages.

MS DAVIDSON: She said that to you separate to the conversation she had with Judy Barry (crosstalk)?

MS BERRY: Yes. Yeah. Yes.

5

MS DAVIDSON: Right. Did you give her any advice in relation to that situation?

MS BERRY: Well, I said to her because - like I said, that - the back of reception where it was a walk-through came from admin. So a lot of the staff would walk through admin, back down past the back of that property reception area into reception, BIU (indistinct) handouts. So I would say to her, you know - he whistled. Him and Wes Giles had their own whistles. "So when they whistle, you hear them coming. So when you hear him whistle, just come out with me - just come out so he can't be talking to you." He'd - he'd love to stop and talk to all the - all the girls. No matter who the inmates be, just stop and have a chat all the time.

MS DAVIDSON: Do you remember saying anything to her along the lines of if you said anything about it, management would probably shut you down?

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MS BERRY: No, that's not a statement I would say, but I have heard that in evidence of Witness C saying that statement. No, because -

MS DAVIDSON: We're talking about Witness K here, not Witness C.

25

MS BERRY: Yeah. Yeah. And I'm saying that I've heard that actual statement from Witness C, who spent a lot of time with witness - with Sarah Ward at Clarence. I never felt shut down because I thought I was outsmarting them by SIUing stuff. I thought I was going above the Governor.

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MS DAVIDSON: Right. And you subsequently do remember a conversation, am I right in thinking, where Sarah Ward said to Judy Barry -

MS BERRY: I walked in halfway on it and -

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MS DAVIDSON: What do you remember of that?

MS BERRY: Okay. So it was out the back of the property area. It was near the table where Sarah folded clothes. Judy was talking to her, and I walked into it. I was sort of, like, trying to catch up to what they were actually talking about. And then I think Judy may have said to me, "Oh, Sarah's just told me he taps on the bum." And I said, "Yeah, she's told me she doesn't - inmates feel uncomfortable." So I was supporting Sarah, like, trying to - she has mentioned that she feels uncomfortable. He talks too long to her and stuff. And I think Jude - well, Jude took it from there, really. I remember saying to her, "Just keep yourself under camera." I told her about the safety plan I had in place for myself.

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MS DAVIDSON: Do you remember her saying - that is, Sarah Ward saying in that conversation she'd been touched on the backside?

5 **MS BERRY:** No. No, I walked in on them discussing it. And then Jude told me what was said.

MS DAVIDSON: And that included the discussion about -

10 **MS BERRY:** Yeah. Yeah. And then I joined in - joined in with them to discuss it. Yeah.

MS DAVIDSON: And did you consider - having said that, you'd jump on it if it had been said to you -

15 **MS BERRY:** Yeah. I wasn't - and I'm not going to - I don't want to have to say this, because Chief Barry couldn't have done any more if she tried. The woman was a broken woman, but she was the higher ranking officer, okay? So I went off four days after that to see my dad die - to wait for my dad to die. I came back. I should have checked with Jude, and that's on me, that something was done. But
20 we got to the point, Jude and I were trying to keep each other and survive that ranks really went out the window. Yeah, that's all I can say. And I don't want to have to talk about that anymore because that's a really hard time for me with my dad.

25 **MS DAVIDSON:** Sure. But am I right in thinking that you thought at the end of the conversation you had with Judy that she was going to -

MS BERRY: Yeah, I thought she - and I don't want to have to say that because that woman couldn't have done anything more if she tried. But I probably did
30 assume that, yes.

MS DAVIDSON: Do you remember actually having that conversation with her?

35 **MS BERRY:** (Indistinct). I couldn't say.

MS DAVIDSON: You don't know. At paragraph 150, you're talking about the song you've referred to at - well, the title being, "If you want to rub and tug, just go to The Hub." See that there?

40 **MS BERRY:** Yep.

MS DAVIDSON: Do you need a moment? You say that was common talk in the gaol, but you didn't hear it yourself.

45 **MS DAVIDSON:** No, I didn't. Like I said, I was in reception. But I heard it.

MS DAVIDSON: Did you hear it from other officers?

MS BERRY: Yeah, I did. I actually heard it from Jean Dolly. I heard it from Jonesy, the victims' counsellor, because the inmates had told her. But I heard it had been reported. Jean Dolly confronted them - like, told the bosses with the "poppy" and all that stuff, and - and youse heard how that went.

MS DAVIDSON: Sorry. So Jean Dolly told you that she'd reported the song, is that right?

MS BERRY: Yeah, that she - when she walked in on that meeting, she told them what was going on up there. She was working in the medium needs where it occurred, so - I wasn't - I -

MS DAVIDSON: Officer Dolly gave some evidence in relation to being called "Poppy".

MS BERRY: Yep.

MS DAVIDSON: Did she - do you remember her also telling you that she'd reported about the song?

MS BERRY: I - I - I know I heard the song from her. I - and I didn't assume. I believed that she reported it the same day she went into that meeting, yeah, because she was throwing everything at them about the contraband and stuff. They just wouldn't listen to her.

MS DAVIDSON: Right. So hang on. Just to be clear, you weren't at the meeting. You're relying on what Ms Dolly told you about it.

MS BERRY: Yeah. Right. (Crosstalk) -

MS DAVIDSON: Do you have an actual memory of her saying to you that in that meeting she reported the song?

MS BERRY: No, I don't.

MS DAVIDSON: Okay. Can you go to paragraph 153. You're referring there to Witness O and a report that she told you about, Mr Giles. Can you tell us what you remember about what Witness O told you about that?

MS BERRY: Okay. So Chief Barry and I kept away from the actual court proceeding of Wayne Astill unless we were giving evidence. We made the decision to go down on the victim statement day to support the victims.

MS DAVIDSON: That is, part of the sentencing?

MS BERRY: Yep. Part of the sentencing. And it was a hard day. Very hard day. Very bad day. And we parked our cars back at Dillwynia Correctional Centre, and Chief Barry just wanted to go and touch base - because she was - she's SAS at Dillwynia and touch base with one of the victims that gave a statement because she - she broke down. It was quite difficult. It was Jude Barry's conversation with the inmate. I didn't have a lot to do with that inmate. I don't really know her that well. But I did hear her say that she'd given evidence to Wes Giles. She called him a few names, I think - I remember a dog and something - there was something else and that she didn't want to be anywhere near him - not want to be anywhere near that man.

MS DAVIDSON: And where you say "had given evidence to Wes Giles" -

MS BERRY: She told him what she - what had happened to her.

15

MS DAVIDSON: Is that what she said to you or that (crosstalk) -

MS BERRY: No. She said (crosstalk) what I understood is what I heard. I was listening to the conversation, that she had reported what had happened to her to Wes Giles, and he did nothing. And she did not want to be anywhere near him. The only solace she had was that she was out the front in the ILU, and he doesn't come out to there - that area. So -

MS DAVIDSON: If you go to paragraph 184. You're responding there to an answer to a question about concerns you had in relation to senior staff who may have been involved or aware of Astill's sexual misconduct. And you've got five names there. Just in relation to those names, can you explain how it is that you think that those people were aware of Astill's sexual misconduct?

MS BERRY: Tania Hockey was spoken to - she said she spoke to me.

MS DAVIDSON: That was the blow jobs?

MS BERRY: That's the blow jobs.

35

MS DAVIDSON: Yes.

MS BERRY: So 100 per cent she was aware. I was also made aware - I can't tell you whether it was more closer to the end that Mishelle Robinson went and talked to her. I think it was more of a friend because Mishelle is a good person. She's got a good heart. She went and spoke to her to say, "Well, hang on. This is what's going on," to give her - like, "Do you know what's going on?" So for Tania to say she didn't know what was going on, the whole centre - if you weren't talking about this part - like, everyone had their versions. Not everyone had the whole thing. I don't believe a high percentage knew there was rapes involved. A lot were shocked after the arrest to find that out, myself included, and Jude Barry. But, yes,

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Tania would have to be an absolute liar to say she didn't know there was something not right.

MS DAVIDSON: All right. And Mr Holman?

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MS BERRY: Yeah. Well, I'm a little angry at Mr Holman because I know he - he was a part of it all. He was very close to Shari Martin. He was like her little right-hand man. They actually - I know you heard Mr Paddison's nickname the other day, but Neil Holman's was "nose first" because he had his nose so far up the Governor's - well, actually all Governors' backsides.

10

MS DAVIDSON: So do you assume that he knew (crosstalk) closeness to Shari Martin or something else?

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MS BERRY: Yeah. And I - no. And he was there. He was around. It was happening around him.

MS DAVIDSON: Sorry, what are you saying he was there for?

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MS BERRY: All the complaints. As you've heard, inmates were going to him. People saw him. He wasn't locked away in an office away from it all. He was - he was there.

MS DAVIDSON: Mr Paddison?

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MS BERRY: I'm - I can't really say a lot about Michael Paddison. I - I didn't have a real lot to do with him, only for the fact he was one of Shari's boys, only for the fact he's very close to Neil. And I do believe these two would talk. That's probably why - I think Michael Paddison was busy doing other things in the gaol to be worried about management.

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MS DAVIDSON: Mr Giles - you've referred to what Witness O said.

MS BERRY: Yep.

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MS DAVIDSON: Was there something else that -

MS BERRY: Again -

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MS DAVIDSON: - led you to the concern that you've expressed at paragraph 184 in relation to him?

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MS BERRY: Well, I know Mr Giles way back in the beginning in 2016 when I had the meeting with the Governor and the Manager of Security - I told Grant Riddle something very confidential, and he betrayed my trust. And he told Wes Giles. And the next thing, I'm hearing it in that meeting with the Governor and the MoS. And I confronted him over it, and Grant was honest. He said, "Yes, I told

Wes Giles." I know how close Wes Giles is to Shari Martin. He could not have told us enough that Shari Martin brought him from old Silverwater there. He attended her wedding. If I had a dollar for every time I had to hear that, I wouldn't have to be working.

