



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

**PUBLIC HEARING  
SYDNEY**

**MONDAY, 13 NOVEMBER 2023  
AT 10.00 AM**

**DAY 20**

**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 (from 11:30 am)  
MS L. DOUST appears for one correctional officer  
MR C. WATSON appears for two correctional officers  
MR A. WILSON appears for one correctional officer  
MR I. LATHAM appears for a CSNSW member of staff  
MR B. DEAN appears for a CSNSW member of staff  
MR H. WHITE appears for one correctional officer  
MR M. TYSON appears for a former CSNSW member of staff  
MR E. JAMES appears for one correctional officer**

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<THE HEARING RESUMED AT 10.02 AM

**COMMISSIONER:** Yes, Ms Davidson.

5 **MS DAVIDSON:** Yes. Commissioner, we will be continuing with Mr Greaves' evidence, but first Ms Melis would just like to say something.

**MS MELIS:** Commissioner, on behalf of Mr Sheller, I apologise for his non-appearance at the bar table this morning.

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**COMMISSIONER:** That's all right. Thanks.

<DOUGLAS AUDLEY GREAVES, ON FORMER OATH

15 <EXAMINATION BY MS DAVIDSON:

**MS DAVIDSON:** Mr Greaves, on Friday afternoon I was asking you a question about an email at Tab 84K from Hamish Shearer in respect of what was set out as an agreed changed process, and you were cut off at the end of your answer. Are there additional matters that you believe would have prompted concern on your part in relation to that process set out in that email?

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**MR GREAVES:** Yes, there's a couple of extra points.

25 **MS DAVIDSON:** What are they?

**MR GREAVES:** One is that it is effectively saying that where an allegation of misconduct has been made, that because there's a backlog of work, a decision can be made and will be made in future not to treat it as misconduct at all but to treat it as a performance issue. Now, misconduct and unsatisfactory performance are different concepts under the GSE Act, sections 68 and 69 respectively, and the GSE Rules, part 7 and part 8, spell out different processes for those two things.

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I believe this email was actually proposing to do something that is contrary to legislation. Specifically, section 38(2) of the GSE Rules in part 8 say that after making an initial assessment of an allegation, the employer may decide not to proceed with the matter if the employer is satisfied that it's vexatious or trivial, it doesn't amount to misconduct, or there's likely to be difficulty in establishing the facts.

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It doesn't say the employer may decide not to proceed for any reason. And nor is there a part D saying the employer may decide not to proceed with the matter if there's a big backlog of work. So, from my perspective, that would have been a significant legal issue to address before issuing an instruction like that, and I'm very confident PSB wasn't consulted because we would certainly have raised that issue. The misconduct process is a mandatory process. You can't just step away from it.

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**MS DAVIDSON:** And the second point?

5 **MR GREAVES:** Secondly, it seemed to create a paradoxical situation because  
this email was only being sent to Governors. Well, the Corrective Services  
website - the PSB section of that website clearly said to everyone, "Anyone in the  
agency can contact PSB at any time. Anyone can report misconduct." Yet this  
10 email is saying that Governors can't do that. It appears to be overruling the advice  
contained on the website. So it's pretty paradoxical if Governors are the only  
people who are not allowed to contact PSB to report misconduct.

**MS DAVIDSON:** Now, as I understand your statement - have you still got your  
copy of your statement there with you?

15 **MR GREAVES:** Yep.

**MS DAVIDSON:** As I understand your statement, you understand that there have  
been changes to the PSB and IB structure, that is, there has been a creation of  
20 a new branch called Professional Standards and Investigations that merges the two  
former branches, and I understand that you've kept up with some former PSB  
colleagues in relation to what's been going on and proposed changes to the  
processes; is that right?

25 **MR GREAVES:** Yes, that's true.

**MS DAVIDSON:** And as to how the new branch will work in terms of its  
misconduct processes, you understand - or as you've set out in paragraph 12 of  
your statement, that there is a proposal that PSI won't itself directly receive  
30 allegations of misconduct, but instead there's to be some initial assessment by  
a team located in the Commissioner's office?

**MR GREAVES:** Yes.

35 **MS DAVIDSON:** Is that an understanding - that is, is that your understanding of  
a current proposal in relation to changes to PSI?

40 **MR GREAVES:** Based off - on what I've been told. It's only been casual  
conversation with staff. I didn't probe them in any detail, and they weren't going  
into a great degree of detail. But, yes, the understanding was a small unit in the  
Commissioner's office will receive allegations or reports of misconduct, and that  
unit will determine whether a matter is referred to PSB at all.

45 **MS DAVIDSON:** And do you have concerns about that proposal if it is indeed  
a current proposal?

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

**MS DAVIDSON:** What are they?

**MR GREAVES:** The idea that, again, matters could be decided to - sorry, a decision could be made to treat a matter as - sorry, second part that I think  
5 I mentioned there was the Governor of the gaol would be the person who would be making the - engaging in resolving the misconduct matter. On that, Governors have not been trained in how to run the misconduct process. It is quite a technical matter. They would certainly need advice on how to do that, and that would probably need to involve PSB lawyers. That's one point.

10 The idea of all referrals of allegation - all allegations and referrals being passed to the Commissioner's office - frankly, in the time I worked in PSB, there was not a lot of trust in - by front-line staff in the Commissioner's office or, indeed, in the office of the Assistant Commissioner, Custodial Corrections. So if this is  
15 implemented and it becomes known to staff, I believe it will actively discourage staff from putting in reports.

**MS DAVIDSON:** That is, was it your understanding that during your time, staff  
20 approaching PSB had more trust or confidence in the PSB part of the process or part of the Department - or part of the super Department than they did in the Commissioner's office or the office of the Assistant Commissioner, Custodial Corrections?

**MR GREAVES:** Without question. And it was stated frequently, and it was hard  
25 for us to earn that trust. Engaging face to face with line area staff, they frequently said, "Oh, PSB does this. PSB does that," a lot of which was totally untrue. It did take a lot of engagement with people to get them to open up. I think that was reflected in the - in the number of referrals we received over the years. I can go into those if you want, but maybe no time.

30 **MS DAVIDSON:** Are there features of the merger, that is, the decision to merge PSB and IB, that you think have the potential to be positive?

**MR GREAVES:** Oh, absolutely.

35 **MS DAVIDSON:** And what are they?

**MR GREAVES:** When I worked at the National Crime Authority, I saw how  
40 multidisciplinary teams work, and they can be wonderful in terms of integrating the investigative role with the legal role, with the intelligence role, with the clerical support role, et cetera, provided everybody has the same purpose and you try and work as a cohesive team. But, plainly, the evidence that's before the Inquiry so far is that that wasn't happening with IB and PSB as they existed in the past. IB was receiving intelligence about misconduct. So we were in PSB. But it  
45 wasn't integrated. It wasn't being shared.

I believe investigations will be more effective if the lawyers can consult on an ongoing basis, have a free exchange with the investigators about, "Well, what's really needed in this case? What are the key points? How much detail is needed?" A lot of IB reports were extremely detailed, more of the nature of a prosecution brief, when you really didn't need that to determine a misconduct matter. So there's potential efficiencies as well. Again, more time, I could explain more.

**MS DAVIDSON:** All right. So based on your understanding of what were some of the difficulties between PSB and IB during your time, are you able to identify what you think would be key features of the new process that should be put in place to overcome those difficulties?

**MR GREAVES:** I'd be hesitant to try and give a - a cohesive answer now. And I'd really - if I wanted to put anything forward at all, I'd want to consult with former colleagues who could integrate the perspective. So -

**MS DAVIDSON:** All right. Are there any kind of top of the line matters that occur to you in thinking about that?

**MR GREAVES:** I do think having a direct line of report to the top of the agency could be a good move.

**MS DAVIDSON:** And when you say "the top of the agency", you mean to the top of PSI or to the top of Corrective Services?

**MR GREAVES:** To a Commissioner of Corrective Services may be a way. I know in other law enforcement agencies, the internal affairs unit or professional standards unit in some does report to the principal of the agency.

**MS DAVIDSON:** So not through an Assistant Commissioner, but instead -

**MR GREAVES:** No, I think that might be a possibility. Another possibility is to report to the Secretary's office, to take PSI and integrate it within the broader DCJ function, which would give greater impartiality and independence. There is an inherent problem with misconduct matters, that the more they get reported, the more - the worse it makes that unit look. But it might actually reflect a healthy culture, rather than there being serious problems in the way it's being run.

**MS DAVIDSON:** You mentioned the more things get reported, the worse it makes that unit, or that agency presumably, look. Were you aware during your time of concerns being held about the increasing number of misconduct reports from leadership within Corrective Services?

**MR GREAVES:** No question about that. There was - based on what I was told by two of the people who held the role of Director, there was constant pressure not just on them but on the Assistant Commissioner to lower the number of misconduct matters in the backlog that we had.

**MS DAVIDSON:** You say pressure on the Assistant Commissioner or pressure from the Assistant Commissioner?

5 **MR GREAVES:** On and from.

**MS DAVIDSON:** On and from.

10 **MR GREAVES:** Flowing down to the Director of PSB and then felt by particularly the legal staff, who were the ones who had the backlog.

**MS DAVIDSON:** And was that Assistant Commissioner Koulouris that you're referring to?

15 **MR GREAVES:** No, not so much. It was more of an issue - well, certainly I note - sorry, my memory - I believe that he did feel pressure from Commissioner Severin to achieve a reduction in the backlog. But it was, I think, more apparent later on.

20 **MS DAVIDSON:** This is more during Assistant Commissioner Scasserra's time, is it?

**MR GREAVES:** Mainly when Melanie Robinson was the Director and then when AC Scasserra came along.

25 **MS DAVIDSON:** Right. And where did you understand the pressure on the Assistant Commissioner to be coming from?

**MR GREAVES:** The pressure on an Assistant Commissioner could only come from the Commissioner.

**MS DAVIDSON:** That is, from Commissioner Severin or from Commissioner Corcoran once he was appointed or both?

35 **MR GREAVES:** Commissioner Severin in the first instance, then Commissioner Corcoran. But I really have to qualify this. This is me giving my impression -

**MS DAVIDSON:** Yes.

40 **MR GREAVES:** - based only on conversations which I made no notes about at the time. So please don't rely on my memory on those things.

**MS DAVIDSON:** Right. Can you turn to paragraph 23 of your statement. You're referring there to the Support Unit, which you were involved in establishing, as I understand it? I'll give you time to have a look at that.

**MR GREAVES:** Yep. 22.

**MS DAVIDSON:** 23.

**MR GREAVES:** Yep. Yes.

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**MS DAVIDSON:** You indicate that your focus quickly became - this is the last sentence - support for those who had been victims of misconduct, those who had reported misconduct and those who were thinking about doing so. How was it that during your time in the Support Unit you provided that support?

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**MR GREAVES:** Because of my background - initially, I was the person of the three members of that team who had the most experience in dealing with human sources. I had been trained in that role previously, in a previous aspect of my career. And in subsequent years after that, I continued to use those skills in my interactions with people. I didn't really anticipate it would be such a feature of the role at all when I joined Corrective Services, but that very much turned out to be the case. Because as soon as I started interacting with front-line staff, I was seeing things happening and - and hearing stories from them that suggested they really needed more support than they were getting.

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So when we set up the Support Unit and started getting - receiving allegations on behalf of the whole of PSB - it was the front - front face of PSB - a lot of people were phoning, extremely hesitant about reporting anything, very concerned for their welfare. Some cases over the years, people with genuine concerns for their safety. And plainly some of them were in a state of considerable distress.

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During my time in that role, there was at least one officer who was suicidal, who I had to guide down the appropriate path. There was another one who had been the victim of a night-time incident at her house, caused her great concern for her safety. I'm being hesitant about what I say because I don't want to potentially reveal the identities of the people and therefore expose them to further risk. But it was a significant part of my role to deal with people at the front end to ensure that they felt supported, they were supported as best we could while maintaining their confidentiality.

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**MS DAVIDSON:** And so in terms of the Support Unit -

**MR GREAVES:** Yep.

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**MS DAVIDSON:** - what was it that you put in place once that was created to provide support specifically for the people you refer to at the end of paragraph 23, that is, persons who had been victims of misconduct, those who had reported misconduct and those who were thinking about doing so?

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**MR GREAVES:** We weren't in a position to provide them with counselling services ourselves or anything like that. It was mostly a case of giving them a listening ear; accurately summarising their - what they reported to us; explaining

to them very carefully what the processes involved; telling them who to consult for further help; where necessary, staying in contact with them, phone calls just to check how they were going.

5 And these were roles that I had previously performed before the Support Unit was created. Fortunately, when it was created, there were two really excellent staff came on board, really good backgrounds, really good interpersonal skills, and they were able to carry it forward. And I understand it's really going well now because they've been joined - it's about to happen or has already happened, a trained  
10 counsellor has been added to the unit who can actually professionalise what we were doing on an ad hoc basis.

**MS DAVIDSON:** So that was to be my next question. Do you understand that aspect of what the support unit was doing, that is, not only providing support to  
15 those who have been the subject of accusations of misconduct but also to be providing support to complainants and victims and those who are thinking about reporting misconduct, to be a role that is still being performed by that unit?

**MR GREAVES:** Yes. I believe so. I believe it's been improved and made more  
20 professional than when we set it up with just the three people there.

**MS DAVIDSON:** Could I ask you to go to paragraph 32 of your statement. You're referring there to PSB's review of IB's reports and to instances in which PSB identified deficiencies in those reports.  
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**MR GREAVES:** Yep.

**MS DAVIDSON:** Are you able to give some examples of the sort of deficiencies that PSB tended to identify in those reports?  
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**MR GREAVES:** A bit of context, a lot of IB's reports were fine. In particular, some of the really short reports written by Mick Hovey were exceptionally good. Not all the IB staff, though, were as good as others, and sometimes there would be problems like a line of inquiry not pursued; the evidence sighted was actually not  
35 the evidence that had been received by the investigator when you compared what the investigator said to what was attached to the report; sometimes speculation and opinion being presented as if it was facts supported by evidence when, in fact, it was simply inference. These were occasional problems. In the first instance, they would normally be picked up by the Director, who would receive the report and  
40 read through it, and both Melanie - both Peter - Connie Haler, who was the other -

**MS DAVIDSON:** So where you're referring to the Director, you're talking about the Director of PSB?

45 **MR GREAVES:** Director of PSB.

**MS DAVIDSON:** Yes.



**MR GREAVES:** Yep. They would often pick up, "Okay. There's a problem with this one," and then make a decision as to whether it should go back to IB or whether there was enough material there to use - to ground a submission to the Director in Custodial or to an Assistant Commissioner for the other divisions, depending on where it occurred. The Directors, if they were unsure, would tend to refer to me and say, "Well, Doug, what do you think about this?" And I would go through it and offer my perspective for consideration by the Director, who could then decide, well, do we pass this back to Mick and say, "Look, Mick, could you please have another go," or "Mick, for your information, we can still use this, but here's a hiccup with this one," or simply to say, "Well, we can't use the findings of this report." So the lawyer within PSB who was dealing with it would then prepare a submission to go to the relevant decision-maker with the IB report attached so the Director would have full disclosure about it. Because at the end of the day, it's not IB's job to decide has misconduct occurred or what penalty should be imposed. It's not PSB's job to do that. It's only the delegate under part 8 of the GSE Rules.

**MS DAVIDSON:** Could I ask you to turn to paragraph 38 of your statement. You said there that IB investigators had no role in relation to criminal conduct, which was the responsibility of other law enforcement agencies such as the New South Wales Police Force. We've heard a bit about - and Director Hovey gave some evidence in relation to his role - having the CSIU technically within Investigations Branch, although they were members of the New South Wales Police.

**MR GREAVES:** Yep.

**MS DAVIDSON:** Did you understand, in relation to misconduct allegations that involved criminal conduct, such as allegations of sexual assault, that the PSC was intended to have any role in relation to referring matters to CSIU, that is, a filtering role of some kind, or how were those matters, to your understanding, that is, misconduct matters alleging criminal conduct, intended to get to CSIU if the system was working properly?

**MR GREAVES:** Yeah. With the system working properly - say a Governor reports an alleged criminal offence to PSB. Our job is to assemble whatever information is available at hand then, to put it on the agenda for the PSC so the PSC could decide what to do. We wouldn't generally think at all about conducting deep research or asking IB to do preliminary inquiries. If there's an allegation of criminal offending, that's really serious, so get it to the PSC as soon as possible.

PSC was essentially a rubber stamp on those matters. It wasn't their job to say, "Oh well, no, we don't think we'll treat this as a criminal matter. It will just be going straight through." And indeed, if it looked like it was a really serious matter or time-limited matter, risk of further offending, risk of destruction of evidence, anything like that, PSB would immediately refer it to IB Director ourselves, if it's Mick, so he could liaise within minutes or hours.

**MS DAVIDSON:** That is, without going through the PSC mechanism if there was a perceived urgency in relation to it; is that right?

5 **MR GREAVES:** Yes. PSC typically met 9 o'clock on a Monday morning. Hypothetically, if we got a criminal offence allegation, say, this officer has bashed this inmate and is planning to do it again tonight, well, it's totally inappropriate to put it on the agenda for next Monday's meeting.

10 **MS DAVIDSON:** Yep.

**MR GREAVES:** And, indeed, it would have to go to Mick straightaway so that he could coordinate the relocation of the inmate, the deployment of CSIU. They need to talk about whether covert operational work is needed or whether it should all be overt. All of those are matters for the CSIU to decide in consultation with Mick in IB.

15 **MS DAVIDSON:** And what was your understanding, again if the system was working properly, if an allegation, instead of coming in a report of misconduct to the PSB, was made in a intelligence report that came through the SIU function and therefore was, at least in theory, drawn to the attention of somebody within IB - what was your understanding of what was meant to be the process for getting that to the CSIU?

20 **MR GREAVES:** I didn't know that IIS had that function. That would have been very significant if I had known. I don't know if anyone in PSB knew that that was how Mick was receiving referrals. I knew that Mick would, from time to time, be involved in matters because suddenly we read in the newspapers or hear on the press somebody has been arrested, it's a CSIU investigation, we hadn't been party to that.

25 **MR GREAVES:** I didn't know that IIS had that function. That would have been very significant if I had known. I don't know if anyone in PSB knew that that was how Mick was receiving referrals. I knew that Mick would, from time to time, be involved in matters because suddenly we read in the newspapers or hear on the press somebody has been arrested, it's a CSIU investigation, we hadn't been party to that.

30 **MS DAVIDSON:** Right.

**MR GREAVES:** And that was fine. But I assumed he was getting those direct by phone calls or emails from the Governors of the gaols or from somebody else who knew.

35 **MS DAVIDSON:** I see.

**MR GREAVES:** So if we had known, it would have been very different because I would have been encouraging Director PSB to liaise with Director IB so that we can get this sharing of intelligence so that we would know what he was receiving.

40 **MS DAVIDSON:** But it wasn't happening at all during any of the time that you were there?

45 **MR GREAVES:** Not to my knowledge. It may conceivably have happened at the Director level. But if so, I don't recall any discussion about that.

**MS DAVIDSON:** And so you didn't hear about it?

5 **MR GREAVES:** Not that I recall. But as previously stated, if I didn't write it down, please don't trust my memory.

**MS DAVIDSON:** Paragraph 40, can you have a look at that?

10 **MR GREAVES:** Yep.

**MS DAVIDSON:** You're referring there to some difficulties that you had contacting Director Hovey as a result of his heavy workload. You say in the third sentence:

15 "In my experience, he was often slow to reply to emails and voice mail messages or did not respond at all, especially in the period 2017 to 2021. As a result, when I really needed to speak with him, I eventually resorted to calling IB switchboard to ask if he was there before then asking to be put through to him."

20 That is, you were trying to use a landline to contact him; is that right?

**MR GREAVES:** Yep.

25 **MS DAVIDSON:** Did you understand Director Hovey to be looking at his email during that 2017 to 2021 period that you refer to there? That is, did you at times get responses?

30 **MR GREAVES:** Yes. There's no - no doubt he was definitely checking his emails.

**MS DAVIDSON:** Right.

35 **MR GREAVES:** He - he couldn't possibly do his job without checking them frequently.

**MS DAVIDSON:** I just wanted to clarify your understanding of that.

40 **MR GREAVES:** Yep. Look, essentially, most of my inquiries to him were - were typically minor bureaucratic issues, not of significance. So if ever it was urgent, I would persist and make sure I made contact with him somehow. Failing that, I would contact his subordinate manager and say, "Look, I really need to talk to Mick about this." So there were no operational problems arising from that. I just think that my impression was he is so busy, he can't get back to me and maybe he's  
45 forgotten about it after a few days or weeks have gone past.

**MS DAVIDSON:** Right. Can I ask you to turn to paragraph 53. You're referring there to the IIS being used by PSB and IB and by Corrections Intelligence Group, but each in a different way. You've just given us some evidence this morning that PSB didn't have access to the SIU reports that were coming up to IB. Is that -

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**MR GREAVES:** Yes.

**MS DAVIDSON:** - another aspect of what you're explaining here at paragraph 53, that nobody in PSB could initiate access to IIS records that had been stored by IB?

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**MR GREAVES:** That's my understanding. I never used IIS myself, so I'm not an expert on it. When you talk about a system, people generally assume that, well, everybody who's using it will see the same things, have the same sort of access, but that's far from the case. PSB's module was in IIS, looked nothing like IB's and nothing - I'd assume nothing like IIS's, and we were all using it for different functions.

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**MS DAVIDSON:** Sure.

**MR GREAVES:** One common point, though, was that if we created a case in PSB about a particular matter, then that allocated a number to that case. And IB could also create cases, and they would have a consecutive number to ours. So the numbers were allocated so that they never duplicated -

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**MS DAVIDSON:** Right.

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**MR GREAVES:** - which is another reason why if an urgent criminal matter came to us in the first instance and we're saying, "Quick, quick, get it to Mick," we're not going to create a case at that point because Mick will be the person who needs to create that case, and we don't want to have two cases with different numbers related to the same matter later on. So we were always confident that if something went to Mick for work and he created a case, then we'll find out about it eventually and then record it in our databases and then we can do conduct and service checks and those things I mentioned later on.

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**MS DAVIDSON:** Right. But it also required - if you were going to be taking a role in relation to something that had been passed on from IB, there was no transfer of - well, within the database that you were using, you had to create a new case; is that right?

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**MR GREAVES:** Exactly right. It would mean when you were talking about case number whatever, it might have been dealt with by IB as a fact-finding inquiry and then come back to us and then it goes back to them for a full formal investigation and then it comes back to us for action. It's always got the same case number.

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**MS DAVIDSON:** Right. Can you turn to paragraph 55 and 56.

**MR GREAVES:** Yep.

5 **MS DAVIDSON:** You refer there to the fact that in 2014 you had no case management system, but subsequently between 2014 and 2017 you created an internal database, based on Excel by the sound of things, to support your internal management because you had nothing else to use.

**MR GREAVES:** Yep.

10 **MS DAVIDSON:** I'm just wondering, after 2017, that is, between 2017 and 2021/22 when you left the organisation, did things improve in terms of the IT - the case management systems available to PSB?

15 **MR GREAVES:** My last sentence in paragraph 56. The three IT systems, including the Excel spreadsheet, weren't sophisticated, but they were adequate for our needs at the time. I've heard of no significant change since then, but I am out of touch. So they may have acquired a case management system by now, but certainly not by the time I left.

20 **MS DAVIDSON:** The Inquiry has heard some evidence about difficulties that IB had - that intel analysts within IB had in terms of ease of accessing intel records and amalgamating them together as a result of lack of a satisfactory intelligence system. Were you aware of those difficulties?

25 **MR GREAVES:** Having some exposure to intelligence work in the past -

**MS DAVIDSON:** No, no. I'm asking the question in relation to within Corrective Services.

30 **MR GREAVES:** Yeah. I follow. I'd say it's - it's worse than that. It wasn't so much that we had difficulties, we really had no way to coherently record intelligence about people other than the systems we were using to manage cases on a one-by-one basis.

35 **MS DAVIDSON:** And when you say "we", are you referring there to PSB or to IB or both?

**MR GREAVES:** PSB only.

40 **MS DAVIDSON:** Right.

**MR GREAVES:** I can't speak for IB.

45 **MS DAVIDSON:** You had no way of recording intelligence other than on the -

**MR GREAVES:** Not a proper intelligence system.

**MS DAVIDSON:** Right.

5 **MR GREAVES:** So when allegations came in, we could create a case to record that the allegations had been received but take no action on it. Intelligence being of the nature of something that doesn't demand action now or you're unable to pursue it, so it's insight into trends or patterns or things like that. So, really, it was mostly relying on memory to identify patterns and trends.

