



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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 3 NOVEMBER 2023
AT 9.30 AM**

DAY 16 – 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 C.J. WATSON appears for two correctional officers
MS J. HICKLETON appears for one correctional officer**

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<THE HEARING RESUMED AT 9.31 AM

COMMISSIONER: Mr Lloyd.

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

<PAMELA KELLETT, ON FORMER OATH

10 **MR LLOYD:** Ms Kellett, you've got open there tab 60A?

MS KELLETT: Correct.

15 **MR LLOYD:** Yes. You remember I was asking you yesterday about the intelligence report that was submitted in November of 2016?

MS KELLETT: Correct.

20 **MR LLOYD:** Could you just turn up - try and find that intelligence report. It's - if you're struggling, we can get someone to help.

COMMISSIONER: Where is it again, Mr Lloyd?

25 **MR LLOYD:** It's behind tab 60A in volume 7. Could I approach to assist Ms Kellett?

MS KELLETT: Yes, by all means.

30 **MR LLOYD:** The page that I've just opened up for you is one up the top right-hand corner ending in 1153_0005.

MS KELLETT: Correct.

35 **MR LLOYD:** Which is - happens to be the fifth page of that intelligence report; correct?

MS KELLETT: Correct.

40 **MR LLOYD:** Could I - remember you were helping us yesterday by identifying the portions of this document that you were the author of, and you were telling us about the bits that, effectively, you typed when sending this report off?

MS KELLETT: Correct.

45 **MR LLOYD:** I just want to ask you now, when we are dealing with the information under CI Analysis - do you see that heading on this page?

MS KELLETT: Correct.

MR LLOYD: It's pretty clear, isn't it, that we're then dealing with information that you did not type in when sending the report off?

5 **MS KELLETT:** Added information, yes.

MR LLOYD: Added information by -

MS KELLETT: Rumours?

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MR LLOYD: No, no. But just - you didn't type the words, is the -

MS KELLETT: That's correct.

15 **MR LLOYD:** We know that not least of all because it's a description by someone - I just ask you assume within the CIG office - about a phone conversation that they had with you. Do you see that in the first -

MS KELLETT: Correct.

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MR LLOYD: Do you remember speaking to someone from the Corrections Intelligence Group about this particular report?

25 **MS KELLETT:** I do remember speaking, because it's the only time that that department has actually rang me regarding my reports.

MR LLOYD: Is that right? This is the only time you can remember speaking to anyone from the CIG about reports you submitted?

30 **MS KELLETT:** Correct.

MR LLOYD: Is that surprising to you? I think you nodded.

MS KELLETT: The nature - the nature of the reports - yes, it is a concern.

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MR LLOYD: You expect that in relation to some other reports you submitted that you might get a call?

MS KELLETT: I was hoping.

40

MR LLOYD: Could I just ask you about some things on this page that are recorded to see if you can help us. The middle part of the page, it's got recorded there:

45 "Staff at Dillwynia have felt..."

Do you see that?

MS KELLETT: Yes.

MR LLOYD:

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"...that Astill and Witness HH were too close but that there was never anything improper."

Do you see that?

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MS KELLETT: Correct.

MR LLOYD: Was that something, on your recollection, you told the person from the CIG?

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MS KELLETT: I did.

MR LLOYD: That is, rumours or innuendo, to your knowledge, around Dillwynia that there was a closeness in relationship between Astill and that former inmate but no proof, if you like, of anything improper?

20

MS KELLETT: Correct.

MR LLOYD: But a suspicion on your part that there might have been something improper?

25

MS KELLETT: Yes. The rumours were that HH at the time was received into Dillwynia due to the fact - and - of Commission and then she told lies in that Commission. She's an ex-police officer. And the bond between - and Mr Astill being an ex-police officer and this one, they most probably spoke more staff deserved that, and that was the rumours that I was hearing, that they were speaking and being more - more associated that way.

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MR LLOYD: In a kind of sexualised way?

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MS KELLETT: There's no grounds to that.

MR LLOYD: No, no. But just in terms of rumour - I understand what you're telling us, no evidence of a sexualised relationship between them, but was the rumour that it might have been that?

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MS KELLETT: No, not at that stage.

MR LLOYD: Just a closeness that may have seemed inappropriate?

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MS KELLETT: Yes.

MR LLOYD: This particular report, though, was about allegations that were contained in a letter; true?

MS KELLETT: Correct.

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MR LLOYD: And this was a letter that was proposed to be sent by Witness C to Witness HH?

MS KELLETT: Not Witness C.

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MR LLOYD: Witness P, I'm sorry.

MS KELLETT: Yes.

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MR LLOYD: Get the pseudonym list.

MS KELLETT: Correct. Witness P.

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MR LLOYD: Witness P to Witness HH, but talking about Astill's relationship with Witness C?

MS KELLETT: Correct.

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MR LLOYD: And in effect, if you look down under the heading The Allegation and Subsequent Actions, do you see in the first paragraph there's a reference to the letter that you've just told us about?

MS KELLETT: Correct.

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MR LLOYD: And then in the second paragraph, there's a description:

"The letter contained allegations of improper conduct, possibility/probability of sexual relationships between Witness C and an unnamed officer. The letter is attached."

35

Do you see that?

MS KELLETT: Correct.

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MR LLOYD: And when it says "unnamed officer" - you did mention this in your evidence yesterday - it was clear, on a reading of the letter, who the allegations were directed at in terms of the officer?

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MS KELLETT: From the - from the allegations, from further interviewing after I came back, like I said yesterday, I wasn't aware that the letter was intercepted by Mr Astill. I wasn't aware that it went to the Governor. I wasn't aware at the time that he admitted that he was the individual in that letter.

MR LLOYD: I just wanted to ask you about that admission, but I'll come back to that, Ms Kellett. If I just draw to your attention to something else you mentioned yesterday. The next paragraph has got the event you've just described, Astill taking the letter after intercepting it to Shari Martin?

MS KELLETT: Correct.

MR LLOYD: And then Ms Martin taking the letter to the relevant Regional Commander, Marilyn Wright?

MS KELLETT: Correct.

MR LLOYD: And it's that part of the sequence, where Astill takes the letter to Shari Martin, where you're telling us that you understand he made an admission that he must be the person referred to?

MS KELLETT: To Ms Martin?

MR LLOYD: Yes.

MS KELLETT: Yes.

MR LLOYD: Not to you?

MS KELLETT: Correct.

MR LLOYD: You were away at that particular time?

MS KELLETT: Both myself and Ms Wilson was absent, so therefore he removed the letter himself or was given it from the MoS's office.

MR LLOYD: He was the Intel Officer on the day?

MS KELLETT: Correct, that this letter was received and intercepted, yes.

MR LLOYD: The next part of it, Ms Martin taking the letter to Marilyn Wright:

40 "Both Ms Wright and Ms Martin then spoke to Astill, giving him a warning and a caution."

Is that something that you remember telling the person from the CIG in the conversation?

45 **MS KELLETT:** No.

MR LLOYD: This is information that didn't come from you but appears in the document -

MS KELLETT: Correct.

5

MR LLOYD: - on your understanding, recorded there by someone from CIG?

MS KELLETT: Correct.

10 **MR LLOYD:** Now, can I ask you this: Even though you're not the author of that particular entry, do you know what happened in terms of Ms Wright and Ms Martin speaking to Mr Astill and giving him a warning and a caution?

MS KELLETT: No, I was not present during that conversation.

15

MR LLOYD: Anyone ever tell you about the content of the warning or the caution given?

MS KELLETT: No.

20

MR LLOYD: I think you've told us this, but make sure I've got it right, that allegations made by Witness P in this letter to Witness HH about Astill's relationship with Witness C - they were very serious allegations, weren't they?

25 **MS KELLETT:** I believe so, yes.

MR LLOYD: Did they, in your view, warrant thorough investigation to see if it was true?

30 **MS KELLETT:** Yes.

MR LLOYD: I presume that's one of the reasons that you were submitting the report?

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

MR LLOYD: And did you expect there would be an investigation to get to the bottom of whether what Witness P was saying was true?

40 **MS KELLETT:** Yes.

MR LLOYD: And do you know whether any investigation, either within the gaol or within CIG, was ever conducted about that?

45 **MS KELLETT:** No investigations.

MR LLOYD: What you're saying is you - on your belief, no investigation was ever conducted?

MS KELLETT: That's correct.

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MR LLOYD: And from where you sit, I take it what you're saying is you think that was inadequate?

MS KELLETT: Yes.

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MR LLOYD: And you're not able to tell us about what Astill, on the record here, was actually being cautioned about?

MS KELLETT: Exactly. I wasn't present.

15

MR LLOYD: Could I ask you, then, about something that Witness P told us with respect to this letter. Do you remember saying to her at some point that you would put the letter in her property so it could be used later?

MS KELLETT: I heard that comment. I recall going up to Witness P. Prior to that, I - I sought what to do with this information. I was concerned about the information going missing. Don't ask me why, sir. I don't know. And therefore, if I would have put it in the safe, it could have went missing. So I actually rang somebody - I don't recall who I rang - and they said, "It's the inmate's property. Put it in their canvass bag." So I went up to Witness P, and what she said was correct.

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MR LLOYD: I'm afraid, Ms Kellett, I am going to ask you about why you were concerned about it going missing. You mentioned the safe. You're talking about Ms Martin's safe?

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MS KELLETT: No. I'm talking about the intelligence safe.

MR LLOYD: You've told us elsewhere in your statement about concerns you had about important documents containing allegations of misconduct about Astill, about the possibility of them going missing?

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MS KELLETT: Correct.

MR LLOYD: Why were you worried - I withdraw that. This was an important document containing serious allegations about him; true?

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MS KELLETT: Correct.

MR LLOYD: You told us you had a concern about them going missing if you put them in the safe within the Intelligence Officer's room?

45

MS KELLETT: Correct.

MR LLOYD: Why were you worried about that?

5 **MS KELLETT:** Because he had access to that room. He had access to everything that we had. All the information, all that we tried to gather, he had access. So, therefore, I tried to limit what it was.

10 **MR LLOYD:** Your concern was that a senior officer about whom serious allegations were made might come in and obtain access and destroy critical evidence. Is that fair?

MS KELLETT: Correct.

15 **MR LLOYD:** Could I ask you to move forward in time in your mind to around about May 2017. I want to ask you some questions about Witness M, if you look at the list.

20 **MS KELLETT:** Yep.

MR LLOYD: You, from an answer you gave one moment ago, have been following some of the evidence?

25 **MS KELLETT:** Not all the evidence, no.

MR LLOYD: Do you remember Witness M?

MS KELLETT: No.

30 **MR LLOYD:** She said, when she was being transferred out of Dillwynia, that she was in Astill's office speaking to him, and you were in the waiting area with a number of other girls also being transferred out?

35 **MS KELLETT:** Could have been, yes.

MR LLOYD: And she said while she was in the office with Astill, she moved toward the doorway so as to put herself in your line of vision at a time when Astill was stroking his hand - her hand and making inappropriate comments?

40 **MS KELLETT:** Which was this, The Hub?

45 **MR LLOYD:** This is in Astill's office probably within The Hub, but I can't really help you much further than that. Now, I just need to make it clear, Ms Kellett: Witness M did not tell us that she believes that you saw what Astill was doing; she merely told us that you were in a position where you might have been able to see it. Do you understand?

MS KELLETT: I can't recall that.

MR LLOYD: I take it, if that is something that did you actually see -

5 **MS KELLETT:** Thank you.

MR LLOYD: - you would have done something about it?

10 **MS KELLETT:** I think so.

MR LLOYD: So we can take it from that that your position about whether you did see it is it's more likely than not that you did not see any behaviour of that kind?

15 **MS KELLETT:** No. If there were other people present or if I was distracted by something, most probably not, no, sir.

MR LLOYD: And in fairness - I think I've put this to you - Witness M said you were with other girls to be transferred out. I take it from what you're saying, possible you were attending to things involving that activity?

20 **MS KELLETT:** Correct. I could have been, yes.

MR LLOYD: Can I ask you, then, to go back to your Commission statement. You'll need to flip back to paragraph 57. Just re-read, Ms Kellett, paragraph 57 to yourself.

MS KELLETT: Yes.

30 **MR LLOYD:** You're telling us there about some things that you came to learn about a diary maintained by Witness B?

MS KELLETT: Yes.

35 **MR LLOYD:** There's some evidence before the Commission that Witness B went to Ms Wilson and showed her a diary which, amongst other things, contained allegations of misconduct by Astill. Are you aware of that?

40 **MS KELLETT:** I am aware, yes.

MR LLOYD: There's no evidence that you were at any meeting where Witness B came forward and talked about the diary. I take it your recollection is you were not at any such meeting?

45 **MS KELLETT:** No, not at such meetings, but I believe that an IR was created regarding that information.

MR LLOYD: And the basis of that belief is discussions you had with Ms Wilson?

MS KELLETT: Correct.

5 **MR LLOYD:** And you might have seen the IR itself?

MS KELLETT: I could have, yes.

10 **MR LLOYD:** At any event, you had a discussion with Ms Wilson about the allegations which Witness B was bringing forward; true?

MS KELLETT: Correct.

15 **MR LLOYD:** And just have a look again:

"At the time, we had to be careful because Mr Astill had access to the same systems that Ms Wilson and I had."

20 You've told us about that?

MS KELLETT: Correct.

MR LLOYD:

25 "We had to hide things, and she would keep it in the Governor's safe."

MS KELLETT: I believe when I was having a discussion with Ms Wilson, she informed me that things regarding Mr Astill was kept in the Governor's safe, yes.

30 **MR LLOYD:** She told you, in order to hide things, in effect from Astill, that is, documents containing serious allegations against Astill, she would hide them by putting them in the Governor's safe; is that right?

35 **MS KELLETT:** I'm led to believe from Ms Wilson, yes.

COMMISSIONER: Who had access to the Governor's safe?

40 **MS KELLETT:** I naturally - I - sorry. I naturally assumed the Governor. You would have to ask her who had access to her safe.

COMMISSIONER: You don't know whether anyone else had access?

MS KELLETT: No, sir.

45 **MR LLOYD:** The safe was in the Governor's office?

MS KELLETT: Correct.

MR LLOYD: Can I just ask you this, Ms Kellett: You've told us about one particular incident where you felt the need to hide critical evidence about Astill by putting it in the inmate's property?

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MS KELLETT: Correct.

MR LLOYD: You're now telling us that you and Ms Wilson, and in particular Ms Wilson, had to come up with a different strategy for hiding evidence in a different place?

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MS KELLETT: Correct.

MR LLOYD: It sounds like an appalling state of affairs in terms of the management of the gaol?

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MS KELLETT: It was difficult. It was difficult from our perspective, yes.

MR LLOYD: What were the circumstances that made it difficult? Obviously one of them was that you had a great degree of mistrust about Astill and what he might do?

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MS KELLETT: Correct.

MR LLOYD: What about in terms of management, the support given to you to deal with that particularly difficult situation?

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MS KELLETT: Well, when I went to Ms O'Toole regarding my concerns about Mr Astill, I was told that he was a better investigator due to the fact that he was a detective.

30

MR LLOYD: And - sorry, you go.

MS KELLETT: So what do I do? Do I leave Deborah out there to hang by herself or do I support her?

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MR LLOYD: And -

MS KELLETT: It was very difficult for us.

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MR LLOYD: You tell us something about that in paragraph 58, the attempts you made to remove Astill's access via Ms O'Toole?

MS KELLETT: Correct.

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MR LLOYD: She did nothing about it?

MS KELLETT: She failed to undertake that task, yes.

MR LLOYD: Did you also ask Shari Martin to deal with this problem?

5 **MS KELLETT:** I approached Ms Martin regarding the concerns of both staff on the ground, as well as myself and as well as inmates. I asked what was happening regarding Mr Astill, and she said that everything was more or less - he's - both herself and the Regional Commander at the time spoke to Mr Astill.

10 **MR LLOYD:** Did you understand that to be the counselling-type event following your first report that I asked you about, the October/November 2016?

MS KELLETT: No, I believe it's a different Director, that one.

15 **MR LLOYD:** That was Mr Shearer, was it?

MS KELLETT: I'm led to believe, as per Ms Martin, yes.

20 **MR LLOYD:** What did she say to you, using the best efforts you can to recall?

MS KELLETT: She - when I approached her, she - I spoke to her regarding Mr Astill. I said, "The staff are concerned. The inmates are concerned. What is occurring with Mr Astill?" And she said that both herself and Mr Shearer had spoken to him.

25 **MR LLOYD:** Do you recall a date - now, we can put this with certainty, after the November intelligence report - November 2016 intelligence report you submitted.

MS KELLETT: Yes.

30 **MR LLOYD:** Do you remember approximately when had you this discussion?

MS KELLETT: No, sir, I don't.

35 **MR LLOYD:** When this situation about storing things in Ms Martin's safe for safekeeping occurred, did you ever have a discussion with Ms Martin about what it meant for the governance of the gaol that you or Ms Wilson had to resort to hiding things from Mr Astill in her safe?

40 **MS KELLETT:** No, I did not have that conversation.

MR LLOYD: Any reason why?

45 **MS KELLETT:** I can't answer that because I don't know why I didn't.

MR LLOYD: Was she someone who you felt was approachable to raise an issue of that kind?

MS KELLETT: Yes.

5 **MR LLOYD:** Could I - I think you've answered what I wanted to ask you about paragraph 59, the first line:

"At that time, I believe there was information coming in about Mr Astill and Deb Wilson would write reports."

10 That was something Deb Wilson was telling you?

MS KELLETT: She would inform me that she has wrote numerous reports, because she was the full-time Intelligence Officer. I was the relieving officer.

15 **MR LLOYD:** And have you seen - there are some reports that she issued. Have you seen those?

MS KELLETT: I would have seen them on the intranet at the time, yes.

20 **MR LLOYD:** Could I ask you to just go to the annexures again. And, again, if you can't find it, say so. It's toward the back. In fact, Commissioner, could I approach? It'll be much easier.

25 **COMMISSIONER:** Do we have a number, Mr Lloyd?

MR LLOYD: We do, Commissioner. It's 1167_0001. That's the one you've got in front of you, Ms Kellett?

30 **MS KELLETT:** Correct.

MR LLOYD: Just go straightaway, if you would, now, to page 0004.

MS KELLETT: Yes.

35 **MR LLOYD:** This is another intelligence report you submitted on 30 July 2017?

MS KELLETT: Correct.

40 **MR LLOYD:** Now - sorry, go back to the second page.

MS KELLETT: Sorry, what date did you say I submitted it?

MR LLOYD: 30 July 2017. I've just got that from the submitted date.

45 **MS KELLETT:** Correct.

MR LLOYD: Just go back to page 2 - 002.

MS KELLETT: Yep.

5 **MR LLOYD:** Now, under Information, that's recording information reported by Chief Correctional Officer Neil Holman by way of an incident report?

MS KELLETT: Yep.

10 **MR LLOYD:** Even though it's a report from him, I take it from the fact that you're recorded as the local author, this is nonetheless you typing in this information; is that right?

MS KELLETT: Correct.

15 **MR LLOYD:** So you've been given a report by Mr Holman, and you're describing it in these words?

MS KELLETT: Correct.

20 **MR LLOYD:** And just go to the bottom, just to remind you, about five lines from the bottom. You see on 28 July 2017 -

MS KELLETT: Correct.

25 **MR LLOYD:** - a second report has been submitted by Mr Holman as author?

MS KELLETT: Correct.

30 **MR LLOYD:** Now, it's clear enough, isn't it, that at the time you typed this report, you had two reports from him, and that's what you were reporting up to the CIG in this intelligence report?

MS KELLETT: Correct.

35 **MR LLOYD:** And there is a reference to the full report being attached for the second one, but I take it the practice would have been to attach both?

MS KELLETT: Correct.

40 **MR LLOYD:** Both reports. The attachment, is that done in a scanning way?

MS KELLETT: Yes.

45 **MR LLOYD:** Can I just try and get your response if I summarise the effect of what you were reporting up here. I've asked you about Witness M before, and I think you said you did not remember her?

MS KELLETT: Correct.

MR LLOYD: But in any event, what you're reporting - in particular, if you look about the middle of the page:

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"HS1 was asked why..."

Do you see that?

10 **MS KELLETT:** Sorry, can you repeat the question?

MR LLOYD: See the paragraph:

"HS1 was asked why she made statements."

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MS KELLETT: Yes, I've read that.

MR LLOYD: Just read that paragraph to yourself, and I'll ask you some things.

20 **MS KELLETT:** Yep.

MR LLOYD: There's two relevant features described there, isn't there? The first is an account from the person described as HS1, that Witness M was saying that Astill had attempted to kiss her and would frequently rub his hand up and down her arm and was always being asked to go to his office.

25

MS KELLETT: Yes.

MR LLOYD: That is, allegations -

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MS KELLETT: That's the allegations, yes.

MR LLOYD: - being passed on by the Human Source, HS1, of things that Witness M was saying about Astill?

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MS KELLETT: Correct.

MR LLOYD: And things which were of an extremely serious nature?

40 **MS KELLETT:** Correct.

MR LLOYD: The second part of it is HS2 - that's Human Source 2 - said that she had seen Astill directly rubbing his hand on Witness M's arm.

45 **MS KELLETT:** Correct.

MR LLOYD: So that's a direct allegation by Human Source 2, as in, another inmate, about something that that person had seen Astill do?

MS KELLETT: Correct.

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MR LLOYD: And, again, what was seen by that inmate was very serious?

MS KELLETT: At this stage, it was only allegations. But I would have took it seriously, yes.

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MR LLOYD: Well, in terms of you taking it seriously, you're submitting an intelligence report?

MS KELLETT: Correct.

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MR LLOYD: So we take it from that that you thought it was serious?

