



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

**PUBLIC HEARING  
SYDNEY**

**WEDNESDAY, 1 NOVEMBER 2023  
AT 10.00 AM**

**DAY 14**

**APPEARANCES**

**MR D. LLOYD SC appears with MS J. DAVIDSON, as Counsel Assisting  
MR J. SHELLER SC appears with MS C. MELIS for Corrective Services NSW  
MR 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  
MS J. GHABRIAL appears for a group of Correctional Officers  
MR E. JAMES appears for one Correctional Officer  
MR A. WILSON appears for one Correctional Officer  
MR T. MCCAULEY appears for one Correctional Officer**

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

L\351450662.1

**<THE HEARING RESUMED AT 10.00 AM**

**COMMISSIONER:** Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you, Commissioner. There are two legal representatives who are here, who are Mr Wilson and Mr McCauley, who wish to announce their appearance.

10 **MR A. WILSON:** May it please the Commission, my name is Wilson, initial A. I appear instructed by Mr Neilson on behalf of Mr Peek.

**COMMISSIONER:** You seek leave to appear?

15 **MR A. WILSON:** I understand that leave has previously been granted, and I understand that my client was previously represented by another lawyer.

**COMMISSIONER:** I see. Yes. Very well. Okay. Well, I think you need leave. You've got it.

20 **MR A. WILSON:** In that case, I seek leave, Commissioner.

**COMMISSIONER:** You have it.

25 **MR A. WILSON:** Thank you.

**MR McCAULEY:** If the Commission pleases, McCauley, initial T. I'm a solicitor -

30 **COMMISSIONER:** I can't hear you. Can you get to a microphone?

**MR McCAULEY:** Apologies, Commissioner. If the Commission pleases, McCauley, initial T. I'm a solicitor. I appear for Mr Thomas Woods, and I believe that leave has been granted in respect of Mr Woods already.

35 **COMMISSIONER:** It has, yes. Thank you. Yes.

**MR LLOYD:** Thank you, Commissioner. I call Brian Bartlett.

40 **<BRIAN ROBERT BARTLETT, SWORN**

**<EXAMINATION BY MR LLOYD:**

**MR LLOYD:** Could you tell us your name?

45 **MR BARTLETT:** Brian Robert Bartlett.

L\351450662.1

**MR LLOYD:** And your address is known to the Commission. You made a statement to this Commission, and you did that on 11 October 2023?

5 **MR BARTLETT:** That's correct.

**MR LLOYD:** And what you were saying in that statement is true?

**MR BARTLETT:** Yes.

10 **MR LLOYD:** You made a statement to the police for the purpose of the prosecution of Astill on 14 September 2020?

**MR BARTLETT:** Yes.

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

**MR BARTLETT:** Yes.

20 **MR LLOYD:** Mr Bartlett, in front of you - and we'll get you help navigating where you need to go - is first a pseudonym list. I can see it in your hand.

**MR BARTLETT:** Yes.

25 **MR LLOYD:** If you might just put that on the bench there next to the folders so you can have access to it when you need to. And then there are two folders there. Could you just have a look at and tell me if one of them is volume 8?

**MR BARTLETT:** Volume 8? Sorry.

30 **MR LLOYD:** Tab 65. Have you got that?

**MR BARTLETT:** Yes. Yes, I have.

35 **MR LLOYD:** And that's your police statement?

**MR BARTLETT:** That's correct.

**MR LLOYD:** And 65A is your statement to the Commission - tab 65A?

40 **MR BARTLETT:** Yes, that's correct.

**MR LLOYD:** I tender those statements together, Commissioner.

45 **COMMISSIONER:** They will be Exhibit 20.

**<EXHIBIT 20 TENDERED AND MARKED**

L\351450662.1

**MR LLOYD:** If you take up tab 65A, Mr Bartlett, your Commission statement.

**MR BARTLETT:** Yep.

5 **MR LLOYD:** In paragraph 5, you tell us about your professional history, including in relation to your time at Dillwynia.

**MR BARTLETT:** Yep.

10 **MR LLOYD:** You commenced duty in the early part of 1980?

**MR BARTLETT:** In the job, yes, that's correct.

**MR LLOYD:** And then retired in the very early part of 2019?  
15

**MR BARTLETT:** 19 January 2019.

**MR LLOYD:** You had various postings, including to Long Bay and Parklea and other places, before coming to Dillwynia?  
20

**MR BARTLETT:** That's correct.

**MR LLOYD:** And just have a look, if you need to remind yourself, in paragraph 5. In late 2016, you moved to Dillwynia from Silverwater Women's Correctional Centre?  
25

**MR BARTLETT:** That's correct.

**MR LLOYD:** But I take it that fairly shortly after you arrived at Dillwynia, you suffered a badly broken wrist?  
30

**MR BARTLETT:** That's correct.

**MR LLOYD:** So is it right that when you moved over to Dillwynia, you were only there for a very short time before that injury?  
35

**MR BARTLETT:** I was only there for probably six, seven weeks.

**MR LLOYD:** Suffered your injury and then you were away from work for three months?  
40

**MR BARTLETT:** Three months. And then a short period - about three weeks to a month on restricted duties when I came back.

45 **MR LLOYD:** And you came back on 1 April 2017?

**MR BARTLETT:** Yes, that - that would be right.

L\351450662.1

**MR LLOYD:** And then you left Dillwynia in about mid-2017?

**MR BARTLETT:** That's correct.

5

**MR LLOYD:** So, you were only really there for maybe the six or seven weeks before your injury?

**MR BARTLETT:** Yeah. And then some weeks after that.

10

**MR LLOYD:** And then for about two months or - two or three months?

**MR BARTLETT:** If that. Yeah.

15 **MR LLOYD:** Did you say "if that"?

**MR BARTLETT:** Yeah.

**MR LLOYD:** Did you get a feel for the culture of the place while you were there?

20

**MR BARTLETT:** I never - as far as - it was a very laid back, very casual environment, which Dillwynia is. There's no gates, bars or anything like that there. It was quite a nice, open, friendly environment.

25 **MR LLOYD:** Did you know the Governor before you arrived?

**MR BARTLETT:** Briefly. I knew her but not well.

**MR LLOYD:** How did you find dealing with her in the short period you were there?

30

**MR BARTLETT:** I'd never had any issues with - with the Governor at all. We were - we got on fairly well. There was no - no animosity or no issues between us.

35 **MR LLOYD:** Could you just turn to paragraph 29 of your Commission statement. I just want to ask you some questions about some events that occurred in which you were involved in the very early part of April -

**MR BARTLETT:** Yep.

40

**MR LLOYD:** - 2017. In the first two sentences of paragraph 29 - just re-read those to yourself.

**MR BARTLETT:** Yep.

45

**MR LLOYD:** This is only a couple of days after you came back from your injury?

L\351450662.1

**MR BARTLETT:** That's correct.

5 **MR LLOYD:** And you spoke to Ms Martin about two written statements by inmates - and if you need to look at the pseudonym list - O and T.

**MR BARTLETT:** That's correct, yes.

10 **MR LLOYD:** What, if you can remember, did she say to you about what Witnesses O and T had said?

**MR BARTLETT:** What she - what - sorry, I misunderstood -

15 **MR LLOYD:** She gave you two statements?

**MR BARTLETT:** Statements - that's correct.

20 **MR LLOYD:** I will take you to the documents, but there's two pieces of paper which contained an account of Witnesses O and T; correct?

**MR BARTLETT:** That's correct, yes.

25 **MR LLOYD:** What I'm asking you - in terms of what Shari Martin gave you those statements, did she say anything to you?

**MR BARTLETT:** No. No. No, she just - just said, "There's just a couple of statements here. If you can have a look at that for me," or words to that effect. There was no briefing or prior information given to me.

30 **MR LLOYD:** You came to understand that allegations - I will just put it this way at the moment - of inappropriate conduct by Astill were made in the statements that you had been handed. Is that fair?

35 **MR BARTLETT:** There was an allegation of inappropriate conduct, yeah.

**MR LLOYD:** By the two women?

**MR BARTLETT:** No, only one. Only one made the actual allegation.

40 **MR LLOYD:** Did you have an understanding of what exactly you were being tasked to do when you were given the two statements?

45 **MR BARTLETT:** No, I was just - I was just told to just interview the inmates and just see if there was anything - anything sort of substantial in it. There was no other briefing or information given to me.

L\351450662.1

**MR LLOYD:** Did you understand that your role was to investigate whether the - what the women were saying was true and then come to a conclusion, or was your understanding that you were information-gathering?

5 **MR BARTLETT:** Well, it was - I suppose, in the beginning, it was information-gathering. And then depending on what - what came out of that, whether it'd be taken further or not. But -

10 **MR LLOYD:** Would it be fair to say that in terms of Shari Martin handing you the two statements, you weren't really given any kind of proper briefing about what it is that you were actually being asked to do?

**MR BARTLETT:** Not for me, no. No.

15 **MR LLOYD:** Did you have an understanding of what someone in your position would be required to do if there was an allegation by an inmate of inappropriate behaviour by an officer? That is, did you have an understanding of whether it was your job to conduct an investigation, coming to a conclusion?

20 **MR BARTLETT:** No, I - if it was an allegation like that, it would be mine to gather the initial information. And then if there was some substance to it, then it would be referred on. Obviously the Governor would be informed, but then it would have to go further.

25 **MR LLOYD:** Further, as in, where?

**MR BARTLETT:** Well, it would probably end up - depending on the nature of the complaint and everything like that, it may end up a police matter.

30 **MR LLOYD:** Did you understand the means by which you could refer allegations of inappropriate conduct by an officer outside the gaol?

**MR BARTLETT:** I - I - I could, yeah.

35 **MR LLOYD:** Where did you understand you could send that to?

**MR BARTLETT:** Well, I could send it to the police. I could send it to CSIU, our - our investigation unit, Professional Standards Branch.

40 **MR LLOYD:** What was your understanding of the trigger point or the state of satisfaction you needed to reach before you'd send it to CSIU or the police?

45 **MR BARTLETT:** Well, at that - at that point, I would have to be - I would have to be satisfied with the initial information that I got and that if there was some - some sort of substance or substance to it, to recommend referral onwards.

L\351450662.1

**COMMISSIONER:** If you were to tell them there was substance, that required you to exercise a judgment, didn't it?

**MR BARTLETT:** Yes.

5

**COMMISSIONER:** Now, were you trained in how you should exercise that judgment?

**MR BARTLETT:** In what respect, sir?

10

**COMMISSIONER:** Well, how are you to evaluate what's coming to you, how do you put it all together and what conclusion would you come to? Were you trained in those sorts of situations?

15 **MR BARTLETT:** No. Not really, no.

**COMMISSIONER:** So you just understood your purpose was to talk to people?

20 **MR BARTLETT:** Initially, yes, and then just - and just see whether or not that needed to go further.

**COMMISSIONER:** Well, that's my problem. You say whether or not it needed to go further required you to make a judgment, evaluate what you were being told, didn't it?

25

**MR BARTLETT:** On the - on - on the basis of - of what - what I was told I - and what I was told by the inmate initially is that there was a lot of information that was - came out one way and then it was sort of - you know, the person involved back-tracked - gave me certain information and then she started to back-track and didn't sort of qualify what she originally - qualify her statements. So I became somewhat dubious, I suppose, of - of the information that she had originally given. She did appear - she did appear to be very hesitant to tell me too much. She wanted to - and I just gave it that. There was also another issue with this particular inmate, that she was very, very fearful of - my apologies, I've just got to try and check -

35

**MR LLOYD:** I think what you're about to tell the Commissioner is fearful of a name you won't find there, Trudy Sheiles.

40 **MR BARTLETT:** Yes, that's correct. I didn't know whether I could use her name.

**MR LLOYD:** No, that's -

45 **MR BARTLETT:** No, she was very, very fearful - as a matter of fact, both the girls that I interviewed were very, very fearful of her and - and were very, very concerned, very frightened that anything that was said would end up back to her. And at that stage - at that stage, I suppose my judgment became clouded. I - I

L\351450662.1



started to be concerned for the two inmates that gave me the statements. I was concerned for their welfare if anything got back and feared I might be blowing things - with limited information at my disposal, I feared that I might blow it out of proportion a little bit and - and - and Ms Sheiles may seek reprisal against the other two parties.

5  
10 **MR LLOYD:** Just going back, I think, to the Commissioner's question. Before we get to the details about what you were told by Witnesses O and T, just in terms of your training in conducting any evaluation of the accuracy or truthfulness of what you were told, that's really what I want to ask you about at the moment. It's - it must have been something that you knew at this time, early April 2017, that generally it was difficult for inmates to come forward and make a complaint of inappropriate behaviour by an officer?

15 **MR BARTLETT:** Well, it was. And I could - I could - I did try and talk to her at length about this, but she was very hesitant to elaborate on a lot of issues.

20 **MR LLOYD:** Before we come to what happened, I just want to understand what training or information you had been given about how to manage a situation like this. Had you been trained in how to, for example, conduct an interview with an inmate coming forward?

**MR BARTLETT:** Not - not - I have conducted interviews, but not formally.

25 **MR LLOYD:** To the extent that you understood you were required to come to an evaluation, as the Commissioner put it, of information you were receiving, were you ever told about what kind of standard you were coming to, that you might have seen on TV shows references to "beyond reasonable doubt" or "balance of probabilities" or that kind of thing? Did you have an idea about what standard you were applying?

30 **MR BARTLETT:** Well, I suppose all I was - all I was trying to do at that point was just interview them, but just to get enough information that - that I could - I could put forward that could be either actioned or some -

35 **MR LLOYD:** And I think - in terms of being actioned or getting information to be actioned, I think what you're telling us, but make sure I've got it right, is that - you were aware that there were people outside the gaol, either the police or those within the CSIU, who were skilled and trained -

40 **MR BARTLETT:** Yes.

**MR LLOYD:** - in conducting investigations?

45 **MR BARTLETT:** Yes.

**MR LLOYD:** And, plainly enough, had more skills and training than you did?

L\351450662.1

**MR BARTLETT:** That's correct.

5 **MR LLOYD:** And so to the extent that there was an investigation or evaluation of the information required, they were the people who could do it?

**MR BARTLETT:** Yes.

10 **MR LLOYD:** And you really weren't in any position to be able to evaluate and conclude, as opposed to information-gather. Is that fair?

**MR BARTLETT:** Yeah, that - that is true. All I - all I - I was just a little - I wasn't quite sure how to proceed with this, given the fact that the information that I had was very - was very sketchy, and I didn't have any previous  
15 briefings. I only - I only had what - what the inmate told me.

**MR LLOYD:** I take it from that, Mr Bartlett, that at no time when Shari Martin asked you to look into it - I think is in effect what you said?

20 **MR BARTLETT:** Yep.

**MR LLOYD:** Gave you the two statements that they'd made?

**MR BARTLETT:** Yep.  
25

**MR LLOYD:** Did she tell about her knowledge or any information about Astill behaving inappropriately at times prior to this and unrelated to this?

**MR BARTLETT:** None at all.  
30

**MR LLOYD:** You weren't told about any rumours -

**MR BARTLETT:** No.

35 **MR LLOYD:** - or information or conduct?

**MR BARTLETT:** Nothing.

40 **MR LLOYD:** And so you approached this, I take it from what you're saying, on the basis that there was no history of inappropriate behaviour or even history of rumours about Astill?

**MR BARTLETT:** That's correct. I didn't have any such information at all.

45 **MR LLOYD:** Could I ask you to go - try and find in the folder - and, again, we'll get you help - if you go back to tab 64. I'm sorry, tab 65. It's your police statement. If you found your police statement, and I think you have, you - then in that bundle

L\351450662.1

need to move forward to the annexures. And you'll see page numbers up the top right-hand corner. I want you to find the page which ends in 14. Have you got that one?

5 **MR BARTLETT:** Yes, that's - yes, I have.

**MR LLOYD:** This was the document which Shari Martin handed you, or one of them, that is, the complaint by Witness T?

10 **MR BARTLETT:** Yes, that's correct.

**MR LLOYD:** And obviously enough from what you're telling us, when you were handed that complaint, you read it?

15 **MR BARTLETT:** Yes.

**MR LLOYD:** Just have a look at some things that Witness T is recorded in it. She tells us in the document that she approached Mr Astill, 28 March, about 8.30 am, informing him of some things. Do you see that?

20

**MR BARTLETT:** Yes.

**MR LLOYD:**

25 "Waiting to be called, I noticed another inmate, Trudy Sheiles, kneeling in the office, some time chatting with the officer."

Do you see that?

30 **MR BARTLETT:** Yes, I have.

**MR LLOYD:**

35 "Later, I witnessed the same inmate vacuuming the office for 45 minutes plus, and I believe this was inappropriate between the two."

Do you see that?

**MR BARTLETT:** Yes.

40

**MR LLOYD:** Just dealing with that account, the conclusion on the part of Witness T was that whatever it was that she saw that she thought it was inappropriate between Trudy Sheiles and Astill. That's obvious. Do you agree?

45 **MR BARTLETT:** Yep.

L\351450662.1

**MR LLOYD:** And some objective features of it, I want to suggest to you, Mr Bartlett, would have appeared to you to support the inappropriateness of it. The first one I want to ask you about is, did you know the size or the dimensions of the office she was talking about?

5

**MR BARTLETT:** No. Not really, no.

**MR LLOYD:** Did you check in your investigation how big the office was?

10 **MR BARTLETT:** Well, with my investigation, I was on restricted duties at the time and couldn't enter the Centre. So I never attended the office.

**MR LLOYD:** You didn't even know how large that office was?

15 **MR BARTLETT:** No. No.

**MR LLOYD:** So you wouldn't have been able to evaluate the likelihood of vacuuming that office for 45 minutes being a reasonable excuse for Trudy Sheiles being in it?

20

**MR BARTLETT:** I wouldn't know. I didn't know. Sorry.

**MR LLOYD:** Did that ever occur to you, that - was this office big enough to really take 45 minutes to vacuum?

25

**MR BARTLETT:** It was. It was definitely, but the - but the - this particular witness said was chatting didn't sort of say to me she saw anything untoward or didn't see anything. She saw him - she saw her vacuuming the floor and chatting with the officer but didn't actually say she saw anything inappropriate or illegal.

30

**MR LLOYD:** Whatever she saw, to your knowledge, it was both inappropriate, which you've agreed to, and of such importance that she wanted to speak to a manager or the Governor. That's down the bottom of the document. And I think it would follow from what you've said, but tell me if I've got it right, that the fact you had an inmate who was wanting to elevate something to the Governor by way of complaint involving an officer might of itself suggest to you that they thought it was pretty serious. Do you agree?

35

**MR BARTLETT:** I agree.

40

**MR LLOYD:** Have a look, please - if you go forward in that bundle - to the page ending in 17. That is the second of the documents you've told us that Shari Martin handed to you, being the inmate application filled out by Witness O; correct?

45 **MR BARTLETT:** That's correct.

L\351450662.1

**MR LLOYD:** And if you have a look, it's got at the top that it's written on behalf of Witness O by an officer due to poor English skills.

**MR BARTLETT:** Yes.

5

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

**MR BARTLETT:** Yes.

10 **MR LLOYD:** But then what's written as being Witness O's account is that she believed:

"...something inappropriate happened yesterday between Trudy Sheiles and Chief Astill..."

15

Do you see that?

**MR BARTLETT:** Yes.

20 **MR LLOYD:**

"...and I believe that I've witnessed this on previous occasions also."

Do you see that?

25

**MR BARTLETT:** Yes. Yes.

**MR LLOYD:** Now, first, that's a conclusion without details of seeing something inappropriate?

30

**MR BARTLETT:** Yes.

**MR LLOYD:** And a suggestion that it's happened before?

35 **MR BARTLETT:** Yes.

**MR LLOYD:** And would you agree that that complaint being made by Witness O in this document suggested that at least she thought what she saw was serious?

40 **MR BARTLETT:** Well, I did - I did try and question her.

**MR LLOYD:** Just in terms of the document at the moment -

45 **MR BARTLETT:** On the - on the - on the basis that - of the document, it would appear serious given the fact that she's seen this or the fact she's seen this on previous occasions.

L\351450662.1

**MR LLOYD:** And that she thinks whatever happened, without the details, was inappropriate on the previous day; true?

**MR BARTLETT:** Yes.

5

**MR LLOYD:** And, again, toward the bottom of that page, serious enough to warrant her wishing to speak to the Governor?

**MR BARTLETT:** Yes.

10

**MR LLOYD:** Now, can I ask you next to go back to your Commission statement. I want to ask you about what happened next in the sequence. This is 65A.

**MR BARTLETT:** Yep.

15

**MR LLOYD:** Paragraph - if you just re-read to yourself the second half of paragraph 29 and then paragraphs 30 and 31. Have you read those?

**MR BARTLETT:** Yes.

20

**MR LLOYD:** I just want to ask you about this process that you've identified, starting with Witness O. So what I'm asking you about is the interview that you conducted with Witness O after being given the statement I've just asked you about; understand?

25

**MR BARTLETT:** Yeah. Yes.

**MR LLOYD:** Have a look at the annexures to your Commission statement. There's some handwritten notes. At page 9, there's Witness O up the top.

30

**MR BARTLETT:** That's correct.

**MR LLOYD:** Is that a note that you made during the meeting that you had -

35

**MR BARTLETT:** Yes.

**MR LLOYD:** - with her on 3 April?

**MR BARTLETT:** Yes, I did.

40

**MR LLOYD:** I don't want to take you to every part, but you recorded in your own writing what she was telling you?

**MR BARTLETT:** Yes, I did.

45

**MR LLOYD:** And just have a look about - you'll see about in the middle of the page, a reference to Witness T?

L\351450662.1

**MR BARTLETT:** Yes, that's right.

**MR LLOYD:** Just go above that, about three or four lines. The line:

5

"Shortly afterwards, Sheiles stood up and bent over and pulled the vacuum cleaner cord through her legs."

Do you see that?

10

**MR BARTLETT:** Yes.

**MR LLOYD:**

15

"Astill's hand..."

What's the next word?

**MR BARTLETT:**

20

"Astill's hand came into contact with..."

**MR LLOYD:** Sheiles?

25

**MR BARTLETT:** Yeah:

"...with Sheiles's inner thigh."

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

30

**MR BARTLETT:** Yes.

**MR LLOYD:**

35

"Appeared then to attempt to hold the cord but touched her on the thigh instead."

Do you see that?

40

**MR BARTLETT:** Yes.

**MR LLOYD:** Were you saying here - I withdraw that. You were recording here that Witness O was telling you that Astill's hand came into contact with Sheiles' inner thigh?

45

**MR BARTLETT:** That's what - yes, that's what she -

L\351450662.1

**MR LLOYD:** I need to ask you about this, Mr Bartlett. Witness O has given evidence to this Commission to the effect that what she told you had occurred was that Astill put his hand on Sheiles' bum or bottom during this event.

5 **MR BARTLETT:** Well, she didn't tell me that.

**MR LLOYD:** Are you sure about that? But I think you've agreed she did tell you that she saw Astill put his hand on Sheiles' inner thigh; is that right?

10 **MR BARTLETT:** On her - well, on her thigh, yes. Inner thigh.

**MR LLOYD:** Well - inner thigh. Do you agree that someone - or that detail, a hand on inner thigh, is important information that was being conveyed to you by Witness O?

15 **MR BARTLETT:** It - it was. I did try and question her further on - on the nature - the nature of this touching and things like that. And then at that point, she started to retract. She started to say, "I didn't see this," or, "I didn't see that."

20 **COMMISSIONER:** Mr Bartlett, in your own document, you record Witness O as reporting having seen the touching -

**MR BARTLETT:** Yes.

25 **COMMISSIONER:** - and then, in disgust, walking away. Now, that's clearly a concern about sexual activity, isn't it?

30 **MR BARTLETT:** Yes, it is, Commissioner. I agree it's just - when I started to talk to her about this and getting her to elaborate a little bit, she - again, as I said, she started to retract. I - I totally understand what she's - what she's saying because she did retract, and she wouldn't - wouldn't - wouldn't qualify, to what she was saying.

35 **COMMISSIONER:** Well, surely you understood that she was concerned about the consequences of reporting.

**MR BARTLETT:** Yes. Yes, I believed she was.

40 **COMMISSIONER:** When she had raised the alarm by going to the Governor in the first place and then reporting this to you -

**MR BARTLETT:** Yes.

45 **COMMISSIONER:** - did your alarm bells not ring and say, "There's something very wrong here"?

L\351450662.1



**MR BARTLETT:** It - they - it did. I - I was very, very concerned at the - what I found in - after interviewing both these inmates was the fact that they stressed they were very, very afraid of - of Ms Sheiles. And as I said earlier, I - it just - it looked to me - and both inmates claimed to have the fear of Ms Sheiles. And at  
5 that stage, I thought, well, you know, I don't know what's in this. Are they - are they doing this to incriminate Sheiles? I wasn't sure. It's just that - had I had a little bit of information or clarification, I would have done things a bit differently.

**COMMISSIONER:** Well, in paragraph 30 of your statement to the  
10 Commission - if you have a look at it - in the last sentence, you say:

"She said she didn't see any sexual behaviour."

**MR BARTLETT:** No.  
15

**COMMISSIONER:** Well, that's contrary to what you've got in your own note, isn't it?

**MR BARTLETT:** Sorry, I'm just trying to find it. Sorry.  
20

**COMMISSIONER:** That's contrary to what you've got in your own note about what Witness O told you?

**MR BARTLETT:** Yeah, I - I - I agree. And that was the problem for me. I found  
25 this whole situation a little bit confusing after - after what she - what she said to me and then starting to retract this and - yeah, I found the whole situation a little confusing. And I did - it did look to me initially - initially that they were - they were looking to try and incriminate Sheiles. That's just the way it looked to me at the time.

**COMMISSIONER:** So you think they were prepared to put their own safety at  
30 risk to incriminate Sheiles without any reason. Is that what you're saying?

**MR BARTLETT:** That's the way it originally looked to me, yes.  
35

**COMMISSIONER:** That's a pretty bold conclusion, isn't it?

**MR BARTLETT:** Yes, it - it - it was. In hindsight, it was, definitely.

**MR LLOYD:** I need to raise this with you, Mr Bartlett, to get your response.  
40 Another thing Witness O told this Commission when she gave her evidence was that she had not had any falling out with Trudy Sheiles before this time and they were on, in effect, pretty good terms?

**MR BARTLETT:** Well, at - at the time I interviewed the inmates, that was the  
45 problem, and they both said that. They both said they'd had problems with her.

L\351450662.1

**MR LLOYD:** And I'll put this to you: Witness O's account was that the problem she had with Sheiles only occurred as a result of the disclosure that she'd made about this event, that is, Trudy Sheiles found out about it and then bullying and intimidation started. What do you say about that?

5

**MR BARTLETT:** Well, that - I mean, my handwritten notes both - both note on the bottom - both of them - that there were - they'd had a falling out (indistinct) and they both told me that.

10 **MR LLOYD:** Is the way that we should understand what you're saying in the portion of paragraph 30 the Commissioner asked you about, "She said she didn't see any sexual behaviour," that that - you mentioned back-tracking by Witness O during this interview.

15 **MR BARTLETT:** Yes.

**MR LLOYD:** Is that the position that you thought she'd got to after she was retreating from what she initially told you?

20 **MR BARTLETT:** Yes, I think she'd just got to a stage where she was saying - and then wouldn't go any further - wouldn't elaborate.

**MR LLOYD:** It surely wouldn't have been beyond your experience that an inmate coming forward, making allegations of sexual impropriety by a senior officer, might be pretty nervous about the idea of saying that?

25

**MR BARTLETT:** Definitely agree.

30 **MR LLOYD:** And that might - in terms of any information-gathering you were doing, the fact that she said something, which I think you accept was serious and sexual inappropriateness initially, and then back-tracked was pretty important information for someone else to evaluate about whether there was something in this?

35 **MR BARTLETT:** Well, I was a little bit - I was a little bit unsure how to proceed with this, so that's - I put a report in into Ms Martin detailing the action that I'd taken and - and what I actually didn't do. So - and then I probably looked to a little bit of further - further guidance on how she wanted this dealt with.

40 **MR LLOYD:** Could I ask you to just turn to the next page. That's your handwritten note of your meeting or interview with Witness T. Yes?

**MR BARTLETT:** Yep.

45 **MR LLOYD:** I need to put this to you, Mr Bartlett. Witness T has said that she doesn't remember meeting with you at all. What do you say about that?

L\351450662.1

**MR BARTLETT:** No, I don't know - sorry.

**MR LLOYD:** Just have a look at the pseudonym list.

5 **MR BARTLETT:** That's Witness T, yes.

**MR LLOYD:** Just pause.

10 **MR BARTLETT:** My apologies.

**MR LLOYD:** That's all right.

**MR BARTLETT:** My apologies. Yes.

15 **MR LLOYD:** There is a delay. We'll just get it sorted out. So that's Witness T. I just need to get your response.

**MR BARTLETT:** No, I -

20 **MR LLOYD:** You maintain that you did?

**MR BARTLETT:** I did.

25 **MR LLOYD:** And that this was a note you made at the time?