10 **MS DAVIDSON:** And did you and others within PSB perceive that to be a problem in terms of any systemic attempts at addressing the kinds of misconduct matters that were coming to your attention?

**MR GREAVES:** Short answer, didn't have time to think about strategic things.

15 **MS DAVIDSON:** Right.

**MR GREAVES:** So much of the time was allocated just trying to deal with the - the matters at hand.

20 **MS DAVIDSON:** But in terms of an inability to identify patterns or trends, you indicated in paragraph 55 that you did have difficulties in compiling statistics for mandatory reports or undertaking research. I guess I'm just trying to ascertain your understanding of what were the problems arising for the PSB function, appreciating you were only familiar with that, as a result of there being no case  
25 management system.

**MR GREAVES:** Well, we didn't have one until 2014 when we created the Excel database. So, essentially, that fixed those problems, to the extent that it gave us something that was adequate.

30 **MS DAVIDSON:** Right.

**MR GREAVES:** But we were not set up as an intelligence unit, and that was not a designated role of the agency.

35 **MS DAVIDSON:** Sure. But just in terms of even looking back at PSB cases that had been dealt with for the purposes of compiling statistics, say, or undertaking research, was that made possible by your own creation of the Excel spreadsheet, the work that you did internally or were there still difficulties or problems, you  
40 think, potentially as a result of the IT systems in terms of PSB's ability to identify trends, for example, or do those kinds of reporting or research tasks that you were required to do?

45 **MR GREAVES:** The Excel spreadsheet actually worked really well. The initial design was done for free by a contact of mine. Not with any live data, as a shell. But then it was handed over to a guy who we accessed from the Statistics Unit within Corrective Services who turned it into something that was really, really

very good. So in terms of tracking timelines, workload, origins of matters, patterns - if you went looking for the patterns, yeah, you could use it for all those purposes. So it was sufficient for the tasks that we had to do. But a better system would be one that combined, say, the IIS function with the database function, and that's what you see in a fully blown law enforcement case management system, which we didn't have.

**MS DAVIDSON:** Right. Can I ask you to go to paragraph 62.

10 **MR GREAVES:** Yep.

**MS DAVIDSON:** You're referring there to having reservations about misconduct allegations being passed by - I'm sorry, being passed through CSG.

15 **MR GREAVES:** CIG. Yep.

**MS DAVIDSON:** CIG. You, I think, understand as a result of the evidence in this Inquiry that the SIU function wasn't going to - sorry, the SIU intelligence reports weren't going to CSG; they were coming to IB. Do you have reservations about the way the SIU function was set up, that is, intelligence reports in relation to staff misconduct going straight to IB?

**MR GREAVES:** When I wrote this and signed the statement, I didn't know.

25 **MS DAVIDSON:** I understand that.

**MR GREAVES:** Yeah.

**MS DAVIDSON:** That's why I'm asking you the question now.

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**MR GREAVES:** Sure. What I was concerned about when I wrote that was the idea that the Intel Officers would write an intelligence report, send it through, it would go to the CIG, be assessed by its staff - and we don't know which ones -

35 **MS DAVIDSON:** Yes.

**MR GREAVES:** - and then they would do nothing more than pass it on to PSB. It seems redundant, breach of the need-to-know principle. The idea that Intel Officers could create intelligence reports, press a button and it goes straight to an Intelligence Officer, no problem with that at all.

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**MS DAVIDSON:** I see. Okay. Paragraph 64, you indicate that there was no IT system within CSNSW dedicated to the reporting of allegations of misconduct. Instead, PSB's pages on the intranet encouraged staff to use the email system or call PSB, and that was a means of facilitating consultation of the kind that you refer to in paragraph 65. Paragraph 66, you make a suggestion in relation to some

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easier way of reporting misconduct. Was that a suggestion that you made during your time at the Department?

5 **MR GREAVES:** No. I only included that having read the terms of reference for the Inquiry.

**MS DAVIDSON:** Right.

10 **MR GREAVES:** I'd like to point out, though, in paragraph 64, I say there was no dedicated system. I'm actually a fan of that. I think providing multiple pathways and encouraging people to phone the professional team to talk about the situation is actually a very good way to proceed. At the same time, for people who think,  
15 "Gee, I just don't know what to do," and they don't know they can call PSB, and having a big button on the front page of the website which has "click here" and it takes you straight to communicating with the team, that would be a good backup system for people who have forgotten about PSB or were never told.

20 **MS DAVIDSON:** Paragraph 69, you refer to there being several overlapping policy documents in respect of encouraging and instructing CSNSW staff on their obligations to report misconduct and other issues relating to ethics and governance. Did PSB regard that during your time as an unsatisfactory situation, those overlapping policy documents?

25 **MR GREAVES:** Yes, very much so. Particularly because sometimes our parent Department, DCJ, would release policies either without consulting us or consulting us and then ignoring the advice. On occasions, we had to go back several times in order to achieve very important changes in those policies. Now, I'd have no chance of being able to quote exact examples apart from, as I recall, when the DCJ Code of Ethics and Conduct was released in 2015, it made no  
30 mention of PSB at all. As I recall, it required - if it had been implemented across the whole Department, it required every allegation of misconduct to be referred to one officer in the HR branch of DCJ, not within Corrective Services at all. And I think that policy is still on the internet.

35 **MS DAVIDSON:** And so do you understand the question of overlapping or potentially conflicting policies to be one that persists?

40 **MR GREAVES:** I can say I don't - I don't know what changes have been made since 2021 - actually, yeah, no, I did look up recently what was - what is the current policy, and I do think there's room for improvement. It doesn't refer to professional - PSI at all; it refers to Professional Standards. Well, there's two teams by that name: one is Professional Standards in the HR branch of DCJ; and the other one is Professional Standards and Investigations in Corrective Services.

45 **MS DAVIDSON:** And so did a lot of the issues in terms of conflicting or overlapping policies, so far as you were concerned, go to the question of how integrated Corrective Services was or wasn't within the wider DCJ Department?



**MR GREAVES:** That's one half of it. The other half of it was that the Corrective Services policy that we inherited, the Guide to Conduct and Ethics, in some parts was written as a guide. So it uses the word "should" where it really ought to say "must".

**MS DAVIDSON:** Right.

**MR GREAVES:** "You should not unnecessarily use force on an inmate" - that's not what it says, but it would be far better to say, "You must not unnecessarily use force on an inmate."

**MS DAVIDSON:** That is, am I understanding you correctly, the clearer the guidance that can be given in terms of ethical and professional conduct to Corrective Services Officers, the better?

**MR GREAVES:** Yeah, absolutely. And particularly because it helps with enforceability.

**MS DAVIDSON:** Right.

**MR GREAVES:** If you say "should", it implies, "Well, maybe there are exceptions here."

**MS DAVIDSON:** Yes. Can you go to paragraph 93 of your statement, Mr Greaves.

**MR GREAVES:** Yep.

**MS DAVIDSON:** You refer there to - you came to believe that there were serious issues in workplace culture in certain CSNSW workplaces, especially in some gaols where overt misconduct was apparently being taken for granted. Firstly, can you explain what you came to believe were the serious issues in the workplace culture in certain CSNSW workplaces?

**MR GREAVES:** I wish I had some time to prepare a full answer to that one. Okay. A key issue, I thought, were problems in the leadership culture in the organisation, where in some areas - definitely not all, but in some areas, the senior people running the work area favoured intimidation and abuse as the way to control staff's behaviour; where, for example, in some gaols, I repeatedly heard stories that when somebody had done something wrong, the Governor would call that person out on parade at the start of the day and abuse them, humiliate them in front of their work colleagues.

Now, everything I ever learnt about management tells you that that's not just inappropriate, it's utterly counterproductive; that if you treat staff like that, you'll - they'll never regard you with a high esteem thereafter, and they would

really just learn to put their heads down, keep a low profile, stay out of the line of fire. So that's a real issue, I believed.

5 Another one, the fact that people were so unwilling to talk about their experiences where things had gone wrong for them. And clearly the Commission is hearing a lot of evidence about that as time goes by. A real culture of cover-up, which had previously been reported by other agencies and previously addressed.

10 **MS DAVIDSON:** That is, you're referring to ICAC, for example, and Operation Estry?

**MR GREAVES:** No, before that, too, I believe. I think the Estry report made mention of promises that had been made and not fulfilled.

15 **MS DAVIDSON:** In respect of cultural change, that is?

20 **MR GREAVES:** Cultural change. Yep. The treatment of women in the workplace, that's what really hurt from my perspective. Some of the stories I heard from women employed in the organisation, I just could not believe. And then the Estry research we did, seeing the emails and how staff spoke about their female colleagues, some staff in some locations, was unbelievable. Simply unbelievable. And I found it - I really struggled with how managers could see this going on and do nothing about it.

25 **MS DAVIDSON:** You refer to certain - in this paragraph to certain CSNSW workplaces. Did you understand during your time Dillwynia Correctional Centre to be one of those workplaces where you understood there were serious issues in respect of workplace culture?

30 **MR GREAVES:** Not at all.

**MS DAVIDSON:** Right.

35 **MR GREAVES:** No. I was -

**MS DAVIDSON:** Had it come to your attention in any particular way during your time?

40 **MR GREAVES:** I'd suggest retrieve my emails, do a word search on "Dillwynia". That's - that will give you an accurate perspective. But off the top of my head, no, Dillwynia was never a focus for me. So the things that happened here, that you're hearing about here, it surprised me.

45 **MS DAVIDSON:** Can you have a look at paragraph 94. You refer there to being concerned about the widespread mistrust of Corrective Services leadership and having been told that nepotism and patronage were rife and that there was a culture of cover-up within CSNSW, and if they reported misconduct or

complained about problems, then retribution and management inaction would surely follow. Did you have that understanding or concern throughout the period that you were employed in 2014 to 2021, or did that change at all during the period that you were there in terms of making any improvements to those concerns?

**MR GREAVES:** In terms of whether they were improving over time - well, my understanding of those things - when I joined, I thought it would be a public service agency like any of the others I had worked in. It was a learning experience to realise that, no, this is very much not the case. I do believe that there were significant improvements over time. I think -

**MS DAVIDSON:** Including in relation to the culture of cover-up?

**MR GREAVES:** Yes. Definitely.

**MS DAVIDSON:** Was that a result of PSB's efforts?

**MR GREAVES:** Look, I really hope so, and I do think so. I think - being open with people about recognising what had been wrong in the past, where people said, "Well, what about this?" And they had a point, saying, "Well, yeah, I see your point." Reassuring people that all the staff in PSB at that time had come from outside the organisation, had no loyalties, no allegiances with anyone, looking them square in the eye and saying, "We will protect you from being exposed as reporting this matter, to the extent we can. We can't guarantee it. There may be situations where we can't keep it a secret. But if you tell us, we will do the very best we can." And making those promises to people, I do believe that convinced people, "Well, it's worth a try." And I think we were in a unique position to do that because we didn't have any reputation - any bad reputation within the Department. That's not true of many people who have been there a long time.

**MS DAVIDSON:** Can you have a look at paragraph 97. You refer to steps that PSB took to initiate a weekly summary of allegations and responses decided upon by PSC sent to the Commissioner's office after each PSC meeting and also to each Assistant Commissioner a weekly summary of matters arising within her or his division drawn from the Commissioner's weekly summary. Was one of the reasons for initiating that that you were concerned that the seriousness of the misconduct allegations that you were dealing with might not have been rising to the attention of the Commissioner?

**MR GREAVES:** That was first and foremost in my mind. In my last role in Customs, I interacted with the CEO Of Customs at that time on a - not on a frequent basis, but where I did, there was no question that he was really concerned about misconduct in the agency. He had a very keen focus on that issue. And so anything relating to ethical issues - ethical problems in the agency, he was right on top of. And, indeed, that was true of every other person who I saw in a CEO role in the agencies where I previously worked. So -

**MS DAVIDSON:** And that was not your experience once you got to Corrective Services?

5 **MR GREAVES:** Well, I assumed it would be the same. I - so when I was hearing these stories from people who had suffered, who weren't getting anywhere, who were saying, "Nepotism is everywhere," et cetera, I thought, "Well, the CEO must not know. We've got to make sure he knows." I think it's possible, though, that this wasn't my initiative at all. It may be that Peter Robinson, who was a good  
10 technical lawyer, noticed that it's actually a legal obligation to tell the head of the agency what are the misconduct matters. I think that's somewhere in some policy or some legislation somewhere. So I think it may be just fates aligned at that point. So I was trying to make sure he knew exactly what was going on.

15 **MS DAVIDSON:** You refer in paragraph 99 to the fact that you had thought that this would lead to additional communication from the Commissioner's office and that you could only recall one related inquiry being received from the Commissioner's office to PSB. You say he wasn't - you weren't privy to anything he might have said to the Assistant Commissioners.

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**MR GREAVES:** Yep.

**MS DAVIDSON:** Do you expect that if the Commissioner was asking questions of the Director of PSB - not to his Assistant Commissioners but to a person in Mr Robinson's position that you would have known about that?

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**MR GREAVES:** No. I believe the appropriate chain would have been Commissioner to Assistant Commissioner, not direct to the Director excluding the Assistant Commissioner.

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**MS DAVIDSON:** Right.

**MR GREAVES:** It would have not appropriate in a -

35 **MS DAVIDSON:** But if he had been asking questions of the Assistant Commissioner, Mr Koulouris or Mr Scasserra, who was responsible for PSB, do you expect that you would have become aware of those?

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**MR GREAVES:** If any work was required by PSB -

**MS DAVIDSON:** Right.

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**MR GREAVES:** - gathering further information, providing updates on the matter, things like that -

**MS DAVIDSON:** And you were only aware of one instance of that kind of inquiry coming down to you?

**MR GREAVES:** Yeah. That - my memory is poor on most things, but I clearly recall that the first few reports we sent upstairs - one of the early ones, maybe in the first five of them, came back with a handwritten notation saying something  
5 about one matter, but that was it.

**MS DAVIDSON:** Right. Paragraph 101, you refer to the truth of the adage, "Workplace culture flows down from the top."

10 **MR GREAVES:** Yes.

**MS DAVIDSON:** And that you were - as a result of the extent of the misconduct you were dealing with, that suggested to you that past and/or current leaders within CSNSW may have allowed or caused dysfunctional cultures to emerge and  
15 then persist. Were you aware during your time at PSB of workplace culture initiatives - efforts of change in workplace culture being initiated by the then Commissioners during your period of time?

**MR GREAVES:** No. Which for me was striking, particularly during Operation  
20 Estry, which - I want to make sure I don't step outside the bounds of what's already in the public domain - involved allegations of an inmate being assaulted, the matter being covered up. The initial allegations involved drugs being planted in an inmate's cell. Those were the allegations. I know that several people are currently before the courts on criminal charges in relation to that matter.

25 Now, this has all played out in the public domain. ICAC broadcast its hearings. I'm told that it was avidly watched by people throughout the organisation. But I had expected that the organisation, as the evidence was rolling in, particularly when the report came out, would really be trying to reinforce at the workplace  
30 level the importance of open reporting, not being hesitant, support networks being available for people to reveal these things. Because, plainly, there were quite a few people who knew about these allegations who hadn't reported it.

**MS DAVIDSON:** And was there any such efforts that you became aware of from  
35 the leadership of Corrective Services as a result of that report?

**MR GREAVES:** Certainly there was a working party set up to achieve various things, and there were maybe a few emails about what the working party with ICAC had done. There -  
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**MS DAVIDSON:** But not what you would have expected; is that - do I understand your evidence correctly?

**MR GREAVES:** Correct. Yeah, compared to any other agency I had worked in.  
45 And, indeed, I was very concerned by a particular message that was sent out at the very start, which seemed to be - for me, to be contradicting what ICAC had said.

**MS DAVIDSON:** This is a message from the Commissioner?

**MR GREAVES:** He was the Commissioner, yes.

5 **MS DAVIDSON:** The then Commissioner?

**MR GREAVES:** The then Commissioner. Yep.

10 **MS DAVIDSON:** So that's Commissioner Severin at that time?

**MR GREAVES:** Yes. Essentially - my memory is hazy. Please -

**MS DAVIDSON:** I understand. We don't have the email in front of us. Yes.

15 **MR GREAVES:** But -

**MS DAVIDSON:** Can you briefly describe what you understood to be - what was your concern in relation to that?

20 **MR GREAVES:** Well, Counsel Assisting had said that this is an investigation into an incident at Lithgow and the Inquiry would also look at systemic issues in the organisation. And as I recall, the Commissioner's email said, "Look, this is a very serious matter. It was really very disturbing. But I don't believe there's any systemic issues," which to me seemed to be pre-judging the findings of the  
25 Inquiry -

**MS DAVIDSON:** I see.

30 **MR GREAVES:** - essentially saying, "Don't worry about this."

**MS DAVIDSON:** You refer at paragraph 102 to a number of steps that PSB implemented in an attempt to achieve change from the bottom up rather than from the top down. Do I understand correctly that the implementation of those initiatives were the result of what you understood to be scant action coming from  
35 the top down or an absence of action coming from the top down in terms of cultural change?

**MR GREAVES:** The first few things I mentioned there, we would do anyway.

40 **MS DAVIDSON:** Right.

**MR GREAVES:** Being honest, equitable, no bias, treat everyone based on the merits of the case only on the evidence. But certainly the training initiatives we undertook and the advice service we provided to people. We would get calls from  
45 people about all sorts of matters, not just misconduct matters, where they felt, well, if they wanted to get good sound advice -

**MS DAVIDSON:** They could come to you.

**MR GREAVES:** - call - call PSB. We literally had the motto, "I'm from the government, and I'm here to help."

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**MS DAVIDSON:** In terms of your - that is, PSB initiating ethical leadership training or an ethical leadership training lecture -

**MR GREAVES:** Yep.

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**MS DAVIDSON:** - you say that that was for - well, it was initially within Community Corrections and then for training Functional Managers in Custodial Corrections?

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**MR GREAVES:** Yep.

**MS DAVIDSON:** Do you have any idea of - your memory might not serve you here, but when it became - that is, the ethical leadership training lecture became mandatory as part of the training program for Functional Managers or trainee Functional Managers in Custodial Corrections?

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**MR GREAVES:** My guess would be 2018.

**MS DAVIDSON:** Right. And did you -

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**MR GREAVES:** It may well have been 2017.

**MS DAVIDSON:** Okay. Did you understand it only to be those people who were doing that training program, that is, seeking to become Functional Managers in Custodial Corrections, who were having to attend that ethical leadership training lecture?

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**MR GREAVES:** Those who were current, because they created the role -

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**MS DAVIDSON:** Yes. It was a new role.

**MR GREAVES:** - and then created the training program.

**MS DAVIDSON:** Right.

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**MR GREAVES:** And so those people who were currently Functional Managers, those who were anticipated to become in the near future or those who wanted to be eligible for that role.

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**MS DAVIDSON:** Right. Were you aware of any other positions in leadership roles within Corrective Services being required to attend any ethical leadership training during your time?

**MR GREAVES:** Well, they were the only ones in Custodial Corrections.

**MS DAVIDSON:** Right.

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**MR GREAVES:** In Community Corrections, we had a bigger uptake. And, indeed, the genesis of that course was Community Corrections saying, "Look, we've got recurring problems where a particular Community Corrections office has become dysfunctional," and I'd go out and do essentially interventions with staff from time to time, to guide them away from engaging in further misconduct or prevent it. And from that, it became clear that, look, pretty well all the managers in Community Corrections could use this stuff - the guidance on how to be a supportive leader, how to be - how to treat their staff, particularly how to give them feedback.

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**MS DAVIDSON:** Did you arrive at the view that all of the managers within Custodial Corrections would also benefit from that sort of training?

**MR GREAVES:** Without question.

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**MS DAVIDSON:** Was that a view that you communicated to the Assistant Commissioner for Custodial Corrections?

**MR GREAVES:** I don't know.

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**MS DAVIDSON:** Right.

**MR GREAVES:** I certainly expressed that view to my Directors over time. But we just thought it was fantastic that we managed to get it mandatory for the Functional Managers. I mean, I never thought that would happen. I never dreamt it would be made a mandatory course.

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**MS DAVIDSON:** And why were you so surprised by that?

**MR GREAVES:** Only because, by that stage, I think people knew what I was saying in that course about, "Don't be concerned by who you're reporting. Do contact us. Do talk to us. And we will do the best we can by you." I didn't think they would want - sorry, I - I think there were certain people in leadership within that division who did not like what I was saying at all and wanted me to stop saying it.

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**MS DAVIDSON:** That is, within the leadership of Custodial Corrections?

**MR GREAVES:** Yes.

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**MS DAVIDSON:** Did that - the people who you understood wanted you to stop saying that extend to the Assistant Commissioner?



**MR GREAVES:** Yes.

5 **MS DAVIDSON:** Were you aware of Custodial Corrections officers being in receipt of any anti-corruption training?

**MR GREAVES:** During the induction, certainly. The ethical conduct lecture that I started delivering in 2014 was exactly that, part of -

10 **MS DAVIDSON:** I see. But apart from that?

**MR GREAVES:** No.

15 **MS DAVIDSON:** Did that change at any time during your time?

**MR GREAVES:** Not to my knowledge. I know that ICAC ran anti-corruption courses, but -

20 **MS DAVIDSON:** Ran anti-corruption courses for Corrective Services officers, though, or that it runs them as a general matter?

**MR GREAVES:** No. I know they offered them.

25 **MS DAVIDSON:** I see. But you weren't aware of them being taken up within Corrective Services during your time?

30 **MR GREAVES:** No. I know that there was training provided by the Ombudsman's office for some staff, but that was in the technical side of what has appeared, how do they get approved, et cetera.

**MS DAVIDSON:** I see. Could I ask you to turn to paragraph 145.

**MR GREAVES:** Yes.

35 **MS DAVIDSON:** You refer there to officers being in fear of being attacked and, in that environment, it not being a good idea to be the person other staff hate. You - well, the Inquiry has heard significant evidence about the use of the term papering another officer or putting another officer down on paper.

40 **MR GREAVES:** Yeah.

**MS DAVIDSON:** Is that a term that you were aware of being used amongst Correctives Officers during your time within the organisation?

45 **MR GREAVES:** Yes. I have a little anecdote if you'd like to hear about that.

**MS DAVIDSON:** Well, is it relevant to the broad-scale use of the term or your understanding of the use of the term?

**MR GREAVES:** I think it is. Yeah, I think it is.

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**MS DAVIDSON:** Okay. Just quickly.

**MR GREAVES:** Talking to one of the trainers from Brush Farm Academy - so a very experienced officer - I asked him, "What - what are the options, do you think, for dealing with when somebody has done something wrong?" And he said, "Well, there's really only two options: you can put them on paper, but that's a dog - dog act; or you can take them outside and rip them a new one." Now, that was his understanding based on his experience, and that seemed to be a relatively common view across the organisation. And I then gave him a mini lecture about, "No. Well, there's actually this thing called servant leadership and you find out why the thing has happened and then you try and find ways to redress - redirect the person."

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**MS DAVIDSON:** Was that an aspect of what you were trying to overcome with your ethical conduct training that you were giving to new officers as part of their induction?

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**MR GREAVES:** Yep. Not for new officers. This is for the leadership ranks. The ethical leadership training was totally focused on, "Don't rely on fear and intimidation. Get to know your staff. Figure out how you can help them. Always focus on helping your staff."

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**MS DAVIDSON:** That is, the attempt to overcome the concerns about papering, I think you've just said, were a part of the ethical leadership training. Were they also a part of the ethical conduct training, though, that you were giving to new officers?

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**MR GREAVES:** Yes. Yep.

**MS DAVIDSON:** At paragraph 147, you have - you make reference to the very flat structure within Custodial Corrections and the intense competition for promotion, desirable transfers or training opportunities and, therefore, the problems that negative referee reports can have - the difficulty that can create in respect of reporting a more superior - or a more senior officer's misconduct.

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**MR GREAVES:** Yeah.

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**MS DAVIDSON:** Do you have any views in relation to how that problem that you're describing at paragraph 147 could be overcome?

**MR GREAVES:** The short answer would be, have ethical people in leadership positions. Encouraging people to report to PSB rather than through their line management is another obvious thing. Quite often when people said, "Look,

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something has happened, but I don't want to tell about it because people will find out it was me," I would say to them, "Look, there's many ways to skin a cat. We will put your safety first. If it's a choice between compromising you and you suffering consequences for the rest of your career or the rest of your life and taking no action, we will be recommending that no action is taken because the price for you would be too high. So please tell us, and we can then talk about what the consequences would be before you put in a report."