5

MS DAVIDSON: So, again, it was the relationship between -

MS BERRY: The relationship. The boys. The boys.

10 **MS DAVIDSON:** Okay. And Ms Wilson?

MS BERRY: She's the Intelligence Officer. To actually hear - whether it's true or not, but I've heard there's no intelligence reports submitted to do with any of this, is disappointing and gut-wrenching. I know I handed her two of my own reports about property that you couldn't get in a correctional centre, on the instructions from the - from Shari Martin for her to deal with. So there should be at least those two intelligence reports regarding those.

15
20 **MS DAVIDSON:** Can I have a moment, Commissioner. Those are my questions for this witness. Mr Lloyd's just going to address on what we propose happens next, Commissioner.

MR LLOYD: Commissioner, the next witness who I intend to call is Suellen Johnson. For various personal reasons which are very important to her, we have to deal with her today. She's going away tomorrow. Her husband has recently died. What I propose, if it's convenient to you, Commissioner - and I've had a discussion with Mr Sheller about this - is that we interpose Ms Johnson. In the meantime, Mr Sheller has raised with me that he, in the presence of a Commission solicitor, will speak to Ms Berry to see if he has questions for her, hoping to come back to her and also finish with her today, but that we call Ms Johnson now.

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30
COMMISSIONER: Well, that's a bold ambition, but we'll see how we go. Ms Berry, you understand what's to take place?

35 **MS BERRY:** I think so.

COMMISSIONER: You're to step down and have a chat.

MS BERRY: Okay. Yeah.

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COMMISSIONER: You may come back later on today.

MS BERRY: Thanks.

45 **COMMISSIONER:** All right. Thank you.

MR LLOYD: Thank you, Commissioner.

<THE WITNESS WAS RELEASED

5 **MR LLOYD:** I call Suellen Johnson. I'm confident she'll take an oath.

<SUELLEN JOHNSON, SWORN

10 **MR LLOYD:** Just while that's happening, there is a barrister who is here, George Costantine, who I think is to seek leave to appear in Ms Johnson's interest.

COMMISSIONER: Sorry. You need a microphone. Your name?

MR COSTANTINE: Costantine -

15 **COMMISSIONER:** Costantine.

MR COSTANTINE: - first name George.

20 **COMMISSIONER:** Very well. You have leave.

MR LLOYD: Could I just indicate in relation to Mr Costantine, Commissioner, he has come into this to assist Ms Johnson and the Commission at very late notice. And for my part, I'm very grateful to him.

25 **COMMISSIONER:** You can continue, Mr Lloyd.

MR LLOYD: Thank you.

<EXAMINATION BY MR LLOYD:

30 **MR LLOYD:** Could you tell us your name?

MS JOHNSON: Suellen Johnson.

35 **MR LLOYD:** And your address is known to the Commission?

MS JOHNSON: That's correct.

40 **MR LLOYD:** Ms Johnson, you made a statement to this Commission, and it's dated 23 October 2023?

MS JOHNSON: That's correct.

45 **MR LLOYD:** I think you might have actually signed it more recently than that, but that's the statement you've made to us?

MS JOHNSON: That's right.

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

MS JOHNSON: Yes.

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MR LLOYD: You also, for the purpose of the prosecution of Astill, made a statement to the police?

MS JOHNSON: Yes.

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

MS JOHNSON: Yes.

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MR LLOYD: Commissioner, I tender the two statements, which are behind tab 47A and 47B.

COMMISSIONER: They will be Exhibit 19.

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<EXHIBIT 19 TENDERED AND MARKED

MR LLOYD: Could you turn in that folder to tab 47A, please, Ms Johnson.

MS JOHNSON: Yep.

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MR LLOYD: We will get you some assistance there.

MS JOHNSON: Yes.

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MR LLOYD: What you have in front of you is your Commission statement.

MS JOHNSON: That's correct.

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MR LLOYD: Can I just ask you, have a look at paragraph 5 so that you can tell us about your relevant professional history. You completed a course in around 2003?

MS JOHNSON: That's correct, yes.

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MR LLOYD: A three-and-a-half day course run by the Berrima Christian Group.

MS JOHNSON: Yes.

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MR LLOYD: And then, and this is in paragraph 6, you undertook nine years of study to complete a Bachelor of Theology.

MS JOHNSON: That's correct.

MR LLOYD: You were employed for three-and-a-half years through Baptist Care.

5 **MS JOHNSON:** Yes.

MR LLOYD: That employment related to aged care services to clients within their residences?

10 **MS JOHNSON:** That's right.

MR LLOYD: And your aim, you tell us in paragraph 6, was to get into prison chaplaincy?

15 **MS JOHNSON:** That's right.

MR LLOYD: Why?

20 **MS JOHNSON:** Because when I did the Kairos course, I felt called to helping the women in prison, and the way you could do that is through Anglicare. You had to have a Bachelor Theology, which meant, as a mum, I had to do it part-time. So then you had to have experience as a chaplain. So I worked at Baptist Care for three years. And looking for a full-time female chaplain in a prison was very rare, so I had to wait for one to come up and it come up.

25

MR LLOYD: And then the position at Dillwynia came up?

MS JOHNSON: That's correct.

30 **MR LLOYD:** You took that up from the latter part of the year 2013?

MS JOHNSON: That's correct.

MR LLOYD: And you remained at Dillwynia full-time in that role?

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MS JOHNSON: Yes.

MR LLOYD: Until you left Dillwynia?

40 **MS JOHNSON:** Until I left.

MR LLOYD: When was that?

MS JOHNSON: It would have been four-and-a-half years after that.

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MR LLOYD: Four-and-a-half years after?

MS JOHNSON: (Indistinct).

MR LLOYD: Could I just ask you about the arrangements between Anglicare and Corrective Services -

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MS JOHNSON: Yes.

MR LLOYD: - that led you to being stationed at Dillwynia. You deal with this in your police statement. I'll just see if I can remind you of some things without taking you back to it. But is there some kind of contractual arrangement between Anglicare and Corrective Services?

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MS JOHNSON: Yes, there is. The Services actually - Corrective Services pays most of your wage and then Anglicare substitutes it.

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MR LLOYD: When were you at Dillwynia -

MS JOHNSON: Yes.

MR LLOYD: - do you have an office?

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MS JOHNSON: Yes.

MR LLOYD: And there's a chapel there?

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MS JOHNSON: Yes.

MR LLOYD: Is the office next to the chapel?

MS JOHNSON: Yes.

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MR LLOYD: When you came to see women inmates, was that done by them making an appointment to come and see you or could they just wander in?

MS JOHNSON: Originally it was they could wander in. The door was open. There was a front door, there was an office door and a chapel door. So they could walk straight in and open the door, "Are you available chappie?" And after a couple of years it became so busy, I had no time for sort of lunch and morning tea because when most of the gaol went in, SMAPs came out and there was no break. So I decided to put a notice on the door and "Please make an appointment" and I blocked out some parts for self-care.

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MR LLOYD: Now, part of the services that you provided were for the women to come and see you and talk about -

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MS JOHNSON: That's correct.

MR LLOYD: - and talk about things that were troubling them?

MS JOHNSON: Yes.

5 **MR LLOYD:** Or that they just wanted to talk to you about?

MS JOHNSON: Yes.

10 **MR LLOYD:** And tell me this: It seems obvious, that a service of that kind would be provided to people who are in a gaol because if they wanted to go to church and see a religious person, they obviously can't do it?

MS JOHNSON: That's right.

15 **MR LLOYD:** So you bring the service of a religious nature to them?

MS JOHNSON: Yes, that's correct.

20 **MR LLOYD:** You also offered services by seeing officers from time to time?

MS JOHNSON: That's right. (Indistinct) they would pop in.

25 **MR LLOYD:** Can you just explain to the Commissioner the rationale behind extending your services to officers who obviously have more capacity out in the community to go and see people from church or attend church?

30 **MS JOHNSON:** I saw my role always as a chaplain to the ladies, the 'inmates' as they're put, and to the officers. I never actually saw it as divided, one or the other, so to speak. So if it was lock-down or something like that, sometimes the officers would come in and have a chat to me.

35 **MR LLOYD:** We know, from some things that I'll ask you about that you tell us about that happened in relation to Astill, that seeing both officers and inmates had the capacity to cause a problem for you?

MS JOHNSON: Absolutely.

40 **MR LLOYD:** And looking at it before the Astill offending occurred, was that potential for conflict between the service you were providing to inmates and the services to officers, was that something that had occurred to you?

MS JOHNSON: It was very difficult holding that line of confidentiality.

45 **MR LLOYD:** Because an inmate might want to tell you something when they came to see you about an officer?

MS JOHNSON: That's correct.

MR LLOYD: And then you might be in a position of not knowing what to do with that information if, for example, the officer came to see you.

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

MR LLOYD: Did that kind of thing happen? Aside from the Astill offending and the inmates affected there, we'll come to that, but other than that, did that kind of conflict arise?

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MS JOHNSON: Not really, no. I can't say it did arise.

MR LLOYD: Could I ask you, please, Ms Johnson, about paragraph 10. I just want to draw to your attention some things you say at the end of that paragraph. You tell us in about the fourth-last line:

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"The officers would come and see me occasionally during lock-down times to debrief."

20 And that's something you just told me in answer to one of my questions a moment or two ago.

MS JOHNSON: Yes.

25 **MR LLOYD:**

"I also sat in the lunch room with those senior officers, only occasionally, when having my lunch..."

