



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

**PUBLIC HEARING
SYDNEY**

**THURSDAY, 2 NOVEMBER 2023
AT 10.00 AM**

DAY 15 – REVISION 1

APPEARANCES

**MR D. LLOYD SC appears with MS J. DAVIDSON, as Counsel Assisting
MR J. SHELLER SC appears with MS C. MELIS for Corrective Services NSW
MS J. GHABRIAL appears for a group of correctional officers
MR R. DEPPELER appears for a group of correctional officers
MR J. KADAR appears for two correctional officers
MR A. GUY appears for a group of correctional officers
MR C.J. WATSON appears for two correctional officers
MR E. JAMES appears for one correctional officer
MR A. WILSON appears with Mr Neilson for a group of correctional officers
MR T. McCAULEY appears for a CSNSW member of staff**

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<THE HEARING RESUMED AT 10.00 AM

MS DAVIDSON: Commissioner, I call Mark Wilson. He will take an oath.

5 **<MARK DAVID WILSON, SWORN**

<EXAMINATION BY MS DAVIDSON:

10 **MS DAVIDSON:** Mr Wilson, can you tell the Commission your full name?

MR M. WILSON: Mark David Wilson.

MS DAVIDSON: Your address is known to the Commission?

15 **MR M. WILSON:** It is.

MS DAVIDSON: Mr Wilson, did you prepare a police statement in relation to the police investigation of Astill on 23 July 2019?

20 **MR M. WILSON:** I did.

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

25 **MR M. WILSON:** Yes, they are.

MS DAVIDSON: Did you also prepare a statement for this Commission on 27 September 2023?

30 **MR M. WILSON:** Yes, that's correct.

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

MR M. WILSON: They are.

35 **MS DAVIDSON:** Commissioner, I tender together those two statements, which are found at Tabs 52 and 52A within Volume 7.

COMMISSIONER: They will be Exhibit 23.

40 **<EXHIBIT 23 TENDERED AND MARKED**

MS DAVIDSON: Mr Wilson, can you see a folder there that's labelled Volume 7?

45 **MR M. WILSON:** This one? Yes.

MS DAVIDSON: Yes. Can you take that and locate within it Tab 52A. If you need some assistance, we can organise that for you.

MR M. WILSON: Yes.

5 **MS DAVIDSON:** That's your statement to this Commission. Is it accurate to say that you, since around March or April 2014 when you returned to Dillwynia after a stint at another Correctional Centre, have worked continuously there as a First Class Correctional Officer?

MR M. WILSON: Yeah, that's correct. I did leave for four and a half years. Yep.

10 **MS DAVIDSON:** And you had also spent some time at Dillwynia between 2006 and 2009; is that right?

MR M. WILSON: That's correct, yes.

15 **MS DAVIDSON:** Did you work during - well, during the period at Dillwynia that you worked following 2014, did you work with Wayne Astill on occasion?

MR M. WILSON: On occasion, yes. He was often a Senior on an afternoon shift.

20 **MS DAVIDSON:** And was that a shift that you also frequently worked?

MR M. WILSON: On occasion, yeah. We're rostered, every - every roster period, some of those watches.

25 **MS DAVIDSON:** Was one afternoon shift that you worked with Officer Astill - former Officer Astill a shift in January 2016 that you also worked on with Officer Clark?

MR M. WILSON: That's correct, yes.

30 **MS DAVIDSON:** That's a shift in particular that you recall and refer to in your police statement?

MR M. WILSON: That's right.

35 **MS DAVIDSON:** Can you describe for the Commission what it was that you and Officer Clark saw on that afternoon shift in relation to where Officer Astill was and why that caused you concern.

40 **MR M. WILSON:** Myself and Officer Clark were facilitating medications for afternoon inmates in K Block, which is adjacent to J Block. We had sent an inmate down to the clinic to get medicated by the nurse. While we were there waiting, we noticed Astill come into the high needs area and go around to the rear of J Unit and not come out immediately. He was still around there. We - our inmate
45 returned from the clinic. We resecured her in the unit. I said to Clarky, "What the fuck's going on? Astill's over at J Block." We went over and looked up through - there's a glass door at each end of the corridor on J Left, and he was going out the back door again in -

MS DAVIDSON: So that indicated to you that he'd actually been inside -

MR M. WILSON: He was inside the unit.

5

MS DAVIDSON: - the unit?

MR M. WILSON: Yeah. I didn't see him access a cell, but it was just - being two glass doors, we could see him accessing the rear door. He came around the corner, and I fronted him about it.

10

MS DAVIDSON: And when you fronted him about it, what was his response?

MR M. WILSON: He said he was in the night Senior's office. He wasn't sure if anyone had checked the back gate. He'd gone up to check the back gate. And while he was at the back gate, he heard a noise or a disturbance in the unit, went in to check it out, but he checked it out and everything was okay.

15

MS DAVIDSON: Did that make sense to you as an explanation?

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MR M. WILSON: Not really. I said to him, "Wayne, there's two of us outside. We've got a video camera, cuffs, rescue tool." We carried a backpack in those days. I said, "If there was something that needed help, you should have given us a yell." He said, "Oh, mate, at Parklea we did that all the time. It's no big deal." Inmates were locked in cell and - I wasn't happy. I wrote it in my - my work diary, made a notation, yeah, that came up.

25

MS DAVIDSON: This was something that occurred in 2016, that is, some seven years or so after he'd come over from Parklea.

30

MR M. WILSON: Yes.

MS DAVIDSON: Did it strike you as strange that he was referring at that point to the way they used to do things at Parklea?

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MR M. WILSON: Yeah, I - there's no need, in my mind, to do that. He was very cavalier in his attitude to doing things.

MS DAVIDSON: So you indicate that you made a notation in your diary.

40

MR M. WILSON: Yeah.

MS DAVIDSON: Go to the page that's just before Tab 52A. Just flick to that cover page and then just go one page further forward. I'm sorry, not in your Commission statement. Go back the other direction. Turn over 52A. Just that previous page, before that, there's a photocopy of your work diary.

45

MR M. WILSON: Yes. Yeah, that's right.

MS DAVIDSON: It's upside down, so you might need to take it out of the folder and turn it around. But are you just able to indicate whether you recognise the notation that you made there?

5

MR M. WILSON: That's definitely my diary, yes.

MS DAVIDSON: Yes. And do you recognise making a notation on one of those? Is it on the Saturday, the 2nd -

10

MR M. WILSON: Yes, it is, actually.

MS DAVIDSON: - where there's a reference there to A Unit?

15 **MR M. WILSON:** Yes. Yep. That's all it was. I filed the diary away. I've kept all my diaries. And when Astill was arrested and I'd heard then that other people had made comments about him accessing the units, I went back and found the diary and made a statement to the detectives.

20 **MS DAVIDSON:** You said you'd heard that other people had made comments about him accessing the units.

MR M. WILSON: Yeah. That was -

25 **MS DAVIDSON:** Is that something you heard from other officers?

MR M. WILSON: Yeah, that was after his arrest. It sort of blew up a bit. There was a lot of people making statements to police in the gaol at that time.

30 **MS DAVIDSON:** I see. So had you heard from other officers before that time anything about him accessing the units?

MR M. WILSON: No. No. No, I spoke to Clarky about it - sorry, Glenn Clark, and we were both like, "Shit," you know.

35

MS DAVIDSON: That is, you spoke to Glenn Clark about it after he was arrested?

MR M. WILSON: Yeah. Well, at the time. Yeah. Absolutely.

40

MS DAVIDSON: Again, at the time, are we talking about at the time after he was arrested or at the time in 2016?

45 **MR M. WILSON:** Yeah, after he was arrested, for sure. I - I remembered that, and he assumed - I think he - I think he knew I made a notation at the time because we were out the front of the unit.

MS DAVIDSON: It was unusual enough for you to make a notation in your work diary in 2016. Did you consider at that point in January 2016 whether you needed to do anything else about it?

5 **MR M. WILSON:** No, not really. I mean, I don't know - like I said, I didn't actually see him do anything in the unit. Years later, in hindsight, I would say he was obviously up to no good. But I did not observe anything then. I - I accepted he was running the gaol that night, it's his centre, and I just thought it was a pretty dumb thing to do, but -

10 **MS DAVIDSON:** You say - if you can go to paragraph 9 of your police statement, which is Tab 52, so just before that photocopied page. Your police statement, so not the Commission statement. Yes. Just that previous page. That's the one. See paragraph 9 there?

15 **MR M. WILSON:** Yep.

MS DAVIDSON: You say there that you mentioned it to other staff after you saw what you'd seen on that shift in January 2016. Is that a reference to mentioning it to Mr Clark?

20 **MR M. WILSON:** Yeah, it was Mr Clark. The two of us were working as a pair. On the ground in these afternoon shifts, we split up into teams of two because we were going around opening units. So we would always work as a pair.

25 **MS DAVIDSON:** So there wasn't any other staff member that you mentioned it to?

MR M. WILSON: Not that I can recall, no.

30 **MS DAVIDSON:** Can you go back to the next tab in the folder, 52A, which is your Commission statement. Turn to paragraph 13.

MR M. WILSON: Yep.

35 **MS DAVIDSON:** You describe there on occasion having a social relationship with Tania Hockey.

MR M. WILSON: Yes.

40 **MS DAVIDSON:** Would you describe yourself as also having had a social relationship with Astill?

45 **MR M. WILSON:** Not really. He was in a group of people that we occasionally had, like, a barbecue or something like that from work. We had a social club on the complex. We used to have trivia nights and fundraisers and so on. So that was pretty much the (indistinct) from work. He did turn up to one of those nights. I think that was probably the first time I actually met him.

MS DAVIDSON: And where you say there was a group that would go outside of work that Tania was part of, who else was a member of that group?

5 **MR M. WILSON:** I'm trying to think. It was many years back. That - that club - social club has been closed for many years.

MS DAVIDSON: Okay. So that wasn't something that persisted into the -

10 **MR M. WILSON:** No, no.

MS DAVIDSON: - 2015 to 2018 period?

15 **MR M. WILSON:** Gosh, no. No, definitely not. It was probably around about 2008, 2009.

MS DAVIDSON: I see.

20 **MR M. WILSON:** Yep.

MS DAVIDSON: So around the time that Astill came over from Parklea?

MR M. WILSON: Yes.

25 **MS DAVIDSON:** Can you turn to paragraph 17. You describe Mr Astill there as "a bit of a sleaze". What was it that gave you the impression that he was a bit of a sleaze?

30 **MR M. WILSON:** Just sexual innuendo, jokes. He made comments. He made sort of sexualised comments about inmates.

MS DAVIDSON: Did he also make sexualised comments about other officers?

35 **MR M. WILSON:** I do believe so, yes.

MS DAVIDSON: That is, female officers. Did you witness that?

MR M. WILSON: I did not witness it.

40 **MS GHABRIAL:** I object. I understand your Honour will -

COMMISSIONER: Well, I'm going to.

45 **MS GHABRIAL:** (Indistinct) to answer, but I'm taking the section 23 objection because it goes to observations made by him. It's a question about his experience and observation and beliefs.

COMMISSIONER: May be. I require you to answer.

MR M. WILSON: Yeah, no, I didn't. I had heard of it; that was all.

5 **MS DAVIDSON:** Had you witnessed him making sexualised comments, sexual innuendo towards female inmates?

MS GHABRIAL: I object.

10 **MS DAVIDSON:** That question has been answered before, and objection -

COMMISSIONER: I require you to answer.

15 **MR M. WILSON:** Yeah, he did make sexualised comments about an inmate. I observed that myself.

MS DAVIDSON: Is that the incident that you describe in paragraph 17?

MR M. WILSON: Yes, it is.

20 **MS DAVIDSON:** Did you see that sort of comment made more than once?

MS GHABRIAL: I object.

25 **COMMISSIONER:** Well, look, can I just understand what the basis of the objection is.

MS GHABRIAL: Your Honour, the opening -

30 **COMMISSIONER:** What is the foundational problem?

MS GHABRIAL: The opening that was made by Counsel Assisting referred to the common law offence of misconduct in public office -

35 **COMMISSIONER:** Yes.

MS GHABRIAL: - in respect of various Correctional officers, not named. In those circumstances, that highlights the possibility of referrals. I don't know what's in Counsel Assisting's mind as to that.

40 **COMMISSIONER:** Well, no, there's a question before that. What could found the offence?

45 **MS GHABRIAL:** There's an obligation, as I understand it, under the Act and the Regulations to report misconduct and wrongdoing by officers. And so if an officer observes misconduct, then, as I understand it, there is an obligation under the Regulations and the legislation to report it.

COMMISSIONER: Well, that's different. So you're now suggesting that the problem here is he might be subject to proceedings for breaching the Regulation?

MS GHABRIAL: Yes.

5

COMMISSIONER: Not misconduct in public office?

MS GHABRIAL: No. There is a -

10 **COMMISSIONER:** Which one it is?

MS GHABRIAL: It depends on what has been observed and what the belief is and what the extent of that belief is and the wrongdoing that's been observed or is known of at a personal level. And so there can be a common law offence of
15 misconduct in public office, but there can also be a breach of the Regulations, which is why I'm taking the objection, because it is an objection that an answer to that - it can protect him in those -

COMMISSIONER: That sounds like a global claim to me, but -
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MS GHABRIAL: It's in respect of this question, and I will continue to object to questions along the lines of personal observations that are made that might give rise to knowledge of misconduct by another officer.

25 **MS DAVIDSON:** Commissioner, might I be heard in response to that?

COMMISSIONER: Please.

MS DAVIDSON: In relation to this witness, there is no intention on the available
30 evidence on Counsel Assisting's part to make any submission in respect of any either referral for the offence of misconduct in public office or a contravention of the Regulation.

MS GHABRIAL: I understand that that's the intention, but I still am obligated to
35 take the objection because -

COMMISSIONER: I don't think so.

MS GHABRIAL: Pardon?
40

COMMISSIONER: I don't think you are.

MS GHABRIAL: The way I understand the legislation, your Honour -

45 **COMMISSIONER:** Well, I can't stop you, but I would ask you to carefully reflect on what you're doing.

MS GHABRIAL: I am, and I'm taking the objections that I consider to be appropriate at the relevant time.

5 **COMMISSIONER:** Well, you've got leave from me -

MS GHABRIAL: I do.

COMMISSIONER: - to assist the Inquiry.

10 **MS GHABRIAL:** I do.

COMMISSIONER: That's what I would ask you to do.

15 **MS GHABRIAL:** I understand that, Commissioner, and I'm being very careful with the objections that I am taking. I am taking what your Honour is saying on board.

COMMISSIONER: Well, I'm not sure about that, but anyway let's proceed.

20 **MS GHABRIAL:** Thank you.

MS DAVIDSON: Commissioner, I'm afraid I can't now bring to mind what the wording of the last question was.

25 **COMMISSIONER:** Well, let that one pass and you can try again.

30 **MS DAVIDSON:** Yes, I think probably. Returning to the - paragraph 17, you refer in the last sentence to Astill having female inmates that he favoured and was doing things for. Can you explain to the Commission how you became aware of that?

35 **MR M. WILSON:** Probably I worked reception for quite a lot of that period of time. Astill used to come down there often and get inmates' property that was confiscated and return it to them and just things like that. There was quite a bit of that going on.

MS DAVIDSON: Do you recall the time period that that was occurring?

40 **MR M. WILSON:** I couldn't be sure. Probably around about - yeah, no, I'm not quite sure to put a date on it.

MS DAVIDSON: Was that during a period where Officer Berry or Officer Ridley were responsible for reception?

45 **MR M. WILSON:** Absolutely, yeah. Yeah.

MS DAVIDSON: So they were your seniors -

MR M. WILSON: They were my seniors.

MS DAVIDSON: - when you were working in reception; is that -

5 **MR M. WILSON:** They worked the day shift, which was the 8 till 4 shift, and I just did the CO work, the C watch shift, which was 1 till 9. We overlapped in the morning. And then when Ms Berry was off on leave, I filled in for her on the A watch, acting into her position.

10 **MS DAVIDSON:** Do you recall having discussions with Ms Berry or Mr Riddle in relation to Astill coming to reception to get confiscated property?

15 **MR M. WILSON:** Yeah, we had known he had attempted to get stuff out. The reception room ran strictly as per - as per policy. He tried to stand over me to return some property to an inmate, which I refused.

MS DAVIDSON: Is that the incident you describe at paragraph 19 involving Witness GG? The access to underwear?

20 **MR M. WILSON:** Yes. Yeah, it was. It was regarding - it was underwear that had been sent in via the mail that was stored in her property.

MS DAVIDSON: And did you discuss with Officer Berry or Officer Ridley actions that you might take to prevent Mr Astill from doing that?

25 **MR M. WILSON:** The actions that I took?

MS DAVIDSON: Well, did you discuss with them the idea of taking action to prevent that?

30 **MR M. WILSON:** No, I mentioned that he'd come down asking for that property. I knew he'd been in quite a bit of conflict with Ms Berry over property.

35 **MS DAVIDSON:** And did she discuss with you measures that you should take in relation to Astill trying to do that?

40 **MR M. WILSON:** Not really, because the action that I took was telling him to eff off, and I wasn't doing it. If I transact property on the computer system on OIMS, it leaves, like, a digital footprint of my - with my name on it, which I assume was why he wanted, and there's just no way. I'm not doing it. So he - he'd lost that battle and -

MS DAVIDSON: Was there an incident where you, in fact, hid property that was inmate property from Astill?

45 **MR M. WILSON:** Yes.

MS DAVIDSON: Can you describe that incident?

5 **MR M. WILSON:** It was the same inmate, GG. I - I personally had confiscated items from her cell that were not on her property, and I'm not sure how she acquired them. She came to the office afterwards and questioned me about it and said, "You took stuff from my room." And I said, "I did." And she said, "I want it back." And I said, "You told me you had a Sony Walkman on your property, but you got two." She said, "Yeah. Well, one was another inmate's, so can I have it back?" I said, "No. You've got 28 days to prove you own it, and it'll be returned." She said, "I'll go and see Mr Astill, and he'll get it back." So I hid the property.

10 **MS DAVIDSON:** Did you find that extraordinary, that you were hiding the property from another officer?

15 **MR M. WILSON:** Yeah. And -

MS DAVIDSON: Have you ever had to do that before?

MR M. WILSON: No. No, it was -

20 **MS DAVIDSON:** Did you ever have to do it again, other than when Mr Astill was -

25 **MR M. WILSON:** No. No, it was petty - it was petty, really, because I couldn't work out why he was so invested in - in sort of doing these sort of things.

MS DAVIDSON: A circumstance where you're having to hide an item of property from another officer, did that occur to you as being sufficiently serious as then to be drawn to attention of someone more senior than you?

30 **MS GHABRIAL:** I object.

COMMISSIONER: I require you to answer.

35 **MR M. WILSON:** Yeah, I - like I said, I had my seniors that I worked through. My understanding was I just report it up to my line manager.

MS DAVIDSON: Did you report it to your seniors -

40 **MR M. WILSON:** Yeah -

MS DAVIDSON: - that you were hiding property -

MR M. WILSON: I - I believe Ms Berry had hidden items also.

45 **MS DAVIDSON:** I'm sorry?

MR M. WILSON: I believe Ms Berry had hidden items as well. Maybe that's where I got the idea, I don't know.

MS DAVIDSON: Do you recall discussing it with her, though, reporting to her that you had to hide -

5 **MR M. WILSON:** Yeah, I said I -

MS DAVIDSON: You describe the item as an Islamic prayer mat.

10 **MR M. WILSON:** Yeah. He - he claimed it was a yoga mat.

MS DAVIDSON: Yes. But whatever it in fact was, that was the item that you hid; is that right?

15 **MR M. WILSON:** That's correct.

MS DAVIDSON: Do you remember telling Ms Berry that that's what you'd done?

MR M. WILSON: Yeah, I do believe so.

20 **MS DAVIDSON:** And do you recall what her response was?

MR M. WILSON: She indicated she had to put some items into another area. They were valuable items like jewellery, I believe.

25 **MS DAVIDSON:** Can you go to paragraph 28 of your statement. Just have a read of that.

MR M. WILSON: Yep.

30 **MS DAVIDSON:** You see in the second sentence there, you indicate that you'd never thought about reporting another officer on an officer's report. Do you know why that was?

35 **MR M. WILSON:** No. Honestly, I never thought I'd have to report another officer for any - anything. I'd assume we'd just - that would just be something that would be dealt with by management if we took it to management.

40 **MS DAVIDSON:** Do you recall being told about not putting another officer down on paper at some point?

MR M. WILSON: I believe that was the old culture of the gaol system, for sure.

45 **MS DAVIDSON:** Did you understand that to be a culture that was operating at Dillwynia at this time?

MR M. WILSON: I wouldn't say that so much. I believe a lot of us were considered newer officers also, in - in as far as the prison system. We came in,

new centre, new officers, new way of doing it. We worked on the way forward system that was -

5 **MS DAVIDSON:** Later on that in that paragraph, you say at that time in the gaol there was a question about managers' discretion. Do you know, if you told them something, would it be treated confidentially?

MR M. WILSON: Yep.

10 **MS DAVIDSON:** Did you have experience in relation to things that you told managers not being treated confidentially?

15 **MR M. WILSON:** Not myself personally, no. I did hear of other officers saying that they'd had put reports in, and they were left on the desk where people could read them and - it was stuff like that; that was all.

MS DAVIDSON: Did you understand that related to Astill?

20 **MR M. WILSON:** No. No, I don't believe it did.

MS DAVIDSON: You say you were aware that Astill - this is paragraph 28 again - was best friends with Leanne O'Toole?

25 **MR M. WILSON:** Yep.

MS DAVIDSON: And was it as a result of that that you - part of a result of that that you queried whether to report the J Block incident?

30 **MR M. WILSON:** Yeah, for sure. I was guarded.

MS DAVIDSON: Were you worried about what Leanne O'Toole - what steps she might take if you made a report in relation to that?

35 **MR M. WILSON:** I think she would have probably believed his story or just said he was responding to a disturbance to check it out.

MS DAVIDSON: Did you understand it to be potentially a compromise to the security of the gaol?

40 **MR M. WILSON:** Yeah, it's not -

MS DAVIDSON: That is, an officer alone going into the J Block?

45 **MR M. WILSON:** Yeah, it's - it's not a done thing. That's why there's always two of us. We access units after hours all the time. We do it constantly.

MS DAVIDSON: But always with two officers?

MR M. WILSON: But there's always - yeah, I wouldn't open a door - none of us would open a door without a second officer present.

5 **MS DAVIDSON:** Can you see paragraph 37. You're talking there about inmate capacity to make complaints and beliefs that inmates hold. Then you say there at the end of the paragraph:

"I think a lot of the inmates believed that because they're inmates, they may not be taken seriously. I've heard that first-hand."

10 Is that something you've heard first-hand recently?

MR M. WILSON: Yeah, I still think there is an "us and them" mentality - I don't think inmates are overly trustworthy of the authorities. And I guess I don't know
15 that you're ever going to change that entirely. I believe that's a -

MS DAVIDSON: Go to paragraph 73 of your Commission statement. You're responding there to a question about whether you knew anything about what Astill was doing while he was doing it in relation to sexual assaults against inmates. You
20 say, no, you weren't aware of that, but you were aware of unethical things?

MR M. WILSON: Yeah, I'm just talking about -

MS DAVIDSON: What are you referring to there?
25

MR M. WILSON: The - the property - property things.

MS DAVIDSON: The accessing of inmate property?

30 **MR M. WILSON:** Yeah, that's - we've got a policy, and that's what he was doing, was - or attempting to do - attempting to get me to do was outside of the policy. That's why I felt that was a bit -

MS DAVIDSON: Was it - when he was accessing the property, was that around
35 the same time, do you think, of the incident that you and Officer Clark witnessed with the J Block? Are you able to say whether it was before or after or around -

MR M. WILSON: I think it was probably after, just - I'm trying -

40 **MS DAVIDSON:** The access to the property?

MR M. WILSON: Yeah, I'm just trying to put a timeline on it. Yeah, it would have probably been afterwards.

45 **MS DAVIDSON:** And did his attempts to access inmate property that you'd confiscated cause you, in your own thinking, to ask more questions about what you'd seen in relation to him going into J Block?

MR M. WILSON: I didn't tie those two things together at all. I mean, that was a protection wing. I know the - the other inmate in question with the property did not live up in that area at all. I - I just didn't tie it; it was just a thing - and he asked me to access the property. I just told him to - to - I just wasn't going to do it.

5

MS DAVIDSON: Do you recall a parade before Astill was arrested at which Shari Martin referred to the officers as "a pack of cunts"?

MR M. WILSON: I'd heard that second-hand. I did not witness it.

10

MS DAVIDSON: When you heard that second-hand, do you recall who you heard it from?

MR M. WILSON: No, I couldn't tell you. It was - it was quite a fair few years back, but - no.

15

MS DAVIDSON: Do you recall discussing it with Mrs Wilson?

MR M. WILSON: Yeah, possibly. Yeah, quite possibly. We had a -

20

MS DAVIDSON: Do you have an actual recollection of having that discussion?

MR M. WILSON: Yeah, I'm - not an actual recollection, but, yeah, I'm sure I would have.

25

MS DAVIDSON: Do you recall around the time of that happening, being aware of - that is, in 2018 - sometime in 2018, being aware of rumours in relation to Astill and his behaviour in the gaol?

MR M. WILSON: Yeah, there was a rumour about the coffee - sorry, the Coke can that was shared with an inmate, but I'm not sure. I didn't observe it. I'd heard of it - I heard other officers observed it from -

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MS DAVIDSON: Had you heard other rumours, apart from the Coke can incident, in relation to Astill's behaviour with inmates?

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MR M. WILSON: Probably towards the end of 2018, I'd heard a rumour that he was being investigated for improper conduct. That's all I'd heard. And I didn't witness it, but I'd heard staff say that he was going around screaming out, "I'll have their fucking houses if they keep talking shit about me," something along those lines.

40

MS DAVIDSON: Directed to staff?

MR M. WILSON: Yeah.

45

MS DAVIDSON: Did you know what that was about?

MR M. WILSON: Just I assumed it was to do with the allegation that he was being investigated or the - the - the rumour that he was being investigated, I believe.

5 **MS DAVIDSON:** And had you heard at that time what he was being investigated for -

MR M. WILSON: No, no.

10 **MS DAVIDSON:** - apart from improper conduct?

MR M. WILSON: No, no.

MS DAVIDSON: Those are my questions, Commissioner.

15

COMMISSIONER: Mr Wilson, the impression - the general impression your evidence gives is that Dillwynia was not a very happy place to work; is that right?

MR M. WILSON: It had a bit of a -

20

COMMISSIONER: Just make sure you talk into the microphone. Just bring the microphone across.

MR M. WILSON: Sorry. Yeah, at times, it wasn't. When I initially went there, I thought it was the best place I'd ever worked. But, yeah, it - it got a bit sour.

25

COMMISSIONER: What, to your observation, caused it to go, as you put it, a bit sour? What was happening?

30 **MR M. WILSON:** I think the - the morale drops, and when morale drops in the centre, the sick leave increases.

COMMISSIONER: Could you identify why the morale dropped?

35 **MR M. WILSON:** I couldn't put a finger on it. It's just like a general mood, I guess.

COMMISSIONER: You speak in your statement about interactions and observations of Mr Astill. Was he the source of problems for others in the centre?

40

MR M. WILSON: I think he was a cause of a lot of frustration, for sure, yeah.

COMMISSIONER: Frustration in what way?

45 **MR M. WILSON:** Allowing us just to do our job.

COMMISSIONER: You mean he wasn't allowing you to do your job?

MR M. WILSON: Well, he was interfering with the way I did my job in respect to the evidence I gave earlier regarding property and so on and things like that. That was very frustrating. Observing him going into the unit too, that puts us all in a bit of a shitty position, for want of a better term, too, you know.