And I used to tell people, "Look, we have various ways we can do things. We can go direct to a Director of a region and ask them to go looking into a particular issue without saying why we're asking. We could even arrange for our AC to talk to another AC." So my past experience in a range of law enforcement contexts taught me that you have to put source protection first.

**MS DAVIDSON:** Can I ask you to go to paragraph 151. This follows on from what you've said at paragraph 150 about the degree of insult that comprised in the label "dog" that we've heard about in the prison environment. You say at paragraph 151 that it's not at all surprising that inmates and junior staff could be fearful of consequences of reporting misconduct by a favoured senior officer who has support from executives above him. Do you have any suggestions or views in respect of how that problem might be able to be better managed or improved in terms of the situation for inmates particularly wishing to report misconduct of officers?

**MR GREAVES:** I do believe that the means is already available to inmates through the phones - phone calls they can make from within gaols, which really aren't monitored. You just need to convince them of that.

**MS DAVIDSON:** That is, phone calls to the Ombudsman, for example?

**MR GREAVES:** Yep. Yep. To ICAC. If they actually believe that they could report those things and they would not be monitored - at the same time, if I was in gaol, I'm not sure I would trust that either. But that is obviously something that needs to be promulgated within the gaols themselves.

**MS DAVIDSON:** So the trustworthiness of external reporting options that don't involve Corrective Services; is that -

**MR GREAVES:** Yeah. So that brings in the other half, the staff as well. I believe the ability to phone an independent part of the organisation to talk frankly and freely about what you've seen and your concerns for your own welfare is absolutely crucial.

**MS DAVIDSON:** That is, the ability for junior staff to be able to do that?

**MR GREAVES:** Yep. And, indeed, for inmates too.

**MS DAVIDSON:** That is, you think that inmates should have access to - do you think that inmates should have access to being able to call PSB staff, or PSI staff as they now are, to be able to discuss misconduct concerns?

5 **MR GREAVES:** I couldn't say.

**MS DAVIDSON:** Right.

10 **MR GREAVES:** I don't feel that I know enough about the context to offer an informed opinion on -

**MS DAVIDSON:** All right. So I'm just trying to understand the answer you just gave. For the inmates to, I think is what you said -

15 **MR GREAVES:** Yes.

**MS DAVIDSON:** - the ability to call an independent part of the organisation.

20 **MR GREAVES:** Someone.

**MS DAVIDSON:** Should I understand that to refer really to independent organisations outside Corrective Services?

25 **MR GREAVES:** Inmates need the ability to contact somebody who's not within Corrective Services -

**MS DAVIDSON:** Yes, I see.

30 **MR GREAVES:** - not part of their line - the Corrective Services line management dealing with them.

**MS DAVIDSON:** Yep.

35 **MR GREAVES:** Whether that's the external agencies or direct line to PSI, wouldn't matter. But staff generally of the organisation need to be able to contact and have a chat.

40 **MS DAVIDSON:** I might just check something quickly with Ms Melis. Otherwise, those are my questions, Commissioner. There's just a document Ms Melis wants to show to the witness. That was what I was asking her about. I haven't yet seen the redacted or proposed redacted form of the document. I don't have a difficulty with looking at that whilst she's asking her questions otherwise and perhaps then it can be dealt with at the end of the questions (crosstalk)

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**COMMISSIONER:** Whatever course you wish. Whatever you wish. Mr Greaves, I may be wrong, but reading your statement and hearing your evidence, the

impression I have is that in a number of respects, prison service is not a happy place for people to be working; is that right?

5 **MR GREAVES:** I'd encourage you not to generalise across the whole organisation. I believe there are many, many parts of the organisation - probably most - where people are focused on their work; they're happy doing it; it's actually a rewarding, satisfying environment. In my role, I got to see the ugly side of the organisation. Every day, I'm seeing the worst parts. And there's many parts of the organisation - Offender Services and Programs, for example - a whole division, 10 don't remember anything much out of them ever. So there are certainly parts where, without any doubt, there's no room - very little room for improvement, if any. But there are these other areas, specific locations and potentially specific divisions - or a specific division, where the lived experience of many staff, if not most staff, is nothing like what it should be.

15 **COMMISSIONER:** Well, can you just help me to understand why that is. First of all, where it is and why is it?

20 **MR GREAVES:** I only joined in 2014. I think the roots go back much further than that. I do believe that the leadership style of the former Commissioner, Ron Woodham, had a deep impact on the organisation. I heard numerous stories about how he treated staff, both in groups, sometimes large groups, sometimes on an individual basis in his office, where what was described to me could only be described as abusive and intimidatory, and using obscene language freely. 25 Organisational culture flows down from the top. I believe he has left a legacy in that regard.

**COMMISSIONER:** But he left some time ago.

30 **MR GREAVES:** Yes, I think about 2010, 2011.

**COMMISSIONER:** That's a while back now.

35 **MR GREAVES:** Changing culture is a very hard thing. It takes years, not months. And there needs to be a serious attempt to change the culture.

**COMMISSIONER:** Are you suggesting that culture didn't change in your time from that which Mr Woodham -

40 **MR GREAVES:** No, I wouldn't say that either. I'd say that there was significant change, but I don't think it was led from the top down. I don't - frankly, I don't believe it was driven at the Commissioner level.

45 **COMMISSIONER:** So what did happen?

**MR GREAVES:** I think PSB came along and gave people a voice, which increased the number of misconduct matters and decreased at least the perception,

if not the reality, of misconduct matters being dealt with on a partial basis based on the relationship of the decision-maker to the people concerned. I think that reduced. I think Estry was a pivotal thing, because it showed that years after the event, serious misconduct could still be pursued and result in serious outcomes.

5 And I think it alerted people that there were ways that they could report misconduct and have it dealt with in an open manner regardless of who was concerned.

**COMMISSIONER:** I'm having trouble connecting your comments about misconduct and the culture of the management of the organisation. Do you understand? How do I see those in perspective?

10

**MR GREAVES:** Okay. I may have misunderstood the question. I'm not quite sure. I think that the leaders of the organisation need to demonstrate that they are committed to doing what is right and acting in an impartial and fair manner on everything, particularly when it comes to misconduct matters, demonstrating that they will deal with every matter on its merits.

15

**COMMISSIONER:** And are you saying that that wasn't the case under Mr Woodham's management? Is that what you're saying?

20

**MR GREAVES:** No, I think - and this is all based on hearsay, things I've been told. Ron Woodham, I believe, was rightly held in high regard for many things, visionary leader, deep knowledge of the organisation, highly politically astute. But the one thing that really stands in stark contrast to that was overt use of intimidation and abuse in order to change people's -

25

**COMMISSIONER:** Well, again, you're back in my problem area. How does that relate - that characteristic relate to your concern about complaints and the way complaints were dealt with? Do you understand?

30

**MR GREAVES:** I'm afraid I don't. I'm not really getting the question.

**COMMISSIONER:** Well, you're talking about Mr Woodham's management style.

35

**MR GREAVES:** Yep.

**COMMISSIONER:** But you're also telling me that there were problems with the way complaints were dealt with or not dealt with.

40

**MR GREAVES:** Right.

**COMMISSIONER:** I just can't see how the two necessarily relate to each other.

45

**MR GREAVES:** Yeah, two parallel problems: the culture of intimidation and abuse and nepotism and favouritism within the organisation. Staff believing that if

they reported misconduct, then if it was acted on at all, it would be dealt with in a partial manner and they would be subjected to the same kind of abuse that had been demonstrated by the leadership in years gone by.

5 **COMMISSIONER:** I see.

**MR GREAVES:** Because in various gaols, I think we only saw it in gaols, the leadership did tend to rely on intimidation and abuse, having learnt that from previous generations.

10

**COMMISSIONER:** I understand what you are saying. Now, did that change in your time?

15 **MR GREAVES:** I believe, yes, there was improvement driven by the work that PSB had done - did, the leadership training, Operation Estry, watched by so many people throughout the organisation, the lessons it taught about the consequences of doing the wrong thing, and I believe setting up the Support Unit. I have received feedback from former colleagues that things have gone really well in terms of willingness of staff to report matters since 2021, and they anticipate that this may well continue with further changes that are envisaged.

20

**COMMISSIONER:** Thank you.

**MR GREAVES:** Thank you.

25

**MS MELIS:** Commissioner, I note the time, I do have about 20 minutes.

**COMMISSIONER:** I will give you six now, and you can keep going after morning tea.

30

**MR HARRIS:** Very well. Thank you.

35 **MS DAVIDSON:** Commissioner, if it's convenient I've now had the opportunity to peruse the document, and there is only one so far as I can see, redaction in it. So I formally tender - this is a briefing note, the subject of which is Professional Standards Branch Matters. I tender it for the purpose of Ms Melis being able to ask questions in respect of this witness.

40

**COMMISSIONER:** It's a briefing note in respect of?

**MS DAVIDSON:** It's titled - the subject is Professional Standards Branch Matters, and the date on the document is July 2016. I provide the witness with a copy.

45 **COMMISSIONER:** It will become exhibit 37.

**<EXHIBIT 37 TENDERED AND MARKED**

**<EXAMINATION BY MS MELIS:**

5 **MS MELIS:** Mr Greaves, we met earlier this morning. My name is Christine Melis and I'm one of the representatives of Corrective Services.

**COMMISSIONER:** That microphone is not picking you up very well.

10 **MS MELIS:** For the purposes of my questions - is that now picking me up, Commissioner?

**COMMISSIONER:** It's not as good as it could be.

15 **MS MELIS:** Thank you. For the purposes of my questions, Mr Greaves, could you please have in front of you tab 452 behind Volume 14. These were some emails that Counsel Assisting took you to on Friday. 452, thank you. Do you see your email there, Mr Greaves, dated 11 October 2017 at the bottom of the page?

20 **MR GREAVES:** Yep.

**MS MELIS:** You said in your evidence on Friday that you came to find out the information disclosed in that email of 11 October 2017 in the course of making inquiries into emails between people involved in Operation Estry; is that correct?

25 **MR GREAVES:** Not quite correct. I said that I didn't recall, but based on what's written there, "Estry currently coordinating" I believe would be the research that we were conducting.

30 **MS MELIS:** Thank you. Did you know the name of the officer when you wrote this email on 11 October 2017?

**MR GREAVES:** I can't say because it doesn't say in the email and, as previously described, two and a half thousand-plus matters, it's a bit of a sea.

35 **MS MELIS:** Is it correct then that the PSB had no knowledge concerning Astill's activities up to this point at least?

40 **MR GREAVES:** I'd have no way of knowing. If you initiate research in our PSB database - this is in 2017 - every matter that came into PSB we would capture in the database. So if you simply asked somebody to run through the PSB's database, the Excel document, search the name Astill, that will tell you all the matters that he was recorded in.

45 **MS MELIS:** All right. But sitting here today, you can't recall whether or not this was the first time - up to this point, you had heard about Astill's activities?



**MR GREAVES:** No. When this Inquiry was announced, the name Astill rang a bell, but I couldn't actually figure out what was that in relation to.

5 **MS MELIS:** And your knowledge about sexual advances towards Witness M referred to in this email, was limited to what you were capable of finding out, as stated in your email?

**MR GREAVES:** Can you rephrase the question?

10 **MS MELIS:** What you knew about the sexual advances by an officer towards Witness M was limited to what you had seen in these emails, and that you had stated in your email of 11 October. Your knowledge was limited to those matters?

15 **MR GREAVES:** I don't know. I may have known more than what is summarised in the email. But this email will have contained what I considered at the time as the salient point that needed to be communicated to my superiors. So I don't know what else I knew at that point.

20 **MS MELIS:** In your evidence on Friday, you said that:

"If Officer Paddison..."

Who is an officer named by you in the email -

25 "...was tasked to interview the inmate, that would have been..."

And I quote your words -

"...totally inappropriate for so many reasons."

30

And you gave us some of those reasons. Do you recall that evidence?

**MR GREAVES:** Yes, I recall that evidence.

35 **MS MELIS:** In your email which is featured above, on 13 October 2017 to Peter Robinson, you told him that:

40 "The interview described below was one step down the path of assembling relevant information, and if Mick is still in 'intelligence-gathering' mode, then it makes sense that the matter hasn't yet been referred to the PSC."

Do you see that?

45 **MR GREAVES:** Yes.

**MS MELIS:** You understood that an officer had been tasked with interviewing Witness M; correct?

**MR GREAVES:** I don't remember it was discussed exactly what happened. But I probably do need to clarify that evidence I gave previously. There's no question that if an allegation has been made about an officer assaulting an inmate or acting  
5 inappropriately with an inmate and it gets to the Manager of Security, the Manager of Security will need to talk to the inmate, to have a discussion with them, to determine whether some action is needed to protect the inmate. When I answered that question, an interview, that was saying an investigative interview. What I'm  
10 really saying is to conduct a record of interview as part of an investigation process, that is totally inappropriate.

**MS MELIS:** Is that still the case where the witness is no longer at that Correctional Centre where the officer is; that there would be another officer  
15 conducting an interview of an inmate in gaol? Is that a process that you would condone?

**MR GREAVES:** I'm - I'm not quite - I'm not quite sure I understand the question.

**MS MELIS:** Well, in your evidence on Friday, you said that it would be totally  
20 inappropriate for an officer to conduct an interview with a witness, in this case, Officer Paddison.

**MR GREAVES:** Right.

25 **MS MELIS:** Do you accept that?

**MR GREAVES:** It would be totally inappropriate for any officer from Custodial  
Branch to conduct an investigative interview with an inmate who has made  
30 allegations about an officer. That's the job of Investigations Branch, to conduct investigative interviews. So, if there's an allegation made of criminal act or serious misconduct, it's definitely not up to the line area, anyone in the line area, different gaol, same gaol, whatever, to conduct an investigation, conduct an investigative  
interview.

35 There's plainly going to be a need for the staff running the gaol, Manager of Security in particular, to talk to inmates about the circumstances of the inmate, whether protection is needed and such like.

40 **MS MELIS:** I'm just trying to understand -

**COMMISSIONER:** I think we might stop there and have a cup of tea.

**<THE HEARING ADJOURNED AT 11.33 AM**

45 **<THE HEARING RESUMED AT 11.48 AM**

**MS MELIS:** Mr Greaves, I just want to close off that line of questioning that we ended on just before the adjournment. You agreed with me that you understood, from your conversations with Mr Shearer, that an officer had been tasked to interview an inmate, Witness M, in respect of those serious allegations that you detail in your email on 11 October 2017; correct?

**MR GREAVES:** Yes.

**MS MELIS:** I'm just trying to understand: With that knowledge - how is it that, armed with that knowledge, you in effect waved that process through, given you've told this Inquiry that an officer tasked to interview an inmate would have been totally inappropriate?

**MR GREAVES:** Right. The matter had passed to Mick Hovey, Director, Investigations. The two concerns in the email that I received that I'd sent to Hamish were, firstly, why has this not been referred to PSB? Well, the fact that it had gone to Mick Hovey was sufficient. It's a criminal allegation. We would be waving it through to Mick Hovey. Mick was Director of the branch. If he saw a problem with the investigation, inquiry, interview, anything that was being done in the line area, it was absolutely up to him to raise that issue and pursue it.

And I had no doubt that he would, in my mind, at that time. I couldn't imagine that if he was receiving an allegation of criminal conduct that he would be happy with some officer in Custodial Corrections undertaking an investigative interview of that inmate. It would have been fine for the Manager of Security of whatever gaol the inmate was at to speak to the inmate to find out, "Okay. Are you safe? Can we do anything to protect you further?" Matters like that would necessarily need to be addressed. But investigating the matter, absolutely not.

**MS MELIS:** Thank you. Thank you. Is it fair to say, then, that what Mr Shearer told you over the phone, you took at face value?

**MR GREAVES:** Yes.

**MS MELIS:** And on that basis, you considered that no further action was needed?

**MR GREAVES:** No, not by us anyway.

**MS MELIS:** Did you ever find out that no one had, in fact, spoken with Witness M about the allegations?

**MR GREAVES:** If I'd known that at the time, then I would have been extremely concerned. I can't speak about what I actually knew at the time because I don't remember. But I guarantee that if I'd subsequently been told, "Remember that matter? No one ever spoke to the inmate. Nothing was done." Yeah, that would have been catastrophic news.

**MS MELIS:** Just picking up on that concern and that catastrophic news that you describe, if I was to tell you that the evidence before this Inquiry is that as at 27 September 2017 -

5 **MR GREAVES:** Yep.

10 **MS MELIS:** - Mr Hovey had reviewed an intelligence report relevant to Witness M, as described in your email, and it went nowhere; in that he reviewed it and signed off on it and essentially closed it off. Does that - the fact that you were not told that the matter had been closed off without Witness M even being spoken to, is that a concern to you?

15 **MR GREAVES:** Given that - as I - am I right in thinking that this email was passed to Mick later on?

**MS MELIS:** Well, we can see that - sorry. We can see he was copied into the correspondence, I believe - excuse me.

20 **MR GREAVES:** It may have been a subsequent email -

**MS MELIS:** Yes. We can see, Mr Greaves - if you go behind tab 454, so just a couple of tabs back, you can see there that your email of 11 October has been forwarded on to Mr Koulouris and Mr Hovey on the same day. Do you see that?

25 **MR GREAVES:** Yep. Without knowing what was in the intelligence report, I couldn't second-guess Mick's decision as to whether he should have acted on it back in September. With the subsequent email where I've written to Hamish about, I take it, the same matter, what's presented here:

30 "An officer has been accused of making sexual advances towards an inmate, including attempting to kiss her."

If that's all that's been alleged, conceivably there may be circumstances where Mick would not pursue it very far.

35 **MS MELIS:** All right. Well, I might stop you there and I want to put this to you. I don't want to take you to all of the various documents, but I do want to put certain evidence to you that the Inquiry has heard -

40 **MR GREAVES:** Sure.

45 **MS MELIS:** - and I want to ask you some related questions to that which touches on this topic. The evidence is that an intelligence report was submitted to the Security and Investigations Unit, the SIU, by an Intelligence Officer at Dillwynia on 30 July 2017. It was - that report raised not only that Astill had attempted to kiss Witness M and made other sexual advances towards her, but there were other

accusations of improper conduct by Astill, including intimidation towards inmates. Do you follow?

**MR GREAVES:** Yes.

5

**MS MELIS:** That report referred to an earlier 2016 intel report that contained allegations of sexual contact between Astill and an inmate that had been referred to in a letter written between inmates that had been intercepted. The July 2017 intel report had been reviewed by Mr Hovey on 27 September 2017, as I earlier put to you.

10

Mr Hovey accepted that he never reported up to the PSB on the matters referred to in those intel reports, either in 2016 or 2017. Indeed, prior to police involvement in October 2018, there had been four intel reports related to the conduct of Astill, none of which were reported to the PSB, and Mr Hovey conceded in his evidence that he did not arrange, or have his staff arrange, any complainant or witness to be interviewed, including Astill. Did you follow that, Mr Greaves?

15

**MR GREAVES:** Yes, I understand.

20

**MS MELIS:** Given all of that information, and accepting that to be the evidence, the reports should have been reported to PSB; correct?

**MR GREAVES:** Yes.

25

**MS MELIS:** Had PSB known the substance of the allegations against Astill as captured in those reports, what steps were open to it, including in relation to recommendations concerning Astill's employment?

30

**MR GREAVES:** To PSB or PSC?

**MS MELIS:** Well, tell us first: if those allegations had been reported to PSB, how would you have seen the process play out? If you could include in that -

35

**MR GREAVES:** Yeah.

**MS MELIS:** - a commentary about the status of Astill's employment given those allegations.

40

**MR GREAVES:** I can guarantee that had those been reported to PSB, Director PSB would have contacted Director Investigations, Mick Hovey, immediately, saying, "Mick, these matters are very serious. You need to put them to the CSIU." On the assumption that that is exactly what would happen. If there had been any pushback whatsoever, I'm entirely confident that Director PSB, whoever was in that role, would have gone straight to our - their shared Assistant Commissioner, AC, GC&I, and said, "This is very serious. It needs attention. In your hands, Assistant Commissioner."

45

**MS MELIS:** You're describing an immediate response?

**MR GREAVES:** Immediate. Absolutely immediate.

5

**MS MELIS:** It appears on the evidence that the allegation in the reports, as I summarised them to you, were known to the Governor at Dillwynia and to Mr Hovey in his capacity as Director of the Investigations Branch. What do you say about the fact that, with that knowledge by those persons, Mr Astill remained on normal duties?

10

**MR GREAVES:** There is no other word for it apart from a catastrophe.

**MS MELIS:** Given your answer, I expect your evidence is that once those allegations were known and passed up to the CSIU, there would have been immediate consequences for Mr Astill's employment, including possible suspension or removal from the centre?

15

**MR GREAVES:** The seriousness of the allegations in itself doesn't determine whether somebody should be removed from the centre. But as somebody who dealt with such matters over time, my view would be if you have a number of inmates making similar allegations regarding similar behaviour, then you have more than ample reason to, first of all, remove him from the centre and, in all likelihood, suspend him from duty. But that would be at the discretion - at the discretion of the decision-maker, because PSB never had a role in determining either whether somebody had engaged in misconduct, or criminal conduct, or determining penalties.

20

25

**MS MELIS:** Mr Greaves, is there any doubt that the allegations, if known to the PSB, would have been passed on to the PSC or would have just bypassed the PSC and gone straight back to Mr Hovey and then with the recommendation that it go to CSIU? I just want to understand that relationship.

30

**MR GREAVES:** Yeah. When misconduct - sorry, when allegations of criminal conduct came to PSB, it would depend on the seriousness and urgency of the matter as to whether it should be - go to the PSC or straight to Mick Hovey. For example, if someone put in a report saying, "Somebody in the Community Corrections office just saw one of the staff pick up the honesty jar from the tea room, and there was about \$5 in it," well, it's criminal conduct to steal that money, but that's probably something that could go to the PSC, and PSB would refer it there. That's my memory of how we would have operated at that time.

35

40

Whereas something significant like, "There's current drug dealing going on in a gaol," "There's this officer - every day he's bringing in stuff for the inmates," has to go to IB straightaway so Mick can activate the CSIU response. Or indeed, if the CSIU is tied up, contact local police or whatever is appropriate. So anything that required urgent operational activity, get it to IB and the CSIU as soon as possible.

45

Some more prosaic matters could go to the PSC. But when we referred things to IB, the expectation was always that Mick would report it to the PSC and they would become aware. Indeed, PSC membership included, after the membership was expanded, the Assistant Commissioner. So he'd certainly be aware of it when he received his briefing papers.

**MS MELIS:** And that's what you would have expected to have occurred in the scenario that I -

**MR GREAVES:** Yeah. What you've described, my expectation would have been that reading those reports, as you've described, either - both the Intel Officer and Mick would have recognised "This is serious criminal conduct. It needs to be referred to the CSIU. It needs to be progressed." Whether a matter of urgency or in the normal course of events, that would be an operational decision. But absolutely, without question, had to be - had to be pursued. And plainly that didn't happen, and the consequences are catastrophic.

**MS MELIS:** Do you accept, then, Mr Greaves, that there was a system for the proper management of the type of complaints concerning Astill that I've put to you, but that it was the failures on the part of local management and Mr Hovey that contributed to an outcome where Astill remained on normal duties?

**MR GREAVES:** Yes.

**MS MELIS:** Just one other matter I hope you can assist us with. If you could please bring up tab 453.

**MR GREAVES:** Yes.

**MS MELIS:** My apologies, 454. We can see in the middle of the page there, there's an email from Lisa Miller dated 31 October 2017. And she appears to be an administration officer in PSB?

**MR GREAVES:** Yes.

**MS MELIS:** And it's an email to you and Peter Robinson asking if there'd been a response from Hamish Shearer. She's saying:

"This matter is closed, but I would like to finalise trim."

And we can see that there is a case number and a trim number above your name - your name and Peter's name. Do you see that?

**MR GREAVES:** Yes.

**MS MELIS:** Do we take it from that that a case number had been opened in respect of the matters you reported in your email concerning Witness M on 11 October 2017? Is that what happened -

5 **MR GREAVES:** Yes.

**MS MELIS:** - there was a case opened?

**MR GREAVES:** That must have happened, based on this.

10

**MS MELIS:** And on whose instruction would that have been, within the PSB?

**MR GREAVES:** Looking at the preceding emails, I believe it would have been automatic, insofar as we have, at the start of the series, my email to Hamish of 11 October, which I copied to Peter. Peter has sent it to James and Mick Hovey on 11 October. James has replied to Peter, "Keep me posted." Peter has then sent it to Lisa, and I'm not copied in there, for electronic recordkeeping. So that's Peter telling Lisa, "Okay. Record it accordingly." She will have created the case and then she's looked to close it off.