30 And would you hear their conversations and see their behaviours -

"...but I would keep it all to myself."

Do you see that?

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MS JOHNSON: Yes.

MR LLOYD: What are you talking about there in terms of the conversations you would hear and the behaviours you would see that you were keeping to yourself?

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MS JOHNSON: If they were talking about, I'm trying to think of something, but if they were talking about an inmate in particular, that wouldn't - then I wouldn't run to that inmate and tell that inmate that they're talked about.

45 **MR LLOYD:** Can you remember hearing conversations or seeing behaviours by the officers which troubled you in terms of the treatment of inmates?

MS JOHNSON: Yes. Of the - of the treatment, yes.

5 **MR LLOYD:** Just dealing particularly with any conduct by Wayne Astill, and then I'll ask you some other things, did you hear conversation or see behaviours during these lunchtime events that troubled you about Astill?

10 **MS JOHNSON:** No. It would be separate. So it would be with the person alone sort of saying "They can't wait for the day that we can walk him to the gate." Not in a lunch room.

MR LLOYD: I understand. There's something else in your statement, where one of the officers, I think it's Judy Barry, said at one point, "I can't wait for the day..."

15 **MS JOHNSON:** Yes.

MR LLOYD:

"...of walking Astill to the gate."

20 **MS JOHNSON:** Yes. But I didn't know why she felt like that.

MR LLOYD: You took from that that Judy Barry was extremely concerned about whatever it was that Astill was doing?

25 **MS JOHNSON:** That's right. That's right.

MR LLOYD: What about more generalised behaviour by the officers that you observed, did you see any bullying or intimidation, vile language?

30 **MS JOHNSON:** There was a bit of intimidation in the debriefing session, the debriefing session, that would - that I had with the three inmates.

MR LLOYD: The mediation you're talking, towards the end of 2017?

35 **MS JOHNSON:** Yes, that's correct.

MR LLOYD: I'll just ask you some other things. Paragraph 11 you tell us about the confidentiality requirements, as you understood them, in your position?

40 **MS JOHNSON:** Yes.

MR LLOYD: Could I just ask you about your understanding of the need to preserve confidentiality. You tell us in paragraph 11 in the first sentence you had to offer confidentiality to the ladies?

45 **MS JOHNSON:** That's correct.

MR LLOYD: Is that you saying that in order for you to do your job and be able to listen to the things that they would tell you, you felt that they might not be forthcoming and they might not tell you them unless you were saying you would preserve the confidentiality?

5

MS JOHNSON: I think they knew I was confidential to a point. So if it came to an offence against a child, or something they disclosed that wasn't in the media, or something like that, they knew that I would not keep that confidential. But if they wanted to talk about their family, if they wanted to talk about their remorse for their crime, if they wanted memorial services, things like that, I kept that confidential.

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MR LLOYD: So I just want to understand your understanding of your confidentiality obligations. One example you gave here, and you just gave it a moment ago, is if they disclosed to you that they had committed an offence involving a minor?

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MS JOHNSON: Yes.

MR LLOYD: And in that case, on your view, would you not keep that confidential?

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MS JOHNSON: That's correct.

MR LLOYD: Another example you give in your statement in this paragraph is if they told you more information about offences, then you would have to report that information?

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MS JOHNSON: That's correct.

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MR LLOYD: So that is not just information that they might give you about criminal behaviour in relation to minors but more generally?

MS JOHNSON: Yes.

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MR LLOYD: You would be bound to report that?

MS JOHNSON: Yes. The other thing is, though, I actually never took it upon myself to read their files. So I accepted them for who they were, as they were that day, and loved them from that day. So I was limited to what I had actually known about what they committed as well. So -

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MR LLOYD: I'm just - don't take this as a criticism, Ms Johnson - but I'm just trying to understand in terms of your attitude of confidentiality. What about your view of the need to report any information they gave you about crimes which had been perpetrated against them while they were in gaol? Did the same view apply,

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that if you were told that information, that you would be bound to report that elsewhere?

5 **MS JOHNSON:** What I did straightaway if they told me something like that, is "You need to report it, and you need to report it now", and they went and reported it.

10 **MR LLOYD:** But just in terms of your view about what you were bound to do with information in that category, in your view that was different to the information that you've referred to here where they were telling you about crimes that they may have committed themselves. Is that right?

MS JOHNSON: Could you -

15 **MR LLOYD:** I will try it a different way. You say here there's two things that you would be bound -

MS JOHNSON: Yes.

20 **MR LLOYD:** - to report. That's if they told you particularly about crimes they had committed against a minor, or crimes more generally that weren't known to the authorities?

MS JOHNSON: Yes.

25 **MR LLOYD:** You would, in your view, have an obligation to make a report of what they had told you?

MS JOHNSON: That's - that's correct.

30 **MR LLOYD:** I'm just trying to understand your view of the difference between your obligations to report elsewhere between those situations and a situation where they told you a crime had been committed against them?

35 **MS JOHNSON:** I think that what was going to happen, if I actually went and spoke to an officer. So with regard to what was happening with Mr Astill, then they told me if I actually told or said something, they were going to get bashed that night. "So please don't tell them." So I was in this bound of "Do I tell", because they're going to get bashed that night, or do I not say something. What
40 I thought was the best was, go and report it now, and that way it's dealt with.

MR LLOYD: As in you telling them to report it?

45 **MS JOHNSON:** Yes, I did.

MR LLOYD: And so the confidentiality that you're speaking of, of you not reporting crimes that they were telling you had been perpetrated against them is

confidentiality driven by your concern that prison could not keep them safe. Is that what you're saying?

5 **MR COSTANTINE:** Commissioner, I make a section 23 objection.

COMMISSIONER: You can make it, but I will require the answer.

MR LLOYD: Do you need the question again?

10 **MS JOHNSON:** Yes, please.

MR LLOYD: Confidentiality, that is you not reporting disclosures they made to you about crimes being committed against them, that's what we're talking about at the moment, you understand?

15 **MS JOHNSON:** Yes.

MR LLOYD: And I think what you're saying, but tell me if I've got it right, is that you were concerned that if you were to make a report of what they were telling you that they might - that that might be putting them in danger?

MS JOHNSON: For that instant, for that actual happening of the inmates 2 and 20.

25 **MR LLOYD:** I see. That's B and T.

MS JOHNSON: Yes.

COMMISSIONER: Ms Johnson -
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MS JOHNSON: Yes, your Honour.

COMMISSIONER: - I can understand why there would be a concern in the inmate about retribution, but equally you were a potential recipient of knowledge of an inmate being in danger in any event, weren't you?
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MS JOHNSON: I think I was trusting on the view that they would then leave my office and go and report it and I wouldn't need to report it.

40 **COMMISSIONER:** Why would they feel able to report themselves -

MS JOHNSON: Well, they -

COMMISSIONER: - if they had expressed to you a fear that there would be retribution if you reported it?
45

MS JOHNSON: Yes. Yes, I understand.

COMMISSIONER: Well, did it occur to you that a prisoner in Dillwynia faced with these circumstances may have looked to you to go higher up the management system in the prison system altogether to secure their safety?

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MS JOHNSON: I didn't actually know that we could go higher up.

COMMISSIONER: You must have known there were managers above the Governor, didn't you? You didn't?

10

MS JOHNSON: Yes, sir, I did but I didn't know I could go above Shari myself.

COMMISSIONER: Why did you not think you could go above her?

15

MS JOHNSON: I didn't - I wasn't aware of these other places you could go to report.

20

COMMISSIONER: I'm not suggesting they are necessary places you would normally go to report, but you knew there was a management structure, didn't you, in Corrective Services above the Governor of that gaol?

MS JOHNSON: Yes. Yes. I was aware of that.

25

COMMISSIONER: Did it occur to you that you could go outside, as it were, the gaol to report what was pretty serious allegations?

30

MS JOHNSON: I think at that time I wasn't - not trusting Leanne O'Toole at all, I could go to her and speak with her, and which I did on other occasions. I just thought on this occasion, them two trusted - what I thought they were two very trusted inmates who would go and do exactly what I said, and they did. So then because they did, then I thought, "Okay, I don't need to report it now. They're going to do this Inquiry into it." It wasn't, that I know of, a sexual nature. It was of putting them down and treating them with disrespect.

35

MR LLOYD: Could I ask you, please, Ms Johnson, to go forward to paragraph 26? Do you see in that paragraph you're dealing with a time when your view of Astill came to change?

40

MS JOHNSON: Yes.

MR LLOYD: And one of the things that led to that change was rumours that you started to hear?

45

MS JOHNSON: Yes.

MR LLOYD: There's a pseudonym list to your left, you've already looked at it once. One of the things that you heard were rumours about what is described as an affair with Witness C?

5 **MS JOHNSON:** Yes.

MR LLOYD: Was that widely discussed, to your knowledge?

MS JOHNSON: Yes.

10

MR LLOYD: Did you have discussions with officers at Dillwynia about that rumour?

MS JOHNSON: No.

15

MR LLOYD: Widely discussed between you and inmates who were coming to see you?

MS JOHNSON: No, I wouldn't say widely discussed. I would say probably one inmate.

20

MR LLOYD: One inmate came to you?

MS JOHNSON: Or two.

25

MR LLOYD: One or two perhaps. When we say "an affair", we're talking at least on your understanding, and the nature of the rumour, being sexual activity?

MS JOHNSON: Yes.

30

MR LLOYD: And to your knowledge, at that time, sexual activity between an officer and an inmate being wrongful conduct?

MS JOHNSON: Yes.

35

MR LLOYD: Did you know of what steps, if any, were available to you to deal with information of that kind about a rumour?