5

COMMISSIONER: Well, there's probably no better term, but shitty position in the sense that you knew he was doing wrong, but you didn't -

MR M. WILSON: Yeah.

10

COMMISSIONER: You didn't know how to respond to it?

MR M. WILSON: How to respond to it. I - I just - as I said earlier, I thought he had a - a very cavalier sort of an attitude to - to the place. He -

15

COMMISSIONER: And your inability to respond - you and others to respond effectively, I assume, had to do with your lack of confidence in the management above you?

20

MR M. WILSON: Yeah, I knew there was a very strong friendship there.

COMMISSIONER: Well, let's be clear. You're talking about the friendship between Astill and Shari Martin?

25

MR M. WILSON: Probably - yes, but probably more so with Leanne O'Toole, who was the - the MoS of the gaol. We - we'd see them out at the club if we were out. They - they socialised. They were on social media and everything, yeah.

30

COMMISSIONER: So am I to understand that from your perspective, the effective management of the gaol was compromised by those relationships?

MR M. WILSON: I feel so, yeah. I didn't have the confidence - I never had problems with Leanne or Shari. However, I didn't feel confident that I would go and report that what I - what I'd observed with Mr Astill.

35

COMMISSIONER: Now, you also know - no doubt you've been following the evidence given to this Inquiry - that the inmates felt unable to report problems.

MR M. WILSON: Yes.

40

COMMISSIONER: Have you thought about what might be done differently in the structure of the gaol, or indeed facilities outside it, to ensure that inmates who were suffering very serious assaults had somewhere to go?

45

MR M. WILSON: Yeah, I think something does need to - inmates are probably not so trusting of the staff. I think that's - it's an ingrained thing. We're in uniform. It's probably intimidating, I would say for sure.

COMMISSIONER: Well, that may well be right, but have you got any thoughts as to how - given the extreme circumstances that emerged here, have you given any thought to how the inmates might be able to bring these matters to attention; in other words, overcome their fear of the officers?

5

MR M. WILSON: Yeah, if they had a direct reporting or - to the outside maybe via their phones or whatever. I know they have the support line. They can contact the Ombudsman's Office.

10 **COMMISSIONER:** Now, just finally, back to your observations of Mr Astill. You knew that you were being asked to do things that you shouldn't have been asked to do; is that right?

MR M. WILSON: That's right.

15

COMMISSIONER: You knew that he was doing things which he shouldn't have been doing; correct?

MR M. WILSON: Yep.

20

COMMISSIONER: You didn't know that he was sexually assaulting or engaged sexually with inmates?

MR M. WILSON: Definitely not, no.

25

COMMISSIONER: But you had observed him to have what you would, as I understand it, not accept as an appropriate approach to females?

MR M. WILSON: Yep.

30

COMMISSIONER: Did it ever occur to you that you should be doing something to try and ensure that Mr Astill did the right thing rather than the wrong thing?

35 **MR M. WILSON:** Yeah, like I said, I just didn't feel - I probably know now more about reporting arrangements I could do that might have been bypassing management. I had - Mr Westlake sat down with me once, and we did an IR, which he walked me through, but that was over organised drug activity. I'd never considered that you could actually use that for an officer. We have never really been trained that.

40

COMMISSIONER: So is that putting your finger on a lack of training as being a reason why reporting couldn't occur or didn't occur?

MR M. WILSON: I'm sure that's a big part of it. Specific training, anyway.

45

COMMISSIONER: Yes. Thank you. Mr Sheller?

MR SELLER: Ms Melis. Thank you.

MS MELIS: Thank you, Commissioner.

<EXAMINATION BY MS MELIS:

5

MS MELIS: Mr Wilson, my name is Christine Melis. I'm one of the legal representatives for Corrective Services.

MR M. WILSON: Yep.

10

MS MELIS: Mr Wilson, did you on occasion work in the control room at Dillwynia?

15

MR M. WILSON: I did on occasion, yeah. Yeah, we rotated through there on the evening shifts.

MS MELIS: So you were familiar with the operations of the control room?

20

MR M. WILSON: Yeah. As it was then, yes. Yeah.

MS MELIS: In circumstances where an officer has opened or breached the door of J Unit, what would an officer in the control room observe or hear?

25

MR M. WILSON: I don't believe the alarms are audible. There's a floor plan - it's - the system that we had then, which is totally redundant now - and it did break on occasion - was called IVSS. There's a floor plan of the centre, and all the external doors to all of the units - not just J Unit but every accommodation unit in the gaol, plus the gatehouse and any security posts, would turn red when they were opened.

30

MS MELIS: The red indicating that that door had been breached?

MR M. WILSON: The door is unlocked, yes.

35

MS MELIS: And when the light turned red, would that prompt the officer in the control room to do anything?

40

MR M. WILSON: Yeah. I mean, if you know what's going on on the ground - often there's been a knock-up or a cell alarm to a unit - we'll send staff up. The control room has actually asked them to go to that unit. But generally as a courtesy, you'd radio that you were opening the unit, as a courtesy to the control room officer, and then you had resecured it. On occasion, we're busy, like putting court returns away, and they take them up with them in the unit and forget to tell the control they've resecured it. Generally the control room officer should follow up with that, with a radio call to the ground staff.

45

MS MELIS: To find out who's down there and what's going on?

MR M. WILSON: (Indistinct) someone access that unit. Occasionally those - that system, we would have a door that would just stick. It would be red for three days. We could not reset it. We'd have to get the technicians in to do it. The IVS used to break a bit. In those circumstances, the control would usually radio and get the ground officers to actually go and check the door, because there's nothing more secure than actually checking it.

MS MELIS: The alarm of - having alarms on the external doors like you've just described and giving indications to the control room when a door has been opened or breached is to ensure the security of the gaol; is that correct?

MR M. WILSON: Yeah. Yeah, the - yeah, for sure. It doesn't pick up if an inmate kicks a window out and they all walk out. It won't go off.

MS MELIS: Mr Wilson, take it from me that Ms Leanne O'Toole left Dillwynia in late 2016. Just accept that.

MR M. WILSON: Yeah. I do believe it was around there, yeah.

MS MELIS: Yes. After she left, did you observe any differences in the management of the gaol or in the culture of the gaol?

MR M. WILSON: No, nothing I could overly put. No.

MS MELIS: With her removal, did you feel more comfortable going to management with any concerns that you had?

MR M. WILSON: Possibly. I never really - really had to - had to do that.

MS MELIS: Those are the matters.

COMMISSIONER: Yes. Anyone else? I think I have all nos. Yes, Ms Davidson.

MS DAVIDSON: Nothing further, Commissioner.

COMMISSIONER: Yes. Thank you, Mr Wilson. That's your evidence. You're excused.

MR M. WILSON: Thank you, Commissioner.

<THE WITNESS WAS RELEASED

MS DAVIDSON: Mr Lloyd will take the next witness, Commissioner.

MR LLOYD: I call Mishelle Robinson.

<MISHELLE ROBINSON, SWORN

COMMISSIONER: Take a seat, please.

<EXAMINATION BY MR LLOYD:

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

MS ROBINSON: Mishelle Elaine Robinson.

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

MS ROBINSON: It is.

15 **MR LLOYD:** Ms Robinson, you made a statement to this Commission, and you did that on 3 October 2023?

MS ROBINSON: I did.

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

20 **MS ROBINSON:** It is.

MR LLOYD: Commissioner, the statement is behind Tab 81 in Volume 8, and I tender it.

25 **COMMISSIONER:** It will become Exhibit 24.

<EXHIBIT 24 TENDERED AND MARKED

30 **MR LLOYD:** Ms Robinson, can you find, in those two folders there, the one that's Volume 8. And the other one can be removed. Go to Volume 8 and just turn up Tab 81.

MS ROBINSON: Yep.

35 **MR LLOYD:** That document in front of you is your Commission statement?

MS ROBINSON: Yes, it is.

40 **MR LLOYD:** In paragraph 4, you tell us about your professional history. You've worked for Corrective Services for 18 years?

MS ROBINSON: That's correct.

45 **MR LLOYD:** You commenced in 2005 at Dillwynia?

MS ROBINSON: That's correct.

MR LLOYD: And then in September of this year, you moved to the Amber Laurel Correctional Centre?

MS ROBINSON: That's correct.

5

MR LLOYD: And it sounds like you had a pretty terrible experience there?

MS ROBINSON: I did.

10 **MR LLOYD:** What I want to ask you about is just some things that you saw, heard or observed in your time at Dillwynia. So I won't be asking you about that subsequent experience.

MS ROBINSON: Okay.

15

MR LLOYD: Can you have a look, please, at paragraph 21 of your statement. Just re-read that to yourself.

MS ROBINSON: Yes.

20

MR LLOYD: Now, I just want to ask you what your understanding was of the system, so far as you were concerned, if an inmate came to you with an allegation or a disclosure of misconduct by another officer. What would you, on your understanding, be required to do next?

25

MS ROBINSON: I would actually take that to possibly my Senior or the Chief Correctional Officer in the area, so then the inmate could actually speak to someone higher than me.

30 **MR LLOYD:** So in what you've described so far, your understanding of your requirements was that you would make a decision about where to go with information of that kind in the hierarchy?

MS ROBINSON: Yes.

35

MR LLOYD: Were you ever told about what procedure you should adopt when you're armed with information involving allegations of misconduct by another officer?

40 **MS ROBINSON:** No, I don't believe I've ever been told.

MR LLOYD: Left to work out - work it out for yourself, in effect. Is that fair?

MS ROBINSON: That's fair.

45

MR LLOYD: The system you describe at the end of paragraph 21:

"The inmate could ask the staff to speak to the MoS or Governor, and the staff would call them and ask for an appointment for the inmate or send an email."

5 Do you see that?

MS ROBINSON: Yes.

10 **MR LLOYD:** And then in saying that, though, the chain of command should be followed. The First Class Officer would go to their Senior, who would go to the Functional Manager, who would go to the MoS, who would go to the Governor. Do you see that?

MS ROBINSON: Yes.

15

MR LLOYD: Do you see a potential problem with that system in circumstances where the First Class Officer has a complaint made to them by an inmate about another officer in the gaol?

20 **MS ROBINSON:** I can see the problem, because there's so many steps that we have to follow to get to the top, yes.

25 **MR LLOYD:** Well, that's what I wanted to ask you about. On that scenario - obviously an allegation of misconduct by an officer is something that has the potential to be spread around in terms of rumours within the gaol. Is that fair?

MS ROBINSON: That's fair.

30 **MR LLOYD:** What you're describing here is your understanding of a system which would see information brought by the inmate to the First Class Officer being shared with all of those people in the hierarchy before it gets to the Governor?

35 **MS ROBINSON:** Yes.

40 **MR LLOYD:** And that doesn't seem like a very good system in terms of keeping information that might be regarded as private or confidential from the inmate having that information treated properly; is that right?

MS ROBINSON: Yes.

45 **MR LLOYD:** In your experience, that system - did that have the effect, in your mind, of encouraging or discouraging you and, to your knowledge, people at your rank from reporting information or allegations about misconduct by other officers up the line?

MS ROBINSON: I don't think so. I think just as a First Class Officer, we are very used to reporting up the chain.

5 **MR LLOYD:** And in terms of - I've asked you about training or information you had about what to do. What you're describing there is broadly a hierarchical structure within the gaol in terms of reporting; correct?

MS ROBINSON: Sorry, can you just -

10 **MR LLOYD:** What you're describing here is a very hierarchical structure, from your perspective, within the gaol when reporting?

MS ROBINSON: Yes.

15 **MR LLOYD:** And no deviation or difference, so far as you were aware, where the information concerns misconduct by another officer, that is, the hierarchical structure still applies in your -

20 **MS ROBINSON:** It - it does apply. It also does depend on the officer, if they were comfortable to go speak to the hierarchy, so to speak, which would be the MoS or the Governor.

25 **MR LLOYD:** So subject to the discretion of the particular officer, you could go outside that hierarchy if it was sufficiently important?

MS ROBINSON: You did have that option if you felt comfortable to do so, yes.

30 **MR LLOYD:** This Commission has heard a good deal of evidence about a very close relationship between Astill and Leanne O'Toole.

MS ROBINSON: Yes.

MR LLOYD: Were you aware?

35 **MS ROBINSON:** Yes.

40 **MR LLOYD:** And in terms of what you're describing there, if you were to go through the hierarchy, if a complaint came to your attention, or someone in your rank, about Astill, one of the steps, if you followed the hierarchical approach, would see the Manager of Security informed of that complaint?

MS ROBINSON: That's correct.

45 **MR LLOYD:** At the time that Leanne O'Toole was in that position, that sounds like a serious impediment to following that hierarchical kind of reporting?

MS ROBINSON: It does.

MR LLOYD: Would that be a situation where, in your view, it would justify an officer at your rank bypassing the hierarchy and going effectively straight up to the Governor, for example?

5 **MS ROBINSON:** That - that would be a possibility for someone to do.

MR LLOYD: In terms of other options if information about misconduct by an officer came to your attention, you deal with this in paragraph 24 of your statement. You, I think, tell us that you weren't aware of any ability for officers to
10 make reports that went outside of the gaol?

MS ROBINSON: That's correct.

MR LLOYD: That is, never trained about an ability to make a report to the
15 Corrections Intelligence Group or some agency outside the gaol?

MS ROBINSON: No. I - I have since heard of that. I remember when I was being asked questions for the Commission, if I knew a function on the computer system, I had to actually clarify what that was because I actually wasn't sure what it was.
20 I do remember being shown the function, but my belief was that anything that was recorded actually came straight back to the Governor.

MR LLOYD: There's a function - you deal with this - you don't need to go to the part of your statement - it's paragraph 37 - that - I think what you're referring to is
25 the SIU function?

MS ROBINSON: Yes, it is.

MR LLOYD: You were not aware of that at any time that you were at Dillwynia
30 during Astill's offending?

MS ROBINSON: I do believe that I had been shown that. I couldn't tell you at what time in my career I have been shown that. But my understanding was if I recorded through that, it would then come back to the Governor.
35

MR LLOYD: Never told that there was an ability to make a confidential complaint outside the gaol that the Governor would not know about. Is that fair?

MS ROBINSON: No. That's fair.
40

MR LLOYD: Can I ask you about what knowledge you had either of rumours about Astill having inappropriate sexual contact with inmates or other information that came to your attention. I want to start by asking you to re-read paragraph 57. And I see you've got the pseudonym list there to match up -
45

MS ROBINSON: Yeah.

MR LLOYD: - Witness C with the name.

MS ROBINSON: Yep.

5 **MR LLOYD:** So what you're describing in that paragraph is rumours about Astill and Witness C in relation, first, to an incident involving a can of drink?

MS ROBINSON: Yes.

10 **MR LLOYD:** And then, second, in relation to a ring?

MS ROBINSON: Yes.

15 **MR LLOYD:** What did you hear about the relationship between Astill and Witness C?

MS ROBINSON: About a relationship, other than - that I had heard that there was the Coke can incident where he must have been escorting her somewhere. I'm not sure if he had the Coke can, she had the Coke can. One of them had a sip. Witness C grabbed the can, had another sip, rubbed it across her breast and handed it back to Mr Astill.

MR LLOYD: So you heard people talking about that event?

25 **MS ROBINSON:** Yes.

MR LLOYD: Did you hear speculation or rumours about what that meant about the relationship between Astill and Witness C?

30 **MS ROBINSON:** No.

MR LLOYD: Did you think about, for yourself, what that kind of event, if true, might have suggested about their relationship?

35 **MS ROBINSON:** Me, at the time, I thought it was very inappropriate, when I heard that.

MR LLOYD: It's suggestive, isn't it, of some form of what might appear to be intimacy or closeness? Do you agree?

40 **MS ROBINSON:** I don't know about intimacy, but closeness and inappropriate.

MR LLOYD: But however you describe it, in your view, inappropriate relationship?

45 **MS ROBINSON:** Inappropriate, yes.

MR LLOYD: Was that event being widely discussed amongst the officers?

MS ROBINSON: This is so long ago. I'm sure it - I'm sure it was. That's not the norm. That's not how officers behave. We don't share food or drinks with - with inmates. So I'm sure at the time, yes.

5 **MR LLOYD:** And even if there was sharing of food or drinks, the added thing you described here is the particular inmate rubbing the can of Coke on her breasts while she -

MS ROBINSON: Yes.

10

MR LLOYD: That's an added dimension of inappropriateness?

MS ROBINSON: Yes.

15 **MR LLOYD:** That sounds like the sort of thing that might become the talk of the gaol amongst the officers. Is that the way you experienced it?

MS ROBINSON: Well, I - I don't have a great recollection of the rumour mill, but it's - it's very out of the norm. So, yes, it would have been.

20

MR LLOYD: What about what you can remember in terms of the talk about the incident involving the ring and Mr Astill? Can you tell us about that?

25 **MS ROBINSON:** So I'm not sure if that was so much talk of the gaol because I also, like the previous witness, worked in the reception room area with Officer Berry. So I can't remember if it was the talk of the gaol or if it was just talk in the area that this ring was confiscated off Witness C.

30 **MR LLOYD:** Did the talk extend to Astill intervening on behalf of Witness C in relation to this incident?

MS ROBINSON: I had been told that, yes.

35 **MR LLOYD:** And do you remember whether, just from your own perspective, whatever you heard, that that was another example of what appeared to be an inappropriately close relationship between the two?

40 **MS ROBINSON:** I'm not sure if I thought it was inappropriate. I don't think I understood why you would aggressively chase it up so much.

MR LLOYD: Do you remember - in terms of the talk amongst officers about this particular incident, were officers saying that this suggested some sort of inappropriately close relationship between them?

45 **MS ROBINSON:** I don't remember that. And like I said, I'm not sure if I'm just aware of that because I was in the reception area and I was working with Ms Berry. I don't remember talk of that. I - I do remember the Coke can incident.

MR LLOYD: Thank you. Can I ask you about paragraph 59. You talk about another incident. Just re-read that to yourself.

MS ROBINSON: Yes.

5

MR LLOYD: That's involving inmate Witness GG on that list. You'll probably have to go to page 2.

MS ROBINSON: Yes.

10

MR LLOYD: You talk of - I withdraw that. You speak in paragraph 59 of talking about Astill bringing make-up in for the inmate.

MS ROBINSON: Yes.

15

MR LLOYD: Do you see that?

MS ROBINSON: Yep.

20

MR LLOYD: So that inmate - that make-up, that was contraband that the inmate wouldn't ordinarily have access to?

MS ROBINSON: That's correct.

25

MR LLOYD: And obviously enough, inmates having access to contraband is something that would, if known, require some action or response?

MS ROBINSON: Yes.

30

MR LLOYD: And what was the talk about Astill's involvement in the contraband that GG had?

MS ROBINSON: So I believe, on that occasion, I was afternoon shift in reception area, and I'd come in, and they had actually done a search of GG's cell and had found items of contraband. And it was going to go into confiscated property, and I do remember Renee Berry saying that she was doing a report about that. I'm not sure what else was there. I just remember the pallet, but it wasn't - this wasn't gaol gossip; this was just between me and my senior.

35

40

MR LLOYD: Who was your senior?

MS ROBINSON: Renee Berry.

MR LLOYD: You are married to Westley Giles?

45

MS ROBINSON: I am.

MR LLOYD: And can you remember having discussions with your husband about Astill - just deal with the period between 2015 and 2018 - about Astill's behaviour generally at the gaol?

5 **MS ROBINSON:** No, we actually have a rule where we don't talk about work. We don't want to work at the same gaol, then come home and talk about work.

MR LLOYD: So no discussion about work outside of the workplace?

10 **MS ROBINSON:** That's correct.

MR LLOYD: Do you remember talking to him in the workplace about Astill?

MS ROBINSON: No, I don't.

15

MR LLOYD: Any idea of what he thought of what Astill was doing?

MS ROBINSON: No, I don't.

20 **MR LLOYD:** What about generally? I've asked you about Witness - or inmate GG, and I've asked you about Witness C. What about generally? Can you remember discussion amongst the officers about Astill in this period 2015 to 2018?

25 **MS ROBINSON:** I - honestly, again, because it is such a long time ago, it's hard to remember what everyone said. The thing that stands out to me is the Coke can incident.

30 **MR LLOYD:** You don't remember other general talk about Astill being a sleaze or a grub?

MS ROBINSON: That was just known. That was just - sometimes it didn't have to be discussed. Like, he - he was a very arrogant man.

35 **MR LLOYD:** When you say "just known", are we to understand from that that there was discussion between officers about Astill being a sleaze, but you just can't remember the details? Is that the sense of it?

40 **MS ROBINSON:** I don't - look, I don't recall him being called a sleaze. I just knew it in myself. I - I think it's probably something that - when you work with people for a long time, you don't come out every day and say, "Guess what? Astill's a sleaze," or, "Mary Jane's a lovely person." I think it's just known with the staff. So I don't remember people saying he was a sleaze. I just know what I thought of him.

45

MR LLOYD: You thought he was a sleaze?

MS ROBINSON: Yeah, I - I did think he was a sleaze.

MR LLOYD: And your sense of it was that you weren't the only one that had that view; is that -

5 **MS ROBINSON:** That - that's correct.

MR LLOYD: You just can't - I'm not being critical, but you just can't remember specific -

10 **MS ROBINSON:** No, I can't. I can't.

MR LLOYD: Did you hear him be called "Teflon"?

15 **MS ROBINSON:** No.

MR LLOYD: Did you ever hear the suggestion that there was no point making any complaints about him because none of it ever stuck?

20 **MS ROBINSON:** No.

MR LLOYD: Can I ask you if you remember a specific incident the Commission has heard some evidence about. Do you remember an inmate Elizabeth Cox?

25 **MS ROBINSON:** Yes.

MR LLOYD: Have you spoken to her more recently about her experiences with Astill?

30 **MS ROBINSON:** I have.

MR LLOYD: Can I ask you for your response to something that Ms Cox has told this Commission in her evidence. In around about the middle of the year 2018 - I'll give you the timeframe - she says that she'd been having a dispute with Astill where she was saying that Astill had falsely altered the results of a urine sample to turn a clean result into a dirty result. Now, first, do you remember hearing anything about this particular dispute?

40 **MS ROBINSON:** I do remember something to do with - something to do with the urine and (indistinct) inmate.

MR LLOYD: She told the Commission that there'd been this argument between her and Astill about this issue, and at some point Astill asked you to come over and take her to high needs.

45 **MS ROBINSON:** Okay.

MR LLOYD: Is this ringing a bell?

MS ROBINSON: I can remember escorting her from medium needs Chief's office to BIU area. I can't remember taking her to high needs area.

5 **MR LLOYD:** But you have a recollection at some point of escorting her from medium needs elsewhere within the gaol?

MS ROBINSON: Yes.

10 **MR LLOYD:** Do you have a recollection that that was something you did at the direction of Astill?

MS ROBINSON: Yes.

15 **MR LLOYD:** And of course, in terms of your role, there'd be nothing so very unusual about a very senior officer like Astill summoning you and asking you to move an inmate from one place to another; correct?

20 **MS ROBINSON:** That's correct. I'm assuming my post for the day was security ops, which part of my job is escorting.

MR LLOYD: Ms Cox says that when you arrived, she was yelling across the compound at Mr Astill as she was being moved.

25 **MS ROBINSON:** Yes.

MR LLOYD: Do you remember an incident like this where Ms Cox was yelling or screaming at Astill?

30 **MS ROBINSON:** Yes.

MR LLOYD: That sounds like the sort of thing that would stick in your memory in terms of an inmate screaming at a senior officer?

35 **MS ROBINSON:** Yes.

MR LLOYD: Unusual situation?

MS ROBINSON: Not - not unusual.

40 **MR LLOYD:** What did you think of Ms Cox? Credible inmate?

MS ROBINSON: Yes, I've - I've known her for quite some many years and I've always had a good rapport with her.

45 **MR LLOYD:** And the sense I have from her evidence is that in the most recent discussions she's had with you, you and she have a good relationship; is that right?

MS ROBINSON: Yes.

MR LLOYD: She said that when she was screaming at Astill across the compound as you were taking her from medium needs that what she was saying or screaming was that Astill had been touching young girls, changing urine samples and bringing in drugs and contraband. That's what she told us in her evidence.

MS ROBINSON: I - I do not recall that being said.

MR LLOYD: Just in terms of the likelihood here, you have a memory of the event broadly, that is, escorting Ms Cox at Astill's direction?

MS ROBINSON: Yes.

MR LLOYD: A memory of her screaming things at him?

MS ROBINSON: Yes.

MR LLOYD: But you don't have a memory of what it is she was screaming?

MS ROBINSON: I remember one thing that she was screaming, and one thing only.

MR LLOYD: What was that?

MS ROBINSON: I remember her saying, "Just 'cause I don't suck your cock."

MR LLOYD: What did you think when you heard that?

MS ROBINSON: I actually thought that she was being vindictive. I had been told I was escorting this inmate who had a personal gripe against Mr Astill, that she was to go to the BIU area, so not to be around each other. I - I thought it was a personal gripe. I thought it was an angry inmate.

MR LLOYD: Did you think that - in terms of the particular thing that you remember that what it was suggesting was at least an allegation that other women were performing oral sex on Astill? Did you think of it that way?

MS ROBINSON: I didn't. Hindsight is a wonderful thing. Do I look back now? Yes, of course I do.

MR LLOYD: And -

MS ROBINSON: At the time, I just thought it was a vindictive -

MR LLOYD: Ms Robinson, take your time before answering. There's no rush.

MS ROBINSON: I'm okay to go.

MR LLOYD: In terms of the comment that you remember, I think you've agreed, but tell me if I've got this right, that if it was true, it wasn't vindictive, that that raised the allegation of real seriousness?

5 **MS ROBINSON:** Yes.

MR LLOYD: And if it were true, that is something that plainly required investigation; true?

10 **MS ROBINSON:** True.

MR LLOYD: Because sexual activity of the kind between an officer and inmates that was suggested by Ms Cox is improper?

15 **MS ROBINSON:** Yes, it is.

MR LLOYD: And so is what you're saying that at the time when you were hearing the screaming, even though what was being alleged was obviously of utmost seriousness, you formed the view that it was vindictive and not reliable; is that -
20 that -

MS ROBINSON: That's correct.

MR LLOYD: Did you think in terms of - I asked you before about bypassing
25 situations where you might report up the line or even bypass the chain of hierarchy. Do you remember I asked you about that?

MS ROBINSON: Yes.

30 **MR LLOYD:** Did you think that an allegation like this, even if you thought might be vindictive, was something that you were required to report up the line?

MS ROBINSON: I didn't at the time, no. I - I thought it was just a vindictive
35 off-hand comment. Officers get called a lot of names. I just thought it was one of those situations.

COMMISSIONER: Mr Lloyd, regrettably, the transcript hasn't picked up all of
40 the words that Ms Robinson says she heard. It says, "I remember her saying just," and then there's a problem.

MR LLOYD: I see. I'll go back.

COMMISSIONER: And I'm sorry, Ms Robinson, but we need to get that
45 accurately onto the transcript.

MR LLOYD: I'll try and do it in the least obtrusive way. You told us earlier about what you could remember Ms Cox screaming out?

MS ROBINSON: Yes.

MR LLOYD: My recollection of what you said was, "Just because I won't suck your cock"?

5

MS ROBINSON: Yes.

MR LLOYD: Is that what you heard?

10 **MS ROBINSON:** Yes.

MR LLOYD: Did that, may I inquire, Commissioner -

COMMISSIONER: That'll do.

15

MR LLOYD: I just need to ask you, then, about what your response is to the other things Ms Cox says that she was screaming out. I take it you don't have a recollection, sitting here today, of her screaming out that he'd been touching young girls, changing urine samples, bringing in drugs and contraband?

20

MS ROBINSON: I don't - I don't remember that.

MR LLOYD: Is it possible that you have forgotten, that is, it was said, but you just don't remember?