**MR BARTLETT:** Yes.

**MR LLOYD:** Have a look at this note, if you would, about 10 or so lines down:

30 "Same morning, was vacuuming for approx 30 minutes."

Do you see that?

35 **MR BARTLETT:** Yes.

**MR LLOYD:** That was less than the 45 minutes plus that you'd seen her record in the documents you've been given; is that correct? I mean, it's obvious, isn't it? It's less?

40 **MR BARTLETT:** Yes.

**MR LLOYD:** Did you think that that was another example of what you'd seen with Witness O, the kind of serious allegation being made but then back-tracking?

45 **MR BARTLETT:** Possibly, yes.

**MR LLOYD:** And what about this, about the fifth line from the bottom:

L\351450662.1

"Could not see or notice anything inappropriate."

Do you see that? I think that's "inappropriate" cut off a little bit.

5

**MR BARTLETT:** Yep.

**MR LLOYD:** That was the opposite of what she'd said in her written complaint that I showed you earlier, wasn't it, where she'd said that she thought it was  
10 inappropriate?

**MR BARTLETT:** Well, that's - that's - that's the information I got when I interviewed them.

15 **MR LLOYD:** But it was different from what she'd said in writing?

**MR BARTLETT:** I know.

**MR LLOYD:** Did that of itself, the fact that there was gravity or seriousness of  
20 them going into a - this witness going into a written complaint but then coming to you and, in essence, back-tracking from the gravity of the complaint, did that put you on notice that there might be something here worth investigating?

**MR BARTLETT:** At that - at that particular time, as I said, there was - the  
25 information - she was back-tracking a little bit, but I - I sort of - sort of felt at that time she was either fearful of going too much further or fearful of probably what she'd already said. And I didn't know - I just didn't sort of know what to do. I thought I might - if I proceed at this point, I may compromise them both. And that is why I - I - I didn't take any further action at that stage and wrote to the  
30 Governor.

**MR LLOYD:** Just have a look at a couple of things about your typed note. You'll need to go back to tab 65 and turn up page 16. That's the typed note that you made -  
35

**MR BARTLETT:** That's correct.

**MR LLOYD:** - of this meeting. You knew that this typed note should record all relevant information?  
40

**MR BARTLETT:** Yes.

**MR LLOYD:** Wasn't it relevant that - I think what you're telling us is that you sensed that Witness O was fearful about proceeding with the allegations that she'd  
45 originally made. Starting with that, that's right, isn't it? That was a conclusion you formed?

L\351450662.1

**MR BARTLETT:** That's correct.

**MR LLOYD:** It was pretty important to have recorded that in your typed note, wasn't it?

5

**MR BARTLETT:** It would have been, yes.

**MR LLOYD:** Critical information for anyone who might be wanting to look at this incident. Would you agree?

10

**MR BARTLETT:** I agree.

**MR LLOYD:** The reference here in about the fifth or so paragraph:

15

"Witness O then stated to me that Mr Astill bent over where Trudy Sheiles was kneeling, then stood up. Astill appeared to take hold of the cord but placed his hand on her thigh instead."

That omits the reference in your handwritten note to "inner thigh".

20

**MR BARTLETT:** Mmm.

**MR LLOYD:** Do you agree a touch on the thigh without that particular detail of it being the inner thigh is a pretty critical omission?

25

**MR BARTLETT:** Yes. Yes, no, I'd agree.

**MR LLOYD:** Could I ask you this, in terms of what happened next in the sequence -

30

**COMMISSIONER:** Mr Lloyd, it's a mystery to me as to why she was kneeling. Can Mr Bartlett help us there? What was happening for her to be kneeling? Mr Bartlett, can you help us?

35

**MR BARTLETT:** As far as - as far as the information I had, she was kneeling on the - kneeling on the floor, changing waste paper bins and vacuuming the floor whilst talking to Mr Astill.

**COMMISSIONER:** It's an unusual way to vacuum the floor, isn't it, to kneel on it?

40

**MR BARTLETT:** Well, that's - that's apparently what was -

**COMMISSIONER:** Well, did it occur to you that that might be - that there might be a different activity occurring?

45

L\351450662.1

**MR BARTLETT:** I - well, I didn't sort of - I only went by what I was told, and there was no sexual - sexual activity witnessed by the - by the inmates concerned. The other thing, too, that the office door apparently was wide open, or supposedly open. And had there been any actual sexual activity or anything like that, that  
5 would have changed the whole -

**COMMISSIONER:** Well, what did you think the inmate was doing, kneeling on the floor to vacuum it and change the waste paper bin?

10 **MR BARTLETT:** I - again - again, I only go on what - what these - what these inmates have told me.

**COMMISSIONER:** Did it cross your mind that that was a not very likely explanation?  
15

**MR BARTLETT:** It - it - it crossed my mind definitely. But, again, that would have - I didn't - I only went by what - the accounts of the inmates that - that witnessed it.

20 **COMMISSIONER:** Yes.

**MR LLOYD:** Could I ask you, then, the account of what Witness T told you - now, that was an interview that came after Witness O. Witness O was 9.15; Witness T, 9.45.  
25

**MR BARTLETT:** Yes.

**MR LLOYD:** The Commissioner has just asked you about Witness O's account of kneeling near the waste paper bin. Do you remember those questions? Witness  
30 T - if you need to look at your typed note, it's at page 13 behind this tab 65. Her account was that she noticed Trudy Sheiles kneeling on the floor for a considerable time near the waste paper bin.

**MR BARTLETT:** Well, she was. But, again, they - it was  
35 chatting - chatting - you know, there was just nothing - no discussion or no information of - of any actual sexual act.

**MR LLOYD:** Could I just ask you this - and don't be shy with the language. We've heard quite a bit of it in the Commission. The inappropriateness that  
40 Witness T was recording in her original complaint, did you consider that what that might be -

**MR BARTLETT:** Of course.

45 **MR LLOYD:** - was a suggestion that there was oral sex going on?

**MR BARTLETT:** Yes.

L\351450662.1

**MR LLOYD:** You did think about that?

5 **MR BARTLETT:** I did think about that. But, again, that wasn't witnessed. That wasn't seen.

**MR LLOYD:** Information, though, that was important, even though she didn't see the actual act?

10 **MR BARTLETT:** Yes, information. But, again, no - no witnessing any act.

**MR LLOYD:** Could I ask you at this point - I'm sorry to get you to flip between pages, but to go to your Commission statement -

15 **COMMISSIONER:** Mr Lloyd, I don't know how long you propose to be, but I think we have a fairly clear understanding of what happened and what didn't happen.

20 **MR LLOYD:** I'm going to move on to the next event in the sequence, if that's convenient. What happened next in this sequence is revealed at Commission statement paragraph 32 where you say in the first two sentences you effectively weren't sure what to do next?

25 **MR BARTLETT:** Well, given - given the fact that - of what I was told by the - the witnesses, given the fact that no actual sexual act was - was witnessed, given the fact that a lot of the - well, not a lot, but some of the - some of the comments made by the witnesses, it seemed to retract a little bit, I was a little bit unsure how to proceed and that - I thought at that point - again, I was concerned for the welfare of the two witnesses if anything got back to inmate Sheiles. And at  
30 that stage, I wrote to the Governor - I wrote to Ms Martin.

**MR LLOYD:** Could I just ask you some questions about some things that occurred before then. The next thing you did at this point where you were unsure what to do next was you conducted an interview with Astill?

35

**MR BARTLETT:** That's correct.

**MR LLOYD:** And he, in effect, denied any inappropriateness?

40 **MR BARTLETT:** Yes.

**MR LLOYD:** Was that part of information-gathering or investigation or evaluation, or didn't you turn your mind to what you were doing?

45 **MR BARTLETT:** Well - well, it's just that I didn't feel as though I could go any further with the inmates at that stage. So I sort of - I just asked about his involvement or knowledge or - involvement in the situation.

L\351450662.1

**MR LLOYD:** After you got his account, you tell us - and this is in 33 of your Commission statement - that you formed the view you would not interview Trudy Sheiles?

5

**MR BARTLETT:** That's correct, yes.

**MR LLOYD:** And you say in your Commission statement that that was because you were fearful that there might be retribution by her against the two women?

10

**MR BARTLETT:** That's correct.

**MR LLOYD:** Mr Bartlett, can I just ask you this: are you sure that was the reason that you determined not to interview Trudy Sheiles?

15

**MR BARTLETT:** That was the only reason that I didn't at that time. Again, I didn't have anything else to work with, and I was concerned. And as - as both those witnesses told me, their concerns with her. And that's the only reason I didn't.

20

**MR LLOYD:** But in your police statement in paragraph 10 - now, you made that statement on 14 September 2020 - you say:

25 "Inmate Trudy Sheiles was not interviewed by me at the time as allegations against Trudy Sheiles appeared unfounded at the time."

Do you remember saying that?

**MR BARTLETT:** Yes.

30

**MR LLOYD:** Can I just put this to you, Mr Bartlett: wasn't the real reason that you didn't interview Trudy Sheiles is that you just formed the view that the women weren't to be believed? Just pause before you answer. On behalf of Mr Bartlett, I take an objection under section 23.

35

**COMMISSIONER:** I require you to answer, Mr Bartlett.

**MR LLOYD:** Do you remember the question?

40 **MR BARTLETT:** If you could repeat it.

**MR LLOYD:** Certainly. Isn't what you say in the first sentence of paragraph 10 the real reason you didn't interview Trudy Sheiles, that is, you thought the allegations were unfounded?

45

**MR BARTLETT:** Well, at that - at that point, I - I was - I formed the view that their information probably - in my own view, it - it wasn't enough at that stage and

L\351450662.1



that I didn't - you know, I was dubious at what they were saying and that I was genuinely concerned if this information got back to her.

5 **MR LLOYD:** You were evaluating - I withdraw that. Effectively, what you were doing in determining not to interview Ms Sheiles was you were evaluating the accuracy or truthfulness of what the women were telling you against what Mr Astill was telling you; is that right?

10 **MR BARTLETT:** I wasn't trying - well, I wasn't - I wasn't sort of indicating that I did not believe them; I just didn't feel that there was enough to proceed at that point.

15 **MR LLOYD:** In terms of there being enough to proceed, Trudy Sheiles was at the very centre of what was being said, wasn't she?

**MR BARTLETT:** Yes, she was.

20 **MR LLOYD:** If were you conducting an investigation to reach a conclusion about what should be done, she was central?

**MR BARTLETT:** Yes, she was. Yes, she was.

**MR LLOYD:** And you're telling us that you determined not to speak to her?

25 **MR BARTLETT:** Only - only from the fact that they - in my opinion, they - the information that I got from the witnesses was inconclusive. And at that stage, I thought, "I may blow this out of proportion."

30 **MR LLOYD:** It was only inconclusive by the end of your interview with them; it wasn't inconclusive at the start, was it? Do you agree?

**MR BARTLETT:** No, I agree.

35 **MR LLOYD:** Just a final thing. You mentioned the report to the Governor, and I cut you off. If you look behind tab 65 at page 4, that's the report?

**MR BARTLETT:** Yes.

40 **MR LLOYD:** And it goes over to the second page in Interview Findings. And you've recorded things there, at least some of which were in your typed notes; correct? Correct?

**MR BARTLETT:** Yes, that's correct.

45 **MR LLOYD:** And the typed notes were given over as attachments to Ms Martin?

**MR BARTLETT:** That's correct.

L\351450662.1

**MR LLOYD:** And you see the heading Recommendation. You're there saying that, "There appears to be insufficient evidence" -

5 **MR BARTLETT:** That's correct.

**MR LLOYD:** - "to warrant any further action or investigation. However, I'll closely monitor all parties."

10 **MR BARTLETT:** That's correct, yes.

**MR LLOYD:** Mr Bartlett, I need to put this to you: that you were in no position to make any recommendation about whether there should be any further action or investigation on what you had available to you at that time. I just pause,  
15 Commissioner. I take the objection on behalf of Mr Bartlett.

**COMMISSIONER:** Yes, I require you to answer, Mr Bartlett.

20 **MR LLOYD:** Would you agree?

**MR BARTLETT:** Sorry?

**MR LLOYD:** You weren't in any position to form a conclusion about whether  
25 further action or investigation was required on what you knew?

**MR BARTLETT:** I didn't feel as though there was enough for me to proceed at  
that point. I do understand - I do understand that there could have been - there  
could have been more done. But at that particular time, I thought I'd just, as I said,  
30 closely monitor the parties, and if any other information comes forward, then I can  
go back.

**MR LLOYD:** You see, this was the situation: The information that you had  
obtained in the course of your investigation - at this point, to your knowledge, it's  
35 not getting outside of the gaol, not getting into the hands of anyone who might  
have the skills to conduct an investigation?

**MR BARTLETT:** Again, that's - that's true. I agree. But, again, I was unsure  
of - unsure of how to proceed with this, and that's why I wrote to Ms Martin at that  
40 point.

**MR LLOYD:** She came back to you with a response? Have a look - it's not  
a memory test. Have a look to the next document, which looks like it's a copy of  
your report. But on page 2, there's - page 7 up the top, there's some handwriting.

45 **MR BARTLETT:** Yes, that's right.

**MR LLOYD:** "To MoS"? That's obviously you?

L\351450662.1

5 **MR BARTLETT:** Yes, she came back to me. There was - one of the - one of the comments that was made in the - in the - in the documents was - or from the witnesses - that he'd - Astill would go to the cell and everything and that - and there was things about getting her - getting Astill - giving Sheiles tracing paper, which is not permitted to have. I did discuss that with - I did discuss with that - with Mr Astill sometime later on, but I don't actually recall the response.

10 **MR LLOYD:** That's the tracing paper?

**MR BARTLETT:** The tracing paper, yes.

15 **MR LLOYD:** But to your knowledge, nothing more was to happen about this event in terms of Shari Martin sending it out to anyone in CSIU or the police or anyone outside the gaol?

20 **MR BARTLETT:** Well, this was - this was where I was sort of wanting some direction from her in what she wanted to do from this point forward, whether or not she wanted - she wanted to initiate something or she wanted me to go back and me to initiate something. But I didn't hear anything back from her about what future steps she wanted to take.

25 **MR LLOYD:** And I think you've told us you were out of the gaol within about two months?

**MR BARTLETT:** Two to three months, yeah.

**MR LLOYD:** Those are my questions.

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

**<EXAMINATION BY MR SHELLER:**

35 **MR LLOYD:** Thank you. Mr Bartlett, my name is James Sheller. I'm one of the representatives for Corrective Services. I just want to ask you some questions.

**MR BARTLETT:** Sure.

40 **MR SHELLER:** Could I just tell you that the Commission has a statement from an officer called Westley Giles. Do you remember Mr Giles while you were at Dillwynia?

**MR BARTLETT:** Yes, I do. Yes, I do.

45 **MR SHELLER:** And Mr Giles, do you recall that he was, at least from time to time, fulfilling the role of Chief Correctional Officer at Dillwynia?

L\351450662.1

**MR BARTLETT:** On occasions, yes.

**MR SHELLER:** And that was a position that was below your position as  
Manager of Security?

5

**MR BARTLETT:** Yes, that's correct.

**MR SHELLER:** Do you recall that Mr Giles had some involvement in these  
complaints or concerns from Witness O and Witness T?

10

**MR BARTLETT:** Not that I can recall.

**MR SHELLER:** I'll show you a document in a moment where his name appears,  
but can I just tell you that Mr Giles does remember this complaint or information  
from Witness O and Witness T. And he observes as follows in relation to this  
complaint concerning what was meant to happen at Dillwynia:

15

"The process when receiving a serious complaint from any inmates will be  
reporting this complaint directly to the Governor by a written application,  
who in turn would have to report it to the Professional Standards Branch, and  
they..."

20

That's the Professional Standards Branch:

25

"...will make a decision on who will be investigating the complaint."

Is that your recollection as to what the process should have been in relation to  
Witness O and Witness T and their complaint, that is, written application to the  
Governor, who will report it to the Professional Standards Branch?

30

**MR BARTLETT:** Yes.

**MR SHELLER:** And you know, obviously, that that process wasn't undertaken in  
relation to the complaint by Witness O and Witness T?

35

**MR BARTLETT:** I'm not - I don't believe it was. And that was the whole reason  
I wrote to the Governor anyway, just to see - just to inform her of what I'd done  
and - and whether or not she - she was - she needed more information locally or  
whether to forward it on. That was her decision.

40

**MR SHELLER:** But at the time, you knew that what had been alleged by Witness  
O and T, whether they had retracted parts of it or not, needed to go to the  
Professional Standards Branch. Do you agree?

45

**MR BARTLETT:** It should have, yes, definitely.

L\351450662.1

**MR SHELLER:** And based on your lengthy experience up until this time with various roles, including Manager of Security at other prisons, you were familiar with the IIS system?

5 **MR BARTLETT:** Yes.

**MR SHELLER:** And the process of reporting matters to the Professional Standards Branch?

10 **MR BARTLETT:** Yes.

**MR SHELLER:** Including the use of a button called SIU whereby information would go to the branch and just to it and not to anyone else?

15 **MR BARTLETT:** To the Investigation Branch or -

**MR SHELLER:** To the Professional Standards Branch.

20 **MR BARTLETT:** No, I wasn't aware of that.

**MR SHELLER:** Do you recall saying to Ms Martin, when she was speaking to you about this matter, that the information that she was asking you about at the beginning had to go to the Professional Standards Branch?

25 **MR BARTLETT:** No.

**MR SHELLER:** Do you recall having any discussion with her about the Professional Standards Branch?

30 **MR BARTLETT:** No.

**MR SHELLER:** Did you have any discussion with the Intelligence Officer at Dillwynia about this information going to the Professional Standards Branch?

35 **MR BARTLETT:** Not that I can recall, no.

**MR SHELLER:** And I take it you didn't take any steps after the event and the dealings with this matter to satisfy yourself that the information had gone to the Professional Standards Branch?

40 **MR BARTLETT:** No, I left that in the hands of Ms Martin to make that call.

**MR SHELLER:** Now, Mr Bartlett, just by reference to the two documents - there's the police statement and the Commission statement. If I could  
45 just ask you to look at the police statement and your handwritten notes. I'm not going to ask you questions about what you've been asked already. Concerning

L\351450662.1

your notes - this is at the back of tab 65. You tell us, I think, that your notes were written at a time when you were still recovering from the wrist injury?

**MR BARTLETT:** Yes, that's right.

5

**MR SELLER:** I will just ask one question about what you've been asked already. On the last page - this is the 9.15 interview with Witness O. You were asked the question about the reference to the inner thigh, which is about 10 lines down. The words that precede "inner thigh", which include "come into contact", that has a line through it. Do you see that?

10

**MR BARTLETT:** This is in the handwritten notes -

**MR SELLER:** Yes, yes. At the very back of tab 65. Sorry, they might have been moved to the wrong spot. I'm sorry.

15

**MR BARTLETT:** 65?

**MR SELLER:** Yes, the back of 65A.

20

**MR BARTLETT:** So it's Witness - Witness T?

**MR SELLER:** Sorry, it's Witness O. So it's the second-last page, I'm sorry. It's the one with 9 in the top right-hand corner.

25

**MR BARTLETT:** Yes.

**MR SELLER:** If you go down about 10 lines, you'll see the reference to the inner thigh, which you've been asked about. I'm just asking you, the words that precede it seem to have a - or at least some of them have a line through it.

30

**MR BARTLETT:** Yeah.

**MR SELLER:** That is, the words "to come into contact".

35

**MR BARTLETT:** Yes, that's "came into contact with Sheiles' inner thigh".

**MR SELLER:** And does the line through it - some of those words beforehand, is that meant to mean that Witness O was no longer saying that or are you trying to cross something out or -

40

**MR BARTLETT:** Well, it's just that - well, probably both. My handwriting - as you can see, my handwriting wasn't 100 per cent at that time. But at that time, you know, one - one sort of - something would get said and then it'd be changed and then - I was just trying to - I was just trying to get a - an accurate account of exactly what she was trying to tell me, so there would be bits and pieces crossed.

45

L\351450662.1

**COMMISSIONER:** Mr Bartlett, I had assumed that that was a misplaced line trying to emphasise the information. You see you've put a line further down the page. When you came to cross something out, you've used multiple lines. Maybe I'm wrong, but that's what I understood. Am I right?

5

**MR BARTLETT:** I'm not quite sure, Commissioner, what -

**COMMISSIONER:** You're not sure what you were doing?

10 **MR BARTLETT:** No, I'm sorry. Could you just repeat what you -

**COMMISSIONER:** Yes. When you wanted to cross something out, you've used multiple lines. You've crossed through "July/August", right?

15 **MR BARTLETT:** Yes.

**COMMISSIONER:** I had assumed that the lines further up the page you had put on to the page, given the problems with your hand, to emphasise rather than to delete. If you go up to the top of the page, 9.15 am, three, four and so on, you've underlined that. You've underlined Witness O. You've used the line to emphasise.

20

**MR BARTLETT:** Right.

**COMMISSIONER:** Isn't that what you were doing?

25

**MR BARTLETT:** No. If - if I crossed anything out, it was to - it was to try and - it was to try and correct things. It wasn't - it wasn't to try and delete anything.

**COMMISSIONER:** Well, again, when you get to Astill's hand - you see that line about 10 lines down - there's a word before that on the line previously where you have crossed it out, clearly. You've put two lines through it. Do you see that?

30

**MR BARTLETT:** Yeah. Well, that shouldn't - I don't know why I would have crossed that out because that was relevant. That's what -

35

**COMMISSIONER:** All right. Well -

**MR SELLER:** Is this a possibility, Mr Bartlett, that Witness O was describing two touchings of Ms Sheiles' thigh, one the inner thigh and then a separate incident after the handling of the vacuum cord?

40

**MR BARTLETT:** No, the - the way that I understood it was that whilst the vacuum - is that whilst - the vacuum - the vacuum cord, as I understood it, was between her legs, and when he went to unplug it or whatever, then his - his hand has come - come into contact with her inner thigh. That's -

45

L\351450662.1

**MR SELLER:** Then if you just go down - lower down on the page, about - you'll see "Witness T" printed in the middle of the page. If you go down a couple of lines beneath that, you'll see there's a reference to - or these words appear:

5

"The only other instances were before Mr Astill was promoted would go to Sheiles' window at night, and he would talk to her."

Do you see that?

10

**MR BARTLETT:** Yes.

**MR SELLER:** You understood that at the time, Ms Sheiles was in the high risk - the High Deeds area of Dillwynia?

15

**MR BARTLETT:** Yes, that's correct.

**MR SELLER:** An officer being at her window at night is highly irregular, isn't it?

20

**MR BARTLETT:** If - if during checks - if during checks, and it's - it's quite normal for an officer to walk past. If the inmate is at the window, they may talk. That's quite -

25

**MR SELLER:** At night?

**MR BARTLETT:** If - if the inmate is at the window and they're walking past and they see one another, they may chat - they may talk.

30

**MR SELLER:** You'd normally expect, if that was to occur, that there'd be a reason for the officer to be there at night?

**MR BARTLETT:** Well, he would be - at night, anyway, he would be doing checks - that - the security checks at the centre, and that would be - that would encompass the (indistinct).

35

**MR SELLER:** Well, that would involve, in this instance, Mr Astill entering into the unit where the cells were?

40

**MR BARTLETT:** It would - it would encompass entering the unit just to - to check the security of the cell, but also the perimeter of the units as well.

**MR SELLER:** And that's something that invariably is done by officers together, isn't it?

45

**MR BARTLETT:** Yes.

L\351450662.1



**MR SHELLER:** The suggestion seems to be here that Mr Astill was doing this by himself.

5 **MR BARTLETT:** No, I - he could have - I mean, it's not unusual for him to do - for the OIC to do checks on their own either. That's not unusual for that to happen. Normally - normally there is always officers together, but he could have done that on his own.

10 **MR SHELLER:** If you just go back to your police statement behind tab 65. And using the numbers in the top right-hand corner, if you go to page 16. On that page - this is one of your typed-up documents. This is in relation to Witness O.

**MR BARTLETT:** Sorry.

15 **MR SHELLER:** That's fine.

**MR BARTLETT:** Yes.

20 **MR SHELLER:** If you go to the second last paragraph, you record:

"Witness O then stated that, if necessary, is willing to be interviewed by other parties in relation to this matter."

25 **MR BARTLETT:** Yes.

**MR SHELLER:** I'm just trying to understand how that statement by Witness O is to be reconciled with fear concerning Witness H, if Witness O is willing to be interviewed by other persons in relation to what had occurred or what she had seen.

30 **MR BARTLETT:** Well, I asked - I asked her simply if the matter was to proceed further - in other words, after - Ms Martin might have come back and sort of said, "We need to refer this on," or, "This needs to be done," so that she was willing to be interviewed further by other parties that they - that this could have been referred to.

**MR SHELLER:** But it seems like Witness O was happy to cooperate with whatever was going to happen.

40 **MR BARTLETT:** Well, if - if - she did. I just put that in there just to - just to clarify the fact that she was willing to - if this was going to go further or further action would be taken, that she'd cooperate.

45 **MR SHELLER:** If you go then back a few pages to the page with number 13 at the top. Again, the second-last paragraph, you have:

L\351450662.1

"Witness T stated that, if necessary, would be prepared to be interviewed by other parties in relation to this matter."

Do you see that?

5

**MR BARTLETT:** Yes.

**MR SHELLER:** You'd agree that that's inconsistent, that is, Witness T cooperating or preparing to be helpful is inconsistent with a suggestion that Witness T was fearful of Witness H?

10

**MR BARTLETT:** Well, no, I've - I've put that on there basically to - to clarify that they would be help - they would be prepared with other agencies in the event that this went further, that they would assist.

15

**MR SHELLER:** Now - then could I ask you to again go earlier in this section. This is now to page 4. This is your note to the Governor. At page 4, you give a summary of what you understood had occurred?

20

**MR BARTLETT:** That's correct.

**MR SHELLER:** You accept that - if you have a look just under that section Background, there's no reference there to any times that were given to you, for example, by Witness T, whether it was 30 minutes or 45 minutes?

25

**MR BARTLETT:** No.

**MR SHELLER:** There's no reference in what you told Ms Martin in this Background section about any touching of the inner thigh?

30

**MR BARTLETT:** No, not in that report. But in the - in the attachments I did. But, no, not in the report.

**MR SHELLER:** Well, I was going to ask you that. Do you say that you gave Ms Martin a copy of your handwritten notes? If you go to page 8 with the number in the top corner.

35

**MR BARTLETT:** No, there were no handwritten notes given to her.

**MR SHELLER:** So - and you'd agree with me that the only reference to the inner thigh was in your handwritten notes, not in any of the typed up -

40

**MR BARTLETT:** No, they're - no. No.

**MR SHELLER:** So do you accept that you didn't tell the Governor anything about the touching of the inner thigh?

45

L\351450662.1

**MR BARTLETT:** I felt sure I did document that. In the - in the Background - in the Background, in the second - in the second paragraph.

5 **MR SELLER:** Well, that's just "thigh area", isn't it?

**MR BARTLETT:** Yes.

**MR SELLER:** But nothing about inner thigh?

10 **MR BARTLETT:** No.

**COMMISSIONER:** Mr Bartlett, we've been told that Mr Astill and Ms Martin were friends.

15 **MR BARTLETT:** That's correct, yes.

**COMMISSIONER:** Did you have that view?

20 **MR BARTLETT:** I didn't - I didn't have any - any sort of direct knowledge of their friendship, no.

**COMMISSIONER:** What did you believe about their friendship?

25 **MR BARTLETT:** I believed they were - they were well known to one another, but I had no - no sort of - no knowledge of their actual friendship as such, no.

**COMMISSIONER:** We've also been told that Mr Astill was a very dominant force in the prison. Do you agree with that?

30 **MR BARTLETT:** I never saw - again, I wasn't in the centre for very long, and I didn't - I didn't notice that. I didn't see that sort of behaviour from him.

35 **COMMISSIONER:** Did you have any apprehension about preparing a report that may have been critical of Mr Astill?

**MR BARTLETT:** No. No. I just - I just - I tried to deal with this issue. But, no, there was nothing - nothing - I would have reported it anyway. I wasn't going to try and omit anything in relation to him. I just - was just trying to deal with the issue that was put to me.

40 **COMMISSIONER:** Mr Sheller just pointed out to you things that you did omit in the report to Ms Martin.

45 **MR BARTLETT:** The issue with the inner thigh. Yes, I acknowledge that. I didn't put that in.

L\351450662.1

**COMMISSIONER:** Well, that had the consequence that your report was more favourable to Mr Astill than it might have been.

5 **MR BARTLETT:** Well, it certainly wasn't intended to be. It was just an omission on my part, that I didn't put "inner thigh" there. But -

**COMMISSIONER:** It's a somewhat critical omission, isn't it?

10 **MR BARTLETT:** Yes, I guess it was.

**MR SHELLER:** If you go, then, to page 7 in the top, which is the second page of your written report to Ms Martin, and the second paragraph under Interview Findings. You'll see:

15 "Witness T..."