MS KELLETT: Yes.

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MR LLOYD: And if that allegation was true, it was serious?

MS KELLETT: If it could be founded with further investigations, yes.

25

MR LLOYD: And there was no material that came to you at the time of sending this up to the CIG to cast any doubt on the truthfulness or accuracy of those allegations. Is that true?

MS KELLETT: It seems to be, yes.

30

MR LLOYD: As in, nothing in your possession to suggest that either Human Source 1 or Human Source 2, or for that matter Witness M, were not telling the truth. Would you agree with me?

MS KELLETT: I can't judge that. It's not up to me to do that, but -

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MR LLOYD: Sorry, not quite my question. But you didn't have any information to suggest that they were lying?

MS KELLETT: I didn't have any information either to say that they were telling the truth.

40

MR LLOYD: What you're saying is you were in no position to judge?

MS KELLETT: Correct.

45

MR LLOYD: It was for someone else to undertake an investigation?

MS KELLETT: I was hoping, yes.

MR LLOYD: What, plainly, was required was an investigation?

5 **MS KELLETT:** Yes.

MR LLOYD: Because, if true, you had an officer who was senior at Dillwynia who was engaging in indecent assault of an inmate?

10 **MS KELLETT:** Correct.

MR LLOYD: You mentioned before that there was only one time you ever received a telephone call from the CIG?

15 **MS KELLETT:** Correct.

MR LLOYD: I take it from that they never called you about this one?

20 **MS KELLETT:** Definitely not.

MR LLOYD: Anyone ever tell you that Witness M had been interviewed or Astill had been interviewed about these allegations?

25 **MS KELLETT:** No.

MR LLOYD: Have a look - over at page 3, in the middle of the page, just above Local Intelligence Gaps is:

30 "Witness M, currently housed at Silverwater, could not be interviewed."

That's your statement. By that time, when you were submitting it, she was out of the gaol?

35 **MS KELLETT:** If that's what I wrote, yes, at that time.

MR LLOYD: And the Local Intelligence Gaps, you say there, in effect, what you just told us, that it was unknown whether the allegations were true?

40 **MS KELLETT:** Correct.

MR LLOYD: Not there's reason to doubt; just you didn't know one way or the other?

45 **MS KELLETT:** That's correct.

MR LLOYD: Could I ask you this, if you go to the next page. Underneath CI Analysis - you told us about the other document. This is written, on your understanding, by someone within the CIG?

5 **MS KELLETT:** Correct.

MR LLOYD: I just wanted to ask you about the things that have been written:

10 "Accused of improper conduct. Same problem arises with this IR as did in the first, namely, that the reliability of the sources cannot be assessed and the validity of the information cannot be judged."

Do you see that?

15 **MS KELLETT:** Correct.

MR LLOYD: Do you find that entry - I ask you to assume, for the purpose of the question, made by someone within CIG - to be a bit surprising?

20 **MS KELLETT:** Very.

MR LLOYD: Because at least on what I've asked you to assume, that entry is made at a time when there's been no interviews?

25 **MS KELLETT:** Correct. Only the ones undertaken by Mr Holman at the time.

MR LLOYD: And:

30 "No reliable conclusions can be drawn from the information at hand."
Do you see that in the next paragraph?

MS KELLETT: Correct.

35 **MR LLOYD:** Again, does that surprise you?

MS KELLETT: It astounds me.

40 **MR LLOYD:** Finally about this, when it's said, "The same problem arises with this as did the first, namely, reliability of the source cannot be assessed," were you aware that anyone ever tried to assess the reliability of the source in relation to the first report you submitted back in November 2016?

45 **MS KELLETT:** Sorry, could you repeat that?

MR LLOYD: That, plainly enough, is a reference - same problem arises with this IR as did with the first - to the intelligence report you submitted that I asked you about before, November 2016?

5 **MS KELLETT:** Yep.

MR LLOYD: Were you aware of any attempt that was ever made by anyone to get to the bottom of the reliability of the allegations you passed up in that first intelligence report?

10

MS KELLETT: From CIG or -

MR LLOYD: Yes. No, from CIG.

15 **MS KELLETT:** No.

MR LLOYD: Or anyone?

MS KELLETT: No.

20

MR LLOYD: That sounds - this is not directed at you, Ms Kellett. That sounds like a very serious failure.

MS KELLETT: "Disappointment" would be the word.

25

MR LLOYD: Could I ask you, then, to move forward. I want to ask you about - there was some mediations involving - or so-called mediations involving some of the inmates when Thomas Woods was the Acting Governor?

30 **MS KELLETT:** I heard that.

MR LLOYD: Yet that came as news to you? You couldn't remember it?

35 **MS KELLETT:** Not that I couldn't remember it. I wasn't part of it, nor Ms Wilson that I'm aware of.

MR LLOYD: You heard about it but had no involvement?

MS KELLETT: Correct.

40

MR LLOYD: Ms Johnson, the chaplain, told the Commission - I take it from your reaction, you remember her fondly?

45 **MS KELLETT:** I was aware of the situation from an intelligence point of view when Ms Johnson did approach me. She did not disclose - she said that - along the lines that she was finding it difficult to actually - due to the fact that - that was when I realised that the inmates had possibly put in complaints. It was from

Ms Johnson, but also the fact that she listens to staff as well. She was a conflict of interest. And I said to her that her main purpose is to actually - for the inmates.

5 **MR LLOYD:** Do you remember saying something to her like, "Some officers need to be pulled into line, but that didn't come from me"?

MS KELLETT: It'd be something I'd say, sir.

10 **MR LLOYD:** It certainly sounds like something you'd say -

MS KELLETT: Correct.

MR LLOYD: - about Astill?

15 **MS KELLETT:** Yes.

MR LLOYD: And that, I take it, was a reflection of the fact that you thought by this time, around January '18, that multiple allegations of serious misconduct were going up about him but nothing, evidently, was being done?

20 **MS KELLETT:** There was a failure there, sir, yes.

COMMISSIONER: Ms Kellett, I assume it's not unknown for inmates to complain about prison officers?

25 **MS KELLETT:** No, I've had a few in the years.

COMMISSIONER: Yes. And to make allegations -

30 **MS KELLETT:** Correct, sir.

COMMISSIONER: - about their conduct? It seems, from what you're saying to Mr Lloyd, that the allegations about Mr Astill stood out for some reason?

35 **MS KELLETT:** When I get so many hearsays, so many reports, so - so many interviews that I now know, things that were occurring that I wasn't aware of, yeah, I was frustrated, sir. And so was Ms Wilson, I can assure you.

40 **COMMISSIONER:** Back then, before you know the things you now know, it's clear from your actions that you had a concern about Mr Astill having regard to the reports that you were receiving?

MS KELLETT: Correct, sir.

45 **COMMISSIONER:** Did you have the chance to talk to Ms Martin about those reports?

5 **MS KELLETT:** No, sir. She was aware of the reports because she - she never asked me about my concerns. I always - when I went to - to Ms Martin regarding what was occurring, she was told - I was informed at the time that Mr Shearer and her was spoken to Mr Astill. The contents of that conversation, sir, I'm not aware of.

COMMISSIONER: No. Sure. Yes. Thanks.

10 **MR LLOYD:** Could I ask you to move forward in time in your mind to May of 2018. Just that particular time, there's a report - and I'm not suggesting to you that you're the author of it, but a report which records a - it's an intelligence report which records a report that you had submitted on 22 May 2018 in relation to inmate Elizabeth Cox?

15 **MS KELLETT:** Did I interview her?

MR LLOYD: Well, I'll just - I'll show you the entry.

20 **MS KELLETT:** Okay.

MR LLOYD: If you find 1172_0003. It's the next one - next report behind the one I've just been asking you about. The one up the top, 1172 -

25 **MS KELLETT:** Correct.

MR LLOYD: - 0003.

MS KELLETT: 001.

30 **MR LLOYD:** That's okay. Just move forward two pages. Now, I won't take you to the page, but take it from me that this is an intelligence report submitted by Deborah Wilson on 6 June 2018. Take it from me for the -

35 **MS KELLETT:** Okay. Will do, sir.

MR LLOYD: Just have a look on page 3, there's a reference, 22 May '18, Chief Kellett submitted a report?

40 **MS KELLETT:** I can't find it, sir.

MR LLOYD: 1172_0003.

MS KELLETT: 1172, did you say?

45 **MR LLOYD:** Yes. Have you got that one?

MS KELLETT: Now I have the page. Thank you.

MR LLOYD: Now, that refers to a report that you submitted, 22 May 2018. First, before looking at the words, do you have any memory of doing this?

5 **MS KELLETT:** No.

MR LLOYD: Just have a look. It seems to be that Ms Wilson has extracted some things that you said here, and I'll just ask you about some of them to see if it jogs your memory: that you were approached by an inmate who said that it had been
10 heard on the compound from other inmates that Astill had been doing favours, from bringing in tobacco to sexual acts with the inmates. Do you see that? It's in the first three lines under that reference to your report.

MS KELLETT: I don't remember the report. But by the looks of this, I did state
15 that, yes.

MR LLOYD: You've got no reason to doubt that this was a report that you prepared and gave to someone about things that had been told to you?

20 **MS KELLETT:** Correct.

MR LLOYD: These matters that are recorded here, again, are of the utmost seriousness in terms of allegations, aren't they?

25 **MS KELLETT:** Yes.

MR LLOYD: Positively requiring an investigation?

MS KELLETT: Yes.
30

MR LLOYD: Do you know whether - I withdraw that. First, I take it from your earlier answer no one from CIG, or for that matter anyone else, ever asked you about what you'd been told about these things?

35 **MS KELLETT:** No.

MR LLOYD: Does that surprise you?

MS KELLETT: After two years of this, no.
40

MR LLOYD: You thought it was more of the same in terms of serious allegations being reported by you about Astill and, to your mind or knowledge, nothing happening?

45 **MS KELLETT:** Correct.

MR LLOYD: Can you think of anything more that you could have done to try and deal with the problem by this time, other than, in this case, preparing a report and you submitting it probably at least to Ms Wilson?

5 **MS KELLETT:** Now that I look back - and hindsight is a great thing - I should have took it outside the gaol and done it myself and rang them.

MR LLOYD: I take it because you don't have a memory of this report, you don't remember whether you discussed these things with Shari Martin or Mr Shearer?

10

MS KELLETT: No.

MR LLOYD: By this time, do you think it's likely you would have discussed something of this kind with Ms Martin?

15

MS KELLETT: Ms Martin would have got a copy of this report. She would have been made aware of the contents of this report.

MR LLOYD: You're searching for something in trying to answer that question, Ms Kellett, that I don't think is -

20

MS KELLETT: It's not there.

MR LLOYD: (Indistinct) distribution list?

25

MS KELLETT: Yes.

MR LLOYD: But you think, in the ordinary course, she definitely would have been given a copy?

30

MS KELLETT: Yes.

MR LLOYD: And - but you can't remember ever being asked by her about what you'd been told?

35

MS KELLETT: I was never asked.

MR LLOYD: Could I ask you this: Do you remember an event in June of 2018 where Glenn Clark telephoned Shari Martin and said Elizabeth Cox had made an allegation that Astill was bringing drugs into Dillwynia?

40

MS KELLETT: Did he ring?

MR LLOYD: I'll just ask you first: do you have any recollection of Mr Clark ringing Shari Martin and saying, "Elizabeth Cox is here, and she's alleging that Astill's bringing drugs into Dillwynia"?

45

MS KELLETT: No.

5 **MR LLOYD:** There's some evidence that Mr Clark gave that he made that report to her and that, shortly thereafter, you came down to speak to Elizabeth Cox. No recollection?

MS KELLETT: No recollection.

10 **MR LLOYD:** At any event, from the report I've just asked you about of May 2018, if that had happened, it probably would have come as no surprise to you that that allegation was being made?

MS KELLETT: Correct.

15 **MR LLOYD:** But you don't have any recollection of discussing that with Shari Martin, is what you're saying?

20 **MS KELLETT:** No, I didn't have a recollection of this report until I read it just then.

MR LLOYD: Could I ask you finally, in terms of the documents, about a different kind of report. If you go to - actually, I'll just - if I can approach. I'll just find it quickly, Commissioner. It's 6992_0005.

25 **MS KELLETT:** Thank you.

MR LLOYD: This is a document you authored, 30 August 2018? Sorry, if you need - it's 0007 at the bottom, is your name.

30 **MS KELLETT:** Correct.

MR LLOYD: I don't want to take you to the details of it, but this is a letter or note to the Governor?

35 **MS KELLETT:** Correct.

40 **MR LLOYD:** This was a situation where you were being tasked with conducting an investigation because Astill had made a complaint about Jean Dolly; is that right?

MS KELLETT: Correct.

45 **MR LLOYD:** Just have a look at - under, on the first page, point 1, Finding. In reference to being referred to as "Poppy Astill" - just to make it clear, Ms Kellett, the situation - this is by August of 2018. You've told us about the multiple events which had been reported up by you to the CIG or otherwise rumours and information about Astill's misconduct within the gaol?

MS KELLETT: Yes. Yes.

MR LLOYD: And he was complaining that Ms Dolly -

5

MS KELLETT: Yes.

MR LLOYD: - was referring to him as "Poppy". Is that what's happening here?

10 **MS KELLETT:** I think so.

MR LLOYD: Have a look at point 1:

15 "I investigated the 'Poppy' allegation. My finding is it is common knowledge amongst staff and inmates that Astill is referred to as 'Poppy'. Some of the reasons I'm led to believe, the colour of his hair, seen as a grandfather figure and that inmate..."

Whose name is blanked:

20

"...made up..."

And that's plainly:

25

"...an inappropriate song..."

MS KELLETT: Yes.

MR LLOYD:

30

"...regarding Astill was to the effect Astill and Witness M hanging in The Hub, Astill and Witness M having a rub and tug."

Do you see that?

35

MS KELLETT: Yes.

MR LLOYD: That was something you were told was happening within the gaol, that is, there had been a song made up?

40

MS KELLETT: From this, yes.

MR LLOYD: And do you remember when you passed this report up to Ms Martin whether she ever came back to you and said, "Gee, that sounds pretty serious if there's actually a song suggesting sexual activity between Astill and an inmate"?

45

MS KELLETT: I can't recall if I actually did have a conversation. I'm not saying that I didn't.

5 **MR LLOYD:** Do you remember anything happening in terms of an investigation about this particular matter arising from this report?

MS KELLETT: Again, no.

10 **MR LLOYD:** Surprising again?

MS KELLETT: Nothing unusual.

15 **MR LLOYD:** As in, a terrible situation but consistent with your experience to date. Is that a fair reflection?

MS KELLETT: Consistent to the other reports, yes.

20 **MR LLOYD:** This didn't find its way into an intelligence report, at least submitted by you. Do you understand that you might have started to kind of give up doing that by this time?

MS KELLETT: I would never give up. I think it's an error on my behalf.

25 **MR LLOYD:** You think you should have?

MS KELLETT: Yes.

MR LLOYD: Just pardon me. Those are my questions, Ms Kellett.

30 **MS KELLETT:** Thank you.

COMMISSIONER: Mr Sheller.

35 **<EXAMINATION BY MR SHELLER:**

MR SHELLER: Thank you. Ms Kellett, my name is James Sheller. I'm one of the legal representatives for Corrective Services. I just wanted to ask you a couple of questions about the intelligence report in relation to Witness M. So this is still in the material behind tab 60A. If you can go maybe half a dozen pages from the back of that tab to the documents which have the numbers 1167_0002 and _0003. Do you know the documents? I'm happy to come up and help you.

MS KELLETT: Yeah. Thank you.

45 **MR SHELLER:** So, Ms Kellett, what I've found for you are parts of the intelligence report you were responsible for composing in relation to information received concerning Witness M. If I can just ask you to go to the - what is the third

page of five of this particular intelligence report. It's the one that's headed Local Analysis at the top. And the first words appearing under Local Analysis is:

"HS1 is currently classified..."

5

Do you see that?

MS KELLETT: Correct.

10 **MR SHELLER:** I just want to ask you, if you go down - and you were asked about this by Mr Lloyd. Above the heading Local Intelligence Gap, there's this reference to:

15 "Witness M, who's currently housed at Silverwater Women's Correctional Centre, could not be interviewed regarding this matter."

Do you see that?

MS KELLETT: Correct.

20

MR SHELLER: Now, that's an entry that you've written on some document or in some electronic form; is that right?

25 **MS KELLETT:** At the time of writing this report, I wasn't able to actually attend to actually interview her personally to add that in.

MR SHELLER: Yes. But you gave notice to someone of that fact, that is, Witness M wasn't - couldn't be interviewed; is that right?

30 **MS KELLETT:** Correct.

MR SHELLER: And can you tell us, did you make attempts to contact Witness M, that is, while she was at Silverwater?

35 **MS KELLETT:** No.

MR SHELLER: Just in your experience up until this point in time, was it unusual for someone in your position or at Dillwynia to be asked to ring another gaol to ask a person at that gaol to ask about something that had happened at Dillwynia?

40

MS KELLETT: At this stage, I wouldn't. I would get my Governor to do it at that level.

45 **MR SHELLER:** Can you recall whose idea it was that someone at Dillwynia, whether it was yourself or someone else, should try and contact Witness M at Silverwater?

MS KELLETT: I believe that due to the nature of these allegations, then at my level if it was brought to the Governor's thing - attention, then that should be done from Governor to Governor or Governor to CIG or CIU - the investigations.

5 **MR SELLER:** Do you have any recollection now as to who actually made the decision in this case to try and contact Witness M at Silverwater?

MS KELLETT: I didn't make any contact.

10 **MR SELLER:** No, I understand you didn't. But do you know whose idea it was that someone should try and contact her at Silverwater?

MS KELLETT: You'd have to ask them, sir.

15 **MR SELLER:** Do you recall receiving information from any other officer at Dillwynia that they had tried to contact Witness M at Silverwater?

MS KELLETT: Not that I'm aware of at this stage.

20 **MR SELLER:** There seems to be some suggestion in some evidence yesterday from Mr Paddison that Mr Holman may have been tasked. Do you have any recollection of that?

MS KELLETT: You'd have to ask Mr Holman that question.

25 **MR SELLER:** So that means you don't have any recollection being told that Mr Holman -

MS KELLETT: No.

30 **MR SELLER:** Then can I just ask - down the bottom of that page under the heading Local Actions, you'll see there's a reference to:

"Ongoing monitor and reporting procedures as they arise."

35 **MS KELLETT:** Correct.

MR SELLER: Do I understand your evidence to be that you're not aware of any ongoing monitoring or reporting of anything as they arise in relation to this allegation concerning Witness M?

MS KELLETT: The ongoing monitoring in that specific local action was as the intelligence came through across my desk.

45 **MR SELLER:** Yes.

MS KELLETT: Yes.

MR SHELLER: And I think you've answered this question from Mr Lloyd, that post the submission of this intelligence report - sorry, go over the page to page 4 of the report. Up the top, we see your name under Local Author. Then we see the submission date of 30 July.

MS KELLETT: Correct.

MR SHELLER: Is this right: That from your recollection, post 30 July 2017, nothing was done by anyone at Dillwynia further to this investigation?

MS KELLETT: No.

MR SHELLER: Yes. Those are my questions. Thank you.

COMMISSIONER: Mr Lloyd, I may need your help for this. Ms Kellett, I want you to look at your letter to the Governor, 6992_0005.

MR LLOYD: May I approach?

MS KELLETT: Sorry.

COMMISSIONER: See at the bottom of the page is where you refer to Mr Astill being described as "Poppy" but also to the song? Do you see that?

MS KELLETT: That's recorded, yes, sir.

COMMISSIONER: Then if you go over two pages, 0007, you conclude that:

"From my finding, inmates commenced calling him this name, resulting in a song made up about him."

How did you make the connection that calling him "Poppy" would lead to a song suggesting sexual activity?

MS KELLETT: I think I put the two together at the time, both the allegation - the song and the name-calling.

COMMISSIONER: So you thought the description of him as "Poppy" related in some way to the sexual activity which the song suggested?

MS KELLETT: No.

COMMISSIONER: Well then, how did you make the connection?

MS KELLETT: From the information, I suppose, from the song and the actual name-calling, sir.

COMMISSIONER: And the name-calling, in one sense, wasn't particularly serious, depending on what lay behind it?

5 **MS KELLETT:** Sorry, sir?

COMMISSIONER: The name-calling - calling him "Poppy" wasn't a particularly serious matter unless you knew what was behind it.

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

COMMISSIONER: But a song reflecting sexual activity was quite a different level of seriousness, wasn't it?

15 **MS KELLETT:** Yes, sir.

MR LLOYD: Could I just have leave if I needed to ask something arising?

20 **COMMISSIONER:** Yes.

<**EXAMINATION BY MR LLOYD:**

25 **MR LLOYD:** Is the - in other parts of this report that I skipped over in the questions I asked you, there's - you deal with allegations about him bringing tobacco into the centre and giving it to inmates?

MS KELLETT: Alleged, yes.

30 **MR LLOYD:** Allegations about that?

MS KELLETT: Yes.

35 **MR LLOYD:** This Commission has heard some evidence that at least some people in the centre heard rumours about a connection with bringing tobacco and drugs in and sexual activity, in the sense of trading by Astill of that kind of contraband for sexual favours?

MS KELLETT: It's been confirmed, yes.

40 **MR LLOYD:** Is the link that you drew in the conclusion that the Commissioner has asked you about, between the song suggesting sexual activity and the nickname "Poppy" - does that supply an explanation for why you drew the link that, in your mind, there might have been that link between the drugs and the sex?

45 **MS KELLETT:** Yes. At -

MR LLOYD: And - sorry, you go.

