



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

**PUBLIC HEARING
SYDNEY**

**TUESDAY, 14 NOVEMBER 2023
AT 10.00 AM**

DAY 21

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
MS L. DOUST appears for one correctional officer
MR C.J WATSON appears for two correctional officers
MR A. WILSON appears for one correctional officer
MR I. LATHAM appears for one correctional officer
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 10.01 AM

<SHARI PATRICIA MARTIN, ON FORMER OATH

5 **MR LLOYD:** Commissioner. Ms Martin, do you remember yesterday, at the start of the questions I was asking you, I asked you some questions about what you understood with respect to the culture at Dillwynia about staff coming to you with complaints about other officers?

10 **MS MARTIN:** Yes.

MR LLOYD: I just wanted to put some other things to you for your response in terms of the evidence that some people have given, both inmates and staff, to this Inquiry. Do you remember an inmate Trudy Sheiles?

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MS MARTIN: I think she was a Special Management and Programs inmate.

MR LLOYD: I take it from your answer that you have some recollection of her?

20 **MS MARTIN:** Yes.

MR LLOYD: When she gave her evidence, she was asked about whether it was a good idea for her to bring complaints of misconduct by Astill to you, and her response was that, "Not at all," because she had the view that you weren't interested, and she said that she didn't see you much, and when she did see you, you didn't give a fuck. What do you say about that?

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MS MARTIN: Well, I - I disagree with her.

30 **MR LLOYD:** Do you remember an inmate Sarah Ward?

MS MARTIN: Yes.

MR LLOYD: She, when she gave her evidence, said that multiple people had told her that you weren't interested in hearing complaints about Astill.

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MS MARTIN: That's incorrect.

MR LLOYD: Witness - you might need to access that orange envelope to look at the pseudonym list to see Witness O. She told us that some time in about late 2018, she brought to you a complaint that two other inmates, I and J, had been assaulting her and that your response was to shout at her and blame her for not coming forward earlier.

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45 **MS MARTIN:** I and J had been assaulting her?

MR LLOYD: Yes.

MS MARTIN: I don't recall that, but I - I wouldn't do that. We would do a risk assessment.

5 **MR LLOYD:** I asked you yesterday some things about Officer Judith Barry. Do you remember that?

MS MARTIN: Yes.

10 **MR LLOYD:** She told us that you were well known amongst officers at Dillwynia for telling officers when they came to you to "fuck off out of the office".

MS MARTIN: That's a lie.

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MR LLOYD: Do you remember I asked you some questions about Officer Glenn Clark?

MS MARTIN: You said Glenn Clark said that I -

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MR LLOYD: No, no, no. I withdraw the question. Do you remember Officer Glenn Clark?

MS MARTIN: Yes, I do.

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MR LLOYD: What did you think of him?

MS MARTIN: He was just - I - I didn't have a lot of dealings with Glenn, remembering across the whole two centres I had probably over 200 staff of custodial and service and programs. When I did see him, he appeared to be efficient, polite.

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MR LLOYD: But no reason that you can think of why he would say bad things about you? No motive?

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MS MARTIN: No.

MR LLOYD: He told us when he gave his evidence that in your demeanour with officers, you were gruff, never smiling and often grunting at them and that there was a club mentality at Dillwynia where some officers got preferred by you over others.

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MS MARTIN: That's incorrect.

45 **MR LLOYD:** He said that in his view, the environment from management, including you, was very unprofessional and the environment was one of mistrust of senior management.

MS MARTIN: I disagree with that.

5 **MR LLOYD:** Do you agree - I withdraw that. I asked you some questions yesterday about some aspects of the role of Governor. Do you remember that?

MS MARTIN: Yes.

10 **MR LLOYD:** Do you agree that you have a central responsibility, in the time you were Governor, for creating a culture and an environment that is positive at the centre?

MS MARTIN: Yes. And - and I attempted to do that, yes.

15 **MR LLOYD:** Do you think that you failed to create an environment that was positive at the Centre?

MS MARTIN: No, I don't.

20 **MR LLOYD:** Certainly the things that I put to you yesterday and today would suggest that the environment was one where multiple staff members had a belief that they couldn't trust senior management.

25 **MS MARTIN:** I find that hard to believe, because multiple staff members would come in to my office with personal issues, operational issues. We tried as a management team to enhance the wellbeing of the staff. We provided training. We provided team activities, events that we would host to get the staff together. I think at one - one stage there, we - we even had an officer versus inmates games day - sporting day, and we would - we would do things like Big Morning Tea Day.
30 So we tried to ensure on that side of it that the staff came together as a community. We promoted training, and we promoted secondments. You mentioned Jean Dolly. I - I remember allowing her a secondment to another location. There was other officers that we allowed secondments to. They usually had to swap with another person. And, yes, we tried to enhance the - you know, the harmony in the gaol.

35 **COMMISSIONER:** Ms Martin -

MS MARTIN: Yes, Commissioner.

40 **COMMISSIONER:** - have you been listening to any of the online hearings we've had?

MS MARTIN: I've listened to four.

45 **COMMISSIONER:** Which ones?

MS MARTIN: I listened to Pam Kellett, Neil Holman, Mick Hovey and I think it was Leanne O'Toole.

5 **COMMISSIONER:** Well then, you would have heard Leanne O'Toole talk about the difficulties she faced, she said, in carrying out her role in the prison; is that right?

MS MARTIN: Yes. Yes.

10 **COMMISSIONER:** Now, you, of course, were her superior. She was reporting to you?

MS MARTIN: That's correct.

15 **COMMISSIONER:** The picture she gave the Commission, at least in my mind, was one of real difficulty in ensuring that staff did what she wanted them to do; is that right?

20 **MS MARTIN:** Could you repeat that again, please?

COMMISSIONER: Yes. The picture I have from her is that she had real difficulties in getting the staff to do what she wanted them to do.

25 **MS MARTIN:** I - I - I disagree with that with all staff, because the majority of the staff at Dillwynia were very - very good staff.

COMMISSIONER: Well, she gave me the impression in relation to the whole of the staff she had those sorts of problems.

30 **MS MARTIN:** Well, I disagree with that, Commissioner.

COMMISSIONER: You disagree?

35 **MS MARTIN:** Yes.

COMMISSIONER: It's very odd that your number 2 says she had problems, and you disagree.

40 **MS MARTIN:** I disagree. I - I - I believe the majority of the staff at Dillwynia were very - very good staff.

COMMISSIONER: Well, do you think that maybe you didn't fully understand what was going on in the gaol?

45 **MS MARTIN:** I may have not fully understood the -

COMMISSIONER: Well, you're responsible for the gaol. You should have known what was going on, shouldn't you?

MS MARTIN: Yes, I should have.

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COMMISSIONER: Well, do you accept that having regard to what Ms O'Toole said, you may not have known what was going on?

MS MARTIN: I may not have known. Correct.

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COMMISSIONER: Furthermore, she says that when the gaol started - commenced, it was to be a different model.

MS MARTIN: It was. That's correct.

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COMMISSIONER: And she says the staff were treated with kid gloves. Do you remember that?

MS MARTIN: Yes.

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COMMISSIONER: Do you think the staff were treated with kid gloves?

MS MARTIN: Not really. I - I just think that they were - they had only experienced that Centre, and the management style of the Centre, at the time they started.

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COMMISSIONER: Well, what's wrong with that?

MS MARTIN: Nothing. I didn't say there was anything -

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COMMISSIONER: Well, the suggestion that there's kid gloves being used gives the impression, at least to me, that there wasn't an entirely effective management of the staff. Was that right or not?

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MS MARTIN: Well, they were Leanne O'Toole's words, not mine. I - I - I didn't agree that all the staff were unhappy. I thought that the environment, as I said yesterday, when I went out there, people seemed to be - seemed to be working hard, working well. There was no complaints when I walked around. Everyone would correct - report their post correct. No one pulled me aside.

40

COMMISSIONER: Mr Lloyd has given you evidence of a lot of people who were unhappy, hasn't he?

MS MARTIN: Well, I had over 200 staff between the two Centres -

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COMMISSIONER: Well, yes, we're just talking about Dillwynia at the moment.

MS MARTIN: Well, I had 114 - approximately 114 custodial and overseers, Commissioner, and a handful of people. I'm not going to be liked by everyone, and I understand that, and I - I don't think it's unreasonable to say you would be. But the majority of the staff -

5

COMMISSIONER: Now, Ms O'Toole described her management style as "old school". Was your management style correctly described as being "old school"?

MS MARTIN: I wouldn't say so.

10

COMMISSIONER: How would you describe your management style?

MS MARTIN: Firm but fair.

15 **COMMISSIONER:** And as far as the kid glove approach was concerned, did you agree that that was a good approach to take or not?

MS MARTIN: In relation to -

20 **COMMISSIONER:** Management of staff.

MS MARTIN: I just managed the staff. I - all I wanted from staff was that they did their job -

25 **COMMISSIONER:** Right.

MS MARTIN: - and they did it to the best of their abilities.

30 **COMMISSIONER:** Now, you've given the impression to Mr Lloyd at least that you didn't swear at staff; is that right?

MS MARTIN: No, I haven't given that impression.

COMMISSIONER: You did swear at the staff, did you?

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MS MARTIN: Well, I didn't swear at staff. I - I swore, but not at staff.

COMMISSIONER: Never swore at the staff ever, did you?

40 **MS MARTIN:** Directly at them -

COMMISSIONER: Yes.

MS MARTIN: - calling them names, no.

45

COMMISSIONER: Very well.

MR LLOYD: Can I just ask you one other thing. Do you remember yesterday I asked you some questions about a probationary officer, Julijana Miskov?

MS MARTIN: Yes.

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MR LLOYD: And I asked you some questions about what she told us happened in a meeting between you and Mr Paddison. Do you remember that?

MS MARTIN: Yes, but I couldn't recall the meeting.

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MR LLOYD: No, I mean you remember the questions I asked you?

MS MARTIN: Yes.

15

MR LLOYD: She also told us about some things that she noticed in the month or so that she was at Dillwynia prior to that meeting she says occurred, and I just wanted to get your response to these. One of the things she said happened was that during a muster, she was trying to be helpful so she grabbed the muster book to give to a more senior officer. And the response was that - from that more senior officer, in front of all of the inmates at the muster and the other officers, was, "Leave that fucking book. You don't touch that." Does that sound like the sort of culture in the gaol which you were running, that that kind of thing would happen?

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MS MARTIN: Not that I was aware of, no.

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MR LLOYD: She said that, "It was constant abuse, always trying to trip me up. I had to watch everything I did. The name calling, they were the worst." That is, in effect, telling us in her evidence that she was being constantly abused and called names by other officers. Does that sound like the culture at the gaol that you were running?

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MS MARTIN: No, it doesn't.

MR LLOYD: Do you deny it, that that kind of thing happened?

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MS MARTIN: I'm not denying - I never heard it. I'm not denying it -

MR LLOYD: Do you think -

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MS MARTIN: - but I wasn't aware of it.

MR LLOYD: Sorry, I didn't mean to speak over you. Do you think it was part of your job, if that kind of thing was happening, to be aware that that's how officers were talking?

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MS MARTIN: Well, I could only be aware if someone told me.

MR LLOYD: What about this: She told us that on one particular day, there was some construction work going on and that there were no hi-vis vests available and so she wasn't wearing one, and an officer yelled out to her, "Hey cunt, where is your vest?" Does that sound like the sort of thing that was happening in your gaol?

5

MS MARTIN: I would hope that it wasn't.

MR LLOYD: Could I ask for Ms Martin to have access to Exhibit 39. It's the small folder with emails. Turn, please, to page 11. Now, do you see here is an email from Mr Ian McRae to Angela West?

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MS MARTIN: Correct.

MR LLOYD: Now, you did mention in your evidence yesterday that there were times when you were away?

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MS MARTIN: Yes.

MR LLOYD: And during at least some of those times, was it right that Ian McRae was one of the people who filled the role of Acting Governor?

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MS MARTIN: Well, it must have been at this time because he's - he's signed it, "Acting General Manager, Dillwynia Correctional Centre."

MR LLOYD: So this tells us, doesn't it, that at a time probably when you're away from Dillwynia - that's right?

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MS MARTIN: Yes.

MR LLOYD: But in an email to which you're copied -

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MS MARTIN: Yes.

MR LLOYD: - that there was interest being expressed by Astill about completing intel training. Do you see that?

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MS MARTIN: Yes.

MR LLOYD: And his training is supported locally. Do you see that?

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MS MARTIN: Well, supported by Mr McRae, yes.

MR LLOYD: And, in effect, this is an administrative arrangement, just from reading the words, calculated to try and allow Astill to become accredited to be a relieving intel officer.

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MS MARTIN: He must have applied to be an intel officer, yes.

MR LLOYD: Now, just take it from me that there is a document which records that he, that is, Astill, was promoted to the position of Acting Chief Correctional Officer by McRae in about September of 2016. I've asked you to take that from me, but does that accord with your recollection of something you noticed when you came back?

MS MARTIN: Yes, when I came back. Yes, that's correct.

MR LLOYD: And, again, would you take it from me that in the latter part of October 2016, you had come back to Dillwynia to perform your role of Governor and that you approved Astill as a relieving intelligence officer?

MS MARTIN: In 2016?

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MR LLOYD: Yes, the latter part of October 2016.

MS MARTIN: He must - he was already in there when I came back. I - I think I'd been off for a couple of months on sick leave.

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MR LLOYD: Whatever the position, by the time you came back -

MS MARTIN: He was already in there. That's -

MR LLOYD: - he had been, to your knowledge, installed as a relieving intelligence officer?

MS MARTIN: Yes.

MR LLOYD: Glenn Clark told us when he gave his evidence that his response to finding out that Astill had been approved in that position of relieving intelligence officer was, "Can you believe they gave this clown the keys to the car?" Now, did you think when you became aware that Astill had been approved into that role that he was a suitable candidate on what you knew about him to do the job?

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MS MARTIN: What I knew, that to be an intel officer - and you would have to apply, and part of that - part of that position is that you would have to go through a probity check with Corrections Intelligence Group. And they would have done a probity check on him in relation to intel, and I was surprised that he had cleared that check.

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MR LLOYD: Did you raise your surprise with anyone?

MS MARTIN: I can't recall.

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MR LLOYD: See, Ms Martin -

COMMISSIONER: Why were you surprised he cleared the check?

5 **MS MARTIN:** Because we had - sorry, Commissioner. Because during '16, we'd had a couple of incidents, and I know that he was - I think he was counselled on something. There'd been a couple of incidents, I think, and I was surprised they weren't on - on the intelligence - I think I put one up to Investigations Unit, so I assumed that everything had -

10 **COMMISSIONER:** What sorts of incidents do you remember?

MS MARTIN: As I said yesterday, there was something in 2016, but I - I just can't remember it. And I asked yesterday, there may be an intelligence report. I - I just can't remember it.

15 **COMMISSIONER:** You think that they were matters of sufficient significance to deny him clearance to be an intelligence officer, did you?

20 **MS MARTIN:** No. What - what I thought was if those matters were being - had been investigated, there mustn't have been any evidence of misconduct. That's what I assumed.

COMMISSIONER: But that doesn't fit with you being surprised that he cleared it?

25 **MS MARTIN:** Well, that's what I - I just assumed that -

COMMISSIONER: But, you see, the two are opposed. You say you were surprised and then you say he must have passed the check.

30 **MS MARTIN:** I - I just found that I was surprised that he was in there. I -

COMMISSIONER: And I assume that's because you didn't think someone with his record should be given intelligence clearance; is that right?

35 **MS MARTIN:** Yes.

COMMISSIONER: Yet he got it?

40 **MS MARTIN:** Well, I - I didn't give it to him.

COMMISSIONER: No, I know you didn't. Did you think about talking to one of your superiors about the fact that you didn't think he should get it?

45 **MS MARTIN:** I may have. I - I'm - I'm not sure if I did.

MR LLOYD: Could I put this sequence to you, Ms Martin, to get your response. You told us yesterday, when I asked you about a particular paragraph in your police statement where you said:

5 "Around this time, I started to have concerns over Wayne Astill."

Do you remember I took you to that part of your police statement?

10 **MS MARTIN:** Yes, that's right. Yes.

MR LLOYD: That was a passage I put to you that reflected your view of him around the time of the can of Coke incident with Witness C and the evidence about accessing the cells alone at night. Do you remember that?

15 **MS MARTIN:** Yes.

MR LLOYD: You see, I want to put this to you: You knew there had never been an intelligence report or any other report to any person outside of the gaol about your concerns over Astill at that time.

20 **MS MARTIN:** Any information we'd received went through on an intelligence report.

MR LLOYD: I want to put to you that there was no intelligence report about those incidents in existence, created at any time by anyone at Dillwynia.

25 **MS MARTIN:** In relation to the can of Coke?

MR LLOYD: Yes.

30 **MS MARTIN:** Oh, I'm surprised. I thought there was.

MR LLOYD: And I think you agreed with me yesterday that if there wasn't one, that is, an intelligence report about that, that would be a serious failure?

35 **MS MARTIN:** It would be a failure, yes.

MR LLOYD: Serious?

40 **MS MARTIN:** Oh, it would be a failure - in relation to the can of Coke, it would be a failure.

MR LLOYD: Well, isn't what is really happening here when you told the Commissioner a minute or so ago that you were surprised that Astill had been cleared that what had happened here was you had concerns about him being sufficiently - or of sufficiently good character to be in that role of intel officer; true?

MS MARTIN: Sorry, could you repeat that?

5 **MR LLOYD:** You had concerns about him being a proper person to be an intel officer.

MS MARTIN: I was concerned because - well, I was concerned because there had been intelligence on him and nothing had been reported back.

10 **MR LLOYD:** And when you found out he'd been put into that role, you knew that you had been responsible for failing to bring to the attention of anyone outside the gaol -

15 **MR TYSON:** I object and - privilege.

MR LLOYD: I hadn't finished my question.

COMMISSIONER: Sorry? We'll have the question, I think.

20 **MR LLOYD:** I'll go back. You - when you talked about your concerns about him being in that role, the proposition is you knew that you had failed to report out of the gaol the matters giving rise to your concerns about him from February and March of that year.

25 **MR TYSON:** Commissioner, I object. Privilege.

COMMISSIONER: I require you to answer.

30 **MS MARTIN:** I reported incidents to my Director. I had counselled him in relation to the Coke can. I assumed that there was an intelligence report done on the Coke can. And the incident in relation to - as I said, I keep thinking there's another incident, and I'm sure that was reported up as well.

35 **MR LLOYD:** That counselling with your Director, do you have a recollection of sitting down with Astill and performing counselling?

MS MARTIN: No, I don't. I think that was with Marilyn Wright.

40 **MR LLOYD:** Well, I need to understand what you mean. You said you don't have a recollection of sitting down with him, but then you asked about whether that was with Marilyn Wright. Do you remember counselling him either by yourself or with Marilyn Wright?

45 **MS MARTIN:** I - I counselled him by myself - not by myself, with someone else in relation to the Coke can.

MR LLOYD: Is that Leanne O'Toole?

MS MARTIN: I - I can't recall, but most possibly it was Leanne O'Toole.

5 **MR LLOYD:** Do you have a recollection of sitting down and counselling Astill about his conduct with Marilyn Wright at any time?

MS MARTIN: And this is where I'm saying I remember something happening, and I - I'm sure Marilyn was with us.

10 **MR LLOYD:** Could I ask you to move forward, then, in time. I've asked you about what I said was the approval of Astill in the role of relieving intelligence officer, which I've suggested was in the latter part of October 2016. Could I ask you now to go - you can close that folder, the small one, and go back to the other one you have there and turn to your statement to the Commission at Tab 59A.
15 Now, if you go to paragraph 64. I just want to remind you of some things, in fairness to you, Ms Martin, about the chronology. Paragraph 64, you tell us some things about the incident I've asked you about with respect to the can of Coke. Do you see that?

20 **MS MARTIN:** Correct.

MR LLOYD: And then 65, you can't recall if this incident was referred to the PSB or handled locally. Do you see that?

25 **MS MARTIN:** Correct.

MR LLOYD: And I asked you a number of questions about that. Do you remember that?

30 **MS MARTIN:** Correct.

MR LLOYD: Paragraph 66:

35 "I recall that some sort of report was produced that I read and that we counselled Mr Astill about it in my office."

Do you see that?

40 **MS MARTIN:** That's - yes.

MR LLOYD: Is the counselling you're talking about there the incident of you sitting down with Astill, counselling him in relation to the Coke can incident? Is that where you tell us about that?

45 **MS MARTIN:** Yes, that was about the Coke can. Yep.

MR LLOYD: Go, please, now - sorry, if you just have a look, then, at 67. You've got the next incident involved Mr Astill and an inmate, Elizabeth Cox. Do you see that?

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

MR LLOYD: I just want to help you with the chronology by seeing if you remember that the matters that came to your attention involving Elizabeth Cox occurred in about April/May of 2018. Does that accord with your memory, or do
10 you just not recall?

MS MARTIN: I - I didn't recall - I knew it was later on, but I didn't recall exactly when.