25

MS ROBINSON: I - I don't think that's possible. I think I would remember her saying that.

MR LLOYD: In terms of the bringing in contraband, we're not sure of the timing of the make-up contraband items in relation to Witness GG. But at least by the time of that, you had some knowledge about at least allegations that Astill was bringing contraband?

30

MS ROBINSON: Yes.

35

MR LLOYD: Even around this time, which I've put to you is around the middle part of 2018, had you heard rumours about him bringing in contraband?

MS ROBINSON: Not - not apart from the - the make-up, no.

40

MR LLOYD: Never heard him bringing drugs in?

MS ROBINSON: No.

45 **MR LLOYD:** And obviously I think what you're telling us is that you never heard any rumours about him trading drugs for sexual favours from inmates?

MS ROBINSON: Absolutely not.

MR LLOYD: Could I just ask you one thing finally. If you look at - you don't need to look at anything for this question. The more recent conversation that you had with Ms Cox, is what happened that Ms Cox and you had a conversation at
5 Dillwynia?

MS ROBINSON: Yes.

MR LLOYD: And she says that you approached her in tears, saying that when
10 Ms Cox was going off that day in the compound that you knew that what she was saying was the truth and that you were sorry that you didn't say anything. Do you remember, first, having that conversation recently with Ms Cox?

MS ROBINSON: I remember escorting Ms Cox back from the reception area and
15 having a conversation. That's not the context of the conversation.

MR LLOYD: So you remember a more recent conversation at reception with Ms Cox?

MS ROBINSON: It was actually at the front of her unit. I escorted her back from
20 the reception area.

MR LLOYD: What do you remember about what was discussed?

MS ROBINSON: I remember actually speaking to her, telling her to please know
25 that I didn't understand. I remembered that I had to escort her from medium needs to the BIU area. I had since heard from an officer that she had been a victim of Mr Astill. Obviously I added all that up into my head, and I was upset because I had always had a good rapport with her. I was upset, and I wanted her to know
30 that I didn't know. I didn't know that he was sexually assaulting inmates. I would have done something. I would have reported it. I also wanted to make her aware of support systems that was available to the inmates in the gaol at that time.

MR LLOYD: Can I put this to you for your response. Is what you're telling us
35 about your recollection of this more recent conversation to this effect: You did remember hearing her make that allegation that you've told us about, and were you saying to her that while you didn't believe her at the time, knowing what you know now, you wished you did?

MS ROBINSON: Yes.
40

MR LLOYD: Is that the effect of it?

MS ROBINSON: Yes.
45

MR LLOYD: Those are my questions.

COMMISSIONER: Mr Sheller?

MR SELLER: Thank you.

<EXAMINATION BY MR SELLER:

5

MR SELLER: Ms Robinson, my name is James Sheller. I'm one of the legal representatives for Corrective Services. I just want to ask you about the incident that's recorded in your diary concerning Mr Astill back in 2010.

10 **MS ROBINSON:** Yes.

MR SELLER: If you've got the statement in front of you that you've given to the Commission. At the bottom of page 6, paragraph 46, you describe an incident in which Mr Astill made observations about your physical appearance?

15

MS ROBINSON: Yes.

MR SELLER: That he continued to do so for five minutes or more?

20 **MS ROBINSON:** Yes.

MR SELLER: That he did so in the presence of other staff?

25 **MS ROBINSON:** Yes.

MR SELLER: That as a result of that, there was a screaming match between you and him?

30 **MS ROBINSON:** Yes.

MR SELLER: Can I then just ask you to go to your note - sorry, the top of my pages are cut off, but it's at the back of Tab 81. There are two pages of your handwriting in a diary book.

35 **MS ROBINSON:** Yep.

MR SELLER: If you go to the top of the handwriting, you will see a number page 16. Do you see that?

40 **MS ROBINSON:** Yes.

MR SELLER: This incident seems to have occurred as long ago as November 2010?

45 **MS ROBINSON:** Yes.

MR SELLER: And just if you could accept from me that you've given a detailed account of this incident with Mr Astill where he's making comments

about your appearance over a significant period of time in the presence of other officers. I just want to ask you, over the next page, where it's got pages 18 and 19 from your notebook - at the bottom of the page 19, you refer to a discussion with - I think it's night Senior Peek. Do you see that?

5

MS ROBINSON: Yeah.

MR SHELLER: Was that Patricia Peek?

10 **MS ROBINSON:** No, that would have been Tim Peek as the Senior.

MR SHELLER: Then did you tell Mr Peek all that Mr Astill had said to you, which you've otherwise recorded in this note?

15 **MS ROBINSON:** I don't recall the conversation that I had had with Mr Peek, but I would have just told him that I was really upset and I didn't want to be on the muster with Mr Astill. I - I wouldn't have wanted to relay that because it would have been really upsetting for me in detail.

20 **MR SHELLER:** So you don't have a recollection now of passing on to Mr Peek that Mr Astill had been verbally abusive to you?

MS ROBINSON: I - I remember reading back on this now.

25 **MR SHELLER:** Yes.

MS ROBINSON: But at the time, do I remember having that conversation? No.

30 **MR SHELLER:** And I take it you didn't share this - your notes here with anyone within Dillwynia about this incident?

MS ROBINSON: No.

MR SHELLER: Yes, those are my questions. Thank you.

35

COMMISSIONER: Anyone else have any questions?

MR WATSON: Thank you, Commissioner.

40 **<EXAMINATION BY MR WATSON:**

MR WATSON: My name is Watson and - as you know. I take it what you're saying is that Mr Astill was physically overbearing?

45 **MS ROBINSON:** Yes.

MR WATSON: Threatening?

MS ROBINSON: Yes.

MR WATSON: Misogynistic?

5 **MS ROBINSON:** Yes.

MR WATSON: Insulting?

10 **MS ROBINSON:** Yes.

MR WATSON: Not only for you, but also possibly for other officers; is that right?

15 **MS ROBINSON:** That's right.

MR WATSON: And also for inmates?

MS ROBINSON: That's right.

20 **MR WATSON:** Did you have any confidence in really being able to have him - or did you have any confidence being able to talk to anybody from Corrective Services where his behaviour, not only to you but to those other people (indistinct) spoken to you about, brought into check?

25 **MS ROBINSON:** No.

MR WATSON: Did you feel - when these string of things were happening to you, did you feel that if you spoke to somebody about Mr Astill's behaviour that he would become aware of it?

30 **MS ROBINSON:** Absolutely he would.

MR WATSON: Did that cause you to have hesitancy in making serious complaints about his behaviour?

35 **MS ROBINSON:** Yes.

MR WATSON: I'll just ask you this: I take it from what you've said about Mr Astill's behaviour, he was never a friend of yours?

40 **MS ROBINSON:** No, he was not.

MR WATSON: He was never a friend of your husband?

45 **MS ROBINSON:** Most definitely not.

MR WATSON: Wes Giles?

MS ROBINSON: He was definitely not.

MR WATSON: Right. So there was no occasion where you or Mr Giles, your husband, would socialise with Mr Astill?

5

MS ROBINSON: Never.

MR WATSON: Or - did you and your husband socialise with Shari Martin?

10 **MS ROBINSON:** Never.

MR WATSON: Did you socialise with Leanne O'Toole?

15 **MS ROBINSON:** We saw Leanne O'Toole when we were overseas twice on a trip to Bali at her insistence. Other than that, no.

MR WATSON: But you've been listening to the Commission and the evidence given by people (indistinct).

20 **MS ROBINSON:** I have.

MR WATSON: And you've heard people refer to something that's called "Shari's boys" or the "boys' club"?

25 **MS ROBINSON:** I have.

MR WATSON: Have you heard those terms?

MS ROBINSON: I have.

30

MR WATSON: Can I just ask you, have you ever witnessed your husband, Westley Giles, be in some sort of group of, I suppose, male corrections officers that are like a boys' club?

35 **MS ROBINSON:** No.

MR WATSON: Have you ever witnessed your husband, or has he ever said to you that he's been receiving favourable treatment as a Corrections Officer because of some sort of connection with Shari Martin or Leanne O'Toole?

40

MS ROBINSON: No.

MR WATSON: Or Mr Astill?

45 **MS ROBINSON:** No.

MR WATSON: I take it, then, what you're saying is that there's no professional favouritism being extended to either you or to Mr Giles because of - because you're saying there is no connection like a boys' club or Shari's boys?

5 **MS ROBINSON:** Yes.

MR WATSON: Is that right?

MS ROBINSON: That's right.

10

MR WATSON: You are a more junior officer than Mr Giles, aren't you?

MS ROBINSON: I am.

15 **MR WATSON:** And I think the evidence that you have given is that you have some understanding between you and your husband that you don't discuss work issues?

MS ROBINSON: Correct.

20

MR WATSON: Is that right?

MS ROBINSON: That's right.

25 **MR WATSON:** Is that saying that you didn't discuss the disgusting behaviour that Mr Astill showed towards you with your husband?

MS ROBINSON: So, at that time of the disgusting behaviour from Mr Astill that I've recorded, Mr Giles actually wasn't my husband.

30

MR WATSON: Right. So that's before the relationship?

MS ROBINSON: Yes.

35 **MR WATSON:** Is that right?

MS ROBINSON: Yes.

40 **MR WATSON:** Just concerning the evidence that you've given regarding Ms Cox screaming at Mr Astill -

MS ROBINSON: Yes.

MR WATSON: Do you remember giving that evidence just now?

45

MS ROBINSON: Yes.

MR WATSON: And I think you said that you assessed her behaviour as it being a vindictive inmate; is that right?

MS ROBINSON: Vindictive comment, yes.

5

MR WATSON: Vindictive comment against a Corrections Officer?

MS ROBINSON: Yes.

10 **MR WATSON:** I think you said that that occurred often - is that right - that inmates would be yelling -

MS ROBINSON: Oh, yes.

15 **MR WATSON:** - at Corrections Officers and abusing them?

MS ROBINSON: Yes.

MR WATSON: Making allegations?

20

MS ROBINSON: A lot of inmates call us "paedophiles", "sluts", "dogs". That's just a few names and, yes, that happens daily.

MR WATSON: Daily?

25

MS ROBINSON: Daily in the gaol.

MR WATSON: Because of the culture and the environment of a prison setting; is that right?

30

MS ROBINSON: That's correct.

MR WATSON: She, Ms Cox, of course always had the opportunity to pursue a complaint against Mr Astill; was that your understanding?

35

MS ROBINSON: Yes.

MR WATSON: About what she said. Fundamentally what she is saying is that she had to be moved or there was something happening to her because she wouldn't participate in sexual activity with him. That's fundamentally what she was saying; correct?

40

MS ROBINSON: Correct.

45 **MR WATSON:** And is this the case: That at that time she was always able to make a formal complaint whether it be an inmate application or something more formal, say to the Governor, about that allegation. Is that correct?

MS ROBINSON: That's correct.

MR WATSON: And is it your understanding that that didn't occur - or you don't know?

5

MS ROBINSON: I don't know.

COMMISSIONER: There are a few leaps in that question, Mr Watson.

10 **MR WATSON:** Sorry Commissioner?

COMMISSIONER: There are a few leaps in that question. I mean, you are not suggesting that that answer will be of ultimate use to me in deciding what failed in the gaol, are you?

15

MR WATSON: No.

COMMISSIONER: No.

20 **MR WATSON:** You were asked - thank you - you were asked whether fundamentally you thought at that time, when you heard Ms Cox say those words, that you should have pursued - or understood that there was a serious issue that she was talking about? Do you remember being asked that type of question?

25 **MS ROBINSON:** Yes.

MR WATSON: Did you think that you should have gone and seen somebody about it?

30 **MS ROBINSON:** Hindsight is a wonderful thing. If I had all the pieces of the puzzle that I'm now hearing about, absolutely. I - I just thought it was a vindictive comment at the time.

MR WATSON: Thank you.

35

COMMISSIONER: Anyone else?

MR LLOYD: Nothing, thank you.

40 **COMMISSIONER:** Ms Robinson, I don't want to intrude too far into your personal life, but you indicated that when your first encounters with Mr Astill were occurring, you weren't married to Mr Giles, but you have been, I assume, for some time now?

45 **MS ROBINSON:** I'm sorry, can you repeat the last part?

COMMISSIONER: Sorry. I take it you've been married to him for some time now?

MS ROBINSON: For four years.

5 **COMMISSIONER:** Four years, and you would have known him obviously before you got married?

MS ROBINSON: Yes.

10 **COMMISSIONER:** In that time, have you talked with Mr Giles about Mr Astill and the way he was behaving in the gaol?

MS ROBINSON: In the way he was behaving in the centre, did you ask?

15 **COMMISSIONER:** In the gaol, yes.

MS ROBINSON: I don't have recollections; I'm sure at one point in time we possibly have, but it's not something that I - that stands out in my mind.

20 **COMMISSIONER:** Your complaints about Mr Giles' behaviour are expressed in fairly strong terms.

MR LLOYD: Mr Astill.

25 **MS GHABRIAL:** Mr Astill.

COMMISSIONER: Sorry, Mr Astill are expressed in fairly strong terms; is that right?

30 **MS ROBINSON:** I'm so sorry, I'm really having troubles hearing what you're saying.

COMMISSIONER: Your complaints about Mr Astill are expressed in fairly strong terms.

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

COMMISSIONER: Are you saying to me that you never spoke in the same way to Mr Giles about Mr Astill?

40 **MS ROBINSON:** I'm - I'm certain I would have spoken to Mr Giles at how disgusting I thought Mr Astill's behaviour was. I'm just not recollecting what I would have said other than that he's a pig.

45 **COMMISSIONER:** Right. And in your discussions with your husband, I assume he confirmed to you that he had similar impressions of Mr Astill?

MS ROBINSON: Yes. He didn't think highly of Mr Astill at all.

COMMISSIONER: Yes. Does that cause any problem?

MR LLOYD: There's just one matter, Commissioner.

5 **<EXAMINATION BY MR LLOYD:**

MR LLOYD: You were asked, Ms Robinson, by your own counsel about the availability of a complaint to Ms Cox. Remember that?

10 **MS ROBINSON:** Yes.

MR LLOYD: You told the Commissioner earlier in answer to some of my questions about the significant problems, from your perspective, about reporting misconduct by an officer up through the hierarchy in the gaol. Do you remember that?
15

MS ROBINSON: Yes.

MR LLOYD: And in particular, when it came to complaints about Astill, the very widespread knowledge that the second in command at the gaol, Ms O'Toole, and he were close friends?
20

MS ROBINSON: Yes.

MR LLOYD: That was - the thrust of your evidence was that that was an additional major barrier to you or people at your level being able to report things about him up the chain?
25

MS ROBINSON: Yes.

MR LLOYD: Those barriers that you described about you reporting things up the chain existed also from an inmate like Ms Cox, didn't they?
30

MS ROBINSON: Yes.

MR LLOYD: Her position, on one view, was even more precarious, in the sense that she's an inmate subject to the control in a significant way of a senior officer like Mr Astill; true?
35

40 **MS ROBINSON:** True.

MR LLOYD: And so in terms of any belief on your part that, "This will be dealt with. She can just make her own complaint," that must have seemed pretty unlikely that she would do that?
45

MR SHELLER: I object, your Honour. That's not the witness's evidence, Commissioner.

MR LLOYD: Well, I press the question. I'm not really - I'll withdraw it, and I'll just put it in a different way. You're not saying, are you, that you didn't make a report about what you'd heard because you believed she was going to make a report? That wasn't what you were saying, was it?

5

MS ROBINSON: No, that's not what I'm saying.

MR LLOYD: Those are my questions.

10 **COMMISSIONER:** Yes. Very well. Thank you, Ms Robinson. That concludes your evidence, and you're excused.

MS ROBINSON: Thank you.

15 **COMMISSIONER:** We'll have the morning adjournment.

<THE HEARING ADJOURNED AT 11.29 AM

<THE HEARING RESUMED AT 11.43 AM

20

MR LLOYD: Missing a few people, Commissioner. I'll just have an inquiry made as to whether they're outside. While that's happening, I think I can do this in their absence. If you could find, Commissioner, Volume 8, Tab 84. Mr Sheller and Ms Melis were dealing with something at our request in terms of a redaction issue. I assume that's where they are.

25

COMMISSIONER: Are they on this floor, do you know?

MR LLOYD: Just pardon me.

30

COMMISSIONER: I think we're arriving.

MR LLOYD: I call Michael Paddison.

35 **<MICHAEL KENNETH PADDISON, SWORN**

COMMISSIONER: Take a seat, please. Yes, Mr Lloyd.

MR LLOYD: Thank you, Commissioner.

40

<EXAMINATION BY MR LLOYD:

MR LLOYD: Could you tell us your name?

45 **MR PADDISON:** It's Michael Kenneth Paddison.

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

MR PADDISON: Yes.

MR LLOYD: Now, Mr Paddison, I want you to turn up, in that volume in front of you, Tab 84.

5

MR PADDISON: Yes.

MR LLOYD: That one is open?

10 **MR PADDISON:** Yes.

MR LLOYD: I want you to pause before answering the question. What's in front of you is a draft statement.

15 **MR PADDISON:** That's correct.

MR LLOYD: Maybe pause before answering this question. Is what you say - I withdraw that. Are the contents of that draft statement true and correct?

20 **MR JAMES:** Your Honour, objection is taken to that question.

COMMISSIONER: I understand the objection. I require you to answer, Mr Paddison.

25 **MR PADDISON:** Yes, it is true. And it's still in a draft because there was more information to provide to it.

MR LLOYD: Do you want to identify at least the parts of the statement where you've got additional things to add? Or - actually, I withdraw that question. What I'll do, Mr Paddison, is I'll ask you questions by reference to the contents of the statement and other things and then at the end -

30

MR PADDISON: Yeah, Mr Lloyd. There was - well, there was two main things, so I'm happy to add more to the question in relation to IRs. So I was asked on the day and misunderstood the question. And also - I'm happy to talk more about also the - 55.

35

MR LLOYD: Just pardon me. What I'm going to do, Mr Paddison, is I'll ask you questions about the contents of this statement, and if by the end of it you haven't had an opportunity to add those things, I'll ask you to come back to it.

40

MR PADDISON: Yeah, no problem.

MR LLOYD: Is that convenient to you?

45

MR PADDISON: That's fine.

MR LLOYD: As long as there's nothing in the statement that you want to correct in terms of -

MR PADDISON: No, I'm happy with - with the statement. So it is fine.

5

MR LLOYD: Could you have a look at that - I'm sorry. I tender the statement.

COMMISSIONER: It will become Exhibit 25.

10 **<EXHIBIT 25 TENDERED AND MARKED**

MR LLOYD: And that includes the annexures, Commissioner.

COMMISSIONER: Yes, it does.

15

MR SHELLER: Commissioner, Corrective Services obviously has no objection to the draft statement being tendered. But could I just indicate that we saw the draft statement for the first time early this morning. No criticism of anyone. We will do our very best to complete the cross-examination of Mr Paddison with what we've received today. But if more information emerges, we may make an application for a further opportunity.

20

COMMISSIONER: Very well.

25 **MR JAMES:** Commissioner, in relation to the tender, we take the section 23 objection to the contents -

COMMISSIONER: Sorry, I didn't hear that.

30 **MR JAMES:** Apologies, Commissioner. In relation to the tender, we take the section 23 objection, but we understand you press the tender.

COMMISSIONER: Well, I've required him to answer the question.

35 **MR JAMES:** Thank you, Commissioner.

COMMISSIONER: Yes. I think your problem is with the question, is it? Was it true?

40 **MR JAMES:** Yes.

COMMISSIONER: Well, I've required him to answer that one.

45 **MR LLOYD:** Thank you, Commissioner. Mr Paddison, can you just have a look at paragraph 5.

MR PADDISON: Yes.

MR LLOYD: In that paragraph, you tell us about your professional history, starting with employment with Corrective Services first in 1999?

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

MR LLOYD: And without going through it, working in some other Correctional Centres before coming to Dillwynia in mid-2007?

10 **MR PADDISON:** That's correct.

MR LLOYD: Your first stint at Dillwynia went from 2010 - I withdraw that - 2007 where you were a Senior Correctional Officer?

15 **MR PADDISON:** That's correct.

MR LLOYD: And then rising through the ranks, 2010, you became a Chief Correctional Officer?

20 **MR PADDISON:** Correct.

MR LLOYD: 2015, Principal Correctional Officer?

MR PADDISON: That's - yeah, that's incorrect. It was 2016.

25 **MR LLOYD:** In the middle part of the year 2017, you were appointed a Manager of Security at Mary Wade?

MR PADDISON: That's correct.

30 **MR LLOYD:** That was a further rise in terms of the chain of command but at a different centre?

MR PADDISON: Yes.

35 **MR LLOYD:** Then you say in April or May of 2018, you demoted yourself back to Principal Correctional Officer?

MR PADDISON: That's correct.

40 **MR LLOYD:** Why did that happen?

MR PADDISON: I had a very bad experience with - I went and commissioned Mary Wade Correctional Centre. Whilst I was there, I had a very, very bad experience with the management team there, senior managers, junior managers, the project itself. I actually got quite unwell and decided that I didn't want to progress my career at that point and decided to demote myself and requested to go back to Dillwynia.

MR LLOYD: In late January or early February 2019, you obtained an appointment as Business Manager of Operations?

5 **MR PADDISON:** Yeah, that's correct. I got a substantive role in Corrective Services Industries.

MR LLOYD: And March of 2023, temporary appointment as the Acting Superintendent of Operations for Work and Education?

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

MR LLOYD: Can you just tell us about what you do there in that role?

15 **MR PADDISON:** The current role is more of a - sort of a project role at the moment. It was - it was a new role - an emerging role. Some of the major projects I was working on was a complete redesign for what we call The Web, so that was the work and education policies and procedures web page. And I was doing a range of other things, such as business continuity plans. But something that was probably the biggest portfolio I had was the state-wide quality management
20 system. So I used to oversee the entire quality management system for all business units across the entire state. It was 100-plus business units.

MR LLOYD: Can I ask you about one aspect of your time at Dillwynia, and really I'm focusing on the period between 2015 and 2018, acknowledging that
25 you've told the Commission that you weren't there for that whole period.

MR PADDISON: Yeah, that's correct.

MR LLOYD: In paragraph 11, you tell us something about the process of an
30 inmate reporting an incident?

MR PADDISON: Yes.

MR LLOYD: In that paragraph, you tell us that an inmate could approach any
35 officer or employee, and pending who that inmate reported to, it would be forwarded to the next most senior officer?

MR PADDISON: Pending the seriousness.

40 **MR LLOYD:** Just dealing with the system as you understood it at Dillwynia where an inmate wanted to make an allegation of misconduct against an officer, what was the system? What would happen next?

MR PADDISON: Well, my experience is that you go straight to the Governor.
45

MR LLOYD: As in, when you say "you", you mean the officer who receives (indistinct)?

MR PADDISON: Yeah, the officer that receives that report. If it's against a staff member, you should be going straight to the Governor.

5 **MR LLOYD:** Was that documented or part of training or that's just what you think?

MR PADDISON: I can't recall if it's ever been documented. But definitely over, you know, 20-odd years, my experience with staff misconducts in the past, seeing other people deal with staff misconducts, I can only ever recall people going
10 straight to the Governor.

MR LLOYD: That's because if there's an allegation of misconduct by a staff member, the most senior person in the centre should know about it?

15 **MR PADDISON:** Yeah. 100 per cent. Because it's very serious, and you don't know what the allegation is, and you need the person who is in charge of the gaol to be able to understand what's happening.

MR LLOYD: I take it that what you just told the Commissioner applies with
20 additional force if the allegation against the staff member is one of criminal conduct?

MR PADDISON: 100 per cent. Yes.

25 **MR LLOYD:** As in, a sexual or indecent assault?

MR PADDISON: Yes.

MR LLOYD: I'll ask you some questions about the detail of what happened in
30 about the middle part of 2017 -

MR PADDISON: Yes.

MR LLOYD: - in relation to Witness M. You know what I'm talking about?
35

MR PADDISON: Yep.

MR LLOYD: But can I just ask, before we get to the detail, this: Did you know in
40 this period I'm asking you about, '15 to '18, about an ability by an officer at your level to make a report which went outside the gaol?

MR PADDISON: So I'm very aware of the ability for any staff member to access
45 the intranet and complete what's called an information note. So if you - in the gaol. And if you create an information note, the information note then goes to your centre's Intel Manager. And it's the Intel Manager's responsibility then to create an IR, so an intelligence report. As far as in the functions for an SIU - so I actually had forgotten about that. But, yes, there is a function in that too where you can

select a drop-down, and I'm led to believe that, yes, if you choose that one, a report will go outside of the gaol. No one will see it from inside the gaol.

5 **MR LLOYD:** When you say "led to believe", just dealing with what you understood about that SIU function and its availability to someone at your level, at the time what did you know about it?

10 **MR PADDISON:** Well, what I knew about it is I didn't have access to it. That's for sure.

MR LLOYD: And that, I think, is what you tell us in relation to the middle part of 2017 -

15 **MR PADDISON:** Yeah, that's correct.

MR LLOYD: - that that was a problem?

20 **MR PADDISON:** Yeah, it was a problem because - going through some of my other emails at that time, there was a big broadcast that went out to a range of people across the state from CIG - I think it was Angie West, to be honest - saying that, you know, we need to really identify more people within Correctional Centres to have access to the IIS.

25 **MR LLOYD:** Can I just make sure I understand what you're telling the Commissioner about this, just in terms of your understanding of reporting pathways in this period -

MR PADDISON: Yes.

30 **MR LLOYD:** - at Dillwynia. You were, I think from 2016, a Principal Correctional Officer. You've told us that?

MR PADDISON: Yes.

35 **MR LLOYD:** In a day-to-day sense, that's the third rank of people who are -

MR PADDISON: Yes.

40 **MR LLOYD:** - in control? And there would be plenty of times when the Governor wouldn't be present on the premises?

45 **MR PADDISON:** At Dillwynia, no. Shari Martin was responsible for two centres at that time, so she had Emu Plains Correctional Centre and also Dillwynia Correctional Centre. So she tried to split her time fifty-fifty between those centres.

MR LLOYD: The 50 per cent of the time when she wasn't there, the most senior person obviously on the premises is the Manager of Security?

MR PADDISON: Yes, that's correct.

MR LLOYD: And that makes the rank of Principal Correctional Officer, for at least half the time, effectively the second in command -

5

MR PADDISON: Yes.

MR LLOYD: - in terms of running -

10 **MR PADDISON:** Essentially. I mean, the Governor is only a phone call away, so not really. The - the Principal is still the third in charge, but the Governors will always be in charge of the gaol regardless of whether she's on site or not.

15 **MR LLOYD:** But the system that I've asked you some questions about with the SIU function, that aspect of the intelligence system -

MR PADDISON: Yes.

20 **MR LLOYD:** - do I have it right that at the time I'm asking you about, '15 to '18, you did not have an understanding that there was a mechanism within that system for you to make a confidential report outside the gaol?

25 **MR PADDISON:** If I'm being honest, yeah, no. I - I was not 100 per cent sure about the SIU function. I definitely knew about the - the ability to create the information notes. Like I said, anyone can do. But, yeah, as far as the SIU function, no. I don't think I actually become aware of that until we actually held some training. A gentleman by the name of Geoff Cowan, from memory, came to Dillwynia in 2018. From memory, I think it was 39 people who got the training. I don't know who it was. I don't remember if we kept a training list. And I believe
30 at that point that I probably became more aware of how the system works.

MR LLOYD: But before that point - you've told us about information notes. You knew about that.

35 **MR PADDISON:** Yes.

MR LLOYD: But I thought you said that the information note would go to the Intel Officer within the gaol?

40 **MR PADDISON:** Yeah, that's my understanding. So the information note gets generated by whoever the staff member is inside the gaol, which then goes to the Intelligence Officer of that gaol.