MS KELLETT: At this stage, everything that I was receiving was just allegations. There was no formal investigations. So, therefore, I couldn't draw a final conclusion that he was bringing it in. I can now.

5

MR LLOYD: And I missed a step in the reasoning. There was a link, was there, between the nickname "Poppy" and bringing in of the drugs; is that right?

MS KELLETT: I believe that inmates call staff names, but the link, I couldn't say that.

10

MR LLOYD: Those are my questions arising.

COMMISSIONER: Anyone else have any questions?

15

MS GHABRIAL: Yes, Commissioner, if I could just ask a couple of questions. Thank you.

<EXAMINATION BY MS GHABRIAL:

20

MS GHABRIAL: Ms Kellett, my name is Ms Ghabrial and I appear for a group of Correctional Officers, and that includes Glenn Clark. And I just wanted to ask you a couple of questions about what Counsel Assisting asked you about that phone call that Glenn Clark made to the Governor's office. Now, the evidence, as it stands, is that that phone call by Glenn Clark in relation to Elizabeth Cox took place on 28 June 2018 and that there is other evidence in these proceedings that on 28 June 2018 Sury Hariharan was the Manager of Security of the gaol on that particular day.

25

MS KELLETT: I'll take that - I'll take that as you've done your history.

30

MS GHABRIAL: Yes. So that's just in the evidence.

MS KELLETT: Okay.

35

MS GHABRIAL: So as at the end of June 2018 - we already know that you've submitted a report in May 2018, which is referred to in the intelligence report, 1172, on page 3. So we know that you've submitted a report about Astill's conduct, and you've made reference to Elizabeth Cox. As at the end of June 2018, do you remember what position you were in? Clearly you weren't Acting Manager of Security, even though you had been prior to that time and after that time. Do you remember what position you were in on that occasion or around that time? Were you a Principal Correctional Officer at that time?

40

MS KELLETT: I can't recall.

45

MS GHABRIAL: You can't recall. Could you reflect back and think whether there would have been any reason why Shari Martin would have sent you down to go and deal with Cox at the end of June? Would it have been because you had submitted a report earlier?

5

MS KELLETT: I can't answer that. You'll have to ask Ms Martin.

MS GHABRIAL: Do you recall going at any time during June, after submitting this report in May, to go down and speak to Elizabeth Cox about the allegations she was making about Wayne Astill bringing drugs into the gaol? Do you recall that?

10

MS KELLETT: No.

MS GHABRIAL: Is it possible, though, that that was a conversation that you did have?

15

MS KELLETT: I can't recall.

MS GHABRIAL: Can I ask you this: Knowing that you made the report in May 2018, which included information about Cox, there's some further information that talks about, in this intelligence report, Cox later handing Shari Martin a list of complaints about Chief Officer Astill. Were you present when that letter was handed by Cox to Shari Martin?

20
25

MS KELLETT: No. I believe Ms Wilson undertook that task.

MS GHABRIAL: Can I ask you this: In the interactions that you did have with Shari Martin about Elizabeth Cox - because I'm assuming you did have some interactions with Ms Martin about Ms Cox. Would that be fair to say?

30

MS KELLETT: Yes.

MS GHABRIAL: What was Ms Martin's expressed view to you in those conversations about Ms Cox?

35

MS KELLETT: I can't recall.

MS GHABRIAL: Do you remember any words spoken by Ms Martin about Ms Cox at all?

40

MS KELLETT: No. I wasn't present.

MS GHABRIAL: During the conversations you had with Ms Martin, did she make any comments to you about -

45

MS KELLETT: No, she would have just said, "Could you please go down and interview - or see Ms Cox."

5 **MS GHABRIAL:** Did she express any views about her own view about Ms Cox to you?

MS KELLETT: No.

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

COMMISSIONER: Anybody else?

MR WATSON: No. Thank you.

15 **COMMISSIONER:** Mr Lloyd?

MR LLOYD: No, Commissioner.

20 **COMMISSIONER:** Thank you, Ms Kellett. That concludes your evidence, and you're excused.

<THE WITNESS WAS RELEASED

25 **MR LLOYD:** Ms Davidson will call the next witness.

MS DAVIDSON: Commissioner, the next witness is Pam Hotham.

<PAM SUSAN HOTHAM, SWORN

30 **<EXAMINATION BY MS DAVIDSON:**

MS DAVIDSON: Ms Hotham, can you tell the Commissioner your full name?

35 **MS HOTHAM:** Pam Susan Hotham.

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

MS HOTHAM: Yes.

40 **MS DAVIDSON:** And did you prepare a statement for the Commission that is - got the date of 5 October 2023 on it, but you signed it this morning, I understand?

45 **MS HOTHAM:** That's correct.

MS DAVIDSON: Commissioner, that is behind tab 85 in volume 8. If a signed copy hasn't been substituted in, I can arrange for that to be handed up. And I tender that document.

5 **COMMISSIONER:** It will become Exhibit 27.

<EXHIBIT 27 TENDERED AND MARKED

10 **MS DAVIDSON:** Do you have that document there in the folder?

MS HOTHAM: Yes.

MS DAVIDSON: Excellent. Can you have a look at paragraph 5 of your statement, Ms Hotham.

15 **MS HOTHAM:** Yes.

MS DAVIDSON: You started in Dillwynia in 2014 as a Principal Correctional Officer; is that right?

20 **MS HOTHAM:** That's correct.

MS DAVIDSON: And you previously held the rank of Senior Assistant Superintendent, but Dillwynia was on a different award, so you had to be a Principal?

25 **MS HOTHAM:** That's correct.

MS DAVIDSON: You say there in paragraph 5 that you didn't choose to go to Dillwynia. Were you re-allocated there from another centre? Are you able to explain how it was that you ended up there?

30 **MS HOTHAM:** The position I was in, I was at Transport and Security Investigations as a staff officer. That position was deleted. And there was another centre that they offered to me, which was way up north. I had - you know, I didn't want to go to there. And in the end, they said that I either go to Dillwynia or I could leave.

MS DAVIDSON: Right. Is it right that at some point during your time at Dillwynia that you spent some time acting as Manager of Security?

40 **MS HOTHAM:** That's correct.

MS DAVIDSON: Are you able to say about when it was that you started acting up as Manager of Security?

45 **MS HOTHAM:** No, I can't.

MS DAVIDSON: And you've explained in paragraph 13 you had various periods of time off, quite lengthy periods, due to some surgery that you had to have. Was the first occasion that happened was in 2016?

5

MS HOTHAM: Yes, I had about seven months off. I know it says there only two, but when I looked and remembered everything and looked at my diary-type thing, I had about seven months off with a serious operation.

10 **MS DAVIDSON:** That was in 2016?

MS HOTHAM: Yes.

MS DAVIDSON: That was an operation on your shoulder?

15

MS HOTHAM: Yes.

MS DAVIDSON: And then in 2018, I think you indicated you had a bowel operation?

20

MS HOTHAM: Late 2017 and then it went into 2018. And then I - after the operation, I became rather ill. And then I had to have another operation on my thyroid.

25 **MS DAVIDSON:** All right. So there was a long period of time, was there, from 2017 into 2018 where you were off work as a result of those two surgeries?

MS HOTHAM: That's correct. That's correct.

30 **MS DAVIDSON:** Are you able to say roughly how long that period was from 2017 into 2018?

MS HOTHAM: On one of the periods - was in the whole year, I think, with days off, and that - I think I had about 220-odd days off in one year.

35

MS DAVIDSON: And was that in 2018?

MS HOTHAM: I'm not sure. You know, I'm - you'd have to get results from the rostering system to find out that.

40

MS DAVIDSON: All right. But do you think that was after your bowel and thyroid - or around the time of your bowel and thyroid operation?

MS HOTHAM: Yes. I - I think that's correct.

45

MS DAVIDSON: And when did you retire?

MS HOTHAM: I retired in - on 10 May 2019. And before that, I took nearly four months off - or four or five months off with extended leave and days off.

5 **MS DAVIDSON:** All right. So did that period of being unwell effectively flow into that period of extended leave before you retired?

MS HOTHAM: Yes, that's correct.

10 **MS DAVIDSON:** So it's right to say, is it, from late 2017 onwards that you weren't in the centre very much at Dillwynia?

MS HOTHAM: That's correct. I wasn't in the centre very much even in 2016. You know, I was off for about - approximately seven months.

15 **MS DAVIDSON:** All right. So 2017, you think you were there most of the time; is that right? Before you had your bowel operation?

MS HOTHAM: I'd have to have a look at my diaries to check it.

20 **MS DAVIDSON:** Okay. Well, can you turn to paragraph 10. You refer there to Leanne O'Toole being the Manager of Security when you first started and you being stopped from acting as Manager of Security?

25 **MS HOTHAM:** That was correct.

MS DAVIDSON: Do you know why you were stopped from acting as Manager of Security?

30 **MS HOTHAM:** The Governor at the time put out an email, which I wasn't privy to, but I was informed about it from rosters, that Mr Hariharan was to have all the acting up as Manager of Security.

MS DAVIDSON: All right. That was Shari Martin, the Governor at the time?

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

MS DAVIDSON: Did you have any understanding of why she might have taken that approach to you?

40 **MS HOTHAM:** No, I didn't. But I did complain about it and follow through with, you know, asking for my share of the acting up.

MS DAVIDSON: Right. And after that, you did get a share in acting up?

45 **MS HOTHAM:** That's correct.

MS DAVIDSON: How would you describe your relationship with Shari Martin at the beginning of your time at Dillwynia?

5 **MS HOTHAM:** I felt ostracised from the Governor at that - from - when I was - the whole time I was at Dillwynia.

MS DAVIDSON: Was that as a result of the acting up or - the feeling of being ostracised or were there other things that -

10 **MS HOTHAM:** I'm not sure.

MS DAVIDSON: Do you remember why you felt ostracised?

15 **MS HOTHAM:** I suppose I wasn't included in some briefings. And if I went to the lunch room and that for lunch, I wasn't included in any conversations.

MS DAVIDSON: Can you have a look at paragraph 11. You talk there about some of the other officers warning you about Shari having boys when you started?

20 **MS HOTHAM:** That's correct.

MS DAVIDSON: Do you remember who it was that warned you about that?

25 **MS HOTHAM:** No, it was just common talk around the centre.

MS DAVIDSON: Did you, during your time at the centre, observe that Shari had her boys, as you've put it there?

30 **MS HOTHAM:** There appeared to be - yes, there appeared to be some favouritism, and some of it got more attention and more chances than others.

MS DAVIDSON: And was that in terms of other Principal Correctional Officers and Chiefs, that is, some got more attention than others?

35 **MS HOTHAM:** Not to my knowledge. Not with the other Principals.

MS DAVIDSON: Right. But with the other Chiefs or amongst the Chiefs?

40 **MS HOTHAM:** It appeared to be mainly with the Chiefs.

MS DAVIDSON: All right. And who was it that you saw getting what you thought to be favourable treatment from Shari Martin?

45 **MS HOTHAM:** I suppose I'd say probably Mr Giles, but then Mr Giles was also the union person, so he did spend a lot of time up in that area. He was given a lot of acting up. Mr Astill seemed to spend a lot of time, but that's probably because they were friends with the Governor and the Deputy Governor.

MS DAVIDSON: And when you say the Deputy Governor, are you referring there to Leanne O'Toole?

5 **MS HOTHAM:** That's correct.

MS DAVIDSON: So you perceived Mr Giles and Astill to both be friends with Leanne O'Toole and Shari Martin; is that right?

10 **MS HOTHAM:** From my point of view, it appeared that way, yes.

MS DAVIDSON: Right. And how about Mr Holman and Mr Paddison? Did you perceive them as being Shari's boys or as getting favourable treatment?

15 **MS HOTHAM:** They were the group that I was told was.

MS DAVIDSON: Right. Did you observe that yourself?

20 **MS HOTHAM:** Sometimes I did, yes.

MS DAVIDSON: How would you describe your relationship with Leanne O'Toole?

25 **MS HOTHAM:** To start off with, I did have a few mild confrontations with Ms O'Toole. I did assist Ms O'Toole when she was going through a stressful time in - with - of a - of a morning doing the VOR and a lot of more real early morning work for her. So I felt, you know, that she was - wasn't real well at the time.

30 **MS DAVIDSON:** So you were helping her out with doing her actual work -

MS HOTHAM: Yes. Yes.

MS DAVIDSON: - to help alleviate some stress on her; is that right?

35 **MS HOTHAM:** Yes.

MS DAVIDSON: And did that improve your relationship with her, the fact that you were helping out in that way?

40 **MS HOTHAM:** It possibly did. I didn't recall her being what I'd consider a friend. Most of the officers and staff at Dillwynia were just sort of acquaintances and work colleagues.

45 **MS DAVIDSON:** Right. Can you have a look at paragraph 16. Just read that over to yourself. Just looking at the first sentence there, you're talking there about Astill's friendships. Did you observe - putting aside what rumours you'd heard, did

you observe him having a particular friendship or relationship with Leanne O'Toole and Shari Martin?

5 **MS HOTHAM:** Yes, they did seem friendly with them.

MS DAVIDSON: And how about with Wes Giles?

10 **MS HOTHAM:** Yes, that seemed like it too. But then again, it could have been because Wes's role was the union officer at the centre.

MS DAVIDSON: Right. You refer in the second part of the paragraph to questioning Astill a couple of times because he had an inmate in the office a few times after lock-in. Do you see that?

15 **MS HOTHAM:** Yes, that was on one occasion.

MS DAVIDSON: On one occasion. You say that you questioned him a couple of times. Thinking about it now, do you think it was one time or a couple of times?

20 **MS HOTHAM:** Maybe. Maybe I would have. I can remember one occasion when he had Inmate M -

MS DAVIDSON: M or N?

25 **MS HOTHAM:** M - wait there. N. N. Sorry. N, yes.

MS DAVIDSON: Right. And you say after lock-in. Just to be clear what we're talking about here, was this a lunchtime lock-in or at the end of the day?

30 **MS HOTHAM:** End of the day lock-in.

MS DAVIDSON: Right. Was it very unusual for an inmate to be allowed out after the end of the day lock-in?

35 **MS HOTHAM:** No, it wasn't unusual.

MS DAVIDSON: Right.

40 **MS HOTHAM:** It'd only be certain inmates. If they were a cleaner, and they were in the high needs area, they would come out to do the cleaning.

MS DAVIDSON: Do you remember how you knew that he had an inmate in the office?

45 **MS HOTHAM:** My office was - at that time, I was - would have been the Principal of that area, where there's three areas and you're the Principal and - but at

that time, I was in that - Principal of that area. My office was down the end of The Hub - what they call The Hub.

MS DAVIDSON: Yep.

5

MS HOTHAM: And we'd finished lock-in. And as I was leaving, I noticed he was sitting at the desk. She was sitting in the front of the desk. And I did have a questioning and asking him, did he want me to take her and lock her up on my way out?

10

MS DAVIDSON: So the door was open, was it? Do you remember?

MS HOTHAM: My - the office I was in had a door that I could close. Where he was, it was an open area.

15

MS DAVIDSON: Right. Do you remember about when that was, that is, time period-wise?

MS HOTHAM: No.

20

MS DAVIDSON: So you offered what you've just told us, to lock her in or to take her back to her house; is that right?

MS HOTHAM: That's correct.

25

MS DAVIDSON: And do you recall what he said?

MS HOTHAM: He informed me that she was the cleaner in that area.

30

MS DAVIDSON: Right. And did you have any reason to doubt that?

MS HOTHAM: She did have a - some toilet rolls and some other items there in a bucket next to her. She was sitting down in front of - on a seat in front of his desk, and I just - well, I thought, yeah, she is the cleaner there.

35

MS DAVIDSON: Right. Did it look like from what you saw as though she was cleaning? Do you remember?

MS HOTHAM: She would have had to clean - there was two toilets in the area. There was two storerooms. And there was - I'm not sure whether he would have let her into my office or - and then there was the open area with the table where inmates were adjudicated on, or if they needed to see the Principal or the Chief, they could sit at the table and discuss their issues with you.

40

45 **MS DAVIDSON:** Just in terms of what you saw, I think you said earlier she was sitting in the chair or in front of him?

MS HOTHAM: She was sitting in a chair in front of the desk with a bucket with toilet rolls and stuff in it next to her legs.

5 **MS DAVIDSON:** Right. Do you remember paying attention to whether she was actually engaged in cleaning or not at the time?

10 **MS HOTHAM:** She wasn't at the time. She was having a conversation with him, and I assumed he was briefing her on what she had to do. I didn't hear the conversation.

MS DAVIDSON: Right. Did you think it was strange that an inmate would need briefing about cleaning an office?

15 **MS HOTHAM:** No. Because, I mean, there would have been - he would have had to tell her that she cleans both the toilets, both the storerooms.

MS DAVIDSON: Did you think she was a new cleaner or new to cleaning this area?

20 **MS HOTHAM:** To my knowledge, I believed she was the cleaner of that area.

MS DAVIDSON: Right. So once she'd done it once, she wouldn't have needed briefing again, would she?

25 **MS HOTHAM:** No. Not necessarily, no.

MS DAVIDSON: Thinking back on it now, is it strange to you that he was briefing or having a conversation with someone (crosstalk) -

30 **MS HOTHAM:** Well, I just assumed he was briefing her.

MS DAVIDSON: Right.

35 **MS HOTHAM:** I said - as I said, I didn't hear the conversation.

MS DAVIDSON: Okay. So when he said to you that she was the cleaner and she was cleaning, was that the end of it from your perspective? You went on to do other things?

40 **MS HOTHAM:** That was correct, because I was ceasing duty at that time because lock-in had been completed.

45 **MS DAVIDSON:** And do you recall ever seeing that kind of situation, that is, an inmate in Astill's office after lock-in, after you'd seen that incident with Witness N?

MS HOTHAM: No, because Mr Astill usually did afternoon shifts or D - what was called the D watch, and I'd be - after lock-in, the Principal ceased duty.

5 **MS DAVIDSON:** Okay. So is it right that you didn't cross over with him a lot in terms of the time of the day -

MS HOTHAM: No.

10 **MS DAVIDSON:** - that you were in the gaol?

MS HOTHAM: No.

MS DAVIDSON: Can you have a look at paragraph 18.

15 **MS HOTHAM:** Yes.

20 **MS DAVIDSON:** This is describing an incident that we've heard quite a lot of evidence about, about Astill sharing a can of Coke with Witness C. You've described there that you had to tell Astill to wake up to himself. Can you explain what you remember in relation to the series of events that led to you saying that to him?

25 **MS HOTHAM:** I had heard at a later date what had happened, not what - not when it happened on the day. Cheri - I'd heard rumours, then Cheri-Anne O'Brien approached me and said she'd watched it on -

MS DAVIDSON: She was someone who worked in the CCTV room, was she?

30 **MS HOTHAM:** Yes, she did - watched it, and this is what she saw. I asked her to do a report. She refused first up. Then at a later -

MS DAVIDSON: Do you know why she refused?

35 **MS HOTHAM:** Cheri-Anne O'Brien was an officer that didn't - would tell you information and just didn't like doing reports.

MS DAVIDSON: That is, she's lazy or do you think she was worried about the consequence of writing something (crosstalk) -

40 **MS HOTHAM:** I think she was worried about any consequences, and she just didn't like doing reports.

MS DAVIDSON: Right. So you said something to her - gave her a direction in (crosstalk) -

45

MS HOTHAM: I gave her a direction to furnish the report and -

MS DAVIDSON: Did you ask to see the CCTV yourself?

MS HOTHAM: No.

5 **MS DAVIDSON:** Did she tell you what she had seen?

MS HOTHAM: Yes, she did.

10 **MS DAVIDSON:** What do you remember her telling you?

MS HOTHAM: She told me that she saw on the CCTV that Astill had a can of Coke and was sharing it as they walked up to high needs with Witness C.

15 **MS DAVIDSON:** Witness C.

MS HOTHAM: Witness C.

MS DAVIDSON: Okay. Just wait a moment. We've got a delay on the feed.

20 **MS HOTHAM:** Sorry. Sorry.

MS DAVIDSON: That's all right. Did she tell you anything about the can of Coke being brushed across or put in proximity to Witness C's breasts?

25 **MS HOTHAM:** No.

MS DAVIDSON: Did you make any efforts to retrieve the CCTV for the purposes of the report?

30 **MS HOTHAM:** No, I didn't, because it happened days before, and I believed that Cheri-Anne O'Brien wasn't in that room at the time it happened. And I believe she just probably heard the rumours and wanted to have a look at it when she was up there.

35 **MS DAVIDSON:** I see. So you thought that she at some stage had got the CCTV footage -

MS HOTHAM: Yes.

40 **MS DAVIDSON:** - and watched it herself?

MS HOTHAM: Correct.

45 **MS DAVIDSON:** Because she had access to that in the CCTV room?

MS HOTHAM: Yes.

MS DAVIDSON: Do you remember asking her to secure or record the footage?

MS HOTHAM: No, I didn't.

5 **MS DAVIDSON:** You thought it was sufficiently serious that a report should be done about it?

10 **MS HOTHAM:** I didn't have full information when she told me. And the rumours were around. So, to my knowledge, it would have already been recorded and secured and there would already be reports on it.

MS DAVIDSON: All right. So where you say you didn't have full information, she told you she'd seen it. What was the information that you were lacking?

15 **MS HOTHAM:** She told me that she'd viewed it.

MS DAVIDSON: Yes.

20 **MS HOTHAM:** But to my information, that - the rumours were that it was - it had happened days before.

MS DAVIDSON: Right.

25 **MS HOTHAM:** And to my information, it - it would have been reported, secured, the information would have been - and -

MS DAVIDSON: Who should have done that, reported it and secured - reported on it and secured the footage?