15 **MR LLOYD:** Can you go to 99 - or 98 and - or perhaps 97 where you talk about an incident when you walked into the gate of the prison one morning and someone wanted to speak to you.

MS MARTIN: Yes.

20 **MR LLOYD:** You can't recall her name. She was a good officer. Do you see that?

MS MARTIN: Yes.

25 **MR LLOYD:** And the report given to you was about mail that had been intercepted which concerned Astill and an inmate and sexual favours. Do you see that?

MS MARTIN: Yes. Yes.

30 **MR LLOYD:** And that you were told Astill was working in the intel office that day.

MS MARTIN: Yes.

35 **MR LLOYD:** Do you see that? And then that you went to the intel office and - this is in 99 - saw Astill sitting at a desk and asked him about the letter. Do you see that?

40 **MS MARTIN:** I went to the Manager of Security office first and asked her where the letter was.

MR LLOYD: Ultimately, you went to Astill at the intel office -

45 **MS MARTIN:** And then I went to Astill, yes.

MR LLOYD: - and asked him about the letter. He says, "It's in my drawer."

MS MARTIN: Yes.

5 **MR LLOYD:** And he opened the drawer, you reached down and grabbed the letter, "I'm taking this because it's about you."

MS MARTIN: And it - and it wouldn't be appropriate. It wouldn't be appropriate for him to do that.

10 **MR LLOYD:** Now, can I just ask you whether, when you're describing that incident, you have a recollection that what you're describing there is an incident involving a letter written by Witness P about Astill having an inappropriate relationship with Witness C?

15 **MS MARTIN:** I'm not sure. I thought that one was from an inmate's visitor.

MR LLOYD: So you think you might be talking about a different letter?

20 **MS MARTIN:** Yes.

MR LLOYD: Well, let me just go back, then, and ask you about some things that I want to put to you came to your attention in about October or November of 2016; understand?

25 **MS MARTIN:** Mmm.

MR LLOYD: In paragraph 20 - go to your police statement at 59. Just re-read - in Tab 59 - Tab 59, Ms Martin.

30 **MS MARTIN:** Oh, Tab 59. Yes. Is that right, 20?

MR LLOYD: 20, "There was a time."

35 **MS MARTIN:** Yes.

MR LLOYD: Just re-read to yourself 20 and 21 from your police statement. Are you describing there the same incident that you're describing in the paragraphs in your statement to the Commission that I've just -

40 **MS MARTIN:** Yes, I believe. I believe.

MR LLOYD: You can just put that folder to one side. Could Ms Martin now be shown Volume 10. Turn, please, to Tab 169. Now, do you see there intelligence report with an incident date, 19 October 2016?

45 **MS MARTIN:** Yes.

MR LLOYD: And do you see that it involves, number 2, Witness C?

MS MARTIN: It was an incident report or intelligence report, sorry?

5 **MR LLOYD:** No, intelligence report with an incident date of 19th -

MS MARTIN: Sorry. 19th of the 10th '16. Yes, that's -

MR LLOYD: And it involves Witness C?

10

MS MARTIN: Witness C? Yes.

MR LLOYD: Now, I want to see whether this records the event you've referred to
in your evidence about the occasion when, to your knowledge, a report went up
15 about Astill. So if you go over to Information on page 3 of the report. You see
there:

20 "On 20 October '16, mail addressed to Witness HH was intercepted. Contents
of the letter included, 'She is a dead-set screw-loving dog, bad fucking dog,
still up to her old same tricks. That cunt, she's even having a fling with one of
the male officers, the dirty slut'."

Do you see that?

25 **MS MARTIN:** Yes.

MR LLOYD: And this was an allegation in a letter from Inmate P to Witness HH
in which Inmate P was saying that an officer was having sexual or intimate
relationship with Inmate C. Do you see that?

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MS MARTIN: Yes.

MR LLOYD: And she's saying that, "I promise I've seen it with my own eyes."
Do you see that?

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MS MARTIN: Yes.

MR LLOYD: And it's clear, isn't it, from the reference to, "His wife/girlfriend
works here too," and also from things that you knew about the rumours with
40 respect to Witness C and Astill that this is an allegation directed at Astill? Do you
agree?

MS MARTIN: I don't think this is the letter - this isn't the letter I'm talking about.
I'm sure. I'm sure that that letter was later on.

45

MR LLOYD: I'm not suggesting to you that this is the letter you're talking about
in those paragraphs.

MS MARTIN: Okay. Rightio.

5 **MR LLOYD:** Do you understand? This is, I'm suggesting to you, a different letter and a different event. Do you understand?

10 **MS MARTIN:** By this information here - by this information, you know, you'd have to be very careful if you were to say it was a specific person. That would have to be investigated by Investigations.

MR LLOYD: Well, just have a look at some information that's recorded in here on the fifth page to see if it assists you to remember. Page 5 of the report.

15 **MS MARTIN:** Okay.

MR LLOYD: Now, starting with this, Ms Martin, up the top of this page, CI Analysis. Do you see that?

20 **MS MARTIN:** Yes.

MR LLOYD: I am not suggesting to you that the words on this page were written by you. Do you understand? And I think it follows, but tell me if I've got it right, from your evidence yesterday that you would not have seen, in the ordinary discharge of your duties, the words inserted in an intelligence report; is that right?

25 **MS MARTIN:** With this, no, I wouldn't have seen that, no.

MR LLOYD: Wouldn't or would have?

30 **MS MARTIN:** I wouldn't have seen - if this was disseminated to Mick Hovey's office, I would not necessarily have seen everything. I may have seen the initial information because it was told to me, but once it was put up in the intelligence report and if they sent it to Investigations Branch, I may not have seen that.

35 **MR LLOYD:** Can I just get this straight so that we know exactly what it is. I'll put to you my understanding of the process, and you tell me if I've got it right. Ordinarily, when a serious incident occurred, if there was a report to you by an officer about serious misconduct -

40 **MS MARTIN:** Yes.

MR LLOYD: - an officer would come to you and tell you about it?

45 **MS MARTIN:** Yes.

MR LLOYD: Often that officer would prepare their own incident report -

MS MARTIN: Incident report, yes.

MR LLOYD: - and hand it to you?

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

MR LLOYD: You've told us that your -

10 **MS MARTIN:** Or -

MR LLOYD: Sorry.

15 **MS MARTIN:** Sorry. Or if I wasn't there, because I wasn't there all the time, it may have been the Manager of Security or an executive officer.

MR LLOYD: When they came to you, this is the process. So far, so good. They would hand to you, often enough, an incident report describing what had happened?

20 **MS MARTIN:** Yes.

MR LLOYD: You would review that report; correct?

25 **MS MARTIN:** Yes.

MR LLOYD: And if you determined that it was necessary for an intelligence report to be issued, you would give a direction to that officer to issue an intelligence report?

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

35 **MR LLOYD:** That officer - and just pausing there. Would you give an idea of the kind of things that should be said in the intelligence report, that is, report the incident, it sounds serious, et cetera?

MS MARTIN: Well - well, they knew usually what they put down from those report - the actual - what the report basically said. And from there, they tried to add value to it if they could.

40 **MR LLOYD:** They would then go away and, to your knowledge or belief, they would enter the information into the IIS, the computer system?

MS MARTIN: The computer system.

45 **MR LLOYD:** You wouldn't, in the ordinary course, see the information, that is, the words that they typed into the report to go off to Investigations?

MS MARTIN: If it was Investigations Branch, no, I wouldn't.

MR LLOYD: And you wouldn't, in the ordinary course, see the words typed at the other end by Investigations?

5

MS MARTIN: No.

MR LLOYD: But you would see the primary document, the report itself, from the officer which (crosstalk) in the first place?

10

MS MARTIN: Yes, that's - yes, that's correct.

MR LLOYD: But have a look, then, at the information on page 5 because I want to ask you if you remember some of the things recorded here. You see it starts with a description by the author of these words about a phone conversation with Pamela Kellett? The very top of the page.

15

MS MARTIN: Yes.

MR LLOYD: And no reason that you can think of that Pamela Kellett wouldn't be passing on accurate information to the best of her belief and ability?

20

MS MARTIN: Well, I - I would believe or hoped that she was passing on the -

MR LLOYD: Just have a look under the heading in the middle of the page, Allegation and Subsequent Actions. Third paragraph down.

25

MS MARTIN: Yes, yes. Sorry.

MR LLOYD: Third paragraph underneath that heading:

30

"At the time the letter was sent, both Officers Wilson and Kellett were on leave, which meant that Astill was acting as intelligence officer."

MR LLOYD: Do you see that?

35

MS MARTIN: Yes.

MR LLOYD:

40

"He saw the letter in the MoS office and identified himself, and Astill then took the letter to him."

MS MARTIN: Is that early October '16?

45

MR LLOYD: This is in - the letter is dated early October. Take it from me that the best evidence is this is occurring sometime after early October 2016.

MS MARTIN: Was - I'm sorry, was I there? As I said, I was off for a couple of months.

5 **MR LLOYD:** Take it from me - I withdraw that. I'm going to put to you that you were there.

MS MARTIN: I was, was I?

10 **MR LLOYD:** Yes.

MS MARTIN: Okay.

15 **MR LLOYD:** But you're the witness; you tell me. Do you remember this happening, that is, Astill bringing a letter to you, which letter contained allegations by an inmate that he was in some sexual relationship with Witness C? Do you remember that happening?

20 **MS MARTIN:** I'm just - finish reading this. It says that I was, so I did.

MR LLOYD: Do you remember Astill coming to you with a letter that he had obtained in his exercise of his duties as intel officer that was about him?

25 **MS MARTIN:** I - I can't recall, but it says that I did, so it must have happened.

MR LLOYD:

"Ms Martin..."

30 The author records:

"...then took the letter to the relevant Regional Commander, Marilyn Wright, who has since retired."

35 Do you see that?

MS MARTIN: Yes.

MR LLOYD:

40

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

Do you see that?

45

MS MARTIN: Yes.

MR LLOYD: Ms Martin, do you remember when Marilyn Wright retired?

MS MARTIN: I think it was in late '16.

5 **MR LLOYD:** I want to suggest to you that she retired from her position in about August of 2016.

MS MARTIN: Oh, did she?

10 **MR LLOYD:** And when you came back to Dillwynia after the break that I've asked you about, she was no longer in that position of Regional Commander. Do you remember that?

MS MARTIN: You're right. She wouldn't have been, no.

15

MR LLOYD: The words recorded here, that you took the letter to her and that you and Ms Wright then spoke to Astill, giving him a warning and a caution, are not correct insofar as they include Ms Wright being involved, are they?

20 **MS MARTIN:** Well, no, it's not right.

MR LLOYD: Did you tell Pamela Kellett or anyone else that you had taken the letter to Ms Wright and you had sat down with Ms Wright and Astill?

25 **MS MARTIN:** Well, not that I recall, because she wouldn't have been there.

MR LLOYD: Did you sit down yourself with Astill and give him a warning and a caution about the letter that we're talking about here, the one from PP to Inmate HH?

30

MS MARTIN: I - honestly, I don't know why this is written like this.

MR LLOYD: Could you just come back to my question.

35 **MS MARTIN:** Oh, sorry.

MR LLOYD: Did you sit down with Astill and give him a warning and a caution about a letter in which an allegation was made by an inmate that he was in a sexual relationship with Witness C?

40

MS MARTIN: No, I can't - I can't recall it.

MR LLOYD: Do you have an explanation for why it is that words appear on a page stating that you sat down and gave him a warning and a caution about this letter?

45

MS MARTIN: No.

MR LLOYD: Is one possibility that that's what you did?

5 **MS MARTIN:** No, because Ms Wright wasn't there. That's why I said this letter is a different letter to the one I was talking about in my statement.

MR LLOYD: Ms Martin, I'm asking you about what you remember you did with the contents of this letter, namely, the allegation in it. Do you understand?

10 **MS MARTIN:** Yes, yes.

MR LLOYD: Do you remember doing anything about it?

15 **MS MARTIN:** I - I can't recall, but what I would have done was ensure that this went up to a Regional Commander - or Director, or to Investigations Branch.

MR LLOYD: In keeping with some things you told us yesterday, just starting with this, this was an allegation in the letter involving serious - allegations of serious misconduct; agree?

20 **MS MARTIN:** Oh, I agree.

MR LLOYD: And one of the things you said you'd do is cause an officer at Dillwynia to issue an intelligence report?

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

MR LLOYD: And in fairness, in the last paragraph on this page, it records an instruction given by you to raise an intelligence report. Do you see that?

30 **MS MARTIN:** Yes.

MR LLOYD: That's consistent with what you told us -

35 **MS MARTIN:** Yes.

MR LLOYD: - was part of your practice?

40 **MS MARTIN:** Yes. Yes.

MR LLOYD: But one thing you said yesterday, and you just said a moment ago, is that you think you might also, in your usual practice, have made contact with the then Regional Commander -

45 **MS MARTIN:** With the Director. Well, I assume I would have. Yeah, I assume I would have.

MR LLOYD: In terms of your assumption that you would have, is that because your practice at this time for an allegation of this seriousness would have been to make contact with the Regional Director (crosstalk) -

5 **MS MARTIN:** Or let the Director know, yes.

MR LLOYD: - pass it on?

10 **MS MARTIN:** And they - by the looks of this, the original report - intelligence report went to him anyway. So -

MR LLOYD: Just take it from me, Ms Martin, that you're looking here, I think, at an entry on page 4 about the dissemination.

15 **MS MARTIN:** No, page 2 - 4, yes. Sorry.

MR LLOYD: Just take it from me that there's some other evidence that that dissemination list does not accurately record in all likelihood the people who received it.

20 **MS MARTIN:** All right.

MR LLOYD: Just dealing with your evidence, your belief that it went to Hamish Shearer was based only on what was in the document; is that -

25 **MS MARTIN:** Just then, yes.

MR LLOYD: But what you're telling us is your practice at the time for something like this coming to your attention -

30 **MS MARTIN:** I would have -

MR LLOYD: - you would have contacted him?

35 **MS MARTIN:** I would have contacted the Director, yes.

MR LLOYD: Is it possible that what is being recorded here about the counselling by you and Marilyn Wright is referring to counselling that occurred about the Coke can incidents and the other events in the early part of 2016?

40 **MS MARTIN:** Honestly, I - I don't understand and - I don't understand where this information came from then.

45 **MR LLOYD:** In your practice of making a report or contacting the relevant Regional Director, what would be the information you'd pass on about a complaint of this kind?

MS MARTIN: I - I would have just said that we're doing an IR, we've had this, this and this complaint, and just briefly giving him the details, assuming that he would see some of these intel reports as a Director.

5 **MR LLOYD:** Would you pass on the substance of the allegation in this case, that an inmate was saying that she'd witnessed with her own eyes an officer -

MS MARTIN: Well, I would have, yes.

10 **MR LLOYD:** Do you remember any response from -

MS MARTIN: Can I say, to be honest, I can't recall this report, and I can't recall - I remember another letter incident, but I can't recall this one. So I have to be honest. I can't recall what I would have said.

15

MR LLOYD: Do you remember whether you made any contact directly with Mick or Michael Hovey about this?

MS MARTIN: No, I - I can't recall if I did.

20

MR LLOYD: Was it your practice just in -

MS MARTIN: No. No, not to give heads up or - or whatever that there was something coming in.

25

MR LLOYD: So let me just understand this. It wasn't part of your practice where allegations of serious misconduct by an officer came to your attention to - in addition to causing an intelligence report to be sent, to also make a separate report yourself -

30

MS MARTIN: No.

MR LLOYD: - to either Professional Standards or to Mick Hovey?

35

MS MARTIN: No.

MR LLOYD: You never did that?

40

MS MARTIN: If - if it was a serious misconduct, it would go through to the intelligence officer to compile an intelligence report, and that would be sent to Security Investigations.

MR LLOYD: And then was your practice then to just leave it to the Investigations Branch to investigate? Is that the position?

45

MS MARTIN: Well, it was - that was what we had to do, was - it was - they were to look at it and analyse it for Investigations.

MR LLOYD: I think I asked you yesterday about whether you agreed with me that at some point, it must be that when reports of this kind about serious misconduct allegations are going out, as the Governor of the gaol, with the person
5 the subject of the allegations, you must have felt an obligation to check on what had happened.

MR TYSON: I object. Privilege.

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

MS MARTIN: It was a used practice. It wasn't the practice to constantly ring up and find out where an investigation was up to, because it could be looked at as impeding the investigation.

15 **MR LLOYD:** I'm not - sorry, you go on.

MS MARTIN: Sorry.

20 **MR LLOYD:** No, you go.

MS MARTIN: Did I ring Mick Hovey up every time to warn him about a IR that was coming through in relation to serious misconduct? No, I didn't. Did -

25 **COMMISSIONER:** Ms Martin - sorry, you go ahead. Sorry, you go ahead.

MS MARTIN: Did I occasionally check up to see where an investigation was up to? I can't recall, and I'm being honest. I can't recall when I did. It could have been by phone or it could have just been in passing if I saw them - or saw him at
30 a conference or something like that. But I am being honest in saying I can't recall. But was it the practice of Governors to continually ring up and ask where an investigation was at? No, we didn't.

COMMISSIONER: Ms Martin, Mr Lloyd took you to page 5 of the report. Can
35 you go back to it. You see that page is effectively a summary of relevant information. Do you see that?

MS MARTIN: Yes, Commissioner.

40 **COMMISSIONER:** It starts off with Background Information and then Allegation and Subsequent Actions. Do you see that?

MS MARTIN: Yes.

45 **COMMISSIONER:** Now, I appreciate it's not you doing the writing -

MS MARTIN: No.

COMMISSIONER: - or I assume it's not.

MS MARTIN: No.

5

COMMISSIONER: But someone has gathered the information, collected it together and provided a summary as to what happened in relation to the allegation and subsequent actions. Do you see that?

10 **MS MARTIN:** Yes, Commissioner.

COMMISSIONER: And that person reports that you took the letter to the relevant Regional Commander, Marilyn Wright, since retired. Both you and Ms Wright spoke to Astill, giving him a warning and a caution. Now, I've got no reason to believe that didn't happen, have I?

15

MS MARTIN: Well, the - it didn't happen, because Marilyn Wright wasn't -

COMMISSIONER: I have no reason to believe that what's been reported there didn't happen, have I?

20

MS MARTIN: Well, if Marilyn - I'm sorry, I don't understand, Commissioner.

COMMISSIONER: You're going to say that because you understand she wasn't there, this can't be a correct record.

25

MS MARTIN: Yes, that's correct.

COMMISSIONER: But as far as you speaking to Astill is concerned, I've got no reason to think that's not correct, have I?

30

MS MARTIN: I can't recall.

COMMISSIONER: You may not recall, but I've got no reason to think it's not correct, have I?

35

MS MARTIN: No, Commissioner.

COMMISSIONER: No. And, furthermore, I've got no reason to think you didn't give him a warning and a caution, do I?

40

MS MARTIN: No, Commissioner.

COMMISSIONER: Now, given the nature of the allegations, can you explain to me how it would have been useful at that point to give him a warning and a caution?

45

MS MARTIN: I don't think it would have been useful to give him a warning and a caution.

COMMISSIONER: No. It wouldn't have been at all, would it?

5

MS MARTIN: No.

COMMISSIONER: It would have been entirely the wrong thing to do.

10 **MS MARTIN:** It would have been, Commissioner.

COMMISSIONER: Yes. And, furthermore, this person reporting goes on to say the letter was then returned to the intelligence officer by you. See that?

15 **MS MARTIN:** Yes, Commissioner.

COMMISSIONER: I've got no reason to think that's not correct either, have I?

MS MARTIN: No.

20

COMMISSIONER: With an instruction to raise an IR so that the matter was transparent. Do you see that?

MS MARTIN: Yes, Commissioner.

25

COMMISSIONER: That's effectively saying, "We'll put an end to this matter by ensuring that it's transparent, but it comes to an end because we've given this man a warning and a caution." That's what this document is saying, isn't it?

30 **MS MARTIN:** That's what the document is saying, but that's not the practice I would have -

COMMISSIONER: It might not have been the practice. I've got no reason - given you say you don't remember at all -

35

MS MARTIN: No.

COMMISSIONER: - I've got no reason to think this document is not correct, have I?

40

MS MARTIN: Well, no, you - that's correct, Commissioner.

COMMISSIONER: And if this is what's happened, it's something that should not have happened, isn't it?

45

MS MARTIN: Yes, Commissioner. It shouldn't have happened.

COMMISSIONER: And, in fact, what you had before you was a very serious allegation of a type which we now know, of course, has resulted in great difficulty for many women -

5 **MS MARTIN:** Correct, Commissioner.

COMMISSIONER: - in your gaol.

MS MARTIN: Correct.

10

COMMISSIONER: Can you offer me any explanation as to how the management of your gaol allowed all that to happen?

15 **MS MARTIN:** Most of it I wasn't aware of, Commissioner, only by information reports, intelligence reports, which were sent off, and assuming an investigation was being conducted.

COMMISSIONER: But here's one that's right in your face. You've got the letter.

