



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

**PUBLIC HEARING
SYDNEY**

**TUESDAY, 7 NOVEMBER 2023
AT 10:00 AM**

DAY 17

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 A. GUY appears for a group of correctional officers
MR C. WATSON appears for two correctional officers
MR H. WHITE appears for a correctional officer
MS L. DOUST appears for a correctional officer**

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<THE HEARING RESUMED AT 9.59 AM

COMMISSIONER: Yes, Mr Lloyd.

5 **MR LLOYD:** Thank you, Commissioner. If it's convenient, we can go straight to the first witness, who is Deborah Wilson. It's proposed, Commissioner, to take Ms Wilson's evidence by audiovisual link. The link has been tested, and I'm told it's working well.

10 **COMMISSIONER:** Very well.

MR LLOYD: So I call Deborah Wilson.

15 **MS DOUST:** Before you do that, Commissioner, I wonder - sorry, I just wanted to quickly mention my appearance. My name is Ms Doust. That's D-o-u-s-t for the record. I appear for Mr Hariharan. That's H-a-r-i-h-a-r-a-n. I think you granted leave, Commissioner, last Friday in chambers -

20 **COMMISSIONER:** Very well.

MS DOUST: - and I just wanted to announce my appearance.

COMMISSIONER: Thank you.

25 **MR WHITE:** Commissioner, may I announce my appearance? My name is White, and I'm seeking leave with Mr Harris, solicitor, to appear on behalf of the witness who's about to be called, Ms Wilson. Can I indicate this, Commissioner: that we have only just come into the matter yesterday. My knowledge of the
30 matter is somewhat limited. We had a conference last night. Ideally, we would prefer if the witness' evidence was deferred, but we understand the pressures that the Commission is under in terms of proceeding with witnesses. It may well be a situation in due course that I may be asking, Commissioner, to allow her to return to adduce further evidence if that situation arises.

35 **COMMISSIONER:** Well, let's see where we get to.

MR WHITE: Yes.

40 **COMMISSIONER:** But you have leave.

MR WHITE: Yes. Thank you, Commissioner.

COMMISSIONER: Very well. Thank you. Yes, Mr Lloyd.

45 **MR LLOYD:** Commissioner, I'll just wait for the link to be established. In the meantime, Commissioner, Ms Wilson's statement is Tab 83 in volume 8. Ms Wilson, can you hear me?

MS D. WILSON: Yes, I can.

MR LLOYD: And see me?

5

MS D. WILSON: No, I can't see you.

MR LLOYD: I see. It might not be a bad thing, but we'll see if we can get that sorted out. Is it any different now?

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MS D. WILSON: No, no different.

MR LLOYD: This isn't really my area of expertise, but have you got the camera on your device enabled?

15

MS D. WILSON: On my device? Yes. Yes.

MR LLOYD: Just pardon me, Ms Wilson. I'm told that if you swipe right, that might deal with it.

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MS D. WILSON: No.

MR LLOYD: Commissioner, is it convenient for the IT operator to speak to the witness?

25

COMMISSIONER: Yes. Sure.

MR LLOYD: So you can see me now, Ms Wilson?

30

MS D. WILSON: Yes, I can.

MR LLOYD: Could I ask you - it's necessary to make a promise to tell the truth. You can do that by an affirmation or on the Bible.

35

MS D. WILSON: Affirmation.

<DEBORAH WILSON, AFFIRMED

<EXAMINATION BY MR LLOYD:

40

MR LLOYD: Could you tell us your name?

MS D. WILSON: Deborah Gai Wilson.

45

MR LLOYD: And your address is known to the Commission. You made a statement to the Commission, and it's dated 4 October 2023?

MS D. WILSON: Yes.

MR LLOYD: And in that statement, you're telling the truth to the best of your knowledge?

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MS D. WILSON: Yes.

MR LLOYD: As I said, Commissioner, it's Tab 83 in volume 8, and I tender that statement.

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COMMISSIONER: It will become, I think, Exhibit 29.

<EXHIBIT 29 TENDERED AND MARKED

15 **MR WHITE:** Just for the record, Commissioner, I don't have that statement.

COMMISSIONER: Well, you should.

20 **MR LLOYD:** We'll have that - perhaps before I start asking questions, we'll get a copy. Just while that's happening, Ms Wilson, can I just ask you: have you got a copy of your statement there with you?

MS D. WILSON: My statement? No, I don't.

25 **MR LLOYD:** We can deal with that. Can I ask you: do you have access on a different device to a PDF document?

MS D. WILSON: Yes. Yes.

30 **MR LLOYD:** And I'll just ask you, Ms Wilson - because it will save trouble later - that PDF, have you got tabs there in it that you can navigate?

MS D. WILSON: Yes, I have.

35 **MR LLOYD:** We'll come to that shortly. I'll just ask you about some things in your Commission statement, acknowledging you don't have it in front of you, but I'll just remind you where we go. If it's a problem and you need to have it in front of you, just tell me and we can have that sorted out.

40 **MS D. WILSON:** Okay. Thanks.

MR LLOYD: In paragraph 5 of your Commission statement, you tell us that you first started with Corrective Services in 1988?

45 **MS D. WILSON:** Yes, I did.

MR LLOYD: That was on the switchboard at Parklea?

MS D. WILSON: Correct.

5 **MR LLOYD:** What was your actual job? What do you mean by "on the switchboard"?

MS D. WILSON: As in, the telephone. I - I wasn't a custodial officer at that time.

10 **MR LLOYD:** So that was a civilian position, answering the telephones?

MS D. WILSON: Correct.

MR LLOYD: You then worked as a record clerk at Parklea until 1996?

15 **MS D. WILSON:** Yes. Correct.

MR LLOYD: Was that also a civilian position?

20 **MS D. WILSON:** Yes, it was.

MR LLOYD: In the end of nineteen - I withdraw that. You transferred to Mulawa?

25 **MS D. WILSON:** I - yeah, I - I applied for a custodial position and went through the academy in May '96 and was posted to Mulawa then.

MR LLOYD: Mulawa was your first job as an officer?

30 **MS D. WILSON:** Correct.

MR LLOYD: And was that starting at the bottom, a First Class Correctional Officer?

35 **MS D. WILSON:** Yes.

MR LLOYD: You then went to Emu Plains and then later to John Morony?

MS D. WILSON: Correct.

40 **MR LLOYD:** Was it at John Morony that you were elevated to a Senior Correctional Officer?

MS D. WILSON: That's correct.

45 **MR LLOYD:** And later an Assistant Superintendent and then later a Chief Correctional Officer at Dillwynia?

MS D. WILSON: Yes, that's correct.

MR LLOYD: You picked up that rank at Dillwynia in about 2004?

5 **MS D. WILSON:** That's correct.

MR LLOYD: And you remained at Dillwynia with that rank until 2018; is that right?

10 **MS D. WILSON:** Correct. Yep.

MR LLOYD: Now, this is in paragraph 7, if you remember. While you were at Dillwynia with that rank, in about September 2009 you took up the role of Intelligence Officer?

15

MS D. WILSON: Yes. Yeah, I can't remember the date exactly - the - the times. But, yes, around that time.

MR LLOYD: And you remained in that position, that is, Intelligence Officer, until you finished at Dillwynia in 2018; correct?

20

MS D. WILSON: That's correct.

MR LLOYD: Just pausing there, Ms Wilson. That role of Intelligence Officer, it's an important one inside a Correctional Centre?

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MS D. WILSON: Yes, it is.

MR LLOYD: You tell us in paragraph 7 that when you took up that role, you weren't required to do any course or training before starting in the position?

30

MS D. WILSON: That's correct. There were no courses available at that time.

COMMISSIONER: Well, how do we know what to do? How did she know what to do?

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MS D. WILSON: Yeah, I just winged it and, yeah, learned it - learned it myself. I was trained by the previous person in there. She did show me quite a lot of things to do in relation to report writing and things like that.

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MR LLOYD: I'm not sure, Ms Wilson, whether you've been following the evidence that this Commission has heard?

MS D. WILSON: Just a bit of it, yes.

45

MR LLOYD: You may or may not have heard me put to multiple other witnesses this question, and now I put it to you. Did you feel, when you started in that role in

'09 with no training and not having done any course, that you were, in effect, left to work it out for yourself, how to fill that role?

MS D. WILSON: That's correct.

5

MR LLOYD: And we'll come to the detail, but there's a range of systems and information that it's necessary to have a good understanding of to do that job properly; is that right?

10 **MS D. WILSON:** Yes. Yes.

MR LLOYD: You had an intelligence information system at your disposal?

15 **MS D. WILSON:** Yes, I did. At that stage, it was just a template. It was a standalone template that we would then do our reports on and fax them across to CIG. So later on, the - the IIS came into being and we used that.

MR LLOYD: I see. When you started, that IIS was not in place?

20 **MS D. WILSON:** That's correct. And there was no - no communication - or you couldn't see any other reports from other centres unless they were sent to you.

MR LLOYD: When did that IIS come in?

25 **MS D. WILSON:** I'm unsure at this stage. It was so long ago. Yeah. Possibly 2015, I think. 2015.

MR LLOYD: And whenever that was - it might have been about 2015, say - were you trained in how to use that system?

30

MS D. WILSON: Yes, we were given a two-day training session on that one.

MR LLOYD: Because that system allowed reports to be submitted to the CIG?

35 **MS D. WILSON:** Correct.

MR LLOYD: You didn't have to fax them off anymore?

40 **MS D. WILSON:** No. No, everything was just done - a submit button, and it would automatically go to CIG.

MR LLOYD: Did you have a good understanding, from when that IIS came in, about the various ways that you could submit reports, ie, to the CSIU or to Professional Standards or to some other person or part of the CIG?

45

MS D. WILSON: I believe there was only two components. One was the CIG and one was to SIU. But it did take a while to navigate through the system.

MR LLOYD: I'll come to the detail in a minute. Did you have an understanding from when the IIS came in about in what circumstances you'd send a report to the SIU and in what circumstances you'd send it to the CIG?

5

MS D. WILSON: In the beginning, I don't think so.

MR LLOYD: Did your understanding change?

10 **MS D. WILSON:** I believe so. I believe, talking to other Intelligence Officers at other centres, they informed me of that particular area.

MR LLOYD: What did they tell you?

15 **MS D. WILSON:** I believe they told me that there's the SIU button you can use and it - a highly confidential one. It's only seen by SIU.

MR LLOYD: And did they tell you when you'd use that function?

20 **MS D. WILSON:** When there was a complaint about staff or something relating to staff members.

MR LLOYD: That kind of complaint would warrant that kind of confidential report to the SIU?

25

MS D. WILSON: Yes.

MR LLOYD: Is that any complaint about staff?

30 **MS D. WILSON:** Not necessarily. It depends on the severity of the complaint.

MR LLOYD: What about if it was an allegation of criminal conduct by a staff member? Would that be one of the occasions for an SIU confidential report?

35 **MS D. WILSON:** Yes, it would be.

MR LLOYD: Who did you understand saw a confidential SIU report?

40 **MS D. WILSON:** Whoever was working in the SIU at the time. I - I'm unsure as to how it worked up there and how many people were in the - in the area.

MR LLOYD: What about people from within the gaol? Did you understand that they saw confidential SIU reports?

45 **MS D. WILSON:** No. No, anything - anything I did in relation to the SIU, once I hit the submit button, it was gone. I - I couldn't get it back. I couldn't alter it. I couldn't do anything.

MR LLOYD: And the Commission has heard some evidence -

MS D. WILSON: It bypassed the Governor - sorry?

5

MR LLOYD: No, you go. You go. You go.

MS D. WILSON: It - it bypassed the Governor and went straight to SIU.

10 **MR LLOYD:** The Commission has heard some evidence for reports of that kind that there was no notification that the report had been received or acted on. Was that your experience?

15 **MS D. WILSON:** Yes, it was. You - yeah, the reports went in, you never heard anything more and you - yeah, that was about it.

MR LLOYD: In paragraph 16 of your statement - I'll just re-read to you a couple of things and then ask you about it - you tell us:

20 "If there was enough information, I would report it through an intelligence report which would be disseminated to the CIG and the Governor and Deputy Governor."

Do you remember saying that?

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MS D. WILSON: Yes, I do.

MR LLOYD: So that would be applicable to just an ordinary CIG report, not the confidential SIU report, you're saying?

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MS D. WILSON: That's correct.

MR LLOYD: You then say:

35 "Corrections Intelligence would work the information and then come back with their findings, whether they thought it was true or untrue."

MS D. WILSON: Correct.

40 **MR LLOYD:** Does that statement in paragraph 16 of your statement to the Commission - that reflects ordinary CIG reports, that is, you would be told of the findings of the CIG?

MS D. WILSON: Correct.

45

MR LLOYD: Is it right that from what you've told us, though, that for a confidential SIU report, you would not be told of the findings?

MS D. WILSON: That's correct. I heard nothing.

5 **MR LLOYD:** It would go up to the SIU and then your experience was you didn't hear anything more?

MS D. WILSON: That's correct.

10 **MR LLOYD:** Did you ever have an experience where someone from the SIU contacted you for more information about reports that you sent to the SIU?

MS D. WILSON: No, I don't believe so.

15 **MR LLOYD:** We'll come to some of the reports that you sent up shortly, Ms Wilson, but can I just ask you this now: Did you find that surprising?

MS D. WILSON: Yes, I did. In the end, we were sort of waiting for something to happen and nothing ever came.

20 **MR LLOYD:** In paragraph 27 of your statement - I'll just remind you of something you said:

25 "An intelligence report is information that has been given to me that I then re-work and discover the probabilities of how likely the information is."

Do you remember saying that?

MS D. WILSON: Yes.

30 **MR LLOYD:** What did you understand to be your role in conducting investigations into the truthfulness of information that came to you before sending it up in an intelligence report?

35 **MS D. WILSON:** Sorry, can you repeat that one?

MR LLOYD: Certainly. What did you understand to be your role in conducting an investigation into the truthfulness of allegations that came to you before you sent them up in the form of an intelligence report?

40 **MS D. WILSON:** I - I would see if there was any other information available in the time that I had. And the main thing was to report it up and hoping - if it was in relation to an officer, just hoping that it would be picked up at the other end and then investigated from their end.

45 **MR LLOYD:** But do we take it from that that your function, as you understood it, was to gather information and then send it up?

MS D. WILSON: That's correct.

5 **MR LLOYD:** Your function as - I want you to address this if you can. It was your understanding of your function was that it was not to conduct your own investigation inside the gaol into whether the information was true or not?

MS D. WILSON: I believe so, yes.

10 **MR LLOYD:** That is -

MS D. WILSON: I would gather further information and, at times, interview inmates. But as far as investigating the situation as an officer, no, I would send it up.

15 **MR LLOYD:** That investigation into whether the allegations were true or not was a matter for the SIU. Is that what you're saying?

MS D. WILSON: Yes, as I believed it.

20 **MR LLOYD:** And if there were -

COMMISSIONER: Can I just understand: Who gave you instructions to operate in that way?

25 **MS D. WILSON:** No one. I wasn't given -

COMMISSIONER: You just decided to operate in that way yourself, did you?

30 **MS D. WILSON:** Yes.

COMMISSIONER: If all that you were doing was reporting what you heard, then it was likely, wasn't it, that a lot of information that might have been available, if investigated, did not reach you?

35 **MS D. WILSON:** Yes.

COMMISSIONER: Did that ever cause you concern when you were carrying out your job as an Intelligence Officer?

40 **MS D. WILSON:** Yes, it did. Certain information I couldn't get and, yeah, it was frustrating at times.

COMMISSIONER: Did you ever raise that issue with anyone superior to you?

45 **MS D. WILSON:** I think I may have spoken to the Governor about it at the time, but I can't recall.

COMMISSIONER: How long were you in the position of an Intelligence Officer?

5 **MS D. WILSON:** I believe nine years.

COMMISSIONER: Nine years? And during that time, all you ever did was report what you happened to hear; is that right?

10 **MS D. WILSON:** That's correct. I - I would investigate some things - some matters. But - yeah.

COMMISSIONER: What matters would you investigate?

15 **MS D. WILSON:** Drugs coming into the gaol, things like that. But allegations against staff members, I - I don't believe was my role investigating. It was reporting up.

20 **COMMISSIONER:** So you thought you might have authority to investigate the activities of inmates but not of officers; is that right?

MS D. WILSON: That's correct.

COMMISSIONER: And, again, where did you get that understanding from?

25 **MS D. WILSON:** I - I - I think, yeah - just through - through working on my own and - just - yeah, I can't answer that.

30 **MR LLOYD:** Ms Wilson, in relation to working on your own and, relatedly, what information you were given about what you were doing, it's right, isn't it, that in the period that you were the Intelligence Officer, were you the only person full-time in that role?

MS D. WILSON: That's correct.

35 **MR LLOYD:** When you were away, there was a kind of rotational system where your position would be filled on a temporary basis by a variety of other officers; correct?

40 **MS D. WILSON:** Occasionally. Originally, it was a five-in-seven post. It was very rarely filled when I was off or away. And then it went to a seven-in-seven day post, and it was filled a bit more regularly then.

MR LLOYD: But to the extent that the position was filled when you were away, that was filled by other officers on a kind of rotational basis?

45

MS D. WILSON: Only accredited Intelligence Officers.

MR LLOYD: They had to be accredited, but they included people like Pam Kellett and, from time to time, Wayne Astill?

MS D. WILSON: That's correct.

5

MR LLOYD: Wayne Astill filled that role from time to time; that's right, isn't it?

MS D. WILSON: Yes, that's correct.

10 **MR LLOYD:** Only after he became accredited, though?

MS D. WILSON: Yeah, after he was - yeah, done - did the Intelligence Officer's course.

15 **MR LLOYD:** Him doing that role part-time, did that cause a problem when reports started to be received by you about him?

MS D. WILSON: Yes, it did. It created massive problems. I went to the Deputy Governor at the time and asked for him to be taken out, and I also approached the
20 Governor a couple of times and asked for him to be taken out of the intel capacity.

MR LLOYD: Which Deputy Governor are you talking about?

MS D. WILSON: Leanne O'Toole.

25

MR LLOYD: And are you talking there about Shari Martin when you refer to the Governor?

MS D. WILSON: Yes. Yep.

30

MR LLOYD: What response did you receive from those requests that he be taken out of the role?

MS D. WILSON: That they'll look into it.

35

MR LLOYD: To your knowledge, was it looked into?

MS D. WILSON: I - I'm unaware. I can't say. But he wasn't removed.

40 **MR LLOYD:** So whatever the looking into it, it didn't result in any change in his status?

MS D. WILSON: No, it didn't.

45 **MR LLOYD:** I just want to return to something you said to the Commissioner in answer to some questions that he asked you a short while ago. Your understanding of your role was that if information in the form of allegations of misconduct by an

officer came to your attention, it was your role to just pass that information up to the SIU. That's what I understood you to say. Is that correct?

5 **MS D. WILSON:** Yes. Yes.

MR LLOYD: You weren't trained in conducting investigations to get to the bottom of the truthfulness of allegations?

10 **MS D. WILSON:** That's correct. There was no - no training in investigations at all. It was mainly focused on gathering information and doing the reports - how to write reports.

MR LLOYD: And the nature of intelligence that might come to your attention would often be information that was short of direct allegations. Do you agree?
15

MS D. WILSON: Yes.

MR LLOYD: And the fact that there were serious allegations, even if they weren't coming straight from the horse's mouth, if you like, that was nonetheless important intelligence to be passed up. Do you agree?
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MS D. WILSON: That's correct.

MR LLOYD: Could I ask you to access that PDF I asked you about at the start and go, first, to a document - I'll just see how it's labelled in yours. Volume 8, Tab 80.
25

MS D. WILSON: 80. Yes.

30 **MR LLOYD:** Have you got it just by reference to tab numbers?

MS D. WILSON: Yeah, Tab 80.

MR LLOYD: Do you see the document, to make sure we're looking at the same thing, is headed Incident Report?
35

MS D. WILSON: No.

MR LLOYD: What have you got in front of you?
40

MS D. WILSON: A Commission statement by Neil Holman.

MR LLOYD: Let me just try and deal with it this way. Do you remember an incident report prepared by Neil Holman sometime around 9 March 2016 about some things in relation to Witness C? You might need to look at the pseudonym list.
45

MS D. WILSON: I don't recall the report.

5 **MR LLOYD:** Could I ask you this: If you assume from me that if there was an incident report prepared by Neil Holman which recorded information in the nature of rumours that Witness C was performing oral sex on officers, is that the kind of report that ought to have come to your attention in your capacity as Intel Officer?

MS D. WILSON: I would expect it to, yes.

10 **MR LLOYD:** And if it had come to your attention, is that the kind of report that you would have passed up in the form of an intelligence report to the SIU?

MS D. WILSON: Definitely, yes.

15 **MR LLOYD:** And that's because an allegation of that kind of sexual conduct of that nature between an inmate and officers was serious and needed to be investigated?

20 **MS D. WILSON:** That's correct.

MR LLOYD: And if anyone in senior management at the gaol received a report of that kind and didn't pass it on to you and pass it up to the SIU in the form of an intelligence report, do you agree that that would be a serious failure?

25 **MS D. WILSON:** No. They - well - yes, it would be a failure. Sorry. Yes.

MR LLOYD: Could I ask you next to just see if you can help us with this. Do you remember there being rumours throughout the year 2016 about an inappropriate relationship between Astill and Witness C?
30

MS D. WILSON: Yes, there was rumours. I do remember that.

MR LLOYD: Can you tell us what you heard?

35 **MS D. WILSON:** That he was just - they were just too friendly in the way they were behaving towards each other. Like, too - too close for comfort. It's - yeah.

MR LLOYD: In paragraph 85 of your Commission statement - I'll just remind you of some things that you said, that in terms of any relationship between Astill and any inmate that was intimate or sexual, you say:
40

"I was never aware of anything sexual. A few reports that came to me that I worked, I couldn't substantiate the information, so I worked it and it went up to the SIU."
45

Do you remember saying that?

MS D. WILSON: Yes.

MR LLOYD:

5 "All reports of relevance were sent on, and those reports were stored in a safe in the Governor's office and so Astill had no access to them."

MS D. WILSON: Correct. Yes.

10 **MR LLOYD:** Can you just tell us a bit more about what was physically stored in Shari Martin's office?

MS D. WILSON: There - any report relating to Astill and his behaviour were - I stored in Shari's safe as I felt they were unsafe to store in the intel office.

15

MR LLOYD: Do you mean reports - we're not talking about intelligence reports. These are reports filled out by officers at Dillwynia about conduct or misconduct by Astill?

20 **MS D. WILSON:** That's correct, yeah.

MR LLOYD: That is, you're describing documents handed to you from time to time by officers making allegations of that kind which were physically stored in that safe?

25

MS D. WILSON: Yes.

MR LLOYD: Are you able to say now how often that came to pass, that is, how many times you received a report from an officer in writing about misconduct by Astill and stored that report in Shari Martin's safe?

30

MS D. WILSON: No, it's too long ago. It would have been at least a dozen, I would say.

MR LLOYD: In terms of the content - let's see if we can get you to help us with your recollection. That number of reports, do you recall that they were all allegations of inappropriate conduct by Astill?

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MS D. WILSON: I don't recall.

40

MR LLOYD: Do you remember whether the conduct disclosed in them was of a sexualised nature?

MS D. WILSON: I don't believe so. The information I was getting during this time was - it was more about Astill's bullying and harassment of inmates.

45

MR LLOYD: What about - I'll just read to you something from 93 in your statement. It came as a shock when you heard the news about Astill's sexual abuse of the inmates, but you'd heard rumours about him bringing things in and doing favours but not anything about sexual behaviour. Do you remember saying that?

5

MS D. WILSON: Yes, I do.

MR LLOYD: Did the reports that you're talking about deal with him bringing contraband into the gaol?

10

MS D. WILSON: Yes, I believe so.

MR LLOYD: You say in 93:

15

"There were one or two reports that had hearsay evidence on it..."

But you couldn't understand why none of the inmates reported it or said anything to anyone that you were aware of. Do you remember saying that?

20

MS D. WILSON: No, I don't, actually.

MR LLOYD: I just read to you something from 93 in your statement, but - and then - I'll help you with this. Those reports with hearsay evidence related to a couple of the South American girls doing sexual favours for him.

25

MS D. WILSON: Right. Yes, I remember that.

MR LLOYD: I just want to understand what you mean by a report with hearsay evidence relating to inmates doing sexual favours for Astill. Can you help us with what you mean by that?

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MS D. WILSON: I believe it came from a third party, and there was no other information at the time to back it up.

35

COMMISSIONER: Well, obviously, one logical step to follow up on that information would be to ask the women whether they made that allegation, wouldn't it?

40

MS D. WILSON: Yes. Looking back, yes. I - I'm unsure whether I did or not. I don't believe I did, but I did report it up.

COMMISSIONER: Well, it's very important. You say you don't remember whether or not you spoke to the women?

45

MS D. WILSON: No, it was a long time ago. Like, it was eight years ago.

COMMISSIONER: But this is a somewhat remarkable allegation of an officer engaging in sexual activity with two inmates, and you don't remember whether you spoke to the inmates?

5 **MS D. WILSON:** I don't recall. I - no, I don't. At the time - inmates -

COMMISSIONER: Well -

10 **MS D. WILSON:** Yeah. Sorry. Inmates sort of wouldn't tell you anyway if you approached them -

COMMISSIONER: Well, you wouldn't know that unless you tried.

15 **MS D. WILSON:** - a lot of the time.

COMMISSIONER: You wouldn't know that unless you tried, would you?