45 **MR LLOYD:** Do you agree with me that that function of being able to make an intelligence report or information note, whatever you want to call it, that in a way which goes outside the gaol to the Corrections Intelligence Group intentionally in a confidential way is pretty important?

MR PADDISON: Yeah, it's very - very important. Yes.

MR LLOYD: But you're telling us that someone at your level, Principal Correctional Officer, wasn't even told about it?

5

MR PADDISON: Yes, that's correct.

MR LLOYD: To your knowledge, was that the position, that other -

10 **MR PADDISON:** Well -

MR LLOYD: Just let me finish -

MR PADDISON: Yes.

15

MR LLOYD: - because it will help you with the answer. That other people at your level. Is that the position as you understood it?

20

MR PADDISON: I think you're going to get a varied response from whoever sits in this chair. I never worked in intel. So throughout my entire career, I was never an Intelligence Officer. I never worked in there. So I didn't have the full knowledge of the responsibilities of that role.

25

MR LLOYD: But in terms of knowledge on the part of people at your level about making confidential reports to the CIG, do you know whether other people at your level did know about that?

30

MR PADDISON: I would have to say that, yes, other people would have a better knowledge than me.

MR LLOYD: And this Commission has heard a range of evidence from people below the hierarchy to the effect they didn't know about it. Does that surprise you?

35

MR PADDISON: No, it doesn't surprise me, because if I didn't have a sound knowledge of it - so, no, I wouldn't have expected junior staff to know that full function.

40

MR LLOYD: Can I just go straight to asking you some questions about some incidents and information that I want to see whether you were aware of in relation to Astill. You're aware now, obviously, of Astill's offending?

MR PADDISON: Yes.

45

MR LLOYD: Can I ask you about the period in March of 2016. Do you remember there being rumours about an inappropriate relationship between Astill and Witness C? You've got the pseudonym list there. Do you remember that?

MR PADDISON: No, the only thing that I can recall is that there was a - and I may be getting the dates here wrong. The only thing that I can recall is that there was a can of Coke incident, which - you know, it's been spoken about at length. I really don't recall anything about that. I had nothing to do with that incident. And
5 the only thing that I can refer to, which was allegedly at a meeting between myself, the Governor and Witness C, which I don't recall - but the only thing that I have knowledge of, of that, is that at the time a - Witness C had approached Mr Neil Holman. She had requested that - she had concerns that, would it go on her record if people thought that she was giving head jobs to a staff member?
10 Within that report, from memory, it states that Witness C had said that a particular inmate had said that, and it was also identified that that inmate was no longer at the gaol. So as far as Witness C identifying a specific person - and, again, only from knowledge of the report - she did not identify someone specifically out of that.

15 **MR LLOYD:** You understood she'd made a report to Mr Holman?

MR PADDISON: Yes.

20 **MR LLOYD:** In writing?

MR PADDISON: Not in writing, but I know Mr Holman had prepared a report for the Governor.

25 **MR LLOYD:** I think from what you said one moment ago, you're aware of there being some evidence of Witness C describing a meeting between her, you and the Governor in March of 2016?

30 **MR PADDISON:** Yes. And I - I do not recall the meeting.

MR LLOYD: Can I just put to you something that she has told the Commission about it to see if it jogs your memory. She said that there was a meeting on 9 March 2016, and at the meeting she said that there were rumours going around that she was giving oral sex to officers. Do you remember anything like that?
35

MR PADDISON: Mr Lloyd, I watched the - her give evidence, and she even said something about my wife, and I still don't recall the meeting.

40 **MR LLOYD:** She says - you probably know this from watching the evidence - that you brushed off what she was saying and said it was simply banter and she should not think that she was the only one who had rumours about her.

MR PADDISON: Again, I - unfortunately, I do not recall.

45 **MR LLOYD:** Can I ask you about another aspect of what Witness C said in her evidence, that there was a meeting sometime around this time at which she, you and Shari Martin were present where, again, the subject of rumours was discussed, that is, a different meeting.

MR PADDISON: Again, no, I don't recall. Sorry.

MR LLOYD: And -

5

COMMISSIONER: Sorry. Sorry. When you say you don't recall, you're saying you don't recall a meeting?

MR PADDISON: That's correct, Commissioner. I don't recall a meeting at all. I'm not disputing that I may have been in a meeting. I'm definitely not disputing that. There's a possibility that I was in a meeting. But I don't recall anything that - or the content of a meeting or what was said, no.

COMMISSIONER: So you accept that you could have been at these meetings?

15

MR PADDISON: Yes, I will accept that it's a possibility.

COMMISSIONER: And you accept that the conversation as reported to us may have been the conversation that occurred?

20

MR PADDISON: Yeah. Again, I can't - I can't not dispute that, Commissioner, because I have no recollection of the - of that meeting or the contents of it.

COMMISSIONER: Right. So you wouldn't be concerned if we were to accept other evidence as to what happened in that meeting?

25

MR PADDISON: Yeah, that's - yeah, that's correct. Yeah.

MR LLOYD: I think what you mentioned a moment ago is some other evidence you obviously heard with a reference Witness C made to her asking you if you thought it would be funny if your wife - if your wife read in the paper that inmates were giving staff members head jobs. Is that what you mentioned?

30

MR PADDISON: Yeah. And, again, I don't recall that comment. I would think actually someone - an inmate talking about my wife, I thought, would maybe bring me back some sort of recollection of the meeting. But, no, I still don't recall that meeting.

35

MR LLOYD: But it's possible it happened, but you just don't remember; is that -

40

MR PADDISON: Yeah, I'm not going to deny. It's possible it happened, but I don't recall it.

MR LLOYD: Could I ask you to turn up paragraph 59 of your Commission statement. You say here the only thing you can recall before you went to Mary Wade in the middle part of 2017 was the Coke can incident?

45

MR PADDISON: Yes, that's correct.

MR LLOYD: That's what you've told us about the Coke can incident involving Witness C and Mr Astill?

5 **MR PADDISON:** Yes.

MR LLOYD: What did you hear about that?

10 **MR PADDISON:** That was about - it was - they shared a drink walking to visits. That's all I - that's all I recall of it.

MR LLOYD: Did you recall there being rumours about there being an inappropriate relationship between Mr Astill -

15 **MR PADDISON:** No.

MR LLOYD: - and Witness C?

20 **MR PADDISON:** No.

MR LLOYD: And obviously from that, no rumours about there being sexual activity between those two?

25 **MR PADDISON:** No.

MR LLOYD: Could I ask you to turn your mind back to May of the year 2016. Do you remember a graduate arriving by the name of Julijana Miskov?

30 **MR PADDISON:** No.

MR LLOYD: Are you aware of - that she gave -

MR PADDISON: Yes. Yes, I'm aware of the evidence she gave. Yes.

35 **MR LLOYD:** See, I just need to put this to you: that there was an occasion where she made a report that Astill had rubbed his face - rubbed his crotch in her face while she was trying to eat her lunch.

40 **MR PADDISON:** Right.

MR LLOYD: Do you remember anything about this?

MR PADDISON: Nothing at all.

45 **MR LLOYD:** She said to us - and I need to get your response -

MR PADDISON: Yes.

MR LLOYD: - that she wrote down what happened, including that incident of assault that I just asked you about, printed that report and signed it and gave it to management where she was called into your office. Do you remember anything about this?

5

MR PADDISON: No.

MR LLOYD: She says that, being called into your office, she thinks that Ms Martin also was there.

10

MR PADDISON: Again, I don't have any recollection of it.

MR LLOYD: She told us that - being called into your office with you and probably Shari Martin, that one or other of you tore the report up and said, "We'll deal with this in-house."

15

MR PADDISON: Yeah, no, I - ripping up a report is - is something that would be a very significant thing that I - I strongly believe that I would have a recollection of. Throughout my entire career, I cannot recall any instance of any officer tearing up someone's report in front of them. So, no, I have no recollection of that.

20

MR LLOYD: You would agree if that happened, that is, you either tore up a report of that kind or saw it being done in your presence, it involved serious misconduct?

25

MR PADDISON: Yes.

MR LLOYD: And did you hear - ever hear the term at Dillwynia "file 13"?

30

MR PADDISON: I've heard - I've heard "file 13" in my entire career.

MR LLOYD: What did you hear and what did you understand when "file 13" was being used?

35

MR PADDISON: Well, you know, something - a report would disappear or it would be shredded.

MR LLOYD: So in terms of what you heard about it, it was quite widespread, the use of that term?

40

MR PADDISON: I think it was more of a - a joke. It was a - you know, if someone thought things went missing, it was like, "It's gone to file 13." But as far as, you know, terminology of, "Mate, let's - let's really make this happen and shove this in the shredder" - no, it was more sort of a - you know, a joke thing.

45

MR LLOYD: Was it a joke, to your understanding, that emerged out of a pretty widely known practice of shredding reports where they contained inconvenient things?

MR PADDISON: Yeah, again, no, I've never shredded a report.

5 **MR LLOYD:** Not quite my question. I'm not asking about whether - now about whether you've done it. I'm asking you what you understood about there being a widespread practice of officers shredding or disposing of -

10 **MR PADDISON:** No, I - no, I have no awareness of a widespread practice of multiple staff shredding reports. None whatsoever.

COMMISSIONER: Mr Paddison, I take you back to the evidence you've just given about the occasion when it's said that a report was torn up and that you were present. Do you remember that?

15 **MR PADDISON:** Yes.

COMMISSIONER: That evidence was given to us by Ms Miskov, I think; correct? Do you recall that?

20 **MR PADDISON:** Yes. I watched the Inquiry, yes.

COMMISSIONER: Yes. And do you know her?

25 **MR PADDISON:** No, I - I wouldn't know her if she was standing in front of me right now, to be honest, Commissioner.

COMMISSIONER: Well, she works in the Corrective Services still, but you say you don't know her?

30 **MR PADDISON:** No, I haven't - I haven't been a custodial officer for five years now. I left Custodial Corrections in February of 2019, and I've worked for Corrective Services Industries. It's still under CSNSW umbrella, but I haven't been a custodial officer for five years - or since February 2019.

35 **COMMISSIONER:** Yes. Very well.

MR LLOYD: Could I move forward in time. And before asking you a question, at this point, Commissioner -

40 **COMMISSIONER:** I'm sorry. I'm sorry, I missed something. Do you know that she gave evidence that you were present when the report was torn up?

MR PADDISON: Yes.

45 **COMMISSIONER:** At this stage, she'd been an officer for a short period of time; correct?

MR PADDISON: I - by her - yes, by her evidence. Yes.

COMMISSIONER: Yes. And it would have been, you would accept, a somewhat startling experience to find yourself in the Governor's office after such a short period of time -

5

MR PADDISON: Yes.

COMMISSIONER: - with a report of misbehaviour by a senior officer?

10 **MR PADDISON:** Yes.

COMMISSIONER: You've told us that you've got great difficulty remembering a lot of things. Would it be that you just don't remember this incident?

15 **MR PADDISON:** No, I'm telling you the truth, Commissioner. I do not recall that incident. I don't even recall the officer.

COMMISSIONER: Well, maybe that's so, but you're having trouble remembering lots of things, aren't you?

20

MR PADDISON: Unfortunately, I think when I look back, Commissioner, there are a lot of things I'm not recalling because I think, unfortunately, I was just involved with so many incidents over the years. To try and remember specifics about incidents, particularly things I'm sure we're going to talk about shortly, I just did not - don't recall. Literally even when I read some reports, and some emails, I still look back and go, "Jeez, I can't even remember that happening."

25

COMMISSIONER: You understand it would be very hard for me to reject Ms Miskov's evidence about what happened?

30

MR PADDISON: And - yes. And I can't dispute that, Commissioner. I can't - I have to accept that.

COMMISSIONER: Well, if you were there and this happened, that was a very serious event, wasn't it?

35

MR PADDISON: Very serious, yes.

COMMISSIONER: And if you were there, you don't recall either being there or responding to the event?

40

MR PADDISON: Commissioner, I'm more than happy to say that there's a possibility that I was there. I was the training liaison officer with the academy, so a lot of the training - the new staff and the training staff who would come to Dillwynia, I was kind of like the liaison person. So - and generally would sort of coordinate inductions and things like that. So it's probably more than likely that, yes, I was in a meeting. But, again, I don't recall anyone ever tearing up a report in front of someone.

45

COMMISSIONER: Well, if it's more than likely that you were there and I accept Ms Miskov's evidence -

5 **MR PADDISON:** Yes.

COMMISSIONER: - I'm going to have to conclude that you were present when the report was torn up. Do you understand?

10 **MR PADDISON:** That's fine, Commissioner.

COMMISSIONER: Well, that might have adverse consequences for you.

15 **MR PADDISON:** There's nothing I can - Commissioner, I can't say I wasn't there. I'd have to say that, you know, there's - probably more than likely that I was there.

COMMISSIONER: Very well.

20 **MR LLOYD:** Could I just ask you something that may assist your memory. One thing that she said occurred - that's Ms Miskov - after she said the report was ripped up was that either you or Ms Martin said, "We'll deal with this in-house." I take it you don't have a memory of that?

25 **MR PADDISON:** No.

MR LLOYD: Do you have a memory of dealing with Astill about a misconduct assault of this kind at any time, dealing with it in-house?

30 **MR PADDISON:** Again, I don't - it's a possibility that I've listened to - I've heard a charge or something like that of misconduct. But I - again, I can't - I've heard hundreds of charges.

35 **MR LLOYD:** Just in terms of the likelihood of this being dealt with in-house, Ms Miskov's evidence is to the effect that she wrote in the report that there'd been Astill rubbing his crotch in her face.

MR PADDISON: Right.

40 **MR LLOYD:** Is that the kind of thing at Dillwynia in May 2016, or any other time, that in your experience was dealt with in-house, an assault by an officer on another officer?

45 **MR PADDISON:** I've never heard - never had any experience like that, no. Or not that I can recall.

MR LLOYD: Commissioner, before I ask the next question, I wish to tender the remaining volumes of what at least at the bar table we've been calling the tender bundle. There's Volumes 9 to 17.

COMMISSIONER: We just add those to the exhibits?

MR LLOYD: If that's convenient, that would be -

5

COMMISSIONER: That's what we'll do. What was the number of that exhibit? I've forgotten.

MR LLOYD: 2 or 3. 3. Mr Sheller says -

10

COMMISSIONER: Is it 1 or 2?

MR LLOYD: I think it's 3, but we'll find out.

15

COMMISSIONER: I have it here. It's 1 to 6 for Exhibit 3.

MR LLOYD: Thank you. Could Mr Paddison be supplied with Volume 14 of the tender bundle, part of Exhibit 3. If you want to open it at Tab 444, that will help. Now, hopefully you've got in front of you a document which is - if you go about to point 8 or eight-tenths of the way down the page, you'll see your name on an email.

20

MR PADDISON: Yes.

25

MR LLOYD: This is an email from you, Thursday, 26 May 2016, to Kevin Corcoran, subject, "Dillwynia Correctional Centre assault information." Do you see that?

MR PADDISON: Yes.

30

MR LLOYD: Now, in fairness to you, Mr Paddison, you've - in your statement - and we'll come to it - you've been finding some documents from the time, which I think you're telling us have refreshed your memory about various things that you had forgotten about?

35

MR PADDISON: Yes.

MR LLOYD: Could you have a look at this email. You don't have to read every word, but read as much as you need to to remind yourself, if it is the case that you haven't seen it for some time. Just your email is really - if you then look at the following part of the first page over to the second page.

40

MR PADDISON: I have a vague recollection.

45

MR LLOYD: Just go back to the first part of the email, if you would.

MR PADDISON: Yep.

MR LLOYD: The first thing I want to ask you about is, you're communicating here in writing with Kevin Corcoran?

MR PADDISON: Yes. Yes, it's to Mr Corcoran. Yes.

5

MR LLOYD: What position was he in at that time?

MR PADDISON: I believe - I believe at that time he was - I'm only guessing, he was Assistant Commissioner.

10

MR LLOYD: Was that normal for you in your position - this was around the time you got the promotion to Principal Correctional Officer?

MR PADDISON: Yes.

15

MR LLOYD: I think it's signed off "Chief", so it might be before you got that promotion? Your sign-off at the end has got you as the Chief?

MR PADDISON: Yeah, obviously - yeah, I was obviously still the Chief at that time.

20

MR LLOYD: Was it normal for you to be communicating in this way by email directly to Mr Corcoran?

25

MR PADDISON: Yeah, I can't - I actually can't understand why I would have sent - well, it said:

"As requested by Marilyn Wright to provide to you."

30

So I can only imagine Marilyn Wright has given me the instruction to provide the Assistant Commissioner with details in regards to the incident.

MR LLOYD: Well, that's my next question. It's that first line, "As requested by Marilyn Wright."

35

MR PADDISON: Yes.

MR LLOYD: What position was she in at that time?

40

MR PADDISON: She might have been a Regional Director or she may even been - I don't think she was Governor at the gaol.

MR LLOYD: Take it from me that there's some evidence that she was the Regional Director, that is -

45

MR PADDISON: Okay.

MR LLOYD: - that was the position sitting above the Governor -

MR PADDISON: Yes.

5 **MR LLOYD:** - and responsible for more than one Correctional Centre but including Dillwynia. Is that your understanding?

MR PADDISON: Yes.

10 **MR LLOYD:** This is, obviously enough, a reference to you being requested by her to provide Mr Corcoran with information?

MR PADDISON: Yes.

15 **MR LLOYD:** Was that normal for you, in your position as the Chief Correctional Officer -

MR PADDISON: If I look back now, no. I probably shouldn't have been the person doing that. It probably should have come from the Governor.

20 **MR LLOYD:** We've heard a good deal of evidence about hierarchical structures.

MR PADDISON: Yes.

25 **MR LLOYD:** This is you in a position which is - what, you've got the Governor, Manager of Security, Principal Correctional Officer and the Chief. This is the fourth rung in the hierarchy of the gaol.

MR PADDISON: Yes.

30 **MR LLOYD:** You being asked by the Director, who sits above the Governor -

MR PADDISON: Yes.

35 **MR LLOYD:** - to provide information about what looks to be a very serious matter.

MR PADDISON: Yeah, very - yes, very serious.

40 **MR LLOYD:** Are you able to explain how it is that came to pass?

MR PADDISON: There's a - I can only think that maybe I was the - on a weekend - if it was on a weekend that the event occurred, there's potential that I may have been the officer in charge of the gaol, possibly.

45 **MR LLOYD:** It may be that you were thought to be someone who could give some factual account?

MR PADDISON: Yeah. Well, it appears to be fairly factual, so -

MR LLOYD: Just have a look down the page. You've got attached profile documents of the victim and informant.

5 **MR PADDISON:** Is this on the first page?

MR LLOYD: You see it? The first page. That - I take it you don't remember what they were, those profile documents?

10 **MR PADDISON:** I don't remember, but all inmates you can get a profile document that you can get a range of information related to the inmates - or inmate, the profile.

MR LLOYD: The relevant history of -

15

MR PADDISON: Yeah. Well, it's alerts, movements, their physical details, tattoos, things like that.

MR LLOYD: Do you see over the page:

20

"The alleged event occurred on 19 May, and the informant told me about the incident today at approximately 5 pm."

Do you see that? Over the next page.

25

MR PADDISON:

"...on 19 May, and the informant told me about the incident today (indistinct) at approximately 5 pm."

30

MR LLOYD: So does that refresh your memory about what was going on here?

MR PADDISON: I know I'm not doing myself any favours here. But, no, I just - I just don't - I really don't recall it. I mean, I remember the - some of the - I believe it was in L4, and L4 was a very challenging house for Dillwynia to manage. But I don't - you know, I'm not really recalling.

35

MR LLOYD: The inmate who was the victim of the assault had been seen by Justice Health nurse and doctor, and the police were notified?

40

MR PADDISON: Yes.

MR LLOYD: Was that, in your view, what should have happened if information about a sexual assault came to attention within the gaol, that is, tell the police?

45

MR PADDISON: Look, that was - I'm just reading all the details - that was a very serious sexual assault on an individual. Yeah, not probably the worst one I've ever had to deal with, to be honest, from memory.

MR LLOYD: But you're not suggesting that less serious sexual assaults weren't matters for the police, are you?

5 **MR PADDISON:** No. Well, you know, essentially - I mean, at the end of the day, any sexual assault should end up being reported to the police, yes.

MR LLOYD: Do you know whether you were the person who made the report?

10 **MR PADDISON:** I - I don't - I don't remember.

MR LLOYD: In the next line, you've got the informant - and I can tell you - and, Commissioner, we'll replace the document with a different version, but the name that's blacked out there is Witness MM, if that assists your memory:

15 "The informant..."

MR PADDISON: Right.

20 **MR LLOYD:**

"...Witness MM has also disclosed further information to me in relation to a number of other matters occurring."

25 Do you see that?

MR PADDISON: Yes.

30 **MR LLOYD:** Do you remember being told by an informant MM about information of this kind?

MR PADDISON: Of - of 1 through 11?

35 **MR LLOYD:** Yes.

MR PADDISON: Again, I have a very, very vague recollection of her.

MR LLOYD: Is she an inmate?

40 **MR PADDISON:** She - yeah, she would have been.

MR LLOYD: The matters, without dwelling on all of them, include matters of seriousness suggesting serious problems in the gaol?

45 **MR PADDISON:** Yeah, a significant amount of serious (crosstalk).

MR LLOYD: For example, significant drug use?

MR PADDISON: Yes.

MR LLOYD: Going down the page, talks of a riot and escape?

5 **MR PADDISON:** Yes.

MR LLOYD: And then down at 9, claims that inmates are giving officers head jobs:

10 "Described the officer as a short little fella, thinks his name is..."

I can tell you what that is behind the black redaction:

"...Jamie."

15

MR PADDISON: Right.

MR LLOYD:

20 "He gives girls cigarettes for the head jobs."

MR PADDISON: Right.

25 **MR LLOYD:** Do you remember what it is that the informant MM was telling you about inmates are giving officers head jobs and in relation to Jamie in exchange for cigarettes?

MR PADDISON: What it was?

30 **MR LLOYD:** Do you remember what she was telling you?

MR PADDISON: I - I don't, but it's - it's obviously in the report, yes.

35 **MR LLOYD:** Do you remember whether you were aware of that kind of thing happening?

MR PADDISON: No.

40 **MR LLOYD:** This was the first time, on your recollection, you'd been told about that kind of thing happening within the gaol, that is, by the informant?

MR PADDISON: Well, if we marry it up with the - the time with Witness C, then possibly it wasn't the first time that I'd heard, no.

45 **MR LLOYD:** And just obviously enough, if you take it from me that the black redaction in the second line of 9 is Jamie, not Astill, this would be that practice but with different -

MR PADDISON: Sorry, say that again.

MR LLOYD: If you take it from me that it's Jamie in the second line -

5 **MR PADDISON:** Right.

MR LLOYD: - is the identified officer who's said to be engaging in this activity.

10 **MR PADDISON:** Yeah. She's identified someone, clearly, yes.

MR LLOYD: A matter requiring investigation, obviously?

MR PADDISON: Yes.

15 **MR LLOYD:** Very serious?

MR PADDISON: Very serious.

20 **MR LLOYD:** And sexual favours, in a sense, in exchange for contraband in the form of cigarettes?

MR PADDISON: Yes.

25 **MR LLOYD:** Suggesting a different problem, that is, contraband being brought into the gaol -

MR PADDISON: That's correct.

30 **MR LLOYD:** - by an officer?

MR PADDISON: Yes.

MR LLOYD: What about the next line:

35 "Two inmates about to claim to be pregnant by officers. I can't remember the girls' names, but one of them is tall and looks pregnant. She's been in longer than nine months."

40 Do you remember what you knew about that allegation, that there might be two inmates in Dillwynia who were pregnant and officers were the father?

MR PADDISON: No, I have no - I don't recall ever hearing anything like that. Obviously she's told me that on the day. I mean, it - it appears the list is long, that she's told a range of things, so -

45

MR LLOYD: Just in relation to 9 and 10, they're matters of the utmost gravity about the operation of this gaol. Would you agree with that?

MR PADDISON: Yes.

MR LLOYD: Presumably that is why you included them or passed on what you were being told in the report?

5

MR PADDISON: Yes.

MR LLOYD: Could I just understand, then, in terms of information of this kind - and I think you agreed with me gravity; that's right? Grave serious information?

10

MR PADDISON: Yes.

MR LLOYD: In terms of the reporting structure or hierarchy, this is you supplying information to the Assistant Commissioner at the request of the Director in this kind of report.

15

MR PADDISON: Yes.

MR LLOYD: Did you know what was required of you other than doing that in terms of, for example, notifying the Corrections Intelligence Group?

20

MR PADDISON: No. If - if - if I had a Director, as - she's requesting me to provide details directly to the Assistant Commissioner, I would have to imagine that staff at the centre, an Intel Officer or someone, would have, yeah, produced further reports or - there must have been something that would have been handed on to the Corrections Intelligence Group.

25

MR LLOYD: And I take it you making this report in writing to someone at the level of seniority of Assistant Commissioner, you didn't think you also had to be making confidential reports somewhere else to see action being taken?

30

MR PADDISON: Look, yeah, I would hope to think that - if I've emailed the Assistant Commissioner that detail and if I'd failed to complete all the functions required at a lower level, I would hope that someone would come and make sure all the details were attended to and completed correctly.

35

MR LLOYD: You made a written report about all these matters which has been directed to someone who is almost at the top of the organisation.

40

MR PADDISON: That's correct.

MR LLOYD: I take it you assumed that then that information would have been dealt with properly by whoever was responsible in actioning it?

45

MR PADDISON: Yes.

MR LLOYD: And you'd expect nothing less than a proper investigation about all of the matters in the report?

MR PADDISON: A full investigation.

5

MR LLOYD: By people who were trained in investigating allegations of this kind?

MR PADDISON: Yes.

10

MR LLOYD: Just out of interest, do you know - in terms of the allegation about two inmates being pregnant and officers being the father or fathers, was, on your understanding, it possible to have the particular inmates undergo a basic pregnancy test?

15

MR PADDISON: Yes, you could - yeah, you could send out inmates - well, it could have even happened at the - the clinic within the gaol. I'm pretty sure they possibly would have maybe had pregnancy tests. Or inmates can quite easily be sent out to the nearest hospital for things like that.

20

MR LLOYD: In terms of the suggestion that one of them - at least one of them might have been - might certainly have fallen pregnant while at Dillwynia, that is, after being incarcerated, forgive my ignorance, but do they have what you might see on TV shows called conjugal visits?

25

MR PADDISON: Yes.

MR LLOYD: So there was a possibility that if someone had fallen pregnant while incarcerated that that might not be at the hand of another officer; is that right?

30

MR PADDISON: Hang on. Can you just say that again? I was going to answer you before you finished. Can you say that again?

MR LLOYD: If someone had fallen pregnant after they came to Dillwynia -

35

MR PADDISON: Yes.

MR LLOYD: - is that - could that be explained by a visit by their partner or someone?

40

MR PADDISON: No. It would be very difficult for an inmate to have sex on a - on a visit.

MR LLOYD: So basically if it had happened after they became incarcerated that it could really only be by another officer or, for example, another staff member, not an officer, like a SAPO or something like that?

45

MR PADDISON: Yes.

MR LLOYD: Someone within the gaol, though?

MR PADDISON: Yes.

5

MR LLOYD: Do you know what happened after you made the report to Mr Corcoran?

MR PADDISON: I don't think I heard anything, from memory.

10

MR LLOYD: If that's right, having regard to the list of issues -

MR PADDISON: The only thing that I can - the only thing that's coming to mind right now is - Tracey Mannix was the - she may have been acting into a Director's role at the time. And the only thing I was recalling right now is the L4 was a 40-out, and it got changed down to a 20-out. So there was 20 two-out rooms. And then - so that went all down to individual cells for 20 inmates instead of having 40 in there.