30 **MS HOTHAM:** Well, the person that was in the room at the time -

MS DAVIDSON: Right.

35 **MS HOTHAM:** - would have furnished a report and reported it. And the MoS's area did have a system there where they could see it and copy it.

MS DAVIDSON: That is, the MoS's area could get access to the CCTV?

40 **MS HOTHAM:** Yes, that's correct.

MS DAVIDSON: Right. So do you remember what it was that caused you to think that Officer O'Brien should do a report, if you were assuming that it had already been reported on and secured?

45 **MS HOTHAM:** Well, she informed me. And because she informed me, I requested a report from her.

MS DAVIDSON: Okay. So do you know whether she did do that report?

MS HOTHAM: Yes, she did. She did it. She put it in an envelope. She wrote "intel" on it, and I placed it on the Intel Officer's at the time desk.

5

MS DAVIDSON: And did you see what was in the report?

MS HOTHAM: I didn't open the envelope.

10 **MS DAVIDSON:** I see. But she told you that was what it was about, what she'd seen?

MS HOTHAM: Correct.

15 **MS DAVIDSON:** And can you explain why, from your perspective, that sharing a can of Coke with an inmate was something that you thought needed to be reported on?

MS HOTHAM: Could you repeat that, please?

20

MS DAVIDSON: Can you explain from your perspective why it was that sharing a can of Coke with an inmate was something that needed to be reported on?

25 **MS HOTHAM:** Well, to my knowledge, Mr Astill probably would have brought the can of Coke, which - he shouldn't be sharing it with an inmate anyway.

MS DAVIDSON: Why is that?

30 **MS HOTHAM:** Well, because it's not appropriate. And part of our - as prison officers, that - that's just something you just don't do.

MS DAVIDSON: That is, sharing food or drink with an inmate is something you just don't do it?

35 **MS HOTHAM:** Well, you don't purchase it and then share it with an inmate.

MS DAVIDSON: Did it indicate to you something about a friendship or a relationship between Astill and Witness C?

40 **MS HOTHAM:** I believed there was a close friendship there.

MS DAVIDSON: Did you know that at the time?

45 **MS HOTHAM:** I had seen him talking to her on a number of occasions. And I had heard rumours that her father was a police officer, and he used to be a police officer, and that's where the close connection was. And that was rumours that went around.

MS DAVIDSON: Right. You approached Astill about this; is that right?

MS HOTHAM: I approached Mr Astill, yes.

5

MS DAVIDSON: And what did you say to him?

MS HOTHAM: Words to the effect that, what was he thinking? He was a fool. Not only was it the wrong thing to do, but how does he know that that person didn't have some sort of hepatitis strain or something?

10

MS DAVIDSON: Right.

MS HOTHAM: What was - and what was he thinking? He was, you know, a fool.

15

MS DAVIDSON: How did he react to that?

MS HOTHAM: At the time, I can remember he just laughed at me and said he didn't feel there was anything wrong with it.

20

MS DAVIDSON: Did you react to that? Do you remember?

MS HOTHAM: I can recall I think I told him he was - I think I said, "You're an idiot."

25

MS DAVIDSON: You were his superior officer at the time; is that correct?

MS HOTHAM: Sorry?

30

MS DAVIDSON: You were his superior officer at the time? You were a Principal?

MS HOTHAM: I was a Principal, yes, and he was a Chief.

35

MS DAVIDSON: So you outranked him?

MS HOTHAM: I did.

MS DAVIDSON: Was it common for your Chiefs to laugh at you when you were telling them that they'd misbehaved?

40

MS HOTHAM: Yes.

MS DAVIDSON: It was common?

45

MS HOTHAM: Common.

COMMISSIONER: Common by Mr Astill or common by others as well?

MS HOTHAM: Sorry?

5

COMMISSIONER: Was that laughing common to Mr Astill or did other officers also laugh when told about some problem?

MS HOTHAM: I believe some officers also, you know, sort of laughed. But I don't think it was an offensive laugh.

10

COMMISSIONER: Was Mr Astill's laugh an offensive laugh?

MS HOTHAM: Mr Astill's laugh was a jovial laugh. My - from what I looked at, it was Mr Astill - well, he didn't appear to think there was anything wrong with it.

15

MS DAVIDSON: Did you think the fact that he didn't appear to think there was anything wrong with it was something that you should have taken any further?

MS HOTHAM: Not at the time, no.

20

MS DAVIDSON: Right. You said at the end of paragraph 18 the Intel Officer was responsible for putting it on the system. Do you mean there making an intelligence report about something that she'd been told by what Ms O'Brien had said in her report; is that right?

25

MS HOTHAM: That's correct.

MS DAVIDSON: Do you remember giving any consideration to making some sort of intel report about what Ms O'Brien had told you?

30

MS HOTHAM: No.

MS DAVIDSON: Was making intel reports something that you had been trained to do?

35

MS HOTHAM: Partly trained, yes.

MS DAVIDSON: Partly trained. Do you recall during your time at Dillwynia whether making intel reports was something that you ever did?

40

MS HOTHAM: I'm sure I would have, but I can't recall any at this stage.

MS DAVIDSON: Do you remember knowing about a function within the Integrated Intelligence System called the SIU function?

45

MS HOTHAM: What does SIU mean?

MS DAVIDSON: Security Intelligence Unit.

MS HOTHAM: Yes, I've heard of the unit. Yes.

5

MS DAVIDSON: And did you know that there was a way that you could make a report on the Integrated Intelligence System that just went to SIU?

MS HOTHAM: I knew there were facilities on the system to make reports.
10 I knew there was also a system to make a report to the police - a standard report to the police as well.

MS DAVIDSON: That is, you thought the -

15 **MS HOTHAM:** Required.

MS DAVIDSON: The Integrated Intelligence System could make a standard report to the police, did you think that?

20 **MS HOTHAM:** I don't understand your question.

MS DAVIDSON: I think you said you knew there was a facility within the system to make a report - a standard report to the police?

25 **MS HOTHAM:** That's correct.

MS DAVIDSON: Is that within the Integrated Intelligence System or some other system?

30 **MS HOTHAM:** From what I remember, it was a couple of forms that were on the system that you could - if something serious happened in the Correctional Centre, you could fill those forms in and it went to the police.

MS DAVIDSON: All right. And where you say "the police", was that the CSIU,
35 the police that were housed within Corrective Services, or you didn't know?

MS HOTHAM: To my knowledge, it was on - the closest police station to Dillwynia, to my knowledge.

40 **MS DAVIDSON:** Right. Was that a facility that, that is, a facility of the system, that you recall ever using?

MS HOTHAM: I can't recall using it at this stage. I mean, I've tried to - trying to remember everything, you know, since I was summonsed, but it's really hard.
45

MS DAVIDSON: Yes, I accept - I understand it was a long time ago, Ms Hotham. Can you look at paragraph 19. You've said that the incident with the

Coke can was the only report you had anything to do with relating to Wayne Astill. Can you go, just in the folder that you've got in front of you there, back into tab 84, which is the one before your tab. Then within that, there are some letters down the side. Have you got that? Perhaps if I might approach, Commissioner.

5

MS HOTHAM: I can't find tab 84.

MS DAVIDSON: That's all right.

10 **MS HOTHAM:** It's 83.

MS DAVIDSON: Ms Hotham, do you recall - have a look at - this is tab 84E. Do you recall in the middle of - or July - around July 2017 being told anything about an investigation involving allegations that Astill had tried to kiss Witness M?

15

MS HOTHAM: I can't recall.

MS DAVIDSON: Just have a look at the pseudonym list that you've got beside you there in the yellow envelope.

20

MS HOTHAM: It was M, you said?

MS DAVIDSON: M. M for Mary. Do you remember that inmate?

25 **MS HOTHAM:** No.

MS DAVIDSON: Do you recall ever, around July 2017, being asked to assist in relation to retrieving some CCTV footage?

30 **MS HOTHAM:** I can't recall.

MS DAVIDSON: Is that something you were tasked to do by Shari Martin or by somebody who was an investigations officer from the Investigations Branch? Is that something that you would have - if asked to do, you would have done it?

35

MS HOTHAM: If I was capable of doing it, I would have.

MS DAVIDSON: All right. Is that a suggestion that you might have needed some assistance in relation to retrieving CCTV?

40

MS HOTHAM: I can't recall ever doing that.

MS DAVIDSON: All right. Is it something you would have known how to do yourself or you would have had to get somebody's help with -

45

MS HOTHAM: I would have to get some help.

MS DAVIDSON: All right. Do you recall speaking to Mr Paddison at all about a request to secure some CCTV around the middle of 2017?

MS HOTHAM: No.

5

MS DAVIDSON: All right. If you go back to your statement, which is in tab 85. Have you got that there? Great. Can have you a look at paragraph 22 of that. You refer there to a rumour about Astill bringing in jewellery for Witness C?

10 **MS HOTHAM:** That was a rumour.

MS DAVIDSON: Do you remember whether that was before or after the Coke can incident?

15 **MS HOTHAM:** I don't recall.

MS DAVIDSON: Do you remember what you heard about that?

20 **MS HOTHAM:** I had heard that he was bringing in - had brought in or was bringing in some earrings.

MS DAVIDSON: Right. Did you also hear something about a ring?

25 **MS HOTHAM:** The ring was supposedly brought in at a visit, from what I understand.

MS DAVIDSON: Yes. We've heard some evidence in relation to an incident involving Officer Berry. Do you remember her?

30 **MS HOTHAM:** I remember Officer Berry.

MS DAVIDSON: Yes. Do you remember her or another officer calling you down to the visits area on a day on which there were attempts to take a silver ring away from inmate C?

35

MS HOTHAM: I can't remember who - who called us down, but I remember going down there. I didn't to start off with, but I remember going down there with Officer Barry.

40 **MS DAVIDSON:** All right. So you and Officer Barry went down there?

MS HOTHAM: As far as I can remember, yes.

45 **MS DAVIDSON:** What do you remember happening once you got down to - was it the visits area you went down to?

MS HOTHAM: I can remember them informing that -

MS DAVIDSON: Inmate C?

5 **MS HOTHAM:** Yes, inmate C had a ring on that wasn't listed on her property.

MS DAVIDSON: And what did you do at that point?

10 **MS HOTHAM:** Well, at that point, I believe we had asked her to - probably would have - escorted her out the back of visits, probably would have asked her to remove it. And the only thing I remember after that is I - I - I believe we secured her in the BIU -

MS DAVIDSON: Yes.

15 **MS HOTHAM:** - and requested that she remove the ring. And once she removed the ring, she would be able to go back to her location - accommodation.

20 **MS DAVIDSON:** Right. Do you remember after she'd been secured in the BIU, or around the time that that was happening, having a conversation with Officer Berry and Officer Riddle and Ms Barry about what had just happened?

MS HOTHAM: I probably would have, but I can't remember it.

25 **MS DAVIDSON:** We heard some evidence from Officer Berry - I just need to put to you the evidence that the Commission has heard to see whether you can remember this - that Ms Berry was upset, and you were there with Officer Riddle and Officer Barry, and Officer Riddle had asked Ms Berry whether she was okay. And she said, "No," and then indicated what had happened. She told - that is, she told Officer Riddle what had happened in visits. And he turned around and looked
30 at you and Ms Barry and said, "This Witness C stuff," using Witness C's name, not calling her Witness C, "has to stop." Do you remember that at all?

35 **MS HOTHAM:** I don't remember it. From that incident, I remember informing the officer that was in charge of that area that the ring was to be placed in the area where it couldn't be retrieved again because it wasn't on the property. So it would be a confiscated item and - and that inmate wouldn't be able to retrieve that because it wasn't on her property, it wasn't listed and - and so it would be confiscated.

40 **MS DAVIDSON:** Do you remember Officer Riddle, though, in that conversation saying anything about rumours about Witness C and Astill?

MS HOTHAM: No, I don't recall anything.

45 **MS DAVIDSON:** Is it possible that that conversation occurred and you just don't remember it?

MS HOTHAM: It's possible, and it's possible that I may not have been in earshot.

5 **MS DAVIDSON:** At this time, there was the can of Coke incident and this incident with the ring. Did you recall thinking that the ring incident - well, do you recall knowing that Astill had spoken aggressively to Officer Berry in relation to intervening on Witness C's behalf about the ring?

MS HOTHAM: No, I don't recall any of that conversation.

10 **MS DAVIDSON:** Do you recall knowing that Astill had any involvement -

MS HOTHAM: I do recall that I was informed he was involved in the situation.

15 **MS DAVIDSON:** What do you remember being told about that?

MS HOTHAM: I believed that the understanding was that he may have given the ring - or organised for her to receive the ring.

20 **MS DAVIDSON:** And you think by this time you'd also heard rumours about him bringing in jewellery for her?

MS HOTHAM: I had heard that he was - that someone had brought in earrings for - for officer - for inmate C.

25 **MS DAVIDSON:** Had you heard that it was him?

MS HOTHAM: The rumours were that it was him.

30 **MS DAVIDSON:** Right. Did that - having heard what you heard on the day of the ring incident, did that concern you, having already been aware of the rumours about earrings?

35 **MS HOTHAM:** It did concern me, and I had informed all reception officers that if it wasn't on the - the inmate's property list that it was to be confiscated. I did ask Officer Riddle to show me the area where all the items would be confiscated to make sure it would be secure, and he did and showed me the process of it. But there was numerous officers that worked in the reception area.

40 **MS DAVIDSON:** Do you remember that - whether your concern extended to whether the ring incident showed something or indicated possibly something inappropriate going on between Astill and inmate C?

45 **MS HOTHAM:** I can't even - I can't remember even seeing the ring. I know that at that time I - there was just so many rumours in regards - going around in the centre at that time.

MS DAVIDSON: When you say there were so many rumours, so many rumours about Astill?

5 **MS HOTHAM:** Not necessarily about Astill; about drugs coming in and stuff being thrown over the fence and inmates secreting stuff on visits. There was a lot of information and rumours.

10 **MS DAVIDSON:** So there was a lot of contraband coming in at the time; is that right? That you remember?

MS HOTHAM: Well, to my understanding, in most centres that I've worked in, there's - it's always hard to stop contraband from coming in because there's so many places it can be secreted.

15 **MS DAVIDSON:** Sure. Did you understand this, though, around the time of the ring incident to be a particular problem at Dillwynia?

20 **MS HOTHAM:** Probably no more a problem than it was at the other centres I've worked in.

MS DAVIDSON: Were there lots of rumours at the time, do you remember, about other officers bringing in jewellery for inmates?

25 **MS HOTHAM:** I had heard that there had been some jewellery and - and tobacco and stuff like that brought in, but it wasn't mentioned any officer's name.

MS DAVIDSON: I see. So you weren't associating it particularly with Astill at this time?

30 **MS HOTHAM:** No. I had heard that there was a suspicion that Astill was bringing in tobacco.

35 **MS DAVIDSON:** Do you remember whether that was around the time of this ring incident that you'd heard that suspicion?

MS HOTHAM: No, I think it was much later.

MS DAVIDSON: Right. And do you recall who you heard that from?

40 **MS HOTHAM:** No, I don't. It was just a rumour. I didn't hear it from any individual person that I can name. It was just a rumour that was around. When you do your checks in different areas and different wings and - you know, there'd just be rumours, officers talking about things.

45 **MS DAVIDSON:** Did you think it was important in your role as Principal to be aware of the rumours that were going around the gaol about different officers?

MS HOTHAM: Of course it was important.

MS DAVIDSON: Why was that?

5 **MS HOTHAM:** And if there was a rumour going around, I would ask the officer, which - a lot of the officers were reluctant to do reports. And -

MS DAVIDSON: That is, you would ask the officer who told you the rumour; is that right?

10

MS HOTHAM: Well, if there was a group talking which, on a lot of occasions there would be, in an area, and they'd be saying the rumours - what's going around, you know, "This rumour's going around." And I would say, "You need to furnish a report. If rumours are going around, furnish a report. If you believe there's some substance in it, furnish a report. That way, we can get something done."

15

MS DAVIDSON: And what was the response that you would generally get to that? You just said something about reluctance.

20 **MS HOTHAM:** Well, to my knowledge, I never seen any reports in regards to a lot of the rumours that was going around, so I assumed that they were rumours and -

MS DAVIDSON: If you were hearing rumours that suggested something inappropriate about conduct between an officer and an inmate, did you regard it as part of your role to do something about that rumour?

25

MS HOTHAM: It would be part of my role, yes, but I never heard anything untowards in regards to officers and inmates. It would be the usual thing about, "Officer so-and-so took me early off my phone call," and there would be some sort of abuse or whinging about it. Or, "I didn't get this on my buy-ups."

30

MS DAVIDSON: So if the rumour is that an officer is bringing in jewellery for an inmate, which I think you said was one you heard about Astill, did you regard that as the kind of rumour that you needed to do something about?

35

MS HOTHAM: Well, that rumour - I believe there was reports put in about that. With the ring and that, yeah, that was put in by the - Officer Berry, and I believe there would have been another officer - whoever was in visits would have put in the D reports in regards to that.

40

MS DAVIDSON: All right. And the other rumours about him bringing in earrings or tobacco? Do you remember whether you checked with the officers who told you that whether they put reports in or not?

45

MS HOTHAM: Well, it was - it was a number of officers in the wings. There would be no particular officer that would come up to you and tell you; they'd just

be discussing and - discussing it in the wings, and they'd say, "Have you heard the latest rumour?" And when I'd ask - you know, "If you know it's true, do a report."

5 **MS DAVIDSON:** So that was your general approach, to suggest to those officers that they do a report, but not yourself to do reports in relation (crosstalk)?

10 **MS HOTHAM:** Well, we needed confirmation. I mean, if the officers knew it was true - they heard it and it was a rumour and they knew it was true, they needed to confirm it and do a report so we could do a follow-up on it.

MS DAVIDSON: And was it only if an officer knew that something was true that you regarded that as being the kind of thing that -

15 **MS HOTHAM:** I can't answer that.

MS DAVIDSON: - should be reported on?

MS HOTHAM: I - I can't answer that on what other officers thought.

20 **MS DAVIDSON:** No. But in terms of when you thought they had a duty to report it or should have reported it, it was only if they saw something that they -

25 **MS HOTHAM:** If they had substance that it was true or they believed it was true -

MS DAVIDSON: Okay. So it did extend to things they believed were true?

MS HOTHAM: Could you repeat that, please?

30 **MS DAVIDSON:** I'm just trying to test your understanding of what you were instructing your officers to do because there seems to have been some concern in the evidence we've heard about people reporting on things that they thought were hearsay.

35 **MS HOTHAM:** Well, I believe if it's a rumour, it's a rumour. If it's not true and you do a report, and it's not true, it could be detrimental to - to that person. So they needed to have some substance that the rumour was true.

40 **MS DAVIDSON:** If you go to paragraph 23 of your report -

MS HOTHAM: Is that 33 or 23?

MS DAVIDSON: 23.

45 **MS HOTHAM:** 23.

MS DAVIDSON: Is what you've said there about questioning the rumours, just what you've been telling us about? That is you'd ask the officers to make a report if they knew it was true or believed it was true?

5 **MS HOTHAM:** That's correct.

MS DAVIDSON: Do you remember questioning any particular officer about a rumour about Astill?

10 **MS HOTHAM:** I can't recall questioning anyone in regards to Mr Astill.

MS DAVIDSON: If you have a look at paragraph 24 -

MS HOTHAM: Yes.

15

MS DAVIDSON: - you are referring there to Officer Dolly. Is she someone who you were helping to train in the Chief's role?

MS HOTHAM: Training in a Chief's role.

20

MS DAVIDSON: To show her the Chief's role, to give her some instructions?

MS HOTHAM: Any junior officer that was wanting to gain rank or act up in a different role, I would assist or try and help, if they came to me.

25

MS DAVIDSON: Was Officer Dolly someone who were you assisting or trying to help?

MS HOTHAM: I - I don't believe I was training her but if she come to me with any questions, I would certainly help where I could.

30

MS DAVIDSON: All right. You say in paragraph 24 that she did tell you that something was going on that was not right. Do you remember anything about that particular conversation?

35

MS HOTHAM: I can remember that she just said, "Things aren't right, there's something going on" and -

MS DAVIDSON: With Astill?

40

MS HOTHAM: No, she didn't mention any names.

MS DAVIDSON: Right. Did you ask her any more about that?

45 **MS HOTHAM:** Knowing Officer Dolly, if there was something serious happening, Officer Dolly would have furnished a report.

MS DAVIDSON: That is, you knew it was her practice to report on things that she thought were serious that were going on?

5 **MS HOTHAM:** I believed she would, yes.

MS DAVIDSON: Did you see reports that she was submitting?

MS HOTHAM: I've never received any one of her reports.

10 **MS DAVIDSON:** And was there any reason that you would have received a report from her or did you understand she was reporting to the Manager of Security or to the Governor?

15 **MS HOTHAM:** I would understand if there was any reports from any officers, in most cases they would give it to the Intel Officer to start.

MS DAVIDSON: Do you remember being curious about what she thought wasn't right?

20 **MS HOTHAM:** I can't recall that I would have been because I - as I said, Officer Dolly, if there was anything untowards happening, Officer Dolly would report it.

MS DAVIDSON: Did you regard Officer Dolly as a troublemaker?

25 **MS HOTHAM:** No, I didn't. I regarded Officer Dolly that was an officer that wanted to gain rank, that put herself through outside courses through TAFE. When new procedures or anything came out, Officer Dolly would make sure she knew it all and I believe that was maybe why other people thought that she was a bully.

30 **MS DAVIDSON:** So you regarded her as diligent in terms of improving her knowledge; is that right?

MS HOTHAM: That's correct.

35 **MS DAVIDSON:** Perhaps more so than other officers?

MS HOTHAM: That's correct.