MS D. WILSON: True.

20 **COMMISSIONER:** And you don't remember whether you tried or not?

MS D. WILSON: I can't recall.

25 **COMMISSIONER:** In your statement - Mr Lloyd has taken you to one passage, but there's another - at least one other indication that you received what you referred to as hearsay, alleging that Mr Astill had engaged in sexual activity with inmates. It's plain, isn't it, that you did receive information that Astill had engaged in sexual activity with inmates?

30 **MS D. WILSON:** Well, yes.

COMMISSIONER: Yes.

35 **MS D. WILSON:** Looking back, yeah.

COMMISSIONER: But - well, it's not a question of looking back; it's a question of what happened at the time. You received that information, didn't you?

40 **MS D. WILSON:** That's correct. And I reported it on.

COMMISSIONER: But you otherwise did nothing with it yourself?

MS D. WILSON: I don't believe so.

45 **COMMISSIONER:** And that's because you didn't believe you had authority to pursue those matters? Is that what it was?

MS D. WILSON: I - I didn't have the - the training to investigate, yes. And the authority, I don't - I thought by reporting it up that, you know, they had more powers than I did and they could investigate it further.

5 **COMMISSIONER:** So we have the picture that you have information that Mr Astill was doing favours for inmates; correct?

MS D. WILSON: Correct.

10 **COMMISSIONER:** And those favours included contraband which should not have been in the gaol; correct?

MS D. WILSON: Correct.

15 **COMMISSIONER:** You had information that he'd engaged in sexual activity with inmates; correct?

MS D. WILSON: Correct.

20 **COMMISSIONER:** And you investigated none of those matters?

MS D. WILSON: We did -

COMMISSIONER: Correct?

25

MS D. WILSON: Well, we did set up searches at the gate for Mr Astill, to try and intercept him, but obviously it still got through. So -

30 **COMMISSIONER:** So that was the extent that you responded to that information?

MS D. WILSON: Well, we did conduct further -

COMMISSIONER: He was searched at the gate?

35

MS D. WILSON: We did conduct further searches throughout the centre for the - with the information we had, for contraband, but - yes.

40 **COMMISSIONER:** Did that contraband, to your information, include drugs?

MS D. WILSON: I believe it was more tobacco and jewellery at the time.

COMMISSIONER: But did it include drugs?

45 **MS D. WILSON:** I believe so.

MR LLOYD: Could I ask you, Ms Wilson, in that PDF bundle - hopefully we'll have more success here - try and find Tab 169.

MS D. WILSON: Yep.

5

MR LLOYD: You see that, hopefully, is an intelligence report, IR 16-2783?

MS D. WILSON: Correct.

10 **MR LLOYD:** Now, just - you may know this, but just in fairness, I draw to your attention - if you go to the fourth page at the bottom. I'm not suggesting to you that you're the author of this intelligence report, that it was Ms Kellett.

MS D. WILSON: That's correct.

15

MR LLOYD: But if you look above Local Author, do you see Automatic Dissemination on Submission includes people and number 4 is you?

MS D. WILSON: That's correct.

20

MR LLOYD: And so you've got no doubt that even though you're not the author of this report, you were sent a copy of it?

MS D. WILSON: Correct.

25

MR LLOYD: And do you remember being aware of its contents?

MS D. WILSON: Yes, I would have read -

30

MR LLOYD: If you can't answer that -

MS D. WILSON: Sorry?

MR LLOYD: Sorry, I spoke over you. You're saying you would have read it?

35

MS D. WILSON: I would have read the report when it came back to me, yeah.

40 **MR LLOYD:** Just have a look at the third page under Information. I'll just draw your attention to some features. Do you see that there, in effect, reference is being made to correspondence from one inmate to another former inmate containing allegations that an inmate at Dillwynia was having a fling with one of the male officers and getting him to bring stuff in for her sending mail, special phone calls, you name it? Do you see that?

45

MS D. WILSON: Yes, I do.

MR LLOYD: And do you agree with me that even though Astill's not named, clearly the information in there pointed to him being the person?

5 **MS D. WILSON:** I believe so, yes.

MR LLOYD: Do you agree with me that the allegation here about Astill, so it's described, having a fling - or an inmate having a fling with Astill, was serious information and a serious allegation?

10 **MS D. WILSON:** Yes, I do.

MR LLOYD: And if you look, please - go over to page 5. In the second-last paragraph - this is under a heading at the top of the page, CI Analysis. Do you understand that to be the CIG analysis?

15 **MS D. WILSON:** Yes, yes.

MR LLOYD: The second-last paragraph:

20 "Ms Martin then took the letter to the relevant Regional Commander, Marilyn Wright. Both Ms Wright and Ms Martin spoke to Astill, giving him a warning and a caution."

25 **MS D. WILSON:** Yes.

MR LLOYD: Did you know what he was being warned and cautioned about?

MS D. WILSON: I have no idea. I wasn't there.

30 **MR LLOYD:** Do you - I withdraw that. When you became aware of this report, were you understanding, in effect, that - it resulting in a warning and a caution, that that was telling you that the allegations contained in the letter might be true, that is, Astill was in some sort of intimate or even sexual relationship with an inmate?

35 **MS D. WILSON:** I - I don't believe so. I think it would have been dealt with a lot more harshly if he was, rather than giving him a warning and a caution.

40 **MR LLOYD:** But certainly did - that reference wouldn't have suggested to you that he was denying it, the fact that he was warned and cautioned?

MS D. WILSON: Well, I - I can't - I can't say what he - whether he denied it or not.

45 **MR LLOYD:** But do you have a recollection about whether you formed a view about whether these allegations of some sort of inappropriate relationship were true?

MS D. WILSON: I don't believe I formed a view at that stage, no.

5 **MR LLOYD:** Certainly on its face, though, I think you've agreed with me, a serious allegation?

MS D. WILSON: On its face, yes.

10 **MR LLOYD:** Can I ask you next: Do you remember an inmate Sarah Ward?

MS D. WILSON: Yes, I do.

15 **MR LLOYD:** Do you remember an occasion where she told the Commission in her evidence that she was locked in a small room near the reception desk with Astill and with the door closed and that you were present when they emerged from the room?

MS D. WILSON: Yes, I did watch that.

20 **MR LLOYD:** What did you think was happening?

MS D. WILSON: I have no idea. I - I don't recall the incident. Yeah.

25 **MR LLOYD:** But, you see, she told the Commission in her evidence, Ms Wilson, that there was no reason at all that was proper for Astill and her to be in that room together with the door closed. First, do you agree with that?

MS D. WILSON: Yes, I do, but I - as I said, I may not have seen it. I'm - yeah.

30 **MR LLOYD:** Sorry, I may have misunderstood. You had a recollection of this is what you told us -

35 **MS D. WILSON:** No, I have no recollection. I have no recollection of that incident.

MR LLOYD: You were telling us that you saw her give that evidence?

MR WHITE: I object.

40 **COMMISSIONER:** She said she had no -

MS D. WILSON: Yes. Yes.

45 **MR LLOYD:** Sorry, I'll fix it up. I think I misunderstood your answer. You saw her give the evidence?

MS D. WILSON: Yes, I did.

MR LLOYD: But you have no memory of the event?

MS D. WILSON: That's correct.

5

MR LLOYD: Could I ask you this: In your Commission statement - I'll just remind you of something you said at paragraph 113 by reference to something that Officer Jean Dolly told the Commission in her evidence. She said that she submitted about 35 reports to you between about 2008 and 2018. Do you remember that?

10

MS D. WILSON: I know she - I don't know the number, but I do know she did submit quite a large number.

15

MR LLOYD: Do you remember what was in those reports, at least at a level of generality?

MS D. WILSON: In relation to Mr Astill and his harassment of the inmates and the allegations of introduction, tobacco.

20

MR LLOYD: So contraband, including tobacco?

MS D. WILSON: Yes.

25

MR LLOYD: What about Astill and his interaction with the inmates? What was in those reports?

MS D. WILSON: I can't recall at this stage, no.

30

MR LLOYD: Is it right that for those reports, in accordance with what you told us earlier, they would have been passed on for safekeeping in Shari Martin's safe?

MS D. WILSON: Yes, they would have been reported on by me to CIG or SIU and then the original documents would have been held in Shari's safe.

35

MR LLOYD: Do you say that for those reports by Officer Dolly you'd pass on to CIG or SIU a copy of the report itself?

MS D. WILSON: Yes, I scan a copy of the report, attach it to the report.

40

MR LLOYD: Are you sure that that happened, that is, that you made reports to the SIU sending up Jean Dolly's complaints or reports?

45

MS D. WILSON: Most reports that came across my desk were acted on and sent up to CIG or SIU.

MR LLOYD: Do you remember whether the reports passed on to you by Jean Dolly included sexual contact between Astill and his wife within the gaol?

5 **MS D. WILSON:** I believe there was one.

MR LLOYD: And what about whether any of those reports included physical assaults by Astill on inmates? Do you remember that?

10 **MS D. WILSON:** No, I don't recall.

MR LLOYD: I'll just put this to you: one thing Officer Dolly told us in her evidence was that she passed on those reports, but at no point did she hear back from you in relation to them. What do you say about that?

15 **MS D. WILSON:** I say that I did tell - I told Dolly that they had been reported up and I had heard nothing back.

20 **MR LLOYD:** She said that she spoke to you regularly about those reports, asked you what was happening and that you regularly said, "Management are taking care of it." Do you remember that?

MS D. WILSON: Yes.

25 **MR LLOYD:** And that you said to her that you kept a copy of the reports and gave them to Shari Martin and put them in the safe. That sounds consistent with what you've told us?

30 **MS D. WILSON:** Correct. I didn't give them to Shari. I - I actually placed them in the safe myself in her office.

MR LLOYD: She also said that the contents of her reports came to the attention of Astill after she made them. What do you say about that?

35 **MS D. WILSON:** I have no idea how he accessed those reports. Keeping in mind he was the Intelligence Officer and had full access to the area, but anything relevant to him, I believe, was kept in the Governor's safe.

MR LLOYD: You didn't tell him?

40 **MS D. WILSON:** No way. No.

MR LLOYD: Presumably you were putting them in the Governor's safe to keep them away from him?

45 **MS D. WILSON:** That's correct, yes.

MR LLOYD: Could I ask you to access that PDF –

COMMISSIONER: Just before you do. You told Mr Lloyd – and it’s in your statement – that when you were asked about what had happened to the reported conduct, you said that you’d report it up –

5

MS D. WILSON: Correct.

COMMISSIONER: - and that it was being worked on –

10 **MS D. WILSON:** I believe –

COMMISSIONER: - by those above you?

MS D. WILSON: I believe so, yes.

15

COMMISSIONER: What did you think was happening?

MS D. WILSON: I – I – I was thinking that the SIU were getting a hold of it and organising proper investigations.

20

COMMISSIONER: Well, did you know they were doing that or did you just assume it?

MS D. WILSON: No, I didn’t. I was just assuming.

25

COMMISSIONER: Right. So when you told – sorry, when you said to an inmate, “I told them it was being worked on in that background,” that was just an assumption. You actually didn’t know what was happening at all?

30 **MS D. WILSON:** No, I was – well, I assumed, yes. Correct. I assumed they – that was their role, they would work and investigate it.

COMMISSIONER: Did you ever have any evidence to suggest to you that they had investigated the allegations?

35

MS D. WILSON: No.

MR LLOYD: Tab 170 in that PDF, could you please turn that up.

40 **MS D. WILSON:** Yep.

MR LLOYD: Now, again, this intelligence report, 17-2051, I just in fairness draw your attention to page 4. This is another Pamela Kellett authored document. Do you see that?

45

MS D. WILSON: Yes, I do.

MR LLOYD: And there's no distribution list in that Automatic Dissemination on Finalisation section on this page. Do you see that?

5 **MS D. WILSON:** Yes, I do.

MR LLOYD: But do you agree that in your capacity as Intelligence Officer, you would have had access to this report?

10 **MS D. WILSON:** 17 – I am unsure at – at this stage whether it was an SIU report or – or a CIG report.

MR LLOYD: Well, I wanted to ask you about that. Is there any clue that we, who are trying to interpret these documents, can get from it as to whether it is an SIU or a CIG report?

15 **MS D. WILSON:** No, I can't – yeah. I can't answer that one.

MR LLOYD: Could I ask you this: Do you know whether – you probably won't be able to see it, but under the "Corrections Intelligence Group" words, the third line down on this first page – you may be able to see something very faint saying "SIU".

MS D. WILSON: No, I can't.

25 **MR LLOYD:** That's okay. Let me ask you this question: do you know whether, for SIU reports, that the letters "SIU" would be inserted in that place on the document?

MS D. WILSON: No, I can't tell you at this stage.

30 **MR LLOYD:** If it was an SIU report authored by Pam Kellett, could I ask you whether, in the ordinary course, you would know in your capacity as the Intelligence Officer that this report had been lodged?

35 **MS D. WILSON:** No, I wouldn't.

MR LLOYD: Is that because it's – I think you told us earlier, that's sent off electronically and no record is issued of it at the gaol?

40 **MS D. WILSON:** That's correct.

MR LLOYD: Just dealing with some things – have you seen this before today?

45 **MS D. WILSON:** I was reading it – I was trying to read it a bit earlier, but – yeah, no.

MR LLOYD: Do you believe this is –

MS D. WILSON: I don't -

MR LLOYD: - the first time that you've looked at this report?

5

MS D. WILSON: I can't answer that. Yeah. Looking at it, it's got a CI Analysis. So I would say it's just an IR, not - a CIG one, not SIU one. So I'm -

MR LLOYD: Why do you think it's only - sorry. Why do you think it's only
10 a CIG, not SIU one?

MS D. WILSON: Well, it comes back with a CI Analysis on it.

MR LLOYD: Does that - that's on page -

15

MS D. WILSON: That's on page 4.

MR LLOYD: - 4. Does that suggest to you that it's CIG, not SIU?

MS D. WILSON: Yes.
20

MR LLOYD: Why?

MS D. WILSON: Because it's come back with a CI Analysis.
25

MR LLOYD: Would, in your experience, it be recorded differently if it had been sent off to the SIU?

MS D. WILSON: I couldn't tell you because I never saw anything once it was sent off to the SIU.
30

MR LLOYD: That's what I wanted to ask you. What's the significance of CI? You never saw reports once they got sent off to the SIU?

MS D. WILSON: That's correct.
35

MR LLOYD: So you wouldn't know, on those reports, what would be inserted in relation to the analysis?

MS D. WILSON: No. No, nothing. There was no feedback. There was nothing.
40

MR LLOYD: If it was CIG, does that mean that it's likely that you would have seen it in your capacity as the Intelligence Officer?

MS D. WILSON: It's possible, yes. More than likely unless I was on leave at the time or something, but - yes.
45

MR LLOYD: I just draw some things to your attention about the contents, if you look at page 2. If you just go around the middle of the page, do you see "HS1"?

MS D. WILSON: Yes.

5

MR LLOYD: Just read that paragraph to yourself and then I'll see if you can help me.

MS D. WILSON: Yes.

10

MR LLOYD: Do you see - this is recording, isn't it, two inmates, that is, Human Source 1 and Human Source 2, recording allegations about Astill's conduct towards another inmate, Witness M. Do you see that?

15 **MS D. WILSON:** Yes, I do.

MR LLOYD: And those allegations are that Witness M is making serious allegations about Astill's conduct towards her. Do you see that?

20 **MS D. WILSON:** Yes.

MR LLOYD: And toward the end of the paragraph, Human Source 1 - sorry, Human Source 2 stated she had seen Astill directly rubbing his hand on Witness M's arm. Do you see that?

25

MS D. WILSON: Yes.

MR LLOYD: These allegations plainly required investigation. Do you agree?

30 **MS D. WILSON:** Yes.

MR LLOYD: Down the bottom of the page, do you see a reference on 28 July a second report was submitted?

35 **MS D. WILSON:** Yes.

MR LLOYD: And on the face of it, that appears, doesn't it, to be an allegation that following the complaint by Human Source 1, Astill had become aware of it and was trying to take some action in the nature of retribution against that inmate. Is that fair?

40

MS D. WILSON: Yes, that's fair.

MR LLOYD: Did you ever hear about what the outcome of any investigation, be it by the CIG or SIU, was about those allegations?

45

MS D. WILSON: I don't believe so, no.

MR LLOYD: Do you, sitting here now, remember those allegations in relation to Astill's assault of Witness M coming to your attention?

5 **MS D. WILSON:** I - I don't recall. Like, I've been retired for five years. Yeah. A lot of things have happened. And a lot of things happened during the time I was there as well, that - yeah, dealing with up to 300 inmates.

10 **MR LLOYD:** Just these allegations, though, that I'm asking you about, they're extremely serious, aren't they?

MS D. WILSON: Yes, they are. I agree with that.

15 **MR LLOYD:** You see, I want to ask you some things about an event which the Commission has heard some evidence of, following on from the disclosure by those two inmates described as Human Source 1 and Human Source 2 about Witness M.

20 **MS D. WILSON:** Right.

MR LLOYD: I'll just remind you of something you tell us in paragraph 88 of your witness statement to the Commission:

25 "There were a couple of reports. One inmate kept a diary by way of a notebook, and I did report on it."

MS D. WILSON: Yes.

30 **MR LLOYD:** Do you remember saying that?

MS D. WILSON: Yes.

35 **MR LLOYD:** Do you remember now - I'll just give you the inmate you referred to her, Witness B.

MS D. WILSON: Yes.

40 **MR LLOYD:** Do you remember that Witness B and Witness V came to you with a notebook or diary they'd been keeping about Astill's behaviour?

MS D. WILSON: Yes, I do.

MR LLOYD: And do you remember them showing you the notebook?

45 **MS D. WILSON:** Yes.

MR LLOYD: And do you remember what allegations they were passing on to you about Astill in the notebook and in what they said to you when they came to you?

5 **MS D. WILSON:** From memory, it was sort of more of the bullying and harassment of the inmates, I believe.

MR LLOYD: You see, I need to put to you what Witness V has told the Commission about her discussions with you, Ms Wilson.

10

MS D. WILSON: Yes.

MR LLOYD: She says that she came to you and told you about Astill coming and accusing her of dogging or dobbing on him in relation to Witness M. Do you remember that?

15

MS D. WILSON: Right.

MR LLOYD: Do you remember Witness B coming and telling you that she had come forward about Astill's assault of Witness M and told you that, after coming forward, there'd been intimidation of her by Astill? Do you remember that?

20

MS D. WILSON: Vaguely, yes.

MR LLOYD: And do you remember that Witness B, when she spoke to you, also told you about the nature of Witness M's allegations, that is, she had been assaulted by Astill?

25

MS D. WILSON: I don't - I don't recall.

30

MR LLOYD: Do you think - I withdraw that. Do you remember looking at the diary or the notebook and seeing there were recorded allegations in writing of the assault by Astill on Witness M?

MS D. WILSON: I don't recall, but I'm not saying it wasn't there. I - yeah.

35

MR LLOYD: See, what Witness B told the Commission in her evidence was that she did say to you that Astill had assaulted Witness M, in the form of a sexual indecent assault, and that your response was if girls want to speak to you, they could come and talk to you. You weren't going to go and look for them. Do you remember being told that? I'll just pause there, Commissioner. I know Ms Wilson is represented, but Mr White has just come into it. I object to that question under section 23.

40

COMMISSIONER: Yes. I require you to answer.

45

MR WHITE: Thank you for that.

COMMISSIONER: Yes.

5 **MR WHITE:** I do formally make that objection. I must say, Commissioner, I understand your view in relation to section 23 of the Act. The witness is not giving answers today willingly within the meaning of that section, but I understand that you, Commissioner, require an objection to be made at the appropriate time, and I do make that objection at this point.

10 **COMMISSIONER:** Yes. Very well.

MR LLOYD: No doubt you'll need that question again, Ms Wilson?

15 **MS D. WILSON:** That's correct.

MR LLOYD: What I put to you is that Witness B told you about Witness M's allegations of indecent assault by Astill, and your response was that if girls wanted to speak to you, they would have to come and talk to you, and you weren't going to go and look for them.

20 **MS D. WILSON:** Possibly, yes. I - I don't recall saying it, but - yeah, I'm not saying it didn't happen. I found, a lot of the time, the inmates wouldn't talk.

25 **MR LLOYD:** But here, when you say a lot of the time the inmates wouldn't talk, if Witness B's account is right, this is you saying you wouldn't even go and find them out to speak to them?

MS D. WILSON: Correct.

30 **MR LLOYD:** Do you think that that was a proper discharge of your obligations as the Intelligence Officer being told information of the kind I've put to you by Witness B and shown the document that I've put to you? I object.

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

MR WHITE: I make the same objection.

40 **COMMISSIONER:** Mr Lloyd did it for you. I've required the witness to answer.

MS D. WILSON: Can you -

45 **MR LLOYD:** Do you need it again?

MS D. WILSON: Yeah.

5 **MR LLOYD:** Do you think that that was an adequate response by you in your capacity as the Intelligence Officer being given the information I've put to you, both orally and in written form, that you would not make an attempt to speak to the inmate who you were told was making allegations of indecent assault by an officer?

MS D. WILSON: No, it wasn't appropriate. Looking back, I should have acted on it.

10 **MR LLOYD:** Could I just ask you about this: You say that you passed up a report about what you were told by Witness B in relation to Witness M's allegations. Do you remember saying that?

15 **MS D. WILSON:** No, I don't recall, but it would have been done.

MR LLOYD: I want to suggest to you that there is no report that you made to the CIG or SIU about these allegations at all. I object again, Commissioner.

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

MS D. WILSON: As far as I'm aware, everything I had was reported up.

25 **MR LLOYD:** Do you remember there being a discussion at the meeting I'm asking you about with Witness B about what to do with the diary?

MS D. WILSON: Yes.

30 **MR LLOYD:** What's your recollection of what was said by you about how the diary containing the allegations should be treated?

35 **MS D. WILSON:** I didn't feel it was beneficial for her to have it back in her cell as Mr Astill - or another staff member could have got hold of it and gone to Mr Astill with it. So I gave her options. She could put it in her property and, yes, I did say she could shred it. That was up to her. And - and I said, "If you've got another option, tell me," and, you know - and she came back and said she'd like it sent out to her solicitor, to which I sent it out. And that was after -

MR LLOYD: In terms of that shredding - no, you go.

40 **MS D. WILSON:** Sorry, that was after I had scanned the - the documents and the whole diary and done a - sent a report.

45 **MR LLOYD:** So the shredding option was only raised by you once a photocopy had been made?

MS D. WILSON: Yes. If she - that was an option I gave her. She could shred it, not me.

MR LLOYD: But you'd made a copy of it by the time you suggested that as an option available to Witness B. Is that what you're telling us?

5 **MS D. WILSON:** I had scanned the - the documents onto the report that I sent.

MR LLOYD: Could I ask you whether you discussed the contents of the disclosure made to you by Witness B and of the diary or notebook with Shari Martin?

10

MS D. WILSON: I can't recall, but more than likely.

MR LLOYD: In terms of the report that you remember submitting about these allegations, do you remember ever being contacted about that to say what the outcome of that was?

15

MS D. WILSON: No. Nothing.

MR LLOYD: Was that surprising to you?

20

MS D. WILSON: Yes. Yes, I was expecting some - some form of response from somebody.

MR LLOYD: Could I just try and summarise the situation from your perspective after these allegations were made. You had allegations that had been made about an assault by an officer on an inmate; correct?

25

MS D. WILSON: Correct.

30 **MR LLOYD:** That officer was still working at the gaol?

MS D. WILSON: Yes.

MR LLOYD: Correct?

35

MS D. WILSON: Correct.

MR LLOYD: In a senior -

40 **MR WHITE:** I make the same objection again to this, Commissioner.

COMMISSIONER: Well, I require the witness to answer.

MR LLOYD: A senior role?

45

MS D. WILSON: Yes.

MR LLOYD: He was Chief Correctional Officer?

MS D. WILSON: Correct.

5 **MR LLOYD:** And the accusation or allegation was that he'd committed a criminal act?

MS D. WILSON: Correct.

10 **MR LLOYD:** What did you think was happening each day you came back to work after these disclosures were made to you and you saw Astill still evidently performing his functions in the same way that he was before the allegations had been made?

15 **MS D. WILSON:** I was just hoping that there was someone in - you know, in the background doing something about it.

MR LLOYD: This allegation, I think you've agreed, but I'll just make sure I've got it right - this was a matter for the police, wasn't it?

20 **MS D. WILSON:** In hindsight, yes, it was.

MR LLOYD: It's not so much about hindsight, Ms Wilson. I think you're telling us that your understanding is you submitted a report to the SIU about this?

25 **MS D. WILSON:** Correct.

MR LLOYD: That submission of a report which you're telling us reflected your view that the people from the police in the SIU branch, that they had to investigate it?

30

MS D. WILSON: Correct.

MR LLOYD: And do you agree if it does come to pass that, in fact, you did not submit a report to the SIU about what you were told, do you agree with me that was a serious failure by you? I object to that.

35

MR WHITE: I object.

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

MS D. WILSON: I believe I did do a report.

MR LLOYD: Could I ask you about - moving forward in time from the events that I've just asked you, do you remember in November of 2017 an event - and I'll just read to you something from paragraph 96 of your statement where you tell us:

45

"There was an occasion where I went up to the high needs area. Astill was away on holidays, and a couple of girls came to me to complain about him and his intimidation..."

5 Do you remember saying that?

MS D. WILSON: Yes.