15

MR LLOYD: And are you telling us that because you think that may have been a response to some of the things -

20

MR PADDISON: Yes, that's - right now, that's all I can remember was a response in regards to this matter.

25

MR LLOYD: Could I ask you about a different topic. Sometime in about 2016 - you may have heard this evidence also, Mr Paddison - Jean Dolly tells us about a meeting at which she says you were present where the allegation was made by her that Astill was bringing contraband in for inmates.

30

MR PADDISON: Yes.

MR LLOYD: Do you remember being at a meeting where that allegation was raised?

35

MR PADDISON: Again, I'm not doing myself any favours here, but I - going off Officer Dolly's evidence, I find it - that it would be very difficult for her to have been in an executive meeting in 2016. I believe she could have possibly been in an executive meeting in 2018, because she was not at the rank to be invited to a meeting as such. And I can only say to that is if - going by what happened in 2017, if Officer Dolly came into a room where several executive staff who were in that meeting were aware of what we knew about Wayne Astill, I'm pretty confident we actually would have stopped Jean and asked her for further details or information after the fact.

40

So I - I don't believe that what Officer Dolly said that she was saying to Wayne is correct. And it also falls into line with, I believe, what she said, it was around the time that a mediation occurred, which I conducted that mediation with her. And

45

the mediation that occurred between herself and Wayne Astill was very hostile, and I believed that she would have come into that meeting, she would have been just been hostile again to Wayne Astill. And due to the nature of a high-level executive meeting, I probably said to Jean, "Just leave." And I - I do not believe she was saying anything about contraband or things like that in regards to Wayne. Because like I said, we would have - we would have jumped on that straightaway.

COMMISSIONER: Mr Paddison, that whole answer is just out of your imagination, isn't it? You have no recollection of any of the things you've just spoken of.

MR PADDISON: I can only assume as to why I would have told her to be quiet. And that's the only - that's the only answer that I can come up with, Commissioner.

COMMISSIONER: Well, the events that you purport to relate are events that you have no recollection of; correct?

MR PADDISON: That's correct.

MR LLOYD: And in terms of just - you're no doubt aware that the Commission has heard a range of evidence about mediations, so called, in the early part of 2018 involving Thomas Woods. You know about that?

MR PADDISON: Yes.

MR LLOYD: The mediation you're talking about is quite a different event -

MR PADDISON: Yeah, it's its own event between Officer Dolly and Wayne Astill.

MR LLOYD: As you understood, that so-called mediation was to try and resolve the conflict between those two officers?

MR PADDISON: Yes. So Officer Dolly had written a report. She had requested mediation within her report. And I was instructed by Governor Martin to conduct a mediation, but I took a more informal approach. It was a - it's a "just talk" approach.

MR LLOYD: Whether it was at a mediation, so called, or an executive meeting, and whether it was in 2016 or 2018, what I want you to respond to is what Ms Dolly told the Commissioner, that she, in your presence, made an allegation that Astill had been bringing contraband in for inmates, and you responded to her by saying, "You're nothing but a troublemaker. You're not required here. Get out." What do you say about that?

MR PADDISON: It's quite possible that I said that. And that - that was Officer Dolly, unfortunately. She was very well known as a troublemaker. And as I said, if

she'd come into an executive meeting, starting an argument with an officer, regardless of whoever it was, I probably would have said the same thing to anybody, to get out.

5 **MR LLOYD:** Do you remember ever at any time being concerned about allegations that Astill was bringing contraband in?

MR PADDISON: No.

10 **MR JAMES:** Commissioner, I object.

COMMISSIONER: Mr Paddison, I find your evidence startling. We now know that Mr Astill was bringing contraband into the gaol, don't we?

15 **MR PADDISON:** Yes.

COMMISSIONER: And yet you believe that when Ms Dolly reported that that was probably happening, you would have been able to say to her, in good conscience, "Just get out of the room"?

20

MR PADDISON: Yes.

COMMISSIONER: Are you embarrassed by what you did?

25 **MR PADDISON:** No, because I - no, Commissioner.

MR LLOYD: Assuming that happened, there was an allegation by - Ms Dolly, certainly by 2018, was a Senior?

30 **MR PADDISON:** Yes.

MR LLOYD: And if she was making an allegation of that kind, that another senior officer was bringing in contraband, that positively demanded an explanation into whether the allegation was true. Do you agree?

35

MR PADDISON: Yes.

MR LLOYD: Do you remember there being any investigation into whether Astill was bringing contraband in?

40

MR PADDISON: I'm not aware of contraband. No.

MR LLOYD: I sensed hesitation between "aware of" and "contraband". Are you aware of something else?

45

MR PADDISON: Sexual assault.

MR LLOYD: You now know that one of the things Astill was doing was bringing contraband in and trading it, in the sense promising some inmates that he'd give them contraband in return for them doing sexual favours or having sex with him, in effect. Do you know that now?

5

MR PADDISON: Yes.

MR LLOYD: Did you know that then?

10 **MR PADDISON:** No.

MR LLOYD: Do you think that - I withdraw that. But could I ask you about a different event. You describe this in paragraphs 27, 28 and 29 of your Commission statement. And if you need to remind yourself of those paragraphs, please re-read them. But just tell me when you know sufficiently what it is I want to ask you about.

15

MR PADDISON: Yes.

20 **MR LLOYD:** I just want to put some aspects of what Witness V told us about when she gave evidence to the Commission to see if you agree. Do you remember Witness V and Witness R coming **into** a meeting at which at least you were present?

25 **MR PADDISON:** I have a very vague recollection, and that's even after I've read - knowledge of reports and emails now, that I have a very vague recollection of that meeting.

MR LLOYD: I think from things you've read now, you do accept that there was a meeting of this kind at which you were present?

30

MR PADDISON: Yes.

MR LLOYD: Witness R and Witness V have told the Commission that the other people present in the first part of the meeting were Officers Holman and Westlake. Do you have a recollection of being - to the extent you have a recollection of this meeting, do you have a recollection of who else was present in the first part of it?

35

40 **MR PADDISON:** Again, I don't recall - the only - the only people who I know was in the room other than Neil Holman is through the report, and I don't recall Scott Westlake being in the room. But by the report, he was in the room initially.

MR LLOYD: But just in terms of your actual memory, you don't -

45 **MR PADDISON:** No, I don't - no, I don't remember Scott Westlake being into the room.

MR LLOYD: In terms of what was said by Witnesses R and V during the meeting I'm asking you about, both of those women say that one thing that they said was that Astill had been touching Witness M inappropriately, in a sexualised way.

5

MR PADDISON: Yes.

MR LLOYD: Do you remember that being said?

10 **MR PADDISON:** No.

MR LLOYD: But you're not saying that you dispute what was said (crosstalk)?

MR PADDISON: No, I'm not disputing it at all. No.

15

MR LLOYD: In fact, I think - tell me if I've got it right - from things you've later read, is it right that you probably accept that it was -

MR PADDISON: 100 per cent I accept that.

20

MR LLOYD: Another thing that they said, Witnesses R and V, was disclosed in the meetings, that not only had Witness M told them of inappropriate sexualised touching by Astill of Witness M, but that one of them had actually witnessed it occurring, as in first-hand?

25

MR PADDISON: Yes.

MR LLOYD: Do you - again, do you remember that being said?

30 **MR PADDISON:** Again, no, I don't.

MR LLOYD: But is that in the same category: things you've read more recently rather suggests that that did, in fact, happen?

35 **MR PADDISON:** Correct.

MR LLOYD: But you certainly don't dispute it?

MR PADDISON: Do not dispute it.

40

MR LLOYD: The events that they disclose and you've addressed in some of these paragraphs during this meeting, are that after the disclosures I've put to you were made about inappropriate sexualised touching of Witness M by Astill and witnessed by one of the women, that, in effect, the meeting was suspended for someone to retrieve Shari Martin?

45

MR PADDISON: That's correct.

MR LLOYD: You have - again, is that the same category: you don't remember?

5 **MR PADDISON:** Unfortunately, yeah, I - I don't remember. Well, I may have - I don't know whether because I'm - I'm putting a picture in my mind from the girls telling me what happened on that day, but I - I don't remember who got the Governor, I don't recall.

10 **MR LLOYD:** At any event, again from things you've read you now don't dispute that Shari Martin was retrieved by someone and called into the meeting?

MR PADDISON: I do not dispute that.

15 **MR LLOYD:** And is it right that you also don't dispute the evidence of Witnesses R and V, she when came in, the same things were said in the first part of the meeting were said again in her presence?

MR PADDISON: Yeah, I can't dispute that, I imagine it was.

20 **MR LLOYD:** Do you remember either you or Mr Holman saying during the first part of the meeting something to the effect that "inmates sometimes lie"?

MR PADDISON: No, unfortunately. No, I don't remember any words that were said in the - in the meeting.

25 **MR LLOYD:** And what about Shari Martin when she came in, do you remember her saying something to that effect, "inmates lie"?

30 **MR PADDISON:** Again, Mr Lloyd, I honestly can't recall exact words - any words that were said in the meeting.

MR LLOYD: In terms of the documents, just go to paragraph 31 of your Commission statement. You describe there:

35 "After the conversation with Witness V ..."

Now, pausing there so we don't get confused, that's a more recent conversation you've had with her?

40 **MR PADDISON:** No. So that part of my statement is incorrect. So it wasn't after the conversation with Witness V, it was actually after my police interview that I went home and had an opportunity then, after I actually finally was given some key details of when the event occurred, that I actually went home and went back through my records and my emails.

45 **MR LLOYD:** By "police interview" are you talking about your interview with Ms - or Officer Holden for the purpose of this -

MR PADDISON: That's correct.

MR LLOYD: You met with representatives of this Inquiry, you were asked about this event and then you went home to try and find what documents you had, is that -

5

MR PADDISON: Yes.

MR LLOYD: And that's what you are talking about in 31. You found those emails to help you refresh your memory?

10

MR PADDISON: Yes, that's correct.

MR LLOYD: And in reading the document, and I'll take you to it in one moment, you prompted a vague memory of calling CIG on that day after receiving the complaint?

15

MR PADDISON: Yeah, that's correct.

MR LLOYD: Do you have - I withdraw that. Tell us about the contents of your vague memory of that call?

20

MR PADDISON: So I don't recall making the call. I don't recall who I spoke to. I don't recall if I had said anything about Wayne Astill or the event. I have no recollection of that. The only evidence that I have of that day, which you can call it coincidence, but it was either the day of the meeting with the girls or the day after Michelle Clark, the Intelligence Manager, had emailed me an application form to access the IIS.

25

MR LLOYD: I'll come to that, but just in terms of your recollection of the call, you had (crosstalk).

30

MR PADDISON: No, I have no memory of a phone call. Like, I have some - believe that I rang them but I don't recall any content of the phone call.

35

MR LLOYD: Is that based upon the email that you found coming back from Michelle Clark?

MR PADDISON: Yes.

40

MR LLOYD: Could I just ask you - I asked you some questions about this earlier, about access to the Integrated Intelligence System. You say here:

"No officers on duty at Dillwynia that day had access to that system."

45

MR PADDISON: Yeah, well, I have to make again an assumption. If we - if I've been sent an application form for the IIS system, I have to believe that - and if Scott Westlake was in the room, I have to believe that he was acting into the Intelligence Officer's role and there's a possibility he didn't have access to the IIS

system specifically for Dillwynia. And I know for a fact I didn't, and again I have to believe that Neil or Shari didn't have access to it because it was only - or Shari probably actually should have had access.

5 **MR LLOYD:** What I wanted to ask you -

MR PADDISON: Yeah.

10 **MR LLOYD:** - when you talk about no officers on duty have access to that system, you can't possibly be talking about Shari Martin?

MR PADDISON: No, well, yeah, I have to believe that maybe she - yeah, she probably did have.

15 **MR LLOYD:** You understood she had access?

MR PADDISON: Yes.

20 **MR LLOYD:** What you are saying is the three men - you, Mr Holman and Mr Westlake - to your knowledge, did not have access to -

MR PADDISON: To my knowledge.

25 **MR LLOYD:** You were acting Manager of Security on the day?
MR PADDISON: Yes.

30 **MR LLOYD:** That was like a dire state of affairs that you and the other two men didn't have access to the intelligence system?

MR PADDISON: Yeah. As I stated earlier, very limited staff had access to the - you had to be an Intel Officer to have access to the IIS system.

35 **MR LLOYD:** Just in terms of the gravity in your mind of what was being disclosed if true, at a minimum what you were being told was that a Senior Correctional Officer within Dillwynia had committed an indecent assault; is that right?

40 **MR PADDISON:** That's right.
MR LLOYD: Criminal conduct?

MR PADDISON: Yes.

45 **MR LLOYD:** Do you remember whether it occurred to you that when I asked you about your report earlier from May of 2016, about the very serious assault, that the first place to go for an allegation of this kind was just to call the police?

MR JAMES: Objection, Commissioner. I take the 23 objection.

COMMISSIONER: Sorry?

5 **MR JAMES:** Your Honour, we take the objection.

COMMISSIONER: Yes, I require you to answer.

10 **MR PADDISON:** No, it did - it was - it's not the first port of call. You generally would just go through, like, to the Governor, like internally. To go back to that event from last time that we were talking about earlier, that was an incredibly significant event that occurred to an individual. And I believed at that stage it was - it was - it was definitely a real event. It'd definitely happened and it required that attention from the police immediately.

15 **MR LLOYD:** There was nothing on the disclosures that have been made to you to suggest that this also wasn't a definitely real event that had happened to Witness M; true?

20 **MR PADDISON:** No, that's correct.

MR LLOYD: No reason to disbelieve these two women who had come forward, one of whom had said, I put to you, that she had observed the conduct.

25 **MR PADDISON:** Yes.

MR LLOYD: And the other saying that Witness M had said that this was happening?

30 **MR PADDISON:** Yes.

MR LLOYD: No reason to disbelieve them, was there?

35 **MR PADDISON:** No.

MR LLOYD: Is it the position that in your mind at this time some crimes that had occurred within Dillwynia, the very serious one on an inmate, should be reported to police?

40 **MR PADDISON:** At that point in time - no, I can't recall thinking that it needed to be reported to the police.

MR LLOYD: No, but the seriousness of it, you told us was?

45 **MR PADDISON:** Yes.

MR LLOYD: But what I really want to ask you is, other alleged crimes, an indecent assault by an officer, didn't need to be - didn't need to be reported to police?

5 **MR PADDISON:** Yes.

MR LLOYD: Was the true difference here not the gravity of the offence but the fact that Astill was an officer and that's why that report wasn't made?

10 **MR PADDISON:** That's incorrect.

COMMISSIONER: Why do you say there's a difference? How do you identify a difference between the two?

15 **MR PADDISON:** Commissioner, so at that time, and going back through the reports and the emails, it was an allegation at that point in time. Whereas if I go back to that other incident we were talking about earlier, that was an - an event that I knew had occurred.

20 **COMMISSIONER:** Well, here you have allegations of a serious crime.

MR PADDISON: Yes.

COMMISSIONER: Don't you think you should tell the police?

25

MR PADDISON: Again, Commissioner, it was generally from my experience instances like that you're supposed to send through to the Governor and then which goes on to the CIG and - and places like that.

30 **COMMISSIONER:** You see, you run the risk that if you keep it in-house and start to investigate in-house that you will compromise a police investigation, don't you?

MR PADDISON: 100 per cent, yes.

35

COMMISSIONER: Hmm?

MR PADDISON: Yes.

40 **COMMISSIONER:** Doesn't that tell you that an allegation which is of a serious type such as this should go straight off to the police?

MR PADDISON: Yes. In hindsight, yes.

45 **MR LLOYD:** And, in fairness to you, Mr Paddison, in terms of knowledge, you knew that the Governor also knew about these allegations?

MR PADDISON: For that incident, yes.

MR LLOYD: And do you remember whether Shari Martin said anything to you about what you know?

5 **MR PADDISON:** No, I don't - I don't recall.

MR LLOYD: Could I ask you - I've been promising to take you back to your own emails for a while but I'll take you now to Annexure B. We've got at the bottom part, about three-quarters of the way down, Michelle Clark to you, copied to
10 someone else. This is the email that you say you received from someone within the Security and Intelligence Division, effectively giving you access to the Integrated Intelligence System?

MR PADDISON: Yes.
15

MR LLOYD: And that's, in part, informed your belief that you made the call to the CIG on or around the day of these disclosures?

MR PADDISON: Yes.
20

MR LLOYD: Just go back to your Commission statement, paragraph 32. You've again had your recollection refreshed by an email you sent to the Manager of Security at the Wellington Correctional Centre on 22 July?

25 **MR PADDISON:** Yes.

MR LLOYD: Could you just turn up Annexure D. Like all email chains, you've got to go to the end. So go over to the second page. This is you to Craig Smith - that's the person at Wellington?
30

MR PADDISON: Yeah, that's correct.

MR LLOYD: And Shari Martin, on 22 July?

35 **MR PADDISON:** Yes.

MR LLOYD: Now, in this email, you start by saying:

40 "We're currently undertaking an investigation at Dillwynia in relation to alleged inappropriate interactions between a custodial staff member here at Dillwynia and an offender previously incarcerated here but now at Wellington."

45 Do you see that?

MR PADDISON: Yes.

MR LLOYD: Is that what you were doing on 27 July in sending this email? Were you conducting an investigation into the allegations that had come to your attention about Witness M?

5 **MR PADDISON:** No. I mean, it wouldn't have been - "investigation" might not have been the right word at the time. But we don't - we're not tasked with - we can't conduct investigations, but I would have definitely been trying to find further facts in regards to the allegations that were made.

10 **MR LLOYD:** In terms of you're not tasked with doing it, I don't want to be unkind to you, Mr Paddison, but you're not trained (crosstalk) -

MR PADDISON: No. No, 100 - no, I'm 100 per cent not trained to be an investigator.

15

MR LLOYD: And to your knowledge, Craig Smith wasn't trained either?

MR PADDISON: No, to my knowledge. I assumed Craig may not have been.

20 **MR LLOYD:** But to your knowledge at that time, the police are, or at least some of them?

MR PADDISON: Yes.

25 **MR LLOYD:** And in particular where you've got allegations coming forward from a woman who you knew was fairly young, Witness M?

MR PADDISON: Yes.

30 **MR LLOYD:** Allegations of indecent sexual assault by a much older man in a position of seniority, Astill?

MR PADDISON: Yes.

35 **MR LLOYD:** That is, to your knowledge at the time, the precise sort of situation which, if it's to be investigated properly, has to be handled by people who have knowledge, skills and training in dealing with women making disclosures.

MR PADDISON: Yes.

40

MR LLOYD: Do you agree with me?

MR PADDISON: I agree.

45 **MR LLOYD:** And would you agree with me that to the extent Mr Smith is being asked here to further any investigation conducted at Dillwynia into this, that was thoroughly inappropriate?

MR PADDISON: Yeah. Inappropriate, yes. I - I can only believe at the time I was - obviously had concerns for the inmate. I - I was taking the allegations very seriously. And if I look back at the time, I was obviously trying my best to, you know, find out more about the situation.

5

MR LLOYD: I note the time, Commissioner. I'll probably be another five minutes about this email.

COMMISSIONER: You want me to take lunch?

10

MR LLOYD: If it's convenient.

COMMISSIONER: All right. We'll take lunch.

15

<THE HEARING ADJOURNED AT 12.59 PM

<THE HEARING RESUMED AT 2.00 PM

COMMISSIONER: Yes, Mr Lloyd.

20

MR LLOYD: Thank you, Commissioner. Mr Paddison, remember before the break I was asking you about Annexure D to your statement?

MR PADDISON: Yes.

25

MR LLOYD: That's still open in front of you?

MR PADDISON: That's correct.

30

MR LLOYD: Can I just ask you this: You see the email itself is copied to Shari Martin?

MR PADDISON: Yes.

35

MR LLOYD: Do you have a recollection whether this communication from you to Mr Smith at Wellington was done at her direction or suggestion?

MR PADDISON: I would have to say it was. If I cc'd Shari into it, she would have probably directed me to follow up the complaint.

40

MR LLOYD: And you don't recall her ever coming back to you about this, saying (indistinct)?

MR PADDISON: No.

45

MR LLOYD: In terms of your relationship with her, does that lead you to think this was either done at her direction or certainly with her knowledge?

MR PADDISON: Sorry, can you repeat that?

MR LLOYD: This was obviously done with her knowledge. She's copied in.

5 **MR PADDISON:** Yes.

MR LLOYD: But do you believe, having regard to the things I've shown you and your knowledge of your working relationship with her, that it was likely to be done at her direction?

10

MR PADDISON: I would say so, yes.

MR LLOYD: I'll just take you through the balance of the email and then ask you a couple of questions. The second paragraph, you're recounting there the allegations by:

15

"Describe several offenders that an officer..."

That is, Astill:

20

"...had made unwanted advances towards Witness M and attempted to kiss her."

Do you see that?

25

MR PADDISON: Yes.

MR LLOYD: And that's - I think you were saying earlier that whilst you didn't have a memory of the meeting with Witnesses R and V, that things you've seen later in documentary form led you to believe that they had made disclosures of this kind to you at the meeting?

30

MR PADDISON: Yes.

35 **MR LLOYD:**

"It's been reported that those same offenders - by the same offenders that Witness M has informed her mother about those interactions (indistinct) and is seeking legal advice."

40

Do you see that?

MR PADDISON: Yes.

45 **MR LLOYD:** And then:

"Allegations that Witness M had been reluctant to bring it to the attention of custodial staff until she was released..."

MR PADDISON: Yes.

MR LLOYD:

5

"...in light of fear of reprisal from Astill."

That fact, that Witness M was reluctant because of being effectively scared of reprisals, did that information come as a shock to you?

10

MR PADDISON: I believe I would have been concerned in regards to, yes, her being fearful of Wayne Astill, yes.

MR LLOYD: And in terms of an inmate who was making an allegation of indecent assault by an officer, being scared to make a report about it because of fears of reprisal, that speaks of a serious problem in the complaint handling system within the gaol. Would you agree with that?

15

MR JAMES: I object to that question, Commissioner.

20

COMMISSIONER: Yes, I require you to answer.

MR PADDISON: Yes, it would appear that the complaint could probably have been handled better.

25

MR LLOYD: And in terms of the culture within the gaol about inmates feeling that they could make serious complaints or complaints about serious misconduct by officers, the fact that, on this information, she was not prepared to come forward because she was scared of reprisals spoke of a serious problem with that system. Would you agree?

30

MR PADDISON: Yes.

MR LLOYD: The final paragraph:

35

"Hoping you could conduct an interview with Witness M and ascertain the validity of these allegations prior to us taking further action."

Do you see that?

40

MR PADDISON: Yes.

MR LLOYD: Was - the first part of that was you were asking Mr Smith to interview Witness M to see whether what she was saying could be relied on?

45

MR PADDISON: Yes, I would have been trying to confirm with Mr Smith.

MR LLOYD: What information did you, or to your knowledge Shari Martin, have about Mr Smith's ability to interview a young woman who was, on your information, wanting to make allegations of indecent sexualised assault?

5 **MR PADDISON:** Yeah. As stated earlier, I don't think he - he possibly did not have the knowledge to do that.

MR LLOYD: Is it right to say you didn't know one way or the other?

10 **MR PADDISON:** Yeah, yeah. Yes.

MR LLOYD: At this point you've said, by looking at the email of 21 July I asked you about before the break, that your best recollection is you made a phone call notifying the CIG?

15 **MR PADDISON:** Yes.

MR LLOYD: Is it right, then, that at the direction of, or at least with the knowledge of Shari Martin, that at the time of this email this matter was also with the CIG to be actioned?

20 **MR PADDISON:** Quite possibly, but I - I'm not - I'm not sure if I - if I think that I'd made the - the call, then possibly no. I mean, technically, I shouldn't be trying to conduct further information. So if it was with the - potentially, yeah, I have to agree.

25 **MR LLOYD:** Could I just ask you about "technically". Is it right that if this information had been passed on to the CIG - just pausing there. Is that the proper agency which, in your mind, ought to have been conducting any investigation?

30 **MR PADDISON:** Yes.

MR LLOYD: Because you knew, didn't you, that within the CIG, there was a subgroup or department or branch, whatever you want to call it, which included members of the New South Wales Police Force?

35 **MR PADDISON:** Yes.

MR LLOYD: And that was the place for a serious allegation like this to be investigated?

40 **MR PADDISON:** Yes.

MR LLOYD: Not by you copying in the Governor of the gaol, asking the Governor or a person from another gaol to conduct interviews themselves to ascertain the validity of the complaints?

45 **MR PADDISON:** Yes.

MR LLOYD: This speaks of a serious problem with the way this particular complaint has been handled at this time. Would you agree with me?

5 **MR PADDISON:** Yes.

MR LLOYD: Could I just ask you, Mr Paddison, to go back to paragraph 34 of your statement. You refer here - and I probably can ask you about this without taking you to the document. You got an email from a Senior Investigation Officer,
10 Lee Williams, on 24 July.

MR PADDISON: What paragraph again, sorry?

15 **MR LLOYD:** 35.

MR PADDISON: I've jumped back to someone else's -

MR LLOYD: I think I said 34 (indistinct).

20 **MR PADDISON:** I think I went too far. Yes.

MR LLOYD: You got an email a couple of days later from Lee Williams.

25 **MR PADDISON:** That's correct.

MR LLOYD: And that didn't give details; it just asked for your help in obtaining footage?

30 **MR PADDISON:** Yes.

MR LLOYD: Now, I think what you're saying is you believed that that request, even though it didn't mention this incident, might have been about it?

35 **MR PADDISON:** Possibly.

MR LLOYD: How frequently did you receive requests of that kind for you to be -

MR PADDISON: No, not - not very often at all.

40 **MR LLOYD:** So this was an out of the ordinary thing?

MR PADDISON: Yes. It was out of an ordinary email, yes.

45 **MR LLOYD:** And you putting two and two together based upon your report of a couple of days or so earlier to the CIG, you think that fact combined with two days later being asked to find footage - you think that they're probably related?

MR PADDISON: Yes, when I - you know, six years on, yes, when I go back.

MR LLOYD: You were away from work for a couple of days and asked Pam Hotham to attend to that request?

5 **MR PADDISON:** Yes.

MR LLOYD: And I think you tell us that you didn't ever find out what happened with that particular request for footage. Is that true?

10 **MR PADDISON:** That's - that's correct.

MR LLOYD: Can I ask you about paragraph 36 of your Commission statement. You talk there of an email from Hamish Shearer on 27 July 2017. Do you see that?

15 **MR PADDISON:** Yes.

MR LLOYD: At that point, he had come into the role occupied previously by Marilyn Wright?

20 **MR PADDISON:** Yes.

MR LLOYD: So he was in that Director role you told us about earlier?

25 **MR PADDISON:** Yes.

MR LLOYD: That is, up the chain of seniority from Shari Martin and responsible for Dillwynia but other gaols as well?

30 **MR PADDISON:** Yes.

MR LLOYD: You got an email from him on 27 July asking you to call him?

MR PADDISON: Correct.

35 **MR LLOYD:** That's a document behind Annexure F. I probably need not take you to it, but it just says:

"Can you call me? Regards, Hamish."

40 Do you remember that?

MR PADDISON: Correct.

45 **MR LLOYD:** Was that usual, for you to get an email from the Director to you which has got the subject "Call" and then saying, "Can you call me?"

MR PADDISON: No, very unusual. Something like that - if a - if a Director is trying to contact you in that way and asking you to call them directly, yeah, it's unusual.

5 **MR LLOYD:** You told us about one other occasion where there was at least some kind of contact between Marilyn Wright. That's about the May 2016 -

MR PADDISON: Yes.

10 **MR LLOYD:** - range of incidents, including the serious sexual assault?

MR PADDISON: Correct.

15 **MR LLOYD:** That's one occasion you've told us about where there was some contact between you and a Director?

MR PADDISON: Yes.