40 **MS DAVIDSON:** Have a look at paragraph 26.

MS HOTHAM: Yes.

45 **MS DAVIDSON:** Did you regard Ms Martin and Ms O'Toole as being approachable from an inmate's perspective?

MS HOTHAM: From what I saw, when they'd do a walk-around, a lot of inmates did approach them. Not that they did walk-around very often. But they were also - did make appointments to see them in their office.

5 **MS DAVIDSON:** Right. Did you regard Ms Martin and Ms O'Toole as being approachable from an officer's perspective?

MS HOTHAM: On some occasions they were. On others, definitely not.

10 **MS DAVIDSON:** Commissioner, I notice the time. I've probably got another 5 to 10 minutes with this witness. We started early.

COMMISSIONER: We will take the morning adjournment.

15 <**THE HEARING ADJOURNED AT 11.28 AM**

<**THE HEARING RESUMED AT 11.45 AM**

COMMISSIONER: Yes, Ms Davidson.

20 **MS DAVIDSON:** Ms Hotham, can you have a look at paragraph 34 of your statement?

MS HOTHAM: Yes.

25 **MS DAVIDSON:** You refer there to something you heard about Officer Brumwell going on holidays with Astill, and Astill informing Officer Brumwell how many of the inmates he had been with at the time. Did you understand that to refer to sexual activity with inmates?

30 **MS HOTHAM:** I understand that that's what it was, yes.

MS DAVIDSON: Do you remember when you heard about that?

35 **MS HOTHAM:** I heard that when I was off on one of my sick leaves.

MS DAVIDSON: All right. So some time in 2018?

MS HOTHAM: I'm not sure.

40 **MS DAVIDSON:** But before Astill was arrested?

MS HOTHAM: Yes.

45 **MS DAVIDSON:** And do you recall, when you heard that, who you heard it from?

MS HOTHAM: I heard it from an officer that rang to see how I was.

MS DAVIDSON: Yes.

5 **MS HOTHAM:** They informed me of the situation that they'd heard -

MS DAVIDSON: All right.

10 **MS HOTHAM:** Heard it as a, you know -

MS DAVIDSON: Heard it from Officer Brumwell or heard it from someone else?

15 **MS HOTHAM:** I didn't hear it from Officer Brumwell. I heard it from another officer.

MS DAVIDSON: No, no. But did that officer say that they'd heard it from Officer Brumwell?

20 **MS HOTHAM:** No, they just said it was - they'd heard it was a rumour going around.

MS DAVIDSON: Right. Did you give that officer any advice in relation to what they should do about that rumour?

25 **MS HOTHAM:** At that time, I didn't.

MS DAVIDSON: Did you think that was a fairly extraordinary or unusual rumour?

30 **MS HOTHAM:** I thought it was a terrible rumour.

MS DAVIDSON: And it was sufficiently terrible that someone who called you up while you were on sick leave to check on your welfare had also mentioned that to you?

35 **MS HOTHAM:** I was informed that Officer Brumwell had already informed who he needed to inform in regards to it.

40 **MS DAVIDSON:** I see. The officer said that, that Officer Brumwell had already done something about this?

MS HOTHAM: That's correct.

45 **MS DAVIDSON:** Who was it who you had this telephone conversation with?

MS HOTHAM: I'm not sure whether it was - Officer Dolly, I think. I'm not sure.

MS DAVIDSON: Right. Can you have a look at paragraph 41. You say there that you reported the way - you reported about the way that you had been treated to Hamish Shearer?

5 **MS HOTHAM:** That's correct.

MS DAVIDSON: He was a Director of the region at the time; is that right?

MS HOTHAM: That's correct.

10

MS DAVIDSON: What was it you reported about the way you had been treated?

15

MS HOTHAM: I informed him that I was upset about being ostracised from meetings within the centre, ostracised from being briefed and hearing things that were changing within the centre, and ostracised from just general conversation with management.

20

MS DAVIDSON: And did you regard that ostracising as being something that Shari Martin was doing to you?

MS HOTHAM: That's correct.

MS DAVIDSON: And what did Mr Shearer do?

25

MS HOTHAM: I asked Mr Shearer to keep it in confidence. But I believe, from what happened, that Mr Shearer told the Governor in regards to my - my conversation with him.

30

MS DAVIDSON: And when you say you believed from what happened, what did happen after you'd asked Hamish Shearer to keep that in confidence?

35

MS DAVIDSON: Before I ceased duty that day, Officer Martin come down to the office where I was, which the door was open, stood there with her hands on her hips, laughed and said, "That didn't work, did it?"

MS DAVIDSON: And you understood from that, she was talking about what you'd said to Hamish Shearer?

40

MS HOTHAM: Correct.

MS DAVIDSON: How did that make you feel?

MS HOTHAM: About that big.

45

COMMISSIONER: Why do you think she had ostracised you in the first place?

MS HOTHAM: I'm not sure, sir, in regards to that. Maybe some people you like, and some people you don't like. I have known her for probably 25 years within the Department.

5 **COMMISSIONER:** Had you ever got on well with her?

MS HOTHAM: I never worked with her before, until I came to Dillwynia.

MS DAVIDSON: And how would you describe her management style?

10

MS HOTHAM: I think I put in - if I can just refer to back how I -

MS DAVIDSON: Yes. Paragraph 43, is that what you're looking for?

15 **MS HOTHAM:** Yes. I believed that she managed - was a micromanager, kept it within her group, and if you weren't part of the group, well, you didn't get to hear or know everything.

MS DAVIDSON: Do you remember Officer Westlake?

20

MS HOTHAM: Yes.

MS DAVIDSON: Officer Westlake gave some evidence to this Inquiry that you had told him that people in senior management at Dillwynia had referred to you as

25

"a useless cunt" and "a fucking idiot".

MS HOTHAM: I can't recall ever saying that to Officer Westlake. There was rumours around about the gaol that I was the oldest officer in the gaol and I needed to leave.

30

MS DAVIDSON: Did Shari Martin - do you recall Shari Martin ever calling you "a useless cunt" or "a fucking idiot"?

MS HOTHAM: She called the staff as a group that.

35

MS DAVIDSON: She called the staff as a group that?

MS HOTHAM: Yes.

40 **MS DAVIDSON:** That is, all the staff, management team and junior officers?

MS HOTHAM: She did - I have heard her call staff that at - I'm not sure whether it was a meeting or whether it was on parade that she mentioned that.

45 **MS DAVIDSON:** Do you remember what that was about?

MS HOTHAM: I can't recall, no.

MS DAVIDSON: Did it relate to rumours about Astill?

5 **MS HOTHAM:** Not that I recall, it wasn't. It was just a general statement that she made.

MS DAVIDSON: Did you find that unusual or surprising that the Governor would be referring to staff in that way?

10 **MS HOTHAM:** It was disappointing, but I didn't think it was unusual for her.

MS DAVIDSON: Do you remember an incident in which - well, firstly, do you remember attending morning meetings with the executive team in the gaol, that is, with Shari Martin and others?
15

MS HOTHAM: Yes, on most occasions.

MS DAVIDSON: And were they meetings that Astill would attend on occasions when he was acting as Chief?
20

MS HOTHAM: That's correct.

MS DAVIDSON: Do you remember an occasion when Officer Dolly was acting as Chief and attended one of those meetings?
25

MS HOTHAM: I have recalled that - that situation, if you're referring to it.

MS DAVIDSON: All right. Officer Dolly gave some evidence of her being in a meeting of that kind, that you were also present at, with Ms Kellett and
30 Mr Holman and Mr Paddison, and Shari Martin, at which she walked in and asked Astill why the inmates were calling him "Poppy". Is that the incident you recall?

MS HOTHAM: I don't recall the whole incident, but I can remember that - the "Officer Poppy" -
35

MS DAVIDSON: All right. Tell us what you can remember about that meeting.

MS HOTHAM: I can't remember anything about it. I can remember Dolly storming out.
40

MS DAVIDSON: Right.

MS HOTHAM: And I can remember within, I suppose, a couple of seconds, I went out to see if she was okay.
45

MS DAVIDSON: You went out to see if she was okay after the meeting?

MS HOTHAM: That's correct.

MS DAVIDSON: Do you remember whether, in the meeting, she asked Astill about why the inmates were calling him "Poppy"?

5

MS HOTHAM: I can't remember her saying that to Officer Astill.

MS DAVIDSON: All right. Do you remember what it was that she stormed out about?

10

MS HOTHAM: Look, I've tried to remember it all. I can remember the words "Officer Poppy" being - Astill - "Poppy Astill" being used around the centre, and I can only ever remember Dolly - Officer Dolly saying it.

15 **MS DAVIDSON:** Right.

MS HOTHAM: But -

20 **MS DAVIDSON:** Do you remember Astill saying to Officer Dolly, "You're nothing but a fucking liar"?

MS HOTHAM: No, I can't.

25 **MS DAVIDSON:** Do you remember whether in that meeting Officer Dolly said, "I've been told you're bringing drugs and tobacco into the centre for inmates"?

MS HOTHAM: I can't remember that.

30 **MS DAVIDSON:** Do you remember whether Officer Paddison - in Officer Dolly's evidence, Michael Paddison told Dolly to leave the meeting?

MS HOTHAM: I can't remember that, but I - from memory, I can remember going out.

35 **MS DAVIDSON:** So she was clearly upset enough to leave the meeting, that is, Officer Dolly was?

MS HOTHAM: That's what I'm led to believe happened.

40 **MS DAVIDSON:** All right. And when you got out there, do you remember what happened when you saw her?

MS HOTHAM: No, I don't. I remember just - I can't even remember what I said to her, but I remember consoling her and then coming back to the meeting.

45

MS DAVIDSON: Do you remember that her concern was about Officer Astill and things that he was alleged to be doing?

MS HOTHAM: It appears that it would have been, yes.

5 **MS DAVIDSON:** And do you remember whether, when you went back into the meeting, there was any further discussion about those things?

MS HOTHAM: I don't recall any further discussion in regards to it.

10 **MS DAVIDSON:** So you think the meeting just went on as normal?

MS HOTHAM: I believe it did.

15 **MS DAVIDSON:** Could the witness be given access to volume 16. Tab 508. Can you see the numbered tabs down the side of - it's an email with the heading Lock-in Procedure. Can you see that?

MS HOTHAM: Correct.

20 **MS DAVIDSON:** This is an email sent by you on 28 July 2017. It looks like it's been sent to a large number of people. Can you just have a look at what the email says. It goes over on to the next page. At the start of the email there, you say:

"It's come to my attention that there has been cell doors left open after lock-in."

25 Do you remember anything, looking at this now, about sending this email?

MS HOTHAM: I can't recall.

30 **MS DAVIDSON:** So is it right you don't know how it might have come to your attention that there had been cell doors left open after lock-in?

MS HOTHAM: I assume it would come to probably the whole centre's attention.

35 **MS DAVIDSON:** Because that was a serious situation?

MS HOTHAM: It is a serious situation.

40 **MS DAVIDSON:** For the security of the gaol; is that right?

MS HOTHAM: The security of the gaol.

45 **MS DAVIDSON:** And is it right you just don't remember one way or the other what brought this to your attention?

MS HOTHAM: No, I don't recall.

MS DAVIDSON: Do you remember Astill having other nicknames in the centre other than "Poppy"?

MS HOTHAM: Yes. He had Silver Fox.

5

MS DAVIDSON: Do you remember him being called Teflon?

MS HOTHAM: I can't remember him being called that.

10 **MS DAVIDSON:** Those are my questions, Commissioner.

MR SELLER: Nothing from us. Thank you.

COMMISSIONER: Anyone else?

15

MS GHABRIAL: Yes, Commissioner. If I could just ask this question.

<EXAMINATION BY MS GHABRIAL:

20 **MS GHABRIAL:** Ms Hotham, my name is Jehane Ghabrial. I'm appearing for a group of Correctional Officers. Earlier in your evidence, you said something about reports being submitted without substance. And one of the things that you said -

25 **MS HOTHAM:** Excuse me.

MS GHABRIAL: Pardon?

MS HOTHAM: Where - where is that?

30

MS GHABRIAL: Just earlier in your evidence today -

MS HOTHAM: Yes.

35 **MS GHABRIAL:** - you gave some evidence along the lines of if people put in reports without substance, then that could be detrimental to that person. Do you remember giving that evidence earlier today?

MS HOTHAM: I remember saying something similar to that.

40

MS GHABRIAL: What did you mean by that statement and the use of the word "detrimental"?

45 **MS HOTHAM:** Well, for example, one officer - if someone was saying - and rumours were going around about that officer, that that officer had brought in drugs, had visited an inmate that was released or had followed an inmate when she was going to work from the centre, which they did, and it was untrue, it was just

a rumour, then that officer would be - would have a lot of stress. The family would have a lot of stress in regards to if it was untrue and just a rumour.

5 **MS GHABRIAL:** Well, just focusing on your use of the word "detrimental", it could be detrimental to that person if an officer put in a report without substance. What did you mean by the use of the word "detrimental"?

10 **MS HOTHAM:** Just what I said just then, that it could be stressful for the officer, for the family, for their children, for the rumours that just continue - that continued in regards to the centre, for that officer performing their - their job and their duty within the centre.

15 **MS GHABRIAL:** Was it the case that if an officer did submit a report based on rumours that they had heard and that report came to the attention of the executive - people in the executive and there was no substance in terms of actual evidence to support that report, that there would be retaliation from the executive, like people - from Shari Martin or Leanne O'Toole or other persons in the executive towards the person who submitted the report?

20 **MS HOTHAM:** What do you mean by "retaliation"?

MS GHABRIAL: Negative consequences from management.

25 **MS HOTHAM:** I can't answer that. I can't answer that on any other person, what they would do.

30 **MS GHABRIAL:** Were you aware, in your position as a Principal Correctional Officer - and at times you occupied also the position as the Manager of Security from 2015 through to 2018 on - 2016 to 2018 on a number of occasions, I think over 100 days' worth in 2017. It would be fair to say that you would have been in a position to know what kinds of ramifications and detrimental consequences there were for officers who submitted reports without substance. Would that be fair to say?

35 **MS HOTHAM:** No, it wouldn't be. How would I know what repercussions would happen?

40 **MS GHABRIAL:** Well, I'm interested in your use of the word "detrimental" to that person.

MS HOTHAM: Well, that was a word that I used to be meaning that it would affect their family and their children, possibly, and their work performance.

45 **MS GHABRIAL:** And I'm going to suggest to you, would that be because there would have been negative consequences for that officer, who made the report, from management?

MS HOTHAM: There could have been, but I can't say that until a situation occurs.

5 **MS GHABRIAL:** Were there any particular instances where reports had been submitted about rumours that you can recall over the period that you worked there where you observed that there were detrimental consequences to junior officers or officers submitting those reports?

10 **MS HOTHAM:** I can't recall any, no.

MS GHABRIAL: But it would be fair to say that your use of the word "detrimental" was referable to the consequences within the gaol for that officer as a result of submitting that report; correct?

15 **MS HOTHAM:** No. My word of "detrimental" definitely means different to what it means to you, from what you're saying.

MS GHABRIAL: Are you sure about that?

20 **MS HOTHAM:** Well, it sounds like it.

MS GHABRIAL: Well, are you sure that an -

25 **MS HOTHAM:** Yes, I am sure.

COMMISSIONER: Ms Ghabrial, I think you are at cross-purposes.

MS GHABRIAL: Well -

30 **COMMISSIONER:** There's two people who might suffer consequences: firstly, the reporter; and then the reportee. And I think you'll find that you're down one track, and Ms Hotham is down another track. So -

35 **MS GHABRIAL:** Well, Commissioner, the evidence that was gave by Ms Hotham earlier today, and the words were - and I quote - to this effect, "If people put in reports without substance, that could be detrimental to that person."

40 **COMMISSIONER:** Well, that's the problem. That's an entirely ambiguous statement. The witness has clarified it for you, and you are at cross-purposes.

MS GHABRIAL: Well, I'll clarify that now just to be sure. So when you said to that person you meant to communicate to the Commission that the consequences could be detrimental to the officer submitting the report; correct?

45 **MS HOTHAM:** You're going over the same thing again.

MS GHABRIAL: I'm just asking -

MS HOTHAM: "Detrimental" means different to me than it does for you.

5 **COMMISSIONER:** Ms Ghabrial - I'm going to stop you. Ms Ghabrial, that is not what she said.

MS GHABRIAL: I'm clarifying it, Commissioner.

10 **COMMISSIONER:** No, you're not clarifying it. You can clarify it by asking her a straightforward question. You're loading a question, which is not what she said, at least as I understand it.

MS GHABRIAL: Well, that's what I thought -

15 **COMMISSIONER:** She's made her position quite plain.

MS GHABRIAL: I will ask it again, Commissioner. When you said that if people put in reports without substance, it could be detrimental to that person - when you used the words "that person", who are you referring -

20

MS HOTHAM: Did I use the word "that person"?

MS GHABRIAL: Pardon?

25 **MS HOTHAM:** Did I use the word "that person"?

MS GHABRIAL: Yes. Yes. So what did you mean when you said "that person"? Did you mean the officer?

30 **MS HOTHAM:** It could be an officer. It could be a support worker.

MS GHABRIAL: So the person's -

35 **MS HOTHAM:** That's - that's all I meant. And it could be detrimental or it could be stressful to their family. But as I said, you're not happy with the word I used, and you keep going over it. And, to me, it just means that it would be a stress to their family, stress their children out. It could not be good for them to support their duty within the centre.

40 **MS GHABRIAL:** So you're referring to the person who submitted the report, whether it's a support worker or an officer, it could be detrimental to that person; correct?

45 **COMMISSIONER:** No, she's not. And I'm not going to let you ask any more questions.

MS GHABRIAL: Thank you.

COMMISSIONER: The position is absolutely crystal clear.

5 **MS GHABRIAL:** That's what I understood, but - Commissioner, I'll move on.
The other question that I had for you is in relation to the can of Coke incident. If
you take it from me that there is some evidence before the Commission that that
incident occurred on or about 8 January 2016. You indicated, as I understood it in
your evidence earlier, that the conversation that you had with Officer O'Brien
about that occurred shortly after the can of Coke incident; is that correct?

10 **MS HOTHAM:** I'm not sure when the - when it occurred. To me, the incident
with the can of Coke had already been dealt with when Officer O'Brien
approached me.

15 **MS GHABRIAL:** You gave some evidence that you had directed Officer O'Brien
to submit a report and place that report before Deb Wilson. Do you remember
giving that evidence?

20 **MS HOTHAM:** That report was placed on the desk of the Intel Officer at the
time.

MS GHABRIAL: And do you remember how long after the can of Coke incident
that you gave that direction to Officer O'Brien? Was it soon after -

25 **MS HOTHAM:** Can you repeat that?

MS GHABRIAL: Do you remember how long after the can of Coke incident it
was that you made that direction to Officer O'Brien?

30 **MS HOTHAM:** No. I don't. I was off for approximately seven months through
2016.

35 **MS GHABRIAL:** But on 1, 2, 3 and 4 February, and 12 February, you were
actually the Intel Officer at the gaol on each of those occasions. And there's
evidence behind tab - I think it's 420, that indicates that you were actually
occupying the position of the Intel Officer in early February and mid-February of
2016. So you were clearly at the centre around the relevant time; correct?

40 **MS HOTHAM:** I was at the centre when?

MS GHABRIAL: 1, 2, 3 and 4 and 12 February 2016, you were the Intel Officer
for the centre. So it would be fair to say that you were at the centre not that long
after the can of Coke incident. Would that be fair to say?

45 **MS HOTHAM:** I don't recall when the can of Coke incident happened.

MS GHABRIAL: But if you take it from me that the evidence before the Commission is that it was on 8 January 2016, it would be fair to say that were you at the centre not that long after the can of Coke incident. Would that be fair to say?

5 **MS HOTHAM:** If you've got my previous roster, yes, that would be fair to say.

MS GHABRIAL: And you gave some evidence earlier about not having taken any steps to secure the CCTV footage when you became aware from Officer O'Brien of the can of Coke incident. Do you remember giving that evidence?

10

MS HOTHAM: I didn't have the knowledge to download any of the evidence from the CCTV.

15 **MS GHABRIAL:** What steps did you take to ensure that the footage would be secured?

MS HOTHAM: To my knowledge, all those - that information in regards to that had been - already been secured.

20 **MS GHABRIAL:** And what did you base that assumption on?

MS HOTHAM: Just - I believe that it just had been.

25 **MS GHABRIAL:** You didn't make any inquiries, did you?

25

MS HOTHAM: I didn't make any inquiries, no.

MS GHABRIAL: And you were a Principal Correctional Officer at the time; correct?

30

MS HOTHAM: I was a Principal Correctional Officer, yes.

MS GHABRIAL: And you occupied the role of Intel Officer in that early period in February as well, didn't you?

35

MS HOTHAM: I probably would have, but I didn't have access to everything in the Intel Officer. I would have only been a fill-in, and I probably would have been doing the roster at the same time.

40 **MS GHABRIAL:** Would you have had the capacity as an Intel Officer on the dates that I've mentioned to actually check on the system what steps had been taken?

45 **MS HOTHAM:** I don't believe I would have.

45

MS GHABRIAL: But you made no inquiries and took no steps in respect of the CCTV footage?

MS HOTHAM: I can't recall making any.

MS GHABRIAL: Nothing further, Commissioner. Thank you.

5

COMMISSIONER: Anybody else have any questions? No. Ms Davidson -

MS DAVIDSON: Nothing further, Commissioner.

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

MS HOTHAM: Thank you, Commissioner.

15 **<THE WITNESS WAS RELEASED**

MS DAVIDSON: Mr Lloyd will call the next witness.