MS JOHNSON: By the time I think I heard this rumour, Witness C had already been moved. So it was hearsay. So it's coming to me after the inmate had been moved.

40

MR LLOYD: Just out of interest, when you - again, it is not a criticism. When you use the term "hearsay", things that you are told by women who are coming to see you will almost invariably be just allegations. You won't be seeing the particular activity with your own two eyes. Is that fair?

45

MS JOHNSON: That's - that's fair to say.

MR LLOYD: But allegations, when they're serious, can and sometimes do need to be acted on?

5

MS JOHNSON: Yes. Yes. But this one actually happened after this Witness C had been moved to another prison.

MR LLOYD: I understand. Is it right that when you're dealing - from paragraphs 27 and 28, you deal with some things that occurred in relation to two inmates you described as 2 and 20.

10

MS JOHNSON: Yes.

MR LLOYD: And I think you're talking about B and V?

15

MS JOHNSON: Yes.

MR LLOYD: Now, there was - I will just see if I can understand what you're telling us. At some time, I want to suggest to you, in about the middle of 2017, did you become aware that Witnesses B and V wanted to make a complaint about Astill?

20

MS JOHNSON: A complaint? No. They wanted to pour their heart out.

25

MR LLOYD: About what?

MS JOHNSON: About what it says there, that Witness V was said to have called him a kiddy fiddler.

30

MR LLOYD: Just in relation to what you understood when you were speaking to Witnesses B and V, were you told by one or other of those women that they had gone and made a complaint about what Astill was doing to another inmate, Witness M?

35

MS JOHNSON: No. I actually didn't find that out until after I'd left the prison.

MR LLOYD: You were, at the time you're describing in paragraph 27, dealing with what you understood was conflict arising from an allegation that Witness V was thought to have called Astill a kiddy fiddler; is that right?

40

MS JOHNSON: That's correct.

MR LLOYD: Now, that allegation, you understood, if you look at 28, led to what you were told was retribution by Astill on those women. Have I got it right so far?

45

MS JOHNSON: Yes.

MR LLOYD: And they were telling you that they were being treated unfairly because of these circumstances?

5 **MS JOHNSON:** Yes. Now, I don't know whether the timeline is correct, whether that was after we had that -

MR LLOYD: Mediation.

10 **MS JOHNSON:** - mediation.

MR LLOYD: I'm going to come -

MS JOHNSON: Yes. Yes.

15

MR LLOYD: I'll suggest to you that the events you're describing about, "It smells like dogs in here," are likely to have come before the mediation. The mediation is occurring toward the end of and then the start - end of 2017, start of 2018.

20 **MS JOHNSON:** Yes. Yes.

MR LLOYD: Now, in paragraph 31, you tell us about Witness B and V coming to see you together at one point and separately at another time?

25 **MS JOHNSON:** That's correct.

MR LLOYD: And they were concerned about their safety because Astill was intimidating?

30 **MS JOHNSON:** Yes.

MR LLOYD: And so this is the intimidatory conduct arising from this kiddy fiddler allegation, on your understanding?

35 **MS JOHNSON:** Yes.

MR LLOYD: You said, "You've got to tell an officer." Do you see that in 31?

MS JOHNSON: Yes.

40

MR LLOYD: And then over in 32, you allow them to go and make that complaint?

MS JOHNSON: That's correct.

45

MR LLOYD: And then you were hoping - in the third line, going home, praying like crazy, hoping he didn't hurt the girls. Do you see that?

MS JOHNSON: Yes.

5 **MR LLOYD:** You were worried, or at least you understood they were worried, that he might physically harm them?

10 **MS JOHNSON:** Well, I suspected because now there was going to be an inquiry - I mean, I was still worried, but, "Okay. Thank goodness there's mediation now. Something's going to be done." That's the -

MR LLOYD: And so the proposal to deal with this problem was to have a mediation or mediations?

15 **MS JOHNSON:** Yes.

MR LLOYD: Do you remember who came up with that idea?

20 **MS JOHNSON:** I think it was Shari, and Shari went on holidays, and Officer Thomas actually did the mediation.

MR LLOYD: And that was - was that a person who was the Acting Governor?

MS JOHNSON: That's correct.

25 **MR LLOYD:** In paragraph 33, you tell us about a discussion you had with Pam Kellett.

MS JOHNSON: Yes.

30 **MR LLOYD:** And this is when the idea of you going to the mediation was raised?

MS JOHNSON: Yes.

35 **MR LLOYD:** And you told her that you weren't comfortable because you were chaplain to both the inmates and the officers?

40 **MS JOHNSON:** That's right. And I was there for support for the inmates. And as much as I'm supporting the inmates, I'm still trying to be neutral in a space. And if the - which I already knew how dangerous now Astill is, and I now am supporting these girls. He's going to go after me. So I started to worry, now I'm going to be supporting these inmates and then he's going to have his target on my back.

45 **MR LLOYD:** And this was an example of what I asked you a little while ago of where a conflict between the services you were providing to inmates and officers -

MS JOHNSON: Yes.

MR LLOYD: - had arisen?

MS JOHNSON: Yes.

5 **MR LLOYD:** Because you were concerned if you went along supporting the inmates that you might end up being the victim of the very intimidation by Astill you were there to mediate?

10 **MS JOHNSON:** Which I could see was happening in Cath, it was happening in Jude, it was happening in other officers, and I didn't want to be part of that as well. So I was trying to help the women, direct them to the right officer, which was Jude Barry or Holman, and stay back so he didn't get me and still be able to keep pushing in for the girls.

15 **MR LLOYD:** Sounds like a pretty difficult situation.

MS JOHNSON: It was a very hard line to talk. Very hard on them.

20 **MR LLOYD:** Did it suggest to you in your mind - I know it wasn't your idea to mediate - that the whole notion of having a mediation where you've got Astill and the women and you may not be a very good idea?

MS JOHNSON: Did it -

25 **MR LLOYD:** May not be a very good idea.

MS JOHNSON: Yes. That's why I said to Pam Kellett - you'll find later in the statement that I said - that I'm supposed to be supporting, neutral in the middle. And she said, "Well, some officers need to be brought down." But that didn't come from me.

MR LLOYD: That was what she said to you?

35 **MS JOHNSON:** She said to me.

MR LLOYD: And you, clearly enough, understood that to be a reference to Astill?

40 **MS JOHNSON:** So that was another - I thought, "Okay. She's another one that he's now probably got."

MR LLOYD: In addition to Jude Barry and Renee Berry, that's what you're -

45 **MS JOHNSON:** I didn't know about Renee.

MR LLOYD: Just Jude Barry?

MS JOHNSON: Just Jude Barry and Cath Avery. And Josh Ryan was in there as well.

5 **MR LLOYD:** Can I ask you, then, to just go - help us go through the mediation process.

MS JOHNSON: Yes.

10 **MR LLOYD:** There were actually multiple mediations?

MS JOHNSON: There was two mediations. We had - we had V and -

MR LLOYD: V?

15 **MS JOHNSON:** Or number 20. V, is it? Yeah, V. And I'm just trying to see -

MR LLOYD: And P, I think you will find.

20 **MS JOHNSON:** Yes. P was the first one.

MR LLOYD: I'll take you through it, Ms Johnson.

MS JOHNSON: Yes.

25 **MR LLOYD:** In 36, you talk about the first of the mediations -

MS JOHNSON: Yes.

30 **MR LLOYD:** - 17 January 2018, and that was between Mr Thomas, Astill, you and Witness P?

MS JOHNSON: Correct.

35 **MR LLOYD:** And, in effect, what you're saying at that mediation is Witness P wasn't forthcoming about any complaint about Astill?

40 **MS JOHNSON:** No. And I'd never even spoken to P, and she'd never spoken to me about it. So I was a bit shocked when she was part of the mediation, when she walked in.

MR LLOYD: Did you get the sense that she might have felt intimidated by the process and that -

45 **MS JOHNSON:** Absolutely. She said, "I'm not saying anything. I've got another 17 years or something to go." And the feeling was that, "Well, if he's still going to be here, I've got to say nothing, otherwise I'm in trouble too."

MR LLOYD: The next mediation you deal with in paragraph 37, and that was Witness V?

MS JOHNSON: Witness, sorry?

5

MS DAVIDSON: V.

MS JOHNSON: 37.

10 **MS DAVIDSON:** Yes.

MS JOHNSON: Correct.

15 **MR LLOYD:** Now, you say in this paragraph, for the mediation for Witness V, at one point she detailed something Wayne had done and the Acting Governor said, "That's not professional of an officer."

MS JOHNSON: That's correct.

20 **MR LLOYD:** What did she say that Astill had done?

MS JOHNSON: I can't remember at the time.

MR LLOYD: Was of it a sexualised nature?

25

MS JOHNSON: No, it wasn't of a - it was an intimidation.

MR LLOYD: Bullying or intimidation?

30 **MS JOHNSON:** Bullying or intimidation.

MR LLOYD: And you say in this paragraph, 37, you thought, "Praise God, he can see through him." That's the Governor can see through Astill?

35 **MS JOHNSON:** Absolutely.

MR LLOYD: Because at this point, do we take it from that, you thought Astill was a bully who had been intimidating (crosstalk)?

40 **MS JOHNSON:** Absolutely. And protected.

MR LLOYD: Protected by the senior -

MS JOHNSON: Shari.

45

MR LLOYD: And you had an Acting Governor here, and you were thinking, "Maybe something is going to happen about the conduct"?

5 **MS JOHNSON:** Yes. And I - at first, I wondered why Thomas was actually doing it. And after this first one, I thought, "Well praise God, because he's actually seeing through Wayne and being able to see his unprofessional conduct and, okay, the mediation's working. Amen."

MR LLOYD: And you say at the end of this paragraph:

10 "Okay. They've got him. They've seen..."