MR LLOYD:

10

"...and a couple of the other girls came in and stood up for him. This was all documented and put on a report."

Do you remember saying that?

15

MS D. WILSON: Yes.

MR LLOYD: And you say:

20

"I don't know if that's the incident. I think that report went to the Governor, but I don't think there was anything sexual about it. I can't remember this far gone, though."

Do you remember saying that?

25

MS D. WILSON: Yes.

MR LLOYD: I need to ask you about some evidence that a former inmate, Trudy Sheiles, gave to the Commission. She says that in November of 2017, around 15 of the girls from the J Unit came forward and spoke to you about Astill. Do you remember an event of this kind?

30

MS D. WILSON: Yes, I do.

35 **MR LLOYD:** That is, that it might have been up to 15 women?

MS D. WILSON: I remember there was a number of women came - came over, yes.

40 **MR LLOYD:** And they wanted to say things about Astill?

MS D. WILSON: Correct.

MR LLOYD: And did you see them one by one to field their complaints?

45

MS D. WILSON: Yes, I did.

MR LLOYD: Just - I would need to put to you what Trudy Sheiles says that she raised to you - raised with you when she spoke to you. She says that one of the things that she said to you was that:

5 "He would walk pass me and touch me inappropriately on the arse or breast as he brushed past."

Do you remember her making that disclosure to you? Commissioner, I take the objection.

10

COMMISSIONER: Yes, I require you to answer.

MS D. WILSON: I don't recall, no.

15 **MR LLOYD:** Do you deny that she passed that on to you, though?

MS D. WILSON: No, I don't - I don't deny that she said it, but I don't recall exactly what was said during that - that interview.

20 **MR LLOYD:** If she made that disclosure to you, that Astill would walk past, touch her inappropriately on the arse or breast as he brushed past, that was a serious allegation of criminal conduct on the part of Astill, wasn't it? I object, Commissioner.

25 **COMMISSIONER:** I require an answer.

MS D. WILSON: Yes.

30 **MR LLOYD:** And that disclosure required you, in the proper discharge of your obligations, to make a report to the SIU. Do you agree with me? I object to that too, Commissioner.

MR WHITE: I object.

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

MS D. WILSON: I'm unsure whether I did a report to the SIU on that or whether I did a report to the Governor.

40 **MR LLOYD:** Just dealing with what was required and then I'll come to your memory in a minute. What was required on your part with a disclosure of this kind was a report by you to the SIU. Do you agree?

MR WHITE: I do object.

45

COMMISSIONER: I require you to answer.

MS D. WILSON: Yes.

5 **MR LLOYD:** But what you're telling us is you can't remember whether you did a report to the SIU - let me make sure I understand what you're saying. You either did a report to the SIU or to the Governor, is your recollection?

MS D. WILSON: That's correct.

10 **MR LLOYD:** I need to put this to you: That did you not make a report to the SIU about this. I object.

MR WHITE: I object.

15 **COMMISSIONER:** I require an answer.

MS D. WILSON: Well, in that case, I probably - I would have done a report to the Governor.

20 **MR LLOYD:** Could I ask you this, then: on your best recollection, that's one of the documents that would have resided, if you did a report to the Governor, in the Governor's safe?

MS D. WILSON: I would have handed that to the Governor.

25 **MR LLOYD:** The other women, maybe up to 14, were they making disclosures or allegations of the same kind as Trudy Sheiles about Astill?

30 **MS D. WILSON:** From what I recall, as I said before, the main complaints were bullying and harassment from Astill.

MR LLOYD: Did the complaints from those other women include allegations of the kind made by Ms Sheiles, that is, indecent assaults?

35 **MS D. WILSON:** I - I honestly can't recall.

40 **MR LLOYD:** Just pausing here, Ms Wilson. If the disclosures made that I've asked you about by Witness B occurred sometime around July and August of 2017, then these meetings with Ms Sheiles and other women from the J Unit occurred within months. I mean, that follows.

MS D. WILSON: Sorry, can you repeat that?

45 **MR LLOYD:** The events in relation to Witness B I've asked you, I suggest occurred in around the latter part of July or August of 2017. Do you understand?

MS D. WILSON: Right. Yeah.

MR LLOYD: Do you have a memory about timing?

MS D. WILSON: No. Not back then, no.

5 **MR LLOYD:** If you accept from me that there's evidence before the Commission to the effect that it was from about the latter part of July '17 and certainly in the second half of the year 2017 - just accept from me for the purpose of the next question.

10 **MS D. WILSON:** Yes. Yep.

MR LLOYD: The events that I'm asking you about here, which you've told the Commission where up to 15 women came with complaints about Astill, they're obviously occurring in that same timeframe?

15 **MS D. WILSON:** As Witness B? Yes.

MR LLOYD: Yes.

20 **MS D. WILSON:** Yes.

MR LLOYD: See, put together, that's a significant number of women who were complaining about the behaviour of Astill within this gaol.

25 **MS D. WILSON:** That's correct.

MR LLOYD: Suggestive of a very serious problem with his conduct. Would you agree?

30 **MS D. WILSON:** Yes.

MR LLOYD: And in terms of the gaol being run properly, a problem that required management of the place to address and address urgently. Would you agree with me?

35 **MS D. WILSON:** Yes.

40 **MR LLOYD:** What are you able to say about what you observed, if anything, management within the gaol doing about these allegations with respect to Astill by this time, around about November of 2017?

MS D. WILSON: I - I wasn't privy to anything. I'm unsure as - as to what they were doing.

45 **MR LLOYD:** From your perspective, one of the things you've told us you assumed but didn't know that the SIU might be conducting an investigation?

MS D. WILSON: Yes. Correct.

5 **MR LLOYD:** Do you remember ever discussing with Shari Martin something to the effect, by around this time, the latter part of '17, "Whatever's happening with the SIU or CIG, the man's still here and there's all these allegations made. What is going on?"

MS D. WILSON: I don't recall the conversation, no, but -

10 **MR LLOYD:** When you say "but", do I understand that to mean that -

MS D. WILSON: That I may have said it. I may have said it. I'm not denying I didn't say it.

15 **MR LLOYD:** Were you thinking to yourself, "What's going on? Why is he still here?"

MS D. WILSON: Yes. Yes. And why was he still in the intelligence role as well?

20 **MR LLOYD:** And, to your knowledge, still routinely being given the temporary promotion up to Chief Correctional Officer?

MS D. WILSON: Correct. Yes.

25 **MR LLOYD:** Did you wonder why that was happening?

MS D. WILSON: Yes, I did.

30 **MR LLOYD:** Do you think it was part of your job, having regard to your position in the hierarchy of the gaol, to take it upon yourself to find out why it was that he was still there with all these allegations having been made about him? I object.

MR WHITE: I object.

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

40 **MS D. WILSON:** No. I - I mean, that - that was basically above my pay scale. It's, yeah, something I would expect the Manager of Security or the - the General Manager to deal with, as they were in charge of the rostering and the acting-up availability.

MR LLOYD: Commissioner, I'm about to move on to the next event. I note the time. I'll be another 30 to 40 minutes.

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

<THE HEARING ADJOURNED AT 11.26 AM

<THE HEARING RESUMED AT 11.40 AM

MR LLOYD: Ms Wilson, can you hear me?

5

MS D. WILSON: Yes, I can.

MR LLOYD: And see me?

10 **MS D. WILSON:** No. Yes, I can.

MR LLOYD: I'll just wait for your barrister to come back into the room.

MR WHITE: Sorry, Commissioner. We were just in contact with the witness.

15

MR LLOYD: Could I take you forward in time, Ms Wilson, to the early part of June 2018. I'll just read you something from paragraph 168 of your statement to us where you tell us:

20 "Ms Cox did write out dot form on Mr Astill on certain accusations. That was produced into an intel report by me and sent to the CIG, I think."

Do you remember saying that?

25 **MS D. WILSON:** Yes.

MR LLOYD: Now, I just want to show you a document to see if it's the one that you're referring to about Liz Cox. Go to Tab 171, please.

30 **MS D. WILSON:** Right. Yes.

MR LLOYD: And you see that's IR 18-1378?

MS D. WILSON: Correct.

35

MR LLOYD: And, again, just - if you go to page 8, you'll see you're the local author?

MS D. WILSON: Yes.

40

MR LLOYD: Going back to the first page, is there anything about this that says whether this is an SIU or a CIG report?

45 **MS D. WILSON:** There is - in the Information category, there is a reference to the SIU. And in the Staff category, there's also reference to the SIU. So - yeah, once again, I'm unsure whether it's SIU report or an IR - like, CIG.

MR LLOYD: Is the first one you've made reference to, information on the first page, number 3, SIU?

MS D. WILSON: Yes.

5

MR LLOYD: And then underneath number 2, there's the third one, SIU again?

MS D. WILSON: Correct.

10 **MR LLOYD:** And then I think there's another one over - Report Information Categories on the second page. Number 3 is SIU?

MS D. WILSON: Yeah, I can't find number 3.

15 **MR LLOYD:** It's just on the second page.

MS D. WILSON: Hang on, I'll just - we're on 1378, aren't we? Yes. Yes, I see it.

20 **MR LLOYD:** Do those three references to SIU tell you something about whether this was an SIU report?

MS D. WILSON: No, it doesn't. No.

25 **MR LLOYD:** There's - if you go to the Information on page 2 and following, there's a significant amount of information from - right through from the bottom of page 2 over to page 8. Do you see that?

MS D. WILSON: Yes.

30 **MR LLOYD:** I don't want to take you to each part of the information you submitted here, but I did want to draw your attention to some things. If you look at the bottom of page 3 -

MS D. WILSON: Yes.

35

MR LLOYD: - there's a number of bullet points underneath a paragraph:

"Cox later handed General Manager Martin some paperwork."

40 **MS D. WILSON:** Correct.

MR LLOYD: Did you understand that Elizabeth Cox had handed documents recording her allegations about Astill to Shari Martin?

45 **MS D. WILSON:** Yes, I believe Shari asked her to document after - document all of the incidents after she had a meeting with her.

MR LLOYD: Did you have that paperwork, that is, the documentary record of Liz Cox's allegations?

5 **MS D. WILSON:** Yes, that's what I've copied onto the report.

MR LLOYD: Did you send those pages up to the SIU or CIG, wherever this report went?

10 **MS D. WILSON:** Yes.

MR LLOYD: Do you see some of the things recorded in the bullet points - second-last bullet point:

15 "Informing myself and other inmates of who had dogged on fellow inmates, when and what they said."

See that?

20 **MS D. WILSON:** Yes.

MR LLOYD: And then -

MS D. WILSON: Yes.

25 **MR LLOYD:**

"Informing me that Intel Officer D. Wilson is gunning for you."

30 Do you see that?

MS D. WILSON: Yes.

MR LLOYD: Do you know what that was about?

35 **MS D. WILSON:** Yeah, I believe it was Astill saying that I was gunning for him and basically it says - as it says, trying to fuck him up the arse hard. So - yeah. That I was gunning for Astill.

40 **MR LLOYD:** You were after him, is what you understood to be the effect of it?

MS D. WILSON: Yes. I believe that's what Astill told Cox.

MR LLOYD: Over on the next page, one, two, three, four, five, six bullet points down:
45

"Ignored information that..."

There's a redaction:

"... had asked me to introduce drugs into the gaol."

5 Do you see that?

MS D. WILSON: Yes.

10 **MR LLOYD:** This was an allegation, as you understood it, that Ms Cox was making that Astill was, in effect, trying to bring drugs into the gaol?

MS D. WILSON: No, that one, I believe, it was another inmate trying - or he had - he had ignored the information, from what I gather, that -

15 **MR LLOYD:** I understand.

MS D. WILSON: Yeah, that Cox had given him in relation to another inmate trying to introduce drugs.

20 **MR LLOYD:** Thank you. Go down a few bullet points:

"Told..."

And then there's a redaction:

25

"...girl, she's racked up a big tick bill she'll have to pay soon."

Do you see that?

30 **MS D. WILSON:** Yes. Yes.

MR LLOYD: Did you understand that to be an allegation that an inmate had racked up some sort of bill which she would have to pay Astill?

35 **MS D. WILSON:** Yes.

MR LLOYD: And did you understand that to be an allegation that Ms Cox was making that, in effect, Astill was trading contraband for sexual favours?

40 **MS D. WILSON:** I understood he was trading - from what I gather, he was trading contraband for favours. I don't believe - I don't believe it was sexual favours, but - yes.

MR LLOYD: What about four from the bottom:

45

"Inappropriate sexual comments to young girls, coupled with touching and fantasy-like designs."

MS D. WILSON: Yes, I see that.

5 **MR LLOYD:** You understood this was Ms Cox saying that he was making inappropriate sexual comments to young inmates and touching them inappropriately?

MS D. WILSON: Yes.

10 **MR LLOYD:**

"Threats of payback and pre-emptive strikes on inmates who inform on him."

15 **MS D. WILSON:** Yes.

MR LLOYD: Over the page:

"Talk on compound he's bringing tobacco into the centre for inmates."

20 **MS D. WILSON:** Yes.

MR LLOYD: And then:

25 "I've observed certain inmates attending The Hub. On closer inspection, all lights are off, office door shut and Hub door locked."

Do you see that?

30 **MS D. WILSON:** Yes, I do.

MR LLOYD: Plainly there, an allegation suggestive of inappropriate sexual activity between Astill and certain inmates. Do you agree?

35 **MS D. WILSON:** Yes.

MR LLOYD: These matters, the allegations being recorded there by Ms Cox about Astill, raised allegations of the utmost severity and seriousness. Do you agree?

40 **MS D. WILSON:** Yes.

45 **MR LLOYD:** And you knew when this report was being prepared about a range of the allegations which had come to your attention about Astill, which I've asked you about, throughout the year 2017 and the latter part of the year 2016.

MR WHITE: I object.

MS D. WILSON: Yes.

COMMISSIONER: I require you to answer.

5 **MS D. WILSON:** Yes.

MR LLOYD: Ms Wilson, you must have realised by this time that these allegations, coupled with what you knew about all the other earlier allegations, suggested that there was likely to be a very serious problem with Astill behaving including by committing criminal acts within the gaol. Just - I object to that.

COMMISSIONER: I require you to answer.

15 **MS D. WILSON:** Yes.

MR LLOYD: Is the purpose of sending this intelligence report up to try and get some action or response to that situation?

20 **MS D. WILSON:** Definitely. Yes, definitely.

MR LLOYD: Under the heading on page 5, Local Analysis, these words are written by you; is that right?

25 **MS D. WILSON:** Correct. Yes, that's correct.

MR LLOYD: And this is effectively you performing some analysis for the benefit of CIG or SIU of the information you've described in the earlier part of the document; correct?

30 **MS D. WILSON:** Yes.

MR LLOYD: And there's some references on page 5 to Witness JJ. Do you see that?

35 **MS D. WILSON:** Yes.

MR LLOYD: And before that, Cox being well known - Ms Cox - for drug activity. Do you see that?

40 **MS D. WILSON:** Yes.

MR LLOYD: And over the page, on page 6 -

45 **MS D. WILSON:** Yes.

MR LLOYD:

"It is probable that Cox was attempting to have her urinalysis results altered for the reasons stated."

Do you see that?

5

MS D. WILSON: Yes.

MR LLOYD: Could you just re-read to yourself the next paragraph and tell me when you've done that.

10

MS D. WILSON: Yes.

MR LLOYD: In that paragraph, you say at the end there had been previous reports in relation to Chief Astill's interactions. Do you see that?

15

MS D. WILSON: Yes.

MR LLOYD: The earlier part of that paragraph:

20

"Prior to information given by HS, there has been no known recorded information on Chief Astill in relation to doing favours, bringing in tobacco and sexual acts with inmates."

Do you see that?

25

MS D. WILSON: Yes.

MR LLOYD: Do you think, Ms Wilson, that that was an accurate description by you, having regard to the information you had at your disposal at the time you wrote this report?

30

MR WHITE: I object.

COMMISSIONER: I require you to answer.

35

MS D. WILSON: Looking at it now, yes. Yes, I - I - I've obviously erred in - in writing that.

MR LLOYD: In that the error was an accurate description would have included reference to all of the allegations that you've told us about had been made to you by inmates about Astill's behaviour?

40

MR WHITE: I object.

COMMISSIONER: I require you to answer.

45

MS D. WILSON: It's probable, yes.

MR LLOYD: Can you just go over, please, to the next page, 7. Without taking you to each of the bullet points there, this includes your analysis of the information; correct?

5

MS D. WILSON: Page 7?

MR LLOYD: Yes. The bullet points there -

10 **MS D. WILSON:** Okay. Yep.

MR LLOYD: - that includes your analysis. And you say things, for example, like in the ninth one down:

15 "It cannot be substantiated whether discussions involved around sex."

Do you see that?

20 **MS D. WILSON:** Correct.

MR LLOYD: And the second-last bullet point:

"The remainder of information cannot be substantiated."

25 **MS D. WILSON:** Yes.

MR LLOYD: And:

30 "Prior to this information, nothing to suggest tobacco was being introduced illegally by any staff member."

Do you see that?

35 **MS D. WILSON:** Yes.

MR LLOYD: In relation to the substantiation you're talking about, as I understood what you told us, it wasn't your role to try and get to the bottom of the truthfulness or otherwise of allegations of serious misconduct. Do you remember saying that?

40

MS D. WILSON: Yes.

MR LLOYD: Why were you writing here information that I think you've agreed was in the nature of serious allegations, couldn't be substantiated?

45

MS D. WILSON: Nothing had been proven at that stage and - yeah.

MR LLOYD: Ms Wilson, you've told us about - my description to you, with which you agreed earlier, was being left to, in effect, work it out for yourself how to do this job. Do you remember that?

5 **MS D. WILSON:** Yes, I do.

MR LLOYD: When you talk about things which hadn't been proven, what standard were you applying when you're writing "cannot be substantiated" or telling us these allegations hadn't been proven?

10

MS D. WILSON: Well, there's a number of complaints there detailing things happening outside of the centre. I can't substantiate that. I don't have the power to go and investigate whether he went on holidays or what he did and - yeah.

15 **MR LLOYD:** But it wasn't part of your job, was it, to form a view about whether things had been proven or substantiated, was it?

MS D. WILSON: I could comment on it whether I - I - something was proven. Yes, I could comment and say it was proven or - but at that stage, nothing had been proven.

20

COMMISSIONER: Mr Lloyd, I would like an answer to your previous question. What was she thinking would amount to proof, substantiation?

25 **MR LLOYD:** Ms Wilson, you heard the Commissioner. I'm just interested in what you understood, in effect, to be the test you were applying in your own mind in order to conclude something was substantiated or proven. What were you doing?

30 **MS D. WILSON:** Well, the one here cannot be substantiated if she was asked to assault another inmate. I can't confirm that. I could report on what she's told me, but I cannot confirm it. But if it was a drug find matter, I can then say, yes, the matter was proven. I could prove that drugs are found on the person.

35 **MR LLOYD:** But, Ms Wilson, you've told us that your approach to things in terms of allegations which were passed on to you was that - at least in relation to the Witness B situation, that it wasn't your job to go searching for the woman who was the direct source of the complaints. Do you remember -

40 **MR WHITE:** I do object to that, Commissioner, because her evidence was qualified before in terms of investigations in relation to inmates as opposed to officers. So it's not quite what she said.

MR LLOYD: I withdraw it, and I'll do it a different way. Ms Wilson, remember I asked you about what attitude you took when Witness B was telling you things that Witness M had said Astill had done to her? Do you remember that?

45

MS D. WILSON: Yes. Yes.

5 **MR LLOYD:** And I thought you said that you agreed that it was either possible or likely that Witness B's account of that - that you said, in effect, "It's not my job to go and find women. They have to come to me." I thought you said that you either agreed with that or that it was possible that that happened?

MS D. WILSON: Yes.

10 **MR LLOYD:** Can I just ask you: Was it your understanding of your role that your job did not include conducting investigations by speaking to the primary source of complaints of the kind that are recorded in this document?

15 **MS D. WILSON:** The - a lot of the - the girls wouldn't come forward, and if I'd called them up, they wouldn't talk. So I - I felt that if they wanted to come and talk to me, they could come on - on their own fruition and talk to me. I was more than willing to listen to them and speak to them.

20 **MR LLOYD:** And so when you tell us about things not being proven or you were telling the reader of this document about not being substantiated, is what you mean -

25 **COMMISSIONER:** Well, Mr Lloyd, it's actually - she's not saying not be substantiated; she's actually saying it can't be - cannot be substantiated. Now, that needs exploration.

30 **MR LLOYD:** I'll withdraw that question. I'll deal with it separately. I'll just deal with the concept of "cannot be substantiated". Is what you had in mind when writing those words that the women who were the direct source of all of these things that Ms Cox was saying - that they had not come forward to you?

MS D. WILSON: Correct.

35 **MR LLOYD:** But that is not -

MS D. WILSON: Correct. Or - or -

MR LLOYD: - I want to suggest to you - you go.

40 **MS D. WILSON:** No, it's fine. It's fine.

MR LLOYD: That is not, I want to suggest to you, a situation which is accurately described as "cannot be substantiated". Do you agree?

45 **MS D. WILSON:** Yes.

MR LLOYD: It was wrong to use that description?

MS D. WILSON: In relation to the inmates' information, yes.

5 **MR LLOYD:** And what about what you've told us about a different form of words, "not proven"? It's hard, isn't it, to use language like that in your own mind about allegations, that is, "not proven", without having conducted any investigation, including by speaking to the person making the allegations?

10 **MS D. WILSON:** Correct.

MR LLOYD: At least sitting here today, looking back, it just doesn't make sense, does it, to describe things that you actually haven't investigated by speaking to the source as "not proven"?

15 **MR WHITE:** I object to that. What's relevant is the time, not in hindsight looking back today.

COMMISSIONER: No, I will allow the question.

20 **MR LLOYD:** Have you got the question?

MS D. WILSON: Can you repeat that?

25 **MR LLOYD:** It doesn't make sense that when you sit here now and look back to think of allegations that you hadn't investigated by speaking to the source as being not proven. Do you agree?

MS D. WILSON: Yes.

30 **MR LLOYD:** And going back to the time, for example, when you were preparing this report, is what you're saying that in your mind in writing the report, you have formed a view that these allegations were not proven?

35 **MS D. WILSON:** They - yes, they weren't proven. I couldn't prove them.

MR LLOYD: Isn't the reason -

40 **COMMISSIONER:** Well, can I just interrupt, I'm sorry. If you look at the report, on the seventh page, there's multiple dot points -

MS D. WILSON: Correct.

COMMISSIONER: - at which you say "cannot be substantiated".

45 **MS D. WILSON:** That's right.

COMMISSIONER: See that?

MS D. WILSON: Yes.

5 **COMMISSIONER:** Now, Mr Lloyd has already asked you about the use of the word "substantiated". That description, as I think you agreed with him, is not correct because nothing had been done to attempt to substantiate any of those allegations, had it?

10 **MS D. WILSON:** No, there's - yeah, that's correct.

COMMISSIONER: But then in your last paragraph, after the dot points, you go from saying something cannot be substantiated to say that the majority of information supplied cannot be proven. Do you see that?

15 **MS D. WILSON:** Yes, I do.

COMMISSIONER: Now, that's a conclusion that wasn't open to you because nothing had been done to investigate the matters, had it?

20 **MS D. WILSON:** At that stage, no. No.

COMMISSIONER: So to say they weren't proven was a complete misdescription -

25 **MS D. WILSON:** Well, not -

COMMISSIONER: - of what you were reporting; correct?

30 **MS D. WILSON:** That's the way we reported.

COMMISSIONER: Well, maybe that's the way you reported, but the fact of the matter is it's meaningless when you hadn't done anything to see whether or not the primary allegations could be substantiated, isn't it?

35 **MS D. WILSON:** Yes.

COMMISSIONER: But furthermore, what you go on to say is:

40 "It cannot be proven as it relies on hearsay."

And then you bring into the equation Cox's history and previous interactions with staff. Do you see that?

45 **MS D. WILSON:** Yes, I do.

COMMISSIONER: And then you say:

"It is probable she is being vindictive towards Astill as he would not be corrupted."

Now, that on your part is complete speculation, isn't it?

5

MS D. WILSON: Yes, it is.

COMMISSIONER: And it's totally wrong, isn't it?

10 **MS D. WILSON:** Looking back and knowing what I know now, yes.

COMMISSIONER: Yes. In fact, it was not open to you as a conscientious Intelligence Officer to draw a conclusion like that when you had absolutely nothing to substantiate it; correct?

15

MS D. WILSON: Correct.

COMMISSIONER: Yes.

20 **MR LLOYD:** You didn't hear anything back from the CIG or SIU after this report?

MS D. WILSON: No, I didn't. Nothing.

25 **MR LLOYD:** Probably not surprising - sorry. In terms of your attitude to that, probably not surprising having regard to the conclusions you expressed; is that right?

30 **MS D. WILSON:** No, because - I - I thought they - they would have had - they would have had all the other reports and all the other information that they could then form an investigation.

MR LLOYD: So you thought they might form a different view about whether the allegations could be substantiated or proven. Is that -

35

MS D. WILSON: That's correct.

MR WHITE: I object to the question on the basis of section 23.

40 **COMMISSIONER:** Sorry, on?

MR WHITE: On the basis of section 23.

COMMISSIONER: Yes, I require you to answer.

45

MR LLOYD: I think the witness already got in.

MS D. WILSON: Yeah, that – that’s correct.

5 **MR LLOYD:** Could I ask you to go forward in time. I’ll just put this to you without showing the document. See if you can remember. I think you’ve told us that one of the jobs of the Intel Officer was to monitor mail?