20 **MS MARTIN:** But I can't - I don't recall this, and I can't remember this incident. I remember a letter incident, but I can't recall this one.

COMMISSIONER: This is probably the most important one, isn't it?

25 **MS MARTIN:** Yes, Commissioner.

COMMISSIONER: And you don't remember that one?

MS MARTIN: No.

30

MR LLOYD: Following on from some of the Commissioner's questions, do you remember yesterday I showed you the process from August of 2014 -

MS MARTIN: Yes, yes, yes.

35

MR LLOYD: - which - where, to your knowledge, the warning letter -

MS MARTIN: Yes.

40 **MR LLOYD:** - signed by an Assistant Commissioner came to your attention?

MS MARTIN: Yes.

45 **MR LLOYD:** You knew exactly what a proper process for allegations of misconduct was in terms of giving a warning or a caution, didn't you?

MS MARTIN: Yes, but this - this - this one, to me, should have gone to Investigations Branch.

5 **MR LLOYD:** No, no. The warning and the caution the Commissioner asked you about in the second-last sentence, that was, it's recorded, one that was given by you.

MS MARTIN: Yes.

10 **MR LLOYD:** That was not a proper response for you locally to deliver a warning or a caution about an item of conduct that was this serious -

MR TYSON: I object on privilege grounds.

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

MS MARTIN: Do I - do I answer that one?

20 **MR LLOYD:** Yes.

MS MARTIN: Well, it wasn't uncommon for Governors to serve letters on - on staff.

25 **MR LLOYD:** Did you ever serve a letter on him about this?

MS MARTIN: Did I - I can't recall. But I have served letters.

30 **MR LLOYD:** I want to suggest to you you didn't and that, further, there's no documentary record of the warning or caution you gave him anywhere. What do you say about that?

MS MARTIN: Well, as I said to you, I don't recall this - this meeting - this incident.

35 **MR LLOYD:** So is that your response to my question?

MS MARTIN: That I don't recall it, yes.

40 **MR LLOYD:** But I put to you the proposition that there is no documentary record of the warning or caution that you gave to Astill about the allegation of him being in a sexual relationship with C. What do you say about that?

45 **MS MARTIN:** Well, I say that I didn't - I didn't give him a warning or a caution because I don't recall this.

MR LLOYD: Could I ask for Ms Martin to have access to Exhibit 39. You can close up that folder 10. It can be taken away. Just have a look, please, at page 23

in that Exhibit 39 folder. Go first - do you see that's a letter addressed to Michael Hovey, Director, investigations?

MS MARTIN: Yes.

5

MR LLOYD: And just go to the next page, which should be marked 23-1.

MS MARTIN: Yes.

10 **MR LLOYD:** That's from you; correct?

MS MARTIN: That's correct.

15 **MR LLOYD:** And I want you to accept from me that the evidence suggests this was a letter from sometime around March of 2017.

MS MARTIN: I accept that.

20 **MR LLOYD:** Just have a look - subject: Senior Correctional Officer Evelyn Lloyd.

MS MARTIN: Yes.

25 **MR LLOYD:** And you - first, do you have any recollection of this letter?

MS MARTIN: Well, obviously I've written it, so -

30 **MR LLOYD:** That's not quite an answer to my question. Do you remember preparing and sending it?

MS MARTIN: I - I prepared and sent many briefing notes, letters.

35 **MR LLOYD:** Do you see - I'll just draw your attention to some details and see if it prompts a memory. It starts with:

"As pertaining to our phone conversation..."

Do you see that?

40 **MS MARTIN:** Yes.

MR LLOYD: No doubt that you had picked up the telephone and spoken to Michael Hovey about the matters in the letter?

45 **MS MARTIN:** Yes, that's what it says.

MR LLOYD:

"...concerns I have with the inappropriate behaviour of Senior Correctional officer Evelyn Lloyd."

5 Do you see that? And you're attaching a number of documents. Do you see that?

MS MARTIN: Correct.

10 **MR LLOYD:** And then just without dwelling on every part of the letter, do you see in the second paragraph that there was a conversation reported to you by Belinda Gurney that she had with Senior Correctional Officer Lloyd? Do you see that?

MS MARTIN: Yes, I do.

15

MR LLOYD: Senior Correctional Officer Lloyd was then at Emu Plains?

MS MARTIN: That's correct.

20 **MR LLOYD:** Then you asked for a report detailing the conversation. Do you see that?

MS MARTIN: That's correct.

25 **MR LLOYD:** And then if you go down, for example, in terms of your conclusion - I'll just skip over some of the paragraphs to go to the fourth paragraph - on 22 February '17. Do you see that?

MS MARTIN: Yes.

30

MR LLOYD: And the substance of what's recorded here is that Senior Correctional Officer Lloyd was obtaining information from the OIMS system and then providing some of that information to inmates. Do you see that?

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

MR LLOYD: And in the next paragraph:

40 "Senior Correctional Officer Lloyd's inappropriate relationship with inmates has been a concern for many years, resulting in a number of reports being forwarded to the PSBU."

Do you see that? That's Professional Standards?

45 **MS MARTIN:** Yes.

MR LLOYD:

"Many comments by staff that she's a bully, but they will not go into any detail."

5 Do you see that?

MS MARTIN: That's correct.

10 **MR LLOYD:** Sounds a bit similar to some of the things I've put to you about Astill in terms of the evidence of many officers that Astill was a bully, that officers were scared about repercussions. Do you agree with me?

MS MARTIN: That's correct.

15 **MR LLOYD:** And over the - on page 2:

20 "Aware there's anonymous complaint about Senior Correctional Officer Lloyd, and a number of the issues will have to be handled as a performance issue, but concerned about the underlying behaviour and I'll ensure this information is given to the intelligence officer so the appropriate IR can be compiled."

Do you see that?

25 **MS MARTIN:** Yes.

30 **MR LLOYD:** Do you agree with me about these things arising from this letter: First, you knew by the time I've put to you around March of '17 that if you had concerns about inappropriate behaviour by an officer employed at one of your Correctional Centres that you were responsible for, that it was open to you to write to Michael Hovey raising those concerns. Do you agree?

35 **MS MARTIN:** I - I agree, but I also agree that he may have said to me, "Just put it all together on a - on a report."

MR LLOYD: That's got nothing to do with the question I asked you, Ms Martin.

MS MARTIN: No. Okay.

40 **MR LLOYD:** Do you agree - I think you've agreed with me that you knew by the time of this letter that it was open to you to write separately to any intelligence report -

45 **MS MARTIN:** I agree.

MR LLOYD: - to Michael Hovey at Investigations if you had concerns about inappropriate behaviour by an officer.

MS MARTIN: I agree.

5 **MR LLOYD:** And not only did you know that that could be done, you knew that in discharging your obligations, if you had concerns about inappropriate behaviour by an officer, that should be done; agree?

MS MARTIN: Agree.

10 **MR LLOYD:** So in addition to having people send intelligence reports, it was essential for you to bring to the attention - in this case by correspondence, to the attention of Mick Hovey your concerns about an officer behaving inappropriately; agree?

15 **MS MARTIN:** Correct.

MR LLOYD: And we know from the line - first line - and you agree with me - that, plainly, you - before writing, you'd picked up the phone and spoken to Mick about your concerns.

20

MS MARTIN: Agree.

MR LLOYD: And that was also necessary for you to discharge your obligations to not only write a letter but pick up the phone and tell him that you were concerned about an officer.

25

MS MARTIN: Agree.

30 **MR LLOYD:** And do you agree with me that the concerns - I withdraw that. Do you remember what particular concerns you had about this Senior Correctional Officer's inappropriate relationships?

30

MS MARTIN: I think it was carrying - providing inmates with information on OIMS.

35

MR LLOYD: You mentioned - the reason I asked, that's recorded in the letter -

MS MARTIN: Yes.

40 **MR LLOYD:** - but you mentioned that inappropriate relationship with inmates, concern for many years?

40

MS MARTIN: Yes, that was - she befriended inmates. She became very friendly with inmates.

45

MR LLOYD: But was there any suggestion, that you were aware of, of allegations of sexual relationships?

MS MARTIN: Her with inmates?

MR LLOYD: Yes.

5

MS MARTIN: No.

MR LLOYD: So if you were to compare what you understood about the concerns with respect to this officer - they are serious, for starters; agree?

10

MS MARTIN: Agree.

MR LLOYD: But less serious than, for example, allegations of sexual relationships between an officer and an inmate. Do you agree?

15

MS MARTIN: Agree.

MR LLOYD: Can I ask you, please, to go back - you can close up that folder for now - go back to the other folder that you've got, being Volume 8, and turn, please, to Tab 65. Do you need help?

20

MS MARTIN: No, I'm right. Sorry.

MR LLOYD: Hopefully you've got there a statement of Mr Brian Bartlett.

25

MS MARTIN: 64A - I don't think I've got 65. I've got 64A.

MR LLOYD: We'll help you. Sorry, I've given you the wrong volume, I think.

30

MS MARTIN: Thank you.

MR LLOYD: Can I just check, that is in Volume 8 or 7? 8. If you go to the documents which are annexed to Tab 65, your - actually, could I approach, Commissioner? What you've got before you there has got a page number up the top ending in 17 in the top right-hand corner?

35

MS MARTIN: 29th of the 3rd '17.

MR LLOYD: Yes. And this is an inmate application form completed on behalf of Witness O. Do you see that?

40

MS MARTIN: Yes.

MR LLOYD: Do you remember - I withdraw that. I'll draw some things to your attention and then ask if you remember. Do you see:

45

"Subject: Allegations. Written on behalf of Inmate O by Senior Correctional Officer Peek."

Do you see that?

5

MS MARTIN: Yes.

MR LLOYD: And then:

10

"I believe that something inappropriate happened yesterday, 28 March, between Inmate Witness H and Chief Astill, and I believe I have witnessed this on previous occasions also."

Do you see that?

15

MS MARTIN: Yes.

MR LLOYD: Do you remember seeing this complaint?

20

MS MARTIN: I don't recall it, but -

MR LLOYD: No reason to doubt that you did?

MS MARTIN: I have no reason to doubt that I did see it.

25

MR LLOYD: Just turn back three pages and you'll see the equivalent document of Witness T. Do you see that one?

MS MARTIN: Yes.

30

MR LLOYD: Witness T recording that she approached Mr Astill on 28 March. And going down a few lines:

35

"Whilst waiting to be called, I noticed another inmate, Witness H, kneeling in the office some time chatting with officer. Later I witnessed same inmate vacuuming office for 45 minutes plus. I believe this was inappropriate between the two."

Do you see that?

40

MS MARTIN: Yes.

MR LLOYD: Do you remember being shown this document?

45

MS MARTIN: I don't, but I would have been shown.

MR LLOYD: Let me put this to you from some evidence other people have given. This was - these two documents were provided to you on or around 29 March 2017. No reason to doubt that?

5 **MS MARTIN:** No reason to doubt it.

MR LLOYD: Do you remember that by 3 April 2017, you had met with Brian Bartlett and instructed him to sit down with the inmates and interview them?

10 **MS MARTIN:** If he said I did, yep, I did.

MR LLOYD: Could I just ask about that process, if that's what occurred, that is, you asking the Manager of Security at the time to sit down and conduct interviews with the two women, O and T. Was that an appropriate step to take in response to these written complaints?
15

MS MARTIN: Well, he was the Manager of Security, and I've asked him to - to sit down and find out more information from the inmates.

20 **MR LLOYD:** Were you asking him to conduct an investigation into whether the allegations were accurate or truthful?

MS MARTIN: No, it would have just been to find out more information.

25 **MR LLOYD:** And it would have been inappropriate in that investigation for it to extend, for example, to bringing in the officer, Astill, the subject of the complaints, and interviewing him. Do you agree?

MS MARTIN: Well, I think with the information here, it would have been inappropriate.
30

MR LLOYD: Because the only process of an interview, as you understood it, was to get some more information from the inmates for it then to be referred off to the Investigations Branch; is that right?
35

MS MARTIN: If it - if it was a serious - if it was deemed to be serious, yes, by the information added.

40 **MR LLOYD:** Well, you knew just from the documents, assuming that you saw them, that both inmates were saying what they thought was inappropriate; correct?

MS MARTIN: Well, by this - yes, they were allegations of inappropriate behaviour. Yes.

45 **MR LLOYD:** In your view, if there was to be a process of interviewing the two inmates who had come forward, would that process of information gathering have

extended to asking Witness H, who you now know is Trudy Sheiles, what had happened?

MS MARTIN: Sorry, could you repeat that?

5

MR LLOYD: If there was to be an information-gathering exercise by Mr Bartlett of speaking to the two women who had come forward, O and T, would it have been appropriate also to find out what Trudy Sheiles said had happened?

10 **MS MARTIN:** Sorry, I'm a bit confused what you're -

MR LLOYD: Sorry. If you need the question again, tell me.

MS MARTIN: So Witness H -

15

MR LLOYD: Don't worry about H. Witness H is Trudy Sheiles.

20 **MS MARTIN:** Oh, okay. I'm just - sorry. I - I - I don't know if he would have, because he wouldn't have wanted to put the other two inmates - depending on what was told to him, he may not have wanted to put Trudy - the other two inmates may have feared Trudy or they didn't want to put the other two inmates in a situation. I - I can't recall it. So once I see the report of what they told him, I might be able to -

25 **MR LLOYD:** Any investigation into the accuracy of what the two women were saying, though, that was a matter for the Investigations Branch; you agree?

MS MARTIN: Well, it depends what the information - have we got the report there I can read or -

30

MR LLOYD: Just answer my question. I'll show you the report.

MS MARTIN: It depends on what the information was.

35 **MR LLOYD:** Have a look - go to the first of the annexures behind the statement, a letter to you dated 4 April 2017. Do you see that?

MS MARTIN: Yes.

40 **MR LLOYD:** And:

"Ma'am, as requested on 3 April..."

45 **MS MARTIN:** It hasn't been signed. It wasn't signed.

MR LLOYD: Ms Martin:

"Ma'am, as requested on 3 April 2017, I interviewed Witnesses O and T."

Do you see that?

5 **MS MARTIN:** I'm obviously reading the wrong report, sorry.

MR LLOYD: It's behind Tab 65, the first annexure, with the page number 4 after it.

10 **MS MARTIN:** I've got it now.

MR LLOYD: Do you see:

"...I interviewed Witnesses O and T."

15

MS MARTIN: Yes.

MR LLOYD: And Background:

20 "Witness T saw Trudy Sheiles kneeling on the floor near a waste paper bin situated next to the desk where Mr Astill was seated."

Do you see that?

25 **MS MARTIN:** Yes.

MR LLOYD:

30 "Shortly after that, she left the area and informed O of what she had seen. Both inmates returned to the vicinity where Witness O claims to have seen Mr Astill touch Trudy Sheiles on the thigh area while she was vacuuming the floor."

Do you see that?

35

MS MARTIN: Yes.

MR LLOYD: It's a pretty serious allegation so far - would you agree - about what Witness O said she saw?

40

MS MARTIN: Yes.

MR LLOYD: It might be - without knowing more than you know, but it might be an indecent assault or a sexual assault; true?

45

MR TYSON: I object to that.

MR LLOYD: I withdraw the question. It would involve, if accepted, at least the possibility of inappropriate conduct by the officer?

MS MARTIN: Inappropriate conduct, yes.

5

MR LLOYD: Demanding investigation; true?

MS MARTIN: Well, depending what the rest -

10 **MR LLOYD:** No, no. Don't worry about the rest. Just focusing on an allegation of an eyewitness seeing a Senior Correctional Officer touching an inmate on the thigh in the office. That allegation by an eyewitness demanded investigation by the appropriate person, didn't it?

15 **MS MARTIN:** Well, it depends what the information came out from when he was talking to them. I would be guided by what - how they reacted to - you know, what they gave him - the information - how they described it.

MR LLOYD: Well, I'll ask you some other things:

20

"Witness T further stated she witnessed Witness H take up the vacuum cleaner and place it outside."

Do you see that?

25

MS MARTIN: Yes.

MR LLOYD: Over the page, Interview Findings. Do you see that?

30 **MS MARTIN:** Yes.

MR LLOYD:

"Inmate T didn't witness Mr Astill touch the leg of Ms Sheiles."

35

Do you see that?

MS MARTIN: Yes.

40 **MR LLOYD:** And then there's a reference to favouritism with the tracing paper and discussions at the rear of cell with Astill and Trudy Sheiles. Do you see that?

MS MARTIN: (Indistinct).

45 **MR LLOYD:** And in the fourth paragraph:

"In relation to the allegations made by Witness O, Mr Astill strongly denied touching her but may have done so accidentally while Trudy Sheiles was cleaning around the desk."

5 Do you see that?

MS MARTIN: Yes.

10 **MR LLOYD:** In terms of the information coming to your attention, what Astill had to say wasn't relevant about whether it should be reported up for investigation, was it?

MS MARTIN: No.

15 **MR LLOYD:** Because you weren't conducting - or Mr Bartlett wasn't conducting an investigation?

MS MARTIN: No.

20 **MR LLOYD:**

"Both Witness T and Witness O admitted they have ongoing issues..."

25 Do you see:

"...I suspect, and the allegations made, I suspect, are a ploy to incriminate Trudy Sheiles and have her removed."

30 Do you see that?

MS MARTIN: Yep.

MR LLOYD: That was thoroughly inappropriate for the exercise that you had asked Mr Bartlett to engage in of information gathering, wasn't it?

35

MS MARTIN: Well, it depends what the - the information that was being exchanged. I wasn't there, so I trusted Mr Bartlett's -

40 **MR LLOYD:** You've got here in the report to you allegations about what Witness O saw in terms of touching. Do you remember I showed you that part of it?

MS MARTIN: Yes, yes. But Mr Bartlett was finding out all the information. I wasn't there. And he has - something made him suspect that there was something against Witness H.

45

MR LLOYD: Have a look at the recommendation:

"Appears to be insufficient evidence or information available to warrant further action or investigation."

Do you see that?

5

MS MARTIN: Yes.

MR LLOYD: That, to your knowledge, wasn't Mr Bartlett's job, to form that view, was it?

10

MR TYSON: Object. Privilege.

COMMISSIONER: I require you to answer.

15 **MS MARTIN:** When I was running both Correctional Centres, I relied on the Managers of Security, who were experienced officers - who were experienced officers, to be able to make those decisions. They - they, too, had been acting in the position of Governor. I would have - I would have had - looked at his judgment and respected that judgment. He was an experienced Manager of
20 Security. He would have acted as a Governor. So I believe that that recommendation - I trusted that recommendation.

25

MR LLOYD: He told us in his evidence he had no skills to conduct an investigation of the kind that he was doing involving speaking to inmates.

MS MARTIN: But - but it wasn't an investigation, and Mr Bartlett has been 30-odd years in Corrections dealing with inmates. I think he had plenty of experience talking to inmates.

30

MR LLOYD: If it wasn't an investigation, didn't one need to be done?

35

MS MARTIN: That's why he was given this task, to gather information. And by his recommendation, he felt that there should be no further action. I trusted his judgment. He was an experienced Manager of Security who had acted up in a General Manager's position.

MR LLOYD: You just told us he wasn't doing an investigation.

40

MS MARTIN: Well, slip of the tongue.

MR LLOYD: Well, was he doing an investigation?

MS MARTIN: No, he was - he was gathering information.

45

MR LLOYD: Was it an investigation or not?

MS MARTIN: It was a slip of the tongue just then.

MR LLOYD: No, no. Don't worry about the slip of the tongue. Was he doing an -

MS MARTIN: No, I have told you it wasn't an investigation.

5

MR LLOYD: Someone needed to investigate, didn't they?

MS MARTIN: No, I think someone needed to find out what the information was and add value to it, and that's what he's done, and he's given me his recommendation.

10

MR LLOYD: See, when you told us yesterday about allegations of misconduct needing to be sent out to the Investigations Branch in the form of an intelligence report, I suggest to you that the only proper response to this information was for that to occur, that is, an intelligence report going out to the Investigations Branch. Do you agree with me?

15

MS MARTIN: Well, we would have asked the inmates - if from that he had gleaned that there needed to be further action, he would have recommended that.

20

MR LLOYD: You must know very well, Ms Martin, by this time - April 2017 - it would often be the case that there would be barriers or difficulties for inmates coming forward to make complaints of misconduct by officers; true?

25

MS MARTIN: There would have been barriers?

MR LLOYD: Yes, difficulties for inmates coming forward to make allegations of misconduct against senior officers. Do you agree?

30

MS MARTIN: No, I don't agree, because inmates would come to me at any time.

MR LLOYD: I see. So you're telling us that you think it was easy for inmates to come forward with serious allegations of misconduct against officers?

35

MS MARTIN: Well, they had the Ombudsman they could go to. They had the Ombudsman. They had the Official Visitor they could see. They had CSL - CSSL line to go to. They had their visitors, or their family could have gone to the Commissioner's office.

40

COMMISSIONER: Ms Martin, Mr Lloyd is asking you something different.

MS MARTIN: Oh, sorry. Sorry, Commissioner. Sorry.