This is the third line:

20 "Witness T further stated that during afternoon shifts when Chief Astill was on duty, he would talk to Witness H at the rear of her cell."

Do you see that?

25 **MR BARTLETT:** Yes.

**MR SHELLER:** There's two errors there, Mr Bartlett. It wasn't Witness T who told you something about Mr Astill and being at Witness H's cell; it was Witness O, wasn't it?

30 **MR BARTLETT:** Yes, it was Witness O. Yes, that's correct.

**MR SHELLER:** And how did the word "afternoon" make it into the report?

35 **MR BARTLETT:** Well, that was - that was when this - these conversations allegedly took place.

**MR SHELLER:** I'll take you back to the note, if needed, Mr Bartlett, but Witness O told you that these conversations took place at night, and I've just asked you some questions about that. That's correct, isn't it?

40 **MR BARTLETT:** Yes.

**MR SHELLER:** Why did you write "afternoon"?

45 **MR BARTLETT:** That - no. Well, that was - that was a mistake on my part, obviously, afternoon or night. It was an error on my part.

L\351450662.1

**MR SHELLER:** Your recollection as to how Dillwynia operated was that whereas in the afternoon there were - there was significant staff present operating the gaol, at night-time staff numbers diminished significantly?

5 **MR BARTLETT:** There's only - I'm not quite - I can't recall exactly how many are on a night shift, but it's - it's substantially reduced.

**MR SHELLER:** And that at night-time the prisoners are relevantly locked down?

10 **MR BARTLETT:** They're all locked down.

**MR SHELLER:** And as you've told me before in answer to a question, the usual circumstance where an officer would be attending a cell after lockdown or at night, he or she would be in the company of another officer?

15 **MR BARTLETT:** Usually, yes.

**MR SHELLER:** Can you offer any explanation as to how, within a day or two after taking statements from these witnesses, recording in your notes what they told you, you went from being told by Witness O that Mr Astill was attending upon Witness H at night to telling the Governor that Witness T told you that those attendances were during the afternoon?

20 **MR BARTLETT:** I can't explain that. I don't know.

**MR SHELLER:** And then if you have a look at the written note at the bottom of page 7 - this is the note - it appears to be the note from the Governor to you?

25 **MR BARTLETT:** Yes.

**MR SHELLER:** And the Governor says:

"Can you please speak to Chief Astill regarding talking/conversation with inmates outside of their cells at the window."

30 **MR SHELLER:** Then there's something else. Do you see that?

**MR BARTLETT:** Yes, I can.

35 **MR SHELLER:** And you'll see there's no reference in what the Governor was saying to you about night attendance?

**MR BARTLETT:** No, there's not.

40 **MR SHELLER:** Do you recall that discussion that had you with Mr Astill?

**MR BARTLETT:** No.

L\351450662.1

**MR SHELLER:** Do you recall saying to him that there was concern within management at Dillwynia that he was engaged in discussions with inmates inappropriately?

5

**MR BARTLETT:** I don't recall that, no.

**MR SHELLER:** Then if you just go to page 9 - so turn over the page - this is Mr Astill's document addressed to you?

10

**MR BARTLETT:** Yes.

**MR SHELLER:** And you'll see that the first paragraph just refers to a conversation that the two of you had had?

15

**MR BARTLETT:** Yes, that's right.

**MR SHELLER:** And then if you just take a moment just to yourself - if you could read what Mr Astill says.

20

**MR BARTLETT:** Yes.

**MR SHELLER:** Do you accept that all Mr Astill seems to be addressing in this document is this touching of the thigh of Witness H?

25

**MR BARTLETT:** Yes. Yes, that's correct.

**MR SHELLER:** That's notwithstanding the fact that had you a lot more information about what was said to have been seen by Witness O and Witness T in relation to Mr Astill. Do you agree?

30

**MR BARTLETT:** The issue was - is the touching of the thigh, of which he's - of which he's - which he's denied.

**MR SHELLER:** But it appears, at least from Mr Astill's work here, that he didn't think it was necessary to respond to any concern or observation about Witness H kneeling and kneeling for a significant period of time. That's right, isn't it?

35

**MR BARTLETT:** Well, it's just that he - he did explain, albeit briefly, that - he explained that where - where this - where this cord is plugged in near his desk and that he had to bend over to pull the cord out after she had finished and these types of things, and he may have accidentally touched her thigh. That was his - his excuse.

40

**MR SHELLER:** But it looks like from this document, Mr Bartlett, that in your conversation with Mr Astill, you didn't tell him that there was a suggestion that

45

L\351450662.1

Witness H had been kneeling near a bin for a significant period of time, nor anything about the touching of Witness H's inner thigh?

5 **MR BARTLETT:** No. I - I did - I did broach about him allegedly touching the thigh. But, again, in the other information that I had, there was no - there was no sexual behaviour witnessed by the other parties. So I didn't sort of broach anything with him at that time. It was more or less the touching of the thigh that was the concern to me.

10 **MR SHELLER:** Do you accept this proposition, Mr Bartlett: That in your conversation with Mr Astill, you did not put all the information that you had received from Witness O and Witness T?

15 **MR LLOYD:** I object.

**MR BARTLETT:** No.

**MR LLOYD:** I would have made a section 23 objection.

20 **COMMISSIONER:** Well, he has answered the question.

**MR BARTLETT:** In relation to - from the information that I gathered from the witnesses, the thing - the issue to me was the touching of the thigh. That is what I focused on.

25 **MR SHELLER:** It appears from Mr Astill's document it's the only thing you discussed with him?

30 **MR BARTLETT:** I did that. I did speak to him at some time after I - after Ms Martin asked me to go back and speak to him about the - I did speak to him about that, but I don't recall - I don't recall the results of that.

35 **MR SHELLER:** It doesn't appear from Mr Astill's letter or document back to you on 4 April 2017 that you had had any discussion about him attending upon Witness H at the window at night.

**MR BARTLETT:** I did - I did - I did, but I can't recall the comments.

40 **MR SHELLER:** If you just go, then, back behind tab 65A. This is your Commission statement. You've been asked this - this is paragraph 33, which is on page 4. You talk about your uncertainty on how to proceed?

**MR BARTLETT:** Mmm.

45 **MR SHELLER:** Did that feeling of uncertainty that you say you had at the time reinforce in your mind the need to refer these matters to the PSB?

L\351450662.1

**MR BARTLETT:** Yes, definitely.

**MR SHELLER:** Because you understood that their task, among others, was to investigate allegations of misconduct against officers?

5

**MR BARTLETT:** Yes.

**MR SHELLER:** And that this was an allegation of misconduct -

10 **MR BARTLETT:** Yes.

**MR SHELLER:** - against the officer?

**MR BARTLETT:** That would be through the Governor, though.

15

**MR SHELLER:** Do you think that your work through speaking to Witness O and Witness T and then Mr Astill contributed to a situation whereby this information was not reported to the PSB?

20 **MR BARTLETT:** No, I don't believe.

**MR SHELLER:** Do you accept that you were giving the Governor a sanitised version of events, that is, you were leaving out parts of what you were being told by Witness O and Witness T?

25

**MR LLOYD:** I take the section 23 objection.

**COMMISSIONER:** Yes. Please answer.

30 **MR BARTLETT:** Is this in relation to the inner thigh as opposed to the thigh?

**MR SHELLER:** Just generally. The memorandum you were sending the Governor was a sanitised version of what you'd been told. Do you agree with that?

35 **MR BARTLETT:** I thought I'd - I thought I'd covered the essential parts, but it certainly wasn't intended to be sanitised. There was no intent to actually not disclose things.

40 **MR SHELLER:** Then, Mr Bartlett, just again going back to your police statement, paragraph 5 starts - this is behind tab 65. Paragraph 5 is at the bottom of the first page and then it continues at the top of the next page. And this is in relation to your interview with Witness O. The last sentence in paragraph 5 of your police statement says:

45 "She was unable to provide any further information regarding that allegation."

L\351450662.1



Do you see that?

**MR BARTLETT:** Yes.

5 **MR SHELLER:** But that's not correct, is it? Witness O was able to provide quite a bit of information about the allegation; do you agree?

10 **MR BARTLETT:** She - she provided - she provided a fair bit of information but a lot of that was - was unclear. A lot of that - a lot of that was a little bit of back-tracking and everything, and left me fairly confused as to actually -

**MR SHELLER:** Then in paragraph 10 - you've been asked about this - but in the first sentence you talk about inmate, Witness H, was not interviewed at that time because the allegations appeared unfounded. Do you see that?

15 **MR BARTLETT:** Yes, I do.

**MR SHELLER:** And is that still your view today, that the allegations made by Witness O and Witness T against Witness H appeared unfounded?

20 **MR BARTLETT:** At the time I believed they were, but - but knowing what I know today, obviously very founded.

25 **COMMISSIONER:** What do you know today that changed your mind about the allegation that you received back then?

**MR BARTLETT:** I'm sorry, Commissioner, what -

30 **COMMISSIONER:** Well, you say that today you have a different view about whether or not the allegation was unfounded. I'm interested to know what has changed to cause you to change your view?

35 **MR BARTLETT:** Well, obviously what's changed now is that I know so much now that I didn't know back then. That was always the problem that I had with this whole situation, is that I didn't have any prior knowledge of anything before I was asked to interview those inmates. But knowing what I know now, it's completely different.

40 **COMMISSIONER:** You mean knowing what you know about Mr Astill's activities on other occasions, is that what you're saying?

**MR BARTLETT:** Yes, exactly.

45 **MR SHELLER:** Then, Mr Bartlett, if I could just ask you, just go back to the memorandum to Ms Martin. So behind your police statement, so still behind tab 65. Under that section, Interview Findings on page 5, just above the heading

L\351450662.1

Recommendation, do you see your last sentence, or the last part of the sentence, the paragraph:

5 "I suspect are a ploy to incriminate Witness H to have her removed."

**MR BARTLETT:** Yes, I see.

**MR SHELLER:** Then the heading Recommendation beneath that, your conclusion:  
10

"Insufficient evidence or information available to warrant further action."

**MR BARTLETT:** Yes, I see.

15 **MR SHELLER:** You would accept you were giving the Governor advice not to take the matter any further?

**MR BARTLETT:** At that point, no. Sorry, at that point, yes, I didn't believe that there was enough to proceed with anything formal at that stage, but I - I intended to closely monitor, and if any other - any further information or - came up, the matter would be revisited then, would continue.  
20

**MR SHELLER:** Was it your expectation at the time you gave that advice to the Governor, given your role as Manager of Security, she would agree with you that nothing else should be done?  
25

**MR BARTLETT:** Well, that would - that was what my feelings were, and this is - this is what I said from the outset, that the whole - this whole situation was a little bit - a little bit confusing given that I didn't have anything much else to work with. So I put it to her, and sort of basically at this stage just to tell her what I know, what I didn't know, and whether or not she wanted me to take this further. But at that time, this is all I could come up with.  
30

**MR SHELLER:** Yes, those are my questions thank you.  
35

**COMMISSIONER:** Anyone else have any questions?

**UNIDENTIFIED COUNSEL:** No, thank you.

40 **MS GHABRIAL:** I do, Commissioner, if I may just ask a couple of questions.

**<EXAMINATION BY MS GHABRIAL:**

45 **MS GHABRIAL:** Officer Bartlett, my name is Jehane Ghabrial and I appear for a group of Correctional Officers, none of whom that you have spoken about today, but I did have a question about some evidence that you've just given, which ties in

L\351450662.1

with the recommendation that you made in that report to Shari Martin. I'll just take you to that recommendation, which is on page 7 of tab 65. Do you have that there?

**MR BARTLETT:** Yes, I do.

5

**MS GHABRIAL:** So this is, just from the page before, a document that you appear to have created on 4 April 2017; is that correct?

**MR BARTLETT:** Yes.

10

**MS GHABRIAL:** And I understand that you were in the position of Manager of Security until June of that year; is that correct?

**MR BARTLETT:** I was - I was in the position of Manager for Security but when this was done I was not Manager of Security.

**MS GHABRIAL:** But were you at the gaol?

**MR BARTLETT:** I was at the gaol.

20

**MS GHABRIAL:** Until June 2017?

**MR BARTLETT:** That's correct.

**MS GHABRIAL:** You indicated in your evidence by reference to the recommendation that your intention, after submitting that report - and please correct me if I am wrong - your intention was to closely monitor all of the parties concerned. Do you remember giving that evidence?

**MR BARTLETT:** Yes.

**MS GHABRIAL:** And that certainly is something that you appear to have committed to doing on 4 April 2017?

**MR BARTLETT:** Yes.

**MS GHABRIAL:** When you submitted this report; is that correct?

**MR BARTLETT:** That's correct.

40

**MS GHABRIAL:** What did you actually do to monitor, closely monitor, all of the parties concerned and which parties were you referring to?

**MR BARTLETT:** Both the - both the inmates and the staff. The problem was that until I could get back on to normal duties for my restricted duties I couldn't go into the Centre.

45

L\351450662.1

**MS GHABRIAL:** So you weren't in the Centre at the time that you made, essentially, that commitment in that report?

**MR BARTLETT:** I wasn't, no.

5

**MS GHABRIAL:** And not in a position, you're saying, to actually monitor all of those parties involved?

**MR BARTLETT:** To not actually go into the Centre but I still had access to people.

10

**MS GHABRIAL:** Was there any time during that period between 4 April 2017 and June 2017 at Dillwynia, when you left, that you were actually in the Centre -

**MR BARTLETT:** Yes.

15

**MS GHABRIAL:** - with an opportunity to monitor all of the parties involved?

**MR BARTLETT:** Yes, and -

20

**MS GHABRIAL:** All the parties involved?

**MR BARTLETT:** Yes. And -

**MS GHABRIAL:** And what steps did you take on those occasions to monitor all of the parties involved, and were you in a position to do so?

25

**MR BARTLETT:** At that - for that last few weeks that I was in the centre, I - and once I was in the centre, I was able to get around and inspect various places, have a - have a look at where - where sort of things were. I was still trying to find my bearings within the Centre. I didn't know the Centre very well, so I didn't know where anything was or anything like that. So I still had to get around, and I suppose the - I did try and - I did try and talk to people, but they didn't - the staff didn't know me that well, so they were very reluctant to come forward and tell me anything. I did keep, you know, regular inspections of areas and made my - made my presence known in - around the centre and everything like that. But I never ever saw any evidence or heard anything up until I left.

30

35

**MS GHABRIAL:** You would accept that the parties - or all parties involved in respect of this matter included Witnesses T, O, H and Officer Astill; correct?

40

**MR BARTLETT:** That's correct, yes.

**MS GHABRIAL:** And what particular steps did you take to monitor those parties involved when you were physically present in the centre up until - on those periods between that time and June 2017?

45

L\351450662.1

**MR LLOYD:** I object, Commissioner. I can't see how any of Ms Ghabrial's clients have got any interest in this subject matter.

**COMMISSIONER:** Well, ask the question and move quickly.

5

**MS GHABRIAL:** Yes, that was my last question, Commissioner.

**COMMISSIONER:** I'm pleased to hear that. Good. Yes, Mr Bartlett, please answer.

10

**MR BARTLETT:** Sorry?

**MS GHABRIAL:** So what steps did you actually take to monitor those parties involved on the occasions that you were in the Centre between the time of that report and the time that you left?

15

**MR BARTLETT:** Well, once - once I got back into the - into the Centre, as I've said, I did conduct regular inspections of those areas. I don't recall if I had any further discussion with any of the parties, but I did - once I learned the area and learned everything like that, all - all I could say is that I did inspect the area and everything like that and - and try and keep - and try and observe movements and the parties involved.

20

**MS GHABRIAL:** Nothing further, Commissioner. Thank you.

25

**COMMISSIONER:** Mr Bartlett, I may have missed it, but are you still employed by Corrective Services?

**MR BARTLETT:** No, I've been retired now for nearly five years.

30

**COMMISSIONER:** Very well. That concludes your evidence. You are now excused. Thank you.

**MR BARTLETT:** Thank you.

35

**<THE WITNESS WAS RELEASED**

**COMMISSIONER:** We'll take the morning adjournment.

40

**<THE HEARING ADJOURNED AT 11.34 AM**

**<THE HEARING RESUMED AT 11.47 AM**

**COMMISSIONER:** Yes, Mr Lloyd.

45

**MR LLOYD:** Thank you, Commissioner. I call Timothy Peek. He will take an oath on the Bible.

L\351450662.1

**<TIMOTHY PEEK, SWORN**

**COMMISSIONER:** Take a seat, please.

5

**<EXAMINATION BY MR LLOYD:**

**MR LLOYD:** Could you tell us your name?

10 **MR BARTLETT:** Timothy Peek.

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

**MR BARTLETT:** Correct.

15

**MR LLOYD:** You made a statement to this Commission on 20 September 2023?

**MR PEEK:** Yes.

20 **MR LLOYD:** I think there's been some delay - no criticism - but you only - even though it's dated that date, you signed it fairly recently?

**MR PEEK:** Yeah, that's right.

25 **MR LLOYD:** Whatever the position, in it you're telling the truth?

**MR PEEK:** Yes, that's correct.

30 **MR LLOYD:** It's behind tab 73 in volume 8, Commissioner, and I tender that statement.

**COMMISSIONER:** It will be Exhibit 21.

**<EXHIBIT 21 TENDERED AND MARKED**

35

**MR LLOYD:** Now, have you got volume 8 with a tab 73 in there, Mr Peek?

**MR PEEK:** Yes.

40 **MR LLOYD:** If you just turn that up and, and I'll ask you some questions about it. In paragraph 4 of your statement, you tell us about your professional history. You graduated in the year 2000?

**MR PEEK:** Yes.

45

**MR LLOYD:** And had various placements at other Correctional Centres until you were transferred to Dillwynia for the first time in the year 2008?

L\351450662.1

**MR PEEK:** Yep. That's correct.

5 **MR LLOYD:** You spent five years there?

**MR PEEK:** Yep.

10 **MR LLOYD:** Then you went elsewhere. Just - working at the Compulsory Drug Treatment Correctional Centre, where's that?

**MR PEEK:** Yes. That was on the complex at Parklea.

15 **MR LLOYD:** You came back to Dillwynia in the year 2015 and got a promotion to Senior Correctional - well, you say in the - I think it's a typo, isn't it, in the third last line?

**MR PEEK:** Yeah, I actually got my promotion at Dillwynia when I first went there. I went there as a Senior. I was Senior the whole way through.

20 **MR LLOYD:** Back in 2008?

**MR PEEK:** Yeah, that's correct.

25 **MR LLOYD:** So the promotion - that's -

**MR PEEK:** Yeah, that's why I went to Dillwynia. I won a position there.

30 **MR LLOYD:** And that's a Senior Correctional Officer, obviously enough, back in '08?

**MR PEEK:** Yep.

35 **MR LLOYD:** And you remained there until 2019, and now you're in Custodial Operations, Operational Performance and Review Branch?

**MR PEEK:** No, State-Wide Operations is - is my current position.

40 **MR LLOYD:** I see. So that was before - the Custodial Operations position was before the State-Wide Operations?

**MR PEEK:** Yes. I went to State-Wide Operations, then Operational Performance and Review Branch and then back to State-Wide Operations. I've been there nearly a year now.

45 **MR LLOYD:** What do you do in State-Wide Operations?

L\351450662.1

**MR PEEK:** My portfolio is executive, so I go through the incidents from around the gaols. I provide briefings to the Deputy Commissioner's Office, Office of the Secretary, Office of the Minister, Office of the Commissioner. We respond to Ombudsman requests for information. It's - we work in the policy unit as well. So  
5 recommendations from Coroner's Commissions and those kinds of things will come to the policy unit, and being operational, we'll assist them in developing policy which can be applied in the field.

**MR LLOYD:** The kind of incidents that you're involved in, looking at in your  
10 current position, what are they?

**MR PEEK:** It's all incidents across the State. So I don't - I'm not involved in any. I just have a look at what's occurred around the State over - from the previous day, and anything contentious or serious that the Commissioner will need to be aware  
15 of, I need to pass that to his office.

**MR LLOYD:** You mentioned the Ombudsman. What dealings do you have in your position with the Ombudsman?

**MR PEEK:** Generally, they will request information from the centres, footage, packages, historical or - of inmates who were previously in custody or inmates out of custody. So we are generally the point at which all this is collected and then pass on through to Exec Services and on - and to meet those obligations - the requirements request, yeah.  
20  
25

**MR LLOYD:** In your current role, have you had anything to do with information about the complaints that were made about Astill in his time at Dillwynia?

**MR PEEK:** No. No.  
30

**MR LLOYD:** Could I ask you about - to turn back to the time that you were at Dillwynia, and my questions will be about the second period you were there.

**MR PEEK:** Yep.  
35

**MR LLOYD:** Do you understand?

**MR PEEK:** Yep.

**MR LLOYD:** Your understanding of the way in which complaints made by inmates about officers - in paragraph 27, you tell us that if an inmate was reporting a serious offence like sexual assault of any kind, that is top tier, worst it can be -  
40

**MR PEEK:** Yep.  
45

**MR LLOYD:** - and that you'd take them to the Chief, and if they refuse to speak to them, take them to the Governor?

L\351450662.1



**MR PEEK:** Yes. Yeah, definitely it would be reported in some way. If they weren't comfortable with the Chief, then I'd probably escalate it straight to the Governor. Yes.

5

**MR LLOYD:** Can I just understand "sexual assault of any kind". What about an allegation of an inappropriate sexual relationship? So put aside a direct allegation of sexual assault. What about an inappropriate sexual relationship between an officer and an inmate? What would you do there?

10

**MR PEEK:** That would be the same.

**MR LLOYD:** Same deal?

15 **MR PEEK:** Same level. Yeah, yeah. Yes.

**MR LLOYD:** In terms of your training and your understanding of the way to deal with complaints of that kind, that is, either sexual assault or inappropriate sexual relationships between inmates and officers, was your understanding that the first port of call would be for you to go up to the chain of hierarchy to the Chief?

20

**MR PEEK:** Yes.

**MR LLOYD:** And in what kind of situation would you depart from that hierarchy and go higher to someone like the Governor?

25

**MR PEEK:** If - if the allegation did involve that person that I was supposed to report to, then I would bypass that person.

30 **MR LLOYD:** And in - there's another aspect of your statement dealing with this in paragraph 38. Just re-read that yourself.

**MR PEEK:** Yes.

35 **MR LLOYD:** We're dealing here with complaints of misconduct by another officer.

**MR PEEK:** Yep.

40 **MR LLOYD:** That is that section of the statement.

**MR PEEK:** Yep.

**MR LLOYD:** And in paragraph (c) - or subparagraph (c) of 38:

45

L\351450662.1

"Submit an intelligence report is more serious to note on the intelligence system, all staff can to enter stuff, but I don't believe that junior staff would know about the system."

5 Do you see that?

**MR PEEK:** Yep.

10 **MR LLOYD:** Could I just ask here - you've told us already about reporting sexual assault or inappropriate sexual relationships up the hierarchy.

**MR PEEK:** Yep.

15 **MR LLOYD:** What about the preparation of intelligence reports that you're dealing with here? When would you do that?

20 **MR PEEK:** In the first - first instance you spoke about, that would be for the direct report to me by somebody who was involved in that, for instance, the victim or the inmate involved. That's where I would take that first part. The second one would be if it was an allegation not from that direct party - or from that direct party but someone who was not willing to pursue action, then I would take this avenue to report it that way.

25 **MR LLOYD:** So the first category, the Chief or Governor kind of situation going straight to them, that's an inmate making a direct report to you -

**MR PEEK:** Yep.

30 **MR LLOYD:** - and where that inmate wants the particular allegation to move forward?

**MR PEEK:** Yep.

35 **MR LLOYD:** This category of an intelligence report, in that category is either information that you might regard as second-hand?

**MR PEEK:** Possibly, yes. Yes, it's -

40 **MR LLOYD:** Rumours?

**MR PEEK:** It's very hard to describe succinctly exactly what would or would not fit in certain situations. It's more something that as an officer, I guess, you would triage in how to report and most effectively.

45 **MR LLOYD:** Is the idea, at least in your mind, for this category of information that is less than a direct report by someone who wants to move forward that even if you don't have that kind of direct report, information can be important?

L\351450662.1

**MR PEEK:** Correct. Yes.

5 **MR LLOYD:** And it might be that you've got information that when combined with a whole lot of other information held by the Intelligence Officer, for example, that putting it together sounds like something important worth investigating. Is that the idea?

10 **MR PEEK:** Yes.

**MR LLOYD:** And so that's the circumstances in which you'd prepare the intelligence report that you refer to in (c)?

15 **MR PEEK:** Yes. Yes, I think it's an information note, I think it's called, not intelligence report. But that's just semantics, I guess.

**MR LLOYD:** And that information note - is that what you said?

20 **MR PEEK:** Yes.

**MR LLOYD:** Who would you give that to?

25 **MR PEEK:** That - that is on the IIS system. So it's done through the computer and then it goes to whoever the dissemination is supposed to go to. I'm not really sure of that path. I've never worked in the intel.

**MR LLOYD:** In terms of filling out that information note, do you determine at the point of entering the information you want to enter where it goes?

30 **MR PEEK:** Yeah, there is a point - a drop-down that you can select SIU or something like that, yeah. Or information note, I think, or SIU. I can't remember exactly, but there is definitely a point. Yep.

35 **MR LLOYD:** And in fairness to you, Mr Peek, in paragraph 117 - if you move right forward to there. When you tell us what you just told us about the SIU function -

**MR PEEK:** Yes.

40 **MR LLOYD:** - I think what you're saying is that that's information you came into after the period of Astill's offending at Dillwynia or -

45 **MR PEEK:** I didn't know the definition of it. So to say I didn't - if you had said, "What is SIU?", I wouldn't have known. But if you'd said, "Was there another way that you could click a button that might take it somewhere else?", I probably would have said "yes". But that - at the time, you know, after hearing more and

L\351450662.1

thinking more - for instance, this time, yes, the SIU, I know what it is now, but at the time I didn't.

5 **MR LLOYD:** You didn't?

**MR PEEK:** Yep.

10 **MR LLOYD:** And is it right when you say at the end of subparagraph (c) in paragraph 38:

"...don't believe junior staff would know about the system."

15 Does that extend to your understanding at Dillwynia that they wouldn't have known about the SIU function?

**MR PEEK:** Yes. I believe that they wouldn't have. Yep.

**MR LLOYD:** Can I just ask you this about management and culture at Dillwynia?

20 **MR PEEK:** Mmm.

**MR LLOYD:** Did you have a view or understanding of the environment for making reports of complaints or even information about Astill to the management then?

25 **MR PEEK:** I'm not sure what you're asking, Mr Lloyd, sorry.

**MR LLOYD:** Let me ask you a better question. Did you have experience in dealing with - take the Governor, in terms of her receptiveness to hearing complaints about Astill?

30

**MR PEEK:** I can't comment on that. I never took complaints to the Governor about Mr Astill.

35 **MR LLOYD:** What about Leanne O'Toole?

**MR PEEK:** I never took complaints about Mr Astill to Ms O'Toole either, so I don't know how receptive they were.

40 **MR LLOYD:** What about the management culture there more generally? How did you find Shari Martin as a Governor of the gaol?

45 **MR PEEK:** My experiences with Shari - I had no issues, but she was a bit - she was very direct. She was a little bit rough around the edges, and she wasn't very approachable in general. That was what I found, but I never had any negative experiences. It was just her demeanour as it would appear.

L\351450662.1

**MR LLOYD:** To your understanding, was it widely known amongst officers that she was friends with Astill?

5 **MR PEEK:** Shari? I'm not sure. I think - was - was known. Yeah.

**MR LLOYD:** Sorry -

10 **MR PEEK:** Not - but not as strong as the relationship between Mr Astill and Ms O'Toole.

**MR LLOYD:** I take it from that that it was widely known, on your understanding, by officers that Leanne O'Toole and Astill were friends?

15 **MR PEEK:** Yes.

**MR LLOYD:** Did you have any discussions with officers about whether the relationships between Astill and those two managers, Shari Martin and Leanne O'Toole, had an effect on whether other officers were prepared to say things about Astill?

20 **MR PEEK:** No.

**MR LLOYD:** Did you hear rumours in the gaol in this second period when you were at Dillwynia about Astill and having inappropriate relationships with inmates?

25 **MR PEEK:** No.

**MR LLOYD:** Never heard anything?

30 **MR PEEK:** No.

**MR LLOYD:** Never heard anything about an inappropriate relationship between him and inmate C? There's a pseudonym list.

35 **MR A. WILSON:** Commissioner, if I could make a section 23 objection.

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

40 **MR PEEK:** Yep. Sorry, could you repeat the question?

**MR LLOYD:** Certainly. Have you ever heard any rumours at the time of your second placement at Dillwynia about an inappropriate sexual relationship between Astill and inmate C?

45 **MR PEEK:** No.

L\351450662.1

**MR LLOYD:** Never heard any rumours about -

5 **MR A. WILSON:** Commissioner, I make a further objection. I understand that the Commission is requiring that objections be made on a question-by-question basis.

**COMMISSIONER:** Well, I'm not requiring it, but I think the law does.

10 **MR A. WILSON:** Yes.