20

**MS MELIS:** All right. And we see that your email back to Lisa on 31 October - you're telling her that you had sent an email to Peter about the matter, and you'd forgotten to put that on trim.

25 **MR GREAVES:** Yes. I have to imagine that that is the email where Peter said, "It's all a bit odd," that I would have put that email on the file.

**MS MELIS:** So on the back of that information, that file has been closed?

30 **MR GREAVES:** Yes.

**MS MELIS:** There had been no further communications and no further information sought by the PSB from anyone else in respect of Witness M?

35 **MR GREAVES:** Yes. That's correct.

**MS MELIS:** You were effectively waiting for Mick Hovey to come back to you with further details about that matter. That's what you expected would happen?

40 **MR GREAVES:** Yes.

**MS MELIS:** And that never happened?

45 **MR GREAVES:** Well, not necessarily to us. I would have thought that either a criminal prosecution would arise from the CSIU, and that would then be reported to us because then we'd need to handle suspensions, terminations, whatever, or Mick would be reporting back to James Koulouris saying, "Well, we



worked on this matter. This is what came in. Didn't go anywhere." PSB did also provide updates on existing cases where we knew the matter was being pursued. So it may also have been that it would be included in a report to the PSC at some time if it had followed that process. But plainly it didn't.

5

**MS MELIS:** Just finally, Mr Greaves, there is a document before you, a briefing note. It's been marked as Exhibit 37.

**MR GREAVES:** Yes.

10

**MS MELIS:** If you can just flick through it, but we can see on the final page that it's unfortunately not a signed document. But we can see that at the bottom of the page, this document is a briefing to Peter Robinson, James Koulouris and the Commissioner?

15

**COMMISSIONER:** Do we have an original that tells us whether anyone read this document?

20

**MS MELIS:** Commissioner, I will take some further instructions on that. We do have some further examples of these types of documents that are signed. I was seeking to put this document before this witness because there are just certain matters here that -

25

**COMMISSIONER:** I understand why you want to do it, but it's going to have much more meaning if we know who actually read it.

**MS MELIS:** Yes. I'll take some instructions on that, Commissioner.

30

**MR GREAVES:** I may be able to clarify that in a moment, Commissioner.

**MS MELIS:** Would you like to clarify now?

35

**MR GREAVES:** Sure. This is a briefing note - a typical briefing note of the kind that would go to the Commissioner.

**MS MELIS:** Is this the type of briefing note that you explain in paragraph 97 of your statement?

40

**MR GREAVES:** I haven't - it's in my statement, definitely. I'll take your word that that's the right one. So after each PSC meeting, the PSB would take the agenda that had been put to the PSC and then, using the same format or a similar format, add the information about what action was being taken. And then that would be the weekly summary that goes to the Commissioner.

45

So the sign-off on the final page - this indicates - it's written in the format where Peter Robinson would read it first, and if he thought, "Yeah, this is accurate," he'd sign it. James Koulouris would read it, so he's then briefed on the decisions of the

committee if he didn't attend himself. He signs it too, and it goes through to the Commissioner. Whether the Commissioner actually signed it or not would be at the Commissioner's discretion. If he did -

5 **COMMISSIONER:** Sorry. Sorry. Sorry. You mean, he may read it but not sign it?

**MR GREAVES:** Yes, that's a possibility.

10 **COMMISSIONER:** But you don't know?

**MR GREAVES:** Don't know if it happened. I don't know. It would be a case of going back through the records - the electronic records to see, for each document of this kind, does his signature appear on it or not? I believe he did sign -

15

**COMMISSIONER:** Do one of these go forward every week?

**MR GREAVES:** I think it was every week. I'm hazy. It may have been once a fortnight, but I think once a week.

20

**COMMISSIONER:** The sequence might tell us something, if we look at the sequence, even if this one sits alone. Yes.

25 **MS MELIS:** We see that this briefing note is a summary of matters involving PSB for the period ending 27 June 2016. Do you see that?

**MR GREAVES:** Yes.

30 **MS MELIS:** And so as I understand it - firstly, we can see at the top of the page that your name appears as one of the authors of this document?

**MR GREAVES:** Yes.

35 **MS MELIS:** So you were involved in writing these documents to the Director, Assistant Commissioner and Commissioner?

40 **MR GREAVES:** Yes. Based on the signatures, Lucy Douglas will have drafted it and then she will have passed it to me for editing before I sent it then to Peter in the first instance.

40

**MS MELIS:** Yes. And I don't intend to take you through all of the various cases that are evident in this document, Mr Greaves. But just by way of example, if we look at the very first case on the first page, it concerns certain allegations that were made by Officer Paddison. Do you see that?

45

**MR GREAVES:** Yes.

**MS MELIS:** At Dillwynia, and the subject of those allegations are already in evidence before this Inquiry. And we can see under the heading Action that the PSC considered the report by Mr Paddison as containing extremely serious allegations. Do you see that?

5

**MR GREAVES:** Yes.

**MS MELIS:** And that the CSIU advised that it will initiate an investigation into the alleged criminal conduct. So we can see that that one has gone straight to the CSIU.

10

**MR GREAVES:** Yes.

**MS MELIS:** And also using that same example, we see that on 20 June 2016, Mick Hovey has reported the results of certain initial inquiries. Do you see that?

15

**MR GREAVES:** Yes.

**MS MELIS:** Are they the kinds of initial inquiries that you were telling us about earlier in your evidence, that Mr Hovey might coordinate some inquiries within his unit in relation to matters and come back to the PSB in respect of those? Are they the types of inquiries that you were -

20

**MR GREAVES:** No. I think that carries an incorrect implication. Where the matter goes to New South Wales Police, they have full autonomy to act as police officers. They're not in any way answerable to Corrective Services, nor would Mick Hovey's investigators have any role whatsoever in facilitating or participating in the New South Wales Police inquiries. That was never their function. So, here, it indicates that Mick has provided this information, and that would be in his liaison role with the SIU. So he will be reporting what he has been told by the senior police officer.

25

30

**MS MELIS:** Thank you for that clarification.

**COMMISSIONER:** Mr Greaves, I'm not sure I fully understand. Looking at this briefing note, it was a report that comes in of information coming from an inmate. Now, as far as action is concerned, this document records the committee as saying these are extremely serious allegations; correct?

35

40

**MR GREAVES:** Yes.

**COMMISSIONER:** They also involve criminal conduct, don't they?

**MR GREAVES:** Yes.

45

**COMMISSIONER:** Why didn't they go straight to the police?

**MR GREAVES:** The PSC meets to consider matters that have been referred in, and it then decides whether they should be passed on -

5 **COMMISSIONER:** May be. But why shouldn't they have gone straight to the police? It's criminal conduct.

**MR GREAVES:** Are you - I'm not sure I understand. Are you saying that the line area - the - Paddison himself should have contacted police direct?

10 **COMMISSIONER:** No. Someone - someone should be telling the police you've got these allegations.

**MR GREAVES:** Yes.

15 **COMMISSIONER:** You're one of the authors of this report. You're putting the words on paper, "These are extremely serious allegations." Now, why do they stay in the prison service? Why don't they go straight to the police to be dealt with as criminal investigation by the police?

20 **MR GREAVES:** If you look at the dates, Commissioner, this report was prepared for the period ending 27 June. So it's been prepared on or just after 27 June, and that original allegation came in in 26 May. So the initiating incident was Paddison reporting to someone, I take it not PSB because this is considered a new matter for PSB to report to the PSC. So 26 May, Paddison has reported allegations from  
25 Roberts. The - we can see from the action that on 20 June, Hovey has reported the results of what's been done since 26 May.

**COMMISSIONER:** But that's all being done within the prison service, isn't it?

30 **MR GREAVES:** No, I don't believe so, because it should - actually, maybe it has. Sorry.

**MS MELIS:** Commissioner, may I just assist with one small point. Mr Greaves, if you look at the summary under Issue.

35

**MR GREAVES:** Yep.

**MS MELIS:** Look at the last line. Do you see there it says:

40 "Code was assessed by Justice Health, and New South Wales Police were notified."

**MR GREAVES:** Yep.

45 **MS MELIS:** Does that -

**COMMISSIONER:** Sorry, where's that?

**MS MELIS:** It's just the last line, Commissioner, in the third text box headed Issue.

5 **COMMISSIONER:** So the last line in the - where?

**MS MELIS:** The third -

**COMMISSIONER:** I see. Down there.

10

**MS MELIS:** Yes.

**COMMISSIONER:** So they're notified, but prisons continue to investigate. Is that the idea?

15

**MR GREAVES:** No, actually, sorry, I - I hadn't read that. So it looks like -

**COMMISSIONER:** I missed it too. That's all right. I missed it too.

20 **MR GREAVES:** Yeah. So the allegations have been made, Paddison's reported that, New South Wales Police notified. So Mick Hovey liaises with New South Wales Police.

**MS MELIS:** With CSIU?

25

**MR GREAVES:** Yeah.

**COMMISSIONER:** So do we have two parallel investigations going on?

30 **MR GREAVES:** No.

**COMMISSIONER:** Well, who's doing the job?

**MR GREAVES:** Who's investigating the alleged offences?

35

**COMMISSIONER:** Well, look, we've got a serious crime. As we know, the failure to respond has had drastic results. Now, whose responsibility was it to carry out the investigation and lead to action to deal with the problem?

40 **MR GREAVES:** I can't answer that.

**COMMISSIONER:** I mean, you do realise the consequences of the decision or lack of decision-making at this point in the process, don't you?

45 **MR GREAVES:** Oh, absolutely. The evidence has made very clear exactly what the consequences were of the inaction on Astill's offending in the various reports.

**COMMISSIONER:** Now, can you help me, then: This report is filed, maybe the Commissioner reads it, but is there a follow-up report? I mean, what happens in terms of documentary reporting to the Commissioner after this document goes up, about this matter?

5

**MR GREAVES:** This is a for-information report. All the action is going on behind the scenes.

**COMMISSIONER:** I understand that. But is the Commissioner told what happens next, ever?

10

**MR GREAVES:** I'm sure he was. That's the normal reporting from the Assistant Commissioner in relation to all significant matters.

**COMMISSIONER:** Well then, does it come back through a report like this later on?

15

**MR GREAVES:** No, it's much more likely to be case-by-case individual reports, more significant detail. This is just to make sure that the Commissioner is aware of the extent and nature of allegations and misconduct that are being raised within the agency and make sure he's aware of the initial steps that have been taken on those matters, not the outcomes.

20

**COMMISSIONER:** Do you actually remember this one being dealt with at this meeting at all?

25

**MR GREAVES:** Absolutely not.

**COMMISSIONER:** You don't. It didn't -

30

**MR GREAVES:** As I said earlier, 3000 matters in the course of -

**COMMISSIONER:** It didn't stand out. It's rather - or is it - surely this doesn't happen every day?

35

**MR GREAVES:** In PSB, Commissioner, not every day. But allegations like this, I would imagine, once a fortnight.

**COMMISSIONER:** What, of sexual activity between guards and inmates?

40

**MR GREAVES:** I'm thinking more about the trafficking of heroin, sharing of needles, things like that. This is what I meant earlier about the - the sheer nature and extent of alleged misconduct in the gaol system.

**COMMISSIONER:** All right. Yes.

45

**MS MELIS:** Just staying with this case that we've been discussing, I just want to be clear with you. It's gone to - New South Wales Police were notified. We see that. And then under Action, we see that:

5            "The New South Wales Corrective Services Investigation Unit advised that it will initiate an investigation into the alleged criminal conduct."

Do you see that?

10   **MR GREAVES:** Yes.

**MS MELIS:** So you understood that the investigation was in the hands of the CSIU?

15   **MR GREAVES:** No. Most likely the CSIU, but could be local police depending on where the gaol is, being investigated by somebody.

20   **COMMISSIONER:** That's the bit that intrigues me, because it reads like there could be two police-type investigations going on, one is internal to the prison system and one is external. Now, that shouldn't be happening.

**MS MELIS:** If I can just clarify with one more point, Commissioner.

25   **COMMISSIONER:** Yes.

**MS MELIS:** If we look over the page, still on that same case, towards the bottom, it says:

30            "In the absence of further information that supports the informant's claim..."

That's in respect to Roberts:

35            "...IB is unable to pursue an investigation. Local management has been tasked with monitoring the situation, including monitoring for signs of pregnancy."

Do you see that?

**MR GREAVES:** Yep.

40   **MS MELIS:** So certainly in that case, IB is not pursuing an investigation there?

**MR GREAVES:** Yes.

45   **COMMISSIONER:** This is where everything falls down, isn't it, right at this point, when the decision is made not to pursue it further? That's right, isn't it, Mr Greaves? This is the point at which it falls down?

**MR GREAVES:** I - I don't know how I can comment, Commissioner, other than saying there has been ample evidence, including my own, indicating failings in the system where things were not acted on, where - there's all manner of examples we could point to where the system has fallen down.

5

**COMMISSIONER:** Yes.

**MS MELIS:** And just finally, Mr Greaves, we see at the end of that document on the last page, it also informs Mr Robinson, Mr Koulouris and the Commissioner of certain activities undertaken by the PSB. Do you see that?

10

**MR GREAVES:** Yes.

**MS MELIS:** And we can see that - mention there of certain presentations being presented by Peter Robinson and Melanie Robinson, for example, to - at the Custodial Corrections General Managers Conference. Do you see that?

15

**MR GREAVES:** Yes.

**MS MELIS:** And that:

20

"This was an opportunity to explain and clarify PSB's role, processes, workload, capabilities and current challenges. It enabled PSB to dispel some misapprehensions amongst the General Managers who were generally positive."

25

Do you see that?

**MR GREAVES:** Yes.

30

**MS MELIS:** Do you recall this type of presentation being conducted around this time to General Managers?

**MR GREAVES:** I recall going to two of the General Manager conferences myself. Plainly, this is another one that I didn't attend. And in each of them, we spoke about processes, what we were up to, what we had found. I gave a very frank presentation at one of these conferences about allegations of nepotism and favouritism within the Department to ensure that everybody in the room knew that that was the kind of story we were hearing from staff in the organisation. So, yes, those presentations did occur.

35

40

**MS MELIS:** And they were for the General Managers across the state?

**MR GREAVES:** Yes, all General Managers would attend with the Directors and the Assistant Commissioner in Custodial Corrections. I don't know how long those invitations continued, though. I couldn't say whether - because I wasn't involved in

45



the last ones. I was there at two. This is plainly a third. Whether there was a fourth or more, I couldn't say.

5 **MS MELIS:** Right. And in that last paragraph, there's a mention of you as Manager, Professional Standards, delivering presentations on ethics and conduct to classes of trainee Custodial Corrections Officers, as you've already told Counsel Assisting, was part of your duties?

10 **MR GREAVES:** Yes. That was classes of usually between 30 and 40 recruits for Custodial Corrections and - to our lecture, taking them through scenarios they could encounter, how to respond, how they could call PSB, all those things.

**MS MELIS:** And it looks like you were also flown out to Dubbo -

15 **MR GREAVES:** Yep.

**MS MELIS:** - to give advice to the management team and a presentation to staff to help them prevent misconduct that could soon arise from current workplace conflicts.

20

**MR GREAVES:** Yep.

**MS MELIS:** Was that at the request of management at Dubbo?

25 **MR GREAVES:** I remember that trip. We had received allegations of misconduct by more than one person there. When we looked into it, it seemed that the misconduct was basically because of the local management team not adopting best practice in terms of problem solving. And so to try and head things off. And also there was a workplace culture issue about how people were talking to one another in the office. So rather than deal with cases by case - I can't remember if  
30 I suggested - I probably did - suggest to the Director of the region saying, "Look, how about you send me out there to do an intervention?"

**MS MELIS:** So that was - and having made that observation -

35

**MR GREAVES:** Yeah.

**MS MELIS:** - that was an avenue that you thought worthy of pursuing and something you were able to do in your role at the PSB?

40

**MR GREAVES:** Yes.

**COMMISSIONER:** Ms Davidson, do we have what's referred to as Annexure A document?

45

**MS DAVIDSON:** I couldn't say that with confidence on my feet.

**COMMISSIONER:** I think we need to find it.

**MS DAVIDSON:** Well, yes, the answer may be "no" on the basis that it doesn't relate to Astill -

5

**COMMISSIONER:** Maybe.

**MS DAVIDSON:** - but we can certainly -

10 **COMMISSIONER:** We certainly need to know about it.

**MS DAVIDSON:** Yes.

15 **MS MELIS:** And, Commissioner, I can say that we have found a signed copy of this briefing note, and we have -

**COMMISSIONER:** You have? Well, that should become the exhibit.

20 **MS MELIS:** It should become the exhibit. And I apologise that it's an unsigned copy in our haste this morning, but we can seek to replace the exhibit.

**COMMISSIONER:** And did you hear what I just asked Ms Davidson?

25 **MS MELIS:** In respect of Annexure A?

**COMMISSIONER:** Yes.

**MS MELIS:** I will take instructions.

30 **MR GREAVES:** Commissioner, may I just mention briefly. If this is going to be an exhibit - you probably do this anyway, but I suggest making sure that it's redacted in relation to all matters that are not relevant here.

35 **COMMISSIONER:** You can leave those sorts of things to us.

**MR GREAVES:** Thank you, sir.

**MS MELIS:** Those are the matters, Commissioner.

40 **COMMISSIONER:** Yes. Does anyone else have any questions?

**MS GHABRIAL:** Commissioner, I have some questions.

45 **<EXAMINATION BY MS GHABRIAL:**

**MS GHABRIAL:** Mr Greaves, my name is Ms Ghabrial and I appear for a group of Correctional Officers. I did have some questions in relation to some evidence

you gave earlier today, particularly in relation to the evidence you gave about the widespread mistrust of the Corrective Services New South Wales leadership. And in particular, you said earlier today that in the time you have worked for the PSB, there was not a lot of trust in head office and the office of the Assistant  
5 Commissioner for Custodial Corrections. Do you remember giving that evidence?

**MR GREAVES:** Yes.

**MS GHABRIAL:** Firstly, just going back to the first part of that answer that you  
10 gave. The time that you worked for the PSB is in your statement as being 1 October 2014 to 2 July 2021. So that's the period that you were referring to; correct?

**MR GREAVES:** Yes.

**MS GHABRIAL:** And during that period, the people that were in head office and  
15 the office of the Assistant Commissioner of Custodial Corrections were who?

**MR GREAVES:** Sorry, I should clarify. When Kevin Corcoran became  
20 Commissioner, then I can't speak to whether there was a change in the situation regarding the trust of the new incumbent, I believe Anne Marie Martin.

**MS GHABRIAL:** Because he became Commissioner towards the ends of your  
25 time there; correct?

**MR GREAVES:** Yes.

**MS GHABRIAL:** So just talking about the people that you were referring to as  
30 being there's not a lot of trust in head office and the office of the Assistant Commissioner for Custodial Corrections, who were you referring to? Specifically names.

**MR GREAVES:** Okay. Kevin Corcoran, Peter Severin. And with Kevin  
35 Corcoran, people who reported directly to him.

**MS GHABRIAL:** And who were they? (Indistinct).

**MR GREAVES:** A changing group of people over time. But what was expressed  
40 to me repeatedly by staff was that you could not rely on decisions being made in Kevin Corcoran's office to be made in the best principles of public service.

**MS GHABRIAL:** The people that were communicating this information to you,  
were they including reasons why that was the case?

**MR GREAVES:** Yes. Each time it came up, I would imagine - I'm sure there  
45 would have been a story attached to that.

**MS GHABRIAL:** Do you remember any -

5 **MR GREAVES:** Sorry, no, not - no. Quite a few of the times, it was a generality. Just typically at the end of a Functional Manager training session, or even during it, where there was free exchange going backwards and forwards, somebody would have a story and then other people would say, "Oh, yeah. And what about this one? What about this one? Yeah, yeah, yeah." So -

10 **MS GHABRIAL:** Do you remember any particular stories that stick out?

**MR GREAVES:** No. There were a lot. That's all I could say off the top of my head.

15 **MS GHABRIAL:** What were Assistant Commissioner Corcoran's dealings with the PSB, from your perspective, like?

20 **MR GREAVES:** Cordial, polite, no cause for concern in any - I attended some of the meetings. He was always completely professional in those. He was plainly unhappy with PSB's inability to reduce the backlog of matters. That was very well known.

**MS GHABRIAL:** Relating to misconduct?

25 **MR GREAVES:** Relating to misconduct. PSB itself, from my observation, we had streamlined everything we could. The process is set by the GSE Rules. The lawyers worked incredibly hard. There was little we could do with the number of staff we had at the time.

30 **MS GHABRIAL:** When you talk about the widespread mistrust in your statement in respect of the Corrective Services New South Wales leadership, there's a further heading that you were taken to in your statement about alerting Assistant Commissioners in the state running from paragraphs 96 through to 102. There are a couple of questions I just wanted to ask about that.

35 You say at paragraph 96 that initially you imagined that Commissioner Severin and the relevant Assistant Commissioners must have been unaware of the true extent and nature of the misconduct in Corrective Services New South Wales, especially in Custodial Corrections. Now, I'm just going to pause there for a moment. You've emphasised the words "especially in Custodial Corrections",  
40 and I just want to clarify. So the Assistant Commissioner of Custodial Corrections that you were referring to there during that period was Assistant Commissioner Corcoran; is that correct?

45 **MR GREAVES:** Yes.

**MS GHABRIAL:** And why did you single him out in that paragraph?

**MR GREAVES:** Because of the feedback from staff, that this one particular case - actually, I don't want to disclose the identity of the person. This is all hearsay. It is based only on what I've heard from people. I was never in the room to see an incorrect decision or anything like that made by Kevin Corcoran. But the consistent message from staff was that Custodial Corrections was very much run on the principle of nepotism and favouritism; that when you were going for promotion, if you were in with the in crowd, then you would be the selected applicant; and if you were out of favour, then you will be held back - it will not be a merit-based decision.

10 Similarly with misconduct matters, misconduct could be used to hold you back in your career by minor things being pursued, whereas serious matters would be waved away or made to disappear if you were part of the favoured few. That was the clear message that was coming to me from staff. And this was - their message was, "Well, the people who are making these bad decisions are protected by the chain going up to the top," being Kevin Corcoran.

**MS GHABRIAL:** And is that - is it fair to say that that is an example of what you were trying to give an example of earlier about the legacy left by the previous Commissioner, Woodham?

**MR GREAVES:** My understanding is that Ron Woodham was the person who was most - most likely to be abusive and intimidating. But he was actually fair, in terms of his promotions, that he did assess people on their skills and merits. So not so much him. Though, what staff told me is that there was another Assistant Commissioner at the same time, whose name I can't remember, and he was the person who was very much the person who demonstrated nepotism and favouritism. And so you had these two legacies from two different senior staff in the past, one validating the use of fear and intimidation as a control technique, the other one validating networking and getting ahead according to who you know, not what you know.

**MS GHABRIAL:** And so your evidence, then, as I understand it, is that those two legacies that had come from that administration were examples that were demonstrated by Assistant Commissioner Corcoran's office and him, himself - is that correct - as you understand it from people that spoke with you?

**MR GREAVES:** Primarily the nepotism and favouritism from people who told - spoke to me, not the intimidation and abuse. Not at all. That - that seems to have followed a different pathway down into the organisation. But I would re-emphasise something you said. This is what people told me -

**MS GHABRIAL:** I understand that.

**MR GREAVES:** - apart from a few specific incidents I saw for myself in the start of my statement. This is all very much hearsay from people who want to complain

about things. I am sure there are many parts of the organisation where neither of these things was an issue.

5 **MS GHABRIAL:** Okay. Just in relation to the IIS system, you gave some evidence earlier about the fact that you didn't know - and please correct me if I'm wrong, if I misunderstood this, but you didn't know when the drop-down SIU function was used by an officer on - in creating an intelligence report that that then automatically went straight to the SIU subunit in the Investigations Branch. Am I correct so far?

10

**MR GREAVES:** Yes. Indeed. I don't remember whether I actually knew IIS was used to create those intelligence reports. I knew intelligence reports were created, and I knew they were going through to CIG. Maybe I knew in the past and forgot, but I certainly didn't know about the SIU function.

15

**MS GHABRIAL:** Could I ask you this: In relation to that mechanism of it only going to the SIU subunit of the Investigations Branch - and I just wanted to tie it in with the evidence that you give in your statement at particularly paragraph 41 on page 8 of your statement to the Commission. Do you have that there?