MS JOHNSON: Absolutely.

MR LLOYD: And that was, again, you thinking something was going to happen -

15 **MS JOHNSON:** Yes.

MR LLOYD: - to stop Astill's behaviour.

20 **MS JOHNSON:** Yes.

MR LLOYD: You say in paragraph 38, during Witness V's mediation, Astill wasn't looking at her much, had a staunch demeanour.

25 **MS JOHNSON:** Yes.

MR LLOYD: Do you see that? And he was very intimidating toward her?

MS JOHNSON: Yes.

30 **MR LLOYD:** You took it from the way he was behaving -

MS JOHNSON: His manner.

35 **MR LLOYD:** - that he was trying to intimidate her during the process -

MS JOHNSON: Oh, yes.

40 **MR LLOYD:** - but Witness V, as we understand what you're telling us, wouldn't have anything of it and was maintaining her complaint?

MS JOHNSON: She - she did very well. She held up very well during the mediation to put her case forward.

45 **MR LLOYD:** And again in 39, you say:

"Okay. Something is going to be done now, and I know these girls are going to be safe."

MS JOHNSON: That's correct.

5 **MR LLOYD:** And I take it that reflects what you told us a little while ago, that you were actually worried for their safety?

MS JOHNSON: Yes. Yes.

10 **MR LLOYD:** Next, in paragraph 40, you deal with Witness B's mediation.

MS JOHNSON: Yes.

15 **MR LLOYD:** Now, I'll just try and move through this. At paragraph 41, at 2 pm on - you've got "that day". Now, that was 25 January 2018? You get that from the previous paragraph, 40.

MS JOHNSON: Correct.

20 **MR LLOYD:** And in a sense, through whatever administrative process, it got - the mediation got sprung on Witness B and did not know what was happening?

25 **MS JOHNSON:** Well, I always - like I was saying, I never went and ran to an inmate and said, "Well they're going to bring you in today for a mediation," because that's the officers' line. And so when I walked in they asked - well, that's when I got the dirty look from Wayne because he thought I had gone and arranged this meeting, because there was a gap between the first meeting and the next meeting, and I was wondering why - and Witness B kept saying to me -

30 **MR LLOYD:** Just pause.

MR LLOYD: Witness B.

35 **MS JOHNSON:** I'm sorry.

MR LLOYD: No, no, that's all right. There's a time lapse. It's okay.

40 **MS JOHNSON:** So Witness B kept coming to me, feeling overwhelmed. So I acted. I went to Thomas Woods and said, "When can we have this mediation", the second one - the third one - but "because she is distressed and needs to get this, this done."

MR LLOYD: And she managed to come in and have the mediation, Witness B?

45 **MS JOHNSON:** Yes.

MR LLOYD: And she was, despite her distress, able to communicate her complaints?

5 **MS JOHNSON:** Yes. Not as well - she didn't articulate as well as Witness -

MR LLOYD: V.

MS JOHNSON: Yes.

10 **MR LLOYD:** But she still got out what had happened?

MS JOHNSON: Yes, she did.

15 **MR LLOYD:** And then your view after Witness B had given her story was that Astill would be held accountable?

MS JOHNSON: Yes.

20 **MR LLOYD:** You had two of the three women giving -

MS JOHNSON: That's right.

MR LLOYD: - a similar story about what was appalling conduct?

25 **MS JOHNSON:** Yes.

MR LLOYD: Now, after the mediation, if that's the right term for it, with Witness B had finished, you had a discussion with the Acting Governor?

30 **MS JOHNSON:** Yes.

35 **MR LLOYD:** And you deal with this in paragraph 43, where he said to you, that is the Acting Governor, "Susie, they're best friends, I think they've just cahooted together to do this to Officer Astill"?

MS JOHNSON: Yes.

40 **MR LLOYD:** You understood that to be the Acting Governor saying to you that in effect he didn't believe Witnesses B and V?

45 **MS JOHNSON:** That's right. I believe he, when I spoke to him after the second mediation I was happy he had heard and he was on the way to believing that witness, and I thought "Great". But when the third witness came in, I did notice when I come back in after taking her out - so this is the third witness - the door was shut. And so I walked up the hall a bit so I couldn't hear. And I think Wayne's got into his head changed it around, they're mates, you know. You know, they're just trying to do me over, and so they got away with it, he got away with it.

MR LLOYD: Did you believe the women?

MS JOHNSON: Pardon?

5

MR LLOYD: Did you believe the women?

MS JOHNSON: Absolutely.

10 **MR LLOYD:** But the Acting Governor whose name Thomas Woods -

MS JOHNSON: Yes.

MR LLOYD: - obviously didn't.

15

MS JOHNSON: I think at first he did.

MR LLOYD: But he was persuaded away from his view by Astill was your understanding?

20

MS JOHNSON: After the second, the third.

MR LLOYD: Can I move you forward then to paragraph 46?

25 **MS JOHNSON:** Yes.

MR LLOYD: You've got the following Sunday on 28 January 2018 you spoke again with Witnesses B and V?

30 **MS JOHNSON:** Yes.

MR LLOYD: And they were telling you, that is this is a few days after the third of the mediations, that their house had been ramped and had been turned upside down?

35

MS JOHNSON: Yep.

MR LLOYD: You understood that to be them telling you there had been retribution for them coming forward at the mediations?

40

MS JOHNSON: Yes.

MR LLOYD: You must have been feeling very bad for the women and their -

45 **MS JOHNSON:** Absolutely, I couldn't wait - I mean, when they told me that, I couldn't wait for Shari to come back because I needed to speak to Shari.

MR LLOYD: What did you think she was going to do?

MS JOHNSON: Well, that's the problem. She's the top, as far as I knew, that I could go.

5

MR LLOYD: But you were hoping for a different reaction from her?

MS JOHNSON: A different reaction, even though I didn't think it was going to come. But I was getting more distressed and it felt like whoever I report this to, it's just not getting dealt with.

10

MR LLOYD: Paragraph 47 of that same day at 1.50 pm, do you see that?

MS JOHNSON: Yes.

15

MR LLOYD: The same day is a reference to 28 January?

MS JOHNSON: Yes.

20 **MR LLOYD:** You went up to speak to Astill?

MS JOHNSON: Yes.

MR LLOYD: Because you thought you were in the firing line?

25

MS JOHNSON: Absolutely.

MR LLOYD: And that's because of what you have already told us?

30 **MS JOHNSON:** Yes.

MR LLOYD: Your knowledge or belief about the treatment of other people like Judy Barry? You asked him whether "We were all right?", that is you and him?

35 **MS JOHNSON:** Yes.

MR LLOYD: And he says "Of course" and he was holding a file?

MS JOHNSON: Yes.

40

MR LLOYD: What file?

MS JOHNSON: I don't know which file he was holding first but he actually spoke first and said, you know, "Witness V"-

45

MR LLOYD: Just pause, just pause for a minute.

MS JOHNSON: Sorry.

MR LLOYD: Witness V.

5 **MS JOHNSON:** "Witness V is a psychopath and one of the most dangerous inmates here" and I knew that not to be true.

MR LLOYD: Then he started to mention names of other inmates?

10 **MS JOHNSON:** That's correct.

MR LLOYD: And you go over in paragraph 47, he says:

15 "I suppose you heard the rumours about Witness C."

MS JOHNSON: Yes.

MR LLOYD: Yes, and then he volunteers to you:

20 "I suppose you heard about Witness J."

MS JOHNSON: Yes.

25 **MR LLOYD:** And did he have Witness J's file with him?

MS JOHNSON: I don't know. I didn't actually see the files. I don't need to see the files.

30 **COMMISSIONER:** Mr Lloyd, there can't be a contradictor for any of this evidence, can there?

MR LLOYD: No.

35 **COMMISSIONER:** No, well, probably the account can move forward.

MR LLOYD: Sorry?

40 **COMMISSIONER:** The account can probably move forward fairly quickly because there's no contradictor.

MR LLOYD: Yes. Thank you, Commissioner, I will just try and get it into the proper form.

45 Can I just ask you about this: you say "I don't need to see files" and then you say:

"What he didn't realise is that other inmates had come to me and told me about him hurting those girls."

Can I ask you before you answer, I will take the objection under section 23 on behalf of the witness.

5 **COMMISSIONER:** I require her to answer.

MR LLOYD: Can you just - is that what the, in terms of this part of this meeting, is that what's going on? He did not realise that there were inmates who had already made disclosures to you who he had hurt?

10

MS JOHNSON: Maybe I've got the wrong word "hurt", but more consensual sexual relationship. And then there was - so I had already five or six. So there's - there's C, there's B, there's J, there's E obviously, that I didn't know about until she walked into the thing. There's V. So I already had these people. So - and the sexual, or whether it was not, is still misrepresenting his office as an officer, taking advantage of women. So, to me, that's hurting them.

15

MR LLOYD: Can I understand, in relation to those women who you have just mentioned -

20

MS JOHNSON: Yes.

MR LLOYD: - was your understanding that he had had what you describe as consensual sexual relationships with some of those women? And I take an objection for the witness, Commissioner.

25

COMMISSIONER: And she will answer.

MS JOHNSON: Only two.

30

MR LLOYD: Two. And that is J and C; is that right?

MS JOHNSON: Correct.

MR LLOYD: In terms of consensual sexual relationships on your understanding between an inmate and an officer, the imbalance in power and the circumstances are such that that would involve the very serious possibility in your mind, wouldn't it, of undue, unfair and completely improper pressure on that particular inmate? I take an objection on behalf of the witness.

35
40

MS JOHNSON: Yes, but that's why I couldn't wait until Shari came back so that I could then say more.