**COMMISSIONER:** Yes.

**MR A. WILSON:** May it please the Commission.

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

**MR LLOYD:** I hadn't quite finished. I'll withdraw the question and I'll - when I get to the end.

20 **COMMISSIONER:** Very well.

**MR LLOYD:** Did you ever hear about Astill being referred to as "Teflon"?

25 **MR PEEK:** No.

**MR LLOYD:** Ever hear him being referred to as "Poppy"?

30 **MR PEEK:** I heard staff refer to him as "Poppy", and staff had said that inmates called him "Poppy". But - yeah. So that's - I've never heard inmates directly call him "Poppy".

**MR LLOYD:** What did you understand that to be a reference to?

35 **MR PEEK:** His older age and older nature. Yeah.

**MR LLOYD:** Did you ever hear inmates either singing a song or hear about inmates singing a song about, "If you want to tub and tug, go to The Hub."

40 **MR A. WILSON:** Commissioner, it's another -

**MR LLOYD:** Just pause.

**MR A. WILSON:** Pardon me. It's another section 23 objection.

45 **COMMISSIONER:** Well, I'm going to require the answer. I'm not sure that's a question that requires an objection, but -

L\351450662.1

**MR LLOYD:** Please answer.

**MR PEEK:** I never heard that.

5 **MR LLOYD:** Did you ever hear any talk around the gaol about Astill bringing contraband in?

**MR A. WILSON:** Another section 23 objection, Commissioner.

10 **COMMISSIONER:** Well, again, I'm not sure that it's needed, but you're required to answer.

**MR PEEK:** No.

15 **MR LLOYD:** No information came to you ever about him bringing in and trading drugs?

**MR A. WILSON:** Commissioner, it's another 23 section objection.

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

**MR PEEK:** No.

25 **MR LLOYD:** Could I ask you about a - an inmate - look at the list and find "P".

**MR PEEK:** Yep.

30 **MR LLOYD:** I just want to ask you about some evidence that Witness P has given to this Commission, to this effect: that routinely throughout 2017/2018, Astill would have three or four girls in his office during lunch in the administration block within the High Needs unit? Now -

35 **MR A. WILSON:** Commissioner, it's - pardon me. It's another section 23 objection.

**COMMISSIONER:** Why?

40 **MR A. WILSON:** Counsel Assisting is in the course of putting the question suggesting knowledge of circumstances that might, in the minds of a person, involve the offending behaviour for which Mr Astill was ultimately convicted. There may be a submission made that would state that an officer aware of such had a duty to report it.

45 **COMMISSIONER:** Under what - or where does that obligation come from?

**MR A. WILSON:** Arising under relevant Corrective Services policies.

L\351450662.1

**COMMISSIONER:** Do we know of those policies?

**MR A. WILSON:** I can't quote them verbatim here at the moment.

5 **COMMISSIONER:** I haven't seen them. Do we have such a policy? Mr Sheller might know.

**MR LLOYD:** Commissioner, there are multiple policies, but there's also regulation 253 which speaks of information about wrongdoing, in effect, which  
10 might be what my learned friend's got in mind.

**COMMISSIONER:** All right. Well, I will require you to answer.

**MR LLOYD:** I'm confident you'll need the question again.  
15

**MR PEEK:** I don't think we got to the end of the question.

**MR LLOYD:** Could I ask you this: did you - I was asking you about some things  
20 Witness P had said to the Commission in her evidence. She says that routinely throughout - in a period in 2017 and/or 2018, Astill would have three to four girls in his office in the administration block within the High Needs unit. Do you remember hearing about that?

**MR PEEK:** Mr Astill was a Chief. Witness P - was it - would have been referring  
25 to other SMAP inmates. The SMAPs only had one hour of exercise a day, so one hour of access to that office if there was any queries. So it wasn't unusual for a number of inmates to be - to go to - whoever was in that office in that hour, to - to, because - answers to queries or things like that.

30 **MR LLOYD:** Now, your answer is to the effect that it wouldn't have been unusual. My question, though, was were you aware of that happening?

**MR PEEK:** Yes, as it wasn't unusual. Yep.

35 **MR LLOYD:** And with the door closed, that is, Astill with three or four girls in his office during lunch with the door closed?

**MR A. WILSON:** Commissioner, it's another section 23 objection.

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

**MR PEEK:** There may be times where you need the door closed to speak to  
45 inmates for privacy or - or whatever reason. The office was right on a streetway where - lots of people walking past, so often you'd close that door just so you didn't have the noise.

L\351450662.1



**MR LLOYD:** But on the scenario in terms of - for privacy where there's three or four inmates in there wouldn't sound like an obvious candidate for a privacy reason, would it?

5 **MR PEEK:** It's not for me to judge what they were talking about, Mr Lloyd. I don't know.

**MR LLOYD:** Did you form a view about whether it was appropriate for him to be in his office with three or four inmates with the door closed?

10

**MR A. WILSON:** Commissioner, it's another 23 section objection.

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

15 **MR PEEK:** I did not form a view either way.

**MR LLOYD:** Did you turn your mind to it?

**MR PEEK:** No.

20

**MR LLOYD:** Do you remember - I need to put this to you about something else Witness P has said - that those inmates who were in Astill's office at lunchtime would often be late back to muster and inmates would say at muster, "Where's so-and-so," as in, where's one of the inmates who was late. Do you remember that happening?

25

**MR A. WILSON:** Commissioner, it's another section 23 objection.

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

30

**MR PEEK:** Specifically from Mr Astill's office, no. Inmates were regularly late back to that muster. And following that muster, the rest of the gaol conducted a let go. So if that muster was held up or late, the rest of the gaol was held up. In Industries, inmates - clinic inmates that - the routine was held up. So it was regularly that inmates were late. I don't remember specifically they were late coming back from Mr Astill's office.

35

**MR LLOYD:** The effect of what Witness P told us - I want to get your response to this - is that multiple women with Astill during lunch being late back to muster and officers, including you, when that occurring, that is, them being late back, just rolling your eyes in a way that you knew where they were and that what was going on was not appropriate.

40

**MR A. WILSON:** Commissioner, it's another section 23 objection.

45

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

L\351450662.1

**MR PEEK:** I would disagree with that view of Witness P. If we were rolling our eyes, it was the frustration that we've told these girls many times to be back by 1 o'clock for lock in so that we can, you know, commence with the routine of the rest of the gaol.

5

**MR LLOYD:** Do you remember - another thing Witness P told us was inmates often referring to Astill as Rolf Harris. Do you remember that?

**MR A. WILSON:** Commissioner, it's another section 23 objection.

10

**COMMISSIONER:** Please answer.

**MR PEEK:** I've never heard that said about Mr Astill before.

15 **MR LLOYD:** Can I ask you something else, Mr Peek. I want to turn to - you deal with this at paragraph 53 and following in your Commission statement.

**MR PEEK:** Yes.

20 **MR LLOYD:** Now, if you need to re-read to yourself paragraphs 53 through 56, do that because I want to ask you about the sequence here.

**MR PEEK:** No, I'm okay. I'm familiar with this.

25 **MR LLOYD:** You remember?

**MR PEEK:** Yes. Yes.

30 **MR LLOYD:** And I'll just draw to your attention, before I start asking you some questions, paragraph 72. Just go forward.

**MR PEEK:** Yes.

35 **MR LLOYD:** Now, having drawn your attention to those paragraphs, I just want you to then go back to what you record at paragraph 53 to see if we can understand -

**MR PEEK:** I believe that's the same, Mr Lloyd. Yeah.

40 **MR LLOYD:** And it's not a criticism, in effect -

**MR PEEK:** No, that's okay. Yeah.

45 **MR LLOYD:** In effect -

L\351450662.1

**MR PEEK:** I just didn't have a memory of - I wasn't able to remember who it was or what had really happened until the investigator asked me directly and then it pieced together, so -

5 **MR LLOYD:** You wouldn't be the first witness, Mr Peek, whose memory has been aided by seeing a contemporaneous document. Is that what you're telling us?

**MR PEEK:** Possibly, yeah.

10 **MR LLOYD:** So the way we make sense of your evidence in paragraph 53 by reference to a report from three inmates, being J, P and G, is that what you're saying here is by reference to your recollection about a report by two inmates, being O and T?

15 **MR PEEK:** Yes. Yes, I still think there was a third there at the time. But, yeah, it definitely is that same incident. Those three inmates - I didn't remember who exactly they were. It was a guess at the time, but obviously it was Witness O and the other inmates.

20 **MR LLOYD:** And do you have - now that you have a better recollection from seeing the documents, do you actually have a recollection of the occasion when the particular inmate or inmates came forward?

**MR PEEK:** Yes. Yes.

25 **MR LLOYD:** And is it a good recollection about what happened?

**MR PEEK:** What do you mean by "good"?

30 **MR LLOYD:** Do you have a good recollection about -

**MR PEEK:** I don't remember proceeding when Witness O came - says she came to see me on the compound and first tell me. I remember being with Mr Giles in the office and taking those - I remember what was said in the office, and  
35 I remember it being Mr Giles - Mr Giles taking those.

**MR LLOYD:** And I'll just take you back to the document so you -

40 **MR PEEK:** Yep.

**MR LLOYD:** - have the advantage of seeing it. It's - in that same folder, if you go to tab 65 and turn behind that tab to the second-last page.

45 **MR PEEK:** Yes.

**MR LLOYD:** Is that the document which I think you mentioned was shown to you by the investigator which (indistinct) your memory?

L\351450662.1

**MR PEEK:** I think I've got Mr Bartlett's notes.

**MR LLOYD:** I see. I think you're behind tab 65A.

5

**MR PEEK:** Okay.

**MR LLOYD:** Tab 65.

10 **MR PEEK:** Yes, this would have been the document.

**MR LLOYD:** So let me just go back. Before the time that entries came to be made on this document, you mentioned in your evidence a moment ago being in an office with Mr Giles?

15

**MR PEEK:** Yes.

**MR LLOYD:** Just tell us about the first thing that happened in relation to Witness O on this day.

20

**MR PEEK:** From my recollection, when she had told me that she wanted to make an allegation – or what she had said originally, I would have got the Chief – that would have been Mr Giles at the time – and called them over into the Chief's office to –

25

**MR LLOYD:** Just pausing there. There was – was it the case that Witness O approached you?

30 **MR PEEK:** I suspect so. That's what she has said, and I don't have any reason not to believe that, but I don't remember.

**MR LLOYD:** And do you remember what it is that she said to you when she first came to you?

35 **MR PEEK:** No.

**MR LLOYD:** Whatever it was, I take it from what you've told us about then going to Westley Giles – just pausing there. He was Acting Chief?

40 **MR PEEK:** Yes. Yeah, he would have been my direct report. Yeah.

**MR LLOYD:** Consistently with the practice you identified before, you took whatever information Witness O had given to you to him immediately?

45 **MR PEEK:** Yes, I would have. If – if I didn't take the information, I would have taken her to provide that information. I would have said, "Can you come up here?"

L\351450662.1

You know, there's – take some (indistinct) inmates or something along those lines. Yeah.

5 **MR LLOYD:** Without having a recollection of what it is that she said to you –

**MR PEEK:** Yep.

10 **MR LLOYD:** - is it reasonable for us to think that it was serious enough to warrant you going immediately to the Chief?

**MR PEEK:** My recollection, without being exact, is that she said that – that – Witness H, is it?

15 **MR LLOYD:** You can –

**MR PEEK:** Ms Sheiles –

**MR LLOYD:** Trudy Sheiles.

20 **MR PEEK:** - was in the office for a long time with Mr Astill and that at times she was on – on the ground or something along those lines. But that's what I think she would have told me because that's what she said in the office as well. Yeah.

25 **MR LLOYD:** At this – you're telling us about this first stage when she approached you; is that right?

30 **MR PEEK:** Yeah. Well, yeah, that's – I'm assuming she would have given me that information. She just wouldn't have come up and said, "Mr Peek, I need to talk to you about something." I would have kind of asked for further information at that time. Yeah.

**MR LLOYD:** And whatever it was that she said, you thought it was of sufficient seriousness to go to the Chief; is that right?

35 **MR PEEK:** Yes. Yes. Yeah.

**MR LLOYD:** And that – what you've described so far there, did you at least have an understanding that what she might be hinting at was some sexualised activity?

40 **MR PEEK:** No.

**MR LLOYD:** What did you think?

45 **MR PEEK:** Inappropriate in some way, whether it be – inappropriate in some way. Sexual, I don't – there was no indication of that. I don't really recollect her ever talking about a touch between Mr Astill and – and Ms Sheiles. So it was only about the amount of time in the office.

L\351450662.1

**COMMISSIONER:** If it was only about the amount of time –

**MR PEEK:** Yes.

5

**COMMISSIONER:** - is that what would have made it inappropriate?

**MR PEEK:** She was a sweeper at the time, so she was often spending a larger amount of time in the office cleaning anyway. So – you know, they believed it was inappropriate and that action should be taken. So I – I took into account what they said and their thoughts on it further.

10

**COMMISSIONER:** I'm still not quite sure that I understand your answer. You say, "They said it was inappropriate."

15

**MR PEEK:** Yes.

**COMMISSIONER:** And you thought that you should accept that allegation, at least, and report –

20

**MR PEEK:** Yeah.

**COMMISSIONER:** - that they said it was inappropriate. Now, what was inappropriate?

25

**MR PEEK:** They had said the amount of time in the office was inappropriate and that she was often – that they didn't only talk about one occasion, they – they mentioned multiple occasions, and that at times she couldn't be seen, I think they said because she was at a lower level from – through the window.

30

**COMMISSIONER:** So it's not just a question of time; it's a question of what the activities might have been. Is that right?

**MR PEEK:** Yeah.

35

**MR A. WILSON:** It's another section 23 objection, Commissioner.

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

**MR PEEK:** It was – it was the whole – as a whole, the – the – the allegations that were made.

40

**COMMISSIONER:** Right. So the inappropriateness, as you understood it, went beyond mere time; it went to what the activities might have been during that time?

45

**MR A. WILSON:** Another section 23 objection, your Honour.

L\351450662.1

**MR PEEK:** Possibly, but I – the – the description of what they gave me didn't actually lead me to believe it would be sexual. But –

**COMMISSIONER:** Well, what else could it have been?

5

**MR PEEK:** This may sound a bit ridiculous to you, Commissioner, but it could have been that she was a sweeper, sometimes they would do a deeper clean, sometimes she would be down emptying the bins, doing those kind of things. They didn't talk about the amount of time she was not visible. The office they are  
10 actually referring to again was that one on the street – on a breezeway where everybody walked right directly the office. We were always in, and it had a window that was probably about 60-by-60 which wasn't covered. And further to that as well, Witness O quite often had issues within the house. There was a very difficult area to manage that SMAP area, and sometimes, you know, as Mr Bartlett  
15 had said, there was, you know, complaints aimed at implicating another party, not so much the officer. So I wanted that to be taken further to be investigated outside of, you know, my office. So that's why I proceeded with it the way I did.

**MR LLOYD:** You mentioned one thing that the inmates who came forward said,  
20 was they looked through the window and they could see that Ms Sheiles wasn't able to be seen in the office.

**MR PEEK:** Yes.

**MR LLOYD:** The understanding from that is she was in the office but on her  
25 knees or bending down?

**MR A. WILSON:** It's another section 23.

**COMMISSIONER:** Yes, I require you to answer.  
30

**MR PEEK:** I don't believe the inmates ever walked up to the window and looked in. It was what they could see from a distance and at their angle, so that doesn't mean that she wasn't in another part of the office where Mr Astill wasn't either, if  
35 that makes sense.

**COMMISSIONER:** This was all suggesting smoke, wasn't it?

**MR PEEK:** I beg your pardon, Commissioner?  
40

**COMMISSIONER:** This was suggesting to you some smoke, in the sense of smoke followed by, or as a consequence of fire.

**MR A. WILSON:** Commissioner, it's a section 23 objection.  
45

**COMMISSIONER:** Yes, I require you to answer. Just putting it bluntly, this is suggesting that they are suspicious about the behaviour?

L\351450662.1

**MR PEEK:** Yes, they were suspicious, yes.

5 **COMMISSIONER:** And what you had been told gave them grounds to be suspicious, didn't it?

**MR A. WILSON:** It's a further section 23 objection, Commissioner

10 **MR PEEK:** Yes. Yes, Commissioner that's why I took it further.

**COMMISSIONER:** That's right. And the suspicion was inappropriate sexual activity, wasn't it?

**MR A. WILSON:** A further section 23 objection.

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

**MR PEEK:** Again, Commissioner, I don't know about sexual activity. I don't believe –

20 **COMMISSIONER:** No, you don't know about it –

**MR PEEK:** No, I don't.

25 **COMMISSIONER:** - but the suspicion they held was in relation to sexual activity?

**MR PEEK:** They never mentioned sexual activity.

30 **COMMISSIONER:** Well, you understood, surely, that that's what the inference was from the activity that was being observed?

**MR A. WILSON:** Commissioner it's a further objection.

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

**MR PEEK:** No, sir, I didn't.

40 **COMMISSIONER:** You didn't?

**MR PEEK:** No, no. I believe it was an investigation that needed further – and a complaint that needed further investigation. But out and clear sexual activity, no. And – and no, no inferences, just that it wasn't right. And I didn't take a judgment about whether it was sexual or not from what they told me.

45 **COMMISSIONER:** Did you discard the possibility that it was sexual activity?

L\351450662.1



**MR A. WILSON:** Commissioner it's a further section 23.

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

5 **MR PEEK:** I didn't discard anything they told me, Commissioner. I took that information – that they told me in its literal form and got it written down and passed on to – to my immediate superior to be investigated.

10 **COMMISSIONER:** What do you think about your judgment of the situation now?

**MR A. WILSON:** Commissioner, it's a further section 23.

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

**MR PEEK:** My judgment, Commissioner I'm confident in the way I acted, in what I thought was right at the time, yeah.

20 **MR LLOYD:** Could I ask you this: you mentioned inmates, were you also approached by Witness T?

**MR PEEK:** I don't believe so.

25 **MR LLOYD:** How, to your knowledge, did she come to be involved in the reporting of this activity?

**MR PEEK:** Was she the second witness with Witness O? Sorry, the second inmate - witness?

30 **MR LLOYD:** Yes, just have a look to jog your memory. Go back three pages in that bundle to 114 up the top.

**MR PEEK:** 65?

35 **MR LLOYD:** Yes, the same bundle just back three, there's a page (indistinct).

**MR PEEK:** Okay, yeah, she must have been with inmate O at the time.

40 **MR LLOYD:** So they were coming to you together?

**MR PEEK:** Yes.

45 **MR LLOYD:** And they were both saying things to you, and the first time that they came to you, that they wanted to say something about Astill and Trudy Sheiles?

**MR PEEK:** Yes.

L\351450662.1

**MR A. WILSON:** Commissioner, it's a further section 23 objection.

**MR PEEK:** Yes.

5

**COMMISSIONER:** Well, I don't understand the objection but you can ask the question.

10 **MR LLOYD:** Commissioner, I'm going to venture into territory which you might not be receptive to. But this is one, perhaps of a few examples of where it might be appropriate for a direction to be made in a category, in that this is a discrete event being the questions. All of my questions at the moment are about the events of 29 March and if you wanted to deal with -

15 **COMMISSIONER:** I'm not sure I can. But I'm not sure that the questions you are asking lead anywhere relevant anyway.

**MR LLOYD:** Well, not relevant in the sense that Mr Watson is concerned about, but relevant to that which comes after 29 March, not affecting this witness.

20

**COMMISSIONER:** That's what I mean.

**MR LLOYD:** Yes. These questions are not, may I say, designed to elicit evidence for the purpose of criticising this witness.

25

**COMMISSIONER:** No. And do you say that no evidence that he gives will be the subject of criticism directed towards any breach of a regulation?

30 **MR LLOYD:** I do not anticipate there being any basis to make a submission to that effect about this witness.

**COMMISSIONER:** Yes. Well -

**MR LLOYD:** We can continue.

35

**COMMISSIONER:** You will have to proceed, though.

**MR LLOYD:** Can I just go back, then, to dealing back with Witness O.

40 **MR PEEK:** Yes.

**MR LLOYD:** We got to the point where you went to Westley Giles who was immediately above you in the hierarchy?

45 **MR PEEK:** Yep.

L\351450662.1

**MR LLOYD:** And is what happened next that you and Mr Giles sat down with Witness O?

**MR PEEK:** Yes.

5

**MR LLOYD:** Did you speak to her separately to Witness T?

**MR A. WILSON:** It's a further section 23, Commissioner.

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

**MR PEEK:** I believe we would have spoke to her separately, yes. I can't remember specifically but I imagine we would have, yes.

15 **MR LLOYD:** The document at - but in terms of Witness T you were there for that interview as well?

**MR PEEK:** Yes.

20 **MR LLOYD:** The document at page 17, if you can go back to that one, Witness O.

**MR PEEK:** Yep.

25 **MR LLOYD:** It has got recorded there."

"Written on behalf of Witness O by SCO Peek due to inmate's poor English skills."

30 Do you see that?

**MR PEEK:** Yep.

**MR LLOYD:** Is that right? Is this your handwriting?

35

**MR PEEK:** Yes, it is. It's something you do regularly for inmates; some have poor skills.

40 **MR LLOYD:** Again, not a criticism, you were being told by inmates who you understood had poor written English?

**MR PEEK:** Yep.

**MR LLOYD:** And so you were writing down what it is that she was saying?

45

**MR PEEK:** Yes.

L\351450662.1

**MR LLOYD:** What you have recorded there is her account that she believed:

"Something inappropriate happened yesterday between Trudy Sheiles and Chief Astill"?

5

**MR PEEK:** Yes.

**MR LLOYD:** And:

10 "I believe that I've witnessed this on previous occasions also"?

**MR PEEK:** Yes.

15 **MR LLOYD:** Do you remember what it was that she was saying was inappropriate?

**MR A. WILSON:** It's a further section 23 objection.

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

**MR PEEK:** The only behaviour that Witness O reported was that Mr Astill was in the - Ms Sheiles was in the office for excessive amounts of time and at times she was unable to be seen.

25 **MR LLOYD:** I need to put this to you, Mr Peek. Are you aware of Witness O's evidence to the Commission?

**MR PEEK:** Yes. Yes.

30 **MR LLOYD:** Witness O has told this Commission that what she had seen included Astill putting his hand on Trudy Sheiles' bottom. Do you remember her saying that?

35 **MR A. WILSON:** It's a further section 23 objection.

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

**MR PEEK:** In her testimony or to me?

40 **MR LLOYD:** To you?

**MR PEEK:** No. I remember her not saying that.

45 **MR LLOYD:** You are sure she didn't say that to you?

L\351450662.1

**MR PEEK:** I'm very sure of what was said in that room despite the fact that I may be unsure about some of the inmates that initially made the report, I'm sure that was not reported to me.

5 **MR LLOYD:** What about Astill touching her on her thigh or inner thigh?

**MR A. WILSON:** It's a further section 23 objection.

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

10

**MR PEEK:** There was no reports of any touching in this room to me or Mr Giles.

**MR LLOYD:** Whatever it was that was said to you, she was expressing a conclusion that it was inappropriate?

15

**MR PEEK:** That was her opinion, yes. Yeah.

**MR LLOYD:** What was your conclusion -

20 **MR A. WILSON:** A further section 23 objection.

**MR LLOYD:** I'll just finish the question

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

25

**MR LLOYD:** Did it sound inappropriate to you?

**MR PEEK:** Possibly. It was something that I believed required further investigation which is why, you know, we took the action we did.

30

**MR LLOYD:** It warranted investigation, and if you look down the bottom of that page 17, Witness O wanted to speak to the Governor?

**MR PEEK:** Yes.

35

**MR LLOYD:** And over the page, you've got in about the middle - I withdraw that - up the top "Area Manager comments to MoS/GM for further action." That's your handwriting?

40 **MR PEEK:** No, that's Mr Giles.

**MR LLOYD:** I see. And "Forward to" in the middle of the page, "GM"?

**MR PEEK:** Yep.

45

L\351450662.1

**MR LLOYD:** And it is right that after this document was completed, your view was that it should be passed on to either the Manager of Security or the Governor of the gaol, or both?

5 **MR PEEK:** Yes. My recollection was that Mr Giles took these forms straightaway and his intention was to go and see the Governor.

**MR LLOYD:** He said - obviously said that to you?

10 **MR PEEK:** I don't know if he said that. I can't remember specifically, but I believe that was his intention and that's where he was going to go.

**MR LLOYD:** Could I just ask you to have a look at page 14 in this?

15 **MR PEEK:** Same bunch?

**MR LLOYD:** Same bundle, yes. You've been there before.

**MR PEEK:** Yep.

20 **MR LLOYD:** This is the document completed with respect to Witness T, and this is a meeting that I think you've told us occurred, your best recollection, separately but on the same day as the interview with Witness O?

25 **MR PEEK:** Yes, I think it happened one after the other.

**MR LLOYD:** And the words here under underneath "Subject Allegations", they were written by Witness T?

30 **MR PEEK:** It appears so, yes.

**MR LLOYD:** And during an interview between you, Mr Giles and Witness T; is that right?

35 **MR PEEK:** Yes.

**MR LLOYD:** And here, you've got Witness T saying the approach - she approached Mr Astill on 28 March at approximately 8.30 and then later noticing Trudy Sheiles kneeling in the office some time chatting with the officer. Do you see that?  
40

**MR PEEK:** Yes.

**MR LLOYD:** And that later she witnessed the same inmate vacuuming the office for 45 minutes plus and her belief that this was inappropriate between the two. Do you see that?  
45

L\351450662.1

**MR PEEK:** Yeah.

**MR LLOYD:** Do you remember, aside from the writing here, what it is that Witness T was saying when you and Mr Giles spoke to her?

5

**MR PEEK:** I don't believe she said anything further than she wrote here.

**MR LLOYD:** As in, she did say some things but they were consistent with the writing?

10

**MR PEEK:** All she said was what she's written.

**MR LLOYD:** Was there a question and answer by you and Mr Giles of her during the interview or was it just (crosstalk).

15

**MR PEEK:** There would have been. There would have been, the nature of which I don't - I can't remember.

**MR LLOYD:** You don't have a recollection of what, if anything, she said?

20

**MR PEEK:** No, but what she said is consistent with what I remember about that day.

**MR LLOYD:** Just looking at what she says:

25

"Trudy Sheiles kneeling in the office some time chatting with the officer."

Do you see that?

30 **MR PEEK:** Mmm-hmm.

**MR LLOYD:** Was that suggestive to you of inappropriate and potentially sexualised conduct?

35 **MR PEEK:** No.

**MR LLOYD:** Did you think was going on when she's kneeling for some time chatting with Mr Astill?

40 **MR A. WILSON:** Commissioner, it's a further section 23 objection.

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

45 **MR PEEK:** She could have been - she was a sweeper obviously, she could have been vacuuming or changing bin liners, reasons to be - or doing some sort of clean for him.

L\351450662.1

**COMMISSIONER:** Why would you be on your knees if are you vacuuming? I mean I've done it a few times on my life, I've rarely gone on my knees.

5 **MR A. WILSON:** It's a further section 23 objection, Commissioner.

**COMMISSIONER:** Yes.

10 **MR PEEK:** Because they take the tip off the vacuum and get right under and reach into certain areas and do the edges and things like that under desks.

**COMMISSIONER:** You crawl along the floor to do that, do you?

15 **MR PEEK:** Normally, yeah, they would but you'd kind of be standing at the door or something away from them. But they would definitely get - some of them were very good at what was required of them so they - they cleaned very well and that extra -

20 **COMMISSIONER:** They'd get on their knees with the vacuum cleaner to clean the floor?

**MR PEEK:** Only in certain areas, not the whole floor. Like, if it was under a desk where the vacuum head couldn't get to they would, yes.

25 **COMMISSIONER:** Under the desk, I can understand that.

**MR PEEK:** Yeah, that's what I meant, not the whole floor, yeah.

**COMMISSIONER:** Well -

30 **MR LLOYD:** For some time, that's the record here?

**MR PEEK:** What is some time, Mr Lloyd, I'm not sure?

35 **MR LLOYD:** Well, Mr Peek, were you there with an inmate who was writing down that there's an inmate, Trudy Sheiles, in Chief Astill's office kneeling for some time. I'll ask you the questions. What did you think?

**MR A. WILSON:** A further section -

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

**MR PEEK:** Yeah, I don't know what I thought at the time. Obviously, I thought this inmate thought that it was serious so I took the complaint and took it further.

45 **MR LLOYD:** And it's fair, isn't it, from what you have told us, that whilst you didn't know exactly what was being said you thought it was serious and required investigation?

L\351450662.1



**MR PEEK:** Yes. Yes.

5 **MR LLOYD:** Because if what was being suggested here in fact was sexual conduct between Astill and Sheiles, that was extremely serious, wasn't it?

**MR PEEK:** Yes.

10 **MR LLOYD:** What about this part of the writing:

"I witnessed the same inmate later vacuuming the office for 45 minutes plus. I believe this was inappropriate."