20

**MR GREAVES:** I'm getting to it. Yep.

**MS GHABRIAL:** In particular (indistinct) background of your discussion about the IB in general terms and Director Hovey, you say these words at paragraph 41:

25

"There was no sharing of intelligence about misconduct between the two branches other than whatever communication took place between the Director of IB and the Director of PSB."

30 So just with reference to that IIS drop-down SIU function, do you perceive that there would be utility in there being a recommendation that whenever that function is used by an officer to submit that - or to transport that IR directly to the SIU subunit of the IB that the PSB's also automatically notified of that so that there is a direct line of communication that's forced upon those units?

35

**MR GREAVES:** I'd say if that had existed back when Astill was offending, then we would have - we would not all be sitting here today. I believe the amalgamation of the Investigations Branch with Professional Standards Branch will solve that problem because you're not going to have two intel analysts sitting under the same - sorry, two analytical functions sitting under the same roof. Inevitably, those two things will be combined.

40

**MS GHABRIAL:** I understand that there has been the merger of the two units into the PSI. I understand that. But if the system hasn't changed in respect of the use of the drop-down function, in that if the system is still that the drop-down function raises an automatic referral only to an analyst, do you perceive that to be a continuing problem other than - and perhaps I should clarify. Do you think - and

45

I ask it this way: do you think that the drop-down function should not just only go to an analyst but also somebody who is in charge of Professional Standards and monitoring Professional Standards?

5 **MR GREAVES:** My understanding is that - based on the evidence I've  
heard - I hear, that it goes to an intel box - the SIU box. Now, you could have any  
number of people given access to that box. So that would solve the problem. If it  
was only going to an individual officer, that would be terrible because if that  
10 person gets sick or goes on holidays - not good. So, again, I'd say the new  
Director, PS&I - I'm sure that will be addressed so that there is a better functioning  
intelligence unit within that branch.

**MS GHABRIAL:** So the upshot is it shouldn't just go to an analyst; it should be  
15 able to be accessed by other people so as to ensure that things are being actioned  
upon within that unit and within the PSI as it currently is merged; is that correct?

**MR GREAVES:** I'd say it needs to be accessed by whoever is performing the  
intelligence function regarding misconduct in the agency. Whether that's one  
20 person or several people, that will depend on resources.

**MS GHABRIAL:** Should it be going also to the person who's actually in charge  
of what used to be known as the PSB? I don't know what label that has now in the  
PSI structure, but should it be an automatic notification to the person who's  
25 actually at the top of the tree in that unit?

**MR GREAVES:** Well, that person would be Angela Zekanovic, new Director  
PSI. When I say "new", eight months. But I'd say no, on the basis that both  
Director PSB and Director IB had full-time jobs - more than full-time jobs. They  
were both easily working over 40 hours per week. Combining those two roles into  
30 one job and expecting the same results as two people were delivering I don't  
believe is realistic at all, and I have grave concerns for the capacity of the current  
Director PSI to perform that function to the required standard. So loading them up  
with further emails for them to read, I don't think that's going to be productive.  
They're just not going to have time to do it, because you need to have  
35 a functioning intelligence unit that takes responsibility for viewing material as  
soon as possible and acts on it, and that should be the outcome of the current  
amalgamation.

**MS GHABRIAL:** Thank you. Just bear with me for a moment. There was one  
40 other thing that you said in relation to a question asked of you about paragraph  
147 of your statement. Just bear with me for a moment. I think the question was  
how could you overcome the problem that's described in that paragraph, and your  
answer - and I imagine you would recall this - was to have ethical people in  
leadership positions. Do you remember giving that answer?  
45

**MR GREAVES:** Yes.

**MS GHABRIAL:** Did you feel that there were ethical people in the leadership positions during the period that you were working in the PSB?

5 **MR GREAVES:** I ran across ethical people all over the organisation, people who - there's no question about them doing the right thing, even when it's not in their best interests to do so. So the organisation is full of many, many staff. The problem is if you have even a small number in leadership ranks, that has profound consequences for everybody who falls underneath them.

10 **MS GHABRIAL:** Were there any particular people that you had in mind when you made that statement?

**MR GREAVES:** I'd love to give you a list of the really good people.

15 **MS GHABRIAL:** I think my focus is more the people in the other list.

**MR GREAVES:** Yes. But I don't believe I could name them in a public forum without causing potential severe reputational damage to them, which would be grossly unfair given the nature of the information that I'm recounting. It's - a lot of  
20 it is untested hearsay. So please don't ask me your next question.

**MS GHABRIAL:** I won't do that, not unless the Commissioner wanted to receive that evidence in private. But that's a matter for the Commissioner, of course. I won't force that upon you.

25 **MR GREAVES:** Thank you.

**MS GHABRIAL:** Just finally, you were asked some questions about the ability to find completely independent organisations, and you went through the Ombudsman  
30 and another - other ways of doing that. The PSI, as it is currently structured, is under the ambit of, and the control of, the Commissioner and paid for by Corrective Services New South Wales, as I understand it; correct?

35 **MR GREAVES:** Yes.

**MS GHABRIAL:** Do you - in your experience, having regard to all these issues that faced that environment during the relevant period, do you feel that the PSI should actually be a completely independent unit that's not paid by Corrective  
40 Services New South Wales with completely independent people in it? Do you think that that's something that the future should be looking to?

**MR GREAVES:** I don't feel confident to give an opinion on that because my field of experience is too narrow. I could offer theories, but I think it may be unhelpful  
45 for me to do so. For me, the big question is, should PSI be within Corrective Services itself or should it be moved across to DCJ? If it's -



**MS GHABRIAL:** Just part of the border DCJ umbrella as opposed to being under Corrective Services?

5 **MR GREAVES:** Well, part of the - basically, the head office DCJ function.  
There's a lot of - DCJ has a lot in its head office, the HR function, the IR function,  
et cetera. So PSI could conceivably be moved across and be amalgamated with the  
Professional Standards function that already exists in DCJ. Now, there's  
10 a downside to that because Corrective Services is such a unique environment that  
to work in PSB - the nature of matters you're dealing with is nothing like the  
normal public servant. So maybe a subteam within the broader function within  
DCJ, maybe cross-skilling. There are similarities to Juvenile Justice. So maybe  
there's synergies there. So that's one model, and that would provide impartial  
leadership.

15 **MS GHABRIAL:** Complete independence?

**MR GREAVES:** Complete independence. The idea of having a separate agency, I  
think, is - there's - it would be very hard to justify that. Keeping it within  
Corrective Services, I think, is also viable, if you have ethical leaders above PSI.

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

**COMMISSIONER:** Ms Davidson, I'm wondering - I don't know whether that  
confidential briefing - the dates don't quite fit. It might be document 46 in the  
25 bundle.

**MS DAVIDSON:** I think we'll need to check.

30 **COMMISSIONER:** Check it through.

**MS DAVIDSON:** Yes.

**COMMISSIONER:** But that's as close as I can get at the moment to what I've got  
35 anyway.

**MS DAVIDSON:** Thank you, Commissioner. We will have it checked, and if we  
don't have it, we will obtain it.

40 **COMMISSIONER:** We certainly need it.

**MS DAVIDSON:** Yes. I have just one question by way of re-examination of this  
witness, Commissioner.

45 **<EXAMINATION BY MS DAVIDSON:**

**MS DAVIDSON:** Mr Greaves, you were asked some questions by Ms Melis in respect of your awareness of Officer Paddison conducting an interview with Witness M. Do you remember that?

5 **MR GREAVES:** Yes. Sort of.

**MS DAVIDSON:** Just by way of clarification of your evidence, do you recall understanding, as a result of your conversation with Hamish Shearer, that Officer Paddison was to do an investigative interview with Witness M?

10

**MR GREAVES:** I don't recall. All I recall is what's written in the email and I'm - I'm unsure whether I used the word "interview" where I should have used "investigation" in that. It's potentially a typo on my part. Typically, my emails contain one typo at least somewhere. So -

15

**MS DAVIDSON:** Does it remain the case, consistent with the answer you gave on Friday, that you have no independent recollection of your telephone conversation with Hamish Shearer other than what is recorded in your email?

20 **MR GREAVES:** Correct.

**MS DAVIDSON:** Nothing further, Commissioner.

25 **COMMISSIONER:** Yes, thank you. That concludes your evidence, but at this stage I'm not going to excuse you. I think you understand why. It may be necessary for us to talk to you again.

**MR GREAVES:** Sure.

30 **COMMISSIONER:** Thank you.

**MR GREAVES:** Thank you.

<**THE WITNESS STANDS DOWN**

35

**MS DAVIDSON:** Commissioner, the next witness is Ms Martin, and Mr Lloyd will take her evidence.

40 **MR TYSON:** Commissioner, my name is Tyson. I'm instructed by JTA Law. I seek leave to appear in this Commission on behalf of Ms Shari Patricia Martin.

**COMMISSIONER:** You have leave.

45 **MR LLOYD:** Commissioner, I'm mindful of the time. If it's convenient to you, I could deal with the formalities before lunch and then -

**COMMISSIONER:** Go as far as you can, see what's -

**<SHARI PATRICIA MARTIN, SWORN**

**<EXAMINATION BY MR LLOYD:**

5

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

**MS MARTIN:** Shari Martin.

10 **MR LLOYD:** And, Ms Martin, your address is known to the Commission. You have signed a statement for the Commission, I think as recently as this morning?

**MS MARTIN:** That's correct.

15 **MR LLOYD:** Commissioner, it is in Volume 7 behind tab 59A. In that statement, Ms Martin, were you telling the truth?

**MS MARTIN:** I am.

20 **COMMISSIONER:** The statement will be exhibit 38.

**<EXHIBIT 38 TENDERED AND MARKED**

25 **MR LLOYD:** Thank you, Commissioner. For the purpose of the prosecution of Astill by the police, or the investigation by the police, you made a statement?

**MS MARTIN:** That's correct.

30 **MR LLOYD:** And in that statement you were telling the truth? That's behind tab 59 in the same Volume. Commissioner, could I invite you to add that to -

**COMMISSIONER:** They will together become 38.

35 **MR LLOYD:** Could I - hopefully before you, Commissioner, is a small volume of emails marked Tender Bundle 4. Just before dealing with that, I'll just ask Ms Martin a question. In fairly recent times, Ms Martin, the Department has provided to you a number of emails that you're either the author of or that were sent to you. Do you remember that?

40 **MS MARTIN:** They weren't sent to me, no.

**MR LLOYD:** You know that recently you've had a chance to look at some emails?

45 **MS MARTIN:** Yes, I have had a chance.

**MR LLOYD:** Commissioner, those emails are in that small volume. If it's convenient, it could be added to Exhibit 3 or just dealt with as a separate tender.

5 **COMMISSIONER:** I'm not quite sure, but it sounds to me like it should be a separate set of documents, if this is the documents she's been looking at alone.

**MR LLOYD:** A bundle of emails recently delivered and so, if it's convenient, a separate tender.

10 **COMMISSIONER:** Make it 39.

**<EXHIBIT 39 TENDERED AND MARKED**

15 **MR LLOYD:** Commissioner, I note the time. If it's convenient to you, I can start after lunch rather than using the two minutes we've got now.

**COMMISSIONER:** All right.

20 **MR LLOYD:** Or we can start at five to -

**COMMISSIONER:** No, no. It's all right.

**MR LLOYD:** Five to 2.

25 **COMMISSIONER:** We'll adjourn until 2.

**<THE HEARING ADJOURNED AT 12.55 PM**

**<THE HEARING RESUMED AT 2.03 PM**

30 **MR LLOYD:** Thank you, Commissioner. Ms Martin, in the witness box there, hopefully what might be open is tab 59A.

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

**MR LLOYD:** That's your statement to the Commission?

**MS MARTIN:** Yes.

40 **MR LLOYD:** Can I just ask you - it's probably fairly fresh in your mind, but paragraph 6, you tell us that you began your career in Corrective Services in 1986?

**MS MARTIN:** That's correct.

45 **MR LLOYD:** And when was it that you first went to Dillwynia?

**MS MARTIN:** I think Dillwynia was 2006 - I'm - I'm not sure.

**MR LLOYD:** And that was as the Governor?

5 **MS MARTIN:** As the Governor of the - it was General Manager, they were called in those days.

**MR LLOYD:** And you were there in that position at Dillwynia as General Manager for a period of time?

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

**MR LLOYD:** And then left?

15 **MS MARTIN:** Yes.

**MR LLOYD:** Do you remember when that was?

**MS MARTIN:** I think that was in 2012. I'm not quite sure. 2012.

20 **MR LLOYD:** And where did you go to?

**MS MARTIN:** I stayed on the complex. I went to the Metropolitan Multi-Purpose Centre.

25 **MR LLOYD:** And then back to Dillwynia?

**MS MARTIN:** No. From there, I went to Dawn de Loas Correctional Centre located at Silverwater.

30 **MR LLOYD:** And when did you go back to Dillwynia?

**MS MARTIN:** I think it was towards the end of 2014 or the beginning of 2015. I'm not quite sure.

35 **MR LLOYD:** And remained there until you took a redundancy at the very end of the year 2018?

**MS MARTIN:** That's correct.

40 **MR LLOYD:** And always between that period, end of '14, beginning of '15, in the position as General Manager?

**MS MARTIN:** Then we changed to Governor.

45 **MR LLOYD:** Was it the same job, notwithstanding the -

**MS MARTIN:** No, it wasn't, because I had to manage two correctional facilities. So I had Dillwynia Correctional Centre and I had Emu Plains Correctional Centre, which was approximately 20 minute drive away.

5 **MR LLOYD:** And how did you divide your time between them?

**MS MARTIN:** I tried to attend Emu Plains in the morning and Dillwynia in the afternoon, but that was subject to whatever incidents or meetings I had to attend in either one of the centres. So could I spend 50 per cent of my time? No. At each  
10 centre, no.

**MR LLOYD:** Because of the travel time, effectively?

**MS MARTIN:** It wasn't the travel time; it was basically what was happening in  
15 that centre. For example, each month, I had to have six monthly meetings, so three in Dillwynia, three at Emu Plains. They were compulsory monthly meetings. And then whatever was happening at that centre may have caused me to spend a whole day in that centre, or half a day, or go to Dillwynia in the morning and then Emu  
20 Plains in the afternoon. So it was what was happening in the centre on the day.

**MR LLOYD:** Did having the role as Governor of both of those Correctional Centres impair your ability to do the job properly at each of them?

**MS MARTIN:** I don't think so. I tried - what I did was basically work extra hours.  
25

**MR LLOYD:** So you felt, notwithstanding that had you two centres under your control, that you could nonetheless do the job at both; is that right?

**MS MARTIN:** I tried to the best of my abilities.  
30

**MR LLOYD:** You tell us some things about awards and accolades in paragraph 7.

**MS MARTIN:** Yes.

35 **MR LLOYD:** 2012, awarded the Corrections Exemplary Conduct Medal?

**MS MARTIN:** That's correct.

**MR LLOYD:** And various other things - I don't want to skip over them, but you  
40 recount them in that paragraph?

**MS MARTIN:** That's correct.

**MR LLOYD:** Could I ask you just at this stage, Ms Martin, to go back to  
45 paragraph 4. Do you see there you tell us about leaving Corrective Services, 21 December 2018?

**MS MARTIN:** That's correct.

**MR LLOYD:** And you were offered and accepted a redundancy package?

5 **MS MARTIN:** Yes.

**MR LLOYD:** But you tell us the real reason you left was because of your poor relationship with your superiors, Hamish Shearer and Kevin Corcoran?

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

**MR LLOYD:** Mr Shearer, at that time, was the Regional Director or Director, West?

15 **MS MARTIN:** That's correct.

**MR LLOYD:** He had oversight over the two Correctional Centres you were at, but others as well?

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

**MR LLOYD:** And he was the person to whom you directly reported?

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

**MR LLOYD:** And you describe there Mr Corcoran was, at that time, the Assistant Commissioner, Custodial Operations?

30 **MS MARTIN:** That's correct.

**MR LLOYD:** Now, I'll take you to some other things you say, but can you just tell us at the moment: in terms of your poor relationship with Mr Shearer, what were the details of that?

35 **MS MARTIN:** I think that, for me, it was - I felt that he belittled me. He didn't have confidence in my abilities. He always was putting me down, asking me - for  
40 example, I would have to write a report why, for example, a - a large number of dirty urines reported from Emu Plains. And it was constant. Every month, I had to write the same report. And every month, I told him, "They're random urines. We're an open correctional facility."

I put in numerous business cases. Numerous business cases were put in for  
45 cameras, et cetera. People could just walk up and drop stuff over the fence. And my staff were doing their job because - sorry, they weren't random. I - I'll correct them. They were target urines, and they were doing their job because they were obviously targeting the right people because the results were coming back positive. But every month, I had to explain that to him.

**MR LLOYD:** Just let me understand what you're saying. You were having a particular problem with inmates recording positive drug tests?

5 **MS MARTIN:** Well, he believed that my staff weren't doing their job because I had an increased amount of dirty urines reported back from that area.

**MR LLOYD:** Let me just take it through. The start of this issue is you had quite a number of dirty urines or -

10

**MS MARTIN:** Yes, that's correct.

**MR LLOYD:** Mr Shearer was effectively complaining that there was a problem within the Correctional Centre -

15

**MS MARTIN:** Yes, that's -

**MR LLOYD:** - and criticising you?

20 **MS MARTIN:** Yes.

**MR LLOYD:** You were saying to him, "No, there's a problem because you aren't giving me enough resources," I think you mentioned one thing, CCTV, "to be able to control drugs coming into the centre"?

25

**MS MARTIN:** That's correct. And these - these actual dirty urines that were being reported were actually target urines. So my staff were doing their job, being able to target them.

30 **MR LLOYD:** So is what you're saying, you're raising with him that you have a problem with drugs coming into the gaol, but you're not getting enough support in the form of resources from -

35 **MS MARTIN:** Well, that's what I explained to him over the phone. But then I - I still had to get the report the next month.

**MR LLOYD:** And what happened in terms of getting more resources to deal with the problem of drugs in the gaol?

40 **MS MARTIN:** By the time I left, we had not received any additional funding or any resources in relation to - to cameras, et cetera.

**MR LLOYD:** I see. Sorry. When you're talking about these interactions with Mr Shearer, was that across both of the Correctional Centres?

45

**MS MARTIN:** Yes, that's correct.



**MR LLOYD:** Can I ask you: you mentioned some problems also in paragraph 4 with your relationship with Assistant Commissioner Corcoran?

**MS MARTIN:** Yes, that's correct.

5

**MR LLOYD:** And I think, just for context, you tell us something more about that in paragraph 51. You felt demoralised and belittled in your dealings with him and Mr Corcoran:

10            "I felt I had no support or anyone I could go to if I needed assistance or support in my role."

Do you see that?

15    **MS MARTIN:** That's - which - where's that?

**MR LLOYD:** Paragraph 51.

**MS MARTIN:** That's correct.

20

**MR LLOYD:** You've told us some things about issues with Mr Shearer. What are the particular things you identify in there about your dealings with Mr Corcoran?

25    **MS MARTIN:** Originally, when Mr Shearer became the Director, he sat me down basically to tell me about himself or - and he also mentioned in that conversation that the Assistant Commissioner, Mr Corcoran, had said to - described me as "challenging". And I know from another Governor, she had the same talk with him, and he said that Mr - that the Assistant Commissioner, Mr Corcoran, had described her as "confrontational", but I was - I think I was "challenging".

30

**MR LLOYD:** So in terms of this - so far, we've got Mr Shearer telling you something that Mr Corcoran had said to him -

**MS MARTIN:** That's correct.

35

**MR LLOYD:** - that led you to have the view that, what, Mr Corcoran didn't have a particularly high opinion of you?

40    **MS MARTIN:** No. And he wouldn't go into it any further. But as the time went on, there was other things that Mr Corcoran or Mr Shearer had - had said that Mr Corcoran had - had said. For example, acting up in a higher position, for example, Director, I - I actually approached him and I said, "Why - why am I not being given the opportunity to act in a higher capacity? You have people behind me who have been Governors for two months," et cetera. And he said to me that  
45    it's because I challenge the Assistant Commissioner. And I - I remember saying to him, "Well, I don't challenge him. I'll ask him - if I don't agree with something, I'll ask him why I'm doing it. But I always do what I'm told to do."

**MR LLOYD:** This discussion you're talking about there, that's one between you and Mr Shearer?

5 **MS MARTIN:** At a later date. Yep.

**MR LLOYD:** Can I ask you what direct dealings you had with Mr Corcoran?

10 **MS MARTIN:** We had an issue with drugs coming into the centre, and they were coming through in underwear, and it was quite a sophisticated secretion of drugs in the underwear. Like, it looked like a seamstress had actually sewn as part of the - the garment. So, as the Governor, what I did was - and the staff were very concerned. The union had - had brought it up as an issue. As the Governor, I gave a three-week opportunity for inmates to have underwear sent in. That underwear  
15 was closely inspected. And after that, they were to receive gaol-issued underwear.

But in the meantime, I had organised - contacted Corrective Services Industries and asked them to source a better quality of underwear for the women instead of the usual gaol-issued underwear. And somehow it - it got out to the media, and  
20 I received a phone call from the Assistant Commissioner and - blasting me for making such a decision without consulting him. And I said to him that I thought it was a decision to ensure the - the safety and not compromise the gaol in relation to drugs coming in. I said I had made arrangements to contact Corrective Services Industries.

25 I told him exactly what I had put in place. I - I didn't cut it off there and then for underwear to come in. I gave the inmates three weeks to have what they wanted to in underwear to come in. I explained all this to him, and he said that I was to reverse the decision. So I reversed the decision, and I - I know my staff were very  
30 upset about that. And then a month or so later, an instruction came out for female centres in relation to - they had done a - or due to intelligence, that underwear would be provided by the centres.

35 **MR LLOYD:** Just let me understand. In the discussion that you described as Mr Corcoran blasting you -

**MS MARTIN:** Yeah.

40 **MR LLOYD:** - after it had got into the media, did you say why it is that you'd done what you had done?

**MS MARTIN:** Yes. Yes.

45 **MR LLOYD:** That is, I think you've told us that you considered that you had a problem with drugs coming in -

**MS MARTIN:** Yes.

**MR LLOYD:** - and you were trying to do something to fix it?

5 **MS MARTIN:** And they were coming in - well, one of the ways was in the underwear, and it was very sophisticated.

**MR LLOYD:** And did you tell him in that discussion -

10 **MS MARTIN:** Yes.

**MR LLOYD:** - that you thought you had a problem with drugs coming into the gaol?

15 **MS MARTIN:** Yes.

**MR LLOYD:** What did he say, if anything, about that?

20 **MS MARTIN:** Well, I was just getting in trouble for not - not - I was just getting in trouble for making the decision to have inmates not have underwear come in and to use and supply underwear.

**MR LLOYD:** But is what you told us that a month or so later, effectively the policy that you'd brought in got brought in -

25 **MS MARTIN:** Yeah. Yes.

**MR LLOYD:** - but at your understanding - on your understanding, at his direction?

30 **MS MARTIN:** That's correct.

**MR LLOYD:** Is there anything else in particular that you have in mind about your working relationship with him?

35 **MS MARTIN:** There was an instance when Hamish Shearer had sent me a letter saying that he was going to place me on a performance improvement plan, which I couldn't understand why. And with my union delegate, I met with the Assistant Commissioner to discuss the situation.

40 **MR LLOYD:** Assistant Commissioner Corcoran?

**MS MARTIN:** Corcoran. Yes, that's correct.

45 **MR LLOYD:** And what happened?

**MS MARTIN:** I explained to Mr Corcoran that the initial meeting with Mr Shearer, he had said that the Assistant Commissioner said I was challenging. He

denied that. And I explained to him I had a number of documents of what - what had been happening - happening during the period that Mr Shearer was managing me.

5 **MR LLOYD:** And what happened? Sorry, I withdraw that. You were at that meeting raising complaints about Mr Shearer's performance?

**MS MARTIN:** Or his - his attitude or performance - behaviour towards me.

10 **MR LLOYD:** And what happened?

**MS MARTIN:** He said that Mr Shearer was down at HR as we were speaking, organising to have an improvement plan done. And for some reason, that was cancelled. At a later date, Mr Shearer came to me at - at Dillwynia Correctional  
15 Centre. He wanted to speak off the cuff. He - he wanted to speak about how I was feeling and why I was feeling this way, and I explained it all to him.