20 **MR LLOYD:** Is this the only other time you can remember where contact of a direct nature like this is happening?

MR PADDISON: No, I had several direct contacts with Mr Shearer at my time at Mary Wade Correctional Centre.

25 **MR LLOYD:** At your time at?

MR PADDISON: Mary Wade Correctional Centre.

30 **MR LLOYD:** That was the unhappy experience you had after -

MR PADDISON: Yes.

35 **MR LLOYD:** I'll ask you about that in a little bit. I just want to ask you about this email asking you to call him.

MR PADDISON: Yes.

40 **MR LLOYD:** You tell us that the usual practice was if you got a call from a - or an email from a Director asking you to call, you'd call?

MR PADDISON: Yes.

MR LLOYD: And pretty promptly, I assume?

45 **MR PADDISON:** Yes.

MR LLOYD: Do you think from the timing - I withdraw that. Can you think of any reason other than the disclosure that you said you made to the CIG about the

information about Witness M - can you think of any reason other than that for a call of this kind?

5 **MR PADDISON:** I can only think, if there was another reason, whether Shari had maybe asked him to call me or there's a possibility that - you know, I know I was going to Mary Wade not long after that date. I'm just trying to - it's a possibility, but -

10 **MR LLOYD:** It might have been about your new position?

MR PADDISON: Possibly.

15 **MR LLOYD:** Do you think it's more likely that it was about what had been disclosed to you and then passed on by you in relation to Witness M?

MR PADDISON: I would have to think that it was. I - I think it's fair to say it was probably - or possibly in regards to the incident.

20 **MR LLOYD:** Do you have a recollection of what was discussed in the phone call you tell us in your usual practice you would have made?

MR PADDISON: Unfortunately, no.

25 **MR LLOYD:** I'll come to the detail, but you tell us a bit later about a memory that you have of Mr Shearer coming out to Dillwynia to speak to Astill?

MR PADDISON: Yes.

30 **MR LLOYD:** Just now, do you remember approximately when that was?

MR PADDISON: I think it was - I can't remember if I saw him come or I was informed by someone like Shari or maybe Neil Holman, who had said he had attended the Centre. So I'm going to - I believe it was not long after this incident.

35 **MR LLOYD:** Because you left -

MR PADDISON: Yes.

40 **MR LLOYD:** - in early August?

MR PADDISON: That's correct.

45 **MR LLOYD:** You think, piecing it together, that what you were told was that he came out to see Astill shortly after you'd left?

MR PADDISON: Yes.

MR LLOYD: Can I just take you through to the next sequence or part of the sequence. You found out, didn't you, that Craig Smith couldn't conduct an interview with Witness M because she'd been moved?

5 **MR PADDISON:** Yeah, the inmate had been - by the time I'd spoken to Craig, he had days off and then I think I had days off and then, yeah, the inmate was in transit.

MR LLOYD: And I think you found out from speaking to others that she might
10 have been moved to Silverwater?

MR PADDISON: Yes.

MR LLOYD: Do you remember who was directing the moves?
15

MR PADDISON: As far as the moves go - I mean, inmates get moved all the time. If she was a Women's Remand Bed Placement, she could be moved anywhere within the system without being reclassified. You know, just hearing evidence before, she was - she'd been out to Bathurst. She - she's gone to
20 Wellington. She could be on a round trip back to Dillwynia.

MR LLOYD: Can I ask you this: When you left - I think you deal with this in paragraph 39 - on 6 August 2017, it was to go to the Mary Wade job?

25 **MR PADDISON:** Yes.

MR LLOYD: By that time, is it right to say that the following things in your mind is an accurate description of the situation: to your knowledge, Witness M had not been interviewed by anyone about the allegations that had come to your attention
30 from Witnesses R and V?

MR PADDISON: Yes.

MR LLOYD: Astill had not been interviewed by anyone to see what he had to
35 say about it?

MR PADDISON: No.

MR LLOYD: And the information that you had on what you're telling us had
40 been recounted to you by Witnesses R and V was in the hands of the CIG because you had made that disclosure?

MR PADDISON: Possibly. Yeah, I have to believe that I may have made
45 mention of it on the phone.

MR LLOYD: Was known by the Governor of the gaol?

MR PADDISON: That's correct.

MR LLOYD: Was known by your representative - or the representative of Wellington?

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

MR LLOYD: Was known by the other two men in the room in the meeting I've put to you, Mr Westlake and Mr Holman?

10 **MR PADDISON:** That's correct.

MR LLOYD: And if I was to tell you that at no time was Witness M ever asked about it, is that something that you know?

15 **MR PADDISON:** No. I - no. Well, I only know that - like, in paragraph 38 where I have a vague recollection that possibly Neil had made contact, from memory - you know, I have a very vague memory that Neil had tried to make contact with Silverwater Women's to try and see what was happening.

20 **MR LLOYD:** You weren't aware by the time you left that there'd been any attempt to investigate what was a very serious allegation against an inmate?

MR PADDISON: That's correct.

25 **MR LLOYD:** But to your knowledge or belief, if you made the report, that information was in the hands of at least the CIG and the Governor of the gaol?

MR PADDISON: Yes.

30 **MR LLOYD:** And if you're right in terms of piecing things together about the conversation with Mr Shearer, it was also in the hands of a member of the executive outside the gaol?

MR PADDISON: Yes.

35 **MR LLOYD:** If it's right that no one ever bothered to speak to Witness M or Mr Astill about this particular event, that speaks of a very serious failure in handling this information, doesn't it?

40 **MR PADDISON:** Yes.

MR LLOYD: Could I ask you just to move forward in your Commission statement to paragraph 87. You refer in here to an event after you'd moved to Mary Wade, that is, in September 2017?

45

MR PADDISON: Yes.

MR LLOYD: You received an email from Mr Shearer?

MR PADDISON: That's correct.

MR LLOYD: Just go to Annexure K.

5

MR PADDISON: Yes.

MR LLOYD: Do you see on the second page that email from Mr Shearer to you and others, including Ms Martin and Ms Tracey Mannix?

10

MR PADDISON: Yes.

MR LLOYD: It says:

15

"Team, the AC..."

Who's that?

MR PADDISON: Assistant Commissioner.

20

MR LLOYD:

"...and Directors of Custodial Corrections are changing our approach with regard to referrals to PSB for investigation..."

25

Do you see that?

MR PADDISON: Yes.

30

MR LLOYD:

"...a decision taken to enable Directors to better manage disciplinary and performance issues within their districts, like greater transparency of key issues and not overburden the resources of PSB and its investigative staffing. Some matter referred to PSB may be more effectively managed under performance management."

35

Do you see that?

40

MR PADDISON: Yes.

MR LLOYD:

"In future, any incidents of a disciplinary or performance nature that warrant elevation are in the first instance to be raised with me, and we will decide whether a performance or disciplinary investigation is appropriate."

45

Do you see that?

MR PADDISON: Yes.

5 **MR LLOYD:** Did you ever have a discussion with Mr Shearer about what this change was and what it meant to you and why it was occurring?

MR PADDISON: No.

10 **MR LLOYD:** Did you, in your own mind at least, think it had anything to do with what had happened in relation to the allegations about Witness M and Astill?

MR PADDISON: No, I didn't - no, I did not link those two together.

15 **MR LLOYD:** When you read this, incidents of a disciplinary or performance nature that warrant elevation being in the first instance raised with the Director, what did you understand that to mean in a practical sense?

20 **MR PADDISON:** Well, he wanted to - before we made any referrals to the PSB, we had to inform him of every - every incident that happened within a gaol.

MR LLOYD: What, as you understood it, tell him by way of an email or a phone call or something like that?

25 **MR PADDISON:** Yeah. Email, phone call, report.

MR LLOYD: Disciplinary or performance nature - or incidents of a disciplinary or performance nature, did anyone ever tell you what those kinds of incidents encompassed?

30 **MR PADDISON:** No, there was definitely not a - you know, a - a document that outlined, "This is clearly what you need to report to me. This is what you should, you know, go above me." As far as I was aware, this was a direction to inform him of everything.

35 **MR LLOYD:** That is, before a reporting pathway to either the Professional Standards Branch or any other part of the CIG?

MR PADDISON: Yes. Yes.

40 **MR LLOYD:** You must have thought this was a very significant change to the way in which serious incidents involving discipline - a disciplinary nature with officers were made?

45 **MR PADDISON:** Yes.

MR LLOYD: But no policy or detail about how the new system was to be managed by people like you and the other recipients?

MR PADDISON: If there was, I never received it.

5 **MR LLOYD:** Did you understand that the reference of "disciplinary or performance nature" would include if there were allegations of criminal or - including sexual or indecent assault?

MR PADDISON: Yes, that's my interpretation of that. Yes.

10 **MR LLOYD:** If you go back to the statement in paragraph 88. You say - I withdraw that. In context - I'll draw your attention to paragraph 86 to see if you can help us with what's going on here. Toward the end of '18, you recall asking Shari Martin, "What's going on? Why is this guy still here?" Do you see that?

15 **MR PADDISON:** Yes.

MR LLOYD: That's you referring to the time in 2018 when you returned to Dillwynia after you gave yourself a demotion -

20 **MR PADDISON:** Yes.

MR LLOYD: - you having a conversation with Shari Martin?

25 **MR PADDISON:** I - I believe that that's - I'd had that - I'd had that conversation with Shari after - it was late in 2018, after Trudy Sheiles had come forward.

MR LLOYD: But that would be consistent with toward the end of '18?

30 **MR PADDISON:** Yes.

MR LLOYD: And you knowing at that point about Trudy Sheiles going to the police?

35 **MR PADDISON:** Yes.

MR LLOYD: The conversation you recount here of, "What's going on? Why is this guy still here?", did you or she mention the allegations about Witness M?

40 **MR PADDISON:** At that time?

MR LLOYD: Yes.

45 **MR PADDISON:** I - I don't - possibly, yes. I think - I'd have to say that, yes, I was probably - I don't ever recall getting an outcome from the report that was made in 2017. Potentially I could have been referring to both instances.

MR LLOYD: And in terms of you never being told about the outcome of those allegations in relation to Witness M, one thing you knew by this time, the end of 2018, is Astill was still there and working away?

5 **MR PADDISON:** Yes.

MR LLOYD: And hadn't been demoted, still acting up as the Chief?

10 **MR PADDISON:** Yeah, that's correct. I mean, in my experience, any allegations like that, which I've seen in the past, at a minimum, staff - or a male staff member would be moved to a male Correctional Centre.

MR LLOYD: Just on the allegations being made?

15 **MR PADDISON:** Yes.

MR LLOYD: And you'd certainly expect there to be an outcome of an investigation, that is, someone getting to the bottom of whether the indecent sexual assault had occurred?

20

MR PADDISON: Yes.

MR LLOYD: Because it spoke of a very serious problem with a senior officer in the gaol if that was true?

25

MR PADDISON: Yes.

MR LLOYD: You say in paragraph 87 - that's where you refer to the email I've asked you about from Mr Shearer changing the reporting pathways.

30

MR PADDISON: Yes.

MR LLOYD: In paragraph 88, you then say you remember asking if Hamish Shearer was aware of the Astill situation?

35

MR PADDISON: Yes.

MR LLOYD: And you have a vague recollection of him coming to the centre to address Wayne Astill in regard to his behaviour:

40

"I can't recall when this was."

MR PADDISON: Yeah, I - when I gave the statement, I was not - I'm not 100 per cent clear the dates, but -

45

MR LLOYD: That's why I'm asking. I want to help you -

MR PADDISON: Yes.

MR LLOYD: Get your help with the sequence. A vague recollection of Hamish Shearer coming to the centre to address Wayne Astill -

5 **MR PADDISON:** That would have been July - or around that - the Witness M incident.

MR LLOYD: And I think you've already told us that you think that that came shortly after you leaving in the early part of August or sometime around there?

10

MR PADDISON: I believe so.

MR LLOYD: Do you know what happened when Mr Shearer came to the centre to speak to Astill?

15

MR PADDISON: No, I would have been - it's possible that I was no longer at the centre. I - I could be getting my dates wrong. There's a possibility I still could have been there, but I do - it's probably more than likely I'd moved on by then.

20 **MR LLOYD:** The sentence in 88 coming before that recollection of Mr Shearer coming to address Astill, you told us that that event, that Shearer coming sometime in July or maybe August '17 - the event in the first sentence:

"I remember asking if Hamish Shearer was aware of the Astill situation."

25

What's that a reference to? Who were you asking?

MR PADDISON: That would have been to Shari.

30 **MR LLOYD:** And is that, do you think, a conversation at the end of 2018 that you'd referred to a couple of paragraphs earlier?

MR PADDISON: It must have been in 2018, or late 2018, because I wasn't there for almost a year. So I have to imagine - or it was - it was the - it happened in

35

MR LLOYD: Thank you. Could you go back in time in your statement to paragraph 42. Just read that to yourself. I want to ask you about an incident involving Elizabeth Cox.

40

MR PADDISON: Yes.

MR LLOYD: You describe here that you've been through your emails recently, and you'd received a report that was sent to Shari Martin by Neil Holman in relation to complaints made by Elizabeth Cox. Do you see that?

45

MR PADDISON: That's correct.

MR LLOYD: The report - are you talking there of a written report that you'd seen from Mr Holman or an oral report?

5 **MR PADDISON:** No, it was a - a written report from - as I say in 43, it must have happened on a weekend. I must have come into work on the Monday. And Neil had asked me a bit of a synopsis of the weekend, and attached to that was a copy of his report that he'd send to Shari Martin.

10 **MR LLOYD:** What do you remember the report saying?

MR PADDISON: I remember - I mean, the key things out of that is it was - Elizabeth Cox was alleging that Wayne Astill was tampering with her urine sample, and Neil had spoken to her. She said she wanted an AVO. I think she was moved to the BIU. Neil had addressed Wayne to stay away from her, and, yeah, 15 from memory, that's - I know there's more in the report, but right now I can't -

MR LLOYD: You see, this Commission has heard from Ms Cox to the effect that in the middle part of 2018 she was, on one particular occasion, screaming out across the compound, making allegations that Astill was touching young girls and bringing drugs and other contraband into the centre. You know that now? 20

MR PADDISON: Yes.

25 **MR LLOYD:** She's said that. Do you remember reference to those allegations in Mr Holman's report?

MR PADDISON: No, I don't think there was any reference of that. It was the tampering and the wanting an AVO.

30 **MR LLOYD:** Did you find out why it was she wanted to take out an AVO on an officer?

MR PADDISON: I believe she must have been pretty angry at Wayne Astill.

35 **MR LLOYD:** Did you ever hear any account that Ms Cox had screamed out across the compound that, in effect, she was being moved because she refused to suck Astill's dick?

40 **MR PADDISON:** No.

MR LLOYD: Can I ask you - sorry to go between different parts of the statement, but forward to paragraph 90.

45 **MR PADDISON:** Yes.

MR LLOYD: Just re-read that to yourself.

MR PADDISON: Yes.

MR LLOYD: You obviously have been following the evidence, Mr Paddison?

MR PADDISON: Yes.

5

MR LLOYD: You're aware that this Commission has heard evidence from other staff members that is different to the evidence that you're giving in paragraph 90?

MR PADDISON: Yes.

10

MR LLOYD: Evidence from officers saying they routinely by management were called "cunts"?

MR PADDISON: Yes.

15

MR LLOYD: And belittled in front of inmates and other officers?

MR PADDISON: Yes.

20

MR LLOYD: And that many officers have said that they were unpersuaded that there was any point in making reports about Astill because of the attitude of senior management?

MR PADDISON: Yes.

25

MR LLOYD: And no doubt you've heard evidence that some officers believed there was a boys' club, of which you were a member?

MR PADDISON: Yes.

30

MR LLOYD: What do you say - I'll put a number of things to you. If you need me to break them down, tell me. But are you able to tell us what you say about the things I've just put to you?

35

MR PADDISON: Like I said in here, that's not my reflection of my time at Dillwynia Correctional Centre. I thought we had quite an active, good culture there at the gaol. And I was the Training Coordinator for a number of years. As I said in my statement, you know, I tried to create a - a culture of continuous learning. We always set up, you know, yearly training events every month for staff to try and upskill. You know, these events were generally supported by a barbecue. We did things like bake-offs. We did a range of, I thought, some really good team building things. Team building was actually one of the things that we ensured that we did every year to ensure - and, you know, it was high ropes courses or things like that or - things that were, like, a significant team building environment. And, yeah, I - I just don't see - that's not my recollection of Dillwynia.

40

45

COMMISSIONER: Mr Paddison, if I accept the evidence that you heard, your impression of how the place was functioning can't be right, can it?

MR PADDISON: It's a contradiction?

5

COMMISSIONER: Yes. Yes. Plainly so. And you've learnt about the behaviour of the Governor at the time and the way she dealt with staff. Was that your experience too?

10 **MR PADDISON:** My experience with Shari is she could wear different hats, Commissioner. Some days she was really caring and really compassionate, but other days she could be very hard and very firm. She was a career Correctional Officer who had been in the job a very long time. The experience that I had with Shari as a boss was she - she was always under a lot of immense pressure and
15 probably overworked, running two gaols. She was probably one of the only - or very little Governors across the State that had that responsibility of running two gaols. And female Correctional Centres are an incredibly complex environment, and I understand in - you know, in working with her for a long time, the pressures that she was feeling, the times where she broke down and cried. But, yeah, I've
20 experienced, you know, all different types of Shari, to be honest.

COMMISSIONER: Well, the performance of an organisation depends upon the quality of its leadership, doesn't it?

25 **MR PADDISON:** 100 per cent, sir.

COMMISSIONER: And do you think it's acceptable for a leader to be calling the employees "cunts"?

30 **MR PADDISON:** No, that's not acceptable.

COMMISSIONER: No. And that's a benchmark of problems in managing the whole organisation, isn't it?

35 **MR PADDISON:** Possibly.

COMMISSIONER: Do you still suggest that your impression of the way this institution was functioning is correct?

40 **MR PADDISON:** I think those instances, Commissioner, were - they definitely weren't on a daily basis. Was there possibly incidences where Shari was difficult to approach or difficult to talk to? I will agree with that. But that wasn't on the daily, that's for sure. We had many periods where, you know, the gaol was running really, really well. We were achieving a lot of things. You know, Dillwynia was at
45 one stage there considered the flagship Correctional Centre for a long time. Shari was - you know, I can't remember what year, but it was late - I think in the mid to late 2000s - or 2015 or something, she was the recipient of a Premier's Award and things like that.

I'm not going to sit here and say it was, you know, great stuff every day. There was definitely hard days there, incredibly hard days for everybody who was a part of the management team and the staff that worked there. But there's a lot of times
5 too, Commissioner, that it was a really - as far as I'm concerned, a really great place to work. There was good camaraderie. To the best of my knowledge, a lot of people just got along really well. But there were just - as I said, there were times when I could probably see where people, depending on the day that it was and what may have been happening and the incidences that may have been occurring
10 in the gaol at the time, could have been challenging to approach Shari.

MR LLOYD: Might this be the case, Mr Paddison: That because of your relationship with Shari Martin, your experience there was generally a good one?

15 **MR PADDISON:** Well, I wasn't - I had plenty of run-ins with Shari too. I wasn't immune to it. If - if I made a mistake, she definitely let me know about it. She had a high expectation. Again, it's a heavily regulated environment where you have to make sure that you're doing the right thing. And at times where I made mistakes, like I said, she - she didn't miss on me either. But, you know, when I look back at
20 those times, Commissioner, it probably made me learn the best, because I learnt that I didn't wasn't to make that mistake again because it was critical for - for the operations of the centre.

MR LLOYD: You say in paragraph 84 in relation to Shari Martin:

25 "I would eat my left leg if it was revealed she had done anything other than be professional."

30 **MR PADDISON:** Yeah, I think that was taken out - I think the detective at the time had taken that out of context with the answer, but I said that in relation to if I believed that Shari Martin had covered something up in - or failed to act in regards to this.

35 **MR LLOYD:** Well, you see, Mr Paddison, you left shortly after the Witness M allegations came to light, and came to light not only for you but, to your knowledge, Shari Martin?

MR PADDISON: Yes.

40 **MR LLOYD:** You were out of there within weeks and then came back the following year?

MR PADDISON: Yes.

45 **MR LLOYD:** You know Ms Martin remained there?

MR PADDISON: Yes.

MR LLOYD: And if you proceed on the basis that I've asked to you proceed for other questions, that no interview of Witness M or Astill to even bother to find out whether what was being alleged was true - if you work on that basis, how do you feel about evidence that you think she's always been professional? This is
5 a man - just to add to the question to get your response, to her knowledge, a man working in her gaol the subject of very serious allegations of sexual misconduct and assault, which have never been investigated. What do you say about that?

MR PADDISON: Well, at that time, I didn't know - I didn't know the point of the
10 investigation because I had left.

MR LLOYD: And what about - you followed the evidence, I take it, of Elizabeth Cox about things she told Ms Martin in the middle part of 2018, allegations she was making that Astill was committing sexual assaults of a very serious nature on
15 inmates and bringing contraband, including drugs?

MR PADDISON: Yes.

MR LLOYD: And that her response was - and she gave them in writing. Her
20 response was nothing was done.

MR PADDISON: Right.

MR LLOYD: If you assume that to be true - if the Commissioner accepts that
25 evidence, what do you say about the professionalism?

MR PADDISON: Well, again, I - I - I don't have any experience of that. I would have believed that Shari would have dealt with the situation the same as when we had Witness M come to us. Now, in reflection, you know, should - could I have
30 done something better? Yes. But I know that an IR did get produced and got sent to CIG, which I knew - where I knew that there was members of the New South Wales Police Force attached to that. And again, in these instances, I can only reflect on my experiences with things like that where I would believe that Shari would have continued to date to do the same thing.

COMMISSIONER: Mr Lloyd, you didn't get an answer to your question. I don't
35 know whether you want it.

MR LLOYD: I was going to not press it, but I, on reflection, will. Can I
40 just - you've mentioned your knowledge about an intelligence report being submitted at some time?

MR PADDISON: Yes.

MR LLOYD: My question was about whether you maintain your evidence that,
45 in effect, you'd eat your left leg if it was revealed that Shari Martin has been anything other than professional by asking you to assume that she stayed in the position of Governor to your knowledge -

MR PADDISON: Yes.

MR LLOYD: - after the Witness M allegations?

5

MR PADDISON: Yes.

MR LLOYD: And I'm asking you to assume she had no basis to believe that either Witness M or Astill had ever been interviewed, much less that there'd been any resolution of those serious allegations?

10

MR PADDISON: Possibly.

MR LLOYD: Well, if that's true, do you maintain that she was professional in the way she dealt with things?

15

MR PADDISON: I have to say yes, in my experiences, where she was -

COMMISSIONER: No, no. You're being asked a different question. You're being asked about those particular circumstances and whether that supports the proposition that she acted professionally.

20

MR PADDISON: To me, I believe that she had.

MR LLOYD: Mr Paddison, you must know now that Astill, after the allegations that came forward in relation to Witness M, committed a significant number of serious sexual assaults on women in that place.

25

MR PADDISON: Yes.

30

MR LLOYD: That is, allegations of indecent assault are brought forward. I'm suggesting to you no investigation or no proper investigation ever done about them. Women getting assaulted after them by the same man the subject of the allegations.

35

MR PADDISON: Yes.

MR LLOYD: Do you agree with me that just looking at those circumstances that that speaks - whatever's gone wrong, something very seriously has gone wrong.

40

MR PADDISON: Something catastrophic has gone wrong.

MR LLOYD: She is the person who is at the head of the organisation, at least within the gaol.

45

MR PADDISON: Yes.

MR LLOYD: And doesn't this speak - whatever's gone wrong, it speaks of a management failure, doesn't it?

5 **MR PADDISON:** Well, I mean, you have to point - yes, you have to say that - I mean, the management team is in charge of the gaol and the next step outside of the gaol. So, yes, the management team - something's gone wrong.

10 **MR LLOYD:** I'll give you one other example to get your response to this in terms of this evidence about her professionalism. I don't know whether you followed the evidence of the particular officer that Officer Foster told the Commission about?

MR PADDISON: I - I - I have a little bit of that memory, yes.

15 **MR LLOYD:** Who came to Ms Martin with a written report about - containing serious allegations -

MR PADDISON: Yes.

20 **MR LLOYD:** - against Astill -

MR PADDISON: Yes.

25 **MR LLOYD:** - and was told to go and deliver the report to the Intelligence Officer of the day -

MR PADDISON: Yes.

MR LLOYD: - who was Astill.

30 **MR PADDISON:** Right.

MR LLOYD: What does that say, if that's right, about her professionalism, do you think?

35 **MR PADDISON:** Well, I mean, if that's right, that's - that's crazy. That's -

MR LLOYD: Crazy but relevantly, in terms of your evidence, unprofessional?

40 **MR PADDISON:** It would be - yes, it would be unprofessional. Yes.

MR LLOYD: Just one other thing about workplace culture. You probably heard some evidence about an email that Ms Leanne O'Toole sent in November 2015 to a whole range of people, including you?

45 **MR PADDISON:** Yes.

MR LLOYD: The conclusion of that email - I withdraw that. The effect of that email is to launch a pretty serious attack on an unspecified and unidentified number of employees in the gaol. Do you agree?

5 **MR PADDISON:** Yeah. Like, I mean, I don't remember - I don't, yeah, recall it verbatim.

MR LLOYD: It concludes with her saying:

10 "Perhaps if you all spend as much time and energy on doing your job as you do slamming each other and management, this centre would be a nicer place to work."

Do you remember that being said?

15

MR PADDISON: I don't remember it being said, no. In the Inquiry, yes.

MR LLOYD: See, that was suggesting to you, wasn't it, that that reference was to at least her belief that there were plenty of people there who didn't think it was a nice place to work. Would you agree?

20

MR PADDISON: Well, sending an email out like that, then yes.

MR LLOYD: Those are my questions, Commissioner.

25

COMMISSIONER: Should a manager send an email like that to all the staff?

MR PADDISON: Sorry, Commissioner?

30 **COMMISSIONER:** Should a good manager send an email like that to all of the staff?

MR PADDISON: A good manager, no, I - I would think that there's probably a better way to articulate yourself to get a message across.

35

COMMISSIONER: And that's coming from a very senior officer in the gaol, isn't it?

MR PADDISON: Yes.

40

COMMISSIONER: Again, it doesn't speak of a place that's being effectively managed, does it?

MR PADDISON: No.

45

COMMISSIONER: Do you want to revise your comments about how well the place was running?

MR PADDISON: As I said, Commissioner, my experience over so many years with a management team and the things and everything that we dealt with, I believe that the - that the good far outweighed the bad times. I'm not going to say that there wasn't bad times and where people probably, you know, could have
5 conducted themselves in a better fashion. But I still believe for - for the - for the most part, Commissioner, that I'd like to think that myself and other members of the management team were professional.

COMMISSIONER: Now, you accepted from Mr Lloyd that the fact that
10 Mr Astill committed so many offences over a significant period of time spoke of management failure inside the gaol. Do you remember that?

MR PADDISON: Yes.

COMMISSIONER: What do you think was the primary management failure that
15 led to Astill being able to conduct himself in this way?

MR PADDISON: Well, if - if you look at - if you take the evidence - and I've
20 listened to most of it, Commissioner - if there was a - a lack of possibly trust, obviously, and communication between the management team and junior staff I think is evident in some people. I think, unfortunately, they may - the people that may have known something had interpersonal relationships with people in the management team that has caused this issue. I think there's - there's a - there's
25 a lack of specific training. We did do a lot of training, but we never - you know, nothing that sort of really specifically related to dealing with this kind of, you know, severity in regards to, you know, your rights as an inmate and, you know, an ability to provide a complaint that - that - that obviously wasn't dealt with in the centre if you had a lack of faith with the management team or any of the staff
30 there.