15 Do you see that?

**MR PEEK:** Yes.

20 **MR LLOYD:** But that office, I take it you were aware of the dimensions? You've already told us some things about it.

**MR A. WILSON:** Another section 23 objection, Commissioner.

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

25 **MR LLOYD:** And your answer to that was yes?

**MR PEEK:** Yes, yes.

30 **MR LLOYD:** Now, I'm not wanting to qualify you as an expert about vacuuming, but the dimensions of that office wouldn't require even the most inefficient vacuumer to spend anything more than about five or 10 minutes, would they?

**MR PEEK:** That's correct, yeah.

35 **MR LLOYD:** The 45 minutes plus of vacuuming was plainly a piece of information which added greatly to the suspicious nature of what was being disclosed. Is that fair?

40 **MR A. WILSON:** A further section -

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

**MR PEEK:** The - the amount of time, yes, it would seem excessive.

45 **MR LLOYD:** The kneeling, the amount of time vacuuming suggesting that what was going on was inappropriate, true?

L\351450662.1

**MR A. WILSON:** A further section 23 objection.

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

5 **MR LLOYD:** And added to that the conclusion of Witness T that it was inappropriate?

**MR PEEK:** Yes. Yes.

10 **MR LLOYD:** After you got this writing, Witness T said she wanted to speak to the Manager or Governor? And if you look over the page, is that again Westley Giles writing "Area Manager comments to MoS/GM for any further action"?

**MR PEEK:** Yes.

15

**MR LLOYD:** That's a record that you understand to indicate that he was going to take that complaint to either the Manager of Security or the Governor?

**MR PEEK:** Yes.

20

**MR LLOYD:** And I think you said in relation to the Witness O document that he said something to the effect, "I'm going to take this to the Governor"?

**MR PEEK:** Yes.

25

**MR LLOYD:** And do you remember him saying something similar about -

**MR PEEK:** We would have interviewed one after the other. So at the completion of both interviews he would have taken both together, yeah.

30

**MR LLOYD:** And was your expectation that there would be an investigation into what had happened?

**MR PEEK:** Yes.

35

**MR LLOYD:** Just out of interest, what did you think in terms of investigation? Was this something, having regard to what you understood to be the information from the women, that should go outside the gaol to be investigated by someone from the CIG or CSIU?

40

**MR A. WILSON:** A further section 23 objection.

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

45 **MR PEEK:** Based on this alone, what was told to me at that time, I would expect an investigation to be conducted by a senior officer, I said that before, possibly intel or the Governor before deciding whether to refer, because it could - there's

L\351450662.1

every chance it could - I don't know, I wasn't - the inmates were telling this time frame but facts and substantiation of what was happening, I wasn't aware. So, it should have been investigated further before being put up to an investigator outside.

5

**MR LLOYD:** Were you told what happened?

**MR PEEK:** No.

10 **MR LLOYD:** You never heard of this incident again?

**MR PEEK:** No.

15 **COMMISSIONER:** Sorry, I'm not sure I understood your answer. Are you saying that the allegations, as you received them, you didn't believe needed to be investigated except internally to the gaol? Is that what are you saying?

**MR PEEK:** Initially internally, Commissioner.

20 **COMMISSIONER:** At what level, by whom?

**MR PEEK:** Either General Manager or I assume intel level they tend to have more wholistic information that may complement what I have or may dismiss what was said.

25

**COMMISSIONER:** You now understand, of course, that the position for the inmates was serious, and an investigation internal to the gaol was unlikely to lead to a satisfactory outcome?

30 **MR PEEK:** Yes, sir.

**COMMISSIONER:** You understand that, don't you?

35 **MR PEEK:** I understand that now, yeah I trusted (indistinct) the correct approach (indistinct).

**COMMISSIONER:** Well, then looking at to the future, what should be happening?

40 **MR PEEK:** Look, if an officer - looking to the future, if an officer strongly believes, or believes that there is a suspicion of inappropriate behaviour, I would encourage them to still report to their direct manager, if it was of a junior staff member, and then seek guidance from that. And then, you know, if they feel - if they feel it warrants reporting outside then to report to - to be able to report it.

45

**COMMISSIONER:** Well, you've got an allegation which you know in your own mind needs further investigation?

L\351450662.1

**MR PEEK:** Yes.

**COMMISSIONER:** There's an allegation against a prison officer?

5

**MR PEEK:** Yes.

**COMMISSIONER:** Why wouldn't the logical thing be to ensure that that allegation was investigated by someone external to that gaol, so that there was no risk of a compromise because of familiarity or, indeed, because of the chain of command within the gaol?

10

**MR PEEK:** You're right, Commissioner. I guess at the time I just believed that by doing this I was doing the right thing.

15

**COMMISSIONER:** I understand that but I'm looking to the future. At the end of the day, I've got to frame recommendations.

**MR PEEK:** Yes. For the future, I would - if you asked me to speak to the future, I would suggest that staff at all levels are made aware of the ability to report things outside of the - outside of the gaol if they believe it warrants that.

20

**COMMISSIONER:** Well, that's begging the question: what are the circumstances that, in your mind, would warrant reporting outside the gaol?

25

**MR PEEK:** It's (indistinct) a serious - allegation of a serious nature. But also, you know, to me, you need to triage each - each complaint on a merit basis in some way, you know, because there is - whilst there is - you know, this has happened on this occasion, you know, there's also a number of complaints which, you know, can be - that, you know, are nefarious or, you know, designed to create issues.

30

**COMMISSIONER:** I understand that can happen for sure.

**MR PEEK:** Yes.

35

**COMMISSIONER:** But why wouldn't they all be better off looked at by someone external to the gaol?

**MR PEEK:** They probably will be, sir.

40

**MR LLOYD:** Just to pick up one thing that the Commissioner asked you: in terms of the trigger for information that comes to an officer being reported outside the gaol, we've heard some evidence in the early part of this public hearing to the effect that if allegations of sexual assault, or even a sexual relationship between an officer and an inmate are made, then those allegations should be sent off outside the gaol to the CIG.

45

L\351450662.1

**MR PEEK:** Yes.

5 **MR LLOYD:** What are you - I withdraw that. That is, at the time allegations are made they're sent off, without the gaol conducting some sort of investigation to get to the bottom of whether they might be accurate or inaccurate. What do you say about that proposition, that that's the appropriate way now of dealing with it? If there are allegations of potential criminal conduct by an officer, that the allegations need to immediately be sent outside of the gaol?

10 **MR PEEK:** I'm not sure what the question is there.

**MR LLOYD:** If an allegation comes to your attention that there might be criminal conduct by an officer, the proper course is to send that allegation off to the CIG group -

15 **MR PEEK:** Yeah.

**MR LLOYD:** - so they can properly investigate it?

20 **MR PEEK:** Yes.

**MR LLOYD:** The proper course, is not in that scenario for the gaol to conduct its own investigation to see whether the allegations are meritorious?

25 **MR PEEK:** Yeah, I guess, I don't know what happens if you send it off, but I think it comes back to the Governor in some way, doesn't it? Obviously, you activate the -

30 **COMMISSIONER:** We will have a look at that and work out what we think about that too.

**MR PEEK:** I'm not sure about that.

35 **COMMISSIONER:** Mr Sheller, I'm sure, will help us in that respect.

**MR LLOYD:** But you were in the room for Mr Bartlett's evidence?

**MR PEEK:** Yes.

40 **MR LLOYD:** You heard about what happened, in effect, for those allegations ultimately that we're talking about, didn't you? You heard him -

**MR PEEK:** Yes, Mr Lloyd, I was here.

45 **MR LLOYD:** And, in effect, what happened was that, for whatever reason, whether he was told this or didn't know, but he really conducted an investigation

L\351450662.1

that was effectively trying to get to the bottom of whether these allegations were truthful?

**MR PEEK:** Yes.

5

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

**MR PEEK:** Yep.

10 **MR LLOYD:** What's your response to whether that's an appropriate response; that is, within the gaol to be conducting an investigation and coming to conclusions of that kind in a situation like this?

15 **MR PEEK:** My response would be that's not the course of action I would have thought would be taken. But, you know, I haven't been a manager in a gaol at that level, so these - I can't really comment too much about it.

20 **MR LLOYD:** When, to your knowledge, these allegations got taken up to the Governor by Officer Giles, did you expect that they would be sent off to people outside the gaol who had some training in investigating conduct of this kind?

25 **MR PEEK:** Whether it was sent outside or not, I expected a fair and - I expected the allegations to be investigated properly and thoroughly and seriously. Whether it was outside or inside, you know, we don't have - at the level I was, we don't have a lot of insight as to what happens once things are put through. But I would have expected - I - I had trust in my management that it would have been managed effectively and efficiently - yeah, effectively.

30 **MR LLOYD:** And we've heard evidence from multiple witnesses, Mr Peek, that officers at your level at Dillwynia at this time would report things and never hear back.

**MR PEEK:** Yeah.

35 **MR LLOYD:** Is that your experience here?

**MR PEEK:** Very common statement from officers all across the State. Not just Dillwynia, all the gaols I've worked at.

40 **MR LLOYD:** All the gaols you've worked at, that's common? That is, you make a complaint and never hear of it again? You are nodding.

**MR PEEK:** Yes, that's correct, sorry.

45 **MR LLOYD:** And that sounds like a system that needs to change in the sense that if you bring forward a complaint, you think the officer who brings the complaint forward should be told what happens?

L\351450662.1

**MR PEEK:** Yeah. Yes, I think better communication. Communication is always very - very good, yes.

5 **MR LLOYD:** And in this case, you didn't know, you've told us, at the time about that SIU function to make a report yourself to the SIU people within the CIG?

**MR PEEK:** No.

10 **MR LLOYD:** Is that something if you had known about it, you think you might have done here?

**MR PEEK:** No, no, like, I was happy with the course of action I took on that day.

15 **MR LLOYD:** Could I ask you just about something after these events in late March of 2017. Do you remember that Witness O, to your knowledge, started to be bullied by Trudy Sheiles, or at least said that?

20 **MR PEEK:** Mr Lloyd, that house was a very difficult one to manage. They only had an hour out of their unit every day. It was very small. There was often complaints against each other within the house to try and - you know, to try and get people removed or just internal, internal squabbles. We'd often spend half the time having the houses separated because there was always problems between them. So I'm not surprised that inmate O - sorry, Witness O would have put in  
25 some complaint against Ms Sheiles.

**MR LLOYD:** I need to put this to you: that Witness O told us that at some time after these events in late March 2017 what happened was that Trudy Sheiles was informed that she had made a complaint to the effect that she had been having sex  
30 with Astill, and that Witness O came to you to tell you that she was now being bullied and, in effect, asking you, "Why is it that that was disclosed to Trudy Sheiles?" Do you remember anything like that happening?

35 **MR A. WILSON:** It's a further section 23.

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

**MR PEEK:** I don't remember that happening, no.

40 **MR LLOYD:** Do you remember anything like that, any discussion with Witness O.

**MR A. WILSON:** A further section 23 objection.

45 **MR PEEK:** No.

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

L\351450662.1

**MR LLOYD:** Did you tell anyone other than, to your knowledge, the Governor being informed, did you tell anyone about the complaints made by Witnesses O and T?

5

**MR A. WILSON:** It's a further section 23 objection.

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

10 **MR PEEK:** No, I did not tell anyone.

**MR LLOYD:** And that information, to your knowledge, would have to be, at the minimum, sensitively handled?

15 **MR PEEK:** Yes.

**MR A. WILSON:** It's a further section 23 objection.

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

20

**MR LLOYD:** Just one final thing, Mr Peek. You may be aware there's been some evidence about so-called mediations that occurred with a number of inmates in the early part of the year 2018?

25 **MR PEEK:** Yes.

**MR LLOYD:** And I think you might be aware that at least one of those inmates says that you were present?

30 **MR PEEK:** Yes.

**MR LLOYD:** Do you remember being at any mediations of that kind?

35 **MR PEEK:** When I was first asked, I didn't, but then a recollection came to me that I was present. I don't know who the inmates were, or anything like that. I just remember something - something happening, yeah. I wasn't sure if it was even because they'd asked me about it if I was thinking about it. But, yeah.

**MR LLOYD:** What do you remember of the mediation process?

40

**MR PEEK:** I believe it was Mr Astill, I'm not sure who the Governor was, and I believe if I was there it was as an impartial, a witness of sorts. I wasn't there as a support for Mr Astill.

45 **MR LLOYD:** These were inmates, these weren't the same inmates as the ones we have been talking about, it wasn't Witnesses O and T?

L\351450662.1



**MR PEEK:** I don't believe so, no.

**MR LLOYD:** What did you understand to be the nature of the complaints being made by those women at the mediation?

5

**MR A. WILSON:** It's a further section 23 objection.

**MR PEEK:** I think the complaints were about his treatment of them, bullying, I guess, was what they were saying.

10

**MR LLOYD:** Were you aware that there were inmates who had made complaints about Astill assaulting another inmate sexually?

**MR A. WILSON:** It's a further section 23 objection.

15

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

**MR PEEK:** No.

**MR LLOYD:** You weren't told that, in effect, what they were saying they'd brought forward a complaint about Astill misbehaving in a sexually inappropriate way and then them being bullied as a result?

20

**MR A. WILSON:** A further section 23.

25

**COMMISSIONER:** You are required to answer.

**MR PEEK:** No.

**MR LLOYD:** You didn't get that flavour of it from the mediation process?

30

**MR PEEK:** No, not at all.

**COMMISSIONER:** Mr Peek, the mediation process is something I'm not sure I understand at the moment. What did you understand to be the objective of this so-called mediation?

35

**MR PEEK:** My understanding of the mediation would be to - that, you know, obviously officers and inmates needed to be able to work together in that environment. It was to, I guess, sort - talk about complaints or issues that were made and trying to come to a solution where they could move forward and in a cordial relationship, I guess.

40

**COMMISSIONER:** Was it a truth-seeking exercise? Was the object to see whether the complaints had substance? What -

45

L\351450662.1

**MR PEEK:** No, I don't - my memory is very hazy but I don't believe - I think it was just a chance to talk about the way you felt and how you could - how you could move forward. I don't believe it was truth-seeking, as such.

5 **COMMISSIONER:** And you say you were there as a support person for Mr Astill?

**MR PEEK:** I don't believe I was there as a support person. I think I was there as a witness, as an extra.

10

**COMMISSIONER:** I thought you said you were there to support -

**MR PEEK:** No, I don't believe I was, but I can't be sure. It's very hazy that (indistinct) yeah.

15

**COMMISSIONER:** Well, do you remember being told or asked to go?

**MR PEEK:** No.

20 **COMMISSIONER:** Do you remember where it happened?

**MR PEEK:** It would have been - I do remember it was in the Governor's office.

**COMMISSIONER:** Did you say anything during the mediation?

25

**MR PEEK:** No. My purpose was as a witness. I wasn't there to assist. It was between the Governor and - Mr Astill - as far as I know the Governor was the mediator and Mr Astill and the inmate were the parties and I was there and maybe there was another person there as a witness - as a witness, yeah.

30

**COMMISSIONER:** Who told you to be a witness?

**MR PEEK:** I - I don't remember.

35 **COMMISSIONER:** And what did you understand the witness was to do?

**MR PEEK:** Maybe it - it was just to be there as an impartial observer, I guess, to ensure that the process was clear in some way. I couldn't - that was my take of it. It wasn't to - to bear witness to, as much as (indistinct) it was just to maintain integrity of that (indistinct).

40

**COMMISSIONER:** And what conclusion did you reach about the mediation?

**MR PEEK:** From memory, it achieved nothing.

45

**COMMISSIONER:** Tell us -

L\351450662.1

**MR PEEK:** I think one of the witnesses said they went there and (indistinct) after. And I think there was another one but - I think they went through - but at the end I don't anything was resolved.

5 **COMMISSIONER:** Can you tell us why the mediation broke down?

**MR PEEK:** I'm not sure if it broke down or they just kind of agreed to - for the sake of, in the room finishing it and to get on but I don't believe it was genuine.

10 **COMMISSIONER:** You don't believe?

**MR PEEK:** It was genuine. The attempt to, you know what they were saying is, "Yes, no problem, we'll get along." I think it was to appease the situation but I don't know if anything was actually solved during the mediation.

15 **COMMISSIONER:** Do you say that of either side?

**MR PEEK:** Yes, I would say so, yeah.

20 **MR LLOYD:** Had you ever - we have heard some other evidence, it was a highly unusual thing to do within a gaol to arrange a so-called mediation to resolve issues between a senior officer and inmates. Is that your experience?

25 **MR PEEK:** It's not unheard of but it is unusual.

**MR LLOYD:** Just out of interest, being called to attend these mediations, so-called, did that prompt a memory or a thought on your part, "I wonder what happened to those allegations advanced by those on other two women the previous year"?

30 **MR PEEK:** No.

**MR LLOYD:** Those are my questions.

35 **COMMISSIONER:** Mr Sheller, do you have any questions?

**MR SHELLER:** Just briefly.

40 **<EXAMINATION BY MR SHELLER:**

**MR SHELLER:** Mr Peek, I'm James Sheller, one of the legal representatives for Corrective Services. Can I just ask: when you had the discussion with Witness O along with Mr Giles, do you recall Witness O saying anything about her observation of Mr Astill going to Ms Sheiles' cell at night?

45 **MR A. WILSON:** It's a further section 23 objection.

L\351450662.1

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

**MR PEEK:** No, I don't recall those things ever being said.

5 **MR SHELLER:** You were working, at this time, the High Needs area?

**MR PEEK:** Yes, I'd say so. Yeah.

10 **MR SHELLER:** And did you from time to time do night shifts?

**MR PEEK:** Rarely, but I was mostly day shift, yeah. But I did do night shift.

15 **MR SHELLER:** From experience doing night shifts, what would be the circumstance in which an officer would attend a cell at night within the SMAP?

**MR PEEK:** Are you asking alone or in company of others?

**MR SHELLER:** Well, start off in company.

20 **MR PEEK:** In company, we have a policy around attendance in cells in regards to - if there's a cell call alarm or a situation you need to respond to -

**MR SHELLER:** Yes.

25 **MR PEEK:** - or delivering medication, you would go in company. Yeah.

**MR SHELLER:** Is it only in those circumstances that officers would be attending on the cells at night, if there is -

30 **MR PEEK:** Yes. Yes, generally, you'd need a reason to go to a cell at night-time.

**MR SHELLER:** What about alone?

35 **MR PEEK:** In my experience, in my watches, you would not - you wouldn't go alone.

**MR SHELLER:** And I take it you wouldn't go alone for conversation with one of the inmates?

40 **MR PEEK:** Yeah, that's correct.

45 **MR SHELLER:** And if that had been something that you became aware of, that is, that another officer was attending upon the cells at night alone, that's something that you would report?

**MR PEEK:** Yes, it's highly unusual. Yeah.

L\351450662.1

**MR SELLER:** Yes, those are my questions. Thank you.

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

5 **MR WATSON:** Yes. Thank you, Commissioner.

**<EXAMINATION BY MR WATSON:**

10 **MR WATSON:** Mr Peek, my name is Watson and I'm representing Westley Giles and Mishelle Robinson. Is this right: that on 29 March 2017, you were the first point of call for inmate T and O regarding their complaints?

**MR PEEK:** Yes.

15 **MR WATSON:** Is that right?

**MR PEEK:** Yes.

20 **MR WATSON:** Then - I think your evidence was that you then went and saw Mr Giles, who was your superior officer?

**MR PEEK:** Yes.

25 **MR WATSON:** Is that correct?

**MR PEEK:** Yes.

30 **MR WATSON:** And I'll deal with it globally. The complaints were made by the respective inmates writing an inmate application form, which you've seen just now; is that right?

**MR PEEK:** That's correct.

35 **MR WATSON:** Is it the case that those complaints are - I think you helped one of the inmates because she had poor English?

**MR PEEK:** That's correct.

40 **MR WATSON:** And is it the case that you were fundamentally told by her what to write on the application?

**MR PEEK:** Yes.

45 **MR WATSON:** Is that right?

**MR PEEK:** Yes. Yes, that's correct.

L\351450662.1

**MR WATSON:** And then, as regards inmate T, she actually completed the inmate application form herself; correct?

5 **MR PEEK:** Yes, it appears that way, yeah.

**MR WATSON:** And is this right: that it's not your job to - I use the term - massage the complaint or the application in any way; correct?

10 **MR PEEK:** Yeah, correct.

**MR WATSON:** And I will use the example - you didn't for example look at the document and say, "Vacuuming for 45 minutes, oh, come on, are you sure it was that long." It's not your place, is that right?

15 **MR PEEK:** That's correct. I was just a messenger for what they had to say.

**MR WATSON:** So the actual complaint represents exactly in this case what both inmates said they were complaining about?

20 **MR PEEK:** Yes.

**MR WATSON:** Correct?

25 **MR PEEK:** That's correct.

**MR WATSON:** It then goes to Mr Giles. And I think is this right: by the inmate application, he ratifies the complaint and it gets moved on?

30 **MR PEEK:** Yes. Ratifies or records, I'm not sure which is the correct term, but yeah, he definitely -

**MR WATSON:** Or endorses it?

35 **MR PEEK:** Yes, endorses it and takes it down.

**MR WATSON:** And it moves up the chain of command?

**MR PEEK:** Yep.

40 **MR WATSON:** Or chain of complaint, correct? Can I just ask you, did Mr Giles have the authority at that point to put an end to the complaints being forwarded on? Did he have that authority or discretion?

45 **MR PEEK:** Yeah - yes, he could have, yes. Yes.

**MR WATSON:** Right. But the complaints were forwarded on, correct?

L\351450662.1

**MR PEEK:** Yes. Yes correct.

**MR WATSON:** And you would know, they ended up with the Governor?

5 **MR PEEK:** Yes.

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

10 **COMMISSIONER:** Anyone else? Mr Lloyd?

**MR LLOYD:** I don't have anything.

**COMMISSIONER:** Yes, thank you, Mr Peek. That concludes your evidence and you are excused, and we will take lunch.

15

**<THE WITNESS WAS RELEASED**

**<THE HEARING ADJOURNED AT 12.58 PM**

20 **<THE HEARING RESUMED AT 2.07 PM**

**COMMISSIONER:** Yes, Mr Lloyd.

25 **MR LLOYD:** Thank you, Commissioner. I call Tania Hockey. Ms Hockey will swear an oath on the Bible.

**<TANIA HOCKEY, SWORN**

30 **COMMISSIONER:** Take a seat, please.

**<EXAMINATION BY MR LLOYD:**

**MR LLOYD:** Could you tell us your name?

35 **MS HOCKEY:** Tania Hockey.

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

40 **COMMISSIONER:** Can we just adjust that microphone, I think.

**MR LLOYD:** Can I also ask this, Commissioner: Would it be possible for the two folders to be removed? Ms Hockey won't need those.

45 **COMMISSIONER:** Okay. Certainly.

**MR LLOYD:** Just so that she's got space. Ms Hockey, I can see that you're upset. Can you please understand that if at any time during your evidence you need

L\351450662.1

a break or you need to just pause to gather yourself, just tell the Commissioner and that can be done. Do you understand?

5 **MS HOCKEY:** Yes.

**MR LLOYD:** You were a Correctional Officer at Dillwynia Women's Correctional Centre?

10 **MS HOCKEY:** Correct.

**MR LLOYD:** When did you start your job?

**MS HOCKEY:** 2006.

15 **MR LLOYD:** 2006. Were you there full time between 2006 and at what time did you cease to work there?

**MS HOCKEY:** I - January 2019.

20 **MR LLOYD:** And you're presently on worker's compensation, I believe?

**MS HOCKEY:** Correct.

25 **MR LLOYD:** What rank did you have when you started?

**MS HOCKEY:** First Class. I went there from training.

**MR LLOYD:** And did you stay at that same rank the whole time?

30 **MS HOCKEY:** First Class.

**MR LLOYD:** And at some point during your time at Dillwynia, you started a relationship with Wayne Astill?

35 **MS HOCKEY:** Prior to starting at Dillwynia, yes.

**MR LLOYD:** You were in a relationship with him before 2006?

40 **MS HOCKEY:** Correct.

**MR LLOYD:** And was - at some point that became a de facto partnership; is that right?

45 **MS HOCKEY:** Correct.

**MR LLOYD:** And there were a number of romantically involved couples between the officers at Dillwynia?

L\351450662.1



**MS HOCKEY:** Correct.

5 **MR LLOYD:** It was quite a common thing that couples would be romantically - officers would be romantically involved?

**MS HOCKEY:** Correct.

10 **MR LLOYD:** Mr Astill, at all times, was he more senior to you in the hierarchy?

**MS HOCKEY:** Correct.

15 **MR LLOYD:** Now, this Commission has heard a good deal of evidence from officers that the structure at Dillwynia amongst the officers is a very hierarchal one. Would you agree?

**MS HOCKEY:** Correct.

20 **MR LLOYD:** Being in a de facto relationship with a person at the Centre who is above you in the hierarchy, did that at times introduce problems for you about how to properly discharge your functions as a First Class Correctional Officer?

**MS HOCKEY:** No.

25 **MR LLOYD:** There were never any conflicts that you felt where someone above you in the hierarchy was a person you were in that relationship with?

**MS HOCKEY:** No, because I saw him as - as senior to me.

30 **MR LLOYD:** So at work you didn't feel that the fact that you were romantic partners interfered with reporting chains in that hierarchical structure at the workplace?

**MS HOCKEY:** No.

35 **MR LLOYD:** Is that what you're trying to say? What was your understanding in the period of Dillwynia - you can just really confine yourself to the period between about 2015 and 2018 - about what an officer at your rank was required to do if an inmate made a complaint to them about sexual assault by an officer?

40 **MS HOCKEY:** It would have been my duty of care to - to take it higher.

**MR LLOYD:** As in, go up the hierarchical structure within the gaol?

45 **MS HOCKEY:** Yes.

L\351450662.1

**MR LLOYD:** And is your understanding of your obligations to go to the rank - a person in the rank immediately above you in the hierarchy?

**MS HOCKEY:** I would have done that, yes.

5

**MR LLOYD:** What about if it's a very serious allegation of criminal conduct by another officer? Would there be situations, in your understanding, where a First Class Correctional Officer would jump to a higher level in the hierarchy in making a report?

10

**MS HOCKEY:** Yes, I've been in that situation where I took it straight to the night Senior who rang the Manager of Security at home.

**MR LLOYD:** And that - taking an allegation to the night Senior, that would still, as I understand what you're telling the Commissioner, be you reporting it to your immediate supervisor in the hierarchy?

15

**MS HOCKEY:** Yes.

**MR LLOYD:** But I think what you're saying, to your knowledge, that person immediately above you - immediately taking it higher? Were you ever told about, in any of your - or any of the period that you were at Dillwynia, about making reports of allegations of misconduct by officers that went outside the gaol?

20

**MS HOCKEY:** Not that I remember.

25

**MR LLOYD:** Do you remember that there was an intelligence system, as in, software on the computers that were available to you?

**MS HOCKEY:** Yes.

30

**MR LLOYD:** And what did you know about the ability of someone in your position as a First Class Correctional Officer to make reports - just dealing with allegations of misconduct by other officers, to make reports on that intelligence system?

35

**MS HOCKEY:** I only became aware of that not long before I left there.

**MR LLOYD:** Who was it that told you?

40

**MS HOCKEY:** I think we had a training session or something, before I left there.

**MR LLOYD:** Do you remember being told about what was available to you at your rank in terms of using that system?

45

**MS HOCKEY:** Vaguely.

L\351450662.1

**MR LLOYD:** What's your best memory of it?

**MS HOCKEY:** Sorry?

5 **MR LLOYD:** What's your best memory of what you were told?

**MS HOCKEY:** That it was there to be used if we - if we needed it.

10 **MR LLOYD:** You, I take it, were aware that there was a friendship between Mr Astill and Leanne O'Toole?

**MS HOCKEY:** She was actually more my friend than his.

15 **MR LLOYD:** But even so, you knew that they were friends even if the friendship was less secure than yours and Ms O'Toole's; correct?

**MS HOCKEY:** Yeah.

20 **MR LLOYD:** In terms of knowledge on your part of any allegations of misconduct by Mr Astill or information that might suggest misconduct by him, would it have been a problem for you to have gone to Leanne O'Toole having regard to the personal relationship?

25 **MS HOCKEY:** I would have talked to him about it first.

**MR LLOYD:** Ms Hockey, this is not a criticism, understand, but in giving that answer, that suggests, doesn't it, that the fact of the personal relationship would take that kind of situation out of the normal hierarchical structure?

30 **MS HOCKEY:** No. And it wouldn't have been a personal thing for him. If I'd heard anything about any Senior, I would have approached them first.

35 **MR LLOYD:** I see. So that was your approach, is you - rather than reporting it up the hierarchy, your first port of call would be for you to go and speak to the officer concerned?

**MS HOCKEY:** Yes. And if I wasn't satisfied, I then would have gone further.

40 **MR LLOYD:** And what, in your understanding, would be the purpose of speaking to the officer to satisfy yourself, that the complaint was valid or something like that?