**MR LLOYD:** In terms of complaints about officer misconduct when you were at Dillwynia - and I'm really asking you, unless I tell you otherwise, about the second  
20 time -

**MS MARTIN:** The second time.

**MR LLOYD:** Your second stint there. Complaints of misconduct by officers.  
25

**MS MARTIN:** Yes.

**MR LLOYD:** You tell us some things - and I'll come to the detail - about the various ways of making reports and notifying. You say some things about that in  
30 your statement; correct?

**MS MARTIN:** Yeah. Correct.

**MR LLOYD:** Did you have a direct reporting line or an ability to communicate  
35 directly with Assistant Commissioner Corcoran?

**MS MARTIN:** I would - I would have communicated through Hamish Shearer.

**MR LLOYD:** He would have -  
40

**MS MARTIN:** I would have got in trouble if I hadn't have done that.

**MR LLOYD:** So the reporting line for you, even if it was very, very serious  
45 misconduct, would be you immediately going to Mr Shearer?

**MS MARTIN:** Well, I would go to Mr Shearer or what I would do first is obviously, if it was a serious misconduct, I would ensure that an information report was filled out and it went to the Investigation Branch.

5 **MR LLOYD:** And just let me ask you this about - when you say "investigation reports", are you talking about intelligence reports?

**MS MARTIN:** Sorry. Intelligence report.

10 **MR LLOYD:** That's okay. You're not the first witness to use the wrong words, but you're talking about intelligence.

**MS MARTIN:** Intelligence.

15 **MR LLOYD:** And when those intelligence reports went out of the gaol, was it your practice to always review them?

**MS MARTIN:** No, I couldn't. They had a - this is what my Intelligence Officer told me, that the ones about serious misconduct - officer serious misconduct would go to SIU drop-down, and I couldn't see them. They wouldn't come to me.

**MR LLOYD:** It was the system that you would ask someone else at the gaol to send an intelligence report about -

25 **MS MARTIN:** Yes, I didn't - I didn't - I only had access to see - every now and again, an IR - a message would come up to say that there's an IR to - to read.

**MR LLOYD:** But if it was an IR submitted in that function -

30 **MS MARTIN:** Not the investigations -

**MR LLOYD:** - to the SIU, then you wouldn't get a copy of it?

**MS MARTIN:** No, I wouldn't ever see that. No.

35

**MR LLOYD:** And you wouldn't ever see what actually was being sent out of the gaol in the IR?

**MS MARTIN:** No. No.

40

**MR LLOYD:** You would if the IR was based upon reports, for example, that had come to you. You'd know about the reports?

**MS MARTIN:** Yes. Or if the inmate came to me.

45

**MR LLOYD:** But just in terms of - so that's one way of making reports or causing reports to be made out of the gaol for serious misconduct. But there were other

times when, for example, you might make a report in writing directly yourself to the Investigations Branch, Mr Hovey?

5 **MS MARTIN:** I may have, but I can't recall. Or I may have made a phone call.

**MR LLOYD:** And that phone call, in a case of serious misconduct being reported to you by an officer, would that phone call be in the ordinary course to the Investigations Branch?

10 **MS MARTIN:** No, not necessarily. Not necessarily.

**MR LLOYD:** Or to -

15 **MS MARTIN:** I - I wouldn't ring him up to say, "I'm letting you know this is coming through." No, I wouldn't.

**MR LLOYD:** What about a phone call to Mr Shearer? Would that be your usual practice if there was a report of serious officer misconduct?

20 **MS MARTIN:** I can't recall, but he - I would have mentioned it to him somewhere, but I - I can't recall. I don't want to say "yes" and - because I may not have done it every time, because I would assume that he would have seen it on his - or the AC would have seen it during their time on a committee, the PCMC or - or something like that. That's -

25 **MR LLOYD:** Is what you're saying, you may not have reported serious misconduct, for example, by telephone to Mr Shearer because you believe that he would see an intelligence report if one was being submitted?

30 **MS MARTIN:** Not necessarily an intelligence report, but he would receive that information. I did on one occasion, and this was - one occasion I had a number of inmates come and complain to me about - I can't recall if they put in a prisoner application or they actually put in to - to see me, and that was in relation to Mr Astill's behaviour on a muster towards them. And I actually - once they left,  
35 I actually rang Mr Shearer and said - I - I explained to him what it was, and I said, "I don't know what to do with this guy. I've sent so many reports and nothing's been done."

40 **MR LLOYD:** And you tell us something about that particular event in your statement, I think.

**MS MARTIN:** Yeah.

45 **MR LLOYD:** If you have a look just now in that orange envelope. Just (indistinct) -

**MS MARTIN:** Oh, sorry.

**MR LLOYD:** - the pseudonym list. The one you're talking about there is an occasion involving Witnesses R and V?

5 **MS MARTIN:** I can - I think it was R, and I think it was B.

**MR LLOYD:** B?

**MS MARTIN:** B.

10

**MR LLOYD:** Can I - you can just -

**MS MARTIN:** I - I think it was. It's been such a while. And across the two centres, I dealt with so many inmates that it was probably the - the ones I'd known for years that I - I remember - remember more.

15

**MR LLOYD:** I'll show you some details that might help you.

**MS MARTIN:** Okay.

20

**MR LLOYD:** Could you just tell us something about the system of reporting. Paragraph 46.

**MS MARTIN:** Of my statement?

25

**MR LLOYD:** Of your statement. You've got when a staff member - at the fourth line down - raised a potentially serious complaint, it was your practice to remind the staff member to document the matter so the relevant process could be carried out by the appropriate business area, such as Intelligence or the Professional Standards Branch. Do you see that?

30

**MS MARTIN:** Mmm.

**MR LLOYD:** And although we did fact-finding inquiries within the prisons, say if there was an issue between staff, more serious issues or inmate/staff issues were to be subject of investigations that were handled by the trained investigators at arm's length at places like Professional Standards at head office. Do you see that?

35

**MS MARTIN:** Yes.

40

**MR LLOYD:** Do we take it from that that your practice, where an allegation came to your attention of serious misconduct by an officer, was to either yourself make a referral out to Investigations or Professional Standards or cause one of your staff members to do that?

45

**MS MARTIN:** No. If it was a serious misconduct, I would have the report transcribed into an intelligence report, and they would send it off to the Investigations Unit.

5 **MR LLOYD:** Because allegations of serious misconduct that came to your attention, they were the appropriate people to conduct the investigation, that is, the Investigations Branch?

10 **MS MARTIN:** I would have believed that it was serious enough for the Investigations Branch to investigate.

**MR LLOYD:** And you make reference there, "trained investigators". You understood that the Investigations Branch had people who had training -

15 **MS MARTIN:** Yes.

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

20 **MS MARTIN:** Yes.

**MR LLOYD:** So if any allegation of misconduct on the part of an officer came to your attention, that was a matter to be investigated by those people?

25 **MS MARTIN:** Serious misconduct, yes.

**MR LLOYD:** And that obviously includes allegations of criminal conduct?

**MS MARTIN:** Yes.

30 **MR LLOYD:** You say something else about this at paragraph 54:

35 "Another way in which prison management was affected by superior level management was with the complaints investigation process. Some complaints at the lower end of the scale could be dealt with inside the prison. When issues were more serious and raised inappropriate staff/prisoner interactions or corruption, they had to be dealt with externally."

40 Do you see that? And that was consistent with that paragraph I've just drawn to your attention; correct?

**MS MARTIN:** Mmm.

45 **MR LLOYD:** That is, even here, if there were allegations of inappropriate relationships between a staff member and an inmate, that was a matter that had to be reported out of the prison and to the Investigations Branch; is that right?



**MS MARTIN:** Well, that's what I would have instructed my Intelligence Officer to send. Basically anything that mentioned a staff member, inappropriate behaviour, I would say to them, "Send it to Investigations."

5 **MR LLOYD:** And there was no proper role for people inside the gaol to be conducting their own investigations -

**MS MARTIN:** No.

10 **MR LLOYD:** - into whether allegations were made out?

**MS MARTIN:** No.

15 **MR LLOYD:** Could I just ask you a couple of questions about the nature of your role as the Governor. I won't show you this document unless you want me to. I'll just read you out a passage from a role description as at May 2017. For those at the bar table, it's Volume 9, tab 106:

20 "The primary purpose of the role was to provide leadership and direction for the effective and accountability based management of all aspects of a Correctional Centre..."

Do you agree with that?

25 **MS MARTIN:** Yes.

**MR LLOYD:**

30 "...including the safety and security of employees and inmates."

**MS MARTIN:** Yes.

35 **MR LLOYD:** And do you agree, a central part of your role, or a primary part of it, was to do whatever was within your power to ensure the safety of inmates?

**MS MARTIN:** Yes.

**MR LLOYD:** Including from actions by Correctional Officers?

40 **MS MARTIN:** Including?

**MR LLOYD:** From actions by Correctional Officers?

45 **MS MARTIN:** Yes.

**MR LLOYD:** As well as other inmates, obviously?

**MS MARTIN:** Yes.

**MR LLOYD:** And -

5 **MS MARTIN:** It must be noted - sorry.

**MR LLOYD:** No.

10 **MS MARTIN:** It must be noted that that was across two Correctional Centres.

**MR LLOYD:** That's why I asked you, Ms Martin, in fairness, before, whether doing the jobs at two places impaired your ability to perform your role, and I thought you told the Commissioner in answer to that question that it didn't.

15 **MS MARTIN:** I said I tried my best. I tried - I tried my best.

**MR LLOYD:** Does that mean you tried your best but felt you couldn't do your best because you had the two jobs?

20 **MS MARTIN:** No, I - I did the extra hours so I could compensate for that.

**MR LLOYD:** So when you say - when I read out some things about your job description, there was nothing arising from the fact you were doing the two roles that impaired your ability to perform those things, because you've told us you did it - you managed that by doing the extra hours?

25 **MS MARTIN:** Yes.

**MR LLOYD:** Could I also ask you about this - again, I won't show you the document. For those at the bar table, it's tab 147 in Volume 9. This is from a Code of Ethics and Conduct, professional behaviour:

"All employees have the right to be treated with respect, and it's everyone's responsibility to ensure this occurs."

35 I'm not saying you'd remember necessarily reading those words, but do they reflect your view about the culture that it was necessary to have in place at Dillwynia?

40 **MS MARTIN:** Does it reflect what was there at the time?

**MR LLOYD:** Yes.

45 **MS MARTIN:** I think at the time, especially in 2017, there was disharmony. So in 2017, I don't know if that would - generally speaking, the staff were very, very good. When I went around my inspections, they appeared to be polite and pleasant

to each other. And my dealings with them were - I don't know how to explain it.  
Can you ask the question again?

5 **MR LLOYD:** Well, I think you've answered my question. I'll ask you a different one.

**MS MARTIN:** Okay.

10 **MR LLOYD:** Another part of this records - this document:

"Employees are to treat their colleagues, clients and families with respect, fairness and consistency, and employers are to be courteous and sensitive to the needs of others."

15 Do you think that that accurately captures the environment at Dillwynia between 2015 and 2018?

20 **MS MARTIN:** No, I wouldn't say that. But that's not for - the majority of staff, I felt - you know, there was obviously disharmony in 2017 due to benchmarking. But there - there was a number of staff that I - that had been reported to me that were - there was rumours.

**MR LLOYD:** Are you talking about rumours about Astill, or more broadly?

25 **MS MARTIN:** No. No, just - just rumours about partnerships. I - I really didn't get into the rumours exactly.

30 **MR LLOYD:** Can I put some things to you that some of the witnesses have given evidence here who were officers at Dillwynia between 2015 and '18 have told this Commission about your style of management and also the culture at Dillwynia about officers making reports about misconduct by other officers. Do you understand the topic?

35 **MS MARTIN:** Okay.

**MR LLOYD:** Do you remember a Mr Mark Wilson?

**MS MARTIN:** Yes, I do.

40 **MR LLOYD:** He gave evidence that your management style is that you were not approachable.

**MS MARTIN:** That's not correct.

45 **MR LLOYD:** Do you remember Renee Berry?

**MS MARTIN:** Yes.

**MR LLOYD:** She said that Dillwynia was run on a fear of senior management unless you were one of a select club of a group described as "Shari's boys".

5 **MS MARTIN:** That's not correct.

**MR LLOYD:** Do you remember a Peter Barglik?

**MS MARTIN:** Yes.

10

**MR LLOYD:** He was there for many, many years?

**MS MARTIN:** I think so, yes.

15 **MR LLOYD:** His - in his statement, he says that you were very unapproachable, that your language and demeanour management intimidated staff and bullied staff. What do you say about that?

20 **MS MARTIN:** That's incorrect. Peter had come to me on a number of occasions in relation to personal matters, so that's incorrect.

**MR LLOYD:** He says he spoke to you four times in - I don't have the note, but I think more than 10 years of service at Dillwynia. Do you dispute that?

25 **MS MARTIN:** I'm not disputing that. He did come and speak to me on a number of occasions in relation to personal matters.

**MR LLOYD:** I mean, the effect of his evidence is four times in the entirety of the years of service.

30

**MS MARTIN:** All I'm saying to the Commission is he did come to me on a number of occasions in relation to a personal matter. I - yes, that's - that's what he did.

35 **MR LLOYD:** Officer Glenn Clark described it as a horrible place to work and said that there was a lack of confidence in senior management which hindered reporting of misconduct by officers. You disagree with that too?

**MS MARTIN:** I disagree with that.

40

**MR LLOYD:** I anticipate that Westley Giles will say that at one point you threatened to have him shot. Do you remember that?

**MS MARTIN:** No.

45

**MR LLOYD:** Might it have happened?

**MS MARTIN:** No.

5 **MR LLOYD:** Grant Riddle said officers believed that it wasn't worthwhile to make reports because they believed management would push them under the carpet. What do you say about that?

**MS MARTIN:** I - well, I didn't do that, so I don't know why that - he would say that.

10 **MR LLOYD:** Mishelle Robinson said the mentality at Dillwynia was that if you do on an officer, you're a dog. What do you say about that?

**MS MARTIN:** That was not evident to me.

15 **MR LLOYD:** Jean Dolly said that when she arrived from the academy in 2008, at the first staff meeting she attended, you addressed all of the staff there and said words to this effect, "Youse are nothing but a bunch of fucking cattle." Do you remember that?

20 **MS MARTIN:** No, that's incorrect. At staff meetings, there's not just custodial staff, there's nursing staff, nursing unit managers, psychologists, service and program staff. There could be the Official Visitor. There could be visitors to the centre there. That is not correct.

25 **MR LLOYD:** I'll take you to the detail in a minute, but one of the inmates, Witness C, said while she was making a complaint to you -

**MS MARTIN:** Can I have a look?

30 **MR LLOYD:** Certainly. I'll just let you do that and then I'll finish the question.

**MS MARTIN:** Yes.

35 **MR LLOYD:** While she was making a complaint to you about serious misconduct by unnamed officers, while she was in your office, that you said to her, in effect, "Either make a written complaint or get the fuck out of my office."

**MS MARTIN:** No, that's incorrect.

40 **MR LLOYD:** Could I ask you - could Ms Martin please have access to -

**COMMISSIONER:** Ms Martin -

45 **MS MARTIN:** Yes.

**COMMISSIONER:** - Mr Lloyd has given you multiple statements by different people to similar effect as to the way the prison was being managed. Do you understand?

5 **MS MARTIN:** Yes.

**COMMISSIONER:** You deny every one of them?

10 **MS MARTIN:** I deny every one of them. There's 100 -

**COMMISSIONER:** What reason can you give me for why these people would say these things about your management style?

15 **MS MARTIN:** Well, Commissioner, for example, Renee Berry - I have never thought I had an issue with Renee.

**COMMISSIONER:** No, no, no. What reason could you give me for them saying these things about your management style?

20 **MS MARTIN:** I have no idea, Commissioner.

**COMMISSIONER:** Do you think you didn't understand the impact you were having on the gaol?

25 **MS MARTIN:** I didn't have that impact. I don't know why they're saying it.

**COMMISSIONER:** Okay.

30 **MR LLOYD:** Could Ms Martin please be shown Volume 17. I don't want you to be overburdened with paper there, Ms Martin. Tell me if you're able to manage the folder with your statement in it and this folder as well.

**MS MARTIN:** And this is about Witness C?

35 **MR LLOYD:** Tab 588 is the one I want you to go to, please. Do you see -

**MS MARTIN:** Sorry.

40 **MR LLOYD:** Do you see there - ignore for present purposes the email at the top from Astill to Leanne O'Toole and just look at the one underneath it from Leanne O'Toole to a large number of people. And you'll see that included in about the middle of that addressee or distribution list is you?

45 **MS MARTIN:** Yes.

**MR LLOYD:** I take it, sitting here, you haven't really had a chance to look at the email.

**MS MARTIN:** No.

5 **MR LLOYD:** I'll just take you through some parts of it, and tell us whether you have any recollection. You see:

"A number of you have had a considerable amount to say in relation to specific incidents that have taken place."

10 Do you see that?

**MS MARTIN:** Yes.

15 **MR LLOYD:**

"I'd like to reinforce the following."

20 And then there's six points. See that? You might just read those six to yourself, and tell me when you've done that.

**MS MARTIN:** I've read those points.

25 **MR LLOYD:** Would you agree with me that, in effect, what appears to be raised there is a series of points directed at staff being enabled to make reports about misconduct by other officers? Do you see particularly 3?

**MS MARTIN:** 3.

30 **MR LLOYD:** Do you see -

**MS MARTIN:** Could you ask me the -

**MR LLOYD:** See, one of the things being raised here is:

35 "If staff are informed about issues from inmates, inmates request to speak to management about the same issue, it's not dobbing or a weak act on the part of the officer. The officer is merely informing me the inmates wish to see me and why."

40 Do you see that?

**MS MARTIN:** Yes.

45 **MR LLOYD:**

"And what you deem..."

Next point:

"...as acceptable behaviour in the workplace doesn't necessarily mean it's acceptable."

5

Do you see that?

**MS MARTIN:** Yes.

10 **MR LLOYD:** Do you agree, one of the points that Ms O'Toole appears to be raising here is that officers should feel free to make reports to the -

**MS MARTIN:** Yes.

15 **MR LLOYD:** And do you see in the next one after the numbered paragraphs - well, number 6:

"If any of you take offence to the contents, it's probably because you are one of the ones making comment."

20

Do you see that?

**MS MARTIN:** Yes.

25 **MR LLOYD:** And then:

"I've observed over a long time that the bulk of you in this centre have a great deal to say and, I might add, little of it is positive."

30

Do you see that?

**MS MARTIN:** Yes.

**MR LLOYD:**

35

"This doesn't really bother me because when I look around, the majority of those making comment have never worked in another centre, moved out of their comfort zones or stood up to be counted..."

40

Do you see?

**MS MARTIN:** Yes.

**MR LLOYD:**

45

"...and I find it greatly amusing that those with such little experience of managing people have the audacity to pass comment."



See that?

**MS MARTIN:** Yes.

5

**MR LLOYD:** Do you agree - first, do you remember receiving this?

**MS MARTIN:** No, I don't.

10 **MR LLOYD:** Do you agree what it appears to be doing, or one of the things, is saying that a large number of officers - the words are "the bulk of you" - appear to be failing in the areas recorded in 1 to 6?

**MS MARTIN:** So where does it say the large number? I'm not quite sure.

15

**MR LLOYD:** "The bulk of you in this centre," first line under number 6.

**MS MARTIN:** I thought that it was the bulk of them had very little to say about - good to say about management.

20

**MR LLOYD:** Well, at a minimum, what this is raising at least is, in the opinion of Ms O'Toole, that there's a pretty serious cultural problem at Dillwynia affecting the bulk of the officers. Do you agree with that?

25 **MS MARTIN:** No. To me, that - that sentence says that a bulk of them have a great deal to say about management.

**MR LLOYD:** And that little of it is positive. Do you see that?

30 **MS MARTIN:** But that's not quite - that's not uncommon in a correctional facility.

**MR LLOYD:** What, for the majority of the officers to think - or be saying things about management which is not positive?

35

**MS MARTIN:** But that's not - that's not uncommon in a Correctional Centre. It's -

40 **MR LLOYD:** What about this: Is it uncommon for the Manager of Security to be sending an email to this significant number of officers saying, in effect, doesn't bother her that they have nothing positive to say, the bulk of them, because they've never worked anywhere else, moved out of their comfort zones or stood up to be counted?

45 **MS MARTIN:** I - I agree with you. I - I don't think that would be common. And I'm sure, if I could remember, I - I would have said something to her about it.

**MR LLOYD:** You think that this is an example of poor management in terms of this communication being sent to the officers? Do you agree?

**MS MARTIN:** I think so, yes.

5

**MR LLOYD:** What did you do about it?

**MS MARTIN:** I can't recall.

10 **MR LLOYD:** Did you -

**MS MARTIN:** As I said to you, I couldn't recall this email.

15 **MR LLOYD:** Do you remember there being any cultural problem at this time, November 2015, about officers reporting things which were going on in the centre?

20 **MS MARTIN:** No, I - I can't recall anything. And remembering that I was - was across two centres. So - but I can't recall. When I went around the centre or spoke to staff, they were pleasant. There - there seemed to be no complaints. The union would come to me with any complaints.

25 **MR LLOYD:** You've mentioned you were across two centres again there, Ms Martin.

**MS MARTIN:** But I have to remind you of that because I didn't spend my whole time at Dillwynia Correctional Centre. I did spend time at Emu Plains as well.

30 **MR LLOYD:** But you're not telling us that because you were at both centres that that impaired your ability to be able to deal with an email like this, are you?

**MS MARTIN:** Well, I - I can't recall this email. That's why - that's what I'm saying. I would have spoken to - I agree with you. It's not acceptable.

35 **MR LLOYD:** You can close that one up. Could Ms Martin have access to Volume 15 and tab 489.

**MS MARTIN:** Thank you.

40 **MR LLOYD:** Now, I just want you to move - if you use the page numbers up the top right-hand corner, just go to the one ending in 005. You'll see officer report form from Cheryl Douglas to General Manager, 23 January 2014?

**MS MARTIN:** I don't think I was there then.

45

**MR LLOYD:** I'm not suggesting you were. It's always better if you wait for the question.

**MS MARTIN:** Sorry.

5 **MR LLOYD:** It's not revealed in the version you're looking at, but this is information that came in this document about an officer McColl. Do you remember any incident coming to your attention at any time about that officer?

**MS MARTIN:** I'm not sure I understand you. I wasn't there in 2014.

10 **MR LLOYD:** Do you remember an officer McColl at Dillwynia?

**MS MARTIN:** No, I can't recall.

15 **MR LLOYD:** Could you turn to tab 490. See there Corrective Services New South Wales Professional Standards Branch to Shari Martin?

**MS MARTIN:** Yes.

20 **MR LLOYD:** You were there at the time of this?

**MS MARTIN:** But I wasn't there in January two thousand -

**MR LLOYD:** Ms Martin, you were there at the time of this memo. Do you agree?

25 **MS MARTIN:** Of this one? Yes.

**MR LLOYD:** 18 August 2014. Do you see underneath Location, Dillwynia:

30 "I would be grateful if you would serve the attached documents on..."

And then I want you to take from me the name there is the officer I've asked you whether you remember, McColl.

35 **MS MARTIN:** I don't remember.

**MR LLOYD:** You don't remember an officer McColl?

**MS MARTIN:** That's not to say that he wasn't there, but I - I have many officers.

40 **MR LLOYD:** And do you see underneath the number 1 - or next to number 1, Letter of Warning signed and dated by Assistant Commissioner, Dr Anne Marie Martin. Do you see that?

45 **MS MARTIN:** Signed and dated?

**MR LLOYD:** Yes. You see that?

**MS MARTIN:** Yes.

**MR LLOYD:** And then if you go to the next page, you see a letter, 15 August 2014.

5

**MS MARTIN:** Yes.

**MR LLOYD:** Page 2 is authored by Dr Anne Marie Martin.

10 **MS MARTIN:** Yes.

**MR LLOYD:** And then go back to page 1. Take it from me that that's to the overseer or the officer the subject of the one on the previous page I've asked you about.

15

**MS MARTIN:** Yes.

**MR LLOYD:** And do you see, what this is is a letter informing that officer that, in the second paragraph:

20

"I consider this to be a serious matter which could be dealt with as a disciplinary matter. However, after consideration of the evidence contained in the investigation report, I've decided to deal with it as a remedial matter."

25 And then in bold "the warning". Do you see that?

**MS MARTIN:** Yes.

30 **MR LLOYD:** Now, just looking at this letter, do you remember seeing that letter arriving?

**MS MARTIN:** No.

35 **MR LLOYD:** In terms of the process, as you understood, that was occurring here, does this suggest to you that what had happened was at a time before you came back to Dillwynia, the conduct of this officer had been reported in some way up to the Professional Services Branch and what we're looking at here is the outcome of that referral?