45

COMMISSIONER: We know of the processes that were available. What he's saying to you is that it's inevitable that it would be difficult for prisoners to use those processes because of point-blank fear of retribution. Do you understand?

MS MARTIN: Yes, Commissioner. I don't agree with it, though. I -

COMMISSIONER: You don't agree there's fear of retribution?

5 **MS MARTIN:** From myself?

COMMISSIONER: Inmates. No. Well, any inmate, whether from you or someone else. Do you accept that inmates would fear retribution in making complaints?

10

MS MARTIN: Well, I - I can't say that was for every single complaint, that they would fear that. Inmates did make complaints.

15 **COMMISSIONER:** Yes, I know. But did it ever cross your mind that they may have been concerned that in making a complaint, there would be retribution visited upon them by the officer about whom they were complaining?

MS MARTIN: Not at that stage, because I wouldn't have stood for that.

20 **COMMISSIONER:** How would you even know?

MS MARTIN: Well, you're - you're right, Commissioner, how would I have known?

25 **COMMISSIONER:** Well, what position have we reached? Did you understand that there was a reluctance, at least amongst many that we've spoken to, out of a fear of retribution to make a complaint? Do you understand that?

30 **MS MARTIN:** I understand that, Commissioner.

MR LLOYD: See, in the context of this, Ms Martin - this is April of '17. You've told us you had concerns about Astill by March of the previous year.

35 **MS MARTIN:** Mmm.

MR LLOYD: Do you remember that?

MS MARTIN: That's correct.

40 **MR LLOYD:** I've asked you this morning about the letter containing what you agreed with me were serious allegations of Astill having a sexual relationship with Witness C. That was from October or November the previous year. Remember that?

45 **MS MARTIN:** Yes.

MR LLOYD: This is, what, five or so months after that - the second of those events; correct?

MS MARTIN: Yes.

5

MR LLOYD: Why would you not have made sure that these allegations, in light of those pieces of information and your concerns about Astill, got sent away to be investigated properly by the Investigations Branch?

10 **MS MARTIN:** With this one, that's what would have been the end result, hopefully. If information - if information comes to us, we speak to the inmate. We gather more information to add value. And then what we do is we make a determination whether that information should be in an information report - intelligence report to Investigations Branch or not. I asked the Manager of
15 Security to look at this, to speak to the women, and his recommendation - I wasn't at the meeting. His recommendation was such, and I respected that judgment.

MR LLOYD: You knew things that, to your knowledge, he didn't, that is, about your concerns from March of '16 and the intelligence report that went up in
20 November of '16 about the same officer; that's true, isn't it?

MS MARTIN: Yes, that's true.

MR LLOYD: The only reasonable response by you in discharge of your duties at
25 this time was to send these allegations out in the form of an intelligence report so that they could be properly investigated. Do you agree with me? I'll take the objection.

COMMISSIONER: Yes, I require you to answer.

30

MR LLOYD: Do you agree with me?

MS MARTIN: I don't agree with you in this case because - but I understand what you're saying.

35

MR LLOYD: Well, I want to suggest it was a serious failure by you in not doing that very thing.

MR TYSON: Privilege.

40

COMMISSIONER: Yes, I require you to answer.

MR LLOYD: Do you agree?

45 **MS MARTIN:** At the time, I - I didn't think that was a serious failure.

5 **MR LLOYD:** I'll just put one other thing to you about this. Witness O came along, in terms of the Commissioner's questions about your knowledge and retribution - and understand, Ms Martin, I'm not putting to you that you were aware of what I'm about to say that she told us. But when she gave her evidence, she said what happened as a result of her putting in this complaint about Astill was that Astill brought her in, showed her the document recording her complaint and said, "I know you've been complaining about me." What's your response to that?

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

MR LLOYD: An appalling outcome for that particular inmate who's come forward with -

15 **MS MARTIN:** I agree.

MR LLOYD: Do you agree?

MS MARTIN: I agree.

20 **MR LLOYD:** Did you tell Astill that it was Witness O who had come forward?

MS MARTIN: No.

25 **MR LLOYD:** Are you sure?

MS MARTIN: Yes, I'm positive.

30 **MR LLOYD:** Did you tell Mr Bartlett to make sure that Astill was not aware of the inmates who had come forward to make the report?

MS MARTIN: I can't recall. But if this was on an application - no, I - I can't recall at all.

35 **MR LLOYD:** I note the time, Commissioner.

COMMISSIONER: We'll take the morning adjournment.

<THE HEARING ADJOURNED AT 11.28 AM

40 **<THE HEARING RESUMED AT 11.43 AM**

45 **MR LLOYD:** Commissioner. Ms Martin, I want to move forward from April of '17 to some events in July of that year. And before asking you about them, I just wanted to draw to your attention some things that you've said in both your police statement and your statement to us. Do you understand?

MS MARTIN: I understand.

MR LLOYD: I'll just explain this. I take it from some of the evidence you've given us that at least for some of the events that I've been asking about so far, your recollection is not that good?

5

MS MARTIN: No, it's not. No.

MR LLOYD: The purpose of showing you these paragraphs is I want to get you - give you an opportunity to tell us whether the paragraphs I'll show you is where you deal with what you can remember about the particular -

10

MS MARTIN: Thank you. Yes.

MR LLOYD: Can you turn in Volume 8 -

15

MS MARTIN: Yes.

MR LLOYD: - to - I'm so sorry. It's your police statement, which I think is in Volume 7.

20

COMMISSIONER: Sorry. Where are we going, Volume 7?

MR LLOYD: Volume 7. Tab 59 first, Commissioner. Have you got your police statement there?

25

MS MARTIN: Yes, I have.

MR LLOYD: Just re-read to yourself paragraphs 22 and 23. And now can I ask you to go to your statement to the Commission, which is Tab 59 in the same volume, and re-read to yourself paragraphs seventy - starting with 71. If you need to re-read 71 and just go over to paragraph 78, and tell me when you've done that.

30

MS MARTIN: Read 78 as well?

35

MR LLOYD: Yes. Just go to the end of 78 and then I'll ask you some things.

MS MARTIN: Yes.

MR LLOYD: Now, I want to put some things about what I understand you to be describing in those paragraphs I've drawn to your attention and get your response to them, and I'll put the propositions to you in chronological order. Do you understand?

40

MS MARTIN: Okay.

45

MR LLOYD: Could you go in Volume 8 - I think the other folder you've got there - and look at Tab 80 and find the annexure numbered 22 behind Tab 80.

MS MARTIN: I've got Tab 107.

MR LLOYD: Go back a bit.

5

MS MARTIN: No.

MR LLOYD: You don't have a 22?

10 **MS MARTIN:** Tab 80?

MR LLOYD: Tab 80. And then there are some individual tabs behind 80. One of them should be number 22.

15 **MS MARTIN:** Oh, sorry.

MR LLOYD: That's okay. Do you see there a document headed Incident Report?

MS MARTIN: Yes.

20

MR LLOYD: And don't worry about the date that it records in the third line down. This, can I tell you, is, on the evidence of Mr Neil Holman, an incident report that he created following a meeting that occurred on 20 July 2017 at which you were in attendance in part with Inmates R and V. Now, let me add this detail and then I'll put some things to you about it to see if you remember. Whilst

25

Witnesses R and V were at the meeting on this day, Witness B had come along with them and was sitting outside. Do you understand what I'm putting to you?

MS MARTIN: Mmm.

30

MR LLOYD: Now, let me see if you can remember an occasion when you were called in to a meeting which - at which were present Mr Paddison, Mr Holman, Mr Westlake and Witnesses R and V. Do you remember coming into a meeting of that kind around this time?

35

MS MARTIN: No, but I'm not denying that I - I wasn't at a meeting.

MR LLOYD: I just want to put some things - and if it's helpful to you, I'll take them from the second-last paragraph of the document that's before you, starting,

40

"Witness V was asked." Do you see that?

MS MARTIN: Yes.

45

MR LLOYD: Now, you see, I want to suggest to you that there was a meeting with those people who I put to you on or around 20 July 2017 where you were called in by either Mr Westlake, Mr Paddison or Mr Holman because there were women who had made very serious complaints about Astill. Do you remember?

MS MARTIN: No, but if you - I'm not disagreeing that I wasn't there.

5 **MR LLOYD:** And I want to suggest that when you came in to the meeting, what you were told by Witnesses V and R was that Astill had attempted to kiss a different inmate, Witness M, and was frequently rubbing his hand up and down her arms and was always asking her to come to his office. Do you remember that happening, that is, being told of those allegations about Astill's behaviour towards Witness M?

10

MS MARTIN: I can't recall, but I'm not arguing that it - that it did happen.

15 **MR LLOYD:** And another thing that Witnesses V and R say occurred while you were in the meeting was that Witness R had seen herself - that is, had witnessed Astill directly rubbing his hand on Witness M's arm. Again, same position: don't remember, but no reason to doubt it?

MS MARTIN: Yes, no reason to doubt it.

20 **MR LLOYD:** And that in response - I need to put this to you - that when you came in the room and these things were disclosed to you by Witnesses R and V, that is, about what Astill had been doing to Witness M, your response, in effect, was, "You know inmates lie."

25 **MS MARTIN:** I wouldn't have said that.

MR LLOYD: Are you sure?

30 **MS MARTIN:** Yes, I'm positive. I would not have said that. I would have taken this very seriously.

MR LLOYD: And when you say you would have taken it very seriously, on the allegations as I've put to you, they were allegations that suggested that there might be criminal conduct by Astill -

35

MS MARTIN: Yes, yes.

40 **MR LLOYD:** - requiring, to your understanding, investigation, including by the police?

MS MARTIN: Yes, I would have had a intelligence report completed and I would have sent that straight to the Investigations Branch.

45 **MR LLOYD:** And this document, the incident report that I've shown you parts of behind this Annexure 22, Mr Holman's evidence is that it's likely he gave this to you.

MS MARTIN: If - if he said he gave it to me, he would have given it to me.

MR LLOYD: Him doing that would accord with what you would understand to be the usual or proper practice; correct?

5

MS MARTIN: Correct. If I was there at the time, remembering I had the other Centre.

MR LLOYD: Well, just to be clear, Ms Martin, the proposition I'm putting to you is that you were there at this time.

10

MS MARTIN: Yes. And I agree with you.

MR LLOYD: Have a look at the next one, Tab 23. This is a further incident report that Mr Holman says that he prepared about things that occurred in the days following that first meeting I just asked you about. Do you understand?

15

MS MARTIN: Yes.

MR LLOYD: And he said he gave this one to you as well.

20

MS MARTIN: If - if he said that, then that would be correct.

MR LLOYD: I don't want to get caught up in the details, but take it - I withdraw that. The effect of Mr Holman's evidence was that what he's recounting in this incident report was things that had occurred after that meeting which involved Astill approaching one or more of the women who had come forward and intimidating them and behaving in an intimidating way. Do you remember that kind of incident coming to your attention?

25

30

MS MARTIN: No, but if he said that, that he gave me this report, then I would know.

MR LLOYD: Officer Paddison, when he was describing in his evidence what happened immediately after the meeting on or about 20 July, said that you instructed him to conduct an investigation into witness - what was said to be Witness M's allegations. Do you remember doing that?

35

MS MARTIN: I wouldn't instruct him to conduct an investigation. I would have said, "We need to find out more information," but I wouldn't have said, "Investigate it."

40

MR LLOYD: I think you said you wouldn't have told him to do an investigation?

MS MARTIN: No, just to collect more information, find out exactly what was going on.

45

MR LLOYD: By what means? What more information did you need?

MS MARTIN: Well, to see if the - I think it's M. Was it M?

5 **MR LLOYD:** Yes.

MS MARTIN: To see if Witness M was okay, is there anything she wanted to tell anyone, and that would have been placed on the report to add value to the intelligence report. I think mainly, for me, it would be that she was okay.

10

MR LLOYD: Because is what you're saying reflective of your view that having regard to what had been revealed by Witnesses R and V on the basis of the information I've put to you, that irrespective of what Witness M said, these matters had to go out to be investigated?

15

MS MARTIN: Yes.

MR LLOYD: Correct?

20 **MS MARTIN:** Yes.

MR LLOYD: And it certainly would have been completely inappropriate for any attempt to be made to interview Witness M to test whether the allegations were valid or true?

25

MR TYSON: Object. Privilege.

COMMISSIONER: I require you to answer.

30 **MR LLOYD:** Do you agree?

MS MARTIN: Well, I - I would have - if she had have still been in our Centre, it's - it's like everything. We would have just checked that she was okay, does she want to report anything, and that would be it. It wouldn't be an investigation. It would be more like fact-finding to add value to the intelligence report.

35

MR LLOYD: But certainly not appropriate to be testing the validity of what she has to say; agree?

40 **MS MARTIN:** Well, you wouldn't be investigating, no. That wouldn't be appropriate.

MR LLOYD: Can you go in that same folder, please, to Tab 84. This time I'll ask you to turn up Annexure D. Have you got that one?

45

MS MARTIN: Is that the, "Hi Elyse"?

MR LLOYD: Annexure D is on the first page, "Hi Elyse," but can you go to the second page. Do you see there an email, Michael Paddison?

MS MARTIN: Yep. Yes.

5

MR LLOYD: See that's an email from Michael Paddison to Craig Smith -

MS MARTIN: Yes.

10 **MR LLOYD:** - copied to you?

MS MARTIN: Yes.

MR LLOYD: Subject: Confidential:

15

"We are currently undertaking an investigation at the Dillwynia Correctional Centre in relation to alleged inappropriate interactions between a custodial staff member and an offender who was previously incarcerated here but is now at Wellington."

20

See that?

MS MARTIN: Yes.

25 **MR LLOYD:** This was obviously being sent about the allegations which had been made about Witness M; true?

MS MARTIN: That's true, but it -

30 **MR LLOYD:** It tells you that she'd been moved from Dillwynia, by this time was at Wellington.

MS MARTIN: Yes.

35 **MR LLOYD:** Do you see the first line that Mr Paddison writes -

MS MARTIN: Yes.

MR LLOYD: - "undertaking an investigation"?

40

MS MARTIN: Yes.

MR LLOYD: Are you able to tell the Commissioner why you consider - or what would explain him saying that?

45

MS MARTIN: I - I think -

MR TYSON: I object. Speculation.

MR LLOYD: I press that question.

5 **COMMISSIONER:** Yes, answer the question.

MS MARTIN: I think he's used the wrong words, because he wouldn't have been investigating anything. I believe he's used the wrong word.

10 **MR LLOYD:** You were copied into the email.

MS MARTIN: Yes.

15 **MR LLOYD:** Did you get in touch with him and say, "Michael, what are you talking about? This is not an investigation, and you are not to be conducting an investigation"?

MS MARTIN: Well, I would assume that he wasn't conducting an investigation, because we don't conduct investigations. We're not -

20 **COMMISSIONER:** Well - I'm sorry -

MS MARTIN: We're not trying to do so.

25 **COMMISSIONER:** Ms Martin, I'm sorry, but that's what this document actually says is happening. It says an investigation is happening and that, furthermore, he expresses the hope in paragraph 4 that an interview could be conducted with Witness M to ascertain the validity of these allegations prior to taking further action.

30 **MS MARTIN:** Yes.

COMMISSIONER: I have to tell you, that sounds like an investigation to me.

35 **MS MARTIN:** Well, it - it does, Commissioner, but he wouldn't have been conducting an investigation. We don't - we don't do that in the Centres.

COMMISSIONER: I think you're telling me he shouldn't have been, but it's plain from this document, Ms Martin, that he was.

40 **MS MARTIN:** Yes, Commissioner.

MR LLOYD: And so that final paragraph, as the Commissioner has drawn to your attention, that was completely inappropriate; agree?

45 **MS MARTIN:** It wouldn't have been inappropriate if we were finding out how the inmate was. I - I don't think that's being inappropriate.

MR LLOYD: That's not what that paragraph says.

5 **MS MARTIN:** No, but it - it wouldn't have been inappropriate if that's what it meant.

10 **MR LLOYD:** Did you do anything to say to him, "You are not to be trying to arrange to interview Witness M to" - using the words in the email to which you were copied - "ascertain the validity of the allegations prior to us taking further action"?

15 **MS MARTIN:** Well, I wouldn't have thought he was doing an investigation. I thought he'd do - any incident that happened within the correctional facility, if it involved an inmate, we would talk to those inmates. We - we would not investigate; we would just add value to the information that we needed. I - I personally don't think that - or I don't believe he was conducting an investigation. I didn't instruct him to. I think he's used the wrong words here, because he's not trained to investigate.

20 **COMMISSIONER:** Ms Martin, I hear what you say, but you understand what I'm saying back to you. This document says it's an investigation -

MS MARTIN: Yes.

25 **COMMISSIONER:** - and it speaks like it's an investigation.

MS MARTIN: Yes.

30 **COMMISSIONER:** Very hard to say he wasn't carrying out an investigation. Whether he was entitled to, should have been or not, it's very hard to say that's not what he was doing. You understand?

MS MARTIN: Yes. Yes, Commissioner.

35 **MR LLOYD:** Could I just ask you, in terms of the sequence - we're up to 22 July. That's the date of this email, you see?

MS MARTIN: Yes.

40 **MR LLOYD:** Just going back to remind you about one of the things you say in your Commission statement in the paragraphs I asked you to re-read. You describe here, paragraph 74 - you need not go back to it:

45 "After the relevant inmates met with me, I rang Hamish Shearer."
Do you remember -

MS MARTIN: So that was not this case?

MR LLOYD: That's why I asked you before. You've told us that that was this -

5 **MS MARTIN:** No.

MR LLOYD: - case.

10 **MS MARTIN:** I - I'm sorry. I'm confused. It was a number of years ago, and -

MR LLOYD: Ms Martin, paragraph 74 of your Commission statement. Perhaps you do need to go back there.

15 **MS MARTIN:** Yeah. No, that is different. Sorry.

MR LLOYD: Is what you're telling us, that when you talk in 74 about:

"After the relevant inmates met with me, I rang Hamish Shearer" -

20 Is that something that came later in -

MS MARTIN: This is a different - this is a different situation.

25 **MR LLOYD:** Who, then, were the two or three who came to see you - look at 73 - in your office?

"Another staff member was there with me."

30 **MS MARTIN:** I - I can't recall.

MR LLOYD: See, I want to suggest to you that you are here describing the event that I've put to you where Witness R and V came to see you and made the disclosures about Witness M.

35 **MS MARTIN:** No, it's - it's a totally different - it's the - I received an application form or a request to see me, and it was in relation to something on - that happened on a muster.

40 **MR LLOYD:** See, let me just try and clear this up so you're assisted. The sequence of events that this Commission has heard evidence from is that after the meeting I've asked you about on 20 July -

MS MARTIN: Yes.

45 **MR LLOYD:** - there was a muster at which Astill made a pointed remark to Witness B about smelling like dogs.

MS MARTIN: Okay. And that's this one that I'm -

MR LLOYD: Now, I'll just draw to your attention and you see if you respond.

5 **MS MARTIN:** Yeah.

MR LLOYD: Witness B told us in her evidence that the sequence was she and Witnesses R and V went along on the occasion when the disclosures were made about Astill assaulting Witness M. Do you understand?

10

MS MARTIN: Okay. Yes.

MR LLOYD: And that what followed shortly after those disclosures that I've asked you about on the 20 July -

15

MS MARTIN: Yes.

MR LLOYD: - was Astill, in Witness B's view, finding out about those disclosures and at muster saying, "It smells like dogs in here."

20

MS MARTIN: So that's what this one is.

MR LLOYD: Well, I'm putting to you the sequence arising from evidence that we have before us in this Commission.

25

MS MARTIN: And - and as I said, I hadn't recalled the other one.

MR LLOYD: I'm not being critical. You remember I asked you the question at the start -

30

MS MARTIN: Yes.

MR LLOYD: - that you didn't have a recollection about this?

35

MS MARTIN: No, no. And this is - this is that event about the muster afterwards.

MR LLOYD: You are talking, in paragraph 74, about the things that came to your attention about the remarks at the muster?

40

MS MARTIN: Yes, that's correct.

MR LLOYD: Let me just - I'll come back and go through some other details with you in one moment, but let me just put this to you. When you found out about the comments made by Astill at the muster, "Smells like dogs in here" - you did find out about them?

45

MS MARTIN: Yes, the inmates came and told me.

MR LLOYD: You knew very well when you found that out that that was Astill making that comment in relation to the disclosures which had been made on or about 20 July that I've asked you about.

5

MS MARTIN: Well, I may have, but I'd forgotten about them.

MR LLOYD: It's obvious, the link, isn't it, just sitting here and listening to the sequence of -

10

MS MARTIN: Now that you've brought it to my attention, yes, it is obvious.

MR LLOYD: And you would have known about the link when you heard about these events, "Smells like dogs in here," at the muster. Do you agree with me?

15

MS MARTIN: Well, probably at the time, yes.

MR LLOYD: And so I'll just go and ask you some questions, then, about the phone call in 74 with Hamish Shearer. You told us that that was after the events of the muster?