But I also think there's - there definitely needs specific training in regards to the staff who - who needs to deal with these matters. And unfortunately - you know, we had a Code of Ethical Conduct and things that you need to do with these - you know, they don't sit down. And I guess, Commissioner, it doesn't go through the
35 gamut of issues that you maybe dealt with, and this is how you're supposed to deal with them. So I think the training for staff and awareness for inmates is probably something that's, you know, been a contributor to this - to this issue.

COMMISSIONER: The evidence suggests that Mr Astill was a difficult person
40 to work with in the gaol. Do you understand that?

MR PADDISON: Yes.

COMMISSIONER: What was your observation of Mr Astill's effectiveness in
45 the gaol?

MR PADDISON: So I didn't have to work directly with Wayne. We worked sort of - the Chief's role is somewhat autonomous, so you had the ability - you could

go anywhere in the gaol any time. And we really only sort of met up as a management team back at lunchtime. And generally all the management team would come back together at lunchtime to sort of have a debrief and go through what's happening on the day. So my recollection of Wayne at work - I mean he was - he was doing his job. I mean, as far as doing the administrative work, he was participating in operational needs that he needs to do. And, I mean, he was just another officer doing - doing a job.

I wasn't close to Wayne at all. We weren't - I mean, we spoke at work, obviously, because we needed to for operational needs and so forth. But I found just Wayne to be arrogant to me. We didn't get along that well, but I still, you know, spoke to him every day, I suppose, in the lunch room or, you know, doing handovers in the morning and things like that. I was - I didn't know that that was the way that people perceived him out in the Centre because I just didn't - I just didn't work alongside the people.

COMMISSIONER: The evidence - again, you've heard about how he interacted with other staff in the centre?

MR PADDISON: Yes.

COMMISSIONER: That doesn't suggest an effective management of people either, does it, the way he operated?

MR PADDISON: No. Well, he was obviously - yeah, he wasn't - he obviously had a lot of personal issues in the way he conducted himself and - yeah, he obviously wasn't -

COMMISSIONER: And those above him, those to whom he reported, should have been aware of the way he was conducting himself, shouldn't they?

MR PADDISON: I believe that they - yeah, that they should have been, yes.

COMMISSIONER: And should have taken some action in relation to the way he did conduct himself in carrying out his responsibilities?

MR PADDISON: Yes.

COMMISSIONER: That's, again, another failure in the management of the institution, isn't it?

MR PADDISON: Look, I think if - if he was identified as that and if more staff had, you know, brought that to light or had informed the management team in regards to how he was conducting himself, then I think, you know, in my experience, where we've had staff issues in the past and people coming forward with - with issues and concerns with how staff are conducting themselves, then yes we do look to do Performance Improvement Plans and address people about their workplace behaviour and send them on courses and things like that. So, yes,

unfortunately, there was - unfortunately there was obviously again a trust and communication breakdown which just, you know -

5 **COMMISSIONER:** Well, you've heard that staff were fearful of retribution -

MR PADDISON: Yes.

COMMISSIONER: - haven't you?

10 **MR PADDISON:** Yes.

COMMISSIONER: Is it not incumbent upon the superior, that is the person to whom Astill reported, to take steps to ensure that they understood how effective he was in his job?

15

MR PADDISON: Yes. 100 per cent I agree again. But I - I don't recall anyone ever saying that they were - you know, besides the inmate complaints, I can't recall anyone telling me that they were in fear of -

20 **COMMISSIONER:** No. We just talked about retribution. There was obviously a great concern about complaining about Astill because of the way he operated and the power he exerted within the gaol. It was a bit hard to expect his subordinates to be complaining about him, wasn't it?

25 **MR PADDISON:** Look, if he was - if that's how he was conducting himself, then, look, quite possibly yes. If staff were in fear of him, then I would have to probably agree that, yes, they would have been concerned to say something about him.

30 **COMMISSIONER:** Irrespective of whether they said something, it is not incumbent upon his superiors to observe and understand how effective he might be in his management role?

MR PADDISON: Yes.

35 **COMMISSIONER:** That didn't happen?

MR PADDISON: No, because I - I mean, I wasn't ever instructed or, you know, was not monitoring his duties. That was something that -

40 **COMMISSIONER:** I'm not suggesting it is your failure but -

45 **MR PADDISON:** No, no. Well, that's right. Something that we've, you know, the organisation's introduced in the last couple of years and the capability framework and also, you know, biannual catch-ups with people who are underneath you in your organisation is where you can really - you're forced to sit down with - or you have no choice, sorry, you have no choice to sit down with that person. Sorry, it's my performance - to be able to sit there and review these people and, you know,

5 speak about what they want to do, what they want to achieve. But it's a good chance probably to speak to people about workplace issues and so forth.

5 **COMMISSIONER:** Yes, the boss should know how the subordinate is functioning, shouldn't they?

MR PADDISON: Yes, I agree.

10 **COMMISSIONER:** Yes. Does anyone else have any questions? Mr Sheller?

<EXAMINATION BY MR SHELLER:

15 **MR SHELLER:** Mr Paddison, my name is James Sheller. I'm one of the legal representatives for Corrective Services.

MR PADDISON: Yes.

20 **MR SHELLER:** Can I just ask you to have a look at your - the draft statement which is now an exhibit before the Commission. Could I just ask you about paragraph 5.

MR PADDISON: Yes.

25 **MR SHELLER:** You see towards the end of that paragraph, second-last line from the bottom of the page, you describe being appointed in mid-2017 as the Manager of Security of Mary Wade?

MR PADDISON: Yeah, I think that was in August 2017.

30 **MR SHELLER:** August 2017 is when you left Dillwynia and went straight to that position; is that right?

MR PADDISON: That's correct.

35 **MR SHELLER:** Was it the case, though, that your appointment had been announced some time before you went to Mary Wade?

MR PADDISON: I think it was close to that time, yes.

40 **MR SHELLER:** Do you know whether at the time that you were asked to gather information or investigate the allegations made by Witness M it was known that you were heading off to Mary Wade as the new Manager of Security?

MR PADDISON: Yes, I would - I would say probably. Yes.

45

MR SHELLER: Now - then going to paragraph 39 on page 7 -

MR PADDISON: Yes.

MR SHELLER: - you talk about your last day and then - at Dillwynia being on 6 August.

5 **MR PADDISON:** Yes.

MR SHELLER: And then you talk about your belief that at some point an official intelligence report had been submitted?

10 **MR PADDISON:** That's correct.

MR SHELLER: Do you know who the person was that submitted the official intelligence report?

15 **MR PADDISON:** I only know now because I've had discussions with Neil Holman, but I believe it was Pam Kellett that did the IR.

MR SHELLER: Are you aware that there were actually two intelligence reports?

20 **MR PADDISON:** I'm aware - well, not two intelligence reports, no. I was aware two separate reports were created by Neil Holman.

MR SHELLER: And when you left to go to Dillwynia, do you recall whether there was any handover to anyone concerning the information you'd gathered or the steps you had undertaken in relation to the interview of Witness M?

25

MR PADDISON: I was - the - the Governor would have been fully aware of all of the steps and situation. So I wouldn't have given a handover to anyone.

30 **MR SHELLER:** Now, just going back to the - your involvement with the intelligence gathering or interview in relation to Witness M, is this right: That this was the first time that you had been asked to gather intelligence or investigate what you understood to be a complaint concerning another Correctional Services Officer?

35

MR PADDISON: No, I - going back through my records, actually similar time around that July time was two - two overseers had conducted a significant amount of time theft within the Correctional Centre. And so I remember - that was an incident as well that I think - believe went to CIG.

40

MR SHELLER: Was this the first time that you'd been asked to gather intelligence or undertake an investigation in relation to a complaint concerning misconduct on the part of an officer towards an inmate?

45 **MR PADDISON:** Say again, sorry?

MR SHELLER: Is this the first time you'd been asked to gather intelligence or undertake some sort of investigation?

MR PADDISON: Yeah, as far as I can recall. I can't - I can't recall another time where I've - I mean, I'm not an investigator.

5 **MR SELLER:** Yes.

MR PADDISON: We - you know, it's only trying to gather the facts that you can of the situation in the gaol.

10 **MR SELLER:** But was this also the first time you'd even been asked to do that, that is, gather facts concerning an allegation made against a Correctional Services Officer and that person's conduct towards an inmate?

15 **MR PADDISON:** Possibly. I - I - I can't think of another time beyond - beyond that.

MR SELLER: Who do you say asked you or tasked you with this exercise of gathering - sorry, gathering intelligence or interviewing (crosstalk)?

20 **MR PADDISON:** The Governor.

MR SELLER: And did you have any - did she indicate to you that she was doing that on instruction or direction from anyone else?

25 **MR PADDISON:** No, I don't recall anything like that.

MR SELLER: Did you tell the Governor that you hadn't been involved in an exercise like this before?

30 **MR PADDISON:** I don't think I would have.

MR SELLER: Do you recall asking the Governor or anyone else what steps you should take?

35 **MR PADDISON:** No.

40 **MR SELLER:** As I understand your evidence, you decided that it was appropriate to ask the officer at Wellington Correctional Centre to undertake an interview of Witness M?

MR PADDISON: Yes.

45 **MR SELLER:** Did someone suggest that that was the way you should do it, that is, get another officer to ask the questions of Witness M?

MR PADDISON: Again, I can only - Shari, I believe, would have said, you know, "We need to follow this up. Contact - she is at that gaol. Contact the gaol." I think the - the context of the complaint - I think there was that fear that the inmate

was getting out and she was going to contact her solicitor. That's why I can only believe that's why we were trying to act on it fairly quickly. We obviously didn't want the inmate to be able to sort of get out and then all of a sudden we were getting solicitors ringing us up, telling us about this information.

5

MR SHELLER: Did someone say that to you? Did the Governor say, "We'd better get to her before she gets to her solicitor"?

MR PADDISON: I don't recall her saying anything like that.

10

MR SHELLER: Then is this right: you understood that Witness M had left Wellington at some stage?

MR PADDISON: Yes.

15

MR SHELLER: Had you by any stage - sorry, by the end of your involvement when you went to Mary Wade, had you prepared questions to be asked of Witness M?

20 **MR PADDISON:** No. I'm not an investigator.

MR SHELLER: Had you gathered any other information in relation to the allegations being made concerning Witness M and Mr Astill?

25 **MR PADDISON:** No. Again, I'm not an investigator.

MR SHELLER: Is this right: That by the time you finished on 6 August 2017, whatever process you were involved in hadn't been advanced at all; is that right?

30 **MR PADDISON:** From my recollection, yes, nothing had - I believe nothing had - well, I don't recall - I - like I said, I believe Neil had possibly made contact with Silverwater Women's Correctional Centre.

35 **MR SHELLER:** Then can I just ask you, amongst the attachments to your draft statement -

MR PADDISON: Yep.

40 **MR SHELLER:** I'm sorry, I don't have the annexure numbers on my copy. It's the one from Mr Shearer. Mr Paddison, if you're able to find by reference to the back of your statement and the annexures to it the email from Mr Shearer of 12 September 2017. I think it's Annexure K.

MR PADDISON: Yes.

45

MR SHELLER: This is the email identifying the change in approach?

MR PADDISON: Yes.

MR SHELLER: Can I just ask you about the people to whom the email is addressed, if you can assist us.

5 **MR PADDISON:** Yes.

MR SHELLER: You're one of the persons there?

MR PADDISON: Yes.

10

MR SHELLER: Was that sent - sorry, I withdraw that. And you'll see Ms Martin is there?

MR PADDISON: Yes.

15

MR SHELLER: Is the person who was fulfilling the role of Governor at Mary Wade on this email?

20

MR PADDISON: So there was no Governor at - well, at that time, in September of 2017, the Governor of Mary Wade Correctional Centre was Paula Quarrie who also had a second gaol, which was Silverwater Women's Correctional Centre.

MR SHELLER: I see. Yes. Thank you. Those are my questions.

25

COMMISSIONER: Anyone else have any questions?

MR DEPPELER: Yes, very briefly, Commissioner, if I may.

<EXAMINATION BY MR DEPPELER:

30

MR DEPPELER: Mr Paddison, my name is Deppeler. I act on behalf of a number of Correctional Officers. Counsel Assisting was asking you about a mediation that occurred between Ms Dolly and Mr Astill -

35

MR PADDISON: Yes.

MR DEPPELER: - which you, as I understand it, acted as the mediator for?

MR PADDISON: Yes.

40

MR DEPPELER: And you gave evidence before that Ms Dolly had written a report, she had requested mediation in that report -

MR PADDISON: Yes.

45

MR DEPPELER: - and that you were then instructed by Shari Martin to conduct the mediation?

MR PADDISON: Yes, that's correct.

MR DEPPELER: Can I take you to paragraph 73 of your statement, the last line of that paragraph.

5

MR PADDISON: Yes.

MR DEPPELER: You will see there that in that statement, you indicated:

10 "I just remember the Governor saying Jean had requested mediation at the end of her report."

Do you see that?

15 **MR PADDISON:** Yes.

MR DEPPELER: And is it correct that from that that what you're saying there is that Ms Martin had told you that Ms Dolly had requested the mediation, rather than Ms Dolly requesting a mediation at the end of her report?

20

MR PADDISON: No, it's in - I have to go off the report that I'd wrote, and in that says that - if you could tell me what annexure it is.

MR DEPPELER: I believe it's Annexure J.

25

MR PADDISON: Yeah. Sorry. So what was your question?

MR DEPPELER: In terms of what you say at paragraph 73 -

30 **MR PADDISON:** Yes.

MR DEPPELER: Perhaps I'll put it this way. When you made this statement, your recollection at the time was that you remember Shari Martin saying that Ms Dolly had requested mediation in her report?

35

MR PADDISON: Yes.

MR DEPPELER: That was your - when you prepared your statement (indistinct) that was your recollection?

40

MR PADDISON: Yes. Well, in my - in my report - at the time, yes, when I made the statement but had forgotten that I'd written this report.

MR DEPPELER: Well, if you look under paragraph 75 of your statement to the Commission, you'll see that you annexed that report.

45

MR PADDISON: Yes.

MR DEPPELER: Is it correct that you had that report when you were making this statement?

5 **MR PADDISON:** Yes, but I - I had forgotten about that I actually had the report, yes.

MR DEPPELER: At paragraph 75, you indicate:

10 "I don't remember any subsequent mediations between the two."

MR PADDISON: Yes.

MR DEPPELER: When you say that, is it simply that there could have been a subsequent mediation and you don't remember it?

15 **MR PADDISON:** I believe if I reported the first one, I would have reported the second one.

MR DEPPELER: And during the mediation, do you recall Mr Astill referring to Ms Dolly with words such as, "You're a fat dog," or, "You're a mutt"?

25 **MR PADDISON:** No. My recollection of that, it was two people in - in a matter of sentences were screaming and yelling at each other. I don't remember the words that were said. I had to stop them, ask them to calm down again and be professional. And we reopened the "just talk" session again, and it came back to the exact same arguing from memory. And then Wayne Astill - he stood up and he said, "Jean, if you wish to continue with this, then you need to lodge a formal grievance."

30 **MR DEPPELER:** Well, are those words that could have been said during that mediation?

MR PADDISON: I don't - honestly, from memory, the yelling and the screaming, I - it was hard to decipher what - who was saying what.

35 **MR DEPPELER:** And in your experience, was mediation a normal or accepted form of conflict resolution between officers at Dillwynia at the time?

40 **MR PADDISON:** With Officer Dolly, yeah, she had had a significant amount of interpersonal issues with staff, and - but she - she's not alone. There was other staff that had interpersonal issues with each other that - I think that's one of the reasons why they - the organisation introduced something like the "just talk" approach, trying to move away from the formal grievance process and just try and - you know, at the end of the day, the sort of foundation of "just talk" is realising we're
45 all just adults. Let's just, you know, come to work. Let's just talk about our differences, not make it such a formal thing.

MR DEPPELER: Nothing further, Commissioner.

<EXAMINATION BY MR WATSON:

MR WATSON: Commissioner. Mr Paddison, my name is Watson.
5 I'm representing the interests of Westley Giles and also his wife, Mishelle
Robinson. In your statement, if I can just take you to paragraph 81.

MR PADDISON: Yes.

10 **MR WATSON:** And down the bottom there, it says - do you see where it says
"Wes Giles"?

MR PADDISON: Yes.

15 **MR WATSON:** And you say this:

"Wes Giles was the head of the union..."

20 So that's obviously the Corrective Officers' union; is that right?

MR PADDISON: The head of the POVB - so the local POVB at the gaol.

MR WATSON: All right:

25 "...for many years, and Wes fought very hard for all the junior staff whenever
we introduced or made changes to operations in the gaol."

Do you see that?

30 **MR PADDISON:** Yes.

MR WATSON: That's management introducing changes that may affect the
working issues (crosstalk) -

35 **MR PADDISON:** It could have been operational changes -

MR WATSON: Let me finish.

40 **MR PADDISON:** Sorry.

MR WATSON: Change in conditions for - working conditions, for example, for
junior officers or all officers; is that right?

45 **MR PADDISON:** Yes.

MR WATSON: And you say this:

"Wes was always the voice for the staff. He was always the one in Shari Martin's office..."

So the Governor:

5

"...showing resistance to any change or anything that may have affected staff."

MR PADDISON: Yes.

10

MR WATSON: Do you see you've written that? So that's change that may have affected staff in what the union or the staff perceived as a negative way; correct?

MR PADDISON: Yeah. I mean, if staff perceived something in a negative way, yes, the - the staff members could approach Mr Giles. You know, if we were making changes to something, he was the figure head for the union, obviously. He would be the person that would have to go to the Governor and take the issues.

15

MR WATSON: And are you aware that on a number of occasions, you got into very serious arguments with Shari Martin on union business?

20

MR PADDISON: Yeah, they had some - from memory, some fairly robust discussions, yes.

MR WATSON: Slanging matches and yelling?

25

MR PADDISON: Well, I was never a part of the meetings because I wasn't - but I know that Wes was quite passionate about making sure things in the gaol were right for the POV.

30

MR WATSON: Passionate, but you understand, don't you, that they used to get into loud verbal arguments about issues concerning management and the union business?

MR PADDISON: Again, I don't recall ever being in a - a union meeting with them. I wasn't a part of the union, but.

35

MR WATSON: I'm not asking you about that. I'm asking you about Mr Giles going and seeing Shari Martin in the Governor's office -

40

MR PADDISON: Yes.

MR WATSON: - and then having an argument. You're aware that that occurred on a number of occasions, aren't you?

45

MR PADDISON: I don't believe they were arguments. I believe they were probably debates about situations.

MR WATSON: All right. Well, do you know -

COMMISSIONER: Mr Watson, I'm not sure what your point is, but it doesn't bespeak effective management if people are yelling and screaming at each other.

5

MR WATSON: No. Thank you. It's - but certainly, I think, the impression you're giving is that Mr Giles was prepared to be an active advocate for the union interests of staff with the Governor?

10 **MR PADDISON:** Yes, that was his role.

MR WATSON: Right.

15 **MR PADDISON:** Yeah, as the chairperson of the union, that was his role and responsibility.

MR WATSON: And do you know or you don't know that she threw him out of the office on a number of occasions - her office?

20 **MR PADDISON:** Never been there when -

MR WATSON: Don't know or you do know?

25 **MR PADDISON:** I don't know. I've never been there while they had a - a union discussion.

MR WATSON: Have a look at paragraph 80 of your statement. And the investigator for the Commission asked this question and asked you whether there was some strong loyalty to the Governor by you and also Mr Giles and Mr Holman.

30

MR PADDISON: Yep.

35 **MR WATSON:** And I think what you say is you had a good working relationship. So that's indicative of some type of loyalty; correct?

MR PADDISON: Yes.

40 **MR WATSON:** But then the question that was asked - it has further been said that you were her "recruits" -

MR PADDISON: Yes.

45 **MR WATSON:** - and you would do her "dirty work" for her. And I think you said that that was absurd?

MR PADDISON: Yeah, that's correct.

MR WATSON: When you were asked that question, did the investigator actually give you any particulars as to what she meant by "recruits"?

5 **MR PADDISON:** No, I've got no - what she meant by recruits.

MR WATSON: Did she give you any details as to particulars of what she meant by "dirty work" of the Governor?

10 **MR PADDISON:** No. And I'd be - I'm curious what that meant as well.

MR WATSON: Concerning Mr Giles, did you ever see - or did you ever get a perception that he was some sort of unstated operative for the Governor to carry out dirty work at her behest?

15 **MR PADDISON:** No. As I stated in my - somewhere in my - paragraph 83, line 3, I state:

"I have a good relationship with Wes Giles."

20 **MR WATSON:** But you'd never seen him do anything untoward or inappropriate.

MR PADDISON: No. No.

25 **MR WATSON:** - or anything that amounted to what you might consider is misconduct?

MR PADDISON: No.

30 **MR WATSON:** Thank you, Commissioner.

COMMISSIONER: Anybody else?

MR JAMES: Yes, Commissioner, only briefly.

35 **<EXAMINATION BY MR JAMES:**

MR JAMES: Mr Paddison, you were asked about file 13. Did you understand that expression to be an urban legend or myth-type expression?

40 **MR PADDISON:** Yes, it was - I can remember when I joined in 1999, it was a - just a common statement that, yeah, the staff, yeah, would use - like, yeah, I guess so, like an urban myth, yes.

45 **MR JAMES:** And in relation to any suggestions of you being present when a report was torn up, that's such a unique event you would expect it to stick in your mind?

MR PADDISON: Yes, I - yes. As I said earlier, I would - I believe that it is a significant thing to occur, and I do believe if someone had ripped up a report in front of me, I would have some sort of recollection of that.

5 **MR JAMES:** But it could have happened, just not in front of you?

MR PADDISON: Yes, it could have happened but, yes, not in front of me.

10 **MR JAMES:** In relation to rumours to do with persons in custody, you've heard evidence that prison guards regularly get called quite offensive things?

MR PADDISON: Yes.

15 **MR JAMES:** And based on no evidence, based on assumption, based on a desire to cause trouble for that Correctives Officer?

MR PADDISON: Yes, that's - yes, that's correct.

20 **MR JAMES:** So when you hear rumours, you're required to assess those rumours?

MR PADDISON: Yes.

25 **MR JAMES:** Then if the assessment reaches what you consider to be an appropriate standard, you're then required to action?

MR PADDISON: Yes.

30 **MR JAMES:** But if it doesn't reach that standard, what do you do?

MR PADDISON: Yeah. Well, that's the problem. Gaols are full of - gaols are full of rumours. It's, you know, very difficult to - you know, a lot of people just say a lot of just garbage, really.

35 **MR JAMES:** Thank you, Commissioner. Those are the questions.

<EXAMINATION BY MR LLOYD:

40 **MR LLOYD:** Just one thing, Mr Paddison, I omitted to ask you before. You made reference in one of your answers to a question I asked you to some experiences you'd with Mr Shearer after you left Dillwynia in mid-2017.

MR PADDISON: Yes. Yes.

45 **MR LLOYD:** Do you remember that?

MR PADDISON: Yes.

MR LLOYD: What did you want to say? I think I cut you off.

MR PADDISON: Look, Mr Shearer, was - I don't consider him to be an effective Director.

5

MR LLOYD: Why?

MR PADDISON: I believe he lacks the - the knowledge and the experience for someone who came outside of the organisation to take up such a senior role and then be able to, you know, possess such an in-depth knowledge of a very complex and heavily regulated environment. And my experience is his actions at Dillwynia but, you know, including his actions at Mary Wade Correctional Centre - or inaction, should I say - some of the catalysts for, you know, my career going back and demoting myself.

15

MR LLOYD: In relation to experiences with him when you were at Dillwynia, you've told us about some things in July of 2017?

MR PADDISON: Yes.

20

MR LLOYD: And you've told us about your understanding of him coming out and seeing Astill?

MR PADDISON: Yeah, from - yes, from memory.

25

MR LLOYD: And are there other things about his performance in relation to Dillwynia that you had in mind?

MR PADDISON: Look, I - not from Dillwynia. Most of my recollection is from Mary Wade.

30

MR LLOYD: And what is the nature of (indistinct) there at Mary Wade? Just give us one example.

MR PADDISON: Forging my signature. Item theft by staff. Time theft by staff. Alleging an officer pointing a gun at another officer's head.

35

MR LLOYD: What about in relation to anything to do with complaints handling by management?

40

MR PADDISON: And how he dealt with complaints? Well, in my experience, he - he didn't. He - I would raise complaints with him and just - yeah, it felt like there was inaction.

MR LLOYD: And from that 12 September - I withdraw that. From September 2017 email, on your understanding, he became the first port of call for disciplinary -

45

MR PADDISON: Yes. Yes, that's correct.

MR LLOYD: Those are my questions.

5 **COMMISSIONER:** Mr Paddison, I may be wrong, but I have an impression that you hold a critical view of some of the more junior officers that we've heard evidence from in these proceedings; is that right?

MR PADDISON: Yes.

10

COMMISSIONER: And that includes Officer Dolly, Berry and Barry?

MR PADDISON: Yes.

15

COMMISSIONER: Any others that you hold this critical view of?

MR PADDISON: No, I would like to think - no, Commissioner. It's actually - it's sad to hear some of those things. I have emails from some of these staff. For argument's sake, Officer Dolly, she organised the barbecue farewell in 2017 when I went to Mary Wade Correctional Centre. I have emails from Renee Berry when - sadly, her father passed away, thanking us and the management team for always being there and listening to her. I have a - a specific email from Renee wanting to leave work one day because of her father. I recall, you know, writing - well, it's written back, you know, "No problems, Renee. Just let me know when you want to go."

25

COMMISSIONER: My question was, you hold an adverse view about these people?

30

MR PADDISON: Say again, sorry?

COMMISSIONER: You hold an adverse view about these officers?

MR PADDISON: Do I hold an adverse view?

35

COMMISSIONER: You told me that you did.

MR PADDISON: I - I may have had it said in reference to what I've just - like, what I've been listening to in the Inquiry, Commissioner.

40

COMMISSIONER: Well, these are officers who, of course, had to carry out their jobs under Mr Astill, didn't they?

MR PADDISON: Yes.

45

COMMISSIONER: And am I right in thinking, even from your observations of Mr Astill, to work under him would be a very difficult task?

MR PADDISON: Yes.

COMMISSIONER: Is it surprising that, as a consequence, they have serious criticisms to make of Mr Astill?

5

MR PADDISON: No. If they - if they had had really, really bad experiences with Wayne, then I can see where it would have been challenging for them, yes.

COMMISSIONER: And if they didn't feel they were able to be supported by those superior to him, their concerns about their position would be magnified, wouldn't they?

MR PADDISON: Yes, I - I agree with that too. I could see where it would be difficult for them having the beliefs that they thought in regards to relationships with the management team that, yes, it probably would have exacerbated the issue for them to make it difficult, yes.

COMMISSIONER: Well, it's no surprise, then, that they hold particularly adverse views about some people in the management structure of this prison.

20

MR PADDISON: Yes. Yes.

COMMISSIONER: Anyone have a question arising from that? No. Very well. Thank you, Mr Paddison. That concludes your evidence. You're excused.

25

<THE WITNESS WAS RELEASED

MR LLOYD: I call Pamela Kellett.

COMMISSIONER: How long do you expect to be?

MR LLOYD: I won't finish with this evidence today. I should have asked, Commissioner. In those circumstances, I take it you're happy to use the time.

COMMISSIONER: We're sitting. We're sitting. I've got a commitment at 4.30.

MR LLOYD: Certainly. We won't be through it by then.

<PAMELA DAWN KELLETT, SWORN

40

COMMISSIONER: Take a seat, please.

<EXAMINATION BY MR LLOYD:

MR LLOYD: Could you tell us your name?

MS KELLETT: Pamela Dawn Kellett.

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

MS KELLETT: It is.

5 **MR LLOYD:** You made a statement to the Commission?

MS KELLETT: Yes.