MS D. WILSON: One of the jobs, yes.

10 **MR LLOYD:** Do you remember in about the latter part of June 2018 seeing a letter that came from Trudy Sheiles to Witness Z? If you need to look at the pseudonym list for Witness Z.

MS D. WILSON: No, I don’t recall.

15 **MR LLOYD:** I will just read something to you I suggest that was contained in that letter dated 29 June 2018. That reference is made about “not to mention the inappropriate behaviour between most of J Left and Mr Astill”. Do you remember seeing that in a letter?

20 **MS D. WILSON:** I don't recall, no. I'm not saying I didn't, but I don't recall.

MR LLOYD: Certainly that information, if it did come to your attention in a letter, would have been pretty consistent with at least some of the things you were being told back in November of 2017. Do you agree?

25 **MS D. WILSON:** Yes.

MR LLOYD: In your Commission statement at paragraph 139 - I'll just remind you of what you say. Do you remember there being property in the nature of contraband being confiscated by Officer Renee Berry in July 2018 and October 2018?

MS D. WILSON: I - I remember the property. I don't remember the dates.

35 **MR LLOYD:** Do you remember there being reports at these times, that is, between July '18 and October '18, about Astill bringing in jewellery for inmates?

MS D. WILSON: Would have been - I ceased duty there, I believe, in late August. So - yes, but I do recall reports.

40 **MR LLOYD:** Was that widely known or believed, that he was bringing contraband in the form of jewellery in for inmates?

MS D. WILSON: It was known, yes, through the reports I'd received.

45 **MR LLOYD:** Do you remember what, if anything, you did about that information or that intelligence?

MR WHITE: I object.

COMMISSIONER: I require you to answer.

5

MS D. WILSON: With the intelligence, I believe it would have been reported up again. (Crosstalk) -

MR LLOYD: Certainly that is -

10

MS D. WILSON: And then -

MR LLOYD: You understand from that - you go.

15

MS D. WILSON: I also believe we stepped up bag searches and property searches of staff and sort of targeting Mr Astill again.

MR LLOYD: That is, because of these rumours about him bringing contraband in, he was particularly targeted coming into the centre?

20

MS D. WILSON: Yes.

MR LLOYD: Could I ask you to go, in that PDF bundle, to Tab 172.

25

MS D. WILSON: Yes.

MR LLOYD: Just go straight to page 3.

MS D. WILSON: Right.

30

MR LLOYD: Do you see you're the local author?

MS D. WILSON: Yes.

35

MR LLOYD: If you then go back to page 1. This one is an information note, IN 18-0727. Do you see that?

MS D. WILSON: Yes.

40

MR LLOYD: When was it that you did an information note as opposed to an intelligence report?

MS D. WILSON: When I had a snippet of information, I would do an information note as compared to an intelligence report where I had more information. If I had further information later on in relation to this, I could then put it into an IR.

45

MR LLOYD: Could I ask this: Where does the information note go when that's created?

MS D. WILSON: CIG.

5

MR LLOYD: So this is a report that you submit but to the CIG, not to the SIU?

MS D. WILSON: Yes, I believe so.

10 **MR LLOYD:** And you just worked out for yourself when it was appropriate to do an information note to the CIG as opposed to an intelligence report to the CSIU; is that right?

MS D. WILSON: Yes. Yes. Yes, sorry.

15

MR LLOYD: Could I just draw to your attention page 2, Information. It refers to an email received by the author in relation to mail that has been received and intercepted at Long Bay. Do you see that?

20 **MS D. WILSON:** Yes. Yep.

MR LLOYD: One particular area of concern in the letter states:

25 "...gets her kids to sneak her earrings in every fucking week. The only person I have seen get away with it; everyone else gets fucking done. She's probably another one of Mr Astill's girls. Sucking a screw's cock, that's the lowest you could possibly go."

Do you see that?

30

MS D. WILSON: Yes.

MR LLOYD: That allegation contained in that piece of correspondence, that is, the particular inmate being described there may - or is probably "another one of Mr Astill's girls, sucking a screw's cock", was information of a highly serious and grave nature. Do you agree?

35

MS D. WILSON: I agree.

40 **MR LLOYD:** Positively demanding a full investigation about whether it was right that there might be multiple inmates who might be engaging in sexual activity with a senior guard?

MR WHITE: I object.

45

COMMISSIONER: I require you to answer.

MS D. WILSON: Yes.

MR LLOYD: You see, it's a bit hard because of the black redactions, but on 24
5 July '18 the author interviewed a person about the allegations of possible
corruption. Do you see that?

MS D. WILSON: Yes, I do.

MR LLOYD: And then a description that the inmate wanted to buy cigarettes?
10

MS D. WILSON: Yes.

MR LLOYD: Do you see that?

15 **MS D. WILSON:** Yes.

MR LLOYD: And Witness M states:

20 "Come back in the morning as she had nothing that day."

MS D. WILSON: Yes.

MR LLOYD: Do you see that?

25 **MS D. WILSON:** Yep.

MR LLOYD: And then more references throughout the passage to cigarettes and
attempts to obtain them, ending with:

30 "Witness GG with a pouch that she suspected also came from Officer Astill
and she was one of his girls."

Do you see that?

35 **MS D. WILSON:** Yes. Yes.

MR LLOYD: Did you understand from what you were being told on 24 July that
Witness GG - if you need to look at the pseudonym list, do so - was getting
40 tobacco from Astill and also might have been one of the girls who was engaging in
sexual activity with Astill?

MS D. WILSON: Yes.

45 **MR WHITE:** I object.

COMMISSIONER: I require an answer.

MR LLOYD: See, these things that were in the letter but also that you were being told about Witness GG were matters that were, if true, things that involved serious criminal activity by Astill?

5 **MR WHITE:** I object.

COMMISSIONER: I require you to answer.

MS D. WILSON: Correct.

10

MR LLOYD: Over the page, Intelligence Gaps - do you see that?

MS D. WILSON: Yes, I do.

15 **MR LLOYD:** You're the author of those words?

MS D. WILSON: Yes.

MR LLOYD:

20

"There has recently been rumours and hearsay in relation to an officer introducing contraband into Dillwynia Correctional Centre, in particular tobacco. However, at this stage, it cannot be confirmed."

25 Do you see that?

MS D. WILSON: Yes.

MR LLOYD: The date that you submitted this was 24 July 2018?

30

MS D. WILSON: Yes.

MR LLOYD: The date, just - you may not remember, but the date on the one I was asking you about, about Elizabeth Cox, the one immediately before this, was 6 June 2018. That's about six weeks or so before.

35

MS D. WILSON: Okay. Yes.

MR LLOYD: Did you not think, Ms Wilson, when you were preparing the words contained in this information note to reference all of those serious allegations which, you would agree with me, on their face included bringing in tobacco and contraband into the centre?

40

MS D. WILSON: Yes. Normally I would, and I can't see why I didn't on this one.

45

MR LLOYD: When you say rumours and hearsay - sorry, you go.

MS D. WILSON: I believe at that - by that stage, there was a lot of reports coming through. So I believe probably trying to get them through and get them - get them up so that the information was going to the relevant authority.

5 **MR LLOYD:** Just in the words under Intelligence Gaps, "rumours and hearsay in relation to an officer", wasn't the position that, to your knowledge, there had been multiple complaints by multiple women that Astill was engaging in sexual activity with inmates and bringing contraband into the centre?

10 **MR WHITE:** I object.

COMMISSIONER: I require you to answer.

MS D. WILSON: Yes. Over a number of years, yes.

15

MR LLOYD: Well, all the ones I've asked about so far during your evidence today, those were allegations that you were aware of were being made about Astill engaging in that kind of activity, that is, indecently assaulting inmates and bringing contraband, including tobacco, into the centre; true?

20

MR WHITE: I object.

COMMISSIONER: I require an answer.

25 **MS D. WILSON:** Correct.

MR LLOYD: Why, Ms Wilson, in these circumstances, by 24 July 2018, are you describing the events that you've recounted on page 2 of this document as rumours and hearsay in relation to an officer, including reference to tobacco, "However, at this stage, it cannot be confirmed"? Why did you use those words?

30

MR WHITE: I object.

COMMISSIONER: I require an answer.

35

MS D. WILSON: That was basically the wording we used in relation to the reports. Yeah. It's -

MR LLOYD: Could you tell us one thing that you did to try and confirm the truthfulness or otherwise of the allegations, including that GG had received contraband tobacco from Astill and that she might be one of the inmates who was engaging in sexual activity with him? I object.

40

COMMISSIONER: I require an answer.

45

MS D. WILSON: I believe we conducted searches in relation to trying to find contraband to prove this information.

5 **MR LLOYD:** I don't want to suggest a form of words to you, Ms Wilson, that might have been more appropriate, but wasn't the true situation by this time described as there are a large number of significant and highly concerning reports of criminal behaviour by Astill, including bringing in contraband and sexual activity with inmates, and something needs to be done about it?

MR WHITE: I object.

10 **COMMISSIONER:** I require an answer.

MS D. WILSON: Yes, that's why everything was reported up, in the hope that it would be investigated - there would be a formal investigation.

15 **MR LLOYD:** Could I ask you next to see whether, toward the end of July 2018, you remember ever seeing another letter authored by Trudy Sheiles where she made reference to Astill and by saying, "Nothing ever sticks"?

20 **MS D. WILSON:** I - I don't recall.

MR LLOYD: Certainly, if you did read that, it would have accorded with your view that nothing was sticking on him?

25 **MR WHITE:** Well, I object, because the witness said she doesn't recall.

COMMISSIONER: I'll allow the question.

30 **MR LLOYD:** Your view was that by this time, nothing - you were reporting things up, but nothing was happening?

MS D. WILSON: That's correct, yes.

35 **MR LLOYD:** Do you remember ever reading a letter where Trudy Sheiles was talking about a guard at a different gaol who had been arrested for a sexual relationship, so called, with an officer, and Ms Sheiles saying that there's a lot more of that going on and a lot more than they like to think? Do you remember seeing that?

40 **MS D. WILSON:** I don't - no, I don't recall.

MR LLOYD: To your knowledge at Dillwynia in 2018, was there a significant amount of sexual activity between inmates and officers?

45 **MR WHITE:** I object.

COMMISSIONER: I require you to answer.

MS D. WILSON: I - I can only recall one other. I - I'm not sure of the time, when it was, but it may have been in 2018, yes. There was a report submitted by two staff members which was then forwarded up.

5 **MR LLOYD:** That's reports about sexual activity between officers and inmates?

MS D. WILSON: Inappropriate activity, I believe, yes.

MR LLOYD: Do you know what came of those matters?

10

MS D. WILSON: No, I don't.

MR LLOYD: Could I ask you this - go in that bundle to Tab 173.

15 **MS D. WILSON:** Yes.

MR LLOYD: See IR 18-1983?

MS D. WILSON: Yep.

20

MR LLOYD: Just - without getting you to scroll forward, I'll just draw to your attention - you're described as the author of this one, and the date is 15 August 2018.

25 **MS D. WILSON:** Okay.

MR LLOYD: Do you remember - just having a look at the description - so if you look at page 2 - about reporting this one up?

30 **MS D. WILSON:** Do I remember reporting it?

MR LLOYD: Yes.

MS D. WILSON: Yes.

35

MR LLOYD: Just have a look at page 4 under Local Analysis. Do you see that?

MS D. WILSON: Yes. Yep.

40 **MR LLOYD:** It's a reference to Witness JJ. Do you see that?

MS D. WILSON: Yes. Yep.

45 **MR LLOYD:** And it is a concern that staff, in the second paragraph, are raising the issue of inappropriate behaviour by a staff member, and even more concern that it is only the one person that is mentioned. Do you see?

MS D. WILSON: Yes, I see that.

MR LLOYD: And then references to intimidation by Astill previously:

5 "However, more staff are coming forward, and this inappropriate behaviour
needed to be reported."

Do you see that?

10 **MS D. WILSON:** Yes. Yes. Yep.

MR LLOYD: And a couple down:

15 "Wayne Astill has been of interest to local intel for a period of time, although
it has escalated in the last six months."

Do you see that?

20 **MS D. WILSON:** Yes.

MR LLOYD: Then you make reference to a number of reports recently submitted
through SIU and also introduction of tobacco, illicit drugs by a staff member. And:

25 "Given the information, can't be discounted that this is the one person, if in
fact, it is."

Do you see that?

30 **MS D. WILSON:** Correct. Yes.

MR LLOYD: And then you make reference to the report that I asked you about
towards the start of your evidence, the suspicious activity with Witness C. Do you
see that?

35 **MS D. WILSON:** Right. Yes. Yes.

MR LLOYD: This was, in effect, here, you saying that there had been a number
of previous reports that had come to your attention of significant concern about
Astill; true?

40 **MS D. WILSON:** True. Yep.

MR LLOYD: And wanting something done?

45 **MS D. WILSON:** Correct.

MR LLOYD: Have a look over the page, Local Intelligence Gaps:

"Although there is a lot of hearsay on this matter, it cannot be proven Chief Astill has colluded and provided the items for Witness GG or other inmates."

5 See that?

MS D. WILSON: Yes.

10 **MR LLOYD:** See, isn't that you saying that one of the problems is again what you described as "hearsay" and a conclusion that it cannot be proven that Astill had colluded and provided Witness JJ with the items?

MS D. WILSON: Yes.

15 **MR LLOYD:** It must have been pretty obvious to you by now that the evidence, at least as you understood it, in support of these allegations being - or having a proper basis was compelling. Do you agree?

20 **MS D. WILSON:** Well - correct.

MR WHITE: I object to that.

COMMISSIONER: I require an answer.

25 **MS D. WILSON:** As - as stated previously, I - I had written that there was a number of reports submitted in relation to Mr Astill.

MR LLOYD: Under Local Actions:

30 "Continued monitoring. General Manager informed."

MS D. WILSON: Correct. Yeah.

35 **MR LLOYD:** Do you remember having a discussion by this time, that is, 15 August 2018, with Shari Martin about what on earth was going on with Astill?

MS D. WILSON: I don't - I don't recall, but I'm not saying it didn't happen.

40 **MR LLOYD:** Ms Wilson, I have to ask you this: Is a fair way to describe the reports - the intelligence reports and information notes I've been asking you about that you're the author of to say that in your conclusions where you've referred to "cannot be proven", "cannot be substantiated", that that was you attempting to raise doubts about the truthfulness or accuracy of the allegations (indistinct)?

45 **MS D. WILSON:** No. No, I deny that.

MR WHITE: I object to that.

COMMISSIONER: I require an answer.

5 **MR LLOYD:** I take it you didn't hear back from the SIU or CIG about this report?

MS D. WILSON: No, I didn't.

10 **COMMISSIONER:** Well, can I just understand this: When you look at the front page of the report, there's a column there about - which is headed Admiralty Code.

MS D. WILSON: Yes.

15 **COMMISSIONER:** Do you see that?

MS D. WILSON: Yes.

20 **COMMISSIONER:** Now, there's two responses below, LIO Evaluation, response C3.

MS D. WILSON: Correct.

COMMISSIONER: That, I take it, means fairly reliable, possibly true?

25 **MS D. WILSON:** Correct.

COMMISSIONER: Now, who would have made that - who would have put that onto this report?

30 **MS D. WILSON:** That - that - that would have been my evaluation on the subject.

COMMISSIONER: That's your evaluation, is it?

35 **MS D. WILSON:** Yes.

COMMISSIONER: And then CIG Evaluation, response C3, the same level. Who would have put that on?

40 **MS D. WILSON:** The analyst at - the analyst at CIG.

COMMISSIONER: Well, do you know who that was?

MS D. WILSON: No, it's not on the - not on the bottom of the form.

45 **COMMISSIONER:** We can't work out who it was from the report in any way?

MR LLOYD: Commissioner, if you look on the final page.

MS D. WILSON: Not on this form.

COMMISSIONER: Final page, is it?

5

MR LLOYD: Page 6.

MS D. WILSON: There is a -

10 **COMMISSIONER:** Final page tells us where?

MR LLOYD: CI Analyst and CI Reviewer.

MS D. WILSON: Yeah.

15

MR LLOYD: See that, Commissioner?

COMMISSIONER: I see "analyst". I'm sorry. Yes, I see. Very well. Now, if we look at the previous one that Mr Lloyd took - report Mr Lloyd took you to, 172.

20 Can you go back to that again?

MS D. WILSON: 172?

COMMISSIONER: Yes. Look at the front page of that.

25

MS D. WILSON: Sorry, I can't -

COMMISSIONER: There's the same -

30 **MS D. WILSON:** 172. Sorry. Yes. Yes.

COMMISSIONER: There's the same admiralty code in the box on the front page.

MS D. WILSON: Yes.

35

COMMISSIONER: See that?

MS D. WILSON: Yes.

40 **COMMISSIONER:** Now, this time, the evaluation response is said to be F6.

MS D. WILSON: Yes.

COMMISSIONER: Reliability unknown, cannot be judged. See that?

45

MS D. WILSON: Yes.

COMMISSIONER: Now, who has put that F6 on that report?

MS D. WILSON: That would have been me.

5 **COMMISSIONER:** That's you, is it?

MS D. WILSON: Yes.

10 **COMMISSIONER:** So on that report, you've gone from the lowest category of reliability, in the next document you've been taken to, to a significant elevated level of reliability?

MS D. WILSON: Yes, due to the amount of reports coming through at that time.

15 **COMMISSIONER:** And what you understand is that that same level of reliability would have been the conclusion of either Sarah Casey or Michael Hovey; is that right?

MS D. WILSON: That's -

20

COMMISSIONER: Well, they're said to be the analyst and the reviewer.

MS D. WILSON: Okay. Well, if that's - yes, that's correct.

25 **COMMISSIONER:** So who is it, or is it both of them? Do you know?

MS D. WILSON: I would say that the analyst has reviewed it and then the Director, Michael Hovey, has sort of reviewed it again.

30 **COMMISSIONER:** Right.

MS D. WILSON: I'm - I'm unsure as to how they work in the SIU.

COMMISSIONER: Yes. All right.

35

MR LLOYD: Could I ask you about something that happened four days after this report was submitted. Go to Tab 524.

MS D. WILSON: Sorry, I don't have that one.

40

MR LLOYD: I'll read out to you. It's an email from you to Shari Martin, 19 August 2018, where -

45 **MS D. WILSON:** I believe - yeah, I believe that's at the end. Yes, it is attached to (indistinct). Yes.

MR LLOYD: You've got - you're saying to Shari Martin on Sunday, 19 August 2018:

5 "Can you please furnish any further reports you have on Wayne Astill to..."

And I'll just ask you to assume that's an address within the Professional Standards Branch or Group.

10 **MS D. WILSON:** I'm not sure who it was - I'm not sure who it was to. But, yeah, it was someone within the Department.

MR LLOYD: And you say:

15 "I've forwarded copies of the paperwork from your safe."

MS D. WILSON: Right. Yes.

MR LLOYD: Do you see that?

20 **MS D. WILSON:** Yes.

MR LLOYD: What can you tell us about this? First, why was it that this email came to be prepared by you?

25 **MS D. WILSON:** I can't recall, but I would say that they've contacted me and asked me for further reports on Wayne Astill.

MR LLOYD: When you say:

30 "I've forwarded copies of the paperwork from your safe."

Does that tell you that you had retrieved from Shari Martin's safe all of the relevant documents about Astill?

35 **MS D. WILSON:** All of the documents I'd placed into the safe. They were in an envelope in - in her safe.

MR LLOYD: Do you remember at least -

40 **COMMISSIONER:** I'm not sure you got an answer to the question, Mr Lloyd.

MR LLOYD: I'll try and deal with it this way. Do you remember going to the safe in relation to this email and looking for things?

45 **MS D. WILSON:** I - yes, I went to the safe and retrieved the envelope containing the reports.

MR LLOYD: And what you're saying is when you were looking for the things about Astill, there was an envelope?

MS D. WILSON: Yes.

5

MR LLOYD: What, was it marked, "Wayne Astill"?

MS D. WILSON: I - I can't recall what it was marked, but I placed that envelope in there with relevant reports that I had reported on.

10

MR LLOYD: Is this an envelope in which you had put things for safekeeping in the safe?

MS D. WILSON: Correct. They weren't - they weren't safe in the Intelligence Office.

15

MR LLOYD: I understand. Do you - did you look in that safe for any other documents other than the ones that you had put in there?

20

MS D. WILSON: There was nothing in that safe apart from some locks and keys. It was only a small safe.

MR LLOYD: So the only thing in that safe when you went there around this time was the envelope you put in there?

25

MS D. WILSON: Yes.

MR LLOYD: Aside from the keys?

30

MS D. WILSON: Yes.

MR LLOYD: How many - sorry, I withdraw that. Did you look inside the envelope?

35

MS D. WILSON: Well, if I forwarded copies of the paperwork, then, yes, I would have.

MR LLOYD: Do you remember what kinds of things were in there? How many pages, for example?

40

MS D. WILSON: I don't recall how many pages. They would have been the reports submitted by staff in relation to the allegations on Astill.

MR LLOYD: Was it a thick envelope?

45

MS D. WILSON: Not particularly thick, no, from memory.

MR LLOYD: You don't have a recollection sitting here today of how many pages were in there?

MS D. WILSON: No, I - I couldn't tell you.

5

MR LLOYD: Or, for example, whether what was in there were reports that had been submitted to you by Jean Dolly that you'd put in there for safekeeping?

MS D. WILSON: Yes, that would be correct.

10

MR LLOYD: So you think that they were in that envelope?

MS D. WILSON: I believe so, yes. I placed them in there.

15

MR LLOYD: Could I ask you about just two reports. The first one is at 174.

MS D. WILSON: Yes.

MR LLOYD: This is authored by Renee Berry?

20

MS D. WILSON: Yes.

MR LLOYD: Were you aware that this was prepared?

25

MS D. WILSON: I believe she told me she had submitted a report.

MR LLOYD: And, similarly, one on the same day, 175?

MS D. WILSON: Yes.

30

MR LLOYD: And, again, you believe you became aware that she had submitted that report as well?

MS D. WILSON: I believe she informed me, yes.

35

MR LLOYD: By this time, I take it you were hoping that those reports might prompt some action by the CIG for Astill; is that right?

MS D. WILSON: Yes. Yes, definitely.

40

MR LLOYD: Just going back - sorry, one thing about the email I omitted to ask. Did Shari Martin come back to you to say to you, "What's going on? Why are you asking me to furnish you with any further reports," that she had about Astill?

45

MS D. WILSON: I can't recall. She may have -

MR LLOYD: Do you remember having a discussion with her -

MS D. WILSON: I had regular -

MR LLOYD: Do you remember talking to her at this time - sorry, you go.

5

MS D. WILSON: I had regular discussions with Shari Martin.

MR LLOYD: About Astill?

10 **MS D. WILSON:** About Astill and about a lot of other inmates as well. So -

MR LLOYD: Just dealing with the ones about Astill, do you remember any discussions around this time, the second half of 2018, between you and Shari Martin about what was happening in relation to Astill?

15

MS D. WILSON: I vaguely remember talking to Shari, saying, you know, "We need to get Astill out of intel and, you know, things need to be done."

20 **MR LLOYD:** Finally, Ms Wilson, do you remember when Stephen Virgo came on board in September of 2018?

MS D. WILSON: No, I wasn't there when he came on board.

25 **MR LLOYD:** He told the Commission in his evidence that he received a handover from you because he was coming into the intelligence role. Do you remember a handover?

MS D. WILSON: Right. Yeah, he - he may have come over earlier.

30 **MR LLOYD:** He told us in his evidence that the handover went for a matter of seconds, and the only thing that you said to him about Astill was, "Watch out for Astill. He's up to no good." Do you remember that happening?

MS D. WILSON: I don't recall. But, once again, it's possible I said that.

35

MR LLOYD: If that was the extent of the handover to Virgo - that was the extent of what you said about Astill, do you think that that was an accurate way to relay to him the things that you had found out about Astill in your time in the role?

40 **MR WHITE:** I object.

COMMISSIONER: I require you to answer.

MS D. WILSON: No, it wasn't. But I'd just lost my job of 31 years.

45

MR LLOYD: Just pardon me, Commissioner. Just one final thing I omitted to ask you. Do you remember I was asking you a question about the diaries?

MS D. WILSON: About the - sorry?

MR LLOYD: About the diary or notebook Witness B showed you?

5

MS D. WILSON: Yes. Yes.

MR LLOYD: I think you mentioned you scanned it.

10 **MS D. WILSON:** Yes, I did.

MR LLOYD: Is the position that whatever steps you took, they involved you making a copy and physically handing it to Shari Martin? Is that what you're saying?

15

MS D. WILSON: No, I'm not saying that. I said I scanned it, and it went into the report I submitted to CIG or SIU.

20

MR LLOYD: I want to suggest you're mistaken about making an electronic copy or record of that diary.

MS D. WILSON: I believe I did.

25

MR LLOYD: Those are my questions, Commissioner.

COMMISSIONER: Mr Sheller.

MR SHELLER: Thank you, Commissioner.

30

<EXAMINATION BY MR SHELLER:

MR SHELLER: Ms Wilson, my name is James Sheller. I'm one of the legal representatives for Corrective Services. Could I ask you to have a look at your Commission statement, please, paragraph 11. On the second page.

35

MS D. WILSON: Yes.

MR SHELLER: In this paragraph, you identify that you and Ms Kellett did the training or the Intelligence Officer's course together. Do you see that?

40

MS D. WILSON: I believe it was actually not the intelligence course; I believe it was the IIS course.