MR LLOYD: Commissioner, I call Neil Holman. He'll take an oath on the Bible.

20

<NEIL RONALD HOLMAN, SWORN

COMMISSIONER: Take a seat, please.

25 **<EXAMINATION BY MR LLOYD:**

MR LLOYD: Could you tell us your name?

MR HOLMAN: Neil Ronald Holman.

30

MR LLOYD: Your address is known to the Commission?

MR HOLMAN: It is.

35 **MR LLOYD:** You've made a statement to the Commission, which you've signed in very recent times?

MR HOLMAN: Yes, very recently.

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

MR HOLMAN: Yes, to the best of my knowledge.

MR LLOYD: Commissioner, it's behind tab 80 in volume 8.

45

COMMISSIONER: Yes. And it will become Exhibit 28.

<EXHIBIT 28 TENDERED AND MARKED

MR LLOYD: Could I just say before I start asking Mr Holman some questions, I understand Ms Hickleton is here for Mr Holman.

5

MS HICKLETON: Commissioner, I appear for Mr Holman.

COMMISSIONER: You seek leave to?

10 **MS HICKLETON:** I seek your leave. I believe you've already granted leave in chambers, but I now seek it formally.

COMMISSIONER: Well, you have leave.

15 **MS HICKLETON:** Thank you.

COMMISSIONER: If I've granted it, you've certainly got it. Yes.

20 **MR LLOYD:** You've got that statement in front of you, Mr Holman? If you don't, just turn to tab 80 in that volume.

MR HOLMAN: Yep.

25 **MR LLOYD:** I'll just take you through your relevant history. In paragraph 5, you tell us you commenced your career as a Corrective Services Officer in 1992?

MR HOLMAN: That's correct.

30 **MR LLOYD:** Worked at several places but commenced at Dillwynia about 16 years ago?

MR HOLMAN: That's correct. I - I believe it's around 2007, maybe.

35 **MR LLOYD:** You were the - initially a Senior Correctional Officer there, but in 2015 you became a Chief Correctional Officer?

40 **MR HOLMAN:** No, I believe it was before that. I - I think it might have been around 2010, but it's during that period from 2015 that is in question that I was a Chief. I - I couldn't quite recall when I was interviewed for -

MR LLOYD: I understand. So we read paragraph 7 to - that the period you were a Chief was between about 2010 and (crosstalk)?

45 **MR HOLMAN:** That's correct, yeah. My memory has been refreshed by a few things since that time.

MR LLOYD: And then you got a promotion in 2019 to Principal Correctional Officer?

MR HOLMAN: Correct.

5

MR LLOYD: What are you doing now?

MR HOLMAN: I'm currently suspended.

10 **MR LLOYD:** Could I ask you about -

COMMISSIONER: Mr Lloyd, does that raise any concerns about how we proceed?

15 **MR LLOYD:** I think I understand what you're raising, Commissioner. For my part, no, having regard to the evidence before the Commission and the matters I propose to ask Mr Holman about.

COMMISSIONER: Very well. But we should be mindful of any problem.

20

MR LLOYD: If there's anything that arises, I'll be sure to -

COMMISSIONER: Thank you.

25 **MR LLOYD:** Can I ask you this: in paragraphs 10 and 13, you tell us some things about the complaint system at Dillwynia. And, Mr Holman, for the purpose of my questions, I'm really focusing on the period 2015 to about the end of 2018.

MR HOLMAN: I understand.

30

MR LLOYD: In paragraph 10, you tell us about one aspect of how inmates can make reports and tell us there are various pathways.

MR HOLMAN: Yes.

35

MR LLOYD: If it's a serious allegation of misconduct by an officer, in the second part of paragraph 10 on page 3 of your statement, is what you're telling us that you wouldn't expect the inmate to record that in writing?

40 **MR HOLMAN:** Not necessarily. I would - if an inmate came to me and they were uncomfortable with stating something, regardless of what they - even if it was a serious incident, I would record that serious incident. If they didn't want to write that down, I would report that up regardless.

45 **MR LLOYD:** So that is, if it's a serious allegation about another officer, you'd make a record -

MR HOLMAN: Correct.

MR LLOYD: - rather than imposing on them to write it down?

5 **MR HOLMAN:** Correct. I wouldn't deny them the right to do that, because they do. But more often than not, if they - if they come to you - that had happened to me and they came to you, I go, "Let me get this down."

10 **MR LLOYD:** And then I think you said irrespective of what written record was made, you'd take the matter further?

MR HOLMAN: Yes.

15 **MR LLOYD:** And I think what you're telling us is you'd do that by going to the Governor or Manager of Security?

20 **MR HOLMAN:** Yes, depending on who was on. Because the Governor had two gaols to look after. So if the Governor wasn't there, you would go to the MoS, with the expectation that would be reported up.

MR LLOYD: The Commission has heard some evidence that Shari Martin might have been there somewhere around 50 per cent of the time?

25 **MR HOLMAN:** I couldn't say exactly the amount of time she was there, but that sounds like that could be accurate.

MR LLOYD: Either way, you'd go to the most senior person -

30 **MR HOLMAN:** Yes.

MR LLOYD: - who was on the premises?

MR HOLMAN: Yes.

35 **MR LLOYD:** Just go to paragraph 13. I think this is where you're telling us you'd take them to see a senior officer, Manager of Security, Governor or both at the same time?

40 **MR HOLMAN:** Yes. If - if they were both available, then yes.

MR LLOYD: And if it was a serious complaint of misconduct, for example, an act by an officer that might involve criminal conduct, then your expectation is after taking it to the Manager of Security and/or the Governor, that allegation would then be reported to the CIG?

45

MR HOLMAN: It would be escalated up.

MR LLOYD: What did you understand to be the system in place at Dillwynia in the period I'm asking you about, about when allegations made by inmates of misconduct of this kind would be elevated beyond the gaol and to the CIG? When and how would it happen?

5

MR HOLMAN: In my thoughts, it would be immediately, as soon as the report was submitted. If it was a serious incident, that would be reported up as soon as - I would believe it would be reported up very promptly by senior management.

10 **MR LLOYD:** But the reporting pathway would be you'd take the matter to Manager of Security or Governor, and your expectation is they'd make the report?

MR HOLMAN: Well, I would give them a report and then they would report that on to their line supervisor or to CIG.

15

MR LLOYD: Were you told about any mechanism by which you could make a report directly to the CIG?

20 **MR HOLMAN:** I think about 2018 I become more aware of that, when we organised some training.

MR LLOYD: I take it from that reaction, you weren't really -

25 **MR HOLMAN:** I wasn't - I wasn't au fait with intelligence. I based a lot of my decision-making processes within the policy and the guideline and common sense.

MR LLOYD: And in terms of common sense, is this right: Where a serious allegation is made by an inmate about an officer, obviously that's a very serious matter?

30

MR HOLMAN: Yes.

MR LLOYD: Requires attention at the highest level?

35 **MR HOLMAN:** Yes.

MR LLOYD: And is it right that in terms of what you were to do in that situation, you're left to work it out for yourself?

40 **MR HOLMAN:** That's very hard for me to quantify that. I - I'd been in the job for quite a while at that time. I couldn't say where that knowledge might have come from, whether that had been instructed me through the years or it was just a common sense matter. I - I really couldn't say, Mr Lloyd, I'm sorry.

45 **MR LLOYD:** Whatever the source of the information, either working it out for yourself or someone telling you, the system that you adopted in this period was, in

this kind of scenario, you'd write it down and take it to the Governor or Manager of Security?

MR HOLMAN: Yes.

5

MR LLOYD: And you didn't know about any ability for you to refer it out of the gaol to the CIG; is that right?

MR HOLMAN: Not until 2018 with the CIG, yeah.

10

MR LLOYD: And that's, I take it, why you tell us that your expectation when you took reports of this kind to the Governor or Manager of Security is that the pathway at the gaol was that they would then be bound to -

15 **MR HOLMAN:** Yes. That's how I was raised in the Department. It was - every report proceeds with - to the Governor.

20 **MR LLOYD:** Could I just ask you this: Were you aware of, either by direct knowledge or rumour, a closeness in the relationship between Astill and Leanne O'Toole?

25 **MR HOLMAN:** I was aware of that. I would say not - not immediately, but I probably became aware of that in around - I had heard - I'm not sure if she was still there when I'd heard that, but I was aware there was some sort of friendship there, yes.

MR LLOYD: Did that pose any difficulties for you in taking complaints that came to your attention about Astill's conduct to her?

30 **MR HOLMAN:** No, because she wasn't there when I took complaints forward about him.

35 **MR LLOYD:** What about Astill's relationship, to your knowledge, with Shari Martin? Was that close?

MR HOLMAN: I thought it was the same as anybody else.

40 **MR LLOYD:** Can I ask you - I'll take you a bit out of order in terms of your statement -

MR HOLMAN: Yep.

MR LLOYD: - because I'll ask you about things in chronological order.

45 **MR HOLMAN:** Yeah.

MR LLOYD: Just go to paragraph 57.

MR HOLMAN: Yep.

5 **MR LLOYD:** Here you're telling us about being informed by Judy Barry about an incident involving Witness C sharing a can of Coke with Astill?

MR HOLMAN: Yes.

10 **MR LLOYD:** If I suggest to you that that was some time around February 2016 that that incident started to be discussed, does that accord with your memory?

MR HOLMAN: Yes. I can't remember the date, but I believe 2016 would have been about right.

15 **MR LLOYD:** Now, hearing that information obviously suggested inappropriate conduct?

MR HOLMAN: Yes.

20 **MR LLOYD:** But you're telling us, I think, in this paragraph that you were satisfied that the issue had been dealt with because there was another officer, Ms Barry, who was, in effect, telling you that she knew about it?

25 **MR HOLMAN:** Yes. As far as I was aware, the conversation with Judy is it had been reported up.

MR LLOYD: And it wasn't for you to effectively take up something you didn't have direct knowledge about?

30 **MR HOLMAN:** Well, no, it wasn't. And - and the dealings I had with Judy about that was that she was very upset about the outcome.

MR LLOYD: Can I ask you: around this time, or even a bit after, were you aware of rumours about Witness C and Astill?

35 **MR HOLMAN:** I wasn't really aware of any rumours. I - I knew about the Coke, which was inappropriate. So at that stage, I thought he had an inappropriate closeness.

40 **MR LLOYD:** And it's perhaps a bit unfair because I think you know elsewhere in your statement you made a report about some other feature of their relationship the next month, that is, March 2016.

MR HOLMAN: Between Astill and Witness C?

45

MR LLOYD: Yes. Perhaps I'll take you to it.

MR HOLMAN: Yes. Yes.

MR LLOYD: Have a look at paragraph 71. Just re-read that.

5 **MR HOLMAN:** Yes.

MR LLOYD: Now, the position is you're describing here something you don't have an independent memory of, but you've looked at a document, which is -

10 **MR HOLMAN:** That's correct. A lot of my memory has been refreshed by documents or emails.

MR LLOYD: The document you're talking about that has refreshed your memory is behind hopefully a tab numbered 71 behind your statement.

15

MR HOLMAN: I - I have that in front of me. The incident report?

MR LLOYD: Yes.

20 **MR HOLMAN:** Yes.

MR LLOYD: This is an incident report you completed on about 9 March 2016?

MR HOLMAN: Hang on one second.

25

MR LLOYD: You've got an incident report from Neil Holman -

MR HOLMAN: Yep.

30 **MR LLOYD:** - dated 9 March 2016?

MR HOLMAN: Yes. Sorry, my dates are very bad on my reports. I'm sure you're aware of that.

35 **MR LLOYD:** But the date is -

MR HOLMAN: Yes.

MR LLOYD: - 9 March 2016 -

40

MR HOLMAN: Yes.

MR LLOYD: - but you're recounting an incident on 18 February?

45 **MR HOLMAN:** Yes.

MR LLOYD: It says 2012, but that's wrong.

MR HOLMAN: Yes. Yeah, I believe the actual - I believe the date might have - might have been in February, not March. And I've misstated the actual date of the incident report.

5

MR LLOYD: Whatever it is, if you need me to take you through it in more detail, Mr Holman, please say so. The Commission has heard evidence from a number of sources about these events that are recounted here. But, basically, is it fair to say this is something that came to your attention about Witness C asking what the consequences for her would be if there was something going on her record about giving officers blow jobs? Is that right?

10

MR HOLMAN: That's correct.

15 **MR LLOYD:** Now, in the report, you've also got toward the end reference to something else we've heard a great deal about, a confiscated silver ring?

MR HOLMAN: That's correct. Yep.

20 **MR LLOYD:** Can I just ask you this: The events you're describing in this incident report obviously, in your view, indicated potentially serious problems that needed to be investigated?

25 **MR HOLMAN:** Well, the fact that she made an allegation (indistinct) making those statements, I was going to report that up regardless. Honestly, I didn't draw any conclusions other than inmates were - were stating that. But the fact that she had mentioned to a staff member - she didn't give me any names, just an officer - I'm going to report that up, because that could be a piece to the puzzle of something else. In regards to that, I did question her on who. She never mentioned any names. She just basically - the allegations were around - it was about rumour and innuendo within the house. Now, this is not uncommon at all within a SMAP unit. There's generally a lot of discord in those units and a lot of rumour and disharmony.

30

35 **MR LLOYD:** Now, there's rumour and innuendo and then there's rumour and innuendo involving sexual activity between inmates and officers. The latter kind of rumour and innuendo, I think you're telling us, is something that needed to be investigated?

40 **MR HOLMAN:** Well, yes. Myself personally, I can remember a long time ago when I was back at Mulawa being asked by one of my superiors about a rumour or innuendo about myself and an inmate.

45 **MR LLOYD:** And what you're doing in preparing this document is even though what you're being told of is other inmates effectively engaging in spreading rumours about Witness C, nonetheless you've recorded it in writing and determined something needed to be done about it?

MR HOLMAN: I determined that information needed to be shared. At that stage, I wasn't investigating anything; I was just sending information up.

5 **MR LLOYD:** And what you did - if you go, then, back to paragraph 71. You tell us you prepared that report. And for that type of report, you would have handed it either to the Manager of Security or the Governor?

MR HOLMAN: That's correct.

10

MR LLOYD: You're telling us there you don't have a direct recollection of doing that, but that's your invariable practice if you prepare a report (crosstalk)?

MR HOLMAN: Yes. Yes, I would have.

15

MR LLOYD: Do you see:

"Given the serious nature of the gossip, I would have reported it up."

20 That's about the fourth-last line of paragraph 71.

MR HOLMAN: The fourth-last line?

MR LLOYD: Of paragraph 71 of your statement.

25

MR HOLMAN: Sorry. Yes.

MR LLOYD: Now, that's you reporting it up in accordance with your practice to Manager of Security or Governor; correct?

30

MR HOLMAN: Yes.

MR LLOYD: Did you expect that, having made that report in that way, that it in turn would have been passed on to the CIG?

35

MR HOLMAN: Yes.

MR LLOYD: You speak elsewhere in your statement - and I'll ask you some more questions about it in due course - in fairly positive terms about the management style of Shari Martin?

40

MR HOLMAN: Yes, I - I actually didn't mind Shari Martin. Yes, I liked her.

MR LLOYD: If I ask you to assume that no information of the kind you've recorded here in this incident report or the incident report itself was passed on, what's your response? As in, passed on to CIG.

45

MR HOLMAN: I would be shocked.

MR LLOYD: It would be a failure?

5 **MR HOLMAN:** Yes.

MR LLOYD: Could I, going back to the events in order, ask you to go back to paragraph 21. Now, just re-read 21 to yourself.

10 **MR HOLMAN:** Yes.

MR LLOYD: Do you remember about this incident?

15 **MR HOLMAN:** I remember finding those reports. Yes.

MR LLOYD: Now, I'll ask you about the reports in a minute, but I just want to put to you some things about the event itself, that is, the meeting that occurred with the two inmates. Judging from your report, I take it you accept that there was a meeting that occurred sometime on 20 or 21 July 2017 which you were at?

20 **MR HOLMAN:** Yes.

MR LLOYD: Witnesses R and V -

25 **MR HOLMAN:** Yes.

MR LLOYD: Have a look at the pseudonym list. You probably know who they are.

30 **MR HOLMAN:** Yeah.

MR LLOYD: Were there?

35 **MR HOLMAN:** Yes. Although, for some - some reason, I have trouble recalling Witness V. I seem to recall Witness B, but not Witness V. I don't - I can't understand why.

40 **MR LLOYD:** Other people who were at the first part of the meeting were, I think you tell us in your note, Mr Westlake and Mr Paddison?

MR HOLMAN: I can recall Mr Paddison being there, but I cannot recall - like, I - I have no reason to dispute that Mr Westlake was there.

45 **MR LLOYD:** And there's a reference to him, do you see, in your document that I'll take you to in a minute?

MR HOLMAN: In - in the - the report?

MR LLOYD: Yes.

MR HOLMAN: Yes, there's a reference that he was there. Yes.

5

MR LLOYD: And the usual way, if you prepared the report that I'll take you to in a minute at the time, no reason to record that he was there if he wasn't?

MR HOLMAN: That's - that's correct. Yep.

10

MR LLOYD: Can I just put this to you: it's right, isn't it, that in the first part of the meeting that I suggest to you where the officers present were you, Officer Westlake and Officer Paddison, the inmates who were present disclosed two things, relevantly, one, that Witness M was saying that she'd been indecently assaulted in a sexualised way by Astill? Is that right?

15

MR HOLMAN: That was the second thing that they disclosed, yes.

MR LLOYD: What was the first thing?

20

MR HOLMAN: The first thing, that they were concerned about their interactions with Officer Astill.

MR LLOYD: Being bullied and intimidated?

25

MR HOLMAN: Yes, that's correct. Yes.

MR LLOYD: So we've two disclosures so far. The third one I want to put to you was - by the women was that one of them had actually seen the indecent touching by Astill of Witness M. Do you remember that?

30

MR HOLMAN: I - I can't accurately recall that, but I have no reason to disbelieve. If that's - if that's in my report, then that's what she would have said.

35

MR LLOYD: And you had no reason to disbelieve those women?

MR HOLMAN: No.

MR LLOYD: There's some evidence that is to the effect that either you or another one of the two male officers present said in this initial part of the meeting, in effect, "Inmates do lie." Do you remember saying that?

40

MR HOLMAN: No. I did not say that.

MR LLOYD: Do you remember that after those disclosures that I've suggested to you were made, someone went and got Shari Martin?

45

MR HOLMAN: Yes, she was - she was summoned or brought to the meeting, definitely.

5 **MR LLOYD:** And the inmates who were present repeated the matters that you've -

MR HOLMAN: Yes, we - we asked the inmates to repeat the matter. I don't know which one of us did, but it would have been so we didn't confuse the story, let the inmates get it out in their words.

10 **MR LLOYD:** Whatever it is - whoever asked, they repeated it when Shari Martin -

MR HOLMAN: Yes.

15 **MR LLOYD:** And that's all the matters that you've told us about?

MR HOLMAN: Yes.

20 **MR LLOYD:** At the conclusion of that meeting, what do you remember happening in terms of what was going to happen next?

MR HOLMAN: Well, from what I can gather, I was taking the notes of the meeting. That would have then gone to the Governor to refer that up, as she would then have information to refer up to CIG or to her line manager.

25 **MR LLOYD:** Was the idea that you would prepare a report based upon what was said and then give that report to the Governor?

30 **MR HOLMAN:** Correct.

MR LLOYD: That report - we perhaps need not dwell on it. It's behind tab 22 behind your statement.

35 **MR HOLMAN:** Yes.

MR LLOYD: Is that the report that you remember preparing?

MR HOLMAN: Yes.

40 **MR LLOYD:** Now, you found this recently as a Word document on your computer system?

45 **MR HOLMAN:** I - I found it in my bedside table drawer. It was 11th USB I - the 10th out of 11 USBs I found.

MR LLOYD: Do you think that this is effectively a Word version of the hard copy report you handed in?

5 **MR HOLMAN:** I - I believe what it might have been was a Word document and then copied and pasted on to an incident report, yes.

MR LLOYD: And just to draw a couple of things to your attention. In the fourth paragraph, starting with, "When I entered the room," there's that reference that I mentioned to you a few moments ago, M. Paddison and S. Westlake?

10

MR HOLMAN: Yes.

MR LLOYD: And then if you go towards the bottom, the second-last paragraph, there's the references that I asked you about:

15

"Chief Astill attempted to kiss her..."

That being Witness M:

20 "...at one time, frequently rub his hand up and down her arm, always asking her to come to the office."

And then:

25 "At this point, Witness R said she had seen Astill directly rub his hand on Witness M's arm."

MR HOLMAN: Okay.

30 **MR LLOYD:** You've got no doubt that you were faithfully recording any things that were being said?

MR HOLMAN: Well, I have that recorded here, and I believe that was the inmate's evidence as well.

35

MR LLOYD: At the end of this meeting, what was the resolution, if you can remember, amongst the staff? What was to be done?

40 **MR HOLMAN:** Well, it had to go through the chain of command and the correct channels, and it needed to be investigated. So the matter of investigation would be through CIG. I would not have known if there was any other reports on Mr Astill. So, therefore, anything that would come to me, I would just hand to the Governor and she would pass it up. That's - I had ultimate faith that that's what was happening.

45

MR LLOYD: Do you remember Mr Paddison saying he was going to telephone CIG to make a report?

MR HOLMAN: I can't recall that. However, he may have done that. I believe that I actually contacted Silverwater Women's Gaol to find out about Witness M and to see if she had any information. I wouldn't have been specific, but I remember
5 running into - I didn't get much help from there, and I remember I actually called back a few days later. And I believe they said, "No, she's got nothing to say."