20

MS MARTIN: Yes, the inmates had come to see me, and they had made a complaint. Once the inmates had left, I rang up the Director, Hamish Shearer, and - and basically said to him, "I don't know what to do with this man."

25

MR LLOYD: And if it was right that in your mind what had happened was the sequence that I've put to you, that is, three inmates coming forward, making allegations of assault by Astill on Witness M and then next the "smells like dogs" being said by Astill at muster - if that was the sequence, do you agree with me that when you called Hamish Shearer, it's likely that you would have told him about all of those events?

30

MS MARTIN: More than likely. I can't - I can't recall. I know that I sounded desperate, and I just remember I rang and said, "I don't know what to do with this man."

35

MR LLOYD: And if it's right that you knew that inmates had come forward to make those allegations, which you've said, I think you agreed with me, were allegations of criminal conduct, it was inconceivable that you would not have passed that on, that is, your knowledge of those allegations, to Mr Shearer in the phone call. Do you agree?

40

MS MARTIN: I believe I would have, or I would have briefed him as soon as he came there. But I'm sure I would have passed that on.

45

MR LLOYD: Can I go back to some things about the sequence that I wanted to put to you. In paragraph 77 of your Commission statement, you said:

"Hamish said that he would talk to Mr Astill. I can't recall the details of that, but I have a recollection that Hamish did speak to Mr Astill with me at this time."

5

MS MARTIN: Yes.

MR LLOYD: Do you see that? Do you remember speaking to Mr Astill with Mr Shearer?

10

MS MARTIN: I would have said - I would have said something, but I think the - Mr Shearer probably would have taken control of that, because I asked him to come out and I asked him to do something.

15 **MR LLOYD:** Do you remember what it was that Mr Shearer said to Mr Astill?

MS MARTIN: No, I don't.

20 **MR LLOYD:** I might come back to that. Can I just show you a document. You can close up that Volume 8 for now. And could Ms Martin be shown Volume 10. When you get that, at Tab 170. In the intelligence report, you see the incident date is 21 July 2017. See that?

MS MARTIN: Yes.

25

MR LLOYD: Have a look - just go to page 4. Do you see the local author is Pamela Kellett?

MS MARTIN: Yes.

30

MR LLOYD: And go back, then, to the second page under Information. Do you see that?

MS MARTIN: Yes.

35

MR LLOYD: Did you give an instruction to Ms Kellett or someone else to create and send an intelligence report about the allegations which I've put to you came to your attention about Witness M? Do you remember doing that?

40 **MS MARTIN:** I would have, yes.

45 **MR LLOYD:** And if you look down here, it's clear from the description under Information that the information which is being recorded here on page 2 reflects the things that I've put to you. For example, if you have a look at the fifth paragraph down, there's the allegation there by HS1, who take it from me is Human Source 1, that is, one of the inmates, that Witness M had said that Chief

Astill had attempted to kiss her and would frequently rub his hand up and down her arm. Do you see that?

5 **MS MARTIN:** Yes.

MR LLOYD: And then the allegation that Human Source 2, another inmate, had seen that kind of behaviour.

10 **MS MARTIN:** Yes.

MR LLOYD: Do you see that?

MS MARTIN: Yes.

15 **MR LLOYD:** And then the second report in the last paragraph referred to by Mr Holman is referred to, although the spelling of the surname is wrong. Do you see that?

20 **MS MARTIN:** Yes.

MR LLOYD: And the record there is that Astill had stated to an inmate, "She is a fucking thing and I'll get her moved to high needs." Do you see that?

25 **MS MARTIN:** Yes.

MR LLOYD: And Mr Holman agreed with me when I asked him that that, in effect, was him reporting that there'd been an attempt to intimidate one of those witnesses who had come forward with the information about M.

30 **MS MARTIN:** Okay. Yeah.

MR LLOYD: You've got no reason to doubt that?

35 **MS MARTIN:** I have none whatsoever.

MR LLOYD: And have a look, then, at CI Analysis on page 4. Just read those two paragraphs to yourself. These are not your words, just to make clear.

40 **MS MARTIN:** No.

MR LLOYD: You disagree with them, I can see -

MS MARTIN: I disagree with them.

45 **MR LLOYD:** That is not an accurate record -

MS MARTIN: No.

MR LLOYD: - of the situation as it stood -

MS MARTIN: No.

5

MR LLOYD: - in your mind as at 30 July?

MS MARTIN: No.

10 **MR LLOYD:** Another question: Did you make contact either by telephone to Mr Hovey or write a letter of the kind that I drew your attention to earlier that you wrote about Senior Correctional Officer Lloyd in March 2017?

15 **MS MARTIN:** I - I don't recall. I may have had a conversation him over the - the two years, but I'm - I'm not going to say I did. Honestly, I can't recall.

MR LLOYD: These were allegations that you were aware of, I think you've accepted, what looked like, if they were true, criminal conduct -

20 **MS MARTIN:** Yes.

MR LLOYD: - by an Acting Chief Correctional Officer -

MS MARTIN: Yes.

25

MR LLOYD: - at your gaol; true? And are you telling us that you, one, did not produce a letter making a report of this in addition to the intelligence report to the Investigations Branch or the Professional Standards Branch?

30 **MS MARTIN:** I don't think I did. But with the one with Ms Lloyd, I may have been asked to supply that. That's what I said to you before. With this, I'm - I'm not making any excuses. I can't recall if I rang him. I don't recall doing a report on it.

35 **MR LLOYD:** You should have telephoned - you should have written to him in addition to the intelligence report -

MR TYSON: Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

40

MR LLOYD: You should have done both of those things, shouldn't you?

45 **MS MARTIN:** Well, not necessarily both, but I - I should have rung at least. And I - in saying that, as I said to you before, once the intelligence report went to the Corrections - Corrective Services Investigations Branch, you know, we didn't ring up all the time because we could have impeded the investigation and then, you

know, it may look like that I was trying to favour the officer by trying to - I don't know. But I know I didn't ring up all the time. I can't tell you if I rang him.

5 **MR LLOYD:** Ms Martin, at the time that this report goes, do you see the problem? You're the Governor of this Correctional Centre, and you have allegations which have come to your attention that one of your senior staff has engaged in criminal conduct on the premises. That's an accurate description of the situation as you understood it, isn't it?

10 **MS MARTIN:** Now? Yes.

MR LLOYD: No, no. Not now. Right back then, you knew.

15 **MS MARTIN:** These were alleged allegations, but in saying that - but in saying that, I thought they were serious enough that they should have gone, and they did go, to the Investigations Branch, whose job is to investigate these serious allegations.

20 **MR LLOYD:** You knew that there were allegations of criminal conduct by one of your senior officers; correct?

MS MARTIN: And I handled those by sending them up to the Investigations Branch. That's what I was told we had to do. That's what we did.

25 **MR LLOYD:** It was necessary for you, in discharge of your duties, to make sure that something was being done by that Investigations Branch to investigate these matters that had come to your attention; true?

30 **MR TYSON:** Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

35 **MS MARTIN:** No, I did my job in the sense that I reported these serious matters straight up to the Investigations Branch. We were doing - we were doing these matters, writing up these reports. We would have assumed that they were a professional unit and they were conducting the appropriate investigations.

40 **COMMISSIONER:** Ms Martin, I think what's being put to you is that you, as the Governor, were in charge of the gaol. You received allegations which were very serious allegations of misconduct - criminal conduct -

MS MARTIN: Yes.

45 **COMMISSIONER:** - by one of your senior officers. You had an obligation to protect all of those in the gaol from someone who might be a senior officer committing crimes within the gaol, did you not?

MS MARTIN: Yes.

COMMISSIONER: As a consequence, although reporting up was something you had to do, I think what's being put to you is you had a responsibility thereafter immediately to respond and take steps to ensure the gaol remained safe. Do you understand?

MS MARTIN: That's correct, yes.

COMMISSIONER: And that would have required you to know what was happening above you in terms of investigation and response to the allegations. Do you understand that?

MS MARTIN: I understand that.

COMMISSIONER: And you didn't do that, did you?

MS MARTIN: I'm saying I can't recall if I did that.

COMMISSIONER: Well - all right.

MR LLOYD: Well, I want to suggest to you that on that - there is evidence before this Commission that you did not write any letter to Investigations or the PSB recording your concerns at this time about Astill's conduct.

MS MARTIN: Okay.

MR LLOYD: And that was a failure by you?

MR TYSON: I object. Privilege.

COMMISSIONER: I require you to answer.

MR LLOYD: Correct?

MS MARTIN: No, I don't think it was a failure of me.

MR LLOYD: Could I ask for Ms Martin, please, to have access to Volume 14. Would you go to Tab 452.

MS MARTIN: Sorry, (indistinct).

MR LLOYD: That's all right. Just before I ask you about this email chain, can I just ask you about whether you remember this: You remember that Astill's position was an Acting Chief Correctional Officer?

MS MARTIN: A temporary appointment.

MR LLOYD: And what was necessary, then, because it wasn't a permanent appointment, was from time to time for you or the person in your role to extend that appointment?

5

MS MARTIN: Yes.

MR LLOYD: Do you remember being copied into an email in September of '17 where that temporary appointment was extended?

10

MS MARTIN: Was I there in September - no, I'm just saying - no, I can't recall, but I'm not saying that that wouldn't have occurred.

MR LLOYD: Could I ask you about this email chain and make it clear to you that I'm not suggesting that you are the sender or recipient of any of the emails. Do you understand?

15

MS MARTIN: I understand.

MR LLOYD: Do you see down the bottom, Doug Greaves - take it from me he was someone from the Professional Standards Board of Employees - to Hamish Shearer. Do you see that?

20

MS MARTIN: Yes.

25

MR LLOYD: And Mr Greaves is recording in that email some things about the allegations involving Witness M. Do you see that?

MS MARTIN: Yes.

30

MR LLOYD: And the question posed by Mr Greaves in the second-last paragraph on this page:

35

"Could you please determine whether it's correct, that is, that there'd been an investigation done by the gaol about these allegations, and please advise why the allegations against the officer was not referred to the PSC, Professional Standards Council, or the PSB, Professional Standards Board."

Do you see that? And do you see the response from above from Mr Greaves - or a further email:

40

"Peter, Hamish called me after making inquiries with Shari Martin."

Do you see that?

45

MS MARTIN: Yes.

MR LLOYD: Do you remember speaking to Hamish Shearer about what had come of any investigation into the allegations made by Witness M?

MS MARTIN: No. I don't recall.

5

MR LLOYD: But you don't doubt that there was a discussion about that?

MS MARTIN: I don't doubt there was.

10 **MR LLOYD:** You see the words here are:

"It appears this wasn't an investigation as such. There was some information about an officer, and it says Shari liaised with Mick Hovey about it."

15 Do you see that?

MS MARTIN: Yes.

MR LLOYD: Do you remember any liaison with Mick Hovey?

20

MS MARTIN: I can't recall. Can I - and I don't want to change the subject. 2017 was a very intense year with the benchmarking. So there was a lot going on between the two Correctional Centres. What I'm saying - if I'm saying I don't recall, it's because it was a very intense year. I'm not trying to be difficult.

25

MR LLOYD: Benchmarking, obviously, was something that you had to deal with as a manager - or Governor of the Centre?

MS MARTIN: Yes. Yeah.

30

MR LLOYD: But allegations that senior officers are committing crimes within the -

MS MARTIN: I dealt with that too, yes.

35

MR LLOYD: It was also important?

MS MARTIN: Yes. Yes.

40 **MR LLOYD:** You're telling us that you don't have a recollection about what state of mind you'd reached by October '17 about what had happened about investigating Witness M's allegations. Is that your position?

45 **MS MARTIN:** No, what I'm saying is that's why I'm not recalling phone calls with Mick Hovey.

MR LLOYD: Certainly if it's right that you were speaking to Hamish Shearer in October of '17 about the investigation in relation to Witness M, those allegations, on that scenario - I withdraw the question. I've drawn your attention to someone else's words here, recording:

5

"Hamish called me after making inquiries with Shari Martin."

Do you see that? In the 13 October email.

10 **MS MARTIN:** Yes.

MR LLOYD: Now, you've said you don't have a recollection of speaking to Mr Shearer in or around October of 2017; correct?

15 **MS MARTIN:** Yes. I don't - I don't recall.

MR LLOYD: Certainly if it's right that you did have a conversation with him around that time, that is, October '17, the status of those allegations made in relation to Witness M would plainly have been in the forefront of your mind.

20

MS MARTIN: And he would have been told, yes.

MR LLOYD: And you would have been also thinking about, well, if there's allegations that you were aware of, of a crime involving Witness M, it would have been in the forefront of your mind about what had happened to her. Do you agree with me?

25

MS MARTIN: With what had happened to who, witness -

30 **MR LLOYD:** The allegations about the assault on Witness M.

MS MARTIN: Yes.

MR LLOYD: So by October, if it's right that you spoke to Hamish Shearer about the investigation in relation to Witness M -

35

MS MARTIN: But we weren't - we weren't conducting an investigation - I'm sorry?

40 **MR LLOYD:** You would not have forgotten that there were serious allegations -

MS MARTIN: No, I wouldn't have. No.

MR LLOYD: - being in the forefront of your mind by October?

45

MS MARTIN: Yes. And I would have told him. That's correct.

MR LLOYD: Because, by this time, you hadn't been told of any result?

MS MARTIN: No, I hadn't.

5 **MR LLOYD:** Mr Astill is still coming into the Centre.

MS MARTIN: Yes.

10 **MR LLOYD:** He was doing his job; correct?

MS MARTIN: Yes. That's correct.

MR LLOYD: Notwithstanding there'd been allegations of the crime.

15 **MS MARTIN:** Yes.

MR LLOYD: So you must have known by this time - I withdraw that. You must have been thinking, "What is going on with that investigation?"

20 **MS MARTIN:** Yes.

MR LLOYD: Correct?

25 **MS MARTIN:** Yes. And I probably said, "What's going on?"

MR LLOYD: Did you ask, do you remember -

MS MARTIN: I said I probably said, but I don't recall.

30 **MR LLOYD:** Could I ask you about one - I'll try and do this without taking you back. In your police statement, after referring to speaking to three inmates who made complaints about Astill, you say in paragraph 23:

35 "As a result of this complaint, Wayne Astill was counselled by Director Hamish Shearer."

MS MARTIN: Yes.

40 **MR LLOYD:** Now, you told us earlier about a counselling event.

MS MARTIN: Yes.

MR LLOYD: Can I just ask you whether you remember attending?

45 **MS MARTIN:** I would have - I can't remember - I'm sorry, I'm not being difficult. I - I would have attended that.

MR LLOYD: Do you have a recollection about what was discussed?

MS MARTIN: No. No.

5 **MR LLOYD:** I want to show you something which may assist your memory about the sequence of events. Could Ms Martin please be supplied with Exhibit 39. Can you, when you get that, turn to page 50. You see, Document, Governor Martin, top right-hand corner, 25 November 2017. Do you see that?

10 **MS MARTIN:** Yes.

MR LLOYD: About six weeks or so after the email I just asked you about of 13 October 2017. It's obvious, isn't it?

15 **MS MARTIN:** Yes.

MR LLOYD: Just have a look - you see, if you go back, the last page:

"Wayne Astill, Chief Correctional Officer."

20

Do you see that?

MS MARTIN: Yes.

25 **MR LLOYD:** This is a document authored by Astill?

MS MARTIN: Yes. That's correct.

MR LLOYD: Do you see underneath Governor Martin:

30

"After our meeting on 22 November, she indicated to me she had received a number of complaints."

MS MARTIN: Yes.

35

MR LLOYD: Do you see that?

MS MARTIN: Yes.

40 **MR LLOYD:** If you go to page 27 in that bundle, I just want to draw something to your attention before asking you some questions. Do you see there - I'm going forward in time to an email from you to Astill, copying Thomas Woods, 17 December 2017. Do you see that?

45 **MS MARTIN:** Yes.

MR LLOYD: And this is you writing to Astill:

"In relation to our discussion with the Director, Metro West, on 22 November 2017..."

5 Do you see that?

MS MARTIN: Yes.

10 **MR LLOYD:** The Director who you're referring to in that email is Hamish Shearer?

MS MARTIN: Correct.

15 **MR LLOYD:** And it's right, isn't it, that what this is reflecting is that if you go back, then, to the document at page 50 -

MS MARTIN: Yes.

20 **MR LLOYD:** - that what is likely to have occurred is that on 22 November, you and Mr Shearer and Mr Astill met?

MS MARTIN: Yes.

25 **MR LLOYD:** Do you have a recollection of that meeting?

MS MARTIN: No, but I know we - I know we met. That's what I said to you before.

30 **MR LLOYD:** Do you remember - I withdraw that. Does your recollection extend to the subject of the meeting, that is, what was discussed?

MS MARTIN: It would have been in relation to the inmates' complaint about his - his actions during muster.

35 **MR LLOYD:** When you say, "It would have been about the inmates' complaints about the actions during muster," you see, one of the things I want to suggest was discussed at this meeting was - that is, in addition to Astill's behaviour at muster, "Smells like dogs" - just pausing there, that was one of the things; correct?

40 **MS MARTIN:** I'd have to look at the report again.

MR LLOYD: You just said about the muster. One of the things -

45 **MS MARTIN:** Something about muster, yeah, inappropriate -

MR LLOYD: And you had in your mind - I withdraw that. You had not forgotten by this time that what had come to your attention were allegations of the assault by Astill on Witness M; true?

5 **MS MARTIN:** Well, I wouldn't have forgotten that, no.

MR LLOYD: And I want to put this to you: you also knew that the allegations about what had occurred on muster was directly related to those allegations being brought forward about Astill's assault of Witness M. Do you agree with me?

10

MS MARTIN: I think they were related, yes.

MR LLOYD: And, further, this coming six weeks after that email in October that I drew to your attention about what had happened with the investigation, in the forefront of your mind would have been, "Whatever happened to Witness M's allegations?" Do you agree with me?

15

MS MARTIN: I don't know. I -

20 **MR LLOYD:** It's inconceivable that you would not have thought about, "What happened to those serious allegations of criminal conduct on my premises?" Do you agree?

MS MARTIN: You're saying that it's inconceivable or -

25

MR LLOYD: You're the witness. I'm asking you whether you agree with me that it would have been inconceivable that you would not have thought around the time of this meeting with Astill -

30 **MS MARTIN:** Yeah, I agree with you.

MR LLOYD: And do we take it, then, that it is - whilst you don't have a memory, just knowing yourself and your practice about these things, that that is something that would have been discussed with Astill?

35

MS MARTIN: It should. It may not have been because it was at the investigation unit.

MR LLOYD: But how, in your mind, could you get to the bottom of the conduct of Astill at muster without going to the thing that had started the whole event, namely, the witnesses coming forward -

40

MS MARTIN: Well, I can't recall the details of the meeting. But in my mind, it may not be appropriate to talk about what we would have thought would be an investigation by the Investigation Branch pending investigation.

45

MR LLOYD: What about that part of the allegations – remember I drew to your attention Mr Holman’s second report about Astill intimidating one of the women in the period shortly after the period when they came forward? Do you remember I showed you that?

5

MS MARTIN: Yes.

MR LLOYD: It would have been completely inappropriate to be conducting an investigation within the gaol about that intimidating conduct.

10

MR TYSON: Objection. Privilege.

MR LLOYD: Do you agree?

15

MS MARTIN: I require you to answer.

MS MARTIN: When was I conducting an investigation? I’m sorry, I’m a bit confused at what you’re saying.

20

MR LLOYD: You, at this point that I’m asking you about, are meeting with Astill with Hamish Shearer on the –

25

MS MARTIN: Yes. And that’s in relation to the allegations that the three – or two or three inmates had – or the complaint the two or three inmates had. Yes. But I rang him because that’s when I said to him, “I don’t know what to do with this bloke because there are other reports on him.” I – I would have explained to him what the reports are.

30

MR LLOYD: Can you tell me what you can remember – when you say “him”, that’s Hamish Shearer?

MS MARTIN: Hamish Shearer, yes.

35

MR LLOYD: What can you remember saying to him?

MS MARTIN: All I can remember saying is, “I don’t know what to do with this bloke. We’ve put in that many reports on him.” And that’s all I can remember.

40

MR LLOYD: Just have a look at Astill’s document of 25 November. That’s at page 50. Now, do you see one of the things that he’s addressing in the note is a number of complaints about him being intimidating towards some inmates, inmates being in fear of reprisals and making off-the-cuff remarks? Do you see that?

45

MS MARTIN: Mmm.

MR LLOYD: You’ve got to give a verbal response.

MS MARTIN: Oh, sorry. Sorry. Yes.

5 **MR LLOYD:** Fair to proceed on the basis, is it, Ms Martin, that those are three of the things discussed at the meeting?

MS MARTIN: Well, I assume they would be.

10 **MR LLOYD:** He deals then – and I don't want to take you to all the details. The first point was the incident involving Witnesses O and T that I've already asked you about, the Brian Bartlett report.

MS MARTIN: Okay.

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

MS MARTIN: That must have been discussed as well at the meeting.