45

MR SHELLER: Is it right that when you started the role as Intelligence Officer, you did a course?

MS D. WILSON: At some stage. Not when I first took the role up, but at some stage I did do - it was a five-day course.

5 **MR SHELLER:** And then there was a second course that you engaged in with Ms Kellett which involved being trained on the operation of the IIS; is that correct?

MS D. WILSON: That's correct.

10 **MR SHELLER:** I think in answer to some questions from Mr Lloyd, you suggested that you were really learning on the job; is that right?

MS D. WILSON: Correct.

15 **MR SHELLER:** But before the learning on the job, you'd done these two courses; is that right?

MS D. WILSON: Not before, no.

20 **COMMISSIONER:** That's not - no.

MR SHELLER: Sorry. You'd done one - you did the job for a while, but you did one course and then later on you were trained in the IIS?

25 **MS D. WILSON:** Correct.

MR SHELLER: Then you describe how Ms Kellett filled in, in the job for you when you were on leave?

30 **MS D. WILSON:** In the early days, she wasn't put in there very much due to staffing levels. It was a five-in-seven position. If I was on holidays, she may have gone in there one or two days at a time, but that was it. Later on - sorry?

35 **MR SHELLER:** I was going to say, is it normally the case there was only one person working in the Intelligence Office or more than one?

MS D. WILSON: No, there was only me. One person.

40 **MR SHELLER:** Then you describe how Mr Astill did the role as well?

MS D. WILSON: Yes. He was also nominated later on when he came across as an Intelligence Officer. And I believe I went to Leanne O'Toole and asked her - told her she can't put him in, he's not trained, and she said that he was, he will be in there. So - yeah.

45 **MR SHELLER:** And when you say - you've given evidence in answer to some questions from Mr Lloyd that there were other occasions where you raised with

the Governor that he shouldn't be doing intelligence. Was that for a different reason?

5 **MS D. WILSON:** I believe there was reports coming through now about him and - yeah. And given when he was in there, there was very little work done.

MR SHELLER: So what I was going to ask you - so if he was working in the Intelligence Office, you wouldn't have been in the office because you were away on leave or for some other reason?
10

MS D. WILSON: Yes, I was either on days off or on leave.

MR SHELLER: And when you came back after he had been in the office, to your observation, little, if any, work had been done?
15

MS D. WILSON: Correct.

MR SHELLER: And in terms of officers - sorry, you as an Intelligence Officer working and your replacements, did you tell those who were filling in for you what they needed to do or what follow-up they should engage in?
20

MS D. WILSON: Usually you follow up on your own reports. Yep. If anything came - any reports came across the desk, then they were to deal with it and monitor the mail, monitor the phones, all the usual things we had to do.
25

MR SHELLER: And so going back to what you told the Governor, it was two things: Mr Astill shouldn't be doing intelligence because of all the reports about him; and, second, when he is fulfilling the role of Intelligence Officer, he's not doing much work?
30

MS D. WILSON: Correct.

MR SHELLER: And what was the Governor's response to those comments?

35 **MS D. WILSON:** I don't recall, but she probably said that she'd look into it.

MR SHELLER: And that discussion you had with the Governor, I take it, took place more than once?

40 **MS D. WILSON:** I believe so. The Governor and the Deputy Governor.

MR SHELLER: And who was the Deputy Governor in these discussions? Was that Ms O'Toole?

45 **MS D. WILSON:** Yes, it was.

MR SHELLER: Well, if you accept from me that Ms O'Toole was no longer at Dillwynia after October 2016 -

MS D. WILSON: Okay. Then -

5

MR SHELLER: - and the matters involving Mr Astill continued for about two years or so after that, was there a discussion with another Deputy Governor on this question of Mr Astill as Intelligence Officer?

10 **MS D. WILSON:** It may have been. They were in charge of the rosters. Normally the Principals acting into the position.

MR SHELLER: Now, can I then just go forward in your statement, paragraph 17, when you talk about the SIU.

15

MS D. WILSON: Yes.

20 **MR SHELLER:** Just at the end of that paragraph, you talk about information which is reported through the SIU as bypassing the Governor and anyone else associated with the centre?

MS D. WILSON: Correct.

25 **MR SHELLER:** And that's something that was, you understood from your training, in the operation of the IIS?

MS D. WILSON: Through my working with the IIS, I, yeah, found that out.

30 **MR SHELLER:** Can I then ask you just to go to the document - the intelligence report - it's behind Tab 171 - that you've been asked questions about.

MS D. WILSON: Yes.

35 **MR SHELLER:** If you - first of all, can I just ask you generally about the intelligence report. The document behind Tab 171 is not the form of a document you would have had in the Intelligence Office; is that right?

MS D. WILSON: That I received my information on?

40 **MR SHELLER:** The document behind Tab 171 - a document in that form, that is, a written document, printed off, is not what you would have had in the Intelligence Office?

MS D. WILSON: No. No.

45

MR SHELLER: What you would have had was a computer screen into which you could input information on a template; is that correct?

MS D. WILSON: Correct. Yes.

5 **MR SHELLER:** Now - and so if you go to this document, the second page, you've been asked in respect of other documents about the admiralty code?

MS D. WILSON: Correct. Yes.

10 **MR SHELLER:** And in this instance, your evaluation is the F6, which is "reliability unknown, cannot be judged"?

MS D. WILSON: Yes.

15 **MR SHELLER:** Now, this document is the long, long document in relation to Ms Cox and her allegations?

MS D. WILSON: Yes. There was also a report submitted by Chief Astill that was - I included in the report as well.

20 **MR SHELLER:** Yes. But when you're talking about reliability - sorry. When you're doing your evaluation response, "reliability unknown and cannot be judged", that's not in relation to Mr Astill, is it?

25 **MS D. WILSON:** The allegations against him, yes, it was.

MR SHELLER: Yes. In this document - you've been asked already - your views were that Ms Cox was someone who was unreliable, and the likelihood of what she was telling you - sorry, I withdraw that. You took a view that Ms Cox was both unreliable and what she was telling you was improbably true?

30 **COMMISSIONER:** Sorry. Sorry, I don't understand the question.

MR SHELLER: I'll withdraw it. In relation to Ms Cox, you had formed a view about her reliability?

35 **MS D. WILSON:** She'd made a number of allegations - I'd known Elizabeth for a while, and she'd made a number of allegations if things didn't go her way. But in saying that, then I can't discount what she's told me.

40 **MR SHELLER:** Then if you just go under the Admiralty Code section on the second page of this report, you'll see the section headed Report Information Categories?

45 **MS D. WILSON:** Yes.

MR SHELLER: And you'll see the third one there is SIU?

MS D. WILSON: Correct.

5 **MR SHELLER:** And, again, just based on what you said in paragraph 17 of your Commission statement, the idea of a report through the SIU was that the information would go outside the prison and not be known to anyone within the prison?

MS D. WILSON: Yes. Correct.

10 **MR SHELLER:** That's the idea? Then if you go through to the - page 8 of the intelligence report.

MS D. WILSON: Yes.

15 **MR SHELLER:** You'll see a section Local Actions?

MS D. WILSON: Yes.

20 **MR SHELLER:** You inputted that information - 1, 2, 3 - beneath that heading?

MS D. WILSON: Yes, I did.

MR SHELLER: The first one was Cox being placed into high needs?

25 **MS D. WILSON:** Yes.

MR SHELLER: That presumably means that she was either in low or medium needs beforehand?

30 **MS D. WILSON:** I'm - I'm unsure, but it's possible, yes, she was. If she was moved to high needs, yes.

MR SHELLER: And was that something that you had discussed with someone at Dillwynia, that is, the placement of Cox?

35

MS D. WILSON: I believe those decisions were made by the Governor.

MR SHELLER: And that was something that you had discussed with the Governor?

40

MS D. WILSON: I'm unsure if I've discussed it with the - well, obviously I have if that's the information I have there, that - yeah.

45 **MR SHELLER:** So is it the case that you were discussing with the Governor the details in this intelligence report in relation to that decision about Cox's placement?

MS D. WILSON: I had no decision in her placement, but the Governor actually handed me the dot point submission given by Cox. So - and that's when I worked it. So those decisions (crosstalk) -

5 **MR SELLER:** Sorry.

MS D. WILSON: Those three decisions would have been - sorry - determined by the Governor, and I've just put - submitted that into the report.

10 **MR SELLER:** So where there's reference to "Chief Astill informed of situation", is that something you were involved in or the Governor, or both?

MS D. WILSON: No, it wasn't me. No.

15 **MR SELLER:** So are you saying you weren't sharing any of the information in this document with Mr Astill?

MS D. WILSON: No. No. He - as I said earlier, he - there is one report submitted by him that's included in this report. But the other -

20

MR SELLER: Just going back to the second - sorry. Yes. If you go back to -

MS D. WILSON: The other information I reported. Yep. Sorry, the second -

25 **MR SELLER:** If you go back to the second page of the document, there's the information from Mr Astill.

MS D. WILSON: Yes.

30 **MR SELLER:** What you seem to have done is to either type out or copy and paste something that Mr Astill provided by way of report into this document?

MS D. WILSON: Yes, I've just typed out what he's written in the report.

35 **MR SELLER:** And then separate to that, on the third page, you get Ms Kellett's report?

MS D. WILSON: Correct.

40 **MR SELLER:** And then you place that into this document?

MS D. WILSON: Sorry? I didn't hear that.

45 **MR SELLER:** You then placed the whole of Ms Kellett's report into this intelligence report?

MS D. WILSON: It would have been the - the main body of the report, yes.

MR SELLER: Then as you go to the fifth page, which has the heading Local Analysis -

5 **MS D. WILSON:** Yes.

MR SELLER: - is this right: That the template into which you were putting information had that heading for you to include the information?

10 **MS D. WILSON:** Yes, every report - every report has that.

MR SELLER: And I take it that you had been trained in what was to go into the Local Analysis section of the report?

15 **MS D. WILSON:** Yes, basically to give a background of the inmate and - and then identify the information we were given.

MR SELLER: If you just go back, then, to your statement - Commission statement at paragraph 14.

20

MS D. WILSON: Yes.

MR SELLER: You then identify what the intelligence-gathering exercise is?

25 **MS D. WILSON:** Okay. Yeah.

MR SELLER: And you'll see from paragraph 14 of your Commission statement, the intelligence - sorry, the intelligence-gathering exercise does not include making judgments on the intelligence gathered. Do you agree with that?

30

MS D. WILSON: Paragraph 14?

MR SELLER: Yes, of your Commission statement, where you describe your exercise of - sorry, where you're addressing the question of what the role of the Intelligence Officer is. There's nothing in there about making any judgments on the intelligence that you were gathering?

35

MS D. WILSON: No.

40 **COMMISSIONER:** That's plainly not correct, Mr Sheller. That's plainly not correct. It doesn't seem to have been made at every step.

MR SELLER: Yes. Can you offer an explanation, Ms Wilson, just taking up what the Commissioner has just said, why - under the Local Analysis section of this intelligence report dealing with what was first said by Mr Astill and then what was communicated through Ms Kellett concerning Ms Cox, why you were making judgments?

45

MS D. WILSON: That's part of the analysis, that I would get the backgrounds and then try and identify further information and - yeah.

5 **MR SELLER:** Were you making judgments in the expectation that those receiving the report in CIG would agree with you?

MS D. WILSON: No.

10 **MR WHITE:** I object.

MS D. WILSON: No, that's not why I wrote it.

15 **COMMISSIONER:** Well, I require it to be answered. But, Mr Sheller, as we've already discussed, when you go to page 7, there's plainly judgments being made. There's judgments being made reflected in the admiralty code.

MR SELLER: Yes.

20 **COMMISSIONER:** Just before lunch, can I ask you this: This report discloses information that you received about drugs and drugs being taken by Ms Cox in the gaol.

MS D. WILSON: Right.

25 **COMMISSIONER:** You understand that?

MS D. WILSON: Yes.

30 **COMMISSIONER:** Now, what steps did you take to try and find out where the drugs were coming from?

MS D. WILSON: I would have monitored phone calls, monitored mail once again. Yeah. That's about - yeah, just monitoring and - yeah.

35 **COMMISSIONER:** Did anyone think to sit down with Ms Cox and try and find out where she was getting the drugs from?

MS D. WILSON: No.

40 **COMMISSIONER:** Very well. We'll take the luncheon adjournment.

<THE HEARING ADJOURNED AT 1.00 PM

45 **<THE HEARING RESUMED AT 2.00 PM**

MR SELLER: I don't have any further questions. Thank you, Commissioner.

COMMISSIONER: Anyone else have any questions?

5 **MR WHITE:** No. Thank you. Commissioner, as I indicated this morning, if I could seek leave to, if necessary, ask questions of this witness on a later occasion. I have spoken to Counsel Assisting about that, and I understand there -

COMMISSIONER: You don't want to ask any today?

10 **MR WHITE:** Not today, no.

COMMISSIONER: All right. Well, have you got a timeframe wrapped around you as to when you can let us know?

15 **MR WHITE:** Yes.

COMMISSIONER: We don't have a lot of time.

20 **MR WHITE:** I understand that. I understand that. I'll confer with Counsel Assisting.

COMMISSIONER: He'll put you on strict terms, you realise?

25 **MR WHITE:** I understand.

COMMISSIONER: Very well. Okay. Yes, Mr Lloyd.

MR LLOYD: Nothing further from me, Commissioner.

30 **COMMISSIONER:** Thank you, Ms Wilson. That concludes your evidence today. You may be required further, but counsel will let you know if that happens. But otherwise, thank you.

35 **MS D. WILSON:** Thank you.

<THE WITNESS WAS RELEASED

40 **MR LLOYD:** Commissioner, could you pardon me for one moment so I can make an inquiry about the process by which the next witness is to be called. Ms O'Toole is also by AVL. We don't need to have a break, so I call -

COMMISSIONER: The next witness is?

45 **MR LLOYD:** I call Leanne O'Toole. Commissioner, I've just been told that those assisting you have just been informed that she's running five minutes late.

COMMISSIONER: Well, I should adjourn for five minutes?

MR LLOYD: If that's convenient.

<THE HEARING ADJOURNED AT 2.02 PM

5

<THE HEARING RESUMED AT 2.07 PM

MR LLOYD: My apologies for that, Commissioner. We have Ms O'Toole on the screen. She will take an oath on the Bible.

10

<LEANNE O'TOOLE, SWORN

COMMISSIONER: Yes, Mr Lloyd.

15

<EXAMINATION BY MR LLOYD:

MR LLOYD: Thank you, Commissioner. Could you tell us your name?

MS O'TOOLE: Leanne O'Toole.

20

MR LLOYD: Your address is known to the Commission. You made a statement to the Commission dated 23 October 2023?

MS O'TOOLE: That's correct.

25

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

MS O'TOOLE: Yes, I was.

30

MR LLOYD: It's behind Tab 88 in volume 8, Commissioner, and I tender that.

COMMISSIONER: That becomes Exhibit 30.

<EXHIBIT 30 TENDERED AND MARKED

35

MR LLOYD: Ms O'Toole, you've recently provided to the Commission two medical reports?

MS O'TOOLE: Yes.

40

MR LLOYD: And I'll just make sure I understand: Your wish is for the Commission and the parties who are appearing with leave to be aware of the contents of those reports; correct?

45

MS O'TOOLE: Yes, the Commission and any associated legal personnel, not any witnesses appearing before the Commission.

MR LLOYD: And that's because those reports contain medical information about you that you don't want to be published any more widely than is necessary; true?

MS O'TOOLE: Yes. Correct.

5

MR LLOYD: Commissioner, could I hand up, short of tendering, two medical reports in relation to -

10 **COMMISSIONER:** I think they should be tendered, but I will confine their availability.

MR LLOYD: Certainly. Well - I tender the two medical reports, and I hand up at this point a form of non-publication order for your consideration.

15 **COMMISSIONER:** The order - well, the order begs the question, who should have access?

MR LLOYD: There are witnesses who you are well aware, Commissioner -

20 **COMMISSIONER:** Look, I can do this, Mr Lloyd. If I can confine access to Commission staff and Counsel Assisting, is there anyone else who needs to see these reports?

MR LLOYD: Legal counsel for the Department -

25

COMMISSIONER: Yes.

MR LLOYD: - present in court. If they could be extended - if it could be extended to include -

30

COMMISSIONER: There would be no reason for anyone else to see them, would there?

MR LLOYD: I can't think of one, Commissioner.

35

COMMISSIONER: Does anyone suggest there could be?

MR WATSON: (Indistinct).

40 **COMMISSIONER:** You've got a copy?

MR WATSON: I think we've all been given -

45 **COMMISSIONER:** You shouldn't be, I think. Can we retrieve them? Unless you can persuade me there's a need for you to have them, I don't think there is.

MR WATSON: I don't need them. Thank you.

MR LLOYD: I think they were supplied in accordance with Ms O'Toole's acceptance that parties with leave could have them, but having said that -

5 **COMMISSIONER:** Well, that disseminates them further than I think they need to go.

MR LLOYD: Yes.

10 **COMMISSIONER:** So what I'll do is I'll mark them together as Exhibit 31 and order that there be no publication of Exhibit 31 otherwise than to the Commission staff and Counsel Assisting the Commission without further order from me.

<EXHIBIT 31 TENDERED AND MARKED

15 **MR LLOYD:** May it please the court. Could that be varied in this way - I thought that in framing that order, Commissioner, it only sent it to Counsel Assisting the Commission -

20 **COMMISSIONER:** Yes.

MR LLOYD: - not to counsel representing the Department.

25 **COMMISSIONER:** Do you need to see them, Mr Sheller?

MR SHELLER: Yes, I (indistinct).

COMMISSIONER: I'm sorry?

30 **MR SHELLER:** I would, yes.

COMMISSIONER: Why?

35 **MR SHELLER:** Because I know we'll be cross-examining this witness on it.

COMMISSIONER: Well, that will be for me to evaluate, won't it, at the end of the day?

40 **MR SHELLER:** That would be, but it also may be relevant to an issue on which I need to address.

COMMISSIONER: Well -

45 **MR SHELLER:** Potentially. I'm not suggesting it will be, but just -

COMMISSIONER: Well, I don't know whether it will be or not. But if I was to make an order extending it to you, then you'd have to undertake not to refer to the contents of the reports in the hearing.

5 **MR SHELLER:** Yes.

COMMISSIONER: And nor - nor provide copies of the reports other than those assisting you in court.

10 **MR SHELLER:** Yes.

COMMISSIONER: Very well. Well, I'll extend the order so that the exhibit can be provided to counsel for the Department of Corrective Services and those assisting senior counsel in representing the Department in this hearing.

15 **MR SHELLER:** May it please the Commission.

COMMISSIONER: Thank you.

20 **MR LLOYD:** Ms O'Toole, can I just make sure I understand what you've got with you where you are. Have you got a copy of your statement that you made to the Commission?

25 **MS O'TOOLE:** Yes, I have.

MR LLOYD: And have you got a PDF bundle of some documents?

MS O'TOOLE: Yes, on my iPad.

30 **MR LLOYD:** And I understand that's got some page numbers at the bottom that you can use to navigate that bundle?

MS O'TOOLE: Yes. Yes.

35 **MR LLOYD:** Just make sure you tell the Commissioner if at any time I'm asking you to go to a document and you're having trouble finding it.

MS O'TOOLE: I will.

40 **MR LLOYD:** In your statement to the Commission, you tell us that you started at Dillwynia in 2008?

MS O'TOOLE: Yes, I believe it was. But you - as I say, you'd need to check my employment records to confirm that that was the year.

45 **MR LLOYD:** Where did you work before you were at Dillwynia?

MS O'TOOLE: Emu Plains Correctional Centre.

MR LLOYD: Did you come over to Dillwynia in the position of Manager of Security?

5

MS O'TOOLE: Yes, I did.

MR LLOYD: And remained in that position until you left Dillwynia sometime around October 2016; is that right?

10

MS O'TOOLE: That's correct.

MR LLOYD: Can I just ask you whether you can help us with your understanding of at least some of the functions of the MOS at Dillwynia in the time you were there. Did it involve managing staff?

15

MS O'TOOLE: Yes, it did.

MR LLOYD: I'm reading, just so you know - you don't need to go to the document, but a role description of Manager of Security from March 2015. Is it right that it included staff management, leadership, direction and staff performance management?

20

MS O'TOOLE: Yes.

25

MR LLOYD: What other sorts of things did you do on a day-to-day basis in your role?

MS O'TOOLE: Checking rosters, signing off on rosters, sick leave, sick leave counselling. I had basically an open-door policy. If staff wanted to speak to me about personal issues that they required, you know, a special roster for or, you know, different - different shifts - swapping shifts and whatnot. Also speaking with inmates that wished to speak to me. Basically an open-door policy for anyone that wanted to speak with me.

30

35

MR LLOYD: You tell us in paragraph 33 of your Commission statement that during the last 12 to 18 months at Dillwynia, you felt alienated by some members of the executive team?

40

MS O'TOOLE: Yes, I did.

MR LLOYD: And I take it that that feeling of alienation had an adverse effect on what you described as your open-door policy?

45

MS O'TOOLE: Yes, it did. It had an adverse effect on my health overall.

MR LLOYD: Ms O'Toole, the Commission has heard evidence from a number of different people to the effect that you had a close friendship with Wayne Astill. Is that right?

5 **MS O'TOOLE:** I was friends with Wayne's partner, Tania. And to describe it in my words, Wayne was the add-on to the friendship. My initial friendship was with his partner, Tania Hockey. We were friends before Wayne started.

10 **MR LLOYD:** Is it the case that you and your husband and Tania Hockey and Wayne Astill routinely had dinner at local clubs and other restaurants?

15 **MS O'TOOLE:** I wouldn't say routinely. It would be more than occasionally, but it certainly wasn't routine. A routine is something that you do on a regular basis. It was maybe to celebrate someone's birthday, things like that. It wasn't - certainly wasn't - I wouldn't refer to it as routinely.

MR LLOYD: You, from time to time, went on holidays with Tania and Wayne Astill?

20 **MS O'TOOLE:** Yes, along with others.

MR LLOYD: Could I ask you about this: The Commission has heard evidence that the way in which the officers conducted themselves professionally at Dillwynia involved strict adherence to a hierarchical structure. Do you agree that that's a correct description?

MS O'TOOLE: Can you just repeat the question for me, please?

30 **MR LLOYD:** Certainly. The Commission has heard evidence that there was a fairly rigid hierarchical structure adopted at Dillwynia. Would you agree?

35 **MS O'TOOLE:** I wouldn't say rigid. There is a hierarchical structure in any Correctional Centre. And reporting of things is a chain of command to report by. But rigid - no, I wouldn't say it was absolutely rigid. It was rigid when required. It was also flexible when required.

40 **MR LLOYD:** In terms of a staff member reporting, for example, misconduct or allegations of misconduct by another staff member, was your understanding that the general rule was that that would be done through the hierarchy, that is, reporting up the line?

MS O'TOOLE: Correct.

45 **MR LLOYD:** If officers at Dillwynia understood you to have a friendship with Wayne Astill, did you ever think about what that might do to the ability or preparedness of those officers to make reports to you about his conduct?

MS O'TOOLE: I would expect that the officers would respect my professionalism and would show a level of professionalism to put aside what they perceived to be friendship or non-friendship. If something required reporting, it should have been reported irrespective of who I was friends with in the centre. I - I
5 was friends with a considerable number of officers, not specifically just Wayne Astill.

MR LLOYD: Do you remember in about February of 2016 Officer Jude Barry telling you that staff were not going to you with concerns about Astill's conduct because of their understanding of your friendship with him?
10

MS O'TOOLE: No, I have no recollection of that conversation with Judith Barry.

MR LLOYD: Do you have a recollection of a conversation like that with anyone else?
15

MS O'TOOLE: No.

MR LLOYD: Did you understand that there might -
20

MS O'TOOLE: No, if -

MR LLOYD: You go.

MS O'TOOLE: No, no. Continue with your question.
25

MR LLOYD: Did you have an understanding that there might be a reluctance by more junior staff to come to you with complaints about Astill because of an understanding of your friendship with him?
30

MS O'TOOLE: No, I expected that my staff would show the level of professionalism required and abide by the Code of Conduct irrespective of what they thought of my friendship. I mean, I have dealt with a number of other sensitive issues, as you will see from my statement, and - yeah, I just think that staff should have felt that they were able to approach me and that I would have handled it professionally as a professional officer.
35

MR LLOYD: And do you recall staff coming to you with reports of problems or misconduct by Astill?
40

MS O'TOOLE: No.

MR LLOYD: Could I ask you - in that bundle that you've got, page 27. I'll just -

MS O'TOOLE: Yes.
45

MR LLOYD: While you're finding that, I'll just give a reference -

MS O'TOOLE: Yes.

5 **MR LLOYD:** - that might allow others in the courtroom to find it. It's Tab 505, for those with physical copies, in volume 16. You've got - make sure I've got the right page. This is an email from Astill to you, 20 October 2012?

MS O'TOOLE: Yes.

10 **MR LLOYD:** Do you remember that email? I know it's a long time ago.

MS O'TOOLE: To be 100 per cent honest with you, I have no recollection of that email. And I don't even know who Trevor is.

15 **MR LLOYD:** If you look at the words in the email, it's a report of a sexual assault by one inmate on another?

MS O'TOOLE: Yes.

20 **MR LLOYD:** And do you see Astill there records some things that he's done in relation to that sexual assault?

MS O'TOOLE: Yes.

25 **MR LLOYD:** And toward the bottom of the email, stated:

"The matter has been reported to officers."