MR LLOYD: Mr Holman, I'm interested in your response to this: If the matter was to be referred up to CIG, that was for the purpose of CIG conducting an
10 investigation?

MR HOLMAN: Yes.

MR LLOYD: And you knew that there were some people within CIG who had
15 the skills to perform an investigation?

MR HOLMAN: Yes.

MR LLOYD: These were extremely serious matters?
20

MR HOLMAN: Yes.

MR LLOYD: Why, in those circumstances, if you thought the matter was with
25 CIG for investigation, would you be trying to contact Silverwater Gaol to find out if you could speak to Witness M?

MR HOLMAN: I believe I was doing that with the best of intentions, and it may be through inexperience - my own inexperience.

MR LLOYD: Did you just think - work it out for yourself that that's what you
30 should do? Did you just think of it for yourself?

MR HOLMAN: I believe I may have been directed by the Governor, to be
35 honest.

MR LLOYD: What, to try - as you understood it, to try and find out, by
contacting Silverwater, if you could speak to Witness M to see, what, if she was
telling the truth?

MR HOLMAN: I don't believe to see if she was telling the truth. I think it might
40 have just been to see if she had anything to state on the matter. Like, just further information. From my point of view, if - if that was the case, if I had been directed, which I believe I would have been by the Governor, to contact them, it would have been a matter of just getting more for the report to be handed up to
45 CIG.

MR LLOYD: And at a time when, to your knowledge, CIG would have probably been conducting its own investigation through people who knew what they were doing?

5 **MR HOLMAN:** Sorry, could you please explain that, the context?

MR LLOYD: If the matter was to be referred to CIG for investigation -

MR HOLMAN: Yes.

10

MR LLOYD: I think you agreed that they, to your knowledge, would have people who would be skilled in performing -

MR HOLMAN: Absolutely, they would be skilled in that. That's their forte.

15

MR LLOYD: It requires skill, doesn't it, to speak to a - in this case, a young woman who's coming forward with allegations of indecent sexualised or sexual assault?

20 **MR HOLMAN:** Yes, it would. It would.

MR LLOYD: You had no skills?

MR HOLMAN: No.

25

MR LLOYD: I'm just interested in why you would want to be taking any steps to make any contact with Witness M in circumstances where, on your understanding, the matter either was or would be going to the CIG?

30 **MR HOLMAN:** As I stated, I think it might have been my inexperience.

MR LLOYD: You agree that that kind of step in an investigation being conducted effectively within the gaol was a thoroughly inappropriate step? Do you agree with me?

35

MR HOLMAN: I don't - don't quite agree with that, no.

MR LLOYD: What's the basis upon which you disagree with the label I've put on it, thoroughly inappropriate step?

40

MR HOLMAN: For us to ask Witness M?

MR LLOYD: Yes, to be trying to find Witness M at Silverwater to see what she had to say about it.

45

MR HOLMAN: I guess because we'd already been asking inmates questions about - when they reported to us, we encouraged them to give us more information, and that goes into our reports.

5 **MR LLOYD:** And so the purpose was, while there might be investigators from CIG taking steps to speak to her, it was okay for you also to be taking steps to speak to her? Is that what you're saying?

10 **MR HOLMAN:** I believe it was very early days, so I didn't think CIG would have been looking into it at that stage. It may have been the day of the interview.

MR LLOYD: Can I ask you - there's another incident report. This is behind tab 23. This relates to a different event than the incident report I've just been asking you about.

15 **MR HOLMAN:** Yes.

MR LLOYD: In effect, what you're recording - I withdraw that. This is your document?

20 **MR HOLMAN:** Yes, it is.

MR LLOYD: And this is another one you found recently in the bedside drawer?

25 **MR HOLMAN:** Yes. Yes. Yeah.

MR LLOYD: And you tell us that you believe that you handed this up to either Shari Martin or Leanne O'Toole?

30 **MR HOLMAN:** Absolutely.

MR LLOYD: Now, if I can just try and go to the point in the document without taking you to every line. But, Mr Holman, if I'm skipping over things you need, please say so and I'll tell you more things for context. Is the effect of what you're recording in this document that within a few days of the meeting where the allegations were made about Astill and Witness M, there was interaction between Astill and one of the women who you thought had come forward? Is that what you're saying?

40 **MR HOLMAN:** It's - it was quite a long report. Yes, there was. That's correct.

MR LLOYD: So some interaction -

45 **MR HOLMAN:** Yes, that's in the first paragraph.

MR LLOYD: Some interaction in the days after the report was made between Astill and at least one of the women who had come forward?

MR HOLMAN: Yes.

5 **MR LLOYD:** And is what you're, in effect, trying to recount in the report that that interaction appeared to be Astill engaging in intimidating behaviour toward that woman?

MR HOLMAN: Yes.

10 **MR LLOYD:** And I take it you thought that in making a report about intimidation or bullying behaviour of this kind that there was a link between what Astill was doing in terms of bullying and intimidating the woman and the disclosure a few days before?

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

MR LLOYD: That is, the fact that the woman had come forward had been made known to Astill, and he was engaging in retribution against that woman for coming forward. Is that your understanding?

20

MR HOLMAN: Yes.

MR LLOYD: And that's why you recorded this, or one of the reasons, in an incident report?

25

MR HOLMAN: Well, the reason I reported it is because it was a serious allegation, and I reported it up.

30 **MR LLOYD:** Serious allegation involving the person who had been the subject of the serious allegations a few days before?

MR HOLMAN: That's correct.

35 **MR LLOYD:** One, finding out about the identity of one of the women who had come forward?

MR HOLMAN: Yes.

40 **MR LLOYD:** And, two, then trying to bully and intimidate her about the fact of the disclosure; is that correct?

MR HOLMAN: Yes.

45 **MR LLOYD:** It's an incredibly serious state of affairs. Would you agree?

MR HOLMAN: If I could just read a little bit further down, sorry. Yes, that's correct. Yes.

MR LLOYD: This - I withdraw that. Do you know how it was that Astill seemingly became aware?

5 **MR HOLMAN:** No idea.

MR LLOYD: Do you agree that if that was passed on to him by any of the officers present at the meeting a few days before, that would be completely improper?

10

MR HOLMAN: It would be completely improper. Mr Lloyd, I could speculate onto how he may have found out, but I could be completely wrong on every case.

15 **MR LLOYD:** Well, just tell us what you think and then we might work out if it's speculation.

MR HOLMAN: Okay. So he could have been told that by another inmate. Those inmates may have discussed the matter within their unit of a night-time and someone overheard that and then informed Mr Astill. I find it, like, alarming if that had been reported to him by one of the officers present.

20

MR LLOYD: Or by Shari Martin.

25 **MR HOLMAN:** Yes. I - I - honestly, I would not be submitting reports to her if I believed that was the action she was undertaking.

MR LLOYD: Can I ask you this question, then: Do you know whether anyone ever spoke to Astill, that is, within Dillwynia, to put to him the allegations that Witness M had -

30

MR HOLMAN: Regarding this? No.

MR LLOYD: No, but also about what Witness M was saying.

35 **MR HOLMAN:** Not - not to my knowledge.

MR LLOYD: To your knowledge - I withdraw that. You were not aware of anyone at Dillwynia ever actually getting Astill in and saying, "There's these very serious allegations being made. What's your response?"

40

MR HOLMAN: Not to my knowledge, no.

MR LLOYD: To your knowledge, is this right: you're not aware of anyone ever asking him about it? Is that right? Even -

45

MR HOLMAN: With regards to Witness M?

MR LLOYD: Yes.

MR HOLMAN: I can't honestly remember anything like that. If you have any documents that could jog my memory, I'd be happy to look at them.

5

MR LLOYD: So to the extent that people within Dillwynia were conducting any kind of investigation about those allegations by Witness M, for example, by speaking to Witness M, any proper investigation would have obviously extended to speaking to Astill about it. Do you agree?

10

MR HOLMAN: I don't know how they investigate things.

MR LLOYD: I think you've told us the report behind tab 23 is one you would have handed up either to Shari Martin or Leanne O'Toole?

15

MR HOLMAN: Sorry, 23?

MR LLOYD: Yes, the one I've been asking you about.

20

MR HOLMAN: Sorry. Yes.

MR LLOYD: Can I ask you to go back to your Commission statement and paragraph 24.

25

MR HOLMAN: Yes.

MR LLOYD: You say here that you're satisfied the reports would have been forwarded to the PSB by Shari Martin?

30

MR HOLMAN: That's correct.

MR LLOYD: And you've seen this IR 17-2051?

MR HOLMAN: Yes, that was provided to me during the initial statement.

35

MR LLOYD: And have you seen references in that IR report to the two reports that you prepared?

MR HOLMAN: All I saw was, I think, page 2. That's all I've seen in that IR.

40

MR LLOYD: Well -

MR HOLMAN: And there was reference - yes, there was reference to the two reports.

45

MR LLOYD: And -

MR HOLMAN: I was not aware of that IR until I was shown that by - when I was giving a statement to the Senior Constable.

5 **MR LLOYD:** The way it worked was you gave your two reports that I've asked you about to Shari Martin?

MR HOLMAN: Yes.

10 **MR LLOYD:** And as you now understand, they were passed on in the form of that intelligence report?

MR HOLMAN: That's correct.

15 **MR LLOYD:** I'm not being critical. You weren't responsible for passing on your reports to the CIG?

20 **MR HOLMAN:** No. And nor was I aware of what happened with them from there. It was just my faith that that would be the process, that the - you know, the procedure would follow its rational route.

MR LLOYD: Did anyone from the CIG ever contact you -

MR HOLMAN: No.

25 **MR LLOYD:** - to find out what you had to say about this?

MR HOLMAN: No.

30 **MR LLOYD:** Either of these events?

MR HOLMAN: No.

MR LLOYD: That is, the disclosures of the indecent assault -

35 **MR HOLMAN:** No.

MR LLOYD: - or the disclosures of intimidation and bullying?

40 **MR HOLMAN:** No.

MR LLOYD: Did that surprise you?

MR HOLMAN: I've never been contacted by CIG.

45 **MR LLOYD:** Do we take it from that there are other times when, to your knowledge, reports you've made have been submitted up?

MR HOLMAN: I believe so, yes.

MR LLOYD: You've never been contacted?

5 **MR HOLMAN:** Yes.

MR LLOYD: About serious matters, the other reports?

10 **MR HOLMAN:** I'm trying to think of any serious matters. I have reported other serious matters. I can't recall - I can sort of remember things I've reported up regarding inmate allegations of staff assault, and I can't remember ever being contacted by CIG or PSB regarding those matters.

15 **MR LLOYD:** In paragraph 69 of your Commission statement, you are asked there to describe the culture of reporting complaints. And you tell us:

"From my observation, officers don't have a problem making complaints."

20 But your impression was that nothing seemed to happen to Astill once it was reported past the gaol?

MR HOLMAN: That - that's correct.

25 **MR LLOYD:** Knowing of the complaints against Astill, were you surprised that he wasn't removed? Never had really cause to make complaints on your own behalf? Do you see that?

MR HOLMAN: No. No.

30 **MR LLOYD:** See, you were a - take the period after July of 2017 when these two reports you've told us about were made by you. You remained in the position of full-time senior employee within Dillwynia?

35 **MR HOLMAN:** Yes.

MR LLOYD: From then right up until Astill's arrest?

MR HOLMAN: Yes.

40 **MR LLOYD:** In terms of your own obligations and functions as a senior officer in that period, what did you think when after, to your knowledge, that information got passed up to the CIG, that every time or most times you came to work you were aware that Astill just remained working there and it appeared to be, from his perspective, business as usual?

45

MR HOLMAN: Yeah, I - I can actually remember going to Governor Martin - to Shari and going, "What is going on?"

MR LLOYD: Do you remember when, approximately?

5 **MR HOLMAN:** I believe it would have been at least after I put a report in for Elizabeth Cox. Yep. I - and it may have been prior to that also. I believe it was on a number of occasions, I've said, "What's going on?" Because we didn't hear anything from CIG, like I said. So our only avenue would have been our Governor for information. And her reply was, "I keep reporting this up." And she was very upset by it as well. She was quite protective of the inmate - in my point of view,
10 she was quite protective of the inmates.

MR LLOYD: Multiple conversations, in effect, you saying -

15 **MR HOLMAN:** I - I wouldn't say - when I say "multiple", if we're going to break this down over two years, what would you describe as multiple? Maybe once or twice.

MR LLOYD: But from your perspective, you couldn't work out why on earth he continued to be employed and evidently -
20

MR HOLMAN: Well, at least not - at least not suspended pending investigation.

MR LLOYD: Or I think what you're telling us, to your knowledge, you didn't even know that there'd been an investigation?
25

MR HOLMAN: I was assuming, like - I couldn't say I was assuming, but it may have been that it was investigated and that they found there was nothing to answer.

MR LLOYD: In terms of an assumption, you had no idea?
30

MR HOLMAN: I had no idea.

MR LLOYD: You had no knowledge of you being contacted or -

35 **MR HOLMAN:** No.

MR LLOYD: - I think you're telling us anyone else who had anything relevant to say about the Witness M allegations, right?

40 **MR HOLMAN:** To the best of my knowledge, I don't think anyone was contacted regarding it, no.

MR LLOYD: Could I ask you about, I think, an event you've just mentioned in your evidence. If you look at Commission statement paragraph 25. You tell us there about an email from 3 June 2018 which shows that you submitted a report on inmate Elizabeth Cox?
45

MR HOLMAN: That's correct.

MR LLOYD: The report that you're talking about there is one behind tab 27.

5 **MR HOLMAN:** That's right. It's actually not a report; it's a - it's a letter.

MR LLOYD: This is, I was going to ask you why it was not on the incident report format for the other ones.

10 **MR HOLMAN:** No, that's right.

MR LLOYD: Was there a reason?

15 **MR HOLMAN:** Because I was generally looking for a change of placement for that inmate. And in my experience, to do a change of placement, a letterhead was sufficient. I also did - I also did note during that that there was some other serious issues that had been -

20 **MR LLOYD:** I wanted to ask you about this, Mr Holman. The sense that I have of what you tell us in paragraphs 25 and 26 and from the report itself is that you included in the report references to a dispute between Ms Cox and Mr Astill about the dirty urines problem?

25 **MR HOLMAN:** Yes.

MR LLOYD: But there are some references - and perhaps if you look at the report, the first line on the second page - some references which are not particularised or specific about serious allegations that Cox had made about the conduct of Astill.

30 **MR HOLMAN:** No, there was a range of issues there.

MR LLOYD: What I am putting to you about what I understand that you're saying, particularly in paragraph 26 of your statement, is that you left out particular things -

MR HOLMAN: Yes.

40 **MR LLOYD:** - that you were aware of -

MR HOLMAN: Yes.

MR LLOYD: - and you did that for a particular reason.

45 **MR HOLMAN:** Yes.

MR LLOYD: That was because you didn't want a documentary record of those - they were serious allegations.

MR HOLMAN: They were serious allegations.

5

MR LLOYD: You didn't want a documentary record that Astill might see?

MR HOLMAN: That's correct. Because he was on that weekend when I was on.

10 **MR LLOYD:** I think - or you may or may not have been in the room when some other evidence has been given about concerns other officers had about documents containing allegations against him falling into his hands.

MR HOLMAN: Well, that just seemed like good practice to me.

15

MR LLOYD: At any event, you left out the particulars in the document, but you tell us that you passed on those serious matters verbally to Shari Martin?

MR HOLMAN: That's correct.

20

MR LLOYD: What did you say to her about those serious allegations, that is, the matters which aren't in the written report?

MR HOLMAN: I - I can't 100 per cent recall. But I believe it may have been about - I - I have to be very careful here, Mr Lloyd. I'm trying not to tamper - not tamper, but I'm trying not to use other people's evidence as my recollection.

25

MR LLOYD: Tell us the best you can remember of what you told Shari Martin about the serious allegations Elizabeth Cox was making.

30

MR HOLMAN: I assume it would have been about bringing drugs into the centre.

MR LLOYD: And when you say you assume that, was that because you have a memory of that's what one of the things Elizabeth Cox was telling you?

35

MR HOLMAN: I don't have a great memory of that, unfortunately, Mr Lloyd.

MR LLOYD: Do you remember being told by Ms Cox that Astill was bringing drugs into the centre and was trading drugs for sexual favours?

40

MR HOLMAN: I don't dispute that.

MR LLOYD: You don't have a specific memory, but -

45

MR HOLMAN: I don't have a specific memory, but I don't dispute that.

MR LLOYD: No reason to doubt it?

MR HOLMAN: No reason to doubt that.

5 **MR LLOYD:** Can I ask you this: if you assume that that's what you were told by Elizabeth Cox, I get the sense from your evidence that you didn't think of her as someone who might be inclined to just make something that serious up. Have I got that right?

10 **MR HOLMAN:** I believed at the time, Liz was - she was not in a good way. She - we'd had issues with her previously as far as her behaviour within the centre. So I was dealing with a lot of issues with her at that particular time. She was not easy to talk to at that moment. She was very elevated. Trying to get any information out of her was not - not easy. I felt like she was very paranoid, and
15 her - and her statements were just darting everywhere.

MR LLOYD: Is this right: that whatever those concerns, the allegations that she was making, if she passed those on to you, they would have been matters you would have plainly passed on to the Governor?
20

MR HOLMAN: Yes. Yes. I - I - I remember calling the Governor. The Governor made instruction that Liz Cox remain in the BIU. I was instructed to tell Wayne Astill not to go near her. I made sure I got an agreement from him. As you can see in my report, I was fairly clear in my actions there on my letter on what - what
25 action we would undertake from that point.

MR LLOYD: That is, to keep Astill out of high needs?

MR HOLMAN: No, I believe he was asked to stay out of high needs after this event.
30

MR LLOYD: Unrelated to it?

MR HOLMAN: I believe it may have been related to it.
35

MR LLOYD: Was that the response, to just try and physically keep him away from Ms Cox?

MR HOLMAN: I would have assumed that that would have been a response whilst the investigation was ongoing.
40

MR LLOYD: I take it, if you'd passed on information about those serious allegations to the Governor, you'd expect that to be reported?

45 **MR HOLMAN:** Yes. Yes.

MR LLOYD: Could you have a look in your Commission statement at paragraph 30. You tell us some things there about an inmate Sarah Ward?

MR HOLMAN: Yep.

5

MR LLOYD: I just couldn't get the sense from that paragraph about the timing of what you tell us about Sarah Ward.

MR HOLMAN: It's a little bit all over the place. In essence, I believe I had a conversation with Sarah after she had reported to someone else that she had been touched by Mr Astill. And I said, "Sarah, have you reported this up?" And she said, "Yes, I've reported this up to another Chief." Over the years - I - I couldn't recall who she'd reported up to. I now know, by evidence given, who it was. I had good faith that that would have been dealt with.

10
15

MR LLOYD: Did you know what it was, the nature of the allegations?

MR HOLMAN: I - I didn't know it was that he was grabbing her on the bum. I didn't know that. I believed it was just more - I - from my - from my, like, recollection of it, which is not sound, but it was, like, more along the lines of intimidation.

20

MR LLOYD: You didn't think it was sexualised, whatever was going on?

MR HOLMAN: I honestly can't recall, Mr Lloyd, and I'm wondering if I'm not confusing that with what I know now.

25

MR LLOYD: Could I just ask you about paragraph 107. You felt Dillwynia had a good workplace culture; many events with good staff turnout; good working relationships between multidisciplinary teams; Governor Shari Martin, firm, fair and compassionate. Do you see that?

30

MR HOLMAN: Yes.

MR LLOYD: Do you maintain your opinion about her attributes as a Governor?

35

MR HOLMAN: I've heard evidence to the contrary. In - in my mind - I joined this job, as I stated, in 1992. For the first year of my employment, nobody talked to me or we were talked to in a very derisive manner. That was very common in those days. I regarded Shari Martin as an old school Governor who could be brusque, definitely; could swear like a trooper, no doubt about it. But by the same token, I also saw her take up causes for staff, and I definitely thought that she was compassionate about the inmates. That was my opinion. However, if other people had other dealings with her, I - I couldn't state what their dealings were.

40

45

MR LLOYD: Some of the evidence -

COMMISSIONER: Mr Holman, I appreciate managing a gaol is not necessarily an easy -

MR HOLMAN: No.

5

COMMISSIONER: - exercise, but we know in this gaol some very serious crimes were committed -

MR HOLMAN: Yes.

10

COMMISSIONER: - by one of the senior officers.

MR HOLMAN: Yes.

15

COMMISSIONER: And those crimes were committed over a significant period of time.

MR HOLMAN: That's correct.

20

COMMISSIONER: It does raise the question, doesn't it, was the management of the gaol adequate to protect the prisoners?

MR HOLMAN: Well, Commissioner, I was very - to be honest, I was very shocked by the opening statements in this Inquiry. I never followed the court case. I wasn't exactly sure about the amount of offences that he had committed, to be honest, and I was shocked by it and -

25

COMMISSIONER: Well, you may have been, but I'm asking a different question. We know what he's been convicted of doing.

30

MR HOLMAN: Yes.

COMMISSIONER: We know it happened in this gaol, which is a tightly controlled, secure environment.

35

MR HOLMAN: Yep.

COMMISSIONER: But he was able to perpetrate his crimes multiple times over a period of years.

40

MR HOLMAN: That - that's correct.

COMMISSIONER: That doesn't, at first blush anyway, look like a well-managed institution.

45

MR HOLMAN: No, it doesn't look like a well-managed institution when you - when you take it in those terms. That's -

COMMISSIONER: Well then, given your seniority and experience, what do you think went wrong?