MR LLOYD: Did you tell Shari when she came back?

45

MS JOHNSON: When she came back she spoke about it the - we spoke about the - sorry, my mind keeps going back to the -

MR LLOYD: I will help you, if you like. About two women, that conversation?

5 **MS JOHNSON:** Yes, the conversation. Well, when we had the intervention with
Thomas and the - so when we had that and that's what we spoke about. And she
said, "How did it go?" and I said, "Well, terrible. The two women weren't
believed. So, you know, he's just got away with it." And she said, almost like
Thomas, "They're two mates, they're, you know, they're going to - they're in
10 cahoots with one another, they're just getting away with it." That's when I said,
"What if there's six".

MR LLOYD: You deal with this in paragraph 55 and you have Ms Martin saying,
"They're two inmates, Susie, they're making it up."

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

MR LLOYD: And you saying, "What if there's six of them?"

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

MR LLOYD: She said, "I don't believe it."

25 **MS JOHNSON:** "I don't believe it." We were in the middle of the breezeway and
she went one way and I was sitting on the - I just walked on and that was the end
of me.

30 **MR LLOYD:** Ms Johnson, can I ask you, in this conversation with Shari Martin
that you are telling us about, did you tell her that you had had a discussion with
Astill which you understood to be him saying that he had had consensual but
sexual relationships with two inmates? I take an objection on behalf of the -

COMMISSIONER: Yes, I require you to answer.

35 **MS JOHNSON:** Well, Wayne didn't actually tell me that he had consensual
sexual relationships. He said, "I suppose you've heard about that, well that's all
a lie" da-da-da. But "I suppose you've heard about that, well, that's all a lie"
da-da-da.

40 **MR LLOYD:** But this was him telling, as I understood what you told us back in
paragraph 47, this was him raising the identity of the inmates who you had heard
things about but he didn't know that you knew about?

45 **MS JOHNSON:** Yes. The ones that Shari knew about is the ones - so the girls in
that meeting - sorry, I've lost my train of thought.

MR LLOYD: No, that's all right. I'll try and help you.

MS JOHNSON: Ask your question.

MR LLOYD: I'll try and help you. The ones you believed Shari knew about were Witnesses B, V and P?

5

MS JOHNSON: Yes.

MR LLOYD: But the ones he was raising that weren't involved in the mediations at all were what he said were consensual sexual relationships with C and J?

10

COMMISSIONER: I don't know that he said they were consensual sexual relationships, it's just the allegation was raised.

MR LLOYD: I see. I withdraw that. He was asked you whether you had heard rumours about Witness C?

15

MS JOHNSON: Yes, that's correct.

MR LLOYD: I thought you said, tell me if I've got it right, that you had heard both rumours?

20

MS JOHNSON: Yes, second-hand, third-hand.

MR LLOYD: Could I ask you then about something you say in, at the end of paragraph 47:

25

"Long after I left, I heard that he also hit on Sarah Ward, Witness M and Witness Q."

30

MS JOHNSON: That's correct.

MR LLOYD: In the next paragraph you talk about things Witness Y told you?

MS JOHNSON: Y told me, yes.

35

MR LLOYD: Now, do we understand in paragraph 48, when you say:

"But it was not consensual between him, Sarah Ward, Witness Q and Witness M..."

40

That that information or knowledge that it was not consensual between Astill and those three women, that was only something you found out later?

MS JOHNSON: After I'd left the prison, because I thought what - this is massive, what's happened, and people were FaceTiming.

45

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MR LLOYD: Could I ask you something: back in 49, you go back to deal with the 28 January meeting where you -

MS JOHNSON: Yes.

5

MR LLOYD: - describe Astill pulling out these files and making comments?

MS JOHNSON: Yes.

10 **MR LLOYD:** And at one point him saying, "Well, that didn't happen, that's what the file says."

MS JOHNSON: Yes.

15 **MR LLOYD:** What did you understand him to be meaning when he is saying, "That didn't happen, look at the file"?

MS JOHNSON: Well, he's trying to vindicate himself, that he didn't do anything. And then possibly that it has happened.

20

MR LLOYD: In paragraph 50 you say you knew at that point - that's the point of the meeting?

MS JOHNSON: Yes, yes.

25

MR LLOYD: It wasn't just the mediation issue so that it's not just V,P and B he was involved in a lot more.

MS JOHNSON: Yes.

30

MR LLOYD: That was a belief that you had at that time of the 28 January 2018 meeting based upon the discussion you had with Astill.

MR COSTANTINE: I object on the witness' behalf.

35

COMMISSIONER: I require her to answer.

MR LLOYD: That was a view; that is, he was involved in a lot more than just the issues with B, P and V. That was something that you formed a view about from the meeting with Astill on 28 January?

40

MS JOHNSON: Yes.

45 **MR LLOYD:** Could I just ask you this, Ms Johnson. The Commissioner asked you earlier about what you knew or understood to be your options about making reports to people higher up the chain than Shari Martin?

MS JOHNSON: Yes.

MR LLOYD: And you've told us, in effect, that you were - or you made an attempt to pass on this information that I've just been asking you about to Shari
5 Martin and, in effect, she said that she wasn't interested?

MS JOHNSON: She didn't believe it.

MR LLOYD: Could I just ask you this question: Did it occur to you as an option
10 in terms of outside the gaol, that this information which you had might be serious enough to warrant going to the police.

MR COSTANTINE: I object to that question.

COMMISSIONER: I require the witness to answer.
15

MR LLOYD: Did you think about it might be serious enough to go to the police?

MS JOHNSON: I know I didn't think of that at the time. I think if the police came
20 in my head I would have thought, "Oh, Leanne's husband is head of Penrith Command, that wouldn't be a good one to go to." If you just give me that in my head that's what will come straight into my mind. I wish I thought more about that I could go up higher, that I knew that I could go up higher. But I've heard today about that I could go up higher, but I didn't know that was open to a chaplain you
25 could go up higher.

COMMISSIONER: Tell me, Ms Johnson, you were in the gaol as an employee of Anglicare, is that right?

MS JOHNSON: Yes.
30

COMMISSIONER: Did you have any support from Anglicare?

MS JOHNSON: Yes, I had a supervisor that I met with once a month.
35

COMMISSIONER: Did you discuss these problems with that supervisor?

MS JOHNSON: Yes, I did discuss it. There was a period where she was away for, I think it was like six weeks, and it was right on this sort of investigation of
40 these three inmates which was (indistinct) happened in that time.

COMMISSIONER: A critical time. Now, I appreciate are you no longer in Dillwynia.

MS JOHNSON: No.
45

COMMISSIONER: Have you discussed with your supervisor your circumstances and how chaplains might be helped in other goals going forward?

5 **MS JOHNSON:** I think after today, hearing what I've heard from Renee and from Jude, that it can go higher, within that scope - and, of course, the officers, of course we're employed by Anglicare, so I don't know whether I could do any more in the officers' side. But I will be definitely saying, "You've got to do more in the Anglicare side" and let them take it up to the ICAC and go through that way, maybe.

10 **COMMISSIONER:** Right. So you contemplate initiating discussions with those who supervise within Anglicare to help chaplains?

15 **MS JOHNSON:** Yes, I think it would have to go that way, to the head of chaplaincy, and then the head of chaplaincy then talks to the officers in charge.

COMMISSIONER: It sounds like a good idea. Yes, Mr Lloyd.

20 **MR LLOYD:** Thank you, Commissioner. Just one last thing. That meeting with Shari Martin -

MS JOHNSON: Yes.

25 **MR LLOYD:** - when she came back after the mediation process and the discussion you'd had with Astill, you've told us about what happened during that meeting, the discussion. Was there - doing the best that you can to remember, how long did that meeting go for?

30 **MS JOHNSON:** Two minutes, if that.

MR LLOYD: In her office?

MS JOHNSON: No. It was in the breezeway.

35 **MR LLOYD:** You told us that. And did you feel that she was being receptive to what had you to say?

40 **MS JOHNSON:** With what I know now, yes. But at the time, I took her word as - as, "I don't believe it."

MR LLOYD: Ms Johnson, I'm interested in the dynamics of the two or three minute meeting. She says, "There's two inmates who - they're just making it up." You say, "What if there were six of them?" And she says, "I don't believe it." What to your understanding, did you know that she knew about the extra inmates who you'd mentioned, the six?

MS JOHNSON: Yes. Well, I mean, surely she must have heard all the - well, she would have heard all the rumours and everything and obviously turned aside from it, maybe. Maybe that's what she knew.

5 **MR LLOYD:** Whatever it is, she didn't say to you, "What are all these extra women" -

MS JOHNSON: No, she didn't ask me that at all. And - and it was after that that I just broke down (indistinct).

10

MR LLOYD: You must have felt it was a pretty unrewarding environment for you to be taking important information to the Governor.

15 **MS JOHNSON:** In that instance. But the job was the most rewarding job I've ever had.

MR LLOYD: However, "unrewarding" is probably a bad word. You've gone to the Governor with information that you thought was very, very important for the welfare of the women.

20

MS JOHNSON: And that's what crushed me, because I thought, "Well, where else could I go? I'm gone." Like - and then it took my mind - I was sick off - with a moral injury.

25 **MR LLOYD:** It took a very great toll on you?

MS JOHNSON: Yes, it did.

30 **MR LLOYD:** And you do know that a number of the women speak in glowing terms of the assistance that you gave them?

MS JOHNSON: Well, that's lovely to hear.

35 **COMMISSIONER:** Ms Johnson, your experience in the prison system, I imagine it enabled you to learn a lot about how it all operates; is that right?

MS JOHNSON: I hope to learn.

40 **COMMISSIONER:** Did you learn?

MS JOHNSON: Yes, I learnt.