**MS HOCKEY:** Yes. To clarify it.

45 **MR LLOYD:** Just so I can understand: do you remember any complaints about misconduct by other officers coming to your attention when you were at Dillwynia?

L\351450662.1

**MS HOCKEY:** Yes.

5 **MR LLOYD:** And is this what you did: you went first to the officer –

**MS HOCKEY:** No, because that officer wasn't on duty, and it was something that needed to be dealt with immediately.

10 **MR LLOYD:** What did you do in that situation?

**MS HOCKEY:** I took it to the night Senior, and he rang the Manager of Security at home straightaway.

15 **MR LLOYD:** That was the one you mentioned earlier?

**MS HOCKEY:** Yes.

**MR LLOYD:** What was that situation?

20 **MS HOCKEY:** It was – I was in the control room at work, and I took a phone call from an inmate's husband to say that she had just contacted him to say that she was sexually assaulted by another officer.

25 **MR LLOYD:** Another officer presently employed at Dillwynia?

**MS HOCKEY:** No, he doesn't work in the Department anymore.

30 **MR LLOYD:** Was he – at the time the allegation came to your attention, was that officer working at Dillwynia?

**MS HOCKEY:** Yes.

**MR LLOYD:** And obviously that allegation was a very serious one?

35 **MS HOCKEY:** Yes.

**MR LLOYD:** Hence why you immediately reported it and then observed that that got taken up to the Manager of Security? Yes?

40 **MS HOCKEY:** Yes.

**MR LLOYD:** Do you know who the Manager of Security was at that time?

45 **MS HOCKEY:** It was Leanne O'Toole.

**MR LLOYD:** Did anything happen, to your knowledge, about that allegation?

L\351450662.1

**MS HOCKEY:** Yes, that ended up in court proceedings.

**MR LLOYD:** And just to be clear, you're not talking about Mr Astill?

5 **MS HOCKEY:** No.

**MR LLOYD:** Could I ask you this: Do you recall whether you were ever told about a function where you could make a report on the intelligence system and use the SIU drop-down?

10

**MS HOCKEY:** Not that I can remember. I know there was some training before I left, but I don't know the specifics of it.

**MR LLOYD:** So you can't remember whether you were aware that you were ever told that there was an ability for you to make a report that would go to the SIU branch of the Corrections Intelligence Group?

15

**MS HOCKEY:** I don't remember those words, but I know vaguely that we did have training.

20

**MR LLOYD:** With the relationships between – romantic relationships between a number of officers – or in addition to those, there were also a number of solid friendships amongst officers?

25 **MS HOCKEY:** Yes.

**MR LLOYD:** Did that make reporting within the hierarchy in the gaol potentially difficult?

30 **MS HOCKEY:** I don't believe so.

**MR LLOYD:** You might be in a situation, though, of having to make a report to someone above you in the hierarchy about another officer with whom that first officer might be friends. That sounds like a potential problem?

35

**MS HOCKEY:** No.

**MR LLOYD:** It was never a problem? Can I ask you some questions about the culture amongst management at Dillwynia when you were there, particularly focusing on 2015 to 2018. How would you describe Shari Martin as a manager?

40

**MS HOCKEY:** Aggressive.

**MR LLOYD:** Can you just tell us a bit about that. What do you mean?

45

L\351450662.1

**MS HOCKEY:** She was – I don't know. She was your best friend one day and your worst enemy the next. She was – unfortunately suffered a mental illness, I believe, and she was – yeah. But – effective but aggressive.

5 **MR LLOYD:** What about Leanne O'Toole? How would you describe her management style?

**MS HOCKEY:** She was friendly with the staff. Approachable. She didn't take any crap.

10

**MR LLOYD:** Are you still friends with her now?

**MS HOCKEY:** No.

15 **MR LLOYD:** Have you had a falling out?

**MS HOCKEY:** Yes.

20 **MR LLOYD:** Can I just ask you some things about witnesses who have already come to this Commission and given evidence about some things that they've said that I wish to put to you to get your response. Do you understand? In that witness box there, there's a sheet of paper which is a pseudonym list. Can you just –

25 **COMMISSIONER:** Mr Lloyd, just before you go on, I wouldn't mind you exploring the next level down in terms of management style in the gaol, if you could do that.

30 **MR LLOYD:** Certainly, Commissioner. Don't worry about the pseudonym list just yet. The hierarchy within the gaol at this time anyway that I'm asking you about, '15 to '18, is Governor, Manager of Security – that's Shari Martin and Leanne O'Toole. Underneath that are various people filling the role of Principal Correctional Officers. And do you – that's a "yes"? Sorry, we're recording this.

35 **MS HOCKEY:** Yes.

**MR LLOYD:** And you remember that there were various people within that role, including Pam Kellett?

40 **MS HOCKEY:** Yes.

**MR LLOYD:** How would you describe her, in terms of her management?

**MS HOCKEY:** She wanted to be everyone's friend, but she came down hard when she needed to.

45

**MR LLOYD:** Was she approachable for an officer of your rank –

L\351450662.1

**MS HOCKEY:** Yes.

**MR LLOYD:** - if you had problems?

5 **MS HOCKEY:** Yes.

**MR LLOYD:** What about Deborah Wilson? She was the Intel Manager. I see from your reaction that you may not have had such a good experience with her; is that right?

10

**MS HOCKEY:** I just found her to be very ineffectual.

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

15 **MS HOCKEY:** I (indistinct) that I don't believe that she was as good at intel as what she thought she was.

**MR LLOYD:** Did you have specific examples that led you to believe that she wasn't a very effective Intel Officer?

20

**MS HOCKEY:** No, nothing specific.

**MR LLOYD:** Did you hear talk in the gaol about whether she was effective in managing and dealing with intelligence in the gaol?

25

**MS HOCKEY:** The only thing I can think – I can come up with is when we had to do searches of cells, it was up to her to organise for us to get together for that, but the inmates always knew the day before. Somehow the inmates found out the day before when we were ramping their cells.

30

**MR LLOYD:** Did you ever hear any talk of inmates going to her with complaints of misconduct, including by Mr Astill, and her not responding to them?

**MS HOCKEY:** No.

35

**MR LLOYD:** Other people who filled the role of Principal Correctional Officer from time to time included Sury Hariharan?

**MS HOCKEY:** Yep.

40

**MR LLOYD:** Do you remember him? How would you describe his –

**MS HOCKEY:** Very approachable.

45 **MR LLOYD:** Very approachable? Underneath that rank of Principal Correctional Officer at this relevant time is the rank of Chief Correctional Officer?

L\351450662.1

**MS HOCKEY:** Correct.

5 **MR LLOYD:** And there's a number of people now who fill that position.  
Mr Astill was acting up in that position for most of the period I'm asking you  
about?

**MS HOCKEY:** From two thousand and – end of 2016.

10 **MR LLOYD:** And Westley Giles also was acting up in that position?

**MS HOCKEY:** Same, yes.

**MR LLOYD:** How would you describe Westley Giles as a manager?

15 **MS HOCKEY:** He was part of the boys' club.

**MR LLOYD:** In terms of the boys' club, the Commission has heard evidence that  
there was a group of male officers who sometimes were referred to as Shari's  
boys. Did you notice that or hear about that?

20 **MS HOCKEY:** No.

**MR LLOYD:** Who were the other members of the boys' club that Westley Giles  
belonged to, in your opinion?

25 **MS HOCKEY:** Brian Gaffney, Steve Vella, Dave Edwards.

**MR LLOYD:** What about Neil Holman? He was another one in the Chief  
Correctional Officer position.

30 **MS HOCKEY:** Yes.

**COMMISSIONER:** Mr Lloyd, we'll have to go back. The transcript couldn't  
pick up what she said as to the individual members of the boys' club.

35 **MR LLOYD:** I see.

**COMMISSIONER:** The names have gone missing. We'll need to do it again.

40 **MR LLOYD:** I see. I asked you about the other members of the boys' club. You  
identified Westley Giles as one of them. Just tell us again who the other members  
of that club were, in your opinion.

45 **MS HOCKEY:** Brian Gaffney, Steve Vella, Dave Edwards.

**MR LLOYD:** Just pause there. Did that pick up, Commissioner?

L\351450662.1



**COMMISSIONER:** Yes, they're there.

**MR WATSON:** Commissioner, I'm sorry, we're having real problems hearing the witness down here.

5

**COMMISSIONER:** All right. Well, we'll do what we can.

**MR WATSON:** Thank you.

10 **COMMISSIONER:** Are you able to speak up a little louder, Ms Hockey?

**MS HOCKEY:** Yes.

**COMMISSIONER:** Thanks.

15

**MR LLOYD:** I think I was up to asking you about your experience of Neil Holman. He was another one in the Chief Correctional Officer position?

**MS HOCKEY:** Correct.

20

**MR LLOYD:** Was he in that boys' club, in your opinion?

**MS HOCKEY:** He skated on the edge of it.

25 **MR LLOYD:** What was your experience about him as a manager?

**MS HOCKEY:** A very intelligent man.

**MR LLOYD:** A very intelligent man?

30

**MS HOCKEY:** Yes.

**MR LLOYD:** What about Michael Paddison?

35 **MS HOCKEY:** Michael skated on the edge of being inappropriate to many females within the centre.

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

40 **MS HOCKEY:** I – we went to a social night one night, and he tried very, very hard to – to take me home. He had relationships with other female officers, with nurses.

45 **MR LLOYD:** Was it widely known he was having sexual relationships with other employees at the centre? Is that what you're saying?

L\351450662.1

**MS HOCKEY:** Yes. And when he got knocked back, he had a habit of not speaking to that female for quite a while.

5 **MR LLOYD:** Do you know whether he also had a habit in those sort of situations of being unpleasant to the female who had knocked him back?

**MS HOCKEY:** Just ignoring her.

10 **MR LLOYD:** But ignoring her in his capacity as a Chief Correctional Officer while working at the centre?

**MS HOCKEY:** As a Senior and a Chief. Correct.

15 **MR LLOYD:** So the situation you're describing is a senior officer being knocked back in a sexual advance and then, in effect, not treating the woman who had knocked him back very well –

**MS HOCKEY:** Correct.

20 **MR LLOYD:** - as a direct result, on your understanding of what had happened?

**MS HOCKEY:** Correct.

25 **MR LLOYD:** Now, you were friends with Leanne O'Toole?

**MS HOCKEY:** Correct.

30 **MR LLOYD:** Surely this kind of conduct of Mr Paddison that you've just described was something that you talked to her about; is that right?

**MS HOCKEY:** Correct.

35 **MR LLOYD:** And did you tell her, or otherwise did you know, that she was aware of the sorts of things you've just told us?

**MS HOCKEY:** I – I believe it was very well known by everyone.

40 **MR LLOYD:** Do you have a recollection about whether anything was done to deal with that conduct by him in the workplace?

**MS HOCKEY:** Not to my knowledge.

**MR LLOYD:** I'm not sure whether that's sufficient to –

45 **COMMISSIONER:** Well, you could ask about Mr Astill.

**MR LLOYD:** If it's convenient, I might –

L\351450662.1

**COMMISSIONER:** You can come back to that. Ms Hockey, was there a leader of the boys' club, as you describe it?

5 **MS HOCKEY:** Mr Giles.

**COMMISSIONER:** Mr Giles?

**MS HOCKEY:** Correct.

10

**MR LLOYD:** I want to ask you some questions about some things this Commission has heard from various witnesses. Are you okay to continue? Have a look at the pseudonym list, at Witness C. Now, Ms Hockey, when I ask you questions about any of the people on that list, I just ask you to use the initial rather than their name. And if you slip up, it can be fixed. It's not the end of the world. Do you understand?

15

**MS HOCKEY:** Correct.

20

**MR LLOYD:** Witness C has told this Commission in her evidence that in the year 2016, you were allocated as a case worker?

**MS HOCKEY:** She requested me as her case officer, knowing that Mr Astill was my immediate live command.

25

**MR LLOYD:** When you say she requested you, is that something that she told you or someone else told you?

**MS HOCKEY:** She requested via Mr Astill that I be her case officer.

30

**MR LLOYD:** Just tell us about how this discussion occurred. Did Mr Astill say to you something about this request?

**MS HOCKEY:** Yes.

35

**MR LLOYD:** Did you think it was strange that he was saying that Witness C is asking for you specifically to be her case worker?

**MS HOCKEY:** It wasn't uncommon for inmates to want to change their case officers. However, it was unusual coming from her because her and I didn't really have a rapport.

40

**MR LLOYD:** Was it also unusual that it was your partner who was passing it on to you, that is, on your understanding, something Witness C had asked him to try and achieve on her behalf? Did that seem odd?

45

L\351450662.1

**MS HOCKEY:** I believe she knew that he was my immediate. For some reason, management – case officers have got a case manager above them. And for some reason, management made him my case manager.

5 **MR LLOYD:** Do we understand that to be, at least at 2016, that he not only was above you in the hierarchy, but you immediately reported to him at work?

**MS HOCKEY:** Correct.

10 **MR LLOYD:** Did anyone ever say that that kind of arrangement where you were required to report to your romantic life partner at that time was not a good idea?

**MS HOCKEY:** Work was work; home was home. I thought it was a very strange idea at first, but it's just the way that management organised it.

15

**MR LLOYD:** When you say “management”, who was it in management?

**MS HOCKEY:** I'm not sure who organises –

20 **MR LLOYD:** Did Mr Astill ever tell you who it was that had made that arrangement that you would be reporting to him at work?

**MS HOCKEY:** I don't believe we had that conversation.

25 **MR LLOYD:** When he said to you that Witness C had asked him to arrange to have you as her case worker, did he say anything else about how it was that she made that request of him?

30 **MS HOCKEY:** I don't believe so. I – I think he just said to me, “[Witness C] wants” –

**MR LLOYD:** Just pause there. We'll just get it fixed. Witness C.

**MS HOCKEY:** Sorry?

35

**MR LLOYD:** It's just you mentioned the name of Witness C. I just want –

**MS HOCKEY:** I'm sorry.

40 **MR LLOYD:** No, it's okay. We've got it sorted out. But you're talking about Witness C.

**MS HOCKEY:** What was I saying?

45 **MR LLOYD:** Ms Hockey, it's important to understand there's a delay and so it can be fixed. It's not a problem.

L\351450662.1

**MS HOCKEY:** Okay.

**MR LLOYD:** You were about to tell us about Witness C.

5 **MS HOCKEY:** I – I believe he just said something to me to the effect that, “She wants you as her case officer.”

**MR LLOYD:** One thing that Witness C has told us in her evidence is that after you became her case officer, she would tell you things from time to time which  
10 she regarded as being confidential. You’re looking quizzical about that. You don’t agree?

**MS HOCKEY:** I don’t agree with that at all.

15 **MR LLOYD:** And she says that she would tell you things from time to time and then find out from later discussions with Mr Astill that you had passed on that information to him. Do you remember that sort of thing happening?

**MS HOCKEY:** No. Anything – and if you’d like to pull up my case notes –  
20 I don’t know, but anything that she said to me that could go in her case notes went in her case notes. And they weren’t always effective case notes in her favour.

**MR LLOYD:** I need to ask you about what you heard or knew about rumours in relation to Witness C and Mr Astill in the early part of 2016. Did you hear any talk  
25 from other inmates or officers about any kind of sexual activity between Witness C and Mr Astill?

**MS HOCKEY:** No, the only thing – I didn’t hear anything. The only thing I saw were her, as well as a couple of other inmates, flirting and acting different.  
30

**MR LLOYD:** When you say this is something that you saw, just dealing with Witness C, you saw what you regarded as flirtatious conduct by her?

**MS HOCKEY:** Yes.  
35

**MR LLOYD:** Towards Mr Astill?

**MS HOCKEY:** Yes.

40 **MR LLOYD:** And other officers?

**MS HOCKEY:** Yes.

**MR LLOYD:** What did you think was going on when you saw that?  
45

**MS HOCKEY:** You need to understand, this – this group of inmates are in a cell for most of the time. And they get out, and they like to amuse themselves.

L\351450662.1

**MR LLOYD:** One other thing that Witness C told this Commission when she gave evidence is that she had a conversation with you in the year 2016 where she raised with you a rumour that was going around about her giving blow jobs to managers, that is, senior officers at the centre. Do you remember that?  
5

**MS HOCKEY:** I don't recall that, no.

**MR LLOYD:** She says that there was a conversation of this kind: she asked for help and that you said to her, "Don't worry," inserting her name, "this is a feud between Wayne and Judy." Do you remember that?  
10

**MS HOCKEY:** I don't recall that conversation.

**MR LLOYD:** Were you aware of a – I withdraw that. Were you aware of the conflict between Mr Astill and Officer Judy Barry?  
15

**MS HOCKEY:** Yes.

**MR LLOYD:** That was widely known?  
20

**MS HOCKEY:** Yes.

**MR LLOYD:** So that aspect of at least you mentioning that there was a feud between Wayne and Judy, that sounds like something – you at least knew about it?  
25

**MS HOCKEY:** I wouldn't call it a feud as such. He actually trained her and helped coach her to get the Chief's job in the first place. But when she did ineffectual work, it frustrated him.  
30

**MR LLOYD:** Can I ask you about another incident that the Commission has heard some evidence about in or around the early part of the year 2016. Do you remember an officer, Renee Berry?  
35

**MS HOCKEY:** Yes.

**MR LLOYD:** Do you remember that there was a time during witness visitations where there was a conflict about a ring?  
40

**MS HOCKEY:** Yes.

**MR LLOYD:** Did you come and see or hear about that conflict in any way?  
45

**MS HOCKEY:** Yes.

**MR LLOYD:** Just tell us what you remember.

L\351450662.1

**MS HOCKEY:** That they'd put her out of visits and were trying to get this ring off her. And this particular ring - and said it wasn't on her property. And she refused to give it over. Mr Astill was there, and he - he simply said, "Just give it to them. Just give it to them. We'll sort it out later." But that particular ring, if you look at old court photos of C, you can clearly see that ring is hers.

**MR LLOYD:** Did you - were you there to see what it is that Mr Astill had said during this dispute? You were physically there?

10 **MS HOCKEY:** Yes. I heard him say, "Just give it to them."

**MR LLOYD:** Do you remember him being furious or appearing -

15 **MS HOCKEY:** He was frustrated.

**MR LLOYD:** Do you remember him saying something like: "What the fuck is going on?"

20 **MS HOCKEY:** No.

**MR LLOYD:** The effect of some evidence that this Commission has heard is that he was angrily intervening in support of Witness C in relation to this incident. Is that the way you would describe it?

25 **MS HOCKEY:** Frustrated that once again something was - a mountain was being made out of a mole hill and it was her ring to start with. Sometimes inmates come into gaol and their property is not checked properly and things are missed.

30 **MR LLOYD:** Just returning to my question: would you describe this as him angrily intervening on behalf of Witness C in this dispute?

**MS HOCKEY:** Angry because of injustice.

35 **MR LLOYD:** But intervening effectively on the side of Witness C. Is that fair?

**MS HOCKEY:** Yeah, which he would do with any inmate that was being treated unjustly.

40 **MR LLOYD:** See, I want to suggest to you, to get your response, Officer Renee Berry says that a short time after the event that you've just described, the intervention, you and she had a conversation in the visits area. Do you remember speaking to Officer Renee Berry on this day?

45 **MS HOCKEY:** No.

**MR LLOYD:** She says she said to you, "What is his problem?" And she says that your response was, "I just told him off as he is looking bad with Witness C."

L\351450662.1

**MS HOCKEY:** No.

**MR LLOYD:** Are you sure that didn't happen?

5

**MS HOCKEY:** I don't see why I would say that to her. I don't particularly like the woman.

**MR LLOYD:** She says that you said to her that you had been told that Mr Astill has been receiving blow jobs from Witness C. What do you say about that?

10

**MS HOCKEY:** No.

**MR LLOYD:** She says that after you saying that, you became upset and you were upset because you hadn't heard the rumour first from Mr Astill?

15

**MS HOCKEY:** No.

**MR LLOYD:** Did you discuss with Mr Astill at this time - February/March 2016 - whether he was having sexual contact with Witness C?

20

**MS HOCKEY:** No.

**MR LLOYD:** Are you sure about that? You need to give a verbal response.

25

**MS HOCKEY:** Sorry. Yeah, I don't remember that.

**MR LLOYD:** When you say you don't remember, are you saying that there may have been a discussion between you and him about the nature of his relationship with Witness C, but you don't recall one way or the other?

30

**MS HOCKEY:** There may have been. I know there was a time when I - I pointed out to him that three inmates in particular were flirting.

**MR LLOYD:** I'll put some more evidence to you for your response about things Witness C said about Witness C and their dealings with you. But can I just ask this: did you hear around this time, the early part of 2016, rumours that there was an inappropriate sexual relationship between Astill and Witness C? I just pause, Commissioner. I've spoken to Ms Hockey, who is not legally represented, and done my faithful best to give her some advice about the operation of section 23, and on her behalf I wish to raise an objection -

40

**COMMISSIONER:** Well, I'll require her to answer.

**MR LLOYD:** Ms Hockey, did you understand we had a discussion before you came in about - where I tried to give you some advice about section 23?

45

L\351450662.1



**MS HOCKEY:** Yep.

**MR LLOYD:** And you understand the effect of what's happened, I've taken objection on your behalf and you've been required to answer?

5

**MS HOCKEY:** Okay.

**MR LLOYD:** Do you need the question again?

10 **MS HOCKEY:** Yeah.

**MR LLOYD:** Did you hear rumours in the early part of 2016 that there was an inappropriate sexual relationship or sexual contact between Astill and Witness C?

15 **MS HOCKEY:** I don't remember.

**COMMISSIONER:** If there had been such a rumour that you heard, it would have been fairly startling for you, wouldn't it?

20 **MS HOCKEY:** It would have been? Sorry?

**COMMISSIONER:** It would have been a startling thing. It would have been pretty difficult to hear such a rumour, wouldn't it?

25 **MS HOCKEY:** Rumours in gaol are a dime a dozen.

**COMMISSIONER:** Yes. But here's a rumour about your partner.

**MS HOCKEY:** Yes.

30

**COMMISSIONER:** Wouldn't that have caused you a bit of a start, a shock, concern?

**MS HOCKEY:** I imagine it would have.

35

**COMMISSIONER:** And it would be something that you would be very likely to remember, wouldn't it?

40 **MS HOCKEY:** I don't remember. I don't - what was the context of it? I don't remember.

**COMMISSIONER:** It's not a question of context; it's just a rumour that your partner was having sex with an inmate. That's the rumour. Are you saying you have no recollection one way or the other?

45

**MS HOCKEY:** No.

L\351450662.1

**MR LLOYD:** That's not - you don't recall one way or the other about ever hearing the rumour?

**MS HOCKEY:** No, I don't.

5

**MR LLOYD:** What about -

**MS HOCKEY:** I may have. I don't know.

10 **MR LLOYD:** I'm sorry, I missed that answer.

**MS HOCKEY:** I may have. I don't know. But I don't - all this is just one big - it's just all - in my head, it's just all rolled in.

15 **MR LLOYD:** What about a memory of ever having a discussion with Mr Astill about what the nature of his relationship with Witness C was? Do you remember ever having a discussion of that kind?

20 **MS HOCKEY:** No. I remember telling him that these three inmates were acting inappropriately.

**MR LLOYD:** Did you say that to him in the workplace or outside?

**MS HOCKEY:** I can't remember.

25

**MR LLOYD:** Your evidence to us is that - and your description of your practice in terms of reporting up allegations of misconduct by another officer - is to this effect, isn't it: That if you had been aware of an allegation of misconduct by another officer, you would have been bound to report it up to him?

30

**MS HOCKEY:** I wouldn't have reported that to him (crosstalk).

35 **MR LLOYD:** That's not quite my question. I just want to make sure I understand what you told the Commissioner earlier, that because of that decision which was made by someone in management that he was the person to whom you reported - that was what you told us before?

40 **MS HOCKEY:** I was reporting to him about my - my case load, not about everything. He was my case manager. So I had four or five caseloads - inmates, and I reported directly to him for that.

**MR LLOYD:** So you could have gone to someone else at a level above you in the hierarchy -

45 **MS HOCKEY:** Correct.

L\351450662.1

**MR LLOYD:** - with allegations? Do you remember - I withdraw that.  
A conversation of the sort I'm asking you about between a romantic  
partnership - de facto relationship where, even on what you tell us, you're raising  
inmates inappropriately flirting, it's a pretty serious conversation. Do you agree?

5

**MS HOCKEY:** It wasn't just him they were flirting with. They were playing  
games and manipulating with the male officers up there, wearing their shorts  
rolled right up and their T-shirts tight and - it was just the general nature of High  
Needs.

10

**MR LLOYD:** What do you remember in the conversation you had with him about  
what you described as flirting? You told him that you thought there were three  
women who were flirting with officers, who included him; is that right?

15

**MS HOCKEY:** Yeah.

**MR LLOYD:** What did he say?

20

**MS HOCKEY:** He didn't - he didn't believe it. He doesn't see when people are  
flirting with him. He's always been that way.

25

**MR LLOYD:** Did you ever speak to any other officers to find out what they  
thought might be going on in terms of inappropriate sexualised relationships  
between Mr Astill and any of the inmates?

**MS HOCKEY:** Not about relationships about him and inmates, but I know a few  
of us females were not happy with the behaviour of female inmates in high needs  
with the way they used to flirt around and wear their clothes.

30

**MR LLOYD:** Is what you're describing there discussions between female officers  
about what you've described as the flirtatious behaviour?

**MS HOCKEY:** Mmm.

35

**MR LLOYD:** Who were those discussions?

**MS HOCKEY:** I don't know. They were just generalised discussions in the office.

40

**MR LLOYD:** Did you hear at this time I'm asking you about, early 2016 or any  
other time, rumours within the gaol that Mr Astill was Teflon, no complaints  
would stick?

**MS HOCKEY:** No. I only read that the other day.

45

**MR LLOYD:** Ever heard him referred to as Rolf Harris?

**MS HOCKEY:** No.

L\351450662.1

**MR LLOYD:** Ever heard him referred to as Poppy?

**MS HOCKEY:** Yes, by another officer.

5

**MR LLOYD:** Who?

**MS HOCKEY:** Jean Dolly.

10 **MR LLOYD:** Is that the only person who you say you heard that from?

**MS HOCKEY:** She used to say it to the inmates, about Poppy Astill, and he pulled her up on it.

15 **MR LLOYD:** Did you ever hear of rumours that he was bringing contraband into the gaol?

**MS HOCKEY:** No.

20 **MR LLOYD:** Drugs?

**MS HOCKEY:** No.

25 **MR LLOYD:** Did you ever speak to him about that topic, bringing contraband into the gaol?

**MS HOCKEY:** I had no reason to speak to him about that.

30 **COMMISSIONER:** Have you spoken to him about those issues since he was convicted?

**MS HOCKEY:** Yes, he's pleaded guilty to misconduct.

35 **COMMISSIONER:** Yes, I know, but - he's been convicted of multiple offences. Have you spoken to him about whether or not he was bringing in contraband?

**MS HOCKEY:** Yes. He admitted to bringing the contraband.

40 **COMMISSIONER:** So he admitted to you that he brought in the contraband?

**MS HOCKEY:** He pled guilty to that.

**COMMISSIONER:** Including -

45 **MS HOCKEY:** Never was it drugs, though.

L\351450662.1

**MR LLOYD:** The contraband, on your understanding, did that include things like lingerie?

**MS HOCKEY:** Sports pants.

5

**MR LLOYD:** Do you remember an officer Paul Foster?

**MS HOCKEY:** Yes.

10 **MR LLOYD:** What was your experience of Mr Foster? A positive one or describe it another way?

**MS HOCKEY:** Very good welfare officer with the inmates.

15 **MR LLOYD:** He has given some evidence that he was your peer support officer for a lengthy period. Is that true?

**MS HOCKEY:** I don't know. I don't know. Sorry, just -

20 **MR LLOYD:** I'm not asking you at the moment whether you think he did a good job, but was he in that position, that is, a peer support officer of yours?

**MS HOCKEY:** I couldn't say for certain. I think he was one of the peer support officers.

25

**MR LLOYD:** He gave some evidence - and I want to get your response to this - that there was an occasion some time in the period twenty - I withdraw that. I'll put this to you: some time around 2016 in all likelihood, that he heard a radio call made by you from the control room. Now, I take it, over an entire year, you would have no specific recollection about whether you'd made a particular radio call that might have been heard by Mr Foster; true?

30

**MS HOCKEY:** True.

35 **MR LLOYD:** But that kind of thing you mentioned, you were in the control room from time to time, you would be making radio calls?

**MS HOCKEY:** As do everyone, yes.

40 **MR LLOYD:** So perfectly plausible so far that some time in that year you might have made a radio call; true?

**MS HOCKEY:** True.

45 **MR LLOYD:** He said to us that the way you sounded - you didn't seem quite right in the sense that you sounded upset. I'll put to you the next sequence so you

L\351450662.1

can respond. He rang you and asked you what was wrong, and you were in tears. Do you remember an incident now of this kind?