20 **MR LLOYD:** Over the page, fear of reprisals. It makes reference to searches carried out by Officer Brown, that the inmates complained to Chief Barry. Do you see that?

MS MARTIN: Yes.

25 **MR LLOYD:** Do you remember that that was inmates saying that after coming forward with the serious allegations about Witness M that they'd had their cells turned over and that kind of thing by Astill or at his direction?

30 **MS MARTIN:** And that was on a report.

MR LLOYD: You remember that being discussed?

35 **MS MARTIN:** No. But if that was – I'm not saying it wasn't. But if that was on a report, yes, it would have been discussed.

MR LLOYD: Making off-the-cuff remarks, do you see that heading?

MS MARTIN: Yes.

40 **MR LLOYD:** And without descending into the details, discussions or a response by Astill about allegations made by Witnesses V and B where he says that they have a vendetta against him. Do you see that?

45 **MS MARTIN:** Yes.

MR LLOYD: Two of the three women who I've put to you had come forward in July of that year about Witness M.

MS MARTIN: Yes.

5 **MR LLOYD:** You must have realised there was a connection at this point when it was discussed. Do you agree?

MS MARTIN: Yes, I - I have no doubt that there was serious misconduct - there was allegations of serious misconduct. I had put it up to the appropriate location.

10 **MR LLOYD:** And at this point, you'd not been told about any result; is that right?

MS MARTIN: No, I hadn't been.

15 **MR LLOYD:** Over the third page of Astill's response, again without going to the details, that's his response to the muster allegations, "Smells like dog in here." Do you see that?

MS MARTIN: Yes.

20 **MR LLOYD:** And then down in the second half of that page, a response about two girls who had come forward. One was crying, making some kind of allegations about Astill. Do you remember that?

25 **MS MARTIN:** No. But it's here. It's here.

MR LLOYD: What was the result of the meeting on the 22nd? What was the outcome?

30 **MS MARTIN:** I - I can't recall. There would have been - I think I was instructed because I was going away - I think I was instructed to - to organise a meeting between myself, Mr Astill, the Director, I think, and the inmates. But I'm not sure. I'm not sure.

35 **MR LLOYD:** I think you say somewhere that it was Hamish Shearer's idea to conduct mediations between three of the inmates and Astill. Does that accord with your memory?

MS MARTIN: It would have been, because I wouldn't have done that.

40 **MR LLOYD:** Having regard to what I've put to you about the nature of these allegations coming forward - some of which I've shown you in Astill's response; correct?

45 **MS MARTIN:** Yes. Yes. Correct.

MR LLOYD: And what I put to you being your knowledge or belief about some relationship between what was happening here and the allegations about Witness M.

5 **MS MARTIN:** Yes.

MR LLOYD: Completely inappropriate to be having what are referred to as mediations -

10 **MS MARTIN:** I agree.

MR TYSON: Objection. Privilege.

COMMISSIONER: I'm not sure it matters, but I require you to answer.

15

MS MARTIN: I agree.

MR LLOYD: But that - you regarded that as a direction from Mr -

20 **MS MARTIN:** It would have been, because I wouldn't have handled it that way. I wouldn't - I wouldn't have done that.

MR LLOYD: Do you remember saying to Mr Shearer, "What are you talking about? There's allegations of a crime being committed in this gaol that have not yet been resolved. You can't be mediating about issues that are related to them"?

25

MS MARTIN: I can't recall. I mean, I could say, yes, because I was - they called it - I would challenge people. I may have challenged it or - because that he didn't really value my opinion, and it had been a year of him not valuing my opinion, I may not have said anything. But as I said, I - I normally challenge things. But I can't say I did or I didn't.

30

MR LLOYD: Could I just understand, then: whatever the outcome at the end of that meeting, it didn't result in a warning or a caution being delivered to Astill?

35

MS MARTIN: I - I can't recall. I think it was organised something to speak to the inmates.

MR LLOYD: It didn't result in a further intelligence report being sent out at your direction?

40

MS MARTIN: I wasn't controlling the meeting. The Director was controlling the meeting.

45 **MR LLOYD:** Do we understand from that, by this time, that is, the date of the meeting on 22 November, that the concerns that you had in March of the previous

year you told us about, about Astill - remember that? The events of later in that year, the letter. Do you remember that? You've got to give a verbal response.

5 **MS MARTIN:** Oh, sorry. I'm sorry. Yes.

MR LLOYD: The allegations about Witnesses O and T in April of that year?

MS MARTIN: Yes.

10 **MR LLOYD:** The allegations of the women telling you about the assaults on Witness M?

MS MARTIN: Yes.

15 **MR LLOYD:** The things discussed in the 22 November 2017 meeting I've asked you about?

MS MARTIN: Yes.

20 **MR LLOYD:** Some of those were in addition to the allegations of the assaults, that is, events - intimidation-type things occurring after?

MS MARTIN: Yes.

25 **MR LLOYD:** And other things besides the two women, one of whom was upset, Sarah?

MS MARTIN: Oh, Sarah.

30 **MR LLOYD:** In Astill's - no, in Astill's -

MS MARTIN: Yes, yes, yes.

35 **MR LLOYD:** There's a significant range of extremely serious allegations about Astill's conduct that -

MS MARTIN: I agree.

40 **MR LLOYD:** - you were aware of at this time.

MS MARTIN: Yes.

MR LLOYD: The man was working in a senior role in your gaol; true?

45 **MS MARTIN:** As a Chief, true.

MR LLOYD: That's a senior role?

MS MARTIN: Executive role.

5 **MR LLOYD:** In your capacity as Governor, what were you thinking about that as something in a place that you had the day-to-day control over as Governor? Was that a satisfactory situation, do you think?

10 **MS MARTIN:** I don't think it was satisfactory. As I said, the reports had gone up - the - the intelligence reports had gone up to the Investigations Branch. And I would have had some type - as I said, I can't recall if I had some type of conversations with Mick Hovey. I would have brought it to the attention of at least my Director. And that last phone call, the one I said to him, I had actually - because I remember in my head that I had actually said to him, "I don't know what to do with this bloke."

15 **MR LLOYD:** Meaning you thought you had an officer who was completely unsuited to service at your gaol?

20 **MS MARTIN:** Well, I had an officer where I was continually getting allegations, and I wasn't getting any information or any response to those allegations, and I didn't know what to do.

MR LLOYD: Could Ms Martin please be shown Volume 11.

25 **MS MARTIN:** Thank you.

MR LLOYD: Could you turn to Tab 256. Do you remember on 23 November '17 Marivic Santos sending you an email about extensions, temporary assignments, including for Astill?

30 **MS MARTIN:** No, I don't, but it's here.

MR LLOYD:

35 "Hi Shari, both Westley and Wayne's TAs are due to expire 24 December. Would you like to extend them for another six months?"

MS MARTIN: Yes.

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

MS MARTIN: Yes.

MR LLOYD: You received that email and replied:

45 "Yes, they can be extended."

Do you see that?

MS MARTIN: Yes.

5 **MR LLOYD:** This was the day after the meeting that I've just asked you about which I've suggested - and I think you've agreed - was attended by Astill, you and Hamish Shearer?

MS MARTIN: Was it?

10

MR LLOYD: Well -

MS MARTIN: I agree. I agree. If you say -

15 **MR LLOYD:** You saw the reference -

MS MARTIN: Yes, yes.

20 **MR LLOYD:** - in the email that I took you to of the meeting on the 22nd with the Regional Director - 22 November?

MS MARTIN: Yes.

MR LLOYD: This is the following day.

25

MS MARTIN: Yes, you're correct.

30 **MR LLOYD:** Ms Martin, why on earth were you making the decision to extend Wayne Astill's temporary appointment as a Chief Correctional Officer at your gaol knowing all of the things which had come to your attention and having the concerns that you had about him?

MR TYSON: Objection. Privilege.

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

MS MARTIN: I have - I have no idea why.

40 **MR LLOYD:** Do you remember questions asked of you by the Commissioner and some by me about the topic of there being a belief by some officers at your Centre, at Dillwynia, about "Shari's boys" and some of the officers, including Astill, getting special treatment? Do you remember those questions?

MS MARTIN: Yes.

45

MR LLOYD: You see, isn't this view - despite having allegations of the utmost seriousness brought to your attention, the following day giving - or extending

Astill's promotion into that senior position, isn't this you effectively giving him a favour that he, to your knowledge, was not entitled to?

5 **MR TYSON:** Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

MS MARTIN: No.

10 **MR LLOYD:** Can you explain how it is that this decision by you on this day came to be made?

15 **MS MARTIN:** I cannot. All I can suggest is it would have been that because benchmarking was on its way, it was just easier to leave these people in these positions than to re-advertise the positions.

20 **MR LLOYD:** Could I just get your response to this. One way of looking at things as at on this date - "yes, they can be extended" - is that your response to the complaints about Astill and your decision to extend him might be consistent with you acting in a deliberate way to try and protect him from punishment?

MR TYSON: Objection. Privilege.

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

MS MARTIN: I totally disagree with you.

30 **MR LLOYD:** Could I put to you something else, and again this is around the time I'm asking you about, the latter part of 2017. I need to put to you some things that Witness B said to us in her evidence. Volume 11 can be taken away from Ms Martin. You won't find what I'm about to put to you in a document, I'll just put you to you the substance of Witness B said. She told us she had a meeting with you in the second half of 2017 and she told you about intimidation that Astill had been perpetrating on her. Do you remember any meeting of this kind?

35 **MS MARTIN:** No, unless it was - was it the one we've just been talking about, the -

40 **MR LLOYD:** This is you and Witness B.

MS MARTIN: No. No.

MR LLOYD: You don't remember?

45 **MS MARTIN:** No.

MR LLOYD: See if I can jog your memory with this. She told us that she passed on to you that Astill had threatened to have her daughters raped and her parents killed?

5 **MS MARTIN:** No.

MR LLOYD: Do you remember that?

MS MARTIN: Not at all.

10

MR LLOYD: She said that she passed on to you that he had shown her their addresses and said to her that he could get them wherever they were. Do you remember being told about that?

15 **MS MARTIN:** No. I was not.

MR LLOYD: And that he used to be a police officer - just to make it clear, this is what I'm putting to you: Witness B said that she told you - that Astill had said to her:

20

"I used to be a police officer and I'm a member of a bikie gang and I can get your family."

MS MARTIN: No, I don't. I don't believe that was told to me whatsoever.

25

MR LLOYD: If those things were told to you, independent of all the other things I've already put to you about knowledge of allegations about Astill, just as a standalone allegation or series of allegations, that required reporting?

30 **MS MARTIN:** They weren't told to me. Those - I have never heard that before.

MR LLOYD: Just focus on the question. If they were told to you as a standalone allegation about Astill, that positively demanded a report in the form of an intelligence report?

35

MS MARTIN: Of course it would.

MR TYSON: Objection. Privilege.

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

MS MARTIN: Of course it would.

45 **MR LLOYD:** And if those allegations were made to you and you failed to send an intelligence report up or cause one to be commissioned, that would be a serious failure by you?

MR TYSON: Objection. Privilege.

COMMISSIONER: I require you to answer.

5 **MR LLOYD:** Do you agree?

MS MARTIN: Oh, of course.

10 **MR LLOYD:** Witness B told us in her evidence that she passed on those things to you and your response was to call her a liar and that nothing ever happened?

MS MARTIN: That's not true.

15 **MR LLOYD:** And she said you did not tell her about any option that she had to make a complaint outside the gaol.

MS MARTIN: I - I didn't have this conversation at all with this - this witness.

20 **MR LLOYD:** I need to put to you, you understand Witness B has come and given evidence to this Commission and I need to put it to you.

MS MARTIN: And I need to put it to the Commission that I never had that conversation with Witness B.

25 **MR LLOYD:** Witness B also told us in her evidence that she had passed on to you - I withdraw that - at another meeting around the same time period, that girls in your Correctional Centre at Dillwynia were being inappropriately touched, and people were being intimidating and people were afraid for their safety in relation to Astill. Do you remember that?

30

MS MARTIN: No.

MR LLOYD: And that he was going into the wings, that is the accommodation wings; do you remember that?

35

MS MARTIN: No. I do not remember any of this discussion with this - this witness.

40 **MR LLOYD:** She said that she told those things to you and that your response was to call her a "liar" and call her a "waste of time", and that you then ordered her out of the office.

MS MARTIN: This is all fabricated.

45 **MR LLOYD:** So it's -

COMMISSIONER: Ms Martin -

MS MARTIN: No, it's all - sorry.

5 **COMMISSIONER:** Ms Martin, counsel is putting to you evidence that has been given to the Commission, you understand?

MS MARTIN: Yes.

10 **COMMISSIONER:** And I assume by now you've realised that what's being put to you in terms of the allegations made to this Commission is consistent with what we know now about Mr Astill's behaviour.

MS MARTIN: (Indistinct).

15 **COMMISSIONER:** You understand that?

MS MARTIN: Yes, Commissioner.

20 **COMMISSIONER:** In those circumstances, again it's remarkable that you would be saying that this is a complete fabrication by this witness and these events didn't happen. Do you understand?

MS MARTIN: No, what I'm saying, Commissioner, is the meeting didn't happen.

25 **COMMISSIONER:** I understand that's what you are saying, but it becomes a remarkable proposition from you, when we know that, in fact, what is said to have been said to you happens to accord with what was going on.

30 **MS MARTIN:** Yes, that's correct, but this meeting didn't happen and I just -

COMMISSIONER: Well, I'll have to work that out, won't I?

MS MARTIN: Well, it didn't happen, Commissioner.

35 **COMMISSIONER:** I understand what you say.

40 **MR LLOYD:** Could I put to you something else that Witness B has told us happened, again in around the same period, the second half of calendar year 2017. She said that she and some other inmates had been completing or recording a diary contained in two exercise books. Do you remember anything about this?

MS MARTIN: I think there may have been - Deb Wilson may have said something about it, but I may be getting confused. Inmates had diaries.

45 **MR LLOYD:** Well, I want to suggest to you that when Ms Wilson gave her evidence, she said that she had taken a diary that Witness B and others had been recording information about Astill, and she showed that diary to you.

MS MARTIN: Well, if she said she showed it to me, she showed it to me.

5 **MR LLOYD:** And that diary - I won't tax you with all of the things recorded in it, but it included allegations of the kind that I've put to you were told to you about the assault or assaults on Witness M. Do you remember seeing a diary which recorded those allegations in the second half of calendar year 2017?

10 **MS MARTIN:** I - I can't recall it now. But if Deb Wilson said that she - she showed them to me, she would have.

15 **MR LLOYD:** Can I ask you about this: the effect of Ms Wilson's evidence was that she discussed with you the contents of the allegations made in relation to Witness M and also by Witness B in relation to the intimidation of her that were recorded in the diary. Do you remember?

MS MARTIN: No, but if - if Ms Wilson has stated that to the Commission, that - that would be correct, if she said that.

20 **MR LLOYD:** And can I ask you about - in the same time period, that is, sometime around November of 2017, about a different event I want to put to you occurred between you and Ms Wilson. Ms Wilson told us that some inmates had come forward to her in around November of '17, and at least one of them had made an allegation - I withdraw that. Trudy Sheiles said that she told Ms Wilson
25 in November 2017 that Astill had done things which included walking past her, touching her inappropriately on the arse or breast as he brushed past. Do you remember being told by Ms Wilson that Trudy Sheiles had come forward to make that allegation of assault on her by Astill?

30 **MS MARTIN:** No, I don't - don't remember, but I - I'm sure if she had have told me, that she would have compiled an intelligence report and sent it to Investigations.

35 **MR LLOYD:** And you say that because if that allegation had come to her attention, that would have been absolutely required?

MS MARTIN: Yes.

40 **MR LLOYD:** And if you'd known about it, it would have been necessary for you to give her that direction and make sure that it happened?

MR TYSON: Objection. Privilege.

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

MR LLOYD: Do you agree? Do you need it again?

MS MARTIN: Well - yes, please.

MR LLOYD: Do you need it again?

5 **MS MARTIN:** Deborah Wilson was the intel officer. If I wasn't there, she would ring me or she would - I'd say get a report in - or intel report in straightaway. I mean, I didn't have to say - if I wasn't there, if I was away, she would put in an intel report on that.

10 **MR LLOYD:** If those allegations were brought to your attention by Ms Wilson, it would be necessary for you to give her a direction to make sure an intelligence report was created?

MR TYSON: Objection. Privilege.

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

MR LLOYD: Do you agree?

20 **MS MARTIN:** Well, I agree that I would give her a direction. But I wouldn't necessarily have to if I wasn't there; she would just do it.

MR LLOYD: If it came to your attention, that is, these allegations, it would be necessary for you to give her a direction to do it?

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

MR LLOYD: See, Ms Wilson didn't have a recollection about whether she prepared an incident report about this. Just understand that that was (indistinct).

30 **MS MARTIN:** The incident report, yes.

MR LLOYD: When asked about if she had done a report of that kind, she said that if she had done it, her practice would have been to hand it to you, and her understanding is your practice would have been to put a report of that kind in your safe. Do you remember storing reports of this kind, incident reports about serious misconduct by Astill, in your safe?

40 **MS MARTIN:** No, what - what was in the safe - Deborah Wilson used to - Deb had concerns, especially if it was about - well, Deb had concerns that she had written an information - or an intelligence report on Mr Astill, and she said, "Can I keep the working documents in your safe?" And I said, "Yes."

MR LLOYD: I note the time, Commissioner.

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

<THE HEARING ADJOURNED AT 12.59 PM

<THE HEARING RESUMED AT 2.03 PM

5 **MR LLOYD:** I notice that Mr Sheller is not here. He called me just before you came onto the bench to say he's been locked out.

COMMISSIONER: Locked out of what?

10 **MR LLOYD:** Well - Commissioner, just pardon me.

COMMISSIONER: Does his solicitor know where he is?

15 **MR MOORE:** Commissioner, I understand the building has been secured, and he's been unable to gain access.

COMMISSIONER: The building has been secured?

20 **MR HARRIS:** Commissioner, he has come in. I just saw him come in about two minutes ago. They've opened the door.

COMMISSIONER: You want me to wait, do you?

25 **MR LLOYD:** I think, probably in fairness, if you would. If he's not far away, it might be better to do it that way.

COMMISSIONER: I gather it's not your fault, Mr Sheller.

30 **MR LLOYD:** Ms Martin - could Ms Martin have placed before her Exhibit 39. The small folder. Would you turn to page 27, please, Ms Martin. Now, I've asked you about this email before. Do you remember I showed it to you?

MS MARTIN: That's correct, yes.

35 **MR LLOYD:** This is you to Astill making reference to the discussion with what you've told us is Hamish Shearer on 22 November. See that?

MS MARTIN: That's correct.

40 **MR LLOYD:** And you say there in this email to Mr Astill:

"With your approval, I've spoken to the following inmates..."

45 And you nominate the three of them?

MS MARTIN: That's correct.

MR LLOYD: And you recognise that two of those three are the ones who I've put to you were involved in coming forward about Witness M?

MS MARTIN: That's correct.

5

MR LLOYD: And then you say:

"All inmates have agreed to individual meetings in relation to their complaints."

10

MS MARTIN: Correct.

MR LLOYD: And:

15 "The chaplain has agreed to support the inmates, and a support person for you is also approved."

Do you see that?

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

MR LLOYD: And then:

25 "As discussed, to end the constant rumours, innuendos and allegations, a mediation has been determined as one strategy to reduce the risk of further misunderstanding and complaints made."

MS MARTIN: Correct.

30 **MR LLOYD:** And Acting Governor Woods will be briefed, and you'll ask him to conduct the mediation?

MS MARTIN: Correct.

35 **MR LLOYD:** That was because you were about to go on leave?

MS MARTIN: That's correct.

40 **MR LLOYD:** And you've already told us that the mediation process was not your idea?

MS MARTIN: No.

45 **MR LLOYD:** That was Mr Shearer?

MS MARTIN: Yes, that's correct.

MR LLOYD: And I think you've said, but tell me if I've got it right, that you did not agree that that was the appropriate process?

5 **MS MARTIN:** No, I wouldn't agree that was the right process. No.

MR LLOYD: Can you just tell us why.

10 **MS MARTIN:** Why? Because I - I think that the allegations were such that it would be putting the inmates in a position - I - I just didn't think it was fair to the inmates.

MR LLOYD: But in - let me just explore that. One feature of a so-called mediation is the inmates might be required to go into a room where Mr Astill was also there -

15 **MS MARTIN:** Exactly.

MR LLOYD: - and be forced to say what they wanted to say by way of allegations -

20 **MS MARTIN:** Yes.

MR LLOYD: - and confront him directly about it?

25 **MS MARTIN:** Yes.

MR LLOYD: And in the context where Mr Astill was a person who was capable of being intimidating?

30 **MS MARTIN:** From the - from the reports, yes.

MR LLOYD: And indeed -

35 **MS MARTIN:** The report that actually -

MR LLOYD: - in relation to these three women -

MS MARTIN: Yes.

40 **MR LLOYD:** - one of the things that they were saying is that he was intimidating?