COMMISSIONER: Tell me: are rumours common in the gaol?

45 **MS JOHNSON:** Yes. And that's why you've got to hold the rumours with a grain - not so much with a grain - yeah, with a grain of salt.

COMMISSIONER: Well, I take it some of the rumours turn out to be totally wrong.

MS JOHNSON: Yes.

5

COMMISSIONER: The information you were getting about the situation of the women and Astill obviously triggered something different in you in terms of your preparedness to accept them; is that right?

10 **MS JOHNSON:** Sorry, could you repeat that?

COMMISSIONER: You were more prepared to accept the information you were getting about Astill and the women than maybe other rumours. Would that be right.

15

MS JOHNSON: Well, more so because the girls that came to me were two girls that I knew that I could trust -

COMMISSIONER: Right.

20

MS JOHNSON: - and did come to church occasionally. Mind you, their behaviour, up and down a little bit, but they didn't lie -

COMMISSIONER: Right.

25

MS JOHNSON: As in, outright lies. They were truthful. And so for those two girls to come to me, I thought something -

COMMISSIONER: Something is wrong.

30

MS JOHNSON: Something is wrong.

COMMISSIONER: Yes. Thanks. Does anyone else have any questions? No?

35 **MR COSTANTINE:** No, thank you.

MR LLOYD: Nothing from me.

40 **COMMISSIONER:** No. Well, thank you, Ms Johnson. Thanks for coming today. And you are excused.

MS JOHNSON: Thank you.

<THE WITNESS WAS RELEASED

45

MR LLOYD: Commissioner, I'm informed by Mr Sheller that he might be about 20 minutes or so -

COMMISSIONER: We'll keep going.

MR LLOYD: - with Ms Berry.

5

COMMISSIONER: We'll keep going.

MR LLOYD: You're happy to sit on?

10 **MR SELLER:** I'm going to be 10 minutes with the witness Berry.

COMMISSIONER: Well, we've got time.

15 **MR LLOYD:** Well, actually, it's Ms Davidson who should recall Renee Berry, but I'll do it on her behalf.

COMMISSIONER: Call it cooperation. Thank you, Ms Berry.

20 <**RENEE BERRY, RECALLED**

<**EXAMINATION BY MR SELLER:**

25 **MR SELLER:** Ms Berry, just while some papers are being organised for you, my name is James Sheller. I'm one of the legal representatives for Corrective Services. I just wanted to ask you some questions about your evidence. Just go, where it's found, to your Commission statement behind tab 49A. Have you got your Commission statement in front of you?

30 **MS BERRY:** Yes, I do.

35 **MR SELLER:** If you go to paragraph 61, it's the inside page 12. You will see this is the paragraph in which you identify the four SIU reports. Now, just in relation to the last one - this is at paragraph 61(d) - this is the report dealing with Ms Hotham. Could I just ask you, still behind that tab, go to the sort of end of the tab, and you will see some page numbers in the top right-hand corner of the tab. If you go to page 56.

MS BERRY: Yes.

40 **MR SELLER:** Does that page at the bottom include an email from you to Ms Smith on 3 September 2022?

MS BERRY: Yes. To Anna Smith, yes.

45 **MR SELLER:** And you will see in the bottom paragraph -

MS BERRY: Sorry. And also Saffron Cartwright.

MR SHELLER: Yes, you're right. It's also cc'd to Ms Barry.

MS BERRY: Yeah.

5

MR SHELLER: And you will see the bottom of that paragraph, referring to completing a communication review - sorry, let me start again. You will see in the second-last paragraph on that page, as part of your email to Ms Smith, you talk about completing a communication review in relation to Ms Hockey?

10

MS BERRY: Yes, I did.

MR SHELLER: Does that correspond to the fourth of the SIUs?

15

MS BERRY: Yes, it does.

MR SHELLER: And then if you go - sorry, you outline, as it were, what's going to go into that communication review?

20

MS BERRY: Yes.

MR SHELLER: Could I just ask you this: Your use of the IIS system in relation to Ms Hockey, was that done at Emu Plains?

25

MS BERRY: Yes.

MR SHELLER: Were you at Emu Plains at the time?

MS BERRY: Yes, I would have been. Yes.

30

MR SHELLER: Just to assure you, Ms Berry, we're having another look for that. Then if you go to your police statement behind tab 48 and the very last page of that tab - the very last page.

35

COMMISSIONER: Mr Sheller, is there any challenge to what she says in her statement about these documents?

40

MR SHELLER: I'm just trying to find - what the statement says is she thought they were missing, and I'm just locating them for her. And I am going to ask her a question about a difference between them. There's no challenges to the substance; it's just what's in them in terms of trying to explain what might have happened.

45

COMMISSIONER: Maybe we should go to that, shouldn't we?

MR SHELLER: All right. I'll do it in a quick form. In that document, the last page of tab 48, do you see the information note?

MS BERRY: No, I've got an officer's report form that I've written in.

5 **MR SELLER:** I'm sorry. If you go to tab - sorry, the item tab - I might just approach, if I may. I'm sorry.

COMMISSIONER: Sure.

10 **MR SELLER:** I've just shown to you, Ms Berry, the very last page behind tab 48. Do you recognise that as the information note - or the second page of the information note, if you go to the previous page, that you put through the SIU?

15 **MS BERRY:** Yes, that's the second one - that's right. It's the first one I submitted on that date.

MR SELLER: And that's the first item in paragraph 61?

MS BERRY: Yep. Yep.

20 **MR SELLER:** Now, could I ask you, then, another folder that has been put in front of you, hopefully, is folder 10. Not yet. Could the witness just have this document just to shortcut things.

25 **MS BERRY:** Thank you.

MR SELLER: Ms Berry, I've now shown you the document. It's behind, for those with the tender bundle, tab 175 of volume 10. If you could just have a look at that document and satisfy yourself whether it is the second of the 29 August 2018 -

30 **MS BERRY:** Yes, it is.

MR SELLER: - intelligence notes?

35 **MS BERRY:** Yes, it is.

MR SELLER: And then if you have a look over the page - I'm sorry I don't have it in front of me. But whereas SIU appeared under the word "primary" in the first intelligence note of that day, do you notice that under the word "primary" for
40 the second document the word "contraband" appears?

MS BERRY: Yep.

45 **MR SELLER:** Do you understand what that means or why that word is used -

MS BERRY: That shouldn't - shouldn't be there. You're only - you are only given two selections, general or SIU.

MR SELLER: Right.

5 **MS BERRY:** So - but in regards to - because the first one was in regards to the
police photo that day, which I submitted straightaway. The second one was in
regards to contraband that Mr Astill was bringing to the centre, and I did raise
concerns that the inmate, Sarah Ward, and myself had been punished because
someone knew about this. So there's either a problem with the system, but that was
10 an SIU report. That was never supposed to go to Shari Martin. Because I ended up
having to do that search.

MR SELLER: So what you think has happened - for some reason, the
document - the intelligence note that you intended to put through to SIU like you
had with the other intelligence note on that day somehow ended up remaining
15 within Dillwynia under that word "contraband"?

MS BERRY: Yes, it did.

MR SELLER: And was there some consequence in relation to that intelligence
20 note for you at Dillwynia?

MS BERRY: Yep.

MR SELLER: What was that consequence?
25

MS BERRY: I was - that was made on 29 August. I was made to do that search
on 30 September. I was brought out of reception, which is not a normal practice.
There was the SCO at reception. There was an SCO - Grant Riddle was SCO,
David Alessi and First Class Jo Pearson up in that unit. I was tasked with doing
30 the actual search on that actual inmate that was named in there with Jo Pearson. I
was then tasked to the follow-up investigation on the contraband that was found in
there because it wasn't items from the Correctional facility.

MR SELLER: Yes.
35

MS BERRY: I took that report, and it's in my evidence, to Shari Martin with the
contraband. She looked at me and she told me to take it to Deb Wilson. I said,
"She's not in." She said, "Keep it under camera until she gets in and take it to her."
(Indistinct) September that search was done. By 2 September, Sarah Ward was
40 targeted for urines. By 3 September, she had in-gaol charges. By the 4th, she was
sitting in segregation.

MR SELLER: So is this your conclusion, is that -

45 **MS BERRY:** We were both moved out of reception.

MR SELLER: Both of you?

MS BERRY: We were both moved out of reception, yes.

MR SELLER: Right.

5

MS BERRY: We were both punished for this and -

MR SELLER: For the generation of that information note.

10 **MS BERRY:** Yep and I - I - (indistinct).

MR SELLER: Now, just on a completely separate matter, could I just indicate to you that, as you may be aware, Witness C has given evidence before the Commission?

15

MS BERRY: Yes, she has.

MR SELLER: You know obviously we don't use a name but you know who Witness C is?

20

MS BERRY: Yes, I know who Witness C is.

MR SELLER: Witness C has given evidence about, what I will call, the ring incident.

25

MS BERRY: Yes.

MR SELLER: I'm just wondering if I could summarise it, but accurately, if you could indicate whether this is your recollection of events. Witness C has said in her statement to the Commission as follows:

30

"During the visit, Officer Barry..."

And you -

35

"...noticed a silver ring she was wearing and told her that it was not listed as being in her property and asked her to take it off."

Do you recall that happening?

40

MS BERRY: It did not happen.

MR SELLER: She said that you and Officer Barry dragged her down the corridor to the back of the clinic near night seniors. Do you recall that happening?

45

MS BERRY: Did not happen.

MR SELLER: And there you or Officer Barry said, "Take it off or we'll fucking cut it off." Do you recall that happening?

5 **MS BERRY:** Did not - well, I can't tell you what happened, it did not happen because I wasn't there.