I assume this was to June and Trevor?

30

MS O'TOOLE: Yes.

35 **MR LLOYD:** Ms O'Toole, what, in your understanding, at this time was the required action when an event of this kind, that is, a sexual assault, occurred in the gaol? What did you need to do?

40 **MS O'TOOLE:** That would have required immediately speaking with the inmate - the inmate victim and taking it up the line, as I had done with previous sexual assaults or sexual assaults later on, and it would become a matter for the officers attached to - police officers attached to DCS to investigate and deal with and deem whether criminal charges be laid.

45 **MR LLOYD:** So just understanding that, if an allegation of sexual assault came to your attention -

MS O'TOOLE: Yes.

MR LLOYD: - one of the things you would do - I think you said report up the line?

MS O'TOOLE: Yes.

5

MR LLOYD: Was a report up the line - tell me if I've got it right - one that involved notification of police officers who were seconded or attached to the Department? Is that what you're saying?

10 **MS O'TOOLE:** What I'm saying is, as the Manager of Security, I would have reported it to the General Manager. It would then be - go to the officers attached to the Department via either the Regional Director or direct through the Governor.

15 **MR LLOYD:** However it got there, whether it went from you to the Governor and then out, is what you're saying that the proper place where a complaint or allegation of this had to get to was to the police officers attached to the Department?

20 **MS O'TOOLE:** Well, yes, if it was - if it was an act of criminal nature, yes.

MR LLOYD: That's no doubt reflecting that if it's an allegation of a crime, the police are the best people to investigate?

25 **MS O'TOOLE:** Exactly.

MR LLOYD: Would that position that you've just described also apply to an allegation of sexual assault by an officer on an inmate?

30 **MS O'TOOLE:** Yes, it would.

MR LLOYD: That is, it would have to be referred to the police?

MS O'TOOLE: Correct.

35 **MR LLOYD:** Can I ask you next to go to some emails on a different topic. Find, if you can, page 33. Commissioner - and I say this is for the benefit of other parties - this is Tab 589 in volume 17. For you, Ms O'Toole, you just need to find page 33.

40 **MS O'TOOLE:** Yes, I have it.

MR LLOYD: This is an email from you to a significant number of people, 20 February 2013?

45 **MS O'TOOLE:** Yes.

MR LLOYD: Those people, they are the staff then at Dillwynia?

MS O'TOOLE: Correct.

MR LLOYD: Do you see the heading is Dangerous Speculation?

5

MS O'TOOLE: Yes.

MR LLOYD: And you say:

10 "As you're aware, some activities in this centre with external agencies and inmates..."

Do you see that?

15 **MS O'TOOLE:** Yes. Yes.

MR LLOYD:

20 "I've heard some of the speculation going on and wish to inform you if you needed to have knowledge, you would be briefed."

MS O'TOOLE: Yes, that's correct.

MR LLOYD: Do you remember what this was about?

25

MS O'TOOLE: Again, I can't tell you what that was about.

30 **MR LLOYD:** Do you see in the next paragraph you refer to being concerned about you entertaining and repeating rumours, and rumour and speculation can be damaging, particularly if the rumours and speculation are untrue?

MS O'TOOLE: Yes.

35 **MR LLOYD:** Could I ask you this - and I think you've said you don't remember what this was about?

MS O'TOOLE: No, I don't.

40 **MR LLOYD:** Do rumours frequently go around gaols? Is that your experience?

MS O'TOOLE: Gaols are rife with rumours. In fact, there's a saying amongst Correctional Officers of, "Never let the truth get in the way of a good rumour." And that's been around since I joined the job. Rumours, speculation, gossip is rife in the Department.

45

MR LLOYD: Obviously a person in your position can't accept as true every rumour that you hear?

MS O'TOOLE: No. No.

5 **MR LLOYD:** Could I ask you about rumours if they involve rumours of staff behaving inappropriately, including in a criminal way, that is, committing criminal conduct, involving inmates. Are you required, in your view, to investigate rumours of that kind?

10 **MS O'TOOLE:** I would initially commence an interview and, I guess, fact-finding. But, again, dependent upon the nature of the allegation would depend upon my actions. My actions definitely cannot be identical for every situation.

15 **MR LLOYD:** A rumour that a prison guard, for example, is sexually assaulting inmates is a rumour that would be required to be investigated. Do you agree with that?

MS O'TOOLE: I do agree with that, and that's a matter that would require police action.

20 **MR LLOYD:** What about a rumour of sexual contact - put aside a rumour about assault; just sexual contact between an officer and inmates. That would require investigation too, wouldn't it?

25 **MS O'TOOLE:** Yes, it would.

MR LLOYD: Because - is this right - sexual contact of any kind between officers and inmates is improper?

30 **MS O'TOOLE:** It's totally against the Code of Conduct and Ethics.

MR LLOYD: Could I ask you, please, Ms O'Toole, to go next - in your bundle, it's page 35; for the rest of us, it's Tab 590.

35 **MS O'TOOLE:** Yes.

MR LLOYD: This is an email from you, again, to a large number of people. Pausing there, they're staff members at Dillwynia at the time?

40 **MS O'TOOLE:** Yes.

MR LLOYD: July 7, 2013:

"Once again, I am sending out an email in relation to the above topic."

45 Do you see that?

MS O'TOOLE: Yes.

MR LLOYD: And the topic at the top of the page is:

"Rumours, gossip and slander."

5

Do you see that?

MS O'TOOLE: Yes. Yes.

10 **MR LLOYD:** Do you see in the second paragraph, bold upper case:

"People in glass houses shouldn't throw stones."

MS O'TOOLE: Yes.

15

MR LLOYD: And then lower case bold:

"Unless your own personal life is squeaky clean, do not comment on others."

20 **MS O'TOOLE:** Yes.

MR LLOYD: Having drawn to your attention some parts of this email, do you know what this one was about?

25 **MS O'TOOLE:** That would probably be in - I don't exactly remember, but reading it and knowing how I write things and comment about things, that would be in relation to the rumour-mongering amongst staff that, "So-and-So is having an affair with so-and-so," or, "So-and-So is sleeping with so-and-so," and - just the general rumour-mongering and speculation amongst staff -

30

MR LLOYD: What you're describing -

MS O'TOOLE: - about who was having intimate relationships with who in relation to officer and officer.

35

MR LLOYD: Do you mean intimate relationships between officers?

MS O'TOOLE: Yes. Yes.

40 **MR LLOYD:** Were you talking here about any information you had about rumour-mongering with respect to intimate relationships between officers and inmates?

45 **MS O'TOOLE:** No. No, not at all. I mean, it's very clear from that email that I was talking about relationships and gossip between staff.

COMMISSIONER: Ms O'Toole, the impression I have from these two emails is that by reason of intimate relationships between members of staff, that occasioned you with management concerns about the running of the gaol. Is that right?

5 **MS O'TOOLE:** Not exactly the running of the gaol; just that gossip and rumour-mongering tends to become the total focus in prison officers' lives at work at times. Hence my emails to endeavour to nip it in the bud.

10 **COMMISSIONER:** Well, these sorts of rumours will be alive in any institution where men and women are working together. You understand that?

MS O'TOOLE: Yes. Correct.

15 **COMMISSIONER:** Well then, what was the reason for issuing these very strongly worded emails if it was not a concern about the management of the gaol?

20 **MS O'TOOLE:** Well, I didn't say it wasn't a concern about the management of the gaol. I said it does interfere with the management of the gaol, because I think you'll find in that email I've mentioned that staff were leaving their posts to go sit in other areas of the centre merely to have coffee and gossip rather than doing their jobs.

25 **COMMISSIONER:** So the concern was that the opportunity to gossip was occasioned by people not carrying out their tasks in the place where they were supposed to be working in the gaol; is that right?

MS O'TOOLE: Correct. Yes.

30 **COMMISSIONER:** So what you're saying is that these rumours, and this gossip, did interfere with the effective management of the gaol, as far as you were concerned?

35 **MS O'TOOLE:** Yes, it did. Because if people aren't where they're rostered to be, they're not able to carry out their duties. And if they're spending their life gossiping and rumour-mongering, of course that's going to affect - affect the effective running of the centre.

40 **MR LLOYD:** Could you go, Ms O'Toole - it's 31 in your bundle; Tab 588 for the rest of us. Do you see there's an email from you, again, to a large number of people? Just pausing there, employees at Dillwynia at the time?

MS O'TOOLE: Yes.

45 **MR LLOYD:** 3 November 2015.

MS O'TOOLE: Yeah.

MR LLOYD: Subject: Workplace Comments. Do you see that?

MS O'TOOLE: Yes.

5 **MR LLOYD:**

"A number of you have had a considerable amount to say in relation to specific incidents that have taken place in this centre and the manner in which these incidents have come to my attention."

10

Do you see that?

MS O'TOOLE: Yes.

15 **MR LLOYD:** Now, just looking at the parts of this I've drawn to your attention so far, any recollection about what this one was about?

MS O'TOOLE: I would be reasonably confident to say that that's in relation to a sexual assault matter that I dealt with between an officer and an inmate which subsequently went to court.

20

MR LLOYD: I'll see if you can help us about remembering the people involved, but just for present purposes - I'll bring you back to page 31 in a minute, but just look at page 8 in your bundle. For the rest of us, that's Tab 489.

25

COMMISSIONER: Sorry, which tab?

MR LLOYD: 489. In volume 15.

30 **MS O'TOOLE:** Yes.

MR LLOYD: Now, this is very hard to follow, Ms O'Toole, because of - names have been redacted. But just looking at the description here where you've got:

35 "23 January '14, MOS O'Toole receives a report about allegations pertaining to an officer received from Cheryl Douglas."

MS O'TOOLE: Yes.

40 **MR LLOYD:** Is that what you're talking about as being the sexual assault or is it something different?

MS O'TOOLE: It's something different. It's in relation, I believe - I believe - because I've got my dates. Like, I - I can't confidently say what dates. But question 22 on my statement said:

45

"Was any complaint made to you by any inmate or any other person regarding intimate or sexual relationships between officers and inmates or sexual assaults by officers on inmates? If so, please describe who made the complaint, what it involved and what I did in response to it."

5

And there's quite a large paragraph there in relation to how I handled that matter, and I believe - but I won't 100 per cent say - that that email is possibly in relation to the manner in which I dealt with that (crosstalk).

10 **MR LLOYD:** This is a complaint about - sorry - the sexual assault by an officer Hycinth Joseph?

MS O'TOOLE: Yes. Correct.

15 **MR LLOYD:** You think, doing the best you can, that the email back at page 31, Tab 588, might have been in relation to that particular allegation?

MS O'TOOLE: It may have - look, it may have been in relation to that. I couldn't even tell you what year the matter with Mr Joseph took place.

20

MR LLOYD: You see, in the numbered paragraphs, you set out some things:

"If inmates wish to report to staff for a variety of issues, they can do so."

25 **MS O'TOOLE:** Are we back at the email?

MR LLOYD: Yes.

MS O'TOOLE: And I've just got to get to it. Yes, I'm on it - the email now. Yes.

30

MR LLOYD: So number 1, if inmates wish to report staff for a variety of issues, they've got a right to do so?

MS O'TOOLE: Yes.

35

MR LLOYD: Number 2, if you deem that the information supplied to you by inmates is relatively factual, you will follow up with staff concerned. Do you see that?

40 **MS O'TOOLE:** Yes.

MR LLOYD: What did you mean to say "relatively factual"? Does that say that your understanding if there was a report by an inmate about misconduct by a staff member, the first thing you would do is determine whether the allegation was
45 factual or relatively factual?

5 **MS O'TOOLE:** I think that was just poor choice of wording on my part in the email. Because if an inmate reported any misconduct to me or any allegations of, you know, trafficking, assault, whatever the case may be, it really - it - it is a poor choice of words on my part because it's not my job to decide whether it's relatively factual. I would follow up with - with the General Manager, the Intel Officer and any other staff I deemed appropriate to discuss the matter with. But, again, I - having read this again, I would say that that was a poor choice of words on my part.

10 **MR LLOYD:** Follow up with staff concerned, do you say what you mean by that is you would not go to the staff member the subject of the complaint; you'd go to other senior people at the gaol?

15 **MS O'TOOLE:** Yes, I would. Yeah.

MR LLOYD: As in, you wouldn't go and tell the officer the subject of the complaint that there'd been a complaint?

20 **MS O'TOOLE:** No, not until I discussed it with my General Manager.

MR LLOYD: You see 3:

25 "If staff are informed of issues from inmates and inmates request to speak to management, that's not dobbing or a weak act on the part of the officer."

Do you see that?

MS O'TOOLE: Yes. Yes.

30 **MR LLOYD:** And then skip over 4. 5:

"If you have an issue with that, management address certain issues, discuss with management, not every man and their dog."

35 Do you see that?

MS O'TOOLE: Yes. Yes.

40 **MR LLOYD:** And:

"If you take offence to the contents of this email, then it is probably because you are one of the ones making comment."

45 **MS O'TOOLE:** Yes.

MR LLOYD: What did you mean when were you saying, "If you take offence, it's probably because you're one of the ones making comment"?

MS O'TOOLE: There was, again, a lot of rumour and innuendo. There was rumour and innuendo - as I said, it was rife at Dillwynia. There was finger-pointing, accusations, allegations. It was the - it was a place I referred to as the viper pit, simply because people had little to do with their time and, as we all know, idle hands are the devil's playground. But to - to stick knives in each other's backs and gossip and rumour-monger amongst themselves, and particularly they were highly critical amongst themselves and their gossiping about how management performed their roles. Like, they were very, very judgmental in relation to how the whole management team performed their roles.

MR LLOYD: Well, in the first paragraph after the numbered ones, you say you've observed over a long period that:

15 "...the bulk of you in this centre have a great deal to say about management, and I might add that little of it is positive."

Do you see that?

20 **MS O'TOOLE:** Yes.

MR LLOYD: That's you levelling a criticism at the bulk of the employees, that is, officers, in the centre; is that right?

25 **MS O'TOOLE:** Yes.

MR LLOYD: Because they were having things to say about management, and little of it was positive. Is that how we read it?

30 **MS O'TOOLE:** Correct. Yeah, they were gossiping.

MR LLOYD: Did you ever think it might be the other way around and the problem might be with the few people in management rather than the bulk of the officers in the centre?

35 **MS O'TOOLE:** I believe it was the bulk of the officers in the centre. Because if you go on further, the bulk of the officers in that centre had never worked anywhere else. So close friendships were formed between those officers. And if management deemed to counsel an officer or, you know, do their - well, do their job, we were criticised. We were criticised for basically anything that we did because these staff - the bulk of the staff there had never experienced any other Correctional Centre. They had only ever experienced Dillwynia. And when Dillwynia was opened, Dillwynia staff were treated with kid gloves.

45 **MR LLOYD:** Did you ever think about -

COMMISSIONER: Ms O'Toole, can I just understand what you're saying. Are you saying that Dillwynia didn't function as well as other gaols that you'd been in? Is that what you are saying?

5 **MS O'TOOLE:** What I'm saying is that - it's difficult to put into words. The bulk of the staff at Dillwynia had been recruited specifically for Dillwynia.

COMMISSIONER: Yes.

10 **MS O'TOOLE:** The junior staff had no experience in other Correctional
Centres - mainstream Correctional Centres. Dillwynia was the way-forward gaol,
which was supposed to be the gaol that changed the culture and the way that we
did things in the Department. So we were under an island agreement, and there
were numerous things written into that island agreement. But - however, because
15 these staff had never experienced any other Correctional Centre and how
management worked in a variety of Correctional Centres, they had an awful lot to
say, and most of it was negative. If any changes were introduced by the
management team at Dillwynia Correctional Centre, they were averse to change.

20 **COMMISSIONER:** Can I go back to my question -

MS O'TOOLE: They were averse to change.

COMMISSIONER: Can I go back to my question -

25 **MS O'TOOLE:** Yeah. Sorry.

COMMISSIONER: Can I go back to my question. I asked you whether, in your
experience, this gaol did not function as well as others in which you had worked.

30 **MS O'TOOLE:** Possibly not.

COMMISSIONER: Now, in what respect did it not function as well?

35 **MS O'TOOLE:** Well, each gaol functions differently, and you can't compare one
gaol to another. But the - my reason for Dillwynia not functioning as well as other
Correctional Centres I'd worked in was for the reasons I just stated to you.

40 **COMMISSIONER:** Well, can you state them to me again. What were the reasons
why Dillwynia didn't function as well?

45 **MS O'TOOLE:** Because the staff had no experience in any other Correctional
Centre. They were averse to change. When Dillwynia was first opened, it was - the
staff were treated with - I'll say it - kid gloves. Management was very softly, softly
with - with the staff and with the inmates. And it didn't function the same way as
any other Correctional Centre that I had worked in.

COMMISSIONER: Well -

MS O'TOOLE: Staff became used to that treatment and were averse to change. Hence the criticism of management.

5

COMMISSIONER: Well, let's unpick this. You say that the gaol was set up to operate in a different way to other gaols; is that right?

MS O'TOOLE: Yes.

10

COMMISSIONER: And - however, you say the staff were resistant to change, and I take it from what you are saying about "kid gloves" is that they were resistant to change that may have taken the gaol on a course similar to other gaols; is that right?

15

MS O'TOOLE: They were resistant to any change, be it post - post-duty changes, changes in, you know, staff rotations. They were resistant to any change. Certainly the idea was not to take Dillwynia onto the course of other Correctional Centres, but it was to move with the times - move with the times and - and have - have the - the openness of - of what Dillwynia was all about.

20

COMMISSIONER: Well, I'm afraid I'm getting rather confused by all of this.

MS O'TOOLE: Okay.

25

COMMISSIONER: But you first of all are critical, as I understand it, of the staff because you say they had - when the gaol started, they'd been treated with kid gloves.

30

MS O'TOOLE: Yes.

COMMISSIONER: Now, that doesn't seem to be a conclusion that expresses acceptance of the way the gaol was originally intended to operate. Am I right in thinking that of you?

35

MS O'TOOLE: No, I like the way that the gaol originally operated. It was just that when changes were required to be made, and whatever those changes may be - and it would be - look, I can give you an example of a small - a small thing. Staff would come in to relieve the morning shift who ceased duty at 2 o'clock. Staff would rock in at 1 o'clock - quarter to 1 to relieve. So I put a stop to that, because my understanding of workers' compensation is that you're only covered between the times of your rostered shift. So I put a stop to staff coming in an hour, an hour and a half early to relieve their counterparts because I wanted

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accountability of my staff. I wanted to know who was on the ground for each shift.

45

And so when staff were coming in an hour, an hour and a half early to relieve their counterparts and commence the afternoon shift an hour to an hour and a half

earlier than what it would be - and then that had a flow-on effect to the night shift, because then you would have people coming in to relieve the afternoon shift at 8 pm for the night shift which commenced at 10 pm. So that I, as the Manager of Security, attempted on numerous occasions to nip those practices in the bud. And I was met with, "But we've always done it this way." And I would say, "Well, this is the way I want it done. I want you to" - and it - it came to the stage where I had to conduct staff parades - or get my Principals and Chiefs to conduct staff parades at the beginning - every day we did a morning shift staff parade, but also one for the afternoon shift, which was not a normal practice.

10 But this was the only way that I could stop these people just doing their own thing and relieving whenever they wanted to relieve. That's the kind of stuff that I'm referring to. Albeit small and probably minute in the whole management focus of a gaol, it was important for me to know that if I looked at my roster and Joe Bloggs was on the A watch, I knew that if I needed Joe Bloggs, I could leave my office or pick up the phone and dial a number and Joe Bloggs would answer it, not Jane Smith who was on the C watch but was in whilst the A watch was still running. And, Commissioner, I hope you understand what I'm trying to say with that.

20 **COMMISSIONER:** I understand. It sounds to me like what you're talking about is an issue that required you to ensure that your management of the gaol was effective; is that right?

25 **MS O'TOOLE:** Yes. Yes, required to have the correct staff in the correct areas at the correct times.

30 **COMMISSIONER:** Yes. It was a management issue for you. And in a normal institution, that puts the burden on the manager, doesn't it, to inform the staff and explain to them why changes need to be made and invite their help in making those changes? Isn't that the way managers operate?

MS O'TOOLE: Yes, it is. Yes, it is.

35 **COMMISSIONER:** Yes. It sounds to me like you were a bit more blunt than that; is that right?

40 **MS O'TOOLE:** After having staff meetings and telling staff in the nicest way possible that I wanted the actions - and I refer back to the - the shift start/finish times, that I wanted those things to cease, and speaking to the individual officers themselves. After a time, when they continually persisted in doing what they wanted to do and can still come in and relieve earlier, even though I had explained to them the reasons why I wanted that practice to cease, that would have driven me to send that email. Because discussing things with them, staff meetings, encouraging them to, you know, try and understand the reasoning why it was necessary to have the right people in the right places at the right time. It's ultimately important in a Correctional Centre. When that's - when you're banging

your head against a brick wall because all the, you know, nice ways of - of doing it are ignored and they still continue to do what they want to do, well, yeah, you are going to get frustrated.

5 **COMMISSIONER:** Can you tell me this: Were you given any formal management training by Corrective Services?

MS O'TOOLE: No, I just worked my way up through the ranks.

10 **COMMISSIONER:** Right. Do you think you would have benefitted in your role in Corrective Services if you had been given management training?

MS O'TOOLE: I probably would have.

15 **COMMISSIONER:** Yes, which included the way you encouraged staff to make changes and contribute to the overall welfare of the centre. Do you think that would have helped you?

20 **MS O'TOOLE:** It possibly would have helped me or could have helped me. But in saying that, that email was not the first port of call. I had done other things.

COMMISSIONER: What do you mean by that?

25 **MS O'TOOLE:** Well, that wasn't - I didn't send that email out - out of the blue. As I said to you and explained to you, I spoke to the individual staff. There were staff meetings. The matters were raised at staff meetings. It was explained to staff why I wanted things in that - in that structure. And when staff continued to do what they want to do and go against what you want them to do, even though you've gone about it in a - I believe, a proactive and nice way of talking about change, yeah, that would have been sent out as a last resort.

COMMISSIONER: Right. So that's the last resort where you believed that your management had not been successful; is that right?

35 **MS O'TOOLE:** Yeah. Yeah. Anything I asked fell on - obviously fell on deaf ears, in relation to that example.

COMMISSIONER: Did you ever question whether or not your methods had been appropriate in managing these issues?

40 **MS O'TOOLE:** No. No, because I believed that I was an open person, and I was a people person, and I had an open-door policy. And if staff had issues, they were more than welcome to come and discuss them with me. Many, many staff did come and discuss them with me. And the issues remained confidential between the staff members and myself.

45

MR LLOYD: Can I just understand what's come out of your answers to the Commissioner there. Just tell me - if I run through these things, tell me if you agree that I've got it right. The context of this email, you believe, was allegations of criminal conduct against a staff member made by an inmate; correct?

5

MS O'TOOLE: Yes.

MR LLOYD: Next, what you were saying was that the majority of staff - the bulk of you - were failing, including in the areas numbered 1 through 6?

10

MS O'TOOLE: Yes.

MR LLOYD: Next, that you think that the reason that the staff were failing to do those things at least included that they had been there for a very long time and were not exposed to the way other gaols had operated?

15

MS O'TOOLE: That would have been part of it.

MR LLOYD: Next - can I ask you this: You told me at the outset that one of the functions of the Manager of Security in the document I was reading from was staff management. Do you remember that?

20

MS O'TOOLE: Yes.

MR LLOYD: If staff were failing in the ways identified in 1 through 6 - just pausing there, one of those ways directly raised by you was number 3, about the staff making reports about issues up to management. That was one of the areas you were saying that the bulk of staff were failing at Dillwynia.

25

30

MS O'TOOLE: Yes.

MR LLOYD: Did you do anything in your capacity as the Manager of Security to raise with anyone that a problem causing staff at Dillwynia not to report things to management was that they'd been there for too long and hadn't spent time at other gaols?

35

MS O'TOOLE: I had that discussion with my executive team on a number of occasions, that -

40

MR LLOYD: Well, you're the second-in-charge -

MS O'TOOLE: Sorry?

MR LLOYD: You're the second-in-charge of the gaol?

45

MS O'TOOLE: Yes.

MR LLOYD: There's only, at this time, Shari Martin above you?

MS O'TOOLE: Yes.

5 **MR LLOYD:** Did you raise it with Shari Martin? Is that what you're saying?

MS O'TOOLE: I would have raised it with all the executives, from the General Manager, you know, through to the Principals and the Chiefs, that, you know, I - I - look, I firmly believe in a - a - a tenure system in Correctional Centres. You
10 know, I've always believed in a tenure system.

MR LLOYD: Did you raise that particular issue, that is - I just want to be clear - your view is that because staff had spent too long at Dillwynia and hadn't been exposed to other places, there was a failure by them in large numbers to
15 perform these functions - did you raise that with people outside of Dillwynia within the Department responsible for managing the proper operation of the gaol?

MS O'TOOLE: No.

20 **MR LLOYD:** Why?

MS O'TOOLE: Why? I can't answer that.

MR LLOYD: Is it - do you agree that that was something that you ought to have
25 done?

MS O'TOOLE: In hindsight, I guess that could have occurred. But because there is no tenure system in the Department, it would have been pointless raising the fact that these people have been here for too long, they've formed large cliques and
30 socialise together all the time and - and, you know, partners and - and whatnot in a Correctional Centre. It's difficult to break that. And - and if you have a tenure system where people are required to move on after X number of years, well, yeah, you're not going to have that continued development of culture - of that kind of culture if you don't do your mate in.