5 **MR HOLMAN:** From my experience, I felt like it went wrong once it got outside
of the centre. Because I can see that there was information reports that went up to
CIG, and I would have thought that it would have flagged at that level and then
investigations would have started. From my experience, I - I just couldn't see
10 anyone - career officers allowing this to happen. And - and, like, when you look at
it over the timeline, maybe conclusions weren't drawn where they should have
been. And - and I'm not happy about that, that's for certain. All I can say is for my
part, if I knew something was wrong or I was reporting something was wrong or
something was alleged, I would report that up. And I assumed that everyone
would act with the same degree that I was.

15 **COMMISSIONER:** Well, you know the evidence discloses aberrant behaviour
by Mr Astill apart from his sexual offending, doing thing that the rules didn't allow
him to do.

20 **MR HOLMAN:** I'm very sorry, Commissioner. I'm having trouble hearing you.

COMMISSIONER: You know that we have evidence that Mr Astill - Mr Astill's
behaviour in the gaol, apart from the crimes he committed, was aberrant in the
sense that he wasn't following the rules on many occasions.

25 **MR HOLMAN:** Yes, I've heard - I've heard that. In - in my position as a Chief,
our crossover was not - not huge. So we didn't see each other for great portions of
the day. We looked after different areas.

30 **COMMISSIONER:** But other people must have seen and, indeed, we know they
did.

MR HOLMAN: Yes, I - I would imagine that junior officers would have seen
that because they would have been working with him, as opposed to supervisors
35 who would not have been working directly with him.

COMMISSIONER: We've been told by some that one of the inhibitions in this
gaol about reporting aberrant behaviour was fear of retribution.

40 **MR HOLMAN:** Yes, I've heard that. Yes.

COMMISSIONER: Now, is that something that you've seen in action in the
prison system?

45 **MR HOLMAN:** I - I - I'm a 31-year veteran, and I - I had no fear of reporting.

COMMISSIONER: No, I'm not asking whether you had fear; I'm asking about others. It's plain.

5 **MR HOLMAN:** Yeah, I - I - I - yeah. Commissioner, I couldn't speak for other people. I - I can - I can see how that may have happened. I can see how - like, as people say, he was - he was a big man, but I'm not small either. And I had - I don't think I would be intimidated by him. So I think he was very selective in the way he acted in front of people.

10 **COMMISSIONER:** And I appreciate there will be difficulties in managing inmates, but you've heard how some inmates also feared retribution -

MR HOLMAN: Yes.

15 **COMMISSIONER:** - if they complained about what was happening.

MR HOLMAN: Yes. Yes. But still they - some did come to us, which was good.

20 **COMMISSIONER:** Some did.

MR HOLMAN: Yes.

COMMISSIONER: But others didn't.

25 **MR HOLMAN:** Yes, unfortunately they didn't.

COMMISSIONER: Yes. Well - and one of the fears of retribution is that they would be moved to another gaol where they didn't particularly want to go.

30 **MR HOLMAN:** I - I don't know how he would have had control - I mean, he obviously had them manipulated into believing that.

35 **COMMISSIONER:** Well, didn't he have a capacity to report in a way that would end up with an inmate being moved?

MR HOLMAN: He did work - he did work with classification, but you would need to have a reason to - to move that inmate.

40 **COMMISSIONER:** Not hard to make one up when you're -

MR HOLMAN: I - I suppose it's not, Commissioner, no.

COMMISSIONER: No.

45 **MR HOLMAN:** No. It's a very sad - it's a very sad state of affairs.

COMMISSIONER: Well, what should be done about it? What do you think needs to change?

5 **MR HOLMAN:** In my point of view, we need independent bodies, not just for - in far as complaints and grievances for staff. There need to be impartial people. There need to be groups working within the Department, that if you contact them, if you have a grievance against someone, they can come and see you. So, for example, no one has to worry about who's friends with who or - you know, because in every gaol, especially regional gaols, there's a lot of close
10 relationships where people live in small communities.

This - I recently got asked to go down to another centre, which I won't - I won't name because the investigation may be ongoing, to investigate staff over a multitude of interpersonal issues in that centre. And I was sent there because I
15 was impartial and unbiased. However, I still knew or knew of names of a few of those people, even though they were in a centre hundreds of kilometres away from where I work.

20 But I believe there was a body that was independent of the - of the Department or attached to it, such as the Police Corrections Unit, that they could go and investigate these things impartially and - and staff would have confidence that they were being heard by someone who was unbiased. I honestly think that would be a - a good solution, and that could work for inmates as well.

25 **MR LLOYD:** In terms of independence - I mean, you obviously know from your rich experience in Corrective Services, police functions to investigate crimes.

MR HOLMAN: Yes, that's correct.

30 **MR LLOYD:** You have here multiple senior officers knowing about allegations that there have been crimes committed by Astill.

MR HOLMAN: Yes.

35 **MR LLOYD:** Matters for the police?

MR HOLMAN: Well, they were alleged. I have no reason to disbelieve them.

40 **MR LLOYD:** The allegations are matters for the police.

MR HOLMAN: Yes, they are. So with - with Corrective Services, we have a police unit attached specifically to us. So -

45 **MR LLOYD:** The CSIU?

MR HOLMAN: That's correct.

MR LLOYD: And so, really, my question following from some things the Commissioner asked you - I think you said it would be good to have someone independent to be available to field complaints about - including about officers?

5 **MR HOLMAN:** Yes.

MR LLOYD: One option is obviously for those complaints to be assessed by a group which includes members of the police force. Do you agree?

10 **MR HOLMAN:** Yes.

MR LLOYD: I'm not saying that's the only option, but that's one.

15 **MR HOLMAN:** No, no. But I believe someone with investigative experience would be good.

MR LLOYD: When you see a crime on the street, you might ring triple O to call the police?

20 **MR HOLMAN:** Definitely, yes.

MR LLOYD: You've got a hierarchical structure here where all these senior officers are told allegations about crimes. You don't call the police; you report up the chain?

25 **MR HOLMAN:** I understand where you're going with this, Mr Lloyd. So we - we know that the way to report any staff misconduct - if it's a serious incident, we do not report it to the - like, the local police station. That goes through the police attached to our Department because they have a greater knowledge of our
30 Department's procedures. If there was an inmate-on-inmate assault, that would go to an external police station.

MR LLOYD: You'd ring the local police station -

35 **MR HOLMAN:** Yes.

MR LLOYD: - for an inmate committing a crime while in gaol?

40 **MR HOLMAN:** An inmate committing a crime on another inmate or an allegation - if there was a fight between two inmates, the first thing we do is say, and once we have sorted them out, get them medically assessed, "Do you want any police action?" And if they do, then we contact - well, we contact the police station regardless and we just say we will get a signature off the inmates for a police indemnity form, whether they do or do not want police action. We also
45 include an incident form with that. That is then faxed off to the police or scanned and sent to them by email. And we get an event number back on that. As far as any staff issues, that is handled by the police attached to Investigations Unit.

MR LLOYD: Is what you're saying in your opinion if there's allegations of criminal conduct by an officer, that it should come to the attention of that unit within Professional Standards which contains the police?

5

MR HOLMAN: If - if it is allegation against an officer against an inmate, yes.

COMMISSIONER: Does a junior officer have a right to go directly to that body?

10 **MR HOLMAN:** They can make the SIU report, which I found out about in 2018. They could - they could. Directly to them, Commissioner, I'm not sure. I'm not sure. I - I probably wouldn't know how to do that, I would just have to make phone calls and fumble around to work that out.

15 **COMMISSIONER:** And you are a senior officer. What happens for the junior officer?

MR HOLMAN: That's correct.

20 **COMMISSIONER:** What do they do?

MR HOLMAN: They report it up to us, unfortunately. And we can see how things may have fallen down there.

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

COMMISSIONER: Yes, Mr Sheller.

30 **MR SHELLER:** Sorry, your Honour - sorry, Commissioner, I note the time are we going through until we finish?

COMMISSIONER: Unless you are going to be a lengthy period of time, yes we are.

35 **<EXAMINATION BY MR SHELLER:**

MR SHELLER: Mr Holman, my name is James Sheller. I'm one of the legal representatives for Corrective Services. I just want to ask you about the - I will tell you something first. Witness M has given evidence before the Commission; do
40 you understand that?

MR HOLMAN: Yes.

45 **MR SHELLER:** And do you understand that part of her evidence is to the effect that she was never asked by anyone at Corrective Services about what Astill had done to her?

MR HOLMAN: I know now, yep.

5 **MR SHELLER:** I take it you would say that that statement by Witness M that no one asked her about what Astill had done to her, that is no one from Corrective Services, that is wrong?

MR HOLMAN: That was - I believe that was the statement I had - I don't recall everything she said in detail.

10 **MR SHELLER:** If you would just go to your statement, please.

MR HOLMAN: Yep.

15 **MR SHELLER:** I'm sorry, I don't have the tab markings but if you go to the document which is the first document behind your statement.

MR HOLMAN: Yep, incident report from 20 July?

20 **MR SHELLER:** Yes.

MR HOLMAN: Yep.

25 **MR SHELLER:** Can I just understand: this document was recovered from a USB stick, is that right?

MR HOLMAN: That's right.

MR SHELLER: That was kept at your residence; is that right?

30 **MR HOLMAN:** Yes, I actually think that was also attached to the IR report.

35 **MR SHELLER:** Well, just having a look at the incident report, the first document attached to your statement, you will see there's something has happened - it has got a date of 2 November 2023 on it?

MR HOLMAN: My dates are terrible there. I - I can only imagine that I've used the format - the - there's a template and I've mucked around the dates. I apologise for that. There is a few of my reports that are like that.

40 **MR SHELLER:** So when you recovered this document from the USB stick, onto your - sorry, I withdraw that. Did you recover this document from your USB stick onto a computer?

45 **MR HOLMAN:** Yes, but I'm happy to have that - I still have that USB, I'm happy to have that forensically examined.

MR SHELLER: Well, is it right that once you recovered the document you've opened it as a Word document?

MR HOLMAN: I may have.

5

MR SHELLER: Once you had opened it, if that's what you did, did you edit it at all?

MR HOLMAN: No.

10

MR SHELLER: How come there's a date of 2 November 2023 on this document; can you explain that, Mr Holman?

MR HOLMAN: It's because I've inaccurately dated the document.

15

MR SHELLER: That seems to suggest that you've been editing the document; is that right?

MR HOLMAN: No.

20

COMMISSIONER: I'm not sure. I had assumed that was the date upon which it was retrieved. I guess I see that as an entirely innocent thing.

MR SHELLER: If the Commission please. If you go over to the second page of this document -

25

MR HOLMAN: Yep.

MR SHELLER: - you will see there's reference to a copy of the letter being obtained from Witness R and submitted with this report?

30

MR HOLMAN: Yeah.

MR SHELLER: Do you have any recollection as to whether this letter from Witness R was also on your USB stick?

35

MR HOLMAN: No. No, I never saw any letter.

MR SHELLER: But you remember seeing the letter at the time, I take it?

40

MR HOLMAN: I - I believe this - no, I - I can't recall any letter. I have no reason to disbelieve it because I've written in my report that there was a letter.

MR SHELLER: Right.

45

MR HOLMAN: I - I wouldn't have taken a copy of the letter and put on the USB. I would have used - I would have used, like, Word to create the document and

then move it over to an incident report, trying to get my spelling and grammar correct. Obviously, not my dates.

5 **MR SHELLER:** Within that paragraph you make reference to being told by Witness R that Witness M was going to contact - sorry, she had correspondence that Witness M was going to contact Witness M's mother?

MR HOLMAN: That's correct.

10 **MR SHELLER:** And also that legal advice would be sought?

MR HOLMAN: Yes.

15 **MR SHELLER:** Then in the next paragraph you say:

"Witness V stated that Witness M did not want to take the matter any further."

20 Do you recall that being said?

MR HOLMAN: I can't recall that being said, unfortunately. Like, I have - I have a recollection of that meeting but I can't entirely remember it. I've no reason to doubt that that's what was said.

25 **MR SHELLER:** All right. Then if you go forward to the intelligence report involving Witness M.

MR HOLMAN: Yes.

30 **MR SHELLER:** It has - there's various page numbers on this document. If you go to the, up to the top right-hand corner, I'm looking at the reference which ends 116_0003 which is -

35 **MR HOLMAN:** Okay, so we go to page 3.

MR SHELLER: Now, at the time you were preparing your statement for the Commission, did you have access to this document?

40 **MR HOLMAN:** No.

MR SHELLER: When did you first see this document?

MR HOLMAN: I only saw page 2.

45 **MR SHELLER:** And when did you see that?

MR HOLMAN: I believe I contacted the detective senior constable regarding that, because in my statement it was stated that she had shown me this document, and I actually rang her and said, "I never saw that document" and she then sent me that document so I could review it. And that actually helped refresh my memory to some degree, not greatly but some.

MR SELLER: So what's on page 3, are you effectively looking at that for the first time now?

MR HOLMAN: Yes.

MR SELLER: There's a heading Local Analysis that you will see about a third of the way down the page. Then if you go down to the third paragraph under that heading you will see a reference to Witness M?

MR HOLMAN: Yes.

MR SELLER: And it being stated:

"Could not be interviewed regarding this matter."

Do you see that?

MR HOLMAN: Yes.

MR SELLER: You're the person responsible for that information, that is Witness M could not be interviewed; do you agree?

MR HOLMAN: No.

MR SELLER: Well, you were asked, as I understood your evidence, by the Governor -

MR HOLMAN: Yes.

MR SELLER: - to make contact with Witness M, is that -

MR HOLMAN: Yes.

MR SELLER: And what did she say to you, the Governor, if you can remember?

MR HOLMAN: I can't recall exactly, but it would have been along the lines of, "Contact there and see what's going on, if she can recall anything." It would have been along the lines of not giving them information, just -

MR SELLER: Not giving out information?

MR HOLMAN: No, not regarding the allegation.

MR SHELLER: All right.

5

MR HOLMAN: But I don't believe I received any real support from Silverwater Women's when I rang there.

10 **MR SHELLER:** Well, was this the first time, in your recollection, given your vast experience, that a Governor had asked you to ring another prison to ask for information about a prisoner at that prison?

MR HOLMAN: Sorry, could you please rephrase that - or repeat?

15 **MR SHELLER:** Do you recall before ringing Silverwater any other occasion on which a Governor had asked you to contact another facility to speak to an inmate of that facility about an incident?

MR HOLMAN: About a serious incident or just an incident?

20

MR SHELLER: A serious incident.

MR HOLMAN: Not a serious incident, no.

25 **MR SHELLER:** And did the Governor tell you what questions to ask of Witness M?

MR HOLMAN: I can't exactly recall.

30 **MR SHELLER:** Did you understand that you were to ask her questions about -

MR HOLMAN: It would have been along the lines of, "Was there any issues at Dillwynia for you?"

35 **MR SHELLER:** So is this right: You didn't understand from the Governor that you were meant to be conducting an interview of the witness about the incident?

MR HOLMAN: No, not an interview; just information.

40 **MR SHELLER:** Now, we heard some evidence yesterday from Mr Paddison that he had been involved at some point in time in trying to make contact with Witness M. Do you recall that?

MR HOLMAN: I recall that was said yesterday, yes.

45

MR SHELLER: And do you recall that Mr Paddison then passed on that role to you because he was heading off to Mary Wade?

MR HOLMAN: He may have.

MR SHELLER: Who did you speak to at Silverwater?

5

MR HOLMAN: I honestly can't recall.

MR SHELLER: If you just go back to your statement to the Commission, paragraph 72 at the bottom of page 18. Sorry, it's page 13. I'm sorry, my eyes. Page 13.

10

MR HOLMAN: Yes.

MR SHELLER: In this paragraph, you say that - you talk about the incident report. And then in the third line, you say:

15

"It would be around that time that I reached out to another gaol where Witness M was now housed."

MR HOLMAN: Yes.

20

MR SHELLER: And you say:

"My recollection is after completing my inquiries for facts about Witness M, I handed the report to MoS or Governor."

25

MR HOLMAN: Yes.

MR SHELLER: You don't say in that paragraph anything about not being able to speak to Witness M, do you see?

30

MR HOLMAN: No, but I can only imagine that my report to the Governor, which would have been verbal - this was, like, going back a long time ago.

MR SHELLER: I appreciate that.

35

MR HOLMAN: Yeah. There would have been - no, they - they didn't have nothing to say or they weren't very helpful. I would have tried, Mr Sheller.

MR SHELLER: Well, I'm trying to understand whether you did and what effort you made, Mr Holman. Who did you speak to at the gaol?

40

MR HOLMAN: I honestly can't recall. I honestly can't - I wish I could. It would be very handy for me now, but I honestly can't recall.

45

MR SELLER: You understand that - at least now that the failure to get any information from Witness M may have played a role in this exercise grinding to a halt?

5 **MR HOLMAN:** Given the fact that there was an IR going to CIG, I - I - and they're actual trained investigators, I - I can't see how that would have stopped it.

MR SELLER: You say that you only gave an oral report to the Governor about -

10

MR HOLMAN: I've just said I report - I - I handed the report to the MoS or Governor.

MR SELLER: Yes. And that - so the report you're referring to in paragraph 71 is a written document, is it?

15

MR HOLMAN: Yes.

MR SELLER: And is that one of the documents that would be on your USB stick?

20

MR HOLMAN: No, the - the only - the only two I could find were the ones that I've submitted.

25 **MR SELLER:** And do you say that the written report would have said something about your attempts to speak to Witness M -

MR HOLMAN: I believe that would have been an oral report, Mr Sheller.

30 **MR SELLER:** I'm just trying to understand, Mr Holman. You seem to be suggesting there's two reports. There's a written report to the Governor about - that you refer to in paragraph 72, and you're now saying there's an oral report.

MR HOLMAN: The oral report would have been about, "Nothing from Witness M."

35

MR SELLER: And what did you say to the Governor about nothing?

MR HOLMAN: Can't accurately recall, but I would - I would -

40

MR SELLER: Did you say, "I never got to speak to her?"

MR HOLMAN: Yes, along those lines. I don't believe I received - I - I - I can actually remember ringing back Silverwater Women's because I hadn't heard anything.

45

MR SHELLER: So is this the version now, is it, Mr Holman: that you've made a call and, what, left a message for Witness M?

5 **MR HOLMAN:** No, I spoke to someone. I spoke to someone and said, "Can you" - I'm trying to recall to the best of my - my memory. I really am, Mr Sheller.

MR SHELLER: Mr Holman, you'd accept that this inability to communicate with Witness M was a critical element of this process?

10 **MR HOLMAN:** No, I don't accept that.

MR SHELLER: And that while you've been able to produce the intelligence report which you've attached to the statement about the discussions with Witness R and V -

15 **MR HOLMAN:** I didn't attach the intelligence report. That was from the Intel Officer - or that was from - that was given to me.

20 **MR SHELLER:** While you prepared - while you've attached to your statement the very detailed incident reports of 20 July and 24 July, with all their detail -

MR HOLMAN: And then why not - why not attach that?

25 **MR SHELLER:** - there's no written document of the type referred to in paragraph 71 to the Governor attached, is there?

MR HOLMAN: Yeah, I'm confused by that myself.

30 **MR SHELLER:** And there's no written document addressing what attempts you made to speak to Witness M at Silverwater?

MR HOLMAN: No.

35 **MR SHELLER:** And what the outcome of that was?

MR HOLMAN: No. And I wish that had been documented. I did go back through my emails. I searched desperately. I was very hopeful that I would find something, and I was almost certain it was in email format. But I couldn't find anything.

40 **MR SHELLER:** And as you give your evidence today, your actual dealings with Silverwater are, what, unclear?

MR HOLMAN: I would say they're unclear to - yeah, I would say they're unclear.

45 **MR SHELLER:** And is this your best recollection: that someone at Silverwater, whom you can't identify, passed on a message to you that Witness M didn't want to help?

MR HOLMAN: I - I recontacted them, and they said, "No, she's got no issues with Dillwynia." And I really wish I could recall who it was. I wish I kept an email. Unfortunately, I don't have that information.

5

MR SELLER: Is this right: That if what was said to you was something along the lines of, "Witness M had no issues with Dillwynia", all that - the only message that you'd ever attempted to get to Witness M at Silverwater was whether she had issues at Dillwynia?

10

MR HOLMAN: Well, the allegation was from Dillwynia.

MR SELLER: Right. But it doesn't sound like anything was said to you or anyone at Silverwater about any concerns that Witness M had with Mr Astill?

15

MR HOLMAN: I wouldn't - I wouldn't relay that to the other centre.

MR SELLER: So all that you think you might have said to someone at Silverwater was, "Could a message be gotten to Witness M to see whether she had any issues at Dillwynia?" Is that right?

20

MR HOLMAN: Yes. Perhaps along those lines, yes. It does sound quite vague, but - I mean, I imagine that she would remember something significant like that.

25

MR SELLER: Those are my questions. Thank you.

COMMISSIONER: Anybody else - anyone else have any questions? No. Mr Lloyd.

30

MR LLOYD: No, Commissioner.

COMMISSIONER: Yes. Thank you, sir. That concludes your evidence. You're excused.

35

MR HOLMAN: Thank you, Commissioner.

<THE WITNESS WAS RELEASED

COMMISSIONER: Where do we go from there, Mr Lloyd?

40

MR LLOYD: Commissioner, there are no further witnesses today and I think, as you know, it's not possible to sit on Monday.

COMMISSIONER: No.

45

MR LLOYD: And so could I invite you to adjourn until 10 o'clock on Tuesday.

COMMISSIONER: 10 o'clock on Tuesday. Does everyone know that we won't be able to sit on Thursday next week too?

MR SELLER: Yes. Thank you.

5

COMMISSIONER: Very well. 10 o'clock on Tuesday.

<THE HEARING ADJOURNED AT 1.29 PM TO TUESDAY, 7 NOVEMBER 2023 AT 10.00 AM