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

**MR LLOYD:** Was this kind of process, that is, conduct being referred to the Professional Services Branch culminating in a letter of warning of this kind - was that something that was familiar to you?

45

**MS MARTIN:** I'd received a number of letters that I had to serve on staff.

**MR LLOYD:** And that was, to your knowledge, as a result of this kind of process, referral out by the Correctional Centre to Professional Standards and then a determination within Professional Standards to, for example, issue a warning?

5 **MS MARTIN:** Yes, that's correct.

**MR LLOYD:** And the letter being sent back to you by Professional Standards for you to send out to the particular staff member with the warning?

10 **MS MARTIN:** Serve on the staff.

**MR LLOYD:** And that was a perfectly regular kind of process? Do you agree?

15 **MS MARTIN:** That's correct.

**MR LLOYD:** And so you well understood, at least by this time, about the way in which a warning would be given to an employee arising from allegations of misconduct?

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

**MR LLOYD:** That is, after proper investigation by Professional Standards; true?

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

**MR LLOYD:** You can close that one up. I want to ask you some things about information or complaints that came to your attention about Astill. In your police statement, which is at Tab 59, at paragraph 13, you tell us about:

30 "A matter that stands out is a complaint about Wayne Astill with Witness C."

Do you see that? Paragraph 13 of your police statement. Tab 59.

35 **MS MARTIN:** In my - I haven't got my - sorry about that. Okay. Sorry, which paragraph?

**MR LLOYD:** Paragraph 13:

40 "A matter that stands out is a complaint about Astill with Witness C."

Do you see that?

**MS MARTIN:** Yes, that's correct. I remember that.

45 **MR LLOYD:** Just dealing with the things that you recount in this paragraph. The nature of the complaint was that he, being Astill, would be seen talking with

Witness C at times and in a manner not appropriate to his duties as a Correctional Officer. Do you see that?

5 **MS MARTIN:** Yes.

**MR LLOYD:** And that was information that came to your attention in the early part of the year 2016?

10 **MS MARTIN:** There's something that I remembered about early part of 2016, but I - I'm not quite sure of all - all the details now.

**MR LLOYD:** Other inmates in protection told staff that Astill and Witness C were up to no good. Do you see that?

15 **MS MARTIN:** Yes.

**MR LLOYD:** By that, you understood were having an inappropriate intimate relationship. Do you agree?

20 **MS MARTIN:** No.

**MR LLOYD:** What do you mean when you recount here:

25 "Other inmates telling staff they were up to no good."

What did you understand that to be?

**MS MARTIN:** Well, it could have been anything.

30 **MR LLOYD:** Well, what did you understand it to be?

**MS MARTIN:** I - I don't know. I - I told - I sent - I wrote this - or this statement was taken two years after I'd left the Department. And at the time, that's what I thought had happened.

35 **MR LLOYD:** Are you able to tell the Commissioner what you thought when you were told that staff members of yours at Dillwynia thought that Astill and Witness C were up to no good?

40 **MS MARTIN:** I can't recall what I thought at the time.

**MR LLOYD:** One time, at night, he opened up the unit, protection high needs, and this is generally something not done at night by a single officer due to safety. Do you see that?

45

**MS MARTIN:** Yes.

**MR LLOYD:** That was a very serious breach of protocol, wasn't it?

**MS MARTIN:** Well, not necessarily if he was the night Senior - or it is a serious breach, but they can be unlocked for medical emergencies, knock-ups, security.

5

**MR LLOYD:** I want you to assume for the purpose of this question there was never any information that he was there for a medical emergency.

**MS MARTIN:** No, there wasn't. And I remember that it was something to do with the hot boxes or - or something like that. Jude Barry had spoken to him, and she - I recall she thought the reason - his - his reason was reasonable, and I spoke to him, and the reason he gave me was reasonable.

10

**MR LLOYD:** You don't think that the information you recount in this paragraph, that is, being in the unit at night, doing something which is not normally done by a single officer, and the reports about Witness C and Astill being up to no good, were matters that should have been referred out by you to the Investigations Branch?

15

**MS MARTIN:** Well, I think the first part of this was something that was addressed, I'm - I think. And the second part of it was dealt with, because his reasons at the time were acceptable.

20

**MR LLOYD:** Do you think the first part of it, that is, being up to no good, was actually sent out by you or someone else within Dillwynia to the Investigations Branch?

25

**MS MARTIN:** I think there was something in - as I said, I don't know if you have an information report or an incident report. There was - something happened in 2016 -

30

**MR LLOYD:** Well, take it -

**MS MARTIN:** - that was reported.

35

**MR LLOYD:** Take it from me, the only intelligence report or information note in relation to Witness C in that year is one that was - is an intelligence report that was made in November of 2016.

**MS MARTIN:** (Indistinct).

40

**MR LLOYD:** And it had nothing to do with this particular incident; it was about a letter.

**MS MARTIN:** Mmm.

45

**MR LLOYD:** If you take that from me, do you accept that no intelligence report or information note was sent by you, or at your direction, about the matters in paragraph 13 of your police statement?

5 **MS MARTIN:** Well, I don't know if that was told to me at that time. All I said in this report two years after I'd left the Department was that other inmates in protection told staff that Wayne Astill and Witness C were up to no good. That's - I don't know if that was - came in at that time or after. Honestly, I can't - I can't really recall.

10

**MR LLOYD:** Go to paragraph 63 of your Commission statement behind tab 59A.

**MS MARTIN:** Okay. I know there was an incident that happened in 2016 in the SMAP Unit.

15

**MR LLOYD:** Do you see -

**MS MARTIN:** 68?

20

**MR LLOYD:** 63.

**MS MARTIN:** 63. Yep.

25

**MR LLOYD:** You're referring there to the same incident, that is, the entry into the SMAP Unit.

**MS MARTIN:** Yes.

30

**MR LLOYD:** And you say here you read a report from Ms Barry?

**MS MARTIN:** Yes.

**MR LLOYD:** And you said:

35

"Did you do it?"

And he said that his answer matched the report. Do you see that?

40

**MS MARTIN:** No, I said, "Why did you do it?" or words to that effect.

**MR LLOYD:**

"...and he gave me an answer that matched with what the report had found."

45

**MS MARTIN:** Yes. That he had given to Ms Barry.



**MR LLOYD:** What did you do about the information with respect to Witness C and Astill being up to no good?

**MS MARTIN:** I can't recall.

5

**MR LLOYD:** Have a look at the next paragraph, 64:

"The next incident involving Mr Astill was a (indistinct) one."

10 Do you see that?

**MS MARTIN:** Yes.

**MR LLOYD:**

15

"It was about a can of Coke."

**MS MARTIN:** Yes.

20 **MR LLOYD:** Do you remember that one?

**MS MARTIN:** Yes, I do.

**MR LLOYD:** And you record here what you were told, don't you?

25

**MS MARTIN:** Well, the best to my memory.

**MR LLOYD:**

30 "The allegation was that he was walking across this public space and shared a can of Coke with inmate C."

Do you see that?

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

**MR LLOYD:** And final sentence:

"It was also odd..."

40

After health issues, you address those:

"...because of the public nature of the alleged misconduct."

45 Do you see that?

**MS MARTIN:** Yes.

**MR LLOYD:** There was no doubt that this event happened, was there?

**MS MARTIN:** No.

5

**MR LLOYD:** And if it happened, it was misconduct, wasn't it?

**MS MARTIN:** Yes.

10

**MR LLOYD:** So when you talk about "alleged misconduct" - it's not a criticism - what was disclosed here, in your mind, was misconduct by Astill, wasn't it?

**MS MARTIN:** Yes.

15

**MR LLOYD:** And it had to be referred out of the gaol either to the Investigations Branch or Professional Standards, didn't it?

**MS MARTIN:** I would assume it was.

20

**MR LLOYD:** And if you didn't do that, or cause it to be done, that was a failure by you, wasn't it?

**MS MARTIN:** Well, yes.

25

**MR LLOYD:** I want to suggest to you there was no referral out either to Investigations Branch or to Professional Standards.

**MS MARTIN:** But I know I addressed the issue.

30

**MR LLOYD:** How did you address it, then? You tell us.

**MS MARTIN:** I remember counselling -

35

**MR LLOYD:** No, Ms Martin. I'll come to other things. I'm asking you questions about referring it out. I've identified -

**MS MARTIN:** You just asked me how -

40

**MR LLOYD:** I identified, for your response, it had to be referred out either to the Investigations Branch or the Professional Standards Branch. Do you remember me saying that?

**MS MARTIN:** Yes, I do.

45

**MR LLOYD:** You agreed with me, I thought?

**MS MARTIN:** Yes.

**MR LLOYD:** And my proposition to you is that you did neither of those things; you did not refer it out to Investigations Branch, and you did not report or refer it to Professional Standards?  
5

**MS MARTIN:** That's correct.

**MR LLOYD:** And that was a failure?  
10

**MS MARTIN:** Yes, it would have been a failure.

**MR LLOYD:** You said in - one or two moments ago that you counselled him.

**MS MARTIN:** Yes.  
15

**MR LLOYD:** Counselling him was not an appropriate way to deal with this particular incident, was it?

**MS MARTIN:** Sharing a can of Coke with an inmate - I disagree with that.  
20

**MR LLOYD:** You see, this was - this was - counselling might be described as a local action?

**MS MARTIN:** Yes.  
25

**MR LLOYD:** You know very well - I withdraw that. You knew very well in March of 2016 that counselling or a local action of that kind might be the outcome if a matter had have been referred and considered by the Professional Standards Branch. That was one of the possible solutions, wasn't it?  
30

**MS MARTIN:** That's correct.

**MR LLOYD:** One solution was a warning letter of the kind I've asked you about?  
35

**MS MARTIN:** Yes.

**MR LLOYD:** Another outcome, if it was referred out, might be a dismissal; true?

**MS MARTIN:** I couldn't imagine a dismissal for sharing a can of Coke.  
40

**MR LLOYD:** No. But in the broad scheme of things, in terms of results when things are properly investigated, either by Professional Standards or by the Investigations Branch, there's a range of outcomes. One of them, in serious cases, is a dismissal; true?  
45

**MS MARTIN:** Yes.

**MR LLOYD:** And there could be an investigation if it was the Investigations Branch who got hold of it, couldn't it?

5 **MS MARTIN:** It could, yes.

**MR LLOYD:** And this would be a good candidate for an investigation, wouldn't it, to see if there was anything else going on?

10 **MS MARTIN:** I - I disagree.

**MR LLOYD:** You, I think, talk about the counselling, do you, in paragraph 66 of your Commission statement?

15 **MS MARTIN:** Yes.

**MR LLOYD:** And that is your description of the counselling that you did?

20 **MS MARTIN:** From my memory - I mean, this was a while ago and a lot's happened in my life since then. Yes, that's - that's what I would normally do when I counselled someone.

**MR LLOYD:** It was also appropriate if you were managing it locally to at least make some sort of an entry on Astill's personnel file. Do you agree?  
25

**MS MARTIN:** I did a report on that, and that's in the - that was placed in the filing cabinet, and Mr Astill had a file there as well as a number of other officers.

**MR LLOYD:** It wasn't put on his personnel file, was it?  
30

**MS MARTIN:** No, it was in - a report was made.

**MR LLOYD:** Are you saying that there was some separate reporting or filing system for reports involving misconduct by officers?  
35

**MS MARTIN:** Well, if I did a report on him, it would have been in the file in the cabinet.

**MR LLOYD:** Did you keep separate files recording allegations or complaints of misconduct -  
40

**MS MARTIN:** No, not allegations. What I did was kept files in relation to such things as counselling. Or there -

45 **MR LLOYD:** Was that separate - sorry, you go.

**MS MARTIN:** Or there may have been - I had one instance - a staff member came in and was concerned about an officer that she kept seeing outside at her sporting events. And I said to her, "If you feel that there's stalking or if you want me to do something, you know, you need to go to the police." She said, "No, I just want you - I just want to record it." So I would put that in a file - I would put that in the cabinet.

**MR LLOYD:** Was it a separate file to the personnel file?

10 **MS MARTIN:** Yes, we - I didn't hold his personnel file.

**MR LLOYD:** Did you bring those reports to the attention of anyone outside the gaol; that is, misconduct reports?

15 **MS MARTIN:** That I had dealt with?

**MR LLOYD:** Yes.

20 **MS MARTIN:** I - I can't recall.

**MR LLOYD:** Can I ask you - sorry to flip between them - but go back to your police statement, tab 59. You've got in paragraph 14 of tab 59 -

25 **MS MARTIN:** Police -

**MR LLOYD:** Paragraph 14 is where you deal with the incident that I've just been asking you about, the can of Coke.

30 **MS MARTIN:** Yes.

**MR LLOYD:** Have a look at paragraph 15:

"Around this time I started to have concerns over Wayne Astill."

35 Do you see that?

**MS MARTIN:** Yes.

40 **MR LLOYD:** :

"I spoke with the Deputy Governor, Leanne O'Toole, over the concerns."

Do you see that?

45 **MS MARTIN:** Yes.

**MR LLOYD:**

"And we tried to limit his duties to work in the high needs part of the gaol."

**MS MARTIN:** Yes. That's correct.

5

**MR LLOYD:** Did you raise the concerns that you - I withdraw that. What were your concerns?

**MS MARTIN:** At the time I - I - I suppose my concerns were that there may be a relationship forming, or that Witness -

10

**MR LLOYD:** C?

**MS MARTIN:** C - honestly I just had concerns, concerns -

15

**MR LLOYD:** Sorry, you go.

**MS MARTIN:** And I remember I tried to get Witness C removed from the centre, and I know that took a while. That was very hard to get rid of - to get her out of the centre. I - I think we - we had - we looked at a number of things and we discussed a number of concerns. And I'm sure I spoke to - I'm sure I spoke to my director but I can't - I can't recall if I did.

20

**MR LLOYD:** Well, I wanted to ask you about that. I'll come to that in one moment. The concerns, you mentioned, I think, inappropriate relationship?

25

**MS MARTIN:** Well, yeah, getting too close.

**MR LLOYD:** Didn't you think that what might be going on was that there was a sexual relationship?

30

**MS MARTIN:** No, I didn't think that.

**MR LLOYD:** Either way, an inappropriate relationship was one of the concerns; is that true?

35

**MS MARTIN:** Yeah, there was - becoming closer.

**MR LLOYD:** At the time you had that concern, that was plainly a time to make sure there was an investigation into that particular issue conducted by someone with the skills to conduct it; do you agree?

40

**MS MARTIN:** But the report had gone up about - I'm sure there - there had been information - or an information report, intelligence report go up.

45

**MR LLOYD:** You're saying that because that would have been the only proper and appropriate response to this; that is, an intelligence report or an information note. Is that right?

5 **MS MARTIN:** Intelligence report, yes.

**MR LLOYD:** And if that wasn't done, that was a serious failure, do you agree?

**MS MARTIN:** It was - it was a failure, yes.

10

**MR LLOYD:** Not serious?

**MS MARTIN:** Oh, a serious failure, yes.

15 **MR LLOYD:** And I think you told us earlier that where events came to your attention, whilst you would not submit the intelligence reports yourself, you would give a direction to make sure that they were done?

20 **MS MARTIN:** Yes, and not every - because I wouldn't be there all the time, so it may have been the Manager of Security or someone acting in my position.

**MR LLOYD:** No but in this case you told us you had the knowledge about this incident?

25 **MS MARTIN:** Yes.

**MR LLOYD:** And that the only appropriate thing was to give a direction for an intelligence report to be done?

30 **MS MARTIN:** I think so, yes.

**MR LLOYD:** And I want to suggest to you, you didn't do that?

35 **MS MARTIN:** Well, if I didn't - if you're saying there's no proof of that, then that's correct.

**MR LLOYD:** Could I ask you about - I mentioned Renee Berry in some questions.

40 **MS MARTIN:** Yes.

**MR LLOYD:** You obviously have a recollection of that officer?

**MS MARTIN:** Renee - yes, Renee was a very good officer.

45

**MR LLOYD:** Do you remember there being around about the same time as the incident involving Witness C, Astill and the sharing of the Coke, another incident

that came to your attention about an argument that developed at visits involving Witness C and Astill?

**MS MARTIN:** No, I don't recall.

5

**MR LLOYD:** I'll just see if you have any recollection if I give you some details. On 16 February 2016, Renee Berry told the Commission, in her evidence, she was called to your office and Ms O'Toole was there, and what was discussed was a big argument that had happened at visits about a ring that Witness C had, a silver ring. Does any of this ring a bell?

10

**MS MARTIN:** No, but continue.

**MR LLOYD:** What she said to the Commission was that, in effect, Astill had engaged in verbal abuse of her because she tried to take a ring from Witness C. Does that ring a bell?

15

**MS MARTIN:** No, it doesn't.

**MR LLOYD:** You see, she also told the Commission in her evidence, that's Renee Berry, that she had had a conversation with Tania Hockey during which they discussed a rumour that Astill was getting oral sex from Witness C. Does that ring a bell?

20

**MS MARTIN:** No.

25

**MR LLOYD:** Are you sure you don't remember at this time, that is February '16 or any other time, being told about a rumour that Astill was receiving oral sex from Witness C?

30

**MS MARTIN:** No.

**MR LLOYD:** What about being told by Witness C or anyone else that other officers were getting oral sex from inmates; do you remember being told that?

35

**MS MARTIN:** No.

**MR LLOYD:** Are you sure? What Renee Berry said was that after telling you about the conversation about oral sex between inmate, or Witness C and Astill that, in effect you just dismissed her from the meeting and didn't ask any more questions. Does that ring a bell?

40

**MS MARTIN:** I would not dismiss someone who told me that information.

**MR LLOYD:** In saying that, do you agree with me that if that was your response -

45



**MS MARTIN:** That wasn't - would not be my response.

**MR LLOYD:** If it was, it would be completely inappropriate in discharge of your functions; do you agree with me?

5

**MS MARTIN:** That was not my response.

**MR LLOYD:** Just focus on the question, if you would. If that occurred, just make the assumption for one moment it did, Renee Berry's is right, if it occurred it would have been completely inappropriate for you to deliver that response, wouldn't it?

10

**MS MARTIN:** It would have been inappropriate and I did not deliver that response.

15

**MR LLOYD:** Because hearing a rumour of that kind would be another occasion when it would be absolutely necessary for you to cause an intelligence report to be sent. Do you agree with me?

20

**MS MARTIN:** Of course.

**MR LLOYD:** Sexual contact between an officer and an inmate was of the utmost seriousness?

25

**MS MARTIN:** Correct.

**MR LLOYD:** Could I ask you about whether you remember a meeting occurring about a week later - that is, I'll give you the approximate date, 23 February 2016 - at which Witness C was in attendance with you and Ms O'Toole?

30

**MS MARTIN:** I don't recall the meeting. Have you got any information what - what it was supposed to be about?

**MR LLOYD:** I'm going to give you some details. Do you remember speaking to Witness C in February of 2016 where Witness C was raising the topic of sexual contact between officers and inmates?

35

**MS MARTIN:** No, I don't recall that. I - I recall a number of - only a couple of meetings with - with Witness C, and I don't recall that one.

40

**MR LLOYD:** Okay. Well, I'll just give you some details to see that you've got a fair chance to respond. Witness C told the Commission in her evidence that she came to see you and said,

45

"It's inappropriate that officers" - who she did not name - "are going into girls' cells particularly one on one." Do you remember that?

**MS MARTIN:** No.

**MR LLOYD:** And that what she was describing in her words had a sexual undertone. Do you remember a meeting of that kind?

5 **MS MARTIN:** No.

**MR LLOYD:** She told the Commission that after giving a description of those events that she was not asked to provide any details?

10 **MS MARTIN:** No. I don't recall the meeting at all (indistinct).

**MR LLOYD:** Again, if Witness C was coming along describing things of that kind, the only appropriate response from you would have been to ask her for details so it could be investigated. Do you agree?

15

**MS MARTIN:** Oh, I would have got an intelligence report.

**MR LLOYD:** That was another occasion. The only appropriate response was to have an intelligence report sent out for an investigation to happen?

20

**MS MARTIN:** Yes, that's correct.

**MR LLOYD:** I want to suggest to you that you were told those details and there was no such intelligence report?

25

**MS MARTIN:** I wasn't told those details.

**MR LLOYD:** Can I - I need to put this to you: Witness C also said that there was a meeting shortly after that between her, you and Ms O'Toole, and she described at this meeting that there was gossip and rumours about inmates giving officers oral sex; staff openly discussing inmates' sexuality in the night Senior's office; managers lurking around the smoke-out area and going into girls' rooms one on one. Do you remember that?

30

35 **MS MARTIN:** No, that's incorrect.

**MR LLOYD:** This is the meeting I asked you about a little while ago. I'll just put this to you to see if it rings any bells. That after recounting to you the things that I've asked you about, Witness C says that your response was a complete lack of interest and culminated in you saying:

40

"Either put a request or complaint in or get the fuck out of my office."

**MS MARTIN:** No, that's - that's not true.

45

**MR LLOYD:** And if that occurred, that would be, plainly, an inappropriate response by you?

**MS MARTIN:** Yes, but it didn't occur. It's not true.

5 **MR LLOYD:** Could I ask for Ms Martin, please, to be shown  
Volume - I withdraw that. You have the Volume there, 7. Can you turn to tab 61.  
It's the one in front of you.

**MS MARTIN:** This one?

10 **MR LLOYD:** Find tab 61, if you would, and turn - there should be a tab with  
Exhibit B or Annexure B.

**MS MARTIN:** Exhibit, sorry?

15 **MR LLOYD:** B.

**MS MARTIN:** Yes. Yes.

20 **MR LLOYD:** Now, it's an email from you to Judy Barry, 25 February 2016?

**MS MARTIN:** Yes.

**MR LLOYD:** Just take your time to read it to yourself.

25 **MS MARTIN:** I've finished.

**MR LLOYD:** Do you remember this email?

30 **MS MARTIN:** I have no idea what it's about. Are you able to tell me?

**MR LLOYD:** Well, you wrote it.

**MS MARTIN:** I also wrote it in 2016.

35 **MR LLOYD:** You see:

"Jude, can you please provide me a report in relation to the information told  
to you about Astill."

40 Do you see that?

**MS MARTIN:** That's -

45 **MR LLOYD:**

"Astill has also been asked to provide a report."

Do you see that?

**MS MARTIN:** Yes.

5 **MR LLOYD:**

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

10 Do you see that? Do you remember what the inappropriate behaviour was?

**MS MARTIN:** I don't remember the email.

15 **MR LLOYD:** Do you remember inappropriate behaviour by Astill being in your mind at this time? You've told us about the Coke can incident.

**MS MARTIN:** I - I don't know what the email's about. I can't really comment on it.

20 **MR LLOYD:** Looking at the words you used:

"I will be sending this further..."

25 Would that be consistent with you forming a view that whatever information you had in mind about his inappropriate behaviour, you determined it was necessary to send that on in an intelligence report?

30 **MS MARTIN:** If I've said I'll be sending it further, depends - I - I really find this difficult because I don't know what this is about. I can't recall what it's about. I'm not - I'm not trying to be difficult, but I can't recall what this email's about.

**MR LLOYD:** Have a look behind the next tab -

35 **MS MARTIN:** Okay.

**MR LLOYD:** - to see if that assists you. Do you remember you're asking in the email I asked you about from Ms Barry to prepare a report?

40 **MS MARTIN:** So this is about the can of Coke?

**MR LLOYD:** Well, do you see one of the things in the report it makes reference to is the sharing the can of drink? Do you see that?

45 **MS MARTIN:** Yes.

**MR LLOYD:** And another is:

"31 December 2015, seen by an officer working on the control room coming out of the J Unit after lock-in."

Do you see that?

5

**MS MARTIN:** Yes.

**MR LLOYD:** Now, these matters - I think those two, you've already agreed with me, were matters that had to be sent out - out of the gaol in the form of an intelligence report? I think you've already agreed with me.

10

**MS MARTIN:** Yeah.

**MR LLOYD:** And this report, you've got no doubt from Ms Barry, came to your attention some time on or around the day it bears?

15

**MS MARTIN:** Yes.

**MR LLOYD:** Could I ask you, if you remember, around this time Ms Barry telling you about rumours that Astill was bringing in contraband for inmates?

20

**MS MARTIN:** No.

**MR LLOYD:** She told this Commission that she did disclose that to you.

25

**MS MARTIN:** I don't recall.

**MR LLOYD:** Do you deny it?

**MS MARTIN:** I don't recall it.

30

**MR LLOYD:** Have you got any recollection of anyone ever telling you that they feared or suspected that Astill was bringing in contraband for inmates?