MR SELLER: Then a reference to you again and Officer Barry took you - sorry, took her to the Behavioural Intervention Unit. Do you recall that?

10 **MS BERRY:** I was not there. I did not do that.

MR SELLER: If you just go back to your police statement behind tab 48, immediately after the end of the statement - sorry, I'll get this right. The statement, I think, runs to 18 pages, the actual body of the police statement. Straight after
15 that, there appears to be your notebook. Do you see that?

MS BERRY: My - yes, my contemporaneous notebook. Yes.

20 **MR SELLER:** It starts at page 19. Sorry, page 19 in the top right-hand corner.

MS BERRY: Yeah, I thought it started at 20, I would have to confirm.

MR SELLER: If you go over the page to the page that the number 20 in the top
25 corner. This is part of your notebook. Do you see that?

MS BERRY: Yes.

MR SELLER: And then about, a third of the way down, do you see an entry
30 beginning 13 February 2016?

MS BERRY: Yes.

MR SELLER: And that note captures your account of the events -

35 **MS BERRY:** Yes.

MR SELLER - on the day involving Witness C?

40 **MS BERRY:** Yep.

MR SELLER: You understand that Ms Barry also submitted a note to the Governor in relation to that incident; is that right?

45 **MS BERRY:** Yes.

MR SELLER: Yes, those are my questions, thank you.

COMMISSIONER: Thank you. Yes.

MR WATSON: Thank you, Commissioner.

5 **MR SHELLER:** I'm so sorry, I forgot one, I'm sorry. Another folder in front of you, may be that one, hopefully. It has some numbered tabs inside it, number 70. Where does it start?

MS BERRY: It starts at 65.

10

MR SHELLER: Could you just go to tab 70 for me?

MS BERRY: 70, yep. That says Grant Riddle. It has got Grant Riddle's name.

15 **MR SHELLER:** Yes. If you go to the very back of the - of that document, I just want to see if there's an email right at the back of it. Yes, do you have that in front of you?

MS BERRY: Is that the Workplace Comments email?

20

MR SHELLER: Yes, it has got up the top of it From Wayne Astill, and underneath that the word "gold", do you see that?

MS BERRY: Yep.

25

MR SHELLER: That seems to be in response to an email from Ms O'Toole to a huge number of people, including yourself. The second line you see your name?

MS BERRY: Yes.

30

MR SHELLER: Do you remember that email?

MS BERRY: I vaguely remember that email.

35 **MR SHELLER:** Do you remember any reaction you might have had at the time you received that email?

MS BERRY: No, because it's 2015. I wasn't aware of anything until early 2016, but now looking at it, I think it's - a hypocrite.

40

MR SHELLER: Sorry?

MS BERRY: A hypocrite.

45 **MR SHELLER:** Who is a hypocrite?

MS BERRY: Leanne O'Toole for sending that out.

MR SHELLER: Yes. Thank you, those are the question.

COMMISSIONER: Yes.

5

<EXAMINATION BY MR WATSON:

MR WATSON: My name is Watson, and I'm representing Wesley Giles and
10 Mishelle Robinson. Could I just refer you to your statement, latest statement to the
Commission, paragraph 153?

MS BERRY: I've just got to find what section that is in. Am I allowed to have
someone to assist me with this, please? What section, please?

15 **MR WATSON:** 153. That's on page 25 of your 30-page statement.

MS BERRY: Yes.

MR WATSON: And you gave some evidence earlier about, I think it was
20 Witness O, and you say in your statement:

25 "One inmate complained fundamentally that Westley Giles had ignored
a complaint that she had made and nothing had happened about it. And I
think later, before Mr Astill was sentenced, she called Mr Giles a dog and
that he was - she didn't want to be anywhere near him."

MS BERRY: Correct.

MR WATSON: Do you remember giving that evidence?
30

MS BERRY: Correct.

MR WATSON: And did the Witness O give you details of what her complaint
35 was about?

MS BERRY: Negative. It wasn't my conversation. I was just sitting there beside
Jude Barry.

MR WATSON: So the answer is no, she didn't give you any details?
40

MS BERRY: No. But I did report it.

MR WATSON: No, I understand. Do you know even that it was referable to
45 something that happened in March 2017 between Witness O, Witness T, Witness
H and Mr Astill?

MS BERRY: She was just referring to Mr Giles that she'd reported something to him and he had let her down and that he was a dog and she was very distressed because she'd just given her victim statement.

5 **MR WATSON:** So this was before he was sentenced, of course?

MS BERRY: Correct.

10 **MR WATSON:** And you wouldn't know the period of time that she is referring to -

MS BERRY: No.

15 **MR WATSON:** - as to when this complaint was made?

MS BERRY: No.

20 **MR WATSON:** And are you aware that Mr Giles only had one interaction or one complaint from Witness O which was in March 2017? Are you aware of that or not?

MS BERRY: No, I'm not because I try and have very little to do with Mr Giles.

25 **MR WATSON:** Right. And you've got some personal animosity against him.

MS BERRY: No, Mr Giles has mistreated me 17 years of my career.

MR WATSON: You said that earlier that he -

30 **MS BERRY:** Yes, he has.

COMMISSIONER: I think the witness should be allowed to answer before you seek to contradict her.

35 **MR WATSON:** Thank you, your Honour.

COMMISSIONER: Yes.

40 **MR WATSON:** So if you can be - the witness can be provided with a copy of - at 1065 is a copy of Brian Bartlett's police statement dated 14 September 2020. There should be an annexure, Commissioner.

MS BERRY: (Indistinct) please?

45 **MR WATSON:** There should be a document which is addressed to Ms S. Martin, Governor, Dillwynia Correction Centre, dated 4 April 2017. Do you see that?

MS BERRY: What number is it, sorry?

MR WATSON: It's tab 65. It should be an annexure to Mr Bartlett's statement.

5 **MS BERRY:** On 4 April 2017?

MR WATSON: That's right. Now, can I ask you just to - at the back of that document, the last two pages - and you should see where it says "Witness O" and the date is 29 March 2017. Do you see that? The final two pages of the annexure document. Have you got that?
10

MS BERRY: Yep.

MR WATSON: And do you see where it says:
15

"Subject: allegations."

MS BERRY: Yes.

20 **MR WATSON:** Underneath that, it says:

"Written on behalf of inmate Witness O by CSO Peek."

MS BERRY: That's correct.
25

MR WATSON: Do you see that?

MS BERRY: Yep.

30 **MR WATSON:** And then there's the details of the allegation and dated 29 March 2017. Do you see that?

MS BERRY: Yep.

35 **MR WATSON:** And on the next page - so the final page of the annexure document - you see that it's signed by Westley Giles - do you see that -

MS BERRY: Yes, I do.

40 **MR WATSON:** - on 29 March 2017; correct?

MS BERRY: Correct.

MR WATSON: And if I can ask you just to go back to the first page of the document, and if you could go through the document - it's not a lengthy document.
45

MS BERRY: Which - sorry, is that Mr Bartlett's statement?

MR WATSON: No, no. Not his statement, just the annexure. Go back to the document that was addressed to Ms S. Martin, Governor:

5 "Subject: allegations against staff member."

Dated 4 April 2017. I'll just take you through page by page. Have you got that page?

10 **MS BERRY:** What date was it, sorry?

MR WATSON: 4 April 2017.

15 **MS BERRY:** No. Yeah, 4 April -

MR WATSON: It should be the first page of the annexure.

MS BERRY: Yes.

20 **MR WATSON:** Right. Now - thank you. If I take you through that - have a flick through those pages, please.

MS BERRY: Yep.

25 **MR WATSON:** All right. Have you read or gone through each of the pages?

MS BERRY: Yep. Yep.

30 **MR WATSON:** And do you agree that what that is - what the annexure document reflects is the commencement of a complaint -

MS BERRY: Yep.

35 **MR WATSON:** - by two inmates, actually?

MS BERRY: Yep.

40 **MR WATSON:** And that are ratified or referred on by Westley Giles up the chain of command. Do you agree?

MS BERRY: Yes.

45 **MR WATSON:** And that, in fact, the last document that you see, dated 4 April 2017, is a - fundamentally a report with a recommendation -

MS BERRY: Yes.

MR WATSON: - from Brian Bartlett, Manager of Security, to the Governor; correct?

MS BERRY: Yes.

5

MR WATSON: So certainly there's a complaint by Witness O which is at some point taken on board by Mr Giles and referred for investigation - correct - concerning Mr Astill?

10 **MS BERRY:** Yes. There seems to be paperwork for it, yes.

MR WATSON: Right. And then Mr Bartlett's recommendation at the end says is, on the second page of the annexure:

15 "At this time, there appears to be insufficient evidence or information available to warrant further action or investigation. However, I will closely monitor all parties concerned."

Do you see that?

20

MS BERRY: Yes. Yep.

MR WATSON: So that indicates to you, doesn't it, that there was - from the nexus of Witness O's complaint, that there was something done by Mr Giles which ended up with an investigation - correct - which went to the Governor in the end?

25

MS BERRY: Yes. Yes.

MR WATSON: They're my questions. Thank you.

30

COMMISSIONER: Anyone else? Ms Davidson?

MS DAVIDSON: Nothing further, Commissioner.

35 **COMMISSIONER:** Thank you, Ms Berry. That concludes your evidence. You're now excused.

<THE WITNESS WAS RELEASED

40 **COMMISSIONER:** Does that take us to Wednesday?

MS DAVIDSON: Commissioner, it takes us to Wednesday at 10 am.

COMMISSIONER: 10 o'clock on Wednesday morning. We'll adjourn.

45

<THE HEARING ADJOURNED AT 4.29 PM TO WEDNESDAY, 1 NOVEMBER 2023 AT 10.00 AM