35 **MR LLOYD:** See, Ms O'Toole - and in fairness to you, part of what I'm about to put is in evidence from a period after you left, that is, October 2016. But this Commission has heard evidence from a large number of officers to the effect that the culture with respect to reporting misconduct by Astill was such that they felt it
40 wasn't an open or safe environment to make those reports. Are you aware of that?

MS O'TOOLE: I'm aware that a lot of things have been said in relation to the Astill matter.

45 **MR LLOYD:** Just focus on the ones that I've put to you. Are you aware that a number of officers say that they felt that the environment at Dillwynia was such

that it wasn't available to them to pass up the chain reports of serious misconduct by Astill?

5 **MS O'TOOLE:** It was available to them. And if I had have been informed of Astill's behaviour, I would have acted upon it immediately.

10 **MR LLOYD:** You see, one view - please respond to this - is that the culture that you're identifying in this email to all these staff members where you're launching at them for the bulk of them failing in these areas, 1 through 6, that is precisely the culture that I've put to you people have told us about.

15 **MS O'TOOLE:** It is the culture in the centre. But I had an open-door policy, and if somebody had come to me in relation to the Astill matter - because this is what it's about - I would have immediately acted upon it, as I did in the Joseph matter and the other matter that went before the courts. I have no hesitation in putting an officer before the courts if their conduct is criminal or corrupt.

20 **MR LLOYD:** Can I ask you about this - I took you before to page 8, which is, for the rest of us, behind Tab 489. I don't want to get bogged down in the details of this particular event, Ms O'Toole, but first, can I just ask you, just looking at the document starting at page 8 behind Tab 489, is that an event that you remember?

MS O'TOOLE: Yes, I remembered it once I had read it.

25 **MR LLOYD:** Can I just try and summarise the key features. Is it right that a report came to your attention about inappropriately close things of a sexualised nature that had occurred between an officer and an inmate?

30 **MS O'TOOLE:** Yes.

MR LLOYD: And the response, including by you, on receiving that report - it's identified the report was from Cheryl Douglas -

35 **MS O'TOOLE:** Yes.

MR LLOYD: - was that you referred those matters to the Professional Conduct Management Committee?

40 **MS O'TOOLE:** I referred things to my Governor first.

MR LLOYD: The result of the report made by Cheryl Douglas was that the allegations of the inappropriate conduct between the officer and the inmate came to be reported up to the Professional Conduct Committee; is that right?

45 **MS O'TOOLE:** Yes. Yes, after I reported it to - Leah Nicholson was the General Manager - was my General Manager at the time. I took Cheryl's reports to Leah, and Leah typed up her referral to Professional Standards. Leah then would have

directed me to interview the officer. And you will note in there that he was interviewed with his senior officer, Ms Avery, and his union representative and myself. And the conversation was recorded, and all of this was given to Leah Nicholson, and that was what went to Professional Standards.

5

MR LLOYD: And that was appropriate - an appropriate way to deal with those allegations of suggesting inappropriate closeness between an officer and an inmate; correct?

10 **MS O'TOOLE:** Yes.

MR LLOYD: Can I ask you to now turn your attention to things involving Astill in the year 2016. In paragraph 21 of your statement to the Commission, you tell us about a report that you received about an incident involving Astill sharing a can of
15 Coke with Witness C?

MS O'TOOLE: Yes.

MR LLOYD: And you say you took this report to the General Manager, and she
20 referred it to the PSB?

MS O'TOOLE: Yes. Yes.

MR LLOYD: Is that something she told you, that she'd made that referral?
25

MS O'TOOLE: Yes, I believe that she did make that referral. And I believe the response that came back was to manage locally (indistinct) with the report.

MR LLOYD: That was what she told you?
30

MS O'TOOLE: Sorry?

MR LLOYD: That was what she told you? That was what she told you, Shari
35 Martin?

MS O'TOOLE: That was my - that was my knowledge of it, yes.

MR LLOYD: Your understanding was for it to be managed locally.

40 **MS O'TOOLE:** Yes.

MR LLOYD: You told us that.

MS O'TOOLE: Yes.
45

MR LLOYD: And you say, at the end of 21:

"Astill was counselled by Martin and me in relation to his actions."

Do you see that?

5 **MS O'TOOLE:** Yes. Yes.

MR LLOYD: What was the counselling?

10 **MS O'TOOLE:** About behaviour such as that leaves a person wide open for
allegations and why would he even think about walking across the compound
sharing a can of Coke with an inmate. And his reasoning was that he had a lapse in
judgment, and he was just walking along, he was having a conversation with her
and she said, "Can I have a mouthful of your Coke?" and he just automatically
15 handed it to her. He said it was an automatic response that he would do if he was
walking and talking with anyone. And Shari and I pointed out to him that it was
rather stupid on his part (a) for health reasons and (b) for - you know, why would
you even think to share a can of, you know, Coke with an inmate? You know,
the - the inmates - we're there to supervise them; we're not there to sit around and
share - or walk around and share cans of Coke with and that it was a really, really
20 foolish thing on his part.

MR LLOYD: Didn't it suggest to you inappropriate closeness in the relationship?

25 **MS O'TOOLE:** It suggested to me that perhaps Mr Astill was stupid in doing it.
It certainly didn't suggest to me that there was any inappropriate relationship.
Like, it was not uncommon for officers to be walking around the compound
talking to inmates, even myself walking around the compound and talking to
inmates, but certainly not share a can of Coke with them.

30 **MR LLOYD:** It's the sharing of the drink that's the inappropriate thing, isn't it?

MS O'TOOLE: Well, the sharing of the drink is just sheer stupidity.

35 **MR LLOYD:** Can I ask you about something that Officer Renee Berry has said to
the Commission in her evidence. There was an incident involving the same
inmate, Witness C, and a ring at visits in February of 2016. Do you remember
anything about this?

40 **MS O'TOOLE:** Vaguely, yeah.

MR LLOYD: She told us that on 16 February 2016, she was called in to Shari
Martin's office, and she went there, and in the office was Shari Martin and you. Do
you remember anything now?

45 **MS O'TOOLE:** No. I don't recall meeting with Shari Martin and Renee Berry.

MR LLOYD: She said to the Commission in her evidence that Shari Martin said to her that you weren't part of the meeting because of your friendship with Astill. But after she said that, you remained in the room, in effect, glaring at her. Do you remember that now?

5

MS O'TOOLE: No. In fact, I don't even follow what you're saying, that I was at the meeting or I wasn't at the meeting or -

MR LLOYD: Well, let me be clear about it. I'm putting to you Ms Berry's evidence was that you remained at the meeting after Shari Martin said that you couldn't be part of the meeting. Do you understand now?

10

MS O'TOOLE: If - yes. And if my General Manager told me that I couldn't be part of a meeting, I wouldn't be remaining in the meeting.

15

MR LLOYD: You don't remember staying there notwithstanding what Shari Martin had said and glaring at Renee Berry and trying to intimidate her?

MS O'TOOLE: I would not have defied what my General Manager told me to do. That I was not part of the meeting, so I would have left.

20

MR LLOYD: Do you remember a meeting -

MS O'TOOLE: But I have no recollection.

25

MR LLOYD: Sorry. Do you remember a meeting where Shari Martin started to scream at Renee Berry about her conduct in relation to an event involving Witness C and the silver ring?

MS O'TOOLE: No.

30

MR LLOYD: Do you remember any event where Renee Berry said that there had been allegations about Astill bringing in items of contraband for inmates, opening cells after-hours in high needs? Do you remember that?

35

MS O'TOOLE: No.

MR LLOYD: Do you remember at any meeting where Renee Berry said to you or said to Shari Martin in your presence about a rumour that she had heard about Astill receiving oral sex from Witness C?

40

MS O'TOOLE: Definitely not.

MR LLOYD: Are you sure about that?

45

MS O'TOOLE: I'm very sure about that.

MR LLOYD: Could I ask you this in relation to something that Witness C herself said to the Commission in her evidence. She says that she went to two meetings with you and Shari Martin in the latter part of February 2016. Do you remember meeting with Witness C some time around that time?

5

MS O'TOOLE: I remember meeting with Witness C but not with Shari Martin present.

MR LLOYD: Well, just in terms of what you can remember about Witness C, do you remember her saying that a manager, who she didn't name, was going into girls' cells one on one?

10

MS O'TOOLE: She certainly didn't tell me that.

MR LLOYD: And she made allegations that a manager, who she did not name, was behaving inappropriately around inmates involving matters or allegations which had a sexual undertone. Do you remember that?

15

MS O'TOOLE: She did not state that to me.

20

MR LLOYD: And do you remember any meeting involving Witness C where she disclosed to you that there was gossip and rumours about officers receiving oral sex from inmates, including Witness C; staff openly discussing inmates' sexuality in the night Senior's office; and managers going into girls' rooms one on one? Do you remember that happening?

25

MS O'TOOLE: That did not happen.

MR LLOYD: I'll just put this to you to see if this jogs any memory of any meeting with Witness C. She said to the Commission in her evidence that she disclosed those matters, and the response from you and Shari Martin was a complete lack of interest and nothing happened.

30

MS O'TOOLE: Well, she didn't - she never disclosed those matters to me. And if she did disclose those matters to me, I would have acted appropriately in relation to those matters. And I believe, knowing Shari Martin as I knew Shari Martin as a boss, she would have acted in exactly the same way as I would, and that would have been reporting it up for full investigation.

35

MR LLOYD: And what you're telling us is if those things that I've just asked you about were disclosed to you by Witness C, the only reasonable response by you was to report it up to the SIU within the CIG group? Just pausing there, I take an objection on behalf of this witness.

40

COMMISSIONER: Yes, I require you to answer.

45

MR LLOYD: Do you need the question again?

MS O'TOOLE: Sorry?

5 **MR LLOYD:** Do you need the question -

MS O'TOOLE: Yes, please.

10 **MR LLOYD:** The only available response, if you were acting properly, if allegations of the sort that I've asked you about from Witness C were made to you - the only available response for you was to make a report out to the SIU function within the CIG group. Do you agree with me?

15 **MS O'TOOLE:** I agree that that would be my only course of action, that that would be definitely my course of action had those matters been reported to me.

MR LLOYD: Do you remember being given a document called an Incident Report prepared by Neil Holman bearing the date 9 March 2016 dealing, again, with allegations in relation to Witness C?

20 **MS O'TOOLE:** I believe on 9 March 2016, I was probably in Bali.

MR LLOYD: That's the date of the report. Do you remember seeing a report on any occasion authored by Neil Holman about Witness C?

25 **MS O'TOOLE:** No.

MR LLOYD: Do you remember ever seeing a document authored by Neil Holman which recorded allegations involving Witness C giving an officer or officers oral sex?

30 **MS O'TOOLE:** No.

MR LLOYD: Do you agree that if you had seen a report of that kind, that that also was a matter that would have required you to refer it out to SIU?

35 **MS O'TOOLE:** Yes.

MR LLOYD: And it would have been a failure on your part if you did not do that?

40 **MS O'TOOLE:** Correct.

MR LLOYD: Again, Commissioner, I object -

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

MR LLOYD: Could I ask you - moving forward, Ms O'Toole, do you remember on multiple occasions throughout the year 2016 an officer Pamela Kellett coming to you and saying that it was a problem that Astill was from time to time performing the role of Intelligence Officer?

5

MS O'TOOLE: Pam Kellett never spoke to me about Astill performing the role of the Intel Officer. Astill was only ever rostered in there in the absence of Deb Wilson, who was the permanent Intel Officer, and Pam Kellett, who was the full-time relieving Intel Officer. Astill was rostered in there as a - as a last resort, basically, to fill the post from amongst the Chiefs.

10

MR LLOYD: I need to put this to you, Ms O'Toole. Ms Kellett told us that she came to you more than once to say, "It is a problem that Astill is filling that role because we are getting reports about him and he has access to them." Do you remember that?

15

MS O'TOOLE: Ms Kellett never came and had that conversation with me.

MR LLOYD: Do you remember Deborah Wilson ever coming to you and saying that it was a problem that Astill had access to intelligence reports about him?

20

MS O'TOOLE: Deborah Wilson never made those - had those conversations with me.

MR LLOYD: Do you remember Jean - do you remember an officer Jean Dolly?

25

MS O'TOOLE: Yes, I do.

MR LLOYD: Do you remember her coming to you on several occasions saying that she was making reports about Astill misconducting himself? Do you remember that?

30

MS O'TOOLE: No.

MR LLOYD: And I need to put this to you: she said she raised the fact that she was making reports about him with you on several occasions, and she believed that they were getting shredded.

35

MS O'TOOLE: I would never ever shred any report handed to me by an officer in relation to misconduct by another officer or inmate.

40

MR LLOYD: Just let me put this to you: Ms Dolly was raising with you - I want to get your response to this - that she was making reports about Astill, that she believed Astill was shredding them because he had access to them as a part-time Intel Officer. Do you remember that?

45

MS O'TOOLE: No.

MR LLOYD: She says that she raised that with you, and your response was to tell her to get the fuck out of your office.

5 **MS O'TOOLE:** I would never tell an officer to get the fuck out of my office. And I can actually tell you exactly the things surrounding that conversation with Ms Dolly where I did not tell her to get the fuck out of my office. Ms Dolly was having a - sorry?

10 **MR LLOYD:** No, no. Sorry. You go.

MS O'TOOLE: Ms -

15 **COMMISSIONER:** Well, I just want to know. Have you ever sworn at an officer?

MS O'TOOLE: Not - I may have. I can't say I definitely haven't. I may have, but I certainly never -

20 **COMMISSIONER:** Did you commonly swear at officers?

MS O'TOOLE: No. No. And I certainly would never have told an officer to get the fuck out of my office. It's not in my nature to speak that way to people.

25 **COMMISSIONER:** Right.

MR LLOYD: Never referred to officers in the workplace as "cunts"?

30 **MS O'TOOLE:** No, that's an abhorrent word.

MR LLOYD: You were about to tell us, I think, about what you could remember about a conversation with Officer Jean Dolly.

35 **MS O'TOOLE:** Yes. Yes, Jean had - had a - Jean was quite vocal, and I would describe Jean as - as a bull in a China shop, so to speak, with anything that she did. She was very - you know, quite loud and gesticulated a lot with her hands. She had a screaming match with an inmate outside what we refer to as the magic window, which was the window that inmates would go to, to see Philippa Duncan, to put requests in for more underwear from the reception room or new tracksuit,
40 et cetera, et cetera - or from out of their private cache. Jean had had this argument with this inmate. I couldn't tell you who the inmate was. And then she came storming into my office, demanding and yelling at me as to why I didn't get up out of my chair and go and stop the inmate.

45 And I put my hand up like that, and I said, "You can pull up right now and take a seat." I said, "You have just come into my office yelling and screaming at me like the inmate is yelling and screaming at you, and you're yelling and screaming

back at the inmate." I said, "You're not going to do what the inmate has asked you to do because she's yelling and screaming at you, but yet you think it's okay to come in here and yell and scream at me, and you question why I wouldn't do anything about the inmate yelling and screaming at you."

5

She sat down in my office, and we probably had a conversation for about five or 10 minutes about methods of communicating and how important it is. If an inmate is yelling at you, you don't put yourself up onto that level and turn it into a screaming match, that you, you know, communicate in an effective and positive manner. And when Jean left my office, she said, "I get what you're saying." So at no stage did I ever tell her to get the fuck out of my office.

10

MR LLOYD: Could you turn to page 30 in your bundle; to 518 in volume 17 for those here.

15

MS O'TOOLE: Sorry, page 30?

MR LLOYD: Yes.

20

MS O'TOOLE: Yep. Yes.

MR LLOYD: You see there an email from you to Shari Martin, 4 October 2016?

MS O'TOOLE: Yeah.

25

MR LLOYD: Just read it to yourself. No, no. Just to yourself.

MS O'TOOLE: Yes. I've read it to myself.

30

MR LLOYD: Now, first, do you remember who this is talking about?

MS O'TOOLE: No, I don't.

MR LLOYD: Is it possible it's Witness C?

35

MS O'TOOLE: I couldn't tell you who it is.

MR LLOYD: It sounds like a pretty serious thing that's going on. Do you read this as being you reporting to Shari Martin that someone has said something to Mr Paddison? That's obvious, isn't it?

40

MS O'TOOLE: Yes. Yes. Yeah.

MR LLOYD: Complaining that she "didn't get a fair go from either you or I in relation to the Astill matter" and apparently still bearing scars from her treatment by you and Shari Martin?

45

MS O'TOOLE: I can't tell you - I honestly cannot tell you what that was about. And you do need to bear in mind I finished work not long after that, so my mental state was pretty precarious.

5 **MR LLOYD:** But in any event, you can't remember who it was that had passed on that information to Mr Paddison about -

MS O'TOOLE: No, I don't.

10 **MR LLOYD:** - bearing scars from -

MS O'TOOLE: No, I don't.

15 **MR LLOYD:** Not - I think there's a part of it that's obscured, at least in my version, that there's a reference up the top - you may or may not be able to see - "Barry".

MS O'TOOLE: Yes, I see it.

20 **MR LLOYD:** Does that ring any bells?

MS O'TOOLE: Well, I imagine it's Officer Barry.

25 **MR LLOYD:** Do you remember there being conflict between you and Shari Martin and Jude Barry about the Astill matter?

MS O'TOOLE: No, I don't.

30 **MR LLOYD:** Could you go to the next one in your bundle, page 28, which is Tab 506.

MS O'TOOLE: Yes.

35 **MR LLOYD:** Just - if you go to page 29, the first email in sequence is from Mimi Leith. Do you see that?

MS O'TOOLE: Yes.

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

MS O'TOOLE: Yes, I do.

45 **MR LLOYD:** And what you were being told in this email was that there was a session with an inmate who had been "experiencing a build-up of tension due to an incident I promised Ms O'Toole I wouldn't talk about". Do you see that?

MS O'TOOLE: Yes.

MR LLOYD: And then third line down, said:

5 "No, I am straight to the point. I was assaulted by an officer."
Do you see that?

MS O'TOOLE: Yes.

10 **MR LLOYD:** And:

"She then told me that tell me that both you and Ms Martin were aware of her
allegations and it was being investigated."
15 Do you see that?

MS O'TOOLE: Yes, I do see that.

MR LLOYD: Now, I can't, for various reasons, give you the name of the
20 particular inmate, but do you remember this email?

MS O'TOOLE: No, I don't.

MR LLOYD: You would agree that those matters that are recorded there - an
25 inmate telling you and Ms Martin that she was the victim of a sexual assault by an
officer - required reporting up to the SIU?

MS O'TOOLE: Yes. Yes.

30 **MR LLOYD:** Just go to page 28.

MS O'TOOLE: Yeah.

MR LLOYD: Your email to Ms Leith:
35

"I did not make her promise not to discuss the matter. What I requested was
that she not discuss the matter with other inmates."
Do you see that?
40

MS O'TOOLE: Yes.

MR LLOYD: And then you say the matter was being investigated.

45 **MS O'TOOLE:** Yes.

MR LLOYD:

"I'm happy to provide with you a report."

MS O'TOOLE: Yeah.

5

MR LLOYD: Do you remember - and then just for context, if you go up a couple, you to Ms Leith, 7 October, 2.37 pm:

"It may be beneficial for you to read the report also by Chief Astill."

10

Do you see that?

MS O'TOOLE: Yes.

15

MR LLOYD: Now, I can help you with this. This was not an allegation of sexual assault by Astill, but one that he had prepared a report about. Does that assist with your recollection?

20

MS O'TOOLE: No. I honestly don't recall it.

MR LLOYD: Now, in fairness, Ms O'Toole, this is around about the time that you went off on a medical discharge?

25

MS O'TOOLE: That's correct. And I was on a multitude of medication, and I was only just barely surviving each day.

MR LLOYD: You have a recollection about what investigation or other steps were taken in relation to this alleged sexual assault?

30

MS O'TOOLE: No. And in - and in 100 per cent honesty to you, I have no recollection of this matter at all. If I remembered this matter, I'd - I'd tell you about it. But I - I have no recollection of it at all.

35

MR LLOYD: Those are my questions, Commissioner.

COMMISSIONER: I think we might take a short adjournment just for five minutes. I'd like to see Counsel Assisting in chambers.

40

<THE HEARING ADJOURNED AT 3.29 PM

<THE HEARING RESUMED AT 3.33 PM

MR LLOYD: Commissioner, those are my questions.

45

COMMISSIONER: Thank you. Mr Sheller, do you have any questions?

MR SHELLER: Yes. Thank you.

COMMISSIONER: I'm sorry, just before you start, Mr Sheller. Do we have a witness? Can you hear me? Can you hear me?

5 **MS O'TOOLE:** Yes, I can.

COMMISSIONER: And can you see me?

MS O'TOOLE: Yes, I can, sir.

10

COMMISSIONER: Just before Mr Sheller asks you some questions, you were friends, I think you've told us, with Mr Astill; is that right?

15 **MS O'TOOLE:** Well, I was first and foremost friends with his wife. He was just the - I call - you know, refer to the partner as the add-on when the friendship is between, you know, myself and Tania. He was the add-on, as my husband would have been the add-on in Tania's mind. The friendship was - the main friendship was between Tania and I.

20 **COMMISSIONER:** Right. We have been given the impression that he is a man of physical size and bulk; is that right?

MS O'TOOLE: He is quite tall and somewhat large.

25 **COMMISSIONER:** He's a physically dominant sort of figure?

MS O'TOOLE: Yes. Yes.

30 **COMMISSIONER:** We also understand that he's referred to by many as a bit of a bully. Would you describe him in that way?

MS O'TOOLE: I could - I would describe him as being short-tempered and having a short fuse. I wouldn't describe him as a typical bully, but he would - he could let fly. He had a short temper and a short fuse.

35

COMMISSIONER: And he wasn't averse to using foul language, was he?

MS O'TOOLE: No, not at all. No, it's commonplace in a Correctional Centre.

40 **COMMISSIONER:** Is it? What, everyone uses foul language, do they?

MS O'TOOLE: The bulk - the bulk of staff use foul language, particularly the men.

45 **COMMISSIONER:** Right. And they use it with inmates and with other officers, do they?

MS O'TOOLE: Yes, I would imagine so. I know I've heard them use it with officers. I've heard it used against me.

5 **COMMISSIONER:** Now, we've also had evidence that he used to verbally mistreat his partner; is that right?

MS O'TOOLE: Yes, he was very, very harsh with Tania. And I gave her a lot of support during those times.

10 **COMMISSIONER:** And that if he was accused of anything, he'd tend to strike back in fairly strident terms. Was that right?

15 **MS O'TOOLE:** Well, I - I never witnessed any of the verbal attacks on his partner. I did witness that he would - he would put her down and chip away at her self-esteem. I had personally observed those. And on one occasion, I myself jumped in and told him to pull up, that it wasn't necessary. But I wasn't witness to the verbal attacks.

20 **COMMISSIONER:** We've also been told that he was obviously very friendly to a number of the female inmates. Did you observe that?

25 **MS O'TOOLE:** Look, to be honest with you, sir, I observed him to be quite amicable with the bulk of inmates that he worked with, and - and a lot of inmates would - would speak highly of Mr Astill.

COMMISSIONER: Now, we've heard evidence that some at least in management roles in the gaol were suspicious that he was bringing in contraband. You're aware of those suspicions, aren't you?

30 **MS O'TOOLE:** No, I'm not. Those suspicions were never brought to me.

COMMISSIONER: You never held those suspicions yourself?

35 **MS O'TOOLE:** No, I didn't. And those suspicions were never brought to me by my Intel Officer or any other staff member.

COMMISSIONER: It's common - well, not common knowledge, but certainly judges have heard about contraband in gaols, including drugs.

40 **MS O'TOOLE:** Yes.

COMMISSIONER: Given the role you had in the prison system, what do you say to the proposition that drugs are brought in by prison officers to gaols?

45 **MS O'TOOLE:** I say it's highly likely, that both visitors to correctional -

COMMISSIONER: Highly likely?

5 **MS O'TOOLE:** Well, visitors to Correctional Centres, drops over the wall and - no, I won't say highly likely because that, again, is the wrong choice of words on my part. It is probable that officers will do it. It's - we've all seen it in the past.

COMMISSIONER: Well, when you were in the service, what steps did you take to try and stop that from happening?

10 **MS O'TOOLE:** Well, if I was a gate officer, when I was a Senior Correctional Officer, I would thoroughly search officers' bags coming into the centre and then we had the scanners introduced. I ensured that all staff were trained on the correct operation of the scanners. We would have to put our bags through the scanners. Random staff were selected to be wanded with the metal detector.

15 My last appearance at Coroner's Court prior to finishing work, the coroner asked me if I had any ideas of how to reduce the number of drugs in Correctional Centres, and I actually made the suggestion to the coroner that the X-ray type machines that are at the airports would be a fantastic idea in every Correctional
20 Centre, that everybody coming into the centre passes through, both staff - professional staff, visitors and also inmates when they're coming in off the trucks.

25 Naturally, cost prohibitive, an extremely, extremely expensive manner in which to try and stop the introduction of contraband into Correctional Centres. But I believe - and I still believe to this day - that it would be the most successful way to rapidly reduce the amount of contraband going into a centre.

30 **COMMISSIONER:** So what you're saying, short of the money being available, there's not much you can do about it? Is that right?