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

MS KELLETT: To my knowledge and recollection, yes.

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

MS KELLETT: That's correct.

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

20 **MS KELLETT:** To my knowledge, yes.

MR LLOYD: Commissioner, the Commission statement is behind Tab 60A in Volume 7, and the police statement is behind Tab 60 in that same bundle, and I tender both.

25 **COMMISSIONER:** They will become together Exhibit 26.

<EXHIBIT 26 TENDERED AND MARKED

30 **MR LLOYD:** Ms Kellett, in that folder to your left, could you try and turn up Tab 60A.

MS KELLETT: Sorry, 60?

35 **MR LLOYD:** 60A. If you have trouble, tell us and we'll get you some assistance.

MS KELLETT: 68?

40 **MR LLOYD:** 60A, capital A.

MS KELLETT: Yeah.

MR LLOYD: Now, is what's in front of you your statement to the Commission?

45 **MS KELLETT:** Yes, it is.

MR LLOYD: In paragraph 5, you tell us that you were one of the first officers attached to Dillwynia?

MS KELLETT: That's correct.

5 **MR LLOYD:** And so you started there in 2005?

MS KELLETT: Yes.

MR LLOYD: And you remained there until retirement on 20 November 2020?

10 **MS KELLETT:** That's correct.

MR LLOYD: You say a total of 31 years' service. Where were you before Dillwynia?

15 **MS KELLETT:** I was currently at the Academy, undertaking a Certificate III as an instructor and to new recruits.

MR LLOYD: When you started at Dillwynia, you had the rank Senior Correctional Officer?

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

MR LLOYD: And you moved up to obtain the rank of Chief Correctional Officer around 2006, 2007?

25 **MS KELLETT:** To my knowledge and recollection, yes.

MR LLOYD: And later Principal Correctional Officer in the year 2018?

30 **MS KELLETT:** Correct.

MR LLOYD: Could I just ask, without asking you to go into the details of what no doubt was arduous medical treatment, but between 2017 and 2019 you were away for medical reasons from Dillwynia for periods of time?

35 **MS KELLETT:** Major periods of time.

MR LLOYD: Major. That's what I wanted to see if you could help us with. I'll just wait. We'll get someone to pour you some water in a glass.

40 **MS KELLETT:** That's fine. I was diagnosed with cancer. I underwent chemotherapy. I got diagnosed early - late 2016. I then went under radiation therapy. I then had operations. I then broke my bones and then I had major blood clots.

45 **MR LLOYD:** It sounds terrible. But I take it from your description and what at least some of us know about that kind of treatment, that means that for lengthy periods you were absent?

MS KELLETT: I was absent for some times, yes.

5 **MR LLOYD:** And then were able to come back for periods but then away for further periods. Is that how it worked?

MS KELLETT: That's correct.

10 **MR LLOYD:** Any idea, even roughly, about for how long in that period 2017 to 2018 you might have been away?

MS KELLETT: No, I couldn't actually pinpoint it at this time exactly how many weeks or how many days.

15 **MR LLOYD:** Could I ask you to just take up your statement and go to paragraph 46.

MS KELLETT: Yep.

20 **MR LLOYD:** Now, in order to make sense of that, I'll just remind you of the question that you're answering in that paragraph, which is:

"What was the culture of reporting at Dillwynia?"

25 And then just re-read to yourself what you tell us in paragraph 46 about that. Just read it to yourself and then I'll ask you some things.

MS KELLETT: Thank you. Yes.

30 **MR LLOYD:** When you say here that the culture of that reporting was poor, what do you mean by that based on your own experience there?

35 **MS KELLETT:** Before the incident with what I believe to be Mr Astill's incidents or the commencements of his incidents, the reporting was good. Then over a period of time, I believe - and this is the sad thing - that it fell down by the wayside. What I found to be frustrating is from an intelligence point of view, that I wanted reports. I was hearing gossip, but I just couldn't get no reports. So that's a funny thing that you asked me, that before that - the incident of Mr Astill, the reporting procedures was good, but it then just fell by the wayside.

40 **MR LLOYD:** Is that before Astill including reports of misconduct by officers?

MS KELLETT: Sorry, could you repeat?

45 **MR LLOYD:** The good reporting before the Astill offending period, did that include you getting a good supply or having a good culture of reports being made to you about misconduct by officers?

MS KELLETT: From what point of view, inmates or other officers?

MR LLOYD: Well, that was my next question, but -

5 **MS KELLETT:** Sorry.

MR LLOYD: - either or both?

10 **MS KELLETT:** The reporting procedures for inmates were good. The - I had very limited knowledge of the report regarding the reporting of officers. The only - at this stage, the misconduct of - that started in 2006 was Mr Astill and then that was when things started to change and the culture started to change within Dillwynia.

15 **MR LLOYD:** In terms of the intelligence gathering and those with that function at Dillwynia, again just trying to focus on the period between about 2015 and 2018, to the extent you were there -

20 **MS KELLETT:** Yes.

MR LLOYD: - you had a particular role when you were at Dillwynia with respect to intelligence?

25 **MS KELLETT:** Relieving role, yes.

MR LLOYD: When Deborah Wilson wasn't there, you filled in, effectively, as the Intel Officer?

30 **MS KELLETT:** Sometimes.

MR LLOYD: Only some of the time?

MS KELLETT: Some of the times.

35 **MR LLOYD:** There was a - if I say "revolving door", don't take it the wrong way, but multiple people who filled that role, and you were one of them. Is that what you're telling us?

40 **MS KELLETT:** Yes. Mr Astill was also on that list to be Intelligence Officer.

MR LLOYD: And we've heard some evidence about the way it worked, that when Ms Wilson was away, various officers of varying ranks would step in and fill that role; correct?

45 **MS KELLETT:** A certain amount, yes.

MR LLOYD: You were one of those officers?

MS KELLETT: That's correct.

MR LLOYD: And when you weren't filling in and doing that, you were doing your other normal activities either as a Senior Correctional Officer or later
5 a Principal Correctional Officer?

MS KELLETT: Mainly Chief at that stage between those years.

MR LLOYD: Mainly Chief. In terms of intelligence, can you just tell us about
10 what you understand to be intelligence as a concept. It's broader than a direct allegation of misconduct, isn't it?

MS KELLETT: It is. At this stage, it's a gathering, I think. Once you gather all
15 the information that's relevant to the subject, I believe, and then from that, that will become - be put together. And then from that, you will make some sort of a recommendation, some sort of - highlights what the issues are, and you can address them.

MR LLOYD: The sources might be, for example, reviews of correspondence,
20 letters going out of the gaol or coming in?

MS KELLETT: Correct.

MR LLOYD: There might be human sources, that is, human beings, be they
25 inmates or officers, might tell you things?

MS KELLETT: Correct.

MR LLOYD: Or you might yourself hear things like - that might be regarded as
30 gossip, rumour, innuendo?

MS KELLETT: Allegations.

MR LLOYD: Allegations. Talk, in effect?
35

MS KELLETT: Correct.

MR LLOYD: All of that would be regarded broadly as being capable of being
40 intelligence?

MS KELLETT: Put together, yes.

MR LLOYD: And in your capacity as an Intel Officer, it was never the approach
45 for you to report out of the gaol - and I'll ask you more questions about where to, but to report every single bit of rumour, gossip or innuendo that came your way - to report that out of the gaol, was it?

MS KELLETT: Sorry, what was that last bit?

MR LLOYD: It was not the approach or practice in your capacity as an Intel Officer to report every single rumour or bit of gossip you heard out of the gaol?

5 **MS KELLETT:** If I thought it was major breach, yes, it would have been.

MR LLOYD: It was - if you heard a rumour or gossip or innuendo that, if true, involved, for example, serious misconduct by an officer, that might be intelligence you would report out of the gaol?

10

MS KELLETT: Yes.

MR LLOYD: And when you were an Intel Officer, if you come into intelligence that warrants reporting out of the gaol, what were your options about where to go and what to do?

15

MS KELLETT: At that particular stage, I was struggling with things. I would let Shari know first. I would then complete an IR, and I would fax it off to CIG. The reason why I'd fax it off to CIG is because, over the years, a habit has been formed by myself. It wasn't intentional. And I would just normally go into pilot mode, and I would actually send it to CIG first.

20

MR LLOYD: In terms of - we're dealing with, for example, a serious - a complaint or information about serious misconduct by an officer. I think you're telling us, first, you'd tell the Governor?

25

MS KELLETT: Most definitely.

MR LLOYD: Second, you'd prepare an intelligence report?

30

MS KELLETT: To the best of my abilities.

MR LLOYD: That would be printed out in hard copy and then you'd fax that to the CIG?

35

MS KELLETT: No.

MR LLOYD: What would you do with it?

40 **MS KELLETT:** It would be done electronically.

MR LLOYD: So would you have it in hard copy or would it only be electronic?

MS KELLETT: At this stage, no. It would not be hard copy.

45

MR LLOYD: So you would access the computer system, the IIS?

MS KELLETT: Correct.

MR LLOYD: You would enter information into that system?

MS KELLETT: Correct.

5

MR LLOYD: And then you would send that off to the CIG?

MS KELLETT: Correct.

10 **MR LLOYD:** In terms of sending it off to the CIG, was there only one place that it would go to, as in, a particular person or a function you could select about where it would end up?

15 **MS KELLETT:** No. What would occur is that there would have been two selections. This is where I've said that most of my reports went to CIG first, because this is the very first time that I've undertaken that sort of seriousness. I always struggled with the IIS. There was a new system back then. When it came in, I only had a two-day course and then I was left to my own. Due to the fact I was relieving officer, it took a long, long time. Some days I would be months
20 before I would be back in there. And then what has - what has occurred that I've noticed since this Inquiry is that most of mine would go to CIG first.

MR LLOYD: Do we understand from what you just told the Commissioner there that you didn't know the human being at the other end who would receive your
25 intelligence reports at the time?

MS KELLETT: What do you mean by that question?

30 **MR LLOYD:** What I mean is that you were, some of the time, the Intel Officer, and you've told us you would enter information and send off intelligence reports?

MS KELLETT: Correct.

35 **MR LLOYD:** You'd do that when information was of sufficient seriousness to warrant sending it off?

MS KELLETT: Yes.

40 **MR LLOYD:** What I'm asking is whether you knew at the time - had anyone told you, in terms of the two-day course or otherwise, who the person at the other end who might be reading your report was?

MS KELLETT: An analyst.

45 **MR LLOYD:** An analyst, as in, a Corrective Services person?

MS KELLETT: Correct.

MR LLOYD: Did you know or were you ever told about a function where you could send a report off to someone within the CIG who was from the police force?

5 **MS KELLETT:** I was aware that was attached to it due to the issues that - this is the first time that I had such seriousness and allegations. I found that I was doing things on pilot mode due to the fact of my health and really not thinking about the task at hand.

10 **MR LLOYD:** This is not a criticism.

MS KELLETT: No.

15 **MR LLOYD:** I'm just trying to understand what you were told or knew about what had happened at the other end.

MS KELLETT: It was - I - I was under the assumption at that time, if it was - the analyst would look at it. If it was of a really serious nature, they will flick it on.

20 **MR LLOYD:** Did you ever get told about a function where you could submit an intelligence report that was confidential, that is, that wouldn't be disseminated or distributed beyond the person at the CIG who would receive it?

25 **MS KELLETT:** Yes, I was, but I forgot because it was years before I actually had to use that task.

MR LLOYD: You were told about that at some earlier point in time -

MS KELLETT: Correct.

30 **MR LLOYD:** - but not in your mind when you were submitting reports of that kind -

MS KELLETT: That's correct.

35 **MR LLOYD:** - that I'm about to ask you about?

MS KELLETT: Yes, that's right.

40 **MR LLOYD:** Can I ask you this: Did you know, that is, had anyone told you, what would happen when you were entering in the information to send off intelligence reports in the period I'm asking, 2015 through to 2018 - did you know whether other people doing the Intel Officer role from time to time would know about the contents of the reports you were sending off?

45 **MS KELLETT:** Only once it's actually been disseminated at the other end.

MR LLOYD: Whether and to what extent reports you were submitting were circulated would be a decision made at the CIG end of it?

MS KELLETT: I'm led to believe.

5 **MR LLOYD:** I'm going to ask you some questions to see if you can help us about the contents of some of the documents we have, but one of them at least, I think you would have seen, has got a dissemination list. I take it - we'll come to the detail, but I take it what you're telling us is that's not your decision; that's a decision that's made elsewhere?

10 **MS KELLETT:** I believe it is so. I would have put a certain amount on. What happens, I believe - I don't know if it's true, but at the other end they just hit the dissemination button.

15 **MR LLOYD:** This question about who, to your knowledge, would get reports you were submitting sounds like a pretty important one, having regard to the fact that some of the reports you know you were submitting were about Astill -

MS KELLETT: That's correct.

20 **MR LLOYD:** - and for all you knew, he might be coming in to Dillwynia the next day and sitting in the same chair you were sitting in?

MS KELLETT: That's correct.

25 **MR LLOYD:** And so this is a situation where confidentiality in terms of the report-making was essential?

MS KELLETT: Correct.

30 **MR LLOYD:** And is what you're saying that you just weren't sure what was happening in terms of who got the things you were submitting?

35 **MS KELLETT:** That was a concern of mine - a big concern of mine. I actually approached Ms O'Toole, and I explained to her that due to the situation, the amount of reports that were actually coming through the Intelligence Officer - the Intelligence Office at the time, could she please remove his access. I asked her on many occasions. Also, Ms Wilson asked her on many occasions. What I didn't know, and I now know, I should have just rang CIG.

40 **MR LLOYD:** And told them to remove him from the list of people to whom reports may be distributed?

MS KELLETT: Yes. It was a major concern of mine.

45 **MR LLOYD:** Just dealing with this, Ms Kellett. Your conversations with Ms O'Toole, you describe them as happening on many occasions?

MS KELLETT: Can you repeat?

MR LLOYD: The conversations you had with Ms O'Toole about removing Astill's access to your reports, you had those conversations, I thought you told us, on many occasions?

5

MS KELLETT: Many occasions.

MR LLOYD: And what were you saying to her?

10 **MS KELLETT:** I just said that due to the conflict of interest, due to the fact that the intelligence that we're gathering, that it compromises us. He is getting all this information - or the ones that I submitted, he's getting this information and, therefore, it's not good.

15 **MR LLOYD:** Can I ask you, before coming to some of those reports, have a look at paragraph 29 in your statement. Do you see you're describing there about something that you heard about Astill being friendly with Witness C. If you need to look at the pseudonym list. Do you know who she is?

20 **MS KELLETT:** I'm pretty sure, but I will. Yes.

MR LLOYD: By the time you heard about it, you say you believe it had already been reported?

25 **MS KELLETT:** That is correct, due to the fact that he was on - on the weekend before. I naturally assumed I wasn't in the intelligence office when I came back, so therefore I naturally thought the process would have been underway.

30 **MR LLOYD:** Did you - I withdraw that. On what you understood about that incident, was that something that ought to have been reported out to the CIG?

MS KELLETT: From that incident now, and what I know now, and the power that Intel Officers have that I wasn't aware of, most definitely.

35 **MR LLOYD:** And in terms of what you know now, is that just the capability of the system to make a confidential report? Is that what you're talking about?

MS KELLETT: Not only that, that I could override the Governor and go directly there.

40

MR LLOYD: But is there two aspects to what you're telling us -

MS KELLETT: Yes.

45 **MR LLOYD:** - one, that you weren't aware at the time you were an Intel Officer in this period that you could make a report that would not come to the attention of the Governor?

MS KELLETT: That's correct. I would not bypass the Governor.

5 **MR LLOYD:** And you also have already told us about a concern you had that if you made a report to CIG about something like this, then it may well come to the attention of Astill himself?

10 **MS KELLETT:** Yes. No, sorry, I'll correct that. What I'd say is that Mr Astill was only aware of the CIG ones because it's normally generated that way. If it went to CIU, then I'm aware that the investigation would have taken place, and it should have taken place.

15 **MR LLOYD:** But the decision - this is why I asked you earlier - about where it ended up to - ended up after the report, that was not in your hands; you just sent it off to CIG?

MS KELLETT: Correct. That's my understanding.

20 **MR LLOYD:** So you wouldn't be deciding whether to - at the time, to send the report to CIG or to that group within CIG known as CSIU; is that right?

MS KELLETT: I thought that I sent it to CIG. If CIG thought it warranted that level of interaction, then it would go over to the (crosstalk).

25 **MR LLOYD:** CIG would sent it - would determine where it goes?

MS KELLETT: That's correct.

MR LLOYD: Could I ask you this - have a look at paragraph 30.

30 **MS KELLETT:** Yep.

MR LLOYD: You tell us there you did often subject Astill to staff searches, and the reason you did that was to keep a close eye on him as you thought he may have been trafficking?

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

MR LLOYD: Your suspicion that he may have been trafficking, that's a reference to bringing drugs into the gaol, or contraband more broadly?

40 **MS KELLETT:** Contraband more broadly.

MR LLOYD: But including drugs?

45 **MS KELLETT:** I can't comment on that.

MR LLOYD: Why did you have a suspicion that he may have been bringing contraband into the gaol?

MS KELLETT: Because of the rumours that I had actually heard and due to the fact that I had previously submitted two reports on him, the first one being the 10th - 2016, regarding the interception of a letter. The second one was the removal of Ms C from the centre and the allegations regarding that.

MR LLOYD: I'll come to those. The letter you're talking about is the one sent out by - or attempting to be sent out by Witness P to Witness HH?

MS KELLETT: Correct. I'll just check HH. Yes.

MR LLOYD: And the removal, the second report, was that about Witness M and allegations of inappropriate conduct by Astill towards Witness M?

MS KELLETT: Since I've been retired, I don't recall. But I have been shown since the beginning of this Inquiry that I had submitted a report regarding Witness M.

MR LLOYD: Thank you. Now, do we take it from your reference to those reports, then, that at least from the information that came to your attention when you made those reports, what you understood was that there were rumours that Astill was bringing contraband into the centre?

MS KELLETT: The very first one regarding HH, it was confirmed by him himself to the Governor.

MR LLOYD: Just tell us about that.

MS KELLETT: A report was submitted by myself - an IR was submitted by myself. While both me and Ms Wilson was off, the letter was intercepted and removed by Mr Astill and taken to Ms Martin. The contents of the letter was the mere fact that he - it was in the letter to HH, that - it was allegations that a sexual impropriety was happening between inmate C and an unnamed officer. Also in that letter was also the fact that he - his partner worked at the gaol. The - Witness C went under the pseudonym of "C", which was referring to the gaol name for Witness C. Because of the fact that we put it together, the IR went off in 2016, about October. It went then to CIG. CIG rang me. I actually filled CIG in a little bit more regarding all the things that were occurring in the gaol. And the analyst moved it from an F6 to a highly - unreliable, highly possible. From that, that then went to the Governor, and the Governor met with the Regional Commander at the time, and it was recommended that their action was a speaking to.

MR LLOYD: To counsel Astill?

MS KELLETT: Yes, to counsel Astill after he admitted that the person that they're referring to - he admitted to the Governor that he was that person himself.

MR LLOYD: Now, there's a lot in that answer, Ms Kellett. Thank you. I'll come back and ask you some things about it, and I'll show you the report in one moment. I just want to complete the questions I have about what you were doing when rumours that you identify about trafficking came to your attention. You
5 decided that you would subject Astill to additional searches coming into the gaol?

MS KELLETT: It's normal for a Chief Correctional Officer to undertake staff searches.

10 **MR LLOYD:** But you often subjected him, that is, more regularly, than others?

MS KELLETT: Yes.

MR LLOYD: And that's because you had a suspicion he was bringing contraband
15 in?

MS KELLETT: Yes.

MR LLOYD: How did you find the task of actually doing that? Now, there's
20 a size disparity for starters, physically, between you and Mr Astill?

MS KELLETT: Greatly.

MR LLOYD: Did you find his approach when you were subjecting him to these
25 searches to be a welcoming and friendly one or something else?

MS KELLETT: Most of my staff were.

MR LLOYD: What about him? Did he take kindly to you searching him?
30

MS KELLETT: He had no objection.

MR LLOYD: You say in the second part of paragraph 30:

35 "They were followed receiving intel from inmates and concerned staff. Much of this intel was hearsay. I never found anything on him."

Do you see that?

40 **MS KELLETT:** Correct.

MR LLOYD: A lot of intel is bound to be what you describe here as hearsay, isn't it?

45 **MS KELLETT:** Yes.

MR LLOYD: But important nonetheless?

MS KELLETT: Correct, to me.

MR LLOYD: Could I -

5 **COMMISSIONER:** Ms Kellett, we understand that he was involved in contraband, and you know that, I think, too.

MS KELLETT: I had great suspicions, yes.

10 **COMMISSIONER:** You had suspicions, but you now know that?

MS KELLETT: I now know, and it has been confirmed.

15 **COMMISSIONER:** How did you think he was getting it in?

MS KELLETT: There's a number of ways people can bring drugs in or contraband. He could hide it on his person. He could have it thrown over the fence. He could have done it on a C watch when there was no searches conducted. So there's a number of ways, sir.

20 **COMMISSIONER:** So your having him searched wasn't necessarily going to capture what he might have been doing?

25 **MS KELLETT:** I was hoping to achieve that, yes, sir.

MR LLOYD: Now, Ms Kellett, can you find in your statement - if you go to the end of that part of it which is your typed statement, there's some annexures or attachments. Do you see those?

30 **MS KELLETT:** (Indistinct).

MR LLOYD: Well, just have a look. See if you can - actually, could I approach, Commissioner? I've just turned up the page with the number up the top ending in 1153_0001. Do you see that? Up the top right-hand corner in red?

35 **MS KELLETT:** 001?

MR LLOYD: Yes. Now, just looking at the first page there, you recognise that as being an intelligence report involving an incident date, 19 October 2016?

40 **MS KELLETT:** Correct.

MR LLOYD: You've seen this document in this form before today?

45 **MS KELLETT:** Yes.

MR LLOYD: Could I just - I'll just draw your attention - go over to page 4, using the page numbers up the top, and then go down to almost the bottom, and you see an entry, "Local Author."

5 **MS KELLETT:** Correct.

MR LLOYD: And "Staff Name", and that's where -

MS KELLETT: Myself.

10

MR LLOYD: - your name appears. The submission date of 9 November 2016, does that represent the date, on your best understanding, that you submitted information in the way you've told us to the CIG?

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

MR LLOYD: I think you described in the long answer you gave a little while ago a great deal of the features of this report. You said October, but it's a report you made in November about things that had occurred in October; correct?

20

MS KELLETT: This report was submitted by me as per the calendar. I made the mistake. I thought it was October.

MR LLOYD: It's no criticism, but it's about events that occurred in October?

25

MS KELLETT: Yes.

MR LLOYD: I just want to get you - and, Ms Kellett, you're the first person who's given evidence here who knows anything about these, so you'll have to help me. I just want you to identify the parts of this that are yours -

30

MS KELLETT: Thank you.

MR LLOYD: - and the parts that aren't. Go back to the first page. You've told us you don't see these in a printed physical form; you type things into the computer, and it goes off?

35

MS KELLETT: Correct.

40 **MR LLOYD:** What is the information from here that you can recognise that you send off on this first page, if you take that? Or is there none? Is this all filled out, to your knowledge, by other people?

MS KELLETT: No. No, myself, or whoever undertakes it.

45

MR LLOYD: So this information - this looks like things that you would type in.

MS KELLETT: Enter, yes.

MR LLOYD: And what about the second page, up until the - halfway down that page, "Entity of Interest"? Is that all you, that information typing in?

5 **MS KELLETT:** Correct.

MR LLOYD: The classification, then, "LIO Evaluation Response", F6, and "CIG Evaluation Response", B2?

10 **MS KELLETT:** Correct.

MR LLOYD: Who's that?

MS KELLETT: The LIO is local; CIG is CIG.

15

MR LLOYD: So is the LIO an entry that you make?

MS KELLETT: Correct.

20 **MR LLOYD:** And entering in "F6" there, does that mean you're just not sure about the reliability?

25 **MS KELLETT:** At the time, I wasn't privy to all the information. And I wasn't aware at the time that Mr Astill had intercepted the letter himself. I wasn't aware at the time that Mr Astill had taken the letter to Ms Martin. And I wasn't aware at the time that he admitted to Ms - or was not there, because both myself and Ms Wilson was off.

30 **MR LLOYD:** But all the F6 that you enter into it is saying that you're not sure how credible the information is, it's for CIG to judge?

MS KELLETT: That's correct.

35 **MR LLOYD:** Can you go to the next page. If you have a look here, Information.

MS KELLETT: Local information gaps?

40 **MR LLOYD:** No, no. On page, page 3 using that red page numbering, there's a Information Source Type is the first entry on the page I'm asking about?

MS KELLETT: Correct.

45 **MR LLOYD:** And then the heading Information almost halfway down the page, is what appears under that, is that you?

MS KELLETT: Local, yes.

MR LLOYD: The Local Analysis, is that you?

MS KELLETT: Yes.

5 **MR LLOYD:** What about the information above it, is that also you?

MS KELLETT: Yes.

10 **MR LLOYD:** And just help us with this: over the page then, Local Intelligence Gaps, is that also you?

MS KELLETT: Correct.

MR LLOYD: Summary, is that you?

15 **MS KELLETT:** Correct.

MR LLOYD: And, again, Local Actions, I'm guessing that's you?

20 **MS KELLETT:** Correct.

MR LLOYD: But Automatic Dissemination on Submission, mentioning those six people, is that CIG?

25 **MS KELLETT:** I'm led to believe that some of it would have been, yes.

MR LLOYD: Well, just in terms of your involvement, you're the person who has lodged this particular intelligence report, you told us that. There's a heading in here Automatic Dissemination on Submission, is that something you complete as to who should get the report?

30 **MS KELLETT:** Sometimes, but I would leave some out. But if it goes to the other end, they just hit the button.

35 **MR LLOYD:** In this example, do you remember whether you inserted the names of the six people under Automatic Dissemination on Submission?

MS KELLETT: I can't recall that.

40 **MR LLOYD:** The first one is Wayne Astill.

MS KELLETT: Yes, I know. It's in alphabetical order.

45 **MR LLOYD:** It sounds unlikely if it was you filling it in that you would have put his name in to receive the report, do you agree?

MS KELLETT: I can't agree with that because I can't recall exactly doing it. That's why I can't agree with it.

MR LLOYD: Might those people in some way have been automatically generated, is that what you -

5 **MS KELLETT:** It can be something that can be automatically done at the other end, or it could have been some of it filled in our end?

MR LLOYD: If it was filled in manually by you at your end, are you able to say it's likely you would have inserted those six names or any of them?

10 **MS KELLETT:** I can't comment for sure because it's been six years ago.

MR LLOYD: Just in terms of the likelihood, though, this is an intelligence report.

15 **MS KELLETT:** Could be possible, yes.

MR LLOYD: But it's an intelligence report concerning Astill, is it likely you would have manually typed in his name?

20 **MS KELLETT:** I'd try not to.

MR LLOYD: So that he'd get it?

MS KELLETT: No.

25 **MR LLOYD:** It sounds to me, from what you told the Commissioner earlier, it would have been most unlikely you would have physically typed his name in?

MS KELLETT: That's correct.

30 **MR LLOYD:** Commissioner, I note the time. I will be probably about another 45 minutes to an hour for this witness.

COMMISSIONER: Well, it's probably best we adjourn. Now, 9.30 in the morning?

35 **MR LLOYD:** Is that convenient?

COMMISSIONER: 9.30?

40 **MR LLOYD:** 9.30 on the basis we may need to rise early.

COMMISSIONER: We will need to rise a little earlier. Okay, we will start at 9.30 in the morning.

45 **<THE HEARING ADJOURNED AT 4.02 PM TO FRIDAY, 3 NOVEMBER 2023 AT 9.30 AM**