**MS HOCKEY:** No.

5

**MR LLOYD:** He - in his evidence to this Commission, he says he asked you, "What's wrong?" And you said, "I don't think I can go through this again," to which he said, "What are you talking about?" And you responded, "All the rumours." Do you remember this now?

10

**MS HOCKEY:** No.

**MR LLOYD:** Do you remember any conversation with Mr Foster where you were upset and telling him, in effect, you can't go through this because of all the rumours?

15

**MS HOCKEY:** No.

**MR LLOYD:** Ms Hockey, are you sure that you can't remember that?

20

**MS HOCKEY:** I'm positive. It may very well have happened, but I don't - I don't recall it.

**MR LLOYD:** Is the reason why you say it may well have happened is that in the year 2016, you were aware of rumours of sexual contact between Mr Astill and at least Witness C? Just pause. I take the 23 objection.

25

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

30

**MR LLOYD:** Isn't that the truth?

**MS HOCKEY:** I honestly do not remember.

**MR LLOYD:** He said in his evidence that he responded to you, "They're only rumours," and asked you what you meant by "again", to which you said, "It's the same rumours surrounding" - if you have a look at that pseudonym list, hopefully if you go over to the second page you'll see an "LL" and then a name. He says you say, "It's the same rumours surrounding LL."

35

40

**MS HOCKEY:** Yeah.

**MR LLOYD:** First, do you remember LL?

**MS HOCKEY:** I remember her well. She was another one that used to flirt with - with Wayne, and there were rumours around that.

45

L\351450662.1

**MR LLOYD:** What were the rumours around LL? Just pause there.  
Commissioner, the document in the witness box is not yet the subject of an order that you made varying the non-publication order. The only change in that document is the addition of LL, who is the person in the blank on the last page of  
5 Mr Foster's statement. You might recall there was some evidence about this earlier.

**COMMISSIONER:** Yes. So what do you want me to say or do?

10 **MR LLOYD:** At the moment, nothing. I will regularise it. I'm just trying to explain, so -

**COMMISSIONER:** Very well.

15 **MR LLOYD:** You were telling us that LL on the list in front of you was a person that you'd heard some rumours about in relation to Mr Astill?

**MS HOCKEY:** The flirting, yes.

20 **MR LLOYD:** What rumours had you heard?

**MS HOCKEY:** Well, the same as what I saw, that she was very flirtatious with him.

25 **COMMISSIONER:** You mean you saw her flirtatious, but counsel asked you what was the rumour or rumours that you heard.

**MS HOCKEY:** That because of what people were seeing from her end, that something must have been going on.

30 **COMMISSIONER:** So people were talking about something sexual going on, and you heard those rumours; is that right?

35 **MS HOCKEY:** How to explain it? It's - prison officers like to joke and make rumours up and make stories up because they're bored.

**COMMISSIONER:** That may be true, but you were asked whether you heard rumours. That's the only question you've been asked.

40 **MS HOCKEY:** I think I heard general chitchat in the offices, yes, about, "What's - what's Astill up to?"

**MR LLOYD:** About -

45 **MS HOCKEY:** It was a common thing.

L\351450662.1

**MR LLOYD:** That kind of general chitchat you've described, you heard that about LL on that list?

**MS HOCKEY:** I - I believe so.

5

**MR LLOYD:** And you also heard it about Witness C; is that right?

**MS HOCKEY:** C? No.

10 **MR LLOYD:** Can I just ask this, just dealing with the rumours and chitchat about LL. Did you have a view about your obligations as a First Class Correctional Officer - even if you didn't have a direct report of misconduct by another officer but only had some information in the nature of a rumour, did you have a view about what obligation you had to pass that on as intelligence? Just pause there.  
15 I take the objection on behalf of Ms Hockey.

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

20 **MS HOCKEY:** Rumours, no, because there's rumours happening every day, all day.

**MR LLOYD:** If you hear another officer saying that Astill might be engaged in sexualised conduct with an inmate, that would be a matter - putting aside the personal response you may have to it, in terms of the operation of the centre, that  
25 would be a matter of great seriousness, wouldn't it, if it were true?

**MS HOCKEY:** No, because that's everyday - everyday gaol gossip.

30 **MR LLOYD:** When you say it's everyday gaol, you spent your entire career at Dillwynia, didn't you?

**MS HOCKEY:** Yeah.

35 **MR LLOYD:** So why do you say it's everyday gaol, just by reference to your experience at Dillwynia?

**MS HOCKEY:** Yes. At Dillwynia, it's everyday gaol gossip.

40 **MR LLOYD:** Are you telling us that throughout your time at Dillwynia, it was every day you heard rumours that officers were having sexual contact with inmates? Is that what you're saying?

45 **MS HOCKEY:** Making jokes about having sex with inmates. The boys' club would talk about, "Okay. If you had a choice between this inmate and that one, which one would you do?" It was just the whole - just rumours and gossip.

L\351450662.1



**MR LLOYD:** But I thought you told us that the rumours here surrounding LL suggested, at least if the rumours were true, that there was actual sexualised contact between Astill and LL. As opposed to officers saying, "I might fancy an inmate," this was a rumour I thought you told us that, if it were true, meant that there was actual sexual contact?

**MS HOCKEY:** And I took that as gossip. Anyone's - my - my - my motto at work was - when - when people come up with gossip, it's like, "Did you see it or did the person tell you first-hand? If 'no' to those, I don't want to hear it. It's gossip."

**MR LLOYD:** But the role of providing intelligence to an Intelligence Officer, that must surely, in your mind, have included providing some information that was short of direct allegations to you or things you'd seen, mustn't it?

**MS HOCKEY:** I don't know.

**MR LLOYD:** I'm sure you've heard the saying, "Where there's smoke, there's fire." Have you heard about that kind of thing?

**MS HOCKEY:** I've heard that.

**MR LLOYD:** Isn't this in that kind of category, where you hear a rumour about something that was, if true, obviously serious, that required you to do something with that information? I take the objection.

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

**MS HOCKEY:** No. Because, as I said, gaol gossip was gaol gossip. Many officers were in - were - were gossiped about with inmates and - yeah. Gossip can be very damaging.

**MR LLOYD:** In terms of your - let it be assumed you thought that you did want to pass that information on, the rumours about sexual contact between Mr Astill and LL. I think what you've told us is that the first port of call would be someone in the position of Senior Correctional Officer, being the rank immediately above you; true?

**MS HOCKEY:** Mmm.

**MR LLOYD:** If you were to follow that kind of approach, at the relevant times I'm asking you about, '15 to '18, whilst Mr Astill was acting up as the Chief, his rank remained Senior Correctional Officer; true?

**MS HOCKEY:** Correct.

**MR LLOYD:** The position that you were in, Ms Hockey, if you did want to make a report about information of the kind I'm asking you about, is you would have

L\351450662.1

been required to make a report to someone who had the same rank as your case manager who also happened to be your life partner. That's true, isn't it?

**MS HOCKEY:** It is true.

5

**MR LLOYD:** It sounds like a desperately difficult situation for you to be in, in terms of making a decision about what to do. Do you agree with me?

10 **MS HOCKEY:** No. If - if I heard something that was definite that needed to go up the chain, it wouldn't have been a problem.

**MR LLOYD:** And your view was that this information you're telling us about with respect to LL was something that you determined you didn't need to do anything about in terms of moving it up the chain? I take the objection.

15

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

**MS HOCKEY:** No. It was gossip.

20 **MR LLOYD:** Could I ask you about something that a different witness has told us about. Do you remember an inmate Elizabeth Cox?

**MS HOCKEY:** Yes.

25 **MR LLOYD:** I want to ask you about something that she told us occurred in the clinic probably sometime in the year 2018.

**MS HOCKEY:** Right.

30 **MR LLOYD:** Do you remember that one day in the clinic in that year, she approached you and told you that Astill was a predator and you shouldn't be romantically involved with him?

**MS HOCKEY:** No.

35

**MR LLOYD:** You don't have any recollection of that?

**MS HOCKEY:** No.

40 **MR LLOYD:** Do you remember that particular inmate?

**MS HOCKEY:** No.

45 **MR LLOYD:** Can I ask you about different evidence. Do you remember Deborah Gaynor, one of the Service and Programs Officers?

**MS HOCKEY:** Yes.

L\351450662.1

**MR LLOYD:** I want to see if you have a recollection of this particular incident that Ms Gaynor told us about: that she, at some point around August of 2018, saw - if you look at the pseudonym list - inmate E -

5

**MS HOCKEY:** E?

**MR LLOYD:** - and that you came into the area where Ms Gaynor's office was and saw Mr Astill come out of his office with inmate E.

10

**MS HOCKEY:** I'm just trying to picture where her office was. I'm not picturing what part of the gaol you're talking about.

**MR LLOYD:** I'll just ask you this: Do you remember any occasion where Mr Astill and Witness E came out of the office and you had a look of discomfort about what might have been going on? Do you remember anything like that?

15

**MS HOCKEY:** No.

**MR LLOYD:** One final question, Ms Hockey. The Commission has heard some evidence that you were involved in, in effect, turning off or disabling in some way CCTV cameras to permit Mr Astill to be alone with some inmates. What do you say about that?

20

**MS HOCKEY:** I'm sorry. I refer to myself as a techno-tard. So to be able to do that, no.

25

**MR LLOYD:** It didn't happen?

**MS HOCKEY:** No.

30

**MR LLOYD:** Those are my questions.

**COMMISSIONER:** Ms Hockey, you know that Mr Astill has been convicted of multiple crimes committed in the gaol, don't you?

35

**MS HOCKEY:** Yes.

**COMMISSIONER:** Including sexual assaults?

40

**MS HOCKEY:** Yes.

**COMMISSIONER:** Are you saying to the Commission that although you were his de facto and you worked with him every day of your working life, you had no idea that he was engaging in criminal activity of this type?

45

**MS HOCKEY:** No, I did not.

L\351450662.1

**COMMISSIONER:** You had no idea at all?

**MS HOCKEY:** No.

5

**COMMISSIONER:** When did you first learn that he had?

**MS HOCKEY:** When he was arrested. Sorry. November the year before, I got approached by a female staff member who asked me what was going on, why was Wayne under investigation.

10

**COMMISSIONER:** And what did you learn then?

**MS HOCKEY:** Nothing. It was a closed shop. The bosses wouldn't say anything. Wayne didn't say anything. It was a shock to me when I found out that he'd been arrested.

15

**COMMISSIONER:** Mr Sheller.

20 **<EXAMINATION BY MR SHELLER:**

**MR SHELLER:** Ms Hockey, my name is James Sheller. I'm one of the legal representatives for Corrective Services. Can I just ask you about some of your earlier evidence. I think you gave some evidence about an incident which you did report up concerning a complaint of sexual assault?

25

**MS HOCKEY:** Yes.

**MR SHELLER:** Is this right: that at that time, you were working in the control room and received a telephone call from the husband of an inmate who was in the Independent Living Unit?

30

**MS HOCKEY:** Correct.

**MR SHELLER:** And the husband told you that the inmate had been sexually assaulted by one of the officers in the Independent Living Unit?

35

**MS HOCKEY:** Correct.

**MR SHELLER:** At the time that you were in the control room, do you recall that Mr Astill was also working that relevant shift?

40

**MS HOCKEY:** He was the night Senior.

**MR SHELLER:** And is it correct that you reported to Mr Astill the information that you'd received from the husband of the inmate in the Independent Living Unit?

45

L\351450662.1

**MS HOCKEY:** Correct.

5 **MR SHELLER:** And do you recall that that information was passed on to Ms O'Toole?

**MS HOCKEY:** Correct.

10 **MR SHELLER:** And did you then participate in a process whereby the relevant inmate was taken from the Independent Living Unit and spoken to by yourself and Ms O'Toole?

**MS HOCKEY:** Correct.

15 **MR SHELLER:** And then, thereafter, were police contacted?

**MS HOCKEY:** I believe so.

20 **MR SHELLER:** I think you might have described earlier that it gave rise to charges and police action?

**MS HOCKEY:** Yes. Yes.

25 **MR SHELLER:** Now, you've been asked about various officers that you were working with and how you assessed them. I don't think you were asked about Ms Dolly. How did you regard Ms Dolly as an officer?

**MS HOCKEY:** Sorry?

30 **MR SHELLER:** I'll ask the question again. You know Jean Dolly?

**MS HOCKEY:** Yes.

35 **MR SHELLER:** How did you regard her as an officer at Dillwynia?

**MS HOCKEY:** As a bully.

40 **MR SHELLER:** I'll just recount some evidence that Ms Dolly gave for your comment. Ms Dolly recounts an incident in early 2016 when she was in High Needs and the Behavioural Intervention Unit and how she noticed that cameras in the high needs area were moving.

**MS HOCKEY:** Was she in the Behavioural Intervention Unit or High Needs?

45 **MR SHELLER:** She says that she was in the High Needs area, and she says that in the Senior's - night Senior's office, you can see the cameras moving.

L\351450662.1

**MS HOCKEY:** So she was in high needs?

5 **MR SELLER:** Yes. She describes how, when she was on a C watch, you and Mr Astill were together on a D watch with you in the control room. Do you recall that happening?

**MS HOCKEY:** No. It probably happened, but I don't know. I don't remember.

10 **MR SELLER:** Sorry, you say it probably happened?

**MS HOCKEY:** Yeah.

**MR SELLER:** That is, that you and Mr Astill together were on the D watch?

15 **MS HOCKEY:** Yes.

**MR SELLER:** She says that you were always in the control room moving the cameras while Mr Astill was cracking and entering cells. What do you say to that?

20 **MS HOCKEY:** There's no correlation between that other than it would have been my job in the control room to move cameras around for the security of the centre.

**MR SELLER:** Do you recall, while you and Mr Astill were together on D watch, he alone going to the High Needs area of a night?

25 **MS HOCKEY:** No. But hang on, if we were both on D watch, I wouldn't have been in the control room.

**MR SELLER:** Do you recall Mr Astill, at any time while you were working a night shift with him, entering the High Needs area by himself?

30 **MS HOCKEY:** No. And that alarm would have come up in the control room.

**MR SELLER:** So you say that didn't happen?

35 **MS HOCKEY:** I'm not saying it's impossible, but the control room officer would have (a) picked it up on a camera and (b) picked it up on a door alarm.

**MR SELLER:** Is this right: that there wouldn't be any circumstances when an individual officer would go into the High Needs area at night?

40 **MS HOCKEY:** Into the houses?

**MR SELLER:** Yes.

45 **MS HOCKEY:** Not without telling the control room.

L\351450662.1

**COMMISSIONER:** Mr Sheller, how would that be picked up on the door alarm?  
Can you find out for me?

5 **MR SELLER:** Is this right: that if you are looking at a monitor which covers  
the High Needs area or, for example, the J Block, that there would be a change in  
colour of a door to reflect a cracking, that is, from green to red?

10 **MS HOCKEY:** I think so. I can't - yeah, I think so. There would have been some  
notification that the door was opened.

**MR SELLER:** In addition to that visual notification, can you recall whether  
there would be some sort of audio notification, the ringing of an alarm, for  
example?

15 **MS HOCKEY:** Yes. Unless the alarms were turned down, but yes.

**MR SELLER:** Was it also the practice that officers entering into High Needs at  
night would radio the control room in advance that they were going to do that?

20 **MS HOCKEY:** Yes, unless you forgot to do that.

**MR SELLER:** Is it correct that if you became aware through your work in the  
control room that an individual officer was going into the High Needs area, for  
example, the J Block, at night, that's something you would report?

25 **MS HOCKEY:** Yes.

**MR SELLER:** And who would you report it to?

30 **MS HOCKEY:** I would ask - I would radio the ground to ask if anyone had  
accessed the house.

**COMMISSIONER:** Mr Sheller, I thought you said that if there was only one  
going in, there would be an alarm; is that right or not?

35 **MR SELLER:** Sorry, I don't think I asked that. If -

**COMMISSIONER:** That's what I understood her to say, but maybe I'm wrong.

40 **MR SELLER:** If whether it's one or two officers go into the High Needs area at  
night - this is your evidence - there would be a visual recognition of that fact in the  
control room by changing colour of a door from green to red?

45 **MS HOCKEY:** Yeah, I - I believe so.

**MR SELLER:** And, secondly, that there may be an audio cue by the ringing of  
an alarm?

L\351450662.1

**MS HOCKEY:** Yes.

**COMMISSIONER:** You asked the question, Mr Sheller:

5

"Do you recall Mr Astill, at any time while you were working a night shift with him, entering the High Needs area by himself?"

**MR SHELLER:** Yes.

10

**COMMISSIONER:** Ms Hockey, you said:

"No. And that alarm would have come up in the control room."

15

That's the bit I don't understand.

**MR SHELLER:** I'll see if I can clarify it. Ms Hockey, if Mr Astill had gone into the - for example, the J Block, by himself at night, those two cues, that is, the visual cue of the door changing from green to red on the screen and the audio of an alarm ringing, would have gone off; correct?

20

**MS HOCKEY:** I believe so. It's - it's - yeah. I've been away from there for four years. I can't - I believe so.

25

**MR SHELLER:** And this is right: that there were times where were you working in the control room at night when Mr Astill was the Senior or the night Senior; is that right?

**MS HOCKEY:** It would have been. We all rotated through the control room.

30

**MR SHELLER:** And when fulfilling his role as night Senior while were you in the control room, Mr Astill would be, at times, in different parts of the gaol not under your observation. Do you agree?

35

**MS HOCKEY:** Correct. They all did - they all did patrols, and - there's four officers on the ground. They used to patrol of a night-time.

**MR SHELLER:** But as I understand it, your evidence is you don't recall any occasion on which, to your observation of the - from the control room, Mr Astill entered into the J Block?

40

**MS HOCKEY:** By himself or with another person?

**MR SHELLER:** By himself.

45

**MS HOCKEY:** No.

L\351450662.1



**COMMISSIONER:** Mr Sheller, I still want an answer to my question. The answer that you gave before, Ms Hockey, was that there would be some alarm that would sound if someone went in on their own.

5 **MS HOCKEY:** No, not if someone went in there on their own. If anyone opened the door.

**COMMISSIONER:** If anyone opened the door, but that wouldn't tell you if there was one, two or even three officers opening the door, would it?  
10

**MS HOCKEY:** No, but then you radio down to the ground to ask, "Has that door been accessed?" And you could actually turn the camera to the house.

**COMMISSIONER:** Turn the camera to where?  
15

**MS HOCKEY:** On the house.

**COMMISSIONER:** On the house?

20 **MS HOCKEY:** Yeah.

**COMMISSIONER:** But that would not necessarily mean you would pick up the absence of a second officer, would it?

25 **MS HOCKEY:** It would pick up the - the officers at the door, yes, and you would do that just in case something went wrong.

**COMMISSIONER:** So the door was opened by one officer, and they presumably go in?  
30

**MS HOCKEY:** Yep.

**COMMISSIONER:** And whether or not there's another officer, you say, would be visible on the camera or would you have to move the camera?  
35

**MS HOCKEY:** If you moved the camera to the front of the - to the - to the door that had the camera on it, you would see what officers were there.

**COMMISSIONER:** So if someone was going in by themselves, what you're saying is that it was possible for that to be detected by someone in the control room; is that right?  
40

**MS HOCKEY:** Yes.

45 **COMMISSIONER:** But they would have to be watching -

**MS HOCKEY:** Yes.

L\351450662.1

**COMMISSIONER:** - and have to respond by moving the camera to capture the images to confirm there was only one person?

5 **MS HOCKEY:** Yes.

**COMMISSIONER:** So there's no automatic alarm; it requires the person in the control room to actually find out, using the camera, what was going on?

10 **MS HOCKEY:** The alarm - the door is alarmed to say that it's been accessed. If you then look at the camera, you can see who's there.

**COMMISSIONER:** Yes, but it required someone to actually look. I do understand now.

15

**MS HOCKEY:** It's part of your job to.

**COMMISSIONER:** Yes, but someone not doing their job properly wouldn't look, would they?

20

**MS HOCKEY:** Probably not, no.

**COMMISSIONER:** No.

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

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

**MR DEPPELER:** Yes, very briefly, Commissioner, if I might.

30

**<EXAMINATION BY MR DEPPELER:**

**MR DEPPELER:** Ms Hockey, my name is Deppeler. I appear on behalf of a group of Corrective Officers. You were asked a number of questions by Counsel  
35 Assisting in relation to nicknames that you had heard, particularly things like Rolf Harris and Teflon, and you said that you hadn't heard those nicknames. You were asked a question about the nickname "Poppy", and you gave some evidence that you had heard that from Ms Jean Dolly; is that correct?

40 **MS HOCKEY:** Correct.

**MR DEPPELER:** And you indicated to the Commission that Mr Astill had pulled Ms Dolly up on using that name?

45 **MS HOCKEY:** It was disrespectful.

**MR DEPPELER:** Is that something that Mr Astill had told you had happened?

L\351450662.1

**MS HOCKEY:** I don't know. I can't remember who I heard it from.

5 **MR DEPPELER:** Well, when you say you can't remember where you - or who you heard it from, is it correct to say that you didn't hear that yourself?

10 **MS HOCKEY:** I'm just - I'm just trying to think. I - I believe it was inmate [Witness N] that told me that - sorry, where is she? N - inmate N told me that Dolly was calling Wayne "Poppy" to inmates - Poppy Astill.

**MR DEPPELER:** Did you hear anything from Mr Astill about a meeting in which Ms Dolly confronted him about that name?

15 **MS HOCKEY:** Okay. I heard something about it.

**MR DEPPELER:** Do you remember the - Mr Astill having the name "Fox"?

**MS HOCKEY:** It's been his nickname for decades.

20 **MR DEPPELER:** And it's correct, isn't it, that when he commenced at Dillwynia, that was the name you introduced him as, as a nickname?

**MS HOCKEY:** To the officers, yes.

25 **MR DEPPELER:** Nothing further, Commissioner.

**COMMISSIONER:** Anybody else?

30 **UNIDENTIFIED COUNSEL:** No. Thank you.

**<EXAMINATION BY MR JAMES:**

35 **MR JAMES:** Ms Hockey, my name is Mr James. I appear on behalf of Mr Paddison.

**MS HOCKEY:** Yes.

40 **MR JAMES:** You gave some evidence about some rumours that you knew in relation to Mr Paddison?

**MS HOCKEY:** Correct.

**MR JAMES:** Rumours about how he treated other persons?

45 **MS HOCKEY:** Correct.

**MR JAMES:** And how he interacted with other persons?

L\351450662.1

**MS HOCKEY:** Correct.

5 **MR JAMES:** And they were rumours?

**MS HOCKEY:** Well, it was first-hand with me and he - he's done other things to me as well.

10 **MR JAMES:** When you say it was first-hand to you, you speak of the social night?

**MS HOCKEY:** Yes.

15 **MR JAMES:** And behaviour towards you that occurred on that social night?

**MS HOCKEY:** Yes. And witnessing him with another married female at a party.

**MR JAMES:** And Mr Paddison and Mr Astill, your partner, did not get along?

20 **MS HOCKEY:** Yes, they did, actually.

**MR JAMES:** It was well known to the staff that they did not like each other?

25 **MS HOCKEY:** Okay. When I rejected Mr Paddison, I said, "I've got better than you at home." And I remember probably six months after Wayne had started at Dillwynia, Mr Paddison patted him on the back and he said, "Well, I was rejected by her, but I can see why now."

30 **MR JAMES:** That's not correct, is it?

**MS HOCKEY:** Yes, it is correct.

**MR JAMES:** Any contemporaneous notes?

35 **MS HOCKEY:** No.

**MR JAMES:** Any comments to other persons?

40 **MS HOCKEY:** No.

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

**COMMISSIONER:** Mr Lloyd.

45 **<EXAMINATION BY MR LLOYD:**

L\351450662.1

**MR LLOYD:** Just one matter, Ms Hockey. I was asking you about rumours you heard with respect to Witness C. Did you ever hear a rumour involving Astill and Witness C sharing a Coke can?

5 **MS HOCKEY:** Pardon?

**MR LLOYD:** Sharing a Coke can.

**MS HOCKEY:** Yes.

10

**MR LLOYD:** You did hear about that rumour?

**MS HOCKEY:** Yes.

15 **MR LLOYD:** What did you hear about that one?

**MS HOCKEY:** That they were walking down outside the kitchen area, and he gave her a drink of Coke.

20 **MR LLOYD:** And what did you think about that?

**MS HOCKEY:** I thought he was a dickhead.

**MR LLOYD:** Did you tell him that?

25

**MS HOCKEY:** Yes.

**MR LLOYD:** Did you have any other discussion with him about what -

30 **COMMISSIONER:** We didn't get the answer.

**MR LLOYD:** I'm sorry.

**MS HOCKEY:** Sorry.

35

**MR LLOYD:** It's just the recording didn't record your answer.

**COMMISSIONER:** You were asked, "What did you think about that?" What was your answer?

40

**MS HOCKEY:** I told him he was a dickhead.

**COMMISSIONER:** Sorry, you told him?

45 **MR LLOYD:** He was a dickhead.

**COMMISSIONER:** Thank you.

L\351450662.1

**MR LLOYD:** Why did you think he was a dickhead for doing that?

5 **MS HOCKEY:** Because it just didn't look good for an officer of his rank to be sharing a can of Coke with an inmate.

**MR LLOYD:** Did it look like the relationship was an intimate one?

10 **MS HOCKEY:** No. It was just something he would have done with any inmate, if they asked, "Can I have a drink of Coke?"

**MR LLOYD:** That wasn't part of the rumours that I've asked you about that I've put to you were circulating about him and Witness C?

15 **MS HOCKEY:** It may well have been. I don't know. I don't remember.

**MR LLOYD:** Those are my questions.

20 **COMMISSIONER:** Yes. Thank you, Ms Hockey. Your evidence is now complete, and you are excused.

**MS HOCKEY:** Thank you. I would just like to say that Mr Astill would love to come here and be able to answer questions himself.

25 **<THE WITNESS WAS RELEASED**

**MR LLOYD:** The next witness will be called by Ms Davidson.

30 **MS DAVIDSON:** Commissioner, the next witness is Kim Wilson, and she will take an oath.

**<KIM WILSON, SWORN**

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

**<EXAMINATION BY MS DAVIDSON:**

**MS DAVIDSON:** Ms Wilson, can you tell the Commissioner your full name?

40 **MS WILSON:** Kim Katherine Wilson.

**MS DAVIDSON:** And your address is known to the Commission?

45 **MS WILSON:** Yes.

**MS DAVIDSON:** Did you prepare a statement for this Commission dated 18 September 2023?

L\351450662.1

**MS WILSON:** I did.

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

5

**MS WILSON:** Yes, they are.

**MS DAVIDSON:** Commissioner, I tender Ms Wilson's statement. It's behind tab 71 in volume 8.

10

**COMMISSIONER:** That will be Exhibit 22.

**<EXHIBIT 22 TENDERED AND MARKED**

15 **MS DAVIDSON:** Can you turn to tab 71 in the folder that's in front of you there, Ms Wilson. I can get you some assistance, if needed.

**MS WILSON:** Yes.

20 **MS DAVIDSON:** Are you a First Class Correctional Officer at Dillwynia Correctional Centre?

**MS WILSON:** I am.

25 **MS DAVIDSON:** And have you worked there since approximately 2006?

**MS WILSON:** 2008.

**MS DAVIDSON:** 2008. And that's somewhere that you continue to work?

30

**MS WILSON:** Yes.

35 **MS DAVIDSON:** In your time as a Correctional Officer at Dillwynia, is it accurate to say that you spent some time working with Wayne Astill, but it depended on the particular shift; it wasn't because you were allocated to a particular area where he was necessarily working?

**MS WILSON:** Yes, it was just on occasion if we were - we happened to be on the same shift together.

40

**MS DAVIDSON:** Just try to keep your voice up, if that's okay, for the recording. Can you have a look at paragraph 18 of your statement. You won't need the other folder, so if it's easier to put that aside, that's okay.

45 **MS WILSON:** Yes.

L\351450662.1

**MS DAVIDSON:** You describe your impression of Mr Astill based on the time that you did spend working with him?

5 **MS WILSON:** My impression was that he was very arrogant. He would make derogatory comments with females.

**MS DAVIDSON:** Was that female officers or female inmates or both?

10 **MS WILSON:** Both.

**MS DAVIDSON:** You indicate that - in paragraph 18 that he made comments regarding the female anatomy?

15 **MS WILSON:** Yes.

**MS DAVIDSON:** What do you recall about him making comments about the female anatomy?

20 **MS GHABRIAL:** I object.

**COMMISSIONER:** Sorry, who makes the -

25 **MS GHABRIAL:** Section 23, Commissioner, just in terms of things that she's heard, goes to knowledge, goes to belief. I take the objection formally.

**COMMISSIONER:** Belief -

30 **MS GHABRIAL:** In respect of derogatory comments about female anatomy specifically.

**COMMISSIONER:** Yes. But where does it go after that?

35 **MS GHABRIAL:** Knowing that there is a potential for - well, depending on what submissions are made by Counsel Assisting, and in light of the opening in respect of a common law offence, in respect of belief or knowledge of certain derogatory comments about female anatomy, I take the objection.