MS MARTIN: Intimidating, yes.

45 **MR LLOYD:** Completely inappropriate way to deal with it?

MS MARTIN: Yes, I agree.

MR LLOYD: Did you discuss that with Hamish Shearer, that this was not -

5 **MS MARTIN:** I - I can't recall. As I said before, I would not have any hesitation usually in expressing my thoughts and views on something that I disagreed with. That's probably why I was described as "challenging".

MR LLOYD: But you don't remember one way or the other?

10 **MS MARTIN:** No, I don't.

MR LLOYD: Knowing yourself, do you think it's more likely than not that you did raise opposition?

15 **MS MARTIN:** Knowing myself. But towards the end of '17, it was - it was obvious that - that my opinion was not valued by Mr Shearer. So I may not have. But in saying that, I - I would have felt strongly about this. So I - I - I would assume I would have said it's not a good idea.

20 **MR LLOYD:** Do you remember discussing with Mr Shearer at this time, that is, mid-December '17, or any other time, about this issue, that is, the mediation process to resolve - or try and resolve the allegations and rumour and innuendo - discussing with Shearer whether he, in turn, had disclosed to his superiors what was going on at Dillwynia?

25 **MS MARTIN:** No, I - I can't recall discussing that.

MR LLOYD: You have no recollection one way or the other?

30 **MS MARTIN:** No, no.

MR LLOYD: And I think you told us earlier you don't know enough about the details of that reporting line, as in, Mr Shearer reporting up to Assistant Commissioner?

35 **MS MARTIN:** I - I - I would assume that he would report to the assistant - I was getting in trouble if I didn't report things in a timely manner with him. So I assumed that he would be doing it.

40 **MR LLOYD:** Tell us about that. You were getting into trouble from Mr Shearer, are you saying?

MS MARTIN: Yes.

45 **MR LLOYD:** About you failing to report things to him?

MS MARTIN: Well, one occasion was that we had an incident where inmates had climbed up onto the roof of one of the accommodation buildings. As soon as that happened, we proceeded to call a muster. I went over to that area and started negotiating with the inmates to come down. The - the staff - there were staff with me, but the - the remainder of the staff were conducting musters to ensure that all inmates were there and it wasn't a deterrent for some type of security breach. While I was negotiating, there was - I instructed one of my executives, as we were going over there, to call the security unit to come down - they were on the complex - and that we'd had inmates on the roof. So I'm not sure who did it. They did that.

I was negotiating with the inmates and then there was a phone call on my phone. We were - at that stage, the Governors were allowed to carry their mobile phones in the Centre. There was a phone call on my phone. It was Mr Shearer. And I had to halt what I was doing. And then he proceeded to basically berate me by saying that - why hadn't I reported the incident. I said, "It's 12 minutes since the incident has happened." And he said, "Well, the Assistant Commissioner of Security knows about it. Why don't I or the Assistant Commissioner Custodial Operations know about it? How embarrassing is it for him to find this out from someone else?" I said - and I kept saying to him, "It's 12 minutes. I have at least half an hour for a death in custody to report." This was 12 minutes into the situation, and I was trying - we couldn't even report the Centre correct. So the way I'm saying that is we couldn't report that there was no one missing in the Centre because the musters hadn't finished.

MR LLOYD: And your - I think in answer to my question about what you knew about reporting up from Mr Shearer, this is an example of where you understood that he had communications with at least the Assistant Commissioner -

MS MARTIN: Yes, that's correct. And - and -

MR LLOYD: Can you -

MS MARTIN: - Assistant Commissioner of Custodial Operations.

MR LLOYD: Can you think of any other examples of your discussions with Mr Shearer which gave you any insight into the reporting chain between Mr Shearer and the Assistant Commissioners to whom he reported?

MS MARTIN: There was the incident where Mr Shearer wanted - wanted to put me on a performance improvement plan and -

MR LLOYD: Yes. Well, tell us about that.

MS MARTIN: Yes. And - and we went - I went with a delegate and saw the Assistant Commissioner.

MR LLOYD: Which one?

MS MARTIN: Kevin Corcoran.

5 **MR LLOYD:** Do you remember when this was?

MS MARTIN: I think it was in 2018. I'm not quite sure.

10 **MR LLOYD:** What were you being told led to a desire to put you on a - was it a performance -

MS MARTIN: Improvement plan.

15 **MR LLOYD:** Improvement plan.

MS MARTIN: I wasn't quite sure. I think it was because of - I wasn't quite sure. There is a letter that he - an email he sent me. And what I couldn't understand is, well - I couldn't understand why, so that's why I went to see the Assistant Commissioner.

20 **MR LLOYD:** What happened at that meeting?

MS MARTIN: Well, that's the meeting I told you that I explained to him that he had - that Mr Shearer had said that the Assistant Commissioner said that I was "challenging". And I told him I had a large number of documents that I had got together over the last couple of years of his treatment towards me in relation to - in relation to how I conducted my duties. And he - he mentioned that he was there - Mr Shearer was up at HR now, drawing up the -

30 **MR LLOYD:** This is the meeting you mentioned at the start of your evidence?

MS MARTIN: Yes, yes, yes.

35 **MR LLOYD:** Can I ask you about whether, at that meeting involving Assistant Commissioner Corcoran and you - I understand from what you've said, Mr Shearer was not there?

MS MARTIN: He was not there, no.

40 **MR LLOYD:** Was there any discussion at this meeting between you and Assistant Commissioner Corcoran about the reporting of or conduct by Astill?

MS MARTIN: No. No. I can't recall - no, it would have been basically about - no, I can't recall.

45 **MR LLOYD:** You expressed to the Commissioner in your evidence that you would not have agreed, for example, with the process of the mediations?

MS MARTIN: No, I wouldn't have.

5 **MR LLOYD:** And you may or may not have voiced that disagreement with Mr Shearer, I think was what you told us?

MS MARTIN: Correct.

10 **MR LLOYD:** But - don't take this the wrong way - your personality was that you expected, in the ordinary course, you would voice your disagreement with something about -

15 **MS MARTIN:** That was my personality, but I think that was being slowly but surely squashed.

MR LLOYD: I just want to ask you about the meeting with Assistant Commissioner Corcoran which you've told us happened probably in the following year.

20 **MS MARTIN:** In '18, yes. I believe it was '18, I think.

MR LLOYD: And at that meeting, I take it you, in terms of your mindset - I'll come to ask you what you said - your mindset - you thought that Hamish Shearer was not doing a very good job. Is that fair?

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

MR LLOYD: And one of the things that no doubt was in your mind at the meeting with Assistant Commissioner Corcoran about the way Hamish Shearer was doing his job was the way he had handled this situation involving these three inmates?

MS MARTIN: I think it was the way he handled a number of situations.

35 **MR LLOYD:** I'm not saying the only thing -

MS MARTIN: Yeah.

40 **MR LLOYD:** - but one of them.

MS MARTIN: Can I say that I wouldn't have - I can't say "yes" or "no", but I know I wasn't satisfied with the way he was handling certain, yes, things.

45 **MR LLOYD:** But you told us - I'm just trying to explore, if you don't have a recollection - what you think is - what lawyers might call your usual practice or what you think -

MS MARTIN: Yeah.

MR LLOYD: - is likely; understand? Understand what I'm saying?

5 **MS MARTIN:** Yeah.

MR LLOYD: We're at the point where an issue about which you say you felt very strongly -

10 **MS MARTIN:** Yes.

MR LLOYD: - that is, the use of a mediation process in an inappropriate way -

MS MARTIN: Yes.

15

MR LLOYD: - being directed by Mr Shearer -

MS MARTIN: Yes.

20 **MR LLOYD:** - coming before the meeting that you're telling us about with Assistant Commissioner -

MS MARTIN: I think the meeting was in 2018.

25 **MR LLOYD:** So coming - this mediation direction coming before that meeting?

MS MARTIN: As I - to the best of my memory will - will let me - yes.

30 **MR LLOYD:** There's a range of things that you were displeased about with respect to Mr Shearer's performance; true?

MS MARTIN: Yes.

MR LLOYD: This was one of them?

35

MS MARTIN: This would have been - I can't say this was one of them, but it should have been one of them.

MR LLOYD: Do you remember raising this issue -

40

MS MARTIN: No, I don't. I don't.

MR LLOYD: Is it the position you just don't remember one way or the other?

45 **MS MARTIN:** It's a position - I don't remember. I think it would have been a whole - instead of individual situations, it may have been a whole - sorry, I'm -

It's hard to explain to you. I can't really recall, but I think it wouldn't have been specific incidents in that regards; it would have been a whole statement.

5 **MR LLOYD:** As in, "I don't think Hamish Shearer is up to the job"?

MS MARTIN: I probably wouldn't have said it that way, but -

MR LLOYD: You tell me.

10 **MS MARTIN:** No. I would have been very careful how I said it.

MR LLOYD: But the effect of when you say "a whole thing" rather than particulars, what is the effect?

15 **MS MARTIN:** Well, in saying that, it would have been words to that effect.

MR LLOYD: Do you remember being asked to provide particulars as to why you thought that?

20 **MS MARTIN:** No. He knew I had documents there, but - no.

MR LLOYD: Were any of the documents the documents which you've told us about which recorded the complaints about Astill's conduct?

25 **MS MARTIN:** No, these were my - my - like, sending him emails and - and some of the responses. It may have been going to regional meetings. He'd ask us to do a briefing - well, I would always do a briefing before I went to a regional meeting. And, you know, some of the comments I might have written on, you know, what happened at that meeting. I remember one meeting - actually, one of the
30 Governors, she actually said something to him after the meeting about the way he treated me.

MR LLOYD: Could I ask you to turn, in that bundle, to page 54. See there's an email to Thomas Woods from Hamish Shearer. You're copied:
35

"Thanks. I was hoping to pop out on Friday for a catch-up, if that works for you."

40 Do you see that?

MS MARTIN: Yeah.

MR LLOYD: That tells you that you'd probably gone on leave by this time?

45 **MS MARTIN:** Yes. He didn't really come out to see me that often.

MR LLOYD: And so you read this as being him saying to Mr Woods he was hoping to come out to see Mr Woods; is that right?

5 **MS MARTIN:** Yes. And also to attend - I'm sorry, I'm reading the next one from James Wood. So, yes, he was coming out to the mediation also to catch up with Mr Woods.

10 **MR LLOYD:** And if you look at page 56, you see there's a mediation outcome email? It's the email - if you look at the email, Mediation Outcome from Thomas Woods to Hamish Shearer, copied to you?

MS MARTIN: Okay. Yes.

15 **MR LLOYD:** And the document is the next one, 57. Do you see that?

MS MARTIN: Yes.

MR LLOYD: Do you remember reading this?

20 **MS MARTIN:** No, but I would have.

MR LLOYD: See, one of the things, if you look at the report about these mediations, in about the fourth paragraph or so, recorded about Witness P stated that she wouldn't be speaking. Do you see that?

25 **MS MARTIN:** Witness P?

MR LLOYD: Yes:

30 "I conducted a brief overview and opened the discussion to Witness P."

See that?

35 **MS MARTIN:** Yes.

MR LLOYD: And at the end of that paragraph:

40 "It was worth noting that having three custodial staff sitting in close proximity may have been a bit much for her to feel comfortable speaking out."

You see that?

45 **MS MARTIN:** I agree. That would be terrible for her.

MR LLOYD: Do we take it that that's exactly the kind of thing that you had in mind when you said you disagreed with this process?

MS MARTIN: Well, I - I think that would be terrible for her.

5 **MR LLOYD:** And then the next paragraph talks about the follow-up meeting with her that had happened. Do you see that?

MS MARTIN: Yes.

10 **MR LLOYD:** And then it deals with Witness V or Inmate V. And just to take you to the summary:

"The mediation took about two hours. Witness V took the opportunity to speak out. Mr Astill responded. Both parties were allowed to air their issues of concern."

15 Do you see that?

MS MARTIN: Mmm.

20 **MR LLOYD:** And then next, Witness B:

"The majority of Inmate B's submissions appeared to be in support or in defence of Inmate V."

25 Do you see that?

MS MARTIN: Yes.

30 **MR LLOYD:** And then:

"In summary, all three inmates have stated they appreciated being heard and afforded the opportunity to address their issues."

35 **MS MARTIN:** Yes.

MR LLOYD: Must have had some pretty serious concerns about that, at least insofar as it related to (indistinct). Obviously not right about her. Do you agree?

40 **MS MARTIN:** I agree.

MR LLOYD:

45 "They agreed that the issue was of past events, recent months, no further problem and they avoided Astill and he was rarely in their vicinity."

Do you see that?

MS MARTIN: Yes.

MR LLOYD:

5 "I did stress that all parties intimated they were getting information from third parties that was creating angst for everyone. They had to stop being involved in gossip."

Do you see that?

10

MS MARTIN: Yes.

MR LLOYD: See, just reading this report, this had not - this process, from the words on this page, had not got to the bottom of resolving the serious allegations which were being made by these three inmates, had it?

15

MS MARTIN: No.

MR LLOYD: They remained unresolved at this time, didn't they, to your knowledge?

20

MS MARTIN: Well, I wasn't a part of this, but -

MR LLOYD: I'm not suggesting that. I'm suggesting on the words on this page.

25

MS MARTIN: As per this page? I - I would agree with you.

MR LLOYD: And you've got no doubt that when you came back in 2018, you would have looked at this document?

30

MS MARTIN: I would have looked at the document.

MR LLOYD: And what that means, I want to suggest to you, Ms Martin, was that when you became aware of the record of these mediations, so called, what was required on your part was to take steps to refer out to the Investigations Branch these allegations to be properly investigated.

35

MR TYSON: Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

40

MR LLOYD: Do you agree?

MS MARTIN: Well, that's the way the Director wanted it handled.

45

MR LLOYD: The Director suggesting a mediation is one thing, but you're the Governor of this Correctional Centre. What I'm putting to you is in discharge of

your functions, knowing that these allegations had been not properly addressed, it was part of your function to see that an intelligence report was sent out.

5 **MS MARTIN:** Well, I disagree.

MR TYSON: Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

10 **MS MARTIN:** I disagree with that.

MR LLOYD: Do you remember the chaplain, Susie Johnson?

15 **MS MARTIN:** Yes, I do.

COMMISSIONER: Sorry, what was the answer to that question? You disagree?

MS MARTIN: I disagree.

20 **COMMISSIONER:** I'd like to know why she disagrees.

MS MARTIN: Oh, Commissioner, I disagree because I wasn't there present at the mediation.

25 **COMMISSIONER:** I know you weren't present at the mediation. I understand that, but you -

30 **MS MARTIN:** I don't know what conversation the Director and Mr Woods had, and I don't know what - the outcome of that. As far as I was concerned, that - this was the outcome of that -

COMMISSIONER: But you've told Mr Lloyd already that that's a compromised outcome.

35 **MS MARTIN:** Well, I - I believe it was, but it -

COMMISSIONER: Well then -

40 **MS MARTIN:** I wasn't going against my Director, because the fact is I had a number of issues with him as it was.

45 **COMMISSIONER:** But given that the allegations had not been resolved by this process, you still had responsibility for managing the safety of the inmates in the prison, didn't you?

MS MARTIN: Yes, I do. Yes.

COMMISSIONER: You did. Yes. And wouldn't that have required you to take some steps independently of this mediation process?

5 **MS MARTIN:** No, I - I thought that had been done by the Acting Governor and the Director.

COMMISSIONER: What did you think that the Acting Governor had done?

10 **MS MARTIN:** I thought that he'd done what the Director wanted to do and -

COMMISSIONER: But how did that help to protect the inmates?

MS MARTIN: How did it help?

15 **COMMISSIONER:** Yes.

MS MARTIN: Sorry -

20 **COMMISSIONER:** How did this process, which you say is a compromised process - how did that help to protect the safety of the inmates who were affected?

MS MARTIN: Well, I don't know.

25 **COMMISSIONER:** It didn't, did it?

MS MARTIN: Well, I - no, it didn't then.

30 **COMMISSIONER:** No. And what Mr Lloyd was putting to you was that you as the Governor of the gaol, coming back from holidays, continued to carry the responsibility for the safety of the inmates in the prison.

MS MARTIN: Yes, I did.

35 **COMMISSIONER:** Yes.

MR LLOYD: I just asked you about Susie Johnson, the chaplain.

MS MARTIN: Yes.

40 **MR LLOYD:** What was your impression of her? Ethical in the discharge of her duties as chaplain?

45 **MS MARTIN:** Susie was a very nice lady. I think it was the first time she'd worked in a correctional facility. I felt that she had become too involved with the female inmates. She was very, very good with them. She showed a lot of compassion and empathy, but she'd become very involved with them and, as a result, I think she had to go off due to illness.

MR LLOYD: In your dealings with her, would you regard her as a person who, at least in your experience, told the truth?

5 **MS MARTIN:** I didn't know her that well, but she appeared to be very compassionate towards the women, and she appeared to be - you know, worked hard for the women.

10 **MR LLOYD:** She gave evidence to this Commission, and one of the things that she told us about was that after you returned from your leave, that is, after the mediations and when you came back, she was very keen to speak to you about what had happened. Just accept from me that she told us that.

15 **MS MARTIN:** Okay.

MR LLOYD: One of the reasons she told us she was keen to speak to you is because she felt the mediation process, in effect, had been a disaster because the women were not believed. Just accept that from me.

20 **MS MARTIN:** I accept that from you.

MR LLOYD: She said that when she spoke to you that you said to her, "How did it go?" That is, the mediations. And she said, "Well, terrible. The two women weren't believed, so you know he's just got away with it." Just pausing there, do
25 you remember a conversation of this kind?

MS MARTIN: No.

30 **MR LLOYD:** She also told us that your response to that statement, that is, "The two women weren't believed, so he's just got away with it," you said, "They're two mates. They're - you know, they're in cahoots with one another. They're just getting away with it." Do you remember saying something like that?

35 **MS MARTIN:** No, I don't use the word "in cahoots". No.

MR LLOYD: She also said that you responded, "They're two inmates, Susie. They're making it up."

40 **MS MARTIN:** No. I don't recall that.

MR LLOYD: When you say you don't recall that, do you deny it?

45 **MS MARTIN:** I don't recall it. I wouldn't talk to her about inmates in any - I know how passionate she was towards them. I would not talk to her disregarding inmates to her. I would - I wouldn't do that.

MR LLOYD: In terms of your dealings with her, can you think of a reason why she'd tell us that you said this if you didn't?

MS MARTIN: I - I don't know.

5

MR LLOYD: See, what she told us was after you said, "They're two inmates, Susie. They're making it up," her response was, "What if there's six of them?" To which you said, "I don't believe it."

10 **MS MARTIN:** No. I don't recall that conversation whatsoever.

MR LLOYD: Do you agree with me that if that occurred, that would be a serious failure on your part to respond in that way?

15 **MR TYSON:** Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

MS MARTIN: Well, I don't recall it occurring.

20

MR LLOYD: That's not quite my question. If that occurred, that is, she says, "They're two inmates who weren't believed." You responded, "They're making it up." She says, "What if there's six of them?" And your response is, "I don't believe it." If that occurred, that would be a serious failure by you in responding in that way?

25

MS MARTIN: It would be. It would not be the correct way to respond, no.

30 **MR LLOYD:** And she also said you didn't even ask for any details about what she meant by, "What if there's six of them?" If that occurred, that would be a serious failure too?

MR TYSON: Objection. Privilege.

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

MS MARTIN: Well, I - it would be. If - if - if that - that was the case, yes, it would be.

40 **MR LLOYD:** If that occurred, can you - in terms of exploring the reasons at this time in your own mind about what you thought about Astill, is this something which would be at least consistent with you favouring his interests by not bothering to ask questions?

45 **MS MARTIN:** Why would I favour Astill's interests?

MR LLOYD: Well, I'm asking you, Ms Martin.

MS MARTIN: Well, I didn't favour Astill's interests. He was just another Correctional officer at my Centre. I didn't favour anyone.

5 **MR LLOYD:** Do you remember at any given time throughout this period I've been asking you, starting from March '16 going through to December '18, and across both of your Centres - do you remember approximately how many officers during that period at any given time were the subject of allegations of criminal conduct within the gaol?

10

MS MARTIN: Within both Centres?

MR LLOYD: Yes.

15 **MS MARTIN:** I - I can't recall. It could be four. It could be three. Honestly, I can't recall.

MR LLOYD: If it's in that region over that period of time, it's fair to say it's a relatively rare thing for you to have had to have dealt with, that is, knowing about allegations of criminal conduct committed on the premises by an officer. Is that fair?

20

MS MARTIN: That's fair to say.

25 **MR LLOYD:** And not the sort of thing that you would be likely to forget about in the course of discharging your duties, that is, the fact of allegations -

MS MARTIN: No, no.

30 **MR LLOYD:** And so these allegations that I've been asking you about over this period of time with respect to Astill, knowing yourself, do you think it's likely that you would have had them in mind when you were going about doing your duty at all times after the allegations came to your attention?

35 **MR TYSON:** I object to that question.

COMMISSIONER: Yes, I require you to answer.