35

**MS MARTIN:** No, I can't - I can't recall.

**MR LLOYD:** You don't remember one way or the other?

**MS MARTIN:** Well, it's not that I'm trying to be difficult; it's just - I don't want to say "no" because I can't recall.

40

**MR LLOYD:** Well, I take it from what -

**COMMISSIONER:** Ms Martin -

45

**MS MARTIN:** Yes, Commissioner.

**COMMISSIONER:** - you did have a problem with contraband coming into the gaol, didn't you?

**MS MARTIN:** Yes, we did, like all correctional facilities.

5

**COMMISSIONER:** Sorry?

**MS MARTIN:** Like all correctional facilities.

10 **COMMISSIONER:** Well, be that as it may, you had a problem with contraband?

**MS MARTIN:** Yes.

**COMMISSIONER:** It was your responsibility to deal with it, wasn't it?

15

**MS MARTIN:** Yes, Commissioner.

**COMMISSIONER:** Yes. And, therefore, you had to make inquiry as to who might be bringing it in, didn't you?

20

**MS MARTIN:** I'm sorry, I -

**COMMISSIONER:** You had to try and find out who might be bringing it in, didn't you?

25

**MS MARTIN:** Not me personally. What I would do is -

**COMMISSIONER:** Take steps to find out to inform yourself or have someone inform you.

30

**MS MARTIN:** Yes, that's correct.

**COMMISSIONER:** And all Mr Lloyd is putting to you is that one of the names perhaps might have turned up in the catalogue of those who might be responsible was Mr Astill. It's not a hard question, is it?

35

**MS MARTIN:** Well, I don't want to give you - I don't want to say "yes" or "no" when I - I can't recall.

40 **COMMISSIONER:** Really? You're honestly telling me you don't recall whether or not you might have thought Mr Astill was responsible?

**MS MARTIN:** No, I - I can't recall a lot about 2016.

45 **COMMISSIONER:** May be. But as to which officers might be bringing in contraband, that was a bit out of the usual?

**MS MARTIN:** Yes, definitely. Definitely.

**COMMISSIONER:** Yes. Very surprising if you would forget the names you thought might be responsible for that.

5

**MS MARTIN:** I'm not trying to be evasive. I'm just being honest.

**COMMISSIONER:** No, just surprising. You understand? I'm quite surprised you don't recall at all who you might have thought was responsible.

10

**MS MARTIN:** I've got a lot going on in my life -

**COMMISSIONER:** I'm asking you about what happened back then.

15

**MS MARTIN:** I know, but a lot of those years - I - I just can't recall.

**COMMISSIONER:** Very well. Yes, Mr Lloyd.

**MR LLOYD:** Could Ms Martin please be supplied with Exhibit 39.

20

**COMMISSIONER:** 39, was that?

**MR LLOYD:** 39.

25

**MS MARTIN:** Thank you.

**MR LLOYD:** Could you turn to page 5. You see there an email from you to Astill, Friday, 4 March 2016?

30

**MS MARTIN:** Yes.

**MR LLOYD:** And you recognise, Ms Martin, this is shortly after the events I've been asking you about, the last one of which was Ms Barry's report of 25 February?

35

**MS MARTIN:** Yes.

**MR LLOYD:** You see:

40

"Wayne, did Leanne O'Toole request a report from you? If so, may I have it sent to me? If she didn't, can you please come and see me?"

See that?

45

**MS MARTIN:** Correct.

**MR LLOYD:** Do you remember speaking to Astill about what he was being asked to provide a report on? You don't?

**MS MARTIN:** I - I don't.

5

**MR LLOYD:** Have a look at the next page, 6. Do you see Astill to you, 6 March?

**MS MARTIN:** Yep.

10 **MR LLOYD:** Attachment: Rumours.doc. He has obviously attached a report that he described as "rumours". And then if you go to the next page, 7, you see a copy of the report from him to you, 6 March, subject: Rumours. Do you see that?

**MS MARTIN:** Yes.

15

**MR LLOYD:** Now, you've told us you have a recollection about hearing of the Coke can incident and the incident about Astill being inside the cells by himself at night-time. Do you remember that?

20 **MS MARTIN:** Entering the cell - the unit at night.

**MR LLOYD:** Yes, J Unit at night.

**MS MARTIN:** Yes. No.

25

**MR LLOYD:** Do you see here you have Astill recording that on 14 February, someone came to him and came to a - sorry:

30 "Senior Corrections Officer Nomikos came to see me in the night Senior's office and said, 'I've just had an officer say to me you are having an inappropriate relationship with Witness C'."

35 Do you see that? You certainly knew by this time, if not earlier, that this allegation about an inappropriate relationship between Astill and Witness C was circulating in the gaol; correct?

**MS MARTIN:** Well, it would appear to be, yes.

40 **MR LLOYD:** In fact, to the point where Astill is being confronted with it himself; true?

**MS MARTIN:** By this report, yes.

45 **MR LLOYD:** And then a few lines down:

"I said, 'Well, can you tell that officer the next time you see him or her if they have anything to say, come and see me'."



Do you see that?

**MS MARTIN:** That's correct.

5

**MR LLOYD:** And:

"Since that day, no officer has come forward and said anything directly to me."

10

Do you see that?

**MS MARTIN:** Yes.

15 **MR LLOYD:** Just pausing there, Ms Martin. This Commission has heard evidence from a significant number of officers that Astill was a bully and routinely intimidated officers and inmates who might have wanted to make complaints or deliver reports about his conduct. I don't know if you're aware of that?

20 **MS MARTIN:** No, I wasn't aware that he was intimidating staff.

**MR LLOYD:** What he is saying in his own words here is him being told about this particular allegation of an inappropriate relationship with an inmate and his response being:

25

"Well, whoever's circulating it needs to come and see me."

See that?

30 **MS MARTIN:** Yes.

**MR LLOYD:** That's completely inappropriate behaviour by him, wasn't it?

**MR BURNS:** I suppose, yes.

35

**MR LLOYD:** Well, in terms of supposing, he's a senior officer. A serious allegation is brought to his attention, and what he's doing is saying, "Well, you get that one who wants to make the allegation to come and see me about it," as opposed to reporting it properly up the chain. That's what's going on here by his own admission, isn't it? That's appalling conduct, isn't it?

40

**MS MARTIN:** Well, it's not - it's not good conduct.

45 **MR LLOYD:** What did you do when you had this record by him about his response to the officer who was making that allegation?

**MS MARTIN:** I can't recall what I did.

**MR LLOYD:** Is one possibility nothing?

**MS MARTIN:** I - I don't think I would not do anything.

5

**MR LLOYD:** Was this itself by his own admission something that needed to be investigated for whether that was misconduct?

**MS MARTIN:** It could have been something that could be dealt with by a grievance or - from the other officers if that's what he - he had said to them. It could have been dealt with in a number of ways.

**MR LLOYD:** You can close that one up. Can I ask you to move forward in your mind, a few days later, 9 March. Do you remember that you spoke to Jude Barry on 9 March about the allegations that she had recounted in that 25 February document about Astill?

15

**MS MARTIN:** Where's the 25 February document?

**MR LLOYD:** The 25 February document is the one behind tab B in Tab 61 - sorry, tab C, I'm told.

20

**MS MARTIN:** Tab C?

**MR LLOYD:** Yes. I showed it to you before. Do you remember that?

25

**MS MARTIN:** Yes. Yes.

**MR LLOYD:** Officer Judy Barry told this Commission that on 9 March - that's, as you would recognise, a little less than two weeks after that report?

30

**MS MARTIN:** Mmm.

**MR LLOYD:** She was told that Astill was after her. "He was trying to get you." Did you ever hear anything about that?

35

**MS MARTIN:** That Astill was - no.

**MR LLOYD:** Was after Judy Barry?

40

**MS MARTIN:** No.

**MR LLOYD:** And the effect of what she was told - tell the Commissioner if you have any recollection of this - was that he had found out about the report that she made on 25 February and now Astill was out to get her. Do you remember anything like that?

45

**MS MARTIN:** I remember Jude Barry coming to me in relation to - she was very upset, and it was in relation to the incident regarding the can of Coke, that I did nothing about it, and I explained to her that - that something had done - been done about it. He'd been counselled. She had voiced her opinions about that.

5

**MR LLOYD:** Just pausing there. Voicing her opinions, was she saying, "Why isn't this being sent in an intelligence report?"

**MS MARTIN:** No, she - sorry. She was more saying that she basically should have been told what had happened.

10

**MR LLOYD:** She told the Commission when she gave her evidence that she had, in effect, spoken to Witness C and that you had told Witness C, "If you have any problems with staff, put pen to paper." Do you remember that happening?

15

**MS MARTIN:** No, that was a totally different issue. I - I think it was a letter that Witness C was sending out. It - it had been monitored.

**MR LLOYD:** Complaining about Ms Barry.

20

**MS MARTIN:** Complaining about Ms Barry.

**MR LLOYD:** Do you remember saying at the meeting - or a meeting with Ms Barry around this time that, "What do you want me to do? You guys make these problems, and you want us to fix them"? Do you remember -

25

**MS MARTIN:** No.

**MR LLOYD:** And that you said to Ms Barry that she was at fault because you didn't stop the rumours that were circulating about Witness C and Astill or pass them on. Do you remember that?

30

**MS MARTIN:** No.

**MR LLOYD:** That would have been completely inappropriate if you'd done that, wouldn't it?

35

**MS MARTIN:** Well, that is a lie.

**MR LLOYD:** Could I ask you, please - you will need to have Volume 8 to answer the next question, which will be supplied to you. You can hand that one -

40

**MS MARTIN:** Thank you.

**MR LLOYD:** 39 back for now. If you look in that folder and go to tab 80. Once you've found tab 80, we might get assistance for you to find Annexure 71 behind that tab. Have you got that one, Incident Report?

45

**MS MARTIN:** That's correct.

**MR LLOYD:** Neil Holman, 9 March 2016. Do you see that?

5

**MS MARTIN:** Yes.

**MR LLOYD:** Just have a look at that, and I'll ask you a question. Have you done that? Do you remember seeing that document before today?

10

**MS MARTIN:** No, I don't recall it.

**MR LLOYD:** Mr Holman said that his invariable practice when he prepared a report of this kind was to make sure that it would have reached you.

15

**MS MARTIN:** And I don't disagree with that.

**MR LLOYD:** Was that your experience of him in terms of the way he did his job -

20

**MS MARTIN:** Yes.

**MR LLOYD:** - in relation to reports of this kind?

25

**MS MARTIN:** Yes.

**MR LLOYD:** And what's in here - some of it is similar to the things that I've already asked you about -

30

**MS MARTIN:** Yes.

**MR LLOYD:** - but could you answer this question. What's in here is very serious. Do you agree?

35

**MS MARTIN:** Yes, it is.

**MR LLOYD:** And any proper response to this, again, required a - an intelligence report referring it out for it to be properly investigated?

40

**MS MARTIN:** Yes, it would have.

**MR LLOYD:** And if you didn't - if this came to your attention and you didn't do that, that would be a failure. Do you agree?

45

**MS MARTIN:** If it came to my attention and I didn't do it, yes, I agree.

**MR LLOYD:** And when I say "you", you've already told us your practice wasn't to do them yourself -

**MS MARTIN:** No.

5

**MR LLOYD:** - but to give a direction to make sure that they be done.

**MS MARTIN:** Yes.

10 **MR LLOYD:** Can I ask you next - you can close that tab up, but go - no, you can close that folder. Can I ask you: do you remember - just pardon me. We can get that other folder. Do you remember in about May of 2016 a new officer - I don't know. Do you call them "cadets" when they arrive fresh from the academy?

15 **MS MARTIN:** No, probationary officer.

**MR LLOYD:** Probationary officers. A new probationary officer Julijana Miskov?

**MS MARTIN:** No.

20

**MR LLOYD:** She was only at Dillwynia for about a month.

**MS MARTIN:** Mmm.

25 **MR LLOYD:** I'll just let you do that. And there were more than 100 officers at any given time?

**MS MARTIN:** I think there was about 114. That's just custodial staff and overseers, not the rest.

30

**MR LLOYD:** So not of itself surprising that you might not remember a probationary officer who was there for only a month?

**MS MARTIN:** No.

35

**MR LLOYD:** Fair enough?

**MS MARTIN:** Yeah.

40 **MR LLOYD:** Ms Miskov said to this Commission when she gave her evidence that within that month, there was a particular incident one day when she was trying to eat her lunch. And while she was trying to eat her lunch, Astill walked past her and rubbed his groin in her face, that is, physical contact between his groin and her face. Do you ever remember hearing about this? She says that her  
45 immediate response was to push him away but that she then prepared a report in writing - typed report.

**MS MARTIN:** I don't -

**MR LLOYD:** Ringing a bell?

5 **MS MARTIN:** No.

**MR LLOYD:** And that she signed it?

10 **MS MARTIN:** No.

**MR LLOYD:** She also told the Commission when she gave her evidence that she took that report to the Governor's office and that you weren't there, but she was called back to see you and Michael Paddison later in the day. Any of this ringing a bell?

15 **MS MARTIN:** No.

20 **MR LLOYD:** She said that in the report, she recorded, in her typed report that is, the assault by Astill, that is, the event of him rubbing his groin in her face. Do you understand?

**MS MARTIN:** Is there a copy of that report here?

25 **MR LLOYD:** No. Let me put this proposition to you: she also told the Commission that during the meeting when you - between her, you and Mr Paddison, that either you or Mr Paddison physically ripped up the report in her presence and said, "We're going to deal with this in-house." Just pardon me before you answer that. Commissioner, Ms Martin has a legal representative here, Mr Tyson. He's only new -

30 **COMMISSIONER:** Well, I require you to answer, Ms Martin.

**MR LLOYD:** Just - do you need it again, the question?

35 **MS MARTIN:** Sorry?

**MR LLOYD:** Do you need the question again?

40 **MS MARTIN:** Yes, please.

**MR LLOYD:** She told us in her evidence that either you or Mr Paddison in her presence at this meeting, I put to you, physically tore up the report -

45 **MR TYSON:** Well, Commissioner, may I request a section 23 direction before the answer is -

**COMMISSIONER:** Yes, I just gave it. Maybe you weren't within hearing shot. I just gave it.

**MR TYSON:** Thank you, Commissioner.

5

**MR LLOYD:** I'm going to start that one again. I'll withdraw the question. Ms Miskov said in her evidence that at this meeting, either you or Mr Paddison physically tore up the report that she'd delivered in which she recounted the assault by Mr Astill and that one of you said, "We're going to deal with this in-house." Do you remember that?

10

**MS MARTIN:** No, I wouldn't - wouldn't have torn up a report.

**MR LLOYD:** Could I just ask you some things. Did you ever hear about the phrase "file 13"?

15

**MS MARTIN:** In my years in the Department, yes. I haven't actually heard it for years.

**MR LLOYD:** Was that a saying or phrase that you understood to mean that a document containing allegations might be shredded or destroyed?

20

**MS MARTIN:** Just paperwork destroyed.

**MR LLOYD:** Paperwork containing serious allegations?

25

**MS MARTIN:** Anything.

**MR LLOYD:** But -

30

**MS MARTIN:** That's how I understood, over the years, what that meant.

**MR LLOYD:** Was there a practice, to your knowledge, at Dillwynia as at May 2016 where documents which recorded allegations against officers would be destroyed?

35

**MS MARTIN:** Not that I was aware of.

**MR LLOYD:** Did you ever participate in a practice of that kind?

40

**MS MARTIN:** No.

**MR LLOYD:** Do you agree that the destruction, if it occurred, of a report containing allegations of this kind is gross misconduct? Just pause. I seek -

45

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

**MR LLOYD:** Do you agree that that would be gross misconduct?

**MS MARTIN:** Yes. Yes.

5 **MR LLOYD:** What was the appropriate thing, just on the assumption - I know you've denied this occurred, but on the assumption you were handed a typed report signed by an officer containing allegations of that kind, what would have been the appropriate response by you as Governor?

10 **MS MARTIN:** As the Governor, again, I would ensure, one, that the officer was okay, offer her EAPs, make sure that - and especially being a probationary officer, that would be quite traumatic for a probationary officer to be treated that way. So I'd make sure that she was okay, and I would report the matter straightaway to the Professional Standards Branch. I'd also let the Director know because depending  
15 on what the officer wanted to do, whether she wanted to be moved from the centre to another centre or if she wanted to stay there, we'd have to work out what we could do with the officer. But it would - you know, she can't be punished for putting in virtually a grievance.

20 **MR LLOYD:** You mentioned a - I think, a referral or a report to the PSB?

**MS MARTIN:** With something like that, yes.

**MR LLOYD:** And I thought you mentioned notifying the Director, but - have  
25 I got that right?

**MS MARTIN:** I think I would have done that during that period, yes.

**MR LLOYD:** Would you expect, in terms of the reporting chain, if you notified  
30 the Director of something of this kind, that that would be in turn passed up by the Director to one of the Assistant Commissioners?

**MS MARTIN:** I don't know what the Director would do.

35 **MR LLOYD:** You just don't know -

**MS MARTIN:** I never acted in that position. I wasn't sure what they did.

**MR LLOYD:** But you don't know from dealings that you had, for example, with  
40 Ms Marilyn Wright, who was the Director around this time - do you remember that?

**MS MARTIN:** Yes, Marilyn wouldn't have stood for anything like that as well.

45 **MR LLOYD:** And later Hamish Shearer. You don't know from your dealings with them about what they in turn did with reports of serious conduct like this?



**MS MARTIN:** No.

**MR LLOYD:** What about - so one thing as referral to the PSB. What about the police?

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**MS MARTIN:** With something like that, that would be up to the officer. If - if she felt that - very strongly about it, that would also - that could be something that you would say to them. As I said before, I had an officer who said that when she was going out, there was an officer there that seemed to be at her soccer games, at some pubs that she used to drink, and I - I said to her, "I would go directly to the police if you feel that this person is stalking you." So it would be something I would - I would have probably told her to do. But I - I can't remember, and - this meeting. So - but they would be the things I would tell her to do.

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15 **MR LLOYD:** What - I withdraw that. For an occasion - if you make an assumption of a referral out to the Professional Standards Boards of conduct like this.

**MS MARTIN:** Yes.

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**MR LLOYD:** Now, we're dealing with a hypothetical here because you obviously have told the Commissioner you deny being at this meeting -

**MS MARTIN:** Tearing up -

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**MR LLOYD:** - or doing it. But just -

**MS MARTIN:** No, I - I - I can't recall the meeting. I'm not - I can't recall the meeting, but I do deny tearing up reports because I didn't tear up reports.

30

**MR LLOYD:** In terms of your position as Governor, if you'd make a referral out of serious misconduct, including in this case an allegation that would be criminal conduct - you agree with that, don't you?

35 **MS MARTIN:** More than likely, yes.

**MR LLOYD:** If the report goes up of a complaint of this kind and you don't hear back, that is, you don't hear what the outcome was, you in your capacity as the Governor, what do you do? What do you regard as being your obligations to follow it up?

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**MS MARTIN:** That would be different, in the sense that - or not different. With something like that, I would more likely just - I would report it to the - the Director and discuss the matter with her. With chasing up investigations, you have to be careful that you're not seen as impeding that investigation. I mean, that was their jobs to do that. But that's where I would talk to the Director and say, "Do

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I - do I move this officer out?" But in saying that, I - it - it would depend on what was in the - you know, depend on the situation and what the officer wanted.

5 **MR LLOYD:** But there must come a point, Ms Martin - and you do tell us in one part of your statement to the Commission about a lack of response from either Investigations or Professional Standards?

**MS MARTIN:** Yes.

10 **MR LLOYD:** True?

**MS MARTIN:** Yeah, true.

15 **MR LLOYD:** That you had that experience? And you may or may not know that you're not the only person to give evidence to this Commission about a lack of acknowledgement of things being passed up?

**MS MARTIN:** I - I do.

20 **MR LLOYD:** There must come a point, though, if an allegation of serious criminal conduct about one of your senior officers come to your attention and is referred out of the gaol either to Professional Standards or Investigations, and months later nothing has happened, where it becomes incumbent on you as the Governor to do something about it and just find out whatever happened about that  
25 serious complaint. Do you agree?

**MS MARTIN:** I agree.

30 **MR LLOYD:** So it would be incumbent upon you to find out one way or the other at some point - where you know of serious allegations or allegations of serious misconduct, to find out one way or the other what came of the referral out to whichever particular agency it got sent to; agree?

35 **MS MARTIN:** Yes, I - I agree to a point. I know where - where you're going with this. I did - and I can't say that I did or I didn't. I would have chased up something. But it was common practice to just wait until the investigations got back to us. But in saying that, I would chase up incidents. But I can't recall if I did or if I didn't. I did know that, before I left, I chased something up as well, and I did know in one  
40 incident with Mr Shearer, I said that we'd been putting reports in and nothing's coming back.

**COMMISSIONER:** Ms Martin, Mr Lloyd referred you earlier to evidence we've had that at least some staff saw you as close to what was referred to as "Shari's boys". Do you remember that?  
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**MS MARTIN:** Yes. Yes.

**COMMISSIONER:** If it be the case that instead of sending this report on, you'd torn it up, that would be consistent, wouldn't it, with people understanding that there's a group of officers around you that might be described as "Shari's boys"?

5 **MS MARTIN:** Who were supposed to be my boys, Commissioner?

**COMMISSIONER:** That's a different question. I asked you -

**MS MARTIN:** Sorry.

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**COMMISSIONER:** Answer my question.

**MS MARTIN:** But I wouldn't tear up a report, Commissioner.

15 **COMMISSIONER:** But if you had, that would be conduct consistent with people understanding you were seeking to protect some of your officers, wouldn't it?

**MR TYSON:** Commissioner, that question is difficult for the witness to answer because it's asking her to look into the minds of other people.

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**COMMISSIONER:** I don't think so. I'd like it answered.

**MS MARTIN:** Well, I wouldn't tear up with a report, Commissioner.

25 **COMMISSIONER:** No. But if you did - if I was to accept the evidence that you did, would you accept that that would be consistent with feeding a view that you were protecting some of your officers?

**MS MARTIN:** Yes, it would. But I didn't tear up a report.

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**COMMISSIONER:** Well, I've got still to understand where the comment that "there were Shari's boys" came from, don't I?

**MS MARTIN:** Well, I don't know why -

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**COMMISSIONER:** But I have to try and understand that, don't I?

**MS MARTIN:** Well, I don't know what was the comment "Shari's boys"? Sorry, I -

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**MR LLOYD:** Well, if you've finished, Commissioner, I'll help the witness. The Commission has heard evidence that a group of male officers, who included Westley Giles, Michael Paddison, Neil Holman and Wayne Astill, were in a - or formed a group which people referred to as "Shari's boys". Did you ever hear that?

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**MS MARTIN:** No.

**MR LLOYD:** And that there was a common perception amongst a number of officers there that those particular officers got favourable treatment by you and better treatment than you delivered to a large number of other officers at the centre. That's the effect of the evidence.

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**MS MARTIN:** Have they -

**MR TYSON:** Commissioner, I object. The common perception, it's difficult for Ms Martin -

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**MR LLOYD:** I withdraw that. The Commission has heard evidence from a number of officers who have told us that their perception was that these group of officers, Shari's boys, got favourable treatment by you.

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**MS MARTIN:** So what was the favourable treatment they mentioned?

**MR LLOYD:** Can you respond to my question?

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**MS MARTIN:** Oh, sorry. I can't respond if I don't know - I don't know why they were called my boys. There was executive staff. I dealt mostly with executive staff, going between the two centres. I - I - I don't understand why they're referring to - I mean, Wes Giles was my union - not then. When he wasn't the executive, when he was a Senior Correctional Officer, he was the union delegate most of the time. So I did deal with him there. I didn't see Wayne Astill that much. So most of my dealings were with Pam Kellett; Deb Wilson; Manager of Security, whether it be Leanne O'Toole or Hariharan; Neil Holman; and Michael Paddison. They were my executive staff that I dealt with. I - I don't understand why that was said.

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**MR LLOYD:** There were some other officers who were at the same level. Judy Barry? Same level as some of those officers I mentioned?

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**MS MARTIN:** Was she classed as - was she classed as this as well? Well, Jude Barry was, but I - I never saw Jude Barry very much. She didn't have many - much dealings with me.

**MR LLOYD:** Commissioner, I note the -

**COMMISSIONER:** We'll adjourn until 10 in the morning.

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**<THE HEARING ADJOURNED AT 4.00 PM TO TUESDAY, 14 NOVEMBER 2023 AT 10.00 AM**