40 **COMMISSIONER:** Well, I have to tell you that I don't think the objection is well founded. I'm going to require an answer to be made, but I would be grateful if you reflected so we don't get interrupted unnecessarily.

**MS GHABRIAL:** I understand that, Commissioner.

45 **COMMISSIONER:** Thank you. Yes.

**MS DAVIDSON:** Would you like the question again?

L\351450662.1



**MS WILSON:** Yes, please.

**MS DAVIDSON:** You refer in paragraph 18 that you've just had a look at to Astill making comments regarding the female anatomy?

5

**MS WILSON:** Yes.

**MS DAVIDSON:** What can you recall about him making comments regarding the female anatomy?

10

**MS WILSON:** He would comment on the size of females' breasts. That's basically all I can give you - the answer to that.

**MS DAVIDSON:** That's what you recall?

15

**MS WILSON:** I recall him making comments about different females' breasts, breast sizes.

**MS DAVIDSON:** And that included officers as well as inmates?

20

**MS WILSON:** Yes.

**MS DAVIDSON:** Can you turn to paragraph 48 of your statement. And you should have with you there in the witness box a pseudonym list. Have you got that there?

25

**MS WILSON:** Yes.

**MS DAVIDSON:** Is it right to say that inmate P was amongst your case load, and that meant that you had a particular responsibility in relation to having contact with inmate P; is that right?

30

**MS WILSON:** Yes.

**MS DAVIDSON:** In paragraph 48, you're describing an incident where, some time in 2016, inmate P told you something that you indicate you weren't comfortable with?

35

**MS WILSON:** Yes.

40

**MS DAVIDSON:** Do you recall anything about the nature of what it was that inmate P told you?

**MS WILSON:** Yes. It was during a case interview with inmate P. She seemed quite agitated, and she informed me that she had written a letter and it had gone missing. That was - that was the information I was given.

45

L\351450662.1

**MS DAVIDSON:** Right. Can you have a look at paragraph 52. Is it there that you're describing the incident?

**MS WILSON:** Yes.

5

**MS DAVIDSON:** Coming back to paragraph 48, just having a look at the whole of that paragraph, which goes over to the following page.

**MS WILSON:** Yes.

10

**MS DAVIDSON:** Is this describing a different incident in paragraph 48 in relation to Witness P telling you something? Or is the same as the letter incident that you go on -

15 **MS WILSON:** This was during the same case interview.

**MS DAVIDSON:** I see. So she told you two things during the case interview; is that right?

20 **MS WILSON:** She just said that Mr Astill was giving her a hard time and that she knew that this - this letter had been intercepted, and the contents of the letter were mainly about him.

25 **MS DAVIDSON:** You indicated that that was the information that caused you concern. Can you have a look at paragraph 49.

**MS WILSON:** Yes.

30 **MS DAVIDSON:** I'm just trying to understand the sequence. Is that also information that Witness P gave you during this same case interview in 2016?

**MS WILSON:** On or thereabouts, yes.

35 **MS DAVIDSON:** Or thereabouts. You said that Witness P had told you that Astill would bring things in for his favourites. Was that something that caused you concern?

**MS WILSON:** Yes.

40 **MS DAVIDSON:** It was an allegation that contraband was being brought in?

**MS WILSON:** No. She just said he would leave things like colouring items, which were readily available in the gaol.

45 **MS DAVIDSON:** Did she refer to him bringing anything else in, apart from colouring items?

L\351450662.1

**MS WILSON:** No.

**MS DAVIDSON:** Did she refer to make-up?

5 **MS WILSON:** No.

**MS DAVIDSON:** You said in paragraph 50 that Witness P would make comments like, "Oh, Witness O has her make-up on today because Astill's here."

10 **MS WILSON:** Yes.

**MS DAVIDSON:** But she didn't tell - is it right that she didn't tell you anything about her getting - that is, Witness O, getting make-up from Astill?

15 **MS WILSON:** No. The inmates can actually buy make-up on the buy-ups.

**MS DAVIDSON:** So did you think it was just that?

20 **MS WILSON:** I assumed it was that, yes.

**MS DAVIDSON:** Do you recall what it was - have a look at paragraph 50 - what it was that Witness P said to you about the relationship between Witness O and Astill?

25 **MS WILSON:** No. She just made that comment, that when Witness O had her make-up on, that Astill must be on duty, which I just took as being, like, a flirtatious thing.

30 **MS DAVIDSON:** Was it unusual, in your experience, for an inmate to be flirting with an officer?

**MS WILSON:** I haven't seen it with my own eyes. So I can't answer whether it's unusual or not.

35 **MS DAVIDSON:** You didn't regard it as something of particular concern to you at the time?

**MS WILSON:** No.

40 **MS DAVIDSON:** Returning to paragraph 52, you're referring there to the letter that Witness P told you had been intercepted?

**MS WILSON:** Yes.

45 **MS DAVIDSON:** Did you understand why it was that Witness P was so concerned about the intercepting of that letter?

L\351450662.1

**MS WILSON:** Because of the content, because it was about Astill.

**MS DAVIDSON:** And did you understand what the content was in it about - what was the content about Astill?

5

**MS WILSON:** She didn't elaborate on what the content was, not in detail. She just told me that it was mainly about Astill and things that he had been doing.

**MS DAVIDSON:** Things that he had been doing. Did she -

10

**MS WILSON:** Yes. She didn't - she didn't elaborate -

**MS DAVIDSON:** - (crosstalk) what those things were?

15

**MS WILSON:** She didn't elaborate on those things. I did ask her. She said she didn't want to talk about it.

**MS DAVIDSON:** Did it concern you that one inmate might be writing to someone about things that an officer had been doing?

20

**MS WILSON:** Yes. Yes.

**MS DAVIDSON:** So what steps did you take after you found out from Witness P about the intercepted letter?

25

**MS WILSON:** Well, after our conversation, I went straight to the Acting Manager of Security.

**MS DAVIDSON:** And was that Mr Paddison?

30

**MS WILSON:** That was Mr Paddison, yes.

**MS DAVIDSON:** And do you recall what you said to him?

35

**MS WILSON:** I just relayed the information that I had been given by inmate P, and Mr Paddison was quite concerned and took me straight to the Governor's office.

**MS DAVIDSON:** Do you recall saying to Mr Paddison something specific about Astill?

40

**MS WILSON:** I told Mr Paddison that the letter that we were discussing had information about Astill in it, yes.

45

**MS DAVIDSON:** Right. And that was a conversation that had you with him, rather than a written report; is that -

L\351450662.1

**MS WILSON:** It was a conversation. And as I said, Mr Paddison took me straight to the Governor's office and asked me to relay to the Governor what I had just told him.

5 **MS DAVIDSON:** And was that Shari Martin at the time?

**MS WILSON:** That was Shari Martin, yes.

10 **MS DAVIDSON:** And what happened once you got to the Governor's office?

**MS WILSON:** The - the Governor just asked me what I had - I had been told. I explained to her exactly what I had explained to Mr Paddison.

15 **MS DAVIDSON:** And, again, did you mention specifically to her that Witness P had said that the letter related to things Astill had been doing?

**MS WILSON:** Yes. Yes.

20 **MS DAVIDSON:** And did you indicate to Shari Martin that Witness P was worried about it?

**MS WILSON:** Yes.

25 **MS DAVIDSON:** What do you recall Shari Martin saying?

**MS WILSON:** Shari Martin then said to me, "I know exactly the - I know the information that you're telling me now, and I - I know about the letter." She said that the letter was secured in her safe.

30 **MS DAVIDSON:** Did you consider at that point whether anything else should have occurred?

35 **MS WILSON:** Well, I asked Ms Martin at that stage would she like me to do a report, and she said there was no need because she already had the information, she already had the letter, and that it was secured in the safe.

**MS DAVIDSON:** Were you surprised by that?

40 **MS WILSON:** Not - not really, no.

**MS DAVIDSON:** How would you describe Shari Martin's management style?

45 **MS WILSON:** Me personally, I didn't have a lot to do with Ms Martin. The times that she did address us, she could come across as being quite aggressive.

**MS DAVIDSON:** Was that addressing you on parade, for example?

L\351450662.1

**MS WILSON:** Or at staff meetings, yes.

5 **MS DAVIDSON:** And when you say she could come across as being quite aggressive, can you explain what it was that made her come across to you as quite aggressive? Was it the language she used or her body language or -

**MS WILSON:** It was both, yes.

10 **MS DAVIDSON:** Right. Do you remember ever being addressed by Shari Martin using foul language?

**MS WILSON:** Me personally, no.

15 **MS DAVIDSON:** The staff as a group?

**MS WILSON:** Yes.

20 **MS DAVIDSON:** What kind of language did she use towards the staff as a group?

**MS WILSON:** Well, she was known to call us - excuse my language -

**MS DAVIDSON:** You don't need to be shy about it. We've heard it so far.

25 **MS WILSON:** Yeah. There was one particular staff meeting I remember where we were called "a pack of cunts".

**MS DAVIDSON:** And do you recall why that was?

30 **MS WILSON:** She was obviously upset about something that had happened. I can't remember the specifics.

**MS DAVIDSON:** Do you remember what the subject of the staff meeting was -

35 **MS WILSON:** No.

**MS DAVIDSON:** - that included the comment?

40 **MS WILSON:** No.

**COMMISSIONER:** Ms Wilson, you told us that the letter you understood that took you to the Governor's office said something about what Astill was doing. I appreciate you didn't ask, but what did you think it might relate to?

45 **MS WILSON:** To be quite honest, it's so long ago -

**COMMISSIONER:** Sorry?

L\351450662.1

**MS WILSON:** It was so long ago, Commissioner, that I can't remember the specifics.

5 **COMMISSIONER:** But you must have been curious in your mind as to what it was all about?

**MS WILSON:** I was. But the only information that I was given was that it was about Astill and things that he was doing.

10 **COMMISSIONER:** Well, that's my question. What did you, in your mind, think it might be that he was doing?

**MS WILSON:** I had no idea.

15 **COMMISSIONER:** Well, it could hardly be trivial if the inmate had chosen to write a letter about it, could it?

**MS WILSON:** Sorry, I don't understand the question.

20 **COMMISSIONER:** Well, whatever he was doing could hardly have been trivial - insignificant - if the inmate had taken to writing a letter about it?

**MS WILSON:** Well, the fact that the inmate spoke to me about it was a concern to me because inmate P was not one to give information lightly.

25 **COMMISSIONER:** So you at least reasoned that it must be a serious matter?

**MS WILSON:** Yes.

30 **MS DAVIDSON:** At the time that you had this conversation with inmate P and took this information to the Governor, had you heard other rumours in the centre amongst officers in relation to things that Astill was doing?

35 **MS WILSON:** Not really, no.

**MS DAVIDSON:** Not really. Had you heard any?

40 **MS WILSON:** There's always rumours. There's rumours in every workplace. I tend not to get involved in rumours.

**MS DAVIDSON:** Had you heard a rumour about Astill sharing a can of Coke with Witness C?

45 **MS WILSON:** I had heard that rumour, yes.

L\351450662.1

**MS DAVIDSON:** And do you remember at the time you heard that rumour thinking what it indicated about any relationship between him and inmate C?

**MS GHABRIAL:** I object.

5

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

**MS WILSON:** Sorry?

10 **COMMISSIONER:** You answer.

**MS WILSON:** I can answer? Sorry, can you ask the question again?

15 **MS DAVIDSON:** Do you remember at the time you heard that rumour whether you thought yourself that it - that is, the can of Coke indicated anything about the relationship between Astill and inmate C?

20 **MS WILSON:** I didn't think about a relationship; I just thought it was highly inappropriate.

**MS DAVIDSON:** And why was it highly inappropriate?

**MS GHABRIAL:** I object.

25 **MS WILSON:** That's not -

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

30 **MS WILSON:** It's not something an officer should be doing with an inmate.

**MS DAVIDSON:** Do you recall hearing other rumours - between the time that you heard about Astill and inmate C and the Coke can, and the time of this incident with inmate P, hearing of other rumours that related to Astill being inappropriate with inmates?

35

**MS GHABRIAL:** I object.

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

40 **MS WILSON:** I don't recall.

**COMMISSIONER:** Sorry, does that mean you never heard any or you just don't now remember?

45 **MS WILSON:** I don't recall anything specific.

**COMMISSIONER:** Well, what do you recall, then?

L\351450662.1



**MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer the question. What do you recall?

5

**MS WILSON:** As I said, there's always rumours going around.

**COMMISSIONER:** What was the rumour that you heard about Mr Astill?

10 **MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer the question.

15 **MS WILSON:** Well, it was basically about the can of Coke. I don't really recall any other rumours.

**COMMISSIONER:** Well, you say, "Basically the can of Coke." What after that?

20 **MS WILSON:** I'm sorry, I have no recollection.

**COMMISSIONER:** I'm sorry?

**MS WILSON:** I have no recollection of specific rumours.

25 **COMMISSIONER:** You don't?

**MS WILSON:** No. I couldn't - I couldn't tell you.

30 **COMMISSIONER:** You say there's rumours always going around.

**MS WILSON:** Yeah. Not just - I just meant in general, in the workplace.

**COMMISSIONER:** But you don't remember any other rumour about Mr Astill?

35 **MS WILSON:** Not in particular, no.

**COMMISSIONER:** I have to ask you again. Not in particular, but what do you remember?

40 **MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer.

45 **MS WILSON:** I don't have any other memories of any other rumours. As I said, I tend to stay away from rumours. I don't get involved.

L\351450662.1

**MS DAVIDSON:** You've said a couple of times there are always rumours going around. Are there always rumours - or at this time, were there always rumours going around Dillwynia about officers having inappropriate interactions with inmates?

5

**MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer.

10 **MS WILSON:** No, not that I recall.

**MS DAVIDSON:** So if it was that kind of rumour, would that have been something that you would have paid more attention to, do you think?

15 **MS WILSON:** What kind of rumour, sorry?

**MS DAVIDSON:** A rumour about an officer behaving inappropriately with an inmate.

20 **MS WILSON:** Definitely, yes, I would have paid attention to that.

**MS DAVIDSON:** And Astill was someone that you regarded as making derogatory comments about women?

25 **MS WILSON:** Yes.

**MS DAVIDSON:** And you knew about that by this time, I take it, by 2016?

**MS WILSON:** Yes.

30

**MS DAVIDSON:** Did you - that view that you'd formed about him making derogatory comments to women, was that a view that you held in relation to him consistently through the time that you were working with him at Dillwynia?

35 **MS WILSON:** Yes.

**MS DAVIDSON:** Did you have any knowledge of the Integrated Intelligence System around this time? Sometimes referred to as the IIS, as I understand it.

40 **MS WILSON:** No.

**MS DAVIDSON:** Had you received any training in relation to making an intelligence report?

45 **MS WILSON:** No.

L\351450662.1

**MS DAVIDSON:** Did you have any idea about if you wanted to report something outside the gaol, that is, outside your chain of command, how you might go about doing it?

5 **MS WILSON:** No.

**MS DAVIDSON:** Go to paragraph 65 of your statement. Can you just have a read through that to yourself.

10 **MS WILSON:** Yes.

**MS DAVIDSON:** At the beginning of paragraph 66, you indicate that you don't know whether Astill's behaviour against Sarah Ward was reported to police. Just to be clear -

15

**MS WILSON:** Actually, that was a mistake on my part. I did know that Sarah had spoken to the police.

20 **MS DAVIDSON:** All right. So when you say you did know, was that at the time that she spoke to you that you did know that Sarah had reported to police?

**MS WILSON:** This is after the fact, after she had spoken to the police.

25 **MS DAVIDSON:** That is, again trying to clarify, the conversation that you've described in paragraph 65 -

**MS WILSON:** Yes.

30 **MS DAVIDSON:** - is it your evidence that that was after she had spoken to the police?

**MS WILSON:** Yes.

35 **MS DAVIDSON:** How did you know that?

**MS WILSON:** Because - well, actually Sarah had told me on that occasion.

**MS DAVIDSON:** That is, when she spoke to you in the -

40 **MS WILSON:** In the clinic.

**MS DAVIDSON:** - in the conversation you're describing here in paragraph 65?

45 **MS WILSON:** Yes.

**MS DAVIDSON:** You indicate that you didn't make a statement or report - this is paragraph 66:

L\351450662.1

"...regarding what Sarah told me in the clinic because it happened after Astill had been arrested."

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

**MS DAVIDSON:** In relation to you making any report of that, is it your evidence now that another factor in you not reporting that was you understood that Sarah Ward had already spoken to police?

10

**MS WILSON:** Yes.

**MS DAVIDSON:** Had you ever heard the nickname "Teflon" in relation to Astill?

15 **MS WILSON:** No.

**MS DAVIDSON:** Had you ever heard the name nickname "Poppy" in relation to Astill?

20 **MS WILSON:** No.

**MS DAVIDSON:** Had you ever heard Astill being referred to as "Fox" or "Silver Fox"?

25 **MS WILSON:** Yes, he called himself that.

**MS DAVIDSON:** Called himself that?

**MS WILSON:** Yes.

30

**MS DAVIDSON:** Did you understand why that was?

**MS WILSON:** No. He was "Fox" as soon as he - before he even came to Dillwynia. That was a nickname he had given himself.

35

**MS DAVIDSON:** Right. Paragraph 86, would you turn to that. You say in the first sentence there that you believe the whole Astill issue was handled very badly?

40 **MS WILSON:** Yes.

**MS DAVIDSON:** Where you say "the whole Astill issue" there, what are you referring to?

45 **MS WILSON:** Just that, in my opinion, it was handled very badly by management.

L\351450662.1

**MS DAVIDSON:** Are you referring there to the period after he was arrested?

**MS WILSON:** No, even before he was arrested.

5 **MS DAVIDSON:** So what was it before he was arrested that in your opinion was handled very badly?

10 **MS WILSON:** Well, we were addressed on parade one morning, and we were told that there was malicious rumours going around about Astill and that they were to stop and that anyone - anyone that was involved in spreading such rumours would be dealt with harshly.

15 **MS DAVIDSON:** Was that something that Shari Martin said to officers on parade?

**MS WILSON:** I can't recall if it was Shari Martin or Leanne O'Toole.

**MS DAVIDSON:** Do you recall when that occurred?

20 **MS WILSON:** Not exactly, no.

**MS DAVIDSON:** Are you able to say roughly it was a few months before he was arrested or it was a year before or -

25 **MS WILSON:** Well, it was probably months before.

**MS DAVIDSON:** Right. At that time, did you have any idea what she was talking about?

30 **MS WILSON:** I don't - I don't -

**MS DAVIDSON:** That is, the malicious rumours about Astill?

35 **MS WILSON:** Just rumours that had come to her attention.

**MS DAVIDSON:** And did you know - had you heard those rumours?

**MS WILSON:** No.

40 **MS DAVIDSON:** When she was addressing you on parade, saying there were malicious rumours about Astill, did you know what she was talking about?

**MS WILSON:** Well, I had heard about the can of Coke incident, so I just assumed it was -

45 **MS DAVIDSON:** Even though that was a couple of years previously?

L\351450662.1

**MS WILSON:** Yes, but obviously there was other things - we work different shifts. We hear different - you know, like, we - we actually don't all hear the same rumours. Like, it's - it's hard to describe.

5 **COMMISSIONER:** I'm sorry. Can we look at paragraph 86. You're talking about events, as I understand it, that happened after his arrest; is that right?

**MS DAVIDSON:** I think, Commissioner, the answer that was just given in relation to being addressed on parade, Ms Wilson's evidence was it was a few  
10 months before (crosstalk) arrested.

**COMMISSIONER:** Before. So the complaint about what happened in relation to Astill has to do with lack of information before his arrest or after?

15 **MS WILSON:** I don't understand, sorry.

**COMMISSIONER:** Well, let's have a look at paragraph 86.

**MS WILSON:** Yes.  
20

**COMMISSIONER:** You say:

"The whole thing was handled very badly."

25 **MS WILSON:** Yes.

**COMMISSIONER:** You were disgusted at how the whole thing was handled.

**MS WILSON:** Yes.  
30

**COMMISSIONER:**

"There was no information given to staff after Astill's arrest. It was like it was just swept under the carpet. There was actually no support for the staff. We  
35 were encouraged not to talk about what had happened. That was said by either Leanne O'Toole or Shari Martin during an officer parade."

Now, I'm sorry, but the English of that says there was an arrest and then there was a parade. Am I misunderstanding it?  
40

**MS WILSON:** Yeah. Well, we had the parade before Astill was arrested, and I was just saying that after he was arrested, it just seemed that things had been - it was like we weren't to discuss it, nobody was to talk about it and it's like it had just been swept under the carpet.  
45

**COMMISSIONER:** Well, you say there was a parade before he was arrested and you were told not to talk about matters in relation to Mr Astill; is that right?

L\351450662.1

**MS WILSON:** Yes.

5 **COMMISSIONER:** At that stage then, I assume there were rumours all around the gaol about Mr Astill; is that right?

**MS WILSON:** I'm assuming so.

10 **COMMISSIONER:** Well, let's not assume. Let's - tell me what happened. For it to be necessary to tell you all not to gossip and talk about it, there would have to have been rumours around the gaol.

**MS WILSON:** I agree.

15 **COMMISSIONER:** You agree?

**MS WILSON:** I agree there would have to have been rumours for -

20 **COMMISSIONER:** What were those rumours?

**MS WILSON:** I can't tell you. I don't know the rumours.

**COMMISSIONER:** Why not? Why can't you tell me?

25 **MS WILSON:** I'm not going to sit here and make rumours up. I -

**COMMISSIONER:** So you're telling the Commission, are you, that a parade - at a parade you were told not to talk about things in relation to Mr Astill -

30 **MS WILSON:** Yes.

**COMMISSIONER:** - but you had no idea what that was talking about?

35 **MS WILSON:** Well, I can only go on what I know. I told you I did know about the can of Coke incident. I knew about that rumour. I don't know what you want me to say.

**COMMISSIONER:** Well, I just want you to answer the questions faithfully.

40 **MS WILSON:** I'm trying. I'm trying.

45 **COMMISSIONER:** Well, Ms Wilson, when this was said to you on parade, did you not say to a single one of your colleagues, "What are they talking about?" Did you not ask a question of someone to help you understand why you were being told not to talk about Mr Astill?

L\351450662.1

**MS WILSON:** The - are you asking for a specific - I don't get what you're asking me. Are you asking for specific rumours or just did I know if there was rumours -

5 **COMMISSIONER:** I'm asking you what you knew - at the end of the day, I want to know what you knew when you were told not to talk about it. What did you think you were being told not to talk about?

**MS WILSON:** Astill - Mr Astill.

10 **COMMISSIONER:** And what about Mr Astill?

**MS WILSON:** It was so long ago, I couldn't recall.

15 **MS DAVIDSON:** Do you recall discussing with your husband after that parade -

**MS WILSON:** I would have discussed it with my husband, yes, sorry. Yes.

20 **MS DAVIDSON:** Do you recall asking him about what these rumours might have been?

**MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer.

25 **MS WILSON:** Yes, we would have discussed it. Yes.

**MS DAVIDSON:** And do you recall learning anything during that conversation about what was being said at the gaol about Astill?

30 **MS GHABRIAL:** I object.

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

35 **MS WILSON:** My husband did know about Astill being called "Poppy".

**MS DAVIDSON:** He told you that, did he, at this time?

**MS WILSON:** Yes.

40 **MS DAVIDSON:** And do you recall anything else being discussed between the two of you in relation to the malicious rumours you had been advised about on parade?

45 **MS GHABRIAL:** I object.

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

L\351450662.1



**MS WILSON:** I can't, I honestly can't recall specifics.

5 **MS DAVIDSON:** Do you recall generally a discussion with your husband in relation to the nature of the rumours, maybe not specific rumours but what kinds of rumours they were?

**MS GHABRIAL:** I object.

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

**MS WILSON:** Just that we knew that Astill was up to something but we didn't know what. We - I, in particular, didn't see him do anything wrong but just - so we didn't know.

15 **MS DAVIDSON:** So when you say you knew that Astill was up to something -

**MS WILSON:** He was definitely.

20 **MS DAVIDSON:** What -

**MS GHABRIAL:** I object.

25 **MS DAVIDSON:** It is your evidence that you had no idea what that was, but you thought that there was some kind of misconduct going on?

**MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer.

30 **MS WILSON:** Yes.

**MS DAVIDSON:** And did you have a discussion with your husband in relation to whether, in relation to that knowledge, either of the two of you should have reported something?

35 **MS GHABRIAL:** I object.

**COMMISSIONER:** Please answer.

40 **MS WILSON:** No.

**MS DAVIDSON:** Is it true to say that there are, to your knowledge, any people who are in marital relationships working together as officers at Dillwynia?

45 **MS WILSON:** Yes.

L\351450662.1

**MS DAVIDSON:** Have you, during the time that you've been married to your husband and both working at Dillwynia, regarded that as placing you at any time in a position of a conflict of interest?

5 **MS WILSON:** No.

**MS DAVIDSON:** Have you considered that or turned your mind to that?

**MS WILSON:** Yes.

10

**MS DAVIDSON:** Those are my questions, Commissioner.

**COMMISSIONER:** Mr Sheller.

15 **<EXAMINATION BY MR SHELLER:**

**MR SHELLER:** Ms Wilson, my name is James Sheller. I'm one of the legal representatives for Corrective Services. Could I just take you back to paragraph 86?

20

**MS WILSON:** Yep.

**MR SHELLER:** I'm just wondering whether you agree with me that paragraph 86 seems to put together two different issues: first, your concern about how things unfolded after Mr Astill was arrested?

25

**MS WILSON:** Yes.

**MR SHELLER:** And, second, an incident in which either Ms O'Toole or Ms Martin told officers at parade not to spread rumours about Mr Astill?

30

**MS WILSON:** Yes.

**MR SHELLER:** Are you satisfied now there's two separate things that have somehow merged in this paragraph?

35

**MS WILSON:** Yes.

**MR SHELLER:** Because is this your recollection: that at the time Mr Astill was arrested, Ms O'Toole had long left Dillwynia?

40

**MS WILSON:** I'm not sure.

**MR SHELLER:** And do you recall that Ms Martin had also left by the time Mr Astill was arrested?

45

**MS WILSON:** I can't recall if that was before or after Mr Astill got arrested.

L\351450662.1

**MR SHELLER:** If you accept from me that Ms O'Toole says that she ceased being at Dillwynia in late 2016 and that Mr Astill was arrested in February 2019, so two-and-a-bit years later, it's likely that any statement made - that statement  
5 made on parade before the arrest to officers not to spread rumours were said by Ms Martin?

**MS WILSON:** I'm assuming it would have had to be Ms Martin. I couldn't recall who it was.  
10

**MR SHELLER:** Yes, those are my questions. Thank you, Ms Wilson.

**COMMISSIONER:** Anybody else have a question?

15 **MS GHABRIAL:** Yes, I just have a question.

**<EXAMINATION BY MS GHABRIAL:**

**MS GHABRIAL:** Mrs Wilson, I just wanted to ask you to clarify something that  
20 was asked of you by Counsel Assisting. You were asked about whether the fact that you were married to another officer, being Mark Wilson, had put you in a position of conflict. I just wanted to ask you this: even though you were at the time of - or during the period of Astill's offending, were working at the same gaol, did you and your husband actually work together when you were at the gaol?  
25

**MS WILSON:** It's on a very rare occasion that we ever actually worked together and that would only be on a watch, a C or a B watch.

**MS GHABRIAL:** The majority of times that you worked at the gaol, would there  
30 be days that you just wouldn't see each other at all?

**MS WILSON:** Absolutely.

**MS GHABRIAL:** Was that a more common occurrence for you and your  
35 husband than the norm?

**MS WILSON:** Yes.

**MS GHABRIAL:** Not to so each other when were you on shift?  
40

**MS WILSON:** That's correct.

**MS GHABRIAL:** And were there occasions when you didn't even work the same  
45 shift as each other?

**MS WILSON:** Yes.

L\351450662.1

**MS GHABRIAL:** So just putting a percentage on it of the times that you were working on the same shift, percentage of times that you would actually be seeing each other and working together during those times?

5 **MS WILSON:** Very rarely.

**MS GHABRIAL:** Very rarely. Nothing further, thank you Commissioner.

10 **COMMISSIONER:** Anybody else?

**MR WATSON:** Nothing.

**COMMISSIONER:** Ms Davidson, nothing?

15 **MS DAVIDSON:** No, nothing further, Commissioner.

**COMMISSIONER:** Thank you, Ms Wilson. That concludes your evidence. You are excused.

20 **MS WILSON:** Thank you.

**<THE WITNESS WAS RELEASED**

25 **MS DAVIDSON:** Commissioner, the next witness is Mr Wilson, but I propose that the Commission adjourn until tomorrow morning.

**COMMISSIONER:** 10 o'clock?

30 **MS DAVIDSON:** Yes.

**COMMISSIONER:** Very well.

**<THE HEARING ADJOURNED AT 4.06 PM TO THURSDAY, 2  
NOVEMBER 2023 AT 10.00 AM**

L\351450662.1