40 **MS MARTIN:** I - I can't say I thought about that every single day. I - I did have a lot of other things to think about in my course of my duties every single day across the both Centres. So did I think about it? No, I didn't.

MR LLOYD: But senior officers allegedly committing crimes against inmates in your gaols must have been very close to the top of important things that you were obligated to deal with?

45

MR TYSON: Objection. Privilege.

COMMISSIONER: I require you to answer.

5 **MS MARTIN:** Well, yes, it was - it was important. But did I think about it every day? No, because the information - or the intelligence reports had gone in, and I assumed that they were being looked at.

10 **MR LLOYD:** Just out of interest, in terms of your evidence about the intelligence reports, you told us that you gave directions for them to be prepared and submitted. Remember that?

MS MARTIN: Yes.

15 **MR LLOYD:** You didn't actually see evidence that they had been submitted?

MS MARTIN: No.

20 **MR LLOYD:** You haven't told us at any time in your evidence about whether you even checked the relevant -

MS MARTIN: Well, you haven't asked me. I did - I used to say to Pam or Deb, "Had that gone - gone across to Investigations?" And they would let me know, "Yes."

25 **MR LLOYD:** Can I put to you another event about which this Commission has heard some evidence. Do you remember an officer at Dillwynia, Edward Robert Scott?

30 **MS MARTIN:** Yes.

MR LLOYD: I can't give you a time except to say that it was at a time before Astill's arrest but sometime after about 2016. Do you understand?

35 **MS MARTIN:** So between 2016 and February '19?

MR LLOYD: Between - that's exactly right. But relevantly for you, Ms Martin, take it back to December '18. Do you understand?

40 **MS MARTIN:** Yes.

MR LLOYD: An officer, Paul Foster, gave evidence to this Commission about something that Edward Robert Scott told him that he had put into a report and provided you containing serious allegations about Astill. Do you remember this?

45 **MS MARTIN:** No.

MR LLOYD: I'll just put to you the account and see if it rings any bells. Mr Scott came to you with a written report which contained allegations of serious misconduct by Astill towards inmate Trudy Sheiles.

5 **MS MARTIN:** No, I - I don't recall it.

MR LLOYD: And the evidence before this Commission is that he handed that report to you. You read it and said to him, "Righto. Give it to the intel officer." Do you remember this?

10

MS MARTIN: No, I don't, but that's not unusual. I would have told the officer to take it around to the intelligence officer.

15 **MR LLOYD:** The evidence before the Commission is that the intel officer that day was Wayne Astill.

MS MARTIN: Oh, I - I wouldn't have known. Sometimes I would only get to my office, and I - I wouldn't see who was in intel. So one would hope that Mr Foster would come back to me and say, "Well, Mr Astill is the intel officer."

20

MR LLOYD: Well -

MS MARTIN: That's - one would hope that that's what he would do. He was a Senior Correctional Officer.

25

MR LLOYD: Well, it was Mr Scott with the report.

MS MARTIN: Oh, was it Mr Scott? Sorry, I thought you said Mr Foster.

30 **MR LLOYD:** Can I tell you what, on the evidence before the Commission, happened. It was after the direction was given by you to give it to the intel officer. Mr Scott found out that the intel officer that day was Wayne Astill, and he knew from that fact that he could not give the report to Astill and so his response was to shred it. Do you remember hearing about anything like this?

35

MS MARTIN: No. No.

MR LLOYD: Do you think -

40 **MS MARTIN:** I would assume that Mr Foster, if he had the report or Mr Edwards had the report, and I didn't know - I didn't know who was on during the day if I'd only got to my office, you would assume they would come back to me and say, "Mr Astill is in the intel office."

45 **MR LLOYD:** Well, respond to this proposition: if the report is, on the evidence that I've put to you, one that contained allegations of serious misconduct by Astill,

and you read it, wasn't the appropriate thing for you to do for you to respond by making sure that something happened about that report?

5 **MS MARTIN:** I - I don't know which report you're talking about.

MR LLOYD: Well, I put to you that it's one that involves serious - allegations of serious misconduct against Astill in relation to Trudy Sheiles.

10 **MS MARTIN:** Well, not knowing the contents now of that report, I would have told Mr Foster to take it around to the intel officer for an intelligence report to be - to be raised.

15 **COMMISSIONER:** Ms Martin, this report was a report about one of your - about the behaviour of one of your intelligence officers, wasn't it?

MS MARTIN: Well, it would have been, yes.

20 **COMMISSIONER:** Yes. Do you think it was appropriate to just give it to another intelligence officer rather than take control of it yourself?

MS MARTIN: Well, I didn't do intel - I wasn't capable of doing the intel reports.

25 **COMMISSIONER:** I didn't ask you that. I asked you whether it was appropriate to give it to another intelligence officer, even if you didn't know Mr Astill was on duty, rather than take control of the report and the process thereafter yourself?

MR TYSON: Commissioner, objection. Privilege.

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

MS MARTIN: Well, if Mr Foster was acting as a Chief, I would have expected him, as a Chief, to go and take the report to the intelligence officer.

35 **COMMISSIONER:** No. What I'm suggesting to you is you don't get a report for one intelligence officer and just hand it over to another intelligence officer. These are people in positions of seniority in your gaol, aren't they?

MS MARTIN: Yes. Executive.

40 **COMMISSIONER:** Why wouldn't it be right for the Governor to say, "I'm not going to give this to another intelligence officer. I myself will take responsibility for ensuring it goes through the system"?

45 **MS MARTIN:** So - I'm not quite sure what you're -

COMMISSIONER: All right. I'll give up.

MR LLOYD: The - Evelyn - I think it was Evelyn - Lloyd, the Senior Correctional Officer from Emu Plains the subject of the March 2017 letter you wrote to Mick Hovey -

5 **MS MARTIN:** Yes.

MR LLOYD: Do you remember that?

MS MARTIN: Yes.

10

MR LLOYD: That was conduct that involved inappropriate relationships with inmates?

MS MARTIN: Yes.

15

MR LLOYD: You wrote a letter -

MS MARTIN: Yes.

20 **MR LLOYD:** - to the Investigations Branch?

MS MARTIN: Yes.

25 **MR LLOYD:** At a minimum, you were required, in this situation that I've put to you now about the report that I'm putting to you was shown to you by Mr Scott, to do something similar, to make sure that the Investigations Branch knew about what you knew.

MR TYSON: Objection. Privilege.

30

MR LLOYD: Do you agree?

COMMISSIONER: I require you to answer.

35 **MS MARTIN:** And that's what I said, to send it to the intelligence officer for an intelligence report.

MR LLOYD: Is that your response to my question?

40 **MS MARTIN:** Yes.

MR LLOYD: Could I ask you to please look in that same folder, Exhibit 39, at page 32. You will see here an email from Wayne Astill to you, April 28, 2018 - I'm sorry. Page 32. Email from Astill to you, 28 April 2018, subject:
45 Elizabeth Cox.

MS MARTIN: Yes.

MR LLOYD: Now, I want to - you've said some things in your Commission statement about Elizabeth Cox.

5 **MS MARTIN:** Yes.

MR LLOYD: Do you remember that? I want to take you through things in sequence, Ms Martin, to see if you can respond to some evidence that's before the Commission. Do you understand?

10

MS MARTIN: I understand.

MR LLOYD: The email of 28 April refers to Astill attaching a report to you. Do you see that?

15

MS MARTIN: Yes.

MR LLOYD: I just want to show you something. You'll need a separate folder, which is Volume 10. I want to show you something which records the contents of that report to see if it jogs your memory. Just go, please, to Tab 171. See that one is an intelligence report, incident date, 27 April 2018?

20

MS MARTIN: Yes.

MR LLOYD: Take it from me, without taking you to the page, it was submitted by Deborah Wilson on 6 June 2018. Just have a look on the second page, remembering I'm drawing to your attention something which records the contents of the report sent to you by Astill referred to in that 28 April email. Do you see this? A report was submitted by Astill and then it's got a record in italics at the bottom of that page and then over to the next page.

30

MS MARTIN: Yes.

MR LLOYD: In effect, what Astill was alleging in his report was that Cox was making threats and, in a sense, trying to bribe him about dirty urines that had come back. Do you remember that?

35

MS MARTIN: Not fully, but I'm reading it here.

40 **MR LLOYD:** Just read it to yourself, then.

MS MARTIN: Yes.

MR LLOYD: He's alleging that Cox is saying, "I've got dirty urines. I want you to falsely or dishonestly make them go away." That's his allegation. And then she's going on to say that she's got information about other things, including having officers' home addresses, et cetera.

45

MS MARTIN: Yes.

5 **MR LLOYD:** And when Astill said, if you've got the other folder still open, "Attached is my report. I was gobsmacked," that's, in effect, what he was telling you, that he had allegations that he wanted to make about Elizabeth Cox?

MS MARTIN: I - I agree with that.

10 **MR LLOYD:** Have a look, then - if you go back to the Volume 10 document, there's a record in here of a report from Chief Pam Kellett. That's on the middle of page 3 of the Tab 171 document.

MS MARTIN: Yes.

15

MR LLOYD: You see on 22 May?

MS MARTIN: Yes, yes, yes.

20 **MR LLOYD:** And so in terms of the sequence here, it's likely, isn't it, that what happened was that there was some sort of information gathering leading to a report from Pam Kellett of that date.

MS MARTIN: Yes.

25

MR LLOYD: Do you agree?

MS MARTIN: Yes.

30 **MR LLOYD:** I do not want to take you to every one of the details in this report. Do you see it goes over for the most part of page 3 and goes right over to the top of page 5?

MS MARTIN: Yes.

35

MR LLOYD: Let me just ask you: Do you remember these events now, in particular receiving a report from Chief Pam Kellett?

MS MARTIN: No. No, I don't. But it's here, so -

40

MR LLOYD: It records some things that Elizabeth Cox was saying. That's, at a level of generality, the report?

MS MARTIN: Yes.

45

MR LLOYD: And then it makes reference at about seven-tenths of the way down the page:

"Cox later handed General Manager Martin some paperwork, stating the following and then points of interest."

5 Do you see that?

MS MARTIN: Yes.

10 **MR LLOYD:** So what is being disclosed here is Cox saying some things and also handing you some paperwork. Do you agree?

MS MARTIN: That's - yes.

15 **MR LLOYD:** And do you have a recollection of that happening, that is, you speaking to Cox -

MS MARTIN: No, I -

20 **MR LLOYD:** - about allegations?

MS MARTIN: I remember when Cox came in. I don't know if this is - and she was upset.

25 **MR LLOYD:** Do you see in terms of the - underneath the paperwork on page 3, some of the things - the second-last bullet point:

"Informing myself and other inmates of who has dobbed on fellow inmates, when and what they said."

30 Do you see that?

MS MARTIN: Page 3?

35 **MR LLOYD:** Second-last bullet point?

MS MARTIN: Yes. Yes.

MR LLOYD: And over the page, go down six - to the sixth bullet point:

40 "Ignored information given by myself about introducing drugs into the gaol on her behalf."

Do you see that?

45 **MS MARTIN:** Yes.

MR LLOYD: And then next:

"Ignored intel, was using stand-over tactics to ensure her drop was taken and in turn handed to her."

5 Do you see that?

MS MARTIN: Yes.

MR LLOYD: And then a few down:

10

"Told an inmate she had racked up a big tick bill. She'll have to pay soon."

Do you see that?

15 **MS MARTIN:** Yes.

MR LLOYD: Fourth one from the bottom:

20

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

See that?

MS MARTIN: Yes.

25

MR LLOYD: And then next:

"Threats of payback and pre-emptive strikes on inmates who will inform on his indiscretions."

30

MS MARTIN: Yes.

MR LLOYD: And then over the next page:

35

"Talk on compound is bringing in tobacco into the Centre."

See that?

MS MARTIN: Yes.

40

MR LLOYD:

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

45

Do you see that?

MS MARTIN: Yes.

MR LLOYD: The allegations recorded here, some of which I've drawn to your attention, are allegations of the utmost seriousness about Astill's conduct. Would
5 you agree with me?

MS MARTIN: I agree.

MR LLOYD: Including clear allegations of sexual activity between him and
10 inmates? Or at least assertions that would likely have suggested that?

MS MARTIN:

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

MR LLOYD: Combined with the reference I've drawn to your attention on page 5
about inmates attending The Hub where all lights are off, office door shut and Hub
20 door locked.

MS MARTIN: Yes.

MR LLOYD: Clear sexual connotation. Do you agree?

25 **MS MARTIN:** Yes. Yes. Now that I know what he was - yes.

MR LLOYD: Well, just the words here, Ms Martin. It's a clear sexual
connotation, isn't it?

30 **MS MARTIN:** It - it - it - yes, it could be. Yes.

MR LLOYD: Bringing contraband in the form of tobacco in. That's another
allegation here?

35 **MS MARTIN:** Yes.

MR LLOYD: And big tick bill. What did you understand that to be:

40 "Inmates racking up a big tick bill. She'll have to pay soon."

MS MARTIN: I don't know.

MR LLOYD: Do you understand - sorry. Did you understand that to be sexual
favours in return -
45

MS MARTIN: No. No.

MR LLOYD: You didn't. In your Commission statement - I'll just draw this to your attention. In paragraph 67 - Ms Martin will need Volume 7 back, Tab 59A. And you can hand back Exhibit 39, the small folder. In paragraph 67 - Tab 59A.

5 **MS MARTIN:** Yes.

MR LLOYD: You are referring to an incident involving Elizabeth Cox, do you see that?

10 **MS MARTIN:** Yes.

MR LLOYD: She was hysterical after being brought to your office?

MS MARTIN: Yes.

15

MR LLOYD: And you can't remember the exact words, something about her wanting an AVO because Astill had threatened her?

MS MARTIN: Yes.

20

MR LLOYD: And she appeared under the influence of an illicit substance, that you had known her for a very long time and you believed her?

MS MARTIN: Yes.

25

MR LLOYD: That is to say, the occasion when Ms Cox came to your office that you are describing here being when she was hysterical and talking about an AVO, whatever it is that she was saying to you, you believed that she was telling the truth?

30

MS MARTIN: Yes, about the threats. She said she'd been threatened. I - I believed her. I'd known Liz for a long time and, you know, she was a difficult inmate but I - I believed her that day. She was very, very upset.

35 **MR LLOYD:** And one other witness has described her as an inmate who was strong, strong willed, a strong character?

MS MARTIN: She was of strong character. She - she'd been in and out of custody a number of times. Her first sentence was quite long. So I - I would say that she was a strong character.

40

MR LLOYD: See, Ms Cox gave evidence to this Commission about what it is that she said to you on an occasion around this time when she was brought to your office and she was distressed. Do you understand what I'm putting to you?

45

MS MARTIN: That she was - this occasion?

MR LLOYD: That Ms Cox has given evidence to this Commission about what happened when she came to your office -

MS MARTIN: Okay.

5

MR LLOYD: - on which occasion she was distressed.

MS MARTIN: Yes.

10 **MR LLOYD:** And relaying allegations about Astill. I want to put to you some things that she said to the Commission when she gave that evidence, to get your response. First, she went to the office and you and Westley Giles were there?

MS MARTIN: Oh, I - I don't know who was there.

15

MR LLOYD: She thought that she might have been brought to you so that she could air allegations that she wanted to make about Astill but the first thing that happened was you raised with her Astill's allegations against her in the nature of trying to bribe him in relation to the dirty urines. Do you remember that?

20

MS MARTIN: Not in relation - no. She came - she was brought to my office because she was so upset.

MR LLOYD: She told us that she raised her suspicions with you that Astill had changed her urine results from clean results to dirty results?

25

MS MARTIN: No, that wasn't this occasion.

MR LLOYD: Do you remember another occasion when she was talking about this?

30

MS MARTIN: I - I remember another - another occasion about someone mentioning - because I remember I rang urinalysis, got intel to check if urine samples can be tampered with. I can't recall if it was Liz Cox or not, but I know that there was a - I can - I can remember an inference in relation to tampering with urine samples.

35

MR LLOYD: She told us that in a meeting with you around this time that while she didn't name any particular inmates, she told you that she had seen Astill bringing tobacco into the Centre and that he was getting payment including by inmates performing sexual favours for him?

40

MS MARTIN: No.

45 **MR LLOYD:** Are you sure?

MS MARTIN: I'm - no.

MR LLOYD: And she told us that she informed you that he wasn't only bringing in drugs, he was bringing jewellery and anything that was censored, clothes, and things that weren't allowed in the buy-up; that is, contraband like make-up and clothes?
5

MS MARTIN: No.

MR LLOYD: And that she told you that he had a hit list of several young girls that he created who he was targeting?
10

MS MARTIN: No.

MR LLOYD: And that she told you, on her evidence to the Commission, that a number of young girls had come to her crying and asking for help because they didn't know what to do?
15

MS MARTIN: No.

MR LLOYD: And that they were coming to her because Astill was sexually harassing them?
20

MS MARTIN: No, that wasn't told to me.

MR LLOYD: And she also told us that she told you at a meeting that he was being sexually inappropriate with, and harassing girls aged between 18 and their mid 20s?
25

MS MARTIN: No, that was not told to me.

MR LLOYD: And she said that at the meeting that she gave evidence about where she told you those things, she passed on to you notes which recorded the allegations, that she passed on to you at the meeting.
30

MS MARTIN: No. Unless that was from this meeting - I - I really can't recall that meeting and I definitely don't recall those allegations she put towards - put to me.
35

MR LLOYD: Do you remember any occasion where Ms Cox handed to you notes recording allegations against Astill and you asked for Westley Giles to go and make a copy?
40

MS MARTIN: No, but she may have, but that would have gone to intelligence.

MR LLOYD: Do you remember that she told you at a meeting - this is part of her evidence to the Commission - that there'd been an incident of the kind I've put to you, that is, sexual inappropriate behaviour by Astill towards young inmates:
45

"...which had been recorded on CCTV within the last 24 hours."

Does that ring a bell?

5 **MS MARTIN:** No.

MR LLOYD: And she said at the end of the meeting, after telling you the things I've put to you that she told us about, and handing you the notes with the allegations in them, your response was, "Even if I didn't believe you, I have to err
10 on the side of caution."

MS MARTIN: No.

MR LLOYD: You deny that?
15

MS MARTIN: I deny that. I assume these notes may have come from this incident. If there's notes, they've come from this incident when - that I've mentioned on my statement.

20 **MR LLOYD:** Well, the document I drew to your attention at Tab 171 refers to "Cox handing General Manager Martin some paperwork" stating all those things, some of -

MS MARTIN: Yes, and I believe it's the same - same incident.
25

MR LLOYD: They're the notes that I put to you that Ms Cox told us about she handed you?

MS MARTIN: And - and I said to you I believe that it's the same incident as this
30 one here, that I've mentioned.

MR LLOYD: Whatever it was that Ms Cox was telling you in terms of her allegations about Astill, it's right to say, isn't it, that you believed her? You believed that what she was saying was true?
35

MS MARTIN: In this incident, I didn't read the notes, I would have given them to the intelligence officer. And she was hysterical. I was trying to calm her down and I would have been arranging for her - if she was - she was scared, she was threatened, she felt threatened by Astill, I would have been arranging for her to see
40 the intel officer, go to the clinic and calm down. That's what I would have been arranging. And if that's where these - this information would have been given to the intelligence officer.

COMMISSIONER: Ms Martin. Ms Martin, are you saying to me that you were
45 given a note of serious allegations against your intelligence officer and you didn't even bother to read it? Is that what you're saying?

MS MARTIN: I - I would have been more worried about -

COMMISSIONER: You didn't read it?

5 **MS MARTIN:** No, I wouldn't have read it, no.

COMMISSIONER: Even though it was a series of serious allegations against one of your intelligence officers?

10 **MS MARTIN:** I wouldn't have read it, no.

MR LLOYD: But if Ms Cox had said the things that I put to you that she told us she said at the meeting -

15 **MS MARTIN:** She didn't say those to me.

MR LLOYD: Do you remember what instruction you gave? We know an intelligence report was created and submitted.

20 **MS MARTIN:** Yes.

MR LLOYD: That's in one of the documents. Do you remember what instructions you gave about preparing that document?

25 **MS MARTIN:** She had to sit down - as I recall, I think it was Pam Kellett spoke to Cox. She - she took the - the notes that she had or whatever she had, and she would have compiled that in with what inmate Cox had said.

30 **MR LLOYD:** Do you recall what instruction you gave to whoever it was who was tasked with preparing the intelligence report that -

MS MARTIN: No. No.

35 **MR LLOYD:** - (crosstalk)?

MS MARTIN: No.

40 **MR LLOYD:** In that report - I know they're not your words, but look at page 8, please. Do you see -

MS MARTIN: Is that the last page?

45 **MR LLOYD:** Second-last page, page 8 of 9. Do you see up the top, Local Intelligence Gaps? You might need to go to the next page.

MS MARTIN: I'm - I'm a bit lost.

MR LLOYD: Page 8 of 9 up the top. That's the page.

MS MARTIN: Local Intelligence Gaps.

5 **MR LLOYD:**

"The majority of information supplied cannot be