35 **MS O'TOOLE:** Apart from policing - you know, we have the - we have the dogs. There's - but, again, those resources are limited. It's - your Honour, it's about resources and funding. We can - as managers, we can introduce things that, you know, we can do with the resources that we have. Like, I, you know, as a Senior, would correct - you know, search staff. And then, you know, the training on the scanning systems, when the bag scanners were brought in, the random searches on other people coming into Correctional Centres, the random searches on visitors on visits days.

40 But short of utilising all the resources that we had and organising, you know, for the drug dog detector unit to come in - and - and it was almost like having a waiting list to - to get them to come in for searches. The best that we could do was what we did and - you know, the regular searches of inmate cells. Any
45 inmates under suspicion of maybe receiving drugs on a visit, I would ensure that they were placed in overalls.

Now, that was another thing that was introduced by Ms Martin and myself, because overalls for visits were unheard of at Dillwynia until such time as we were there. But that's - that's another strategy to use to try and stop the introduction of drugs via visits, is to put the inmates in overalls so they can't
5 be - the drugs can't be secreted in various orifices. But it all comes down to resources and money.

COMMISSIONER: Yes, I understand. Mr Sheller.

10 **<EXAMINATION BY MR SHELLER:**

MR SHELLER: Thank you. Ms O'Toole, my name is James Sheller. I'm one of the legal representatives for Corrective Services.

15 **MS O'TOOLE:** Yes.

MR SHELLER: You remember Deborah Wilson?

20 **MS O'TOOLE:** Yes, I do.

MR SHELLER: You recall that at about the time you went on medical leave, Ms Wilson was the Intelligence Officer at Dillwynia?

25 **MS O'TOOLE:** She was the Intelligence Officer the whole time I was at Dillwynia.

MR SHELLER: And do you recall her as a veteran officer within Corrective Services?

30 **MS O'TOOLE:** Yes, she had quite a number of years' service under her belt.

MR SHELLER: She gave evidence a bit earlier today, and I just wanted to ask you a couple of things about her evidence. One thing she describes is how Mr Astill became an Intelligence Officer, and she says that that occurred in
35 circumstances where he was given the opportunity of acting up as Chief. Is that your recollection?

40 **MS O'TOOLE:** Well, he was there - they're two different things. He was given the opportunity to act up as the Chief, as were a number of other officers within the centre. He would have had to have applied to do the intel course.

MR SHELLER: Were you responsible for providing Mr Astill with the opportunity to act up as a Chief?

45 **MS O'TOOLE:** No. That would have been done by way of expression of interest and - for a long-term acting-up period. For short-term, acting up was spread out fairly amongst the Senior Correctional Officers. So it would be - if there were

vacancies on the roster, Mr Astill may have filled the - the D watch vacancy today; Mr Giles may have filled it tomorrow; Judith Barry, when she was a Senior, she may have filled it the next day. It was evenly and equally distributed when there were shortfalls on the roster. But as far as a long term - like, three months, 5 six months acting up into a Chief's position, that was done by way of expression of interest and interview, I believe. And, no, I wasn't on the panel for the interviews.

MR SHELLER: Ms Wilson also gave some evidence to the effect that she wasn't aware that Mr Astill had done the Intelligence Officer's course until one day she 10 saw him acting in the role or saw him on a roster. Is that your recollection?

MS O'TOOLE: I have got no idea. She didn't -

MR SHELLER: And that she had to ask - sorry. And that she had to ask you 15 about?

MS O'TOOLE: No, I don't believe she did ask me about it. I don't believe that I had any conversations with Ms Wilson about Mr Astill in the intel role. And the only time that he would have been rostered in there would have been (a) in Ms 20 Wilson's absence and in the absence of her permanent relief, which was Ms Kellett.

MR SHELLER: Well, what Ms Wilson -

MS O'TOOLE: So it would have been very rare occasions that he would have 25 been rostered in there.

MR SHELLER: Who was responsible for rostering the Intelligence Officers?

MS O'TOOLE: The roster was drawn up by the roster clerk and then either the 30 Principal or myself would, like, move people around on the roster. Like, the roster is generated by a computer system. So there are times when it might put somebody - it could put a First Class Correctional Officer into the intel - into the intel role or the role of a - a - a Principal or a Chief or even the Manager of 35 Security. So it was up to me to double-check the rosters and make sure that the correct person was against the correct position.

MR SHELLER: What Ms Wilson says is that Mr Astill was put in there - that's a reference to the role of Intelligence Officer - instead of Ms Kellett. Is that your 40 recollection?

MS O'TOOLE: No, that's not my recollection. Ms Kellett was always the first reserve for intel.

MR SHELLER: If it was the case that Mr Astill was being put in the role in 45 preference to Ms Kellett, that would be your responsibility?

MS O'TOOLE: If it was the case, but it wasn't the case.

5 **MR SHELLER:** We've also heard from Ms Wilson that she had misgivings about Mr Astill fulfilling the role of Intelligence Officer, and there were two reasons: one, reports about him and his behaviour; and, two, the fact that he did little, if any, work when doing that role. Did you ever hear anything on either of those issues, concerns about Mr Astill as -

10 **MS O'TOOLE:** No, I - no, I didn't.

MR SHELLER: Ms Wilson gave evidence that she raised these concerns to the Governor on more than one occasion, including in the presence of the person she described as the Deputy Governor and then, when asked to identify, identified you as being present when those concerns were relayed by her. Do you say that never
15 happened?

MS O'TOOLE: That never happened.

20 **MR SHELLER:** Did you yourself have concerns at any time concerning Mr Astill fulfilling the role of Intelligence Officer?

MS O'TOOLE: No, I didn't. He seemed to be doing what Ms Wilson would do, and that would be monitor phone calls and check mail and check incoming parcels for contraband.
25

MR SHELLER: Did you review his work at all in that role?

30 **MS O'TOOLE:** I didn't need to review his work because I couldn't review telephone monitoring, and I couldn't review - I could watch him open packages for - of clothing being sent in for inmate support and whatnot. But as far as reviewing anything that he may have added to the intel system, I didn't have access to the intel system, and I was never given access, and I was never trained in how to operate the intel system.

35 **MR SHELLER:** Even after - I think you gave some evidence earlier on that after the incident involving the sharing of a can of Coke with Witness C -

MS O'TOOLE: Yes.

40 **MR SHELLER:** - you rebuked Mr Astill. You told him he was an idiot - is that right - or thought he was an idiot?

45 **MS O'TOOLE:** Told him he was an idiot. In fact, I think I probably told him he was a fucking idiot. That would have been one of the rare times that I actually swore at an officer.

MR SELLER: And that event, and your reaction to it with the swearing and so on, didn't give you cause to think about whether he should stay on in that role as Intelligence Officer from time to time?

5 **MS O'TOOLE:** No, because to me that was just a one-off event. I had not heard - or no reports had been made to me about Mr Astill and what people - people were - were stating that he was doing and - and whatnot. It was - as far as I was concerned, it was a one-off incident, and a one-off incident of absolute stupidity.

10 **MR SELLER:** Do you recall whether your notification - sorry, I withdraw that. Do you recall that your finding out about the incident involving Witness C and the can of Coke came by way of an intelligence report?

15 **MS O'TOOLE:** It came by way of an officer report form - I believe, from Anne O'Reilly, who was the Senior Correctional Officer in the control room.

MR SELLER: Now, Ms O'Toole, if I could ask you then just within your statement to go to paragraph 23.

20 **MS O'TOOLE:** In my statement?

MR SELLER: Yes, your Commission statement. It's on page 3 of the statement.

25 **MS O'TOOLE:** Yep. Yeah.

MR SELLER: Paragraph 23.

30 **MS O'TOOLE:** Yes.

MR SELLER: This is the paragraph in which you deal with the complaint concerning - I think it's - Joseph Hycinth, I think, is the -

35 **MS O'TOOLE:** Hycinth Joseph.

MR SELLER: Do you see that?

40 **MS O'TOOLE:** Yes.

MR SELLER: I just want to ask you a little bit about this particular incident. The person referred to as Glen Scholes in the sixth line -

45 **MS O'TOOLE:** Yes.

MR SELLER: - was he someone you understood was working in the CIG or was he somewhere else within the service?

5 **MS O'TOOLE:** No, he was - I believe he was either the General Manager or the Assistant Commissioner for Security Investigations at that time. And I knew Glen, and I had not had a matter like this come before me. I was the Acting General Manager at the time in the absence of Judy Leyshon. And so I contacted Glen Scholes for advice because he worked - he was the guy in charge of S&I.

10 **MR SHELLER:** So is this - in this example of dealing with Mr Hycinth, you went outside the CIG network in order to report the incident?

MS O'TOOLE: I contacted Glen Scholes, who was in Security and Investigations, and Security - CIG came under the S&I umbrella. And he -

15 **MR SHELLER:** I see. So - all right.

MS O'TOOLE: Sorry?

20 **MR SHELLER:** And then he - to your understanding, he arranged the detectives who were part of Corrective Services to attend? Is that what occurred?

MS O'TOOLE: Yes. Yes, that's what - yeah. Yep. He told me to remain at the centre and - until I was contacted by them and they arrived at the centre.

25 **MR SHELLER:** And you just a bit earlier on described talking to the victim of the sexual assault?

MS O'TOOLE: Yes.

30 **MR SHELLER:** And asking her, I take it, to describe the incident in some detail or minor detail?

35 **MS O'TOOLE:** Yeah, I just wanted - I wanted her to tell me what had happened so I could - I could make some notes so that when the police arrived, I could brief them on the situation. And so I - and she was reluctant to speak about it. She was extremely embarrassed. And I asked Astill to leave the room, which just left Ms Hockey and myself in the room with the inmate, which obviously made her feel more comfortable. And she briefly described what had occurred, but I left the detailed questioning to the police. I just wanted to get the information so I could brief them so that they would know what they were coming into.

40 **MR SHELLER:** Do I take it that what you tell us in paragraph 23 is what you regard as the proper or textbook approach to dealing with a complaint of a serious crime having been committed on an inmate?

45 **MS O'TOOLE:** It was the approach that I took because I did not know what the textbook approach was at that time. I was relieving Judy Leyshon as the Governor, and I had never ever come across anything like this before, and it threw me into

a bit of a, "Oh my God, what do I do? Do I contact local police or do I" - yeah. So my actions were to reach out to somebody that I knew in Security and Investigations who had far more years under their belt than myself to obtain advice from them as to how to proceed with the matter.

5

MR SHELLER: From your point of view, however, the approach taken here is the type of approach you would expect the Governor to undertake if told about a serious assault having occurred at Dillwynia?

10 **MS O'TOOLE:** Yeah. Yes. Yes.

MR SHELLER: That is, contact someone senior in the Security Investigations part of the service such that the police can attend and take over the matter?

15 **MS O'TOOLE:** Yeah. Well, not necessarily somebody in S&I. I mean, they could contact their - the Regional Director and go that way. I skipped the Regional Director because I didn't have any contact numbers for the Regional Director, who was at the time Marilyn Wright. I briefed her via email. I contacted Glen Scholes simply because I knew him, I knew where he worked and I knew he would give
20 me the correct advice and steps to follow.

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

COMMISSIONER: Does anybody else have any questions?

25

MR WHITE: Yes, I do. Thank you, Commissioner.

<EXAMINATION BY MR WHITE:

30 **MR WHITE:** Ms O'Toole, my name is White and I represent Deborah Wilson.

MS O'TOOLE: Yes.

MR WHITE: I just want to ask you some questions about what you were asked
35 before about Mr Astill filling in the role as Intelligence Officer. Do you remember being asked about those questions?

MS O'TOOLE: Yes. Yes.

40 **MR WHITE:** Do you agree that Deborah Wilson did complain to you about his, that is, Mr Astill's, capacity to perform in that position?

MS O'TOOLE: Deborah Wilson did not complain to me about Mr Astill
45 relieving in that position or acting into that role.

MR WHITE: You're saying she never raised any issue at all with you about his capacity?

MS O'TOOLE: No. She didn't. And I'll further state that she barely acknowledged my existence in my last 12 to 18 months there.

5 **MR WHITE:** See, I suggest to you that she not only raised it with you, but she said that there were massive problems with him working in that position. What do you say about that?

MS O'TOOLE: I say it's incorrect.

10

MR WHITE: And she requested to you that he be taken out of the role of that position. What do you say about that?

MS O'TOOLE: She made no such request.

15

MR WHITE: Thank you, Commissioner.

COMMISSIONER: Yes. Anyone else? Mr Lloyd?

20 **MR LLOYD:** Yes, Commissioner.

<EXAMINATION BY MR LLOYD:

25 **MR LLOYD:** Would you be able to describe for us your relationship with - as in, your professional relationship with Shari Martin?

30 **MS O'TOOLE:** I worked with Shari on two occasions at Dillwynia. The first occasion was when I was - I received the promotion to Manager of Security. We had quite a good working relationship at that point in time, although we - we did have some differences of opinion on - on staff - staffing matters. I was probably more empathetic towards staff and their needs, as far as, like, rostering requirements, like, you know, if - and I'll use Mr Astill as an example.

35 When he came to Dillwynia from Parklea, he came and he introduced himself to me, and he requested that he be given no B watches, which is the night shift. I asked him why, and it was because his wife, Margaret, was suffering from motor neurone disease and that he was her primary carer of the evening, because he couldn't get carers for evenings. And I suggested that he provide me with a medical certificate from Margaret's doctor supporting, you know, that he is her
40 primary carer, et cetera, et cetera. I then proceeded to not roster him on to night shifts.

45 Other staff who had their private medical issues and couldn't do particular shifts, I would do that. Shari said I was a softie, but it was - it was jokingly. She said, "You're just a softie." But I always believed that part of my role was to - I would rather accommodate a staff member's shift change than have them go sick, because I have an overtime budget that I had to stick to. So if it's easier to accommodate

staff and be a little bit, you know, soft towards their needs, rather than blow the budget on overtime, I was happy to do that.

5 **MR LLOYD:** Did your relationship with Shari Martin deteriorate some time toward the end of your time at Dillwynia?

10 **MS O'TOOLE:** Yes, in the period that I was suffering from - just prior to my complete breakdown, probably, and that was at the same time that Shari returned to Dillwynia. She had had a stint elsewhere. And I can't speak for Shari, but I don't believe that her time out of Dillwynia was pleasurable because I noticed some changes in Shari when she returned to Dillwynia, as she noticed some changes in me. And those changes, I guess, resulted in myself becoming very, very guarded around Shari and becoming very withdrawn in relation to just about everybody.

15 And I put that down to my - my - my mental health issues, which were quite serious. I was under the care of a psychiatrist since 2014. I was on a multitude of medications trying to balance out my brain. And, yes, I was very withdrawn. I was very, very, very depressed, and my communication with people was probably reduced to zero.

20 **MR LLOYD:** Can I ask you about a different thing. Do you remember I asked you some questions - and I think the Commissioner asked you some questions too - about whether you had used foul language in speaking to officers?

25 **MS O'TOOLE:** Yeah.

MR LLOYD: Do you remember those questions?

30 **MS O'TOOLE:** Yes.

MR LLOYD: Could I ask you about a related but different point. Did you notice when you were at Dillwynia the language officers used when speaking to each other?

35 **MS O'TOOLE:** Look, to be honest with you, the language that they used when speaking to each other was no different to the language used when officers spoke to each other in every other Correctional Centre that I worked at, right from when I started in Bathurst, right through MRRC, Silverwater, Mulawa Women's, et cetera, et cetera. It's always been, I guess -

40 **MR LLOYD:** Sorry.

45 **MS O'TOOLE:** I've always said that officers tend to start to mirror inmate behaviours, and the mirroring is also in the inmate, you know, the types of language used. When I went through the academy, it was an accepted - part of the training that, you know, inmates understood - and excuse my language, sir, but inmates would understand, "Get the fuck out of here," or, "No, you're not fucking

getting this," and, "No, you cunt, you're not having that." Because that's the way inmates spoke.

5 Whereas when I was a trainer at the academy, our training approach was, "No, you can't have that. It's against legislation. No, you can't have that. Yes, I'll see what I can do about that." So we sort of tried to get staff to avoid putting themselves down onto the same level of language as inmates, just to maintain that difference, like, between professional - professional - excuse me - prison officer and inmate.

10 **MR LLOYD:** I take it from that, the answer to my question, you did or were able to observe the language that staff used when addressing each other?

MS O'TOOLE: Yep. Everywhere I worked.

15 **MR LLOYD:** And do they routinely swear at each other, to your knowledge?

MS O'TOOLE: Swearing was part of the - part of everyday conversation with them.

20 **MR LLOYD:** What about this, if I give you as an example: the Commission has heard some evidence about a new recruit arriving at Dillwynia in the year 2016 who was told in front of multiple other officers and inmates at muster when she grabbed the muster book, "Leave that fucking book. Don't touch that"? Is that the sort of thing that you saw at Dillwynia routinely, that kind of -

25 **MS O'TOOLE:** I didn't - I didn't personally see that incident. But, to be honest with you, that wouldn't surprise me.

30 **MR LLOYD:** What about this: the same person was unable to secure a high-vis vest near a building - or part of the gaol where there was building work, and an officer yelling out to her, "Hey cunt, where is your vest?" Is that, again, the sort of thing that you - I'm not suggesting you saw that or heard that, but is that the sort of thing that went on out there routinely?

35 **MS O'TOOLE:** Yeah. Yeah. Yes. But I wouldn't say that that incident would be from every staff member. But, yes, it wouldn't surprise me that that occurred.

40 **MR LLOYD:** And Astill referring to female officers as "fucking fat bitches". Did that kind of thing happen?

MS O'TOOLE: Well, let me tell you, if I ever heard Mr Astill refer to a female as "a fucking fat bitch", I would have probably ripped his head off, because he was no oil painting himself.

45 **MR LLOYD:** But was that the problem, if he said that, that he was no oil painting, rather than the put down?

MS O'TOOLE: No, it would have been the - it's the put down. It's the put down. But, you know, I'm not saying that anybody should say that about anybody else. But, you know, it's quite laughable for Mr Astill to be commenting when - on - on females when he himself is no oil painting.

5

MR LLOYD: You mention your opinion that officers should speak to each other, in effect, in a better way than inmates spoke. Do we -

MS O'TOOLE: Yes.

10

MR LLOYD: - take it from that, that you also observed inmates speaking to each other and officers in that way?

MS O'TOOLE: Yes. Yes.

15

MR LLOYD: Can I ask you this question: you have been employed up until 2016 for many, many years working in and around gaols; correct?

MS O'TOOLE: Yes. Yes.

20

MR LLOYD: What do you think of a workplace like a gaol where officers are speaking to each other and to inmates by using language of this kind? Do you think that that is a symptom of a workplace that has at least a degree of dysfunction?

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MS O'TOOLE: It's a symptom of a - a workplace that has inherent toxicity. It's going to always occur, I believe this - and this is just wholly and solely my opinion, because we have - I would always describe a gaol as a community within a community. We're inside those four walls for eight hours, sometimes 16 hours, a day. You're working alongside inmates - the - it's toxic. It's toxic. It's negative. There's very rarely anything positive that you can take away from a correctional centre. I've taken away myself a few positive things in that I have helped inmates stay out of gaol. I can count, you know, probably five or six of them that still keep in contact with me, and they've never re-offended. So, for me, you have 29 years - 28, 29 years in the service, I think I've done well to just achieve that. It's a very, very toxic.

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35

MR LLOYD: (Crosstalk) this toxic culture - sorry, you go.

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MS O'TOOLE: No, I was just repeating. It's a very, very toxic environment.

MR LLOYD: This toxic environment, I understand from what you're saying but tell me if I've got it right, that, in your view, applies not just to Dillwynia but other correctional centres you've worked at?

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MS O'TOOLE: It's across the board.

MR LLOYD: Those are my questions, Commissioner.

COMMISSIONER: Ms O'Toole, do you understand the problem for an inmate seeking to report misbehaviour by a prison officer?

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MS O'TOOLE: Yes, I do understand that an inmate may feel that they can't report something to a prison officer because there's that line of "them and us" and historically the "them and us" line, and that line is never crossed.

10 **COMMISSIONER:** Also - sorry, you go on.

MS O'TOOLE: Yeah, inmates - inmates tend not to like or trust officers, and because -

15 **COMMISSIONER:** Well, do you understand that the inmate who complains about an officer may fear retribution?

MS O'TOOLE: Yes, I do understand that that may be one of their thoughts.

20 **COMMISSIONER:** Yes. Now, the gaol - or the prison officers are effectively part of a discipline force, aren't they?

MS O'TOOLE: Yes, they are.

25 **COMMISSIONER:** Do you understand the diffidence about a junior officer complaining about the behaviour of a more senior officer?

MS O'TOOLE: I think that a very - a junior officer may have difficulty explaining - sorry, complaining about the behaviour of a more senior officer. But
30 however, and I'll flick back to when I worked at the academy, one of the units of instruction was reporting how you could go about reporting things. You don't have to report things directly within the Correctional Centre. There are a lot of other avenues outside of the Correctional Centre that you can report to. It's not just limited to your managers at the Correctional Centre. So there's quite a variety -

35

COMMISSIONER: But the -

MS O'TOOLE: - of agencies and avenues available.

40 **COMMISSIONER:** I understand that but that really doesn't solve the problem, does it, because the complaint will be the complaint about the behaviour of a person more senior and that person is very likely to come to know who has made the complaint, don't they?

45 **MS O'TOOLE:** Well, if the person makes it under a protected disclosure, no, they're not. Well, they shouldn't find out.

COMMISSIONER: Well, when it's being investigated, the officer would be very likely to fear that the senior officer would find out who had made the complaint, wouldn't they?

5 **MS O'TOOLE:** Highly likely, yes.

COMMISSIONER: So the problem then means that in managing a gaol the senior managers have to be acutely aware of these issues, and as a consequence be, perhaps even more than usually, careful to identify when problems might exist within that particular gaol; would you agree?

MS O'TOOLE: Yes, I do agree, yes.

15 **COMMISSIONER:** Now, if I can finally take you back to language. Shari Martin, did she swear?

MS O'TOOLE: Shari was known to swear.

20 **COMMISSIONER:** And use foul language with officers?

MS O'TOOLE: Not in everyday conversation - usually out of frustration.

COMMISSIONER: Well, she did it, though? You experienced her doing that, did you?

25 **MS O'TOOLE:** I heard her, yes. Yes.

COMMISSIONER: Yes. And I get the impression, from what you have said, is that the officers below you would all swear on occasions and use foul language; would that be right?

MS O'TOOLE: Regularly.

35 **COMMISSIONER:** Do you still tell me that you didn't?

MS O'TOOLE: Yes, I do. I did not make a regular practice of swearing at officers. I may have sworn in a conversation with an officer, but I do not swear directly at people. There is a difference.

40 **COMMISSIONER:** So you would stand alone in the gaol in that respect, in the management, would you?

MS O'TOOLE: I believe I would. If I was having a conversation and I dropped, you know, the - yeah, I would not swear directly at a person.

45 **COMMISSIONER:** Very well.

MS O'TOOLE: In a conversation I may swear, but not directly at a person.

5 **COMMISSIONER:** Very well. Does anyone have any questions arising from those matters? No. Ms O'Toole, that concludes your evidence. Thank you for your contribution today. You are now excused.

MS O'TOOLE: Okay. Thank you very much, sir.

10 **<THE WITNESS WAS RELEASED**

COMMISSIONER: Mr Lloyd.

15 **MR LLOYD:** Commissioner, could I hand up, with a view to inviting you to add to the tender bundle behind Tab 506, a document. If I hand it up, you'll see what it is.

COMMISSIONER: Does everyone know what you're talking about?

20 **MR LLOYD:** I hope so. If they don't, I can reserve - invite you to reserve their position. You'll remember, Commissioner, I asked Ms O'Toole about the email exchange behind Tab 506, which was the - included a reference to a report authored by Chief Astill. That's the report that only came to us on Friday that really ought to be behind that email in Tab 506. But having handed it up, if parties, particularly probably Mr Sheller, want to reserve their position about it being
25 added to that tab, then perhaps I'll return to it first thing in the morning.

COMMISSIONER: All right. Well, you talk to Mr Sheller.

30 **MR LLOYD:** Certainly.

COMMISSIONER: Mr Sheller, I said some days ago that I was looking to you and your client to help me in terms of what recommendations might be made for change. And you've heard the discussion now, and it's pretty clear.

35 **MR SHELLER:** Yes.

COMMISSIONER: The evidence tells us that there are real problems for inmates complaining and, indeed, for junior officers complaining about the behaviour or treatment by senior people.
40

MR SHELLER: Yes.

COMMISSIONER: I don't pretend to know the answer to this problem, but it's clearly a problem with the service in this case -
45

MR SHELLER: Yes.

COMMISSIONER: - and has contributed, without question, to the problems as they ultimately emerged.

MR SELLER: Yes.

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COMMISSIONER: I will be looking for all the help I can get from those instructing you as to what the alternatives might be.

MR SELLER: Yes. That's part of what - we've already started the process of speaking to witnesses, witnesses who the Commission will hear from, on the question of recommendations at large, but we'll include that within -

COMMISSIONER: Yes, I'm not saying it's the only thing I want to hear about, but it's obviously -

15

MR SELLER: (Crosstalk).

COMMISSIONER: It's central to the problem, I suspect.

MR SELLER: Yes.

20

COMMISSIONER: All right. Thank you. Mr Lloyd, anything more today?

MR LLOYD: No, Commissioner.

25

COMMISSIONER: 10 o'clock in the morning?

MR LLOYD: If that's convenient.

COMMISSIONER: We'll adjourn.

30

**<THE HEARING ADJOURNED AT 4.18 PM TO WEDNESDAY, 8
NOVEMBER 2023 AT 10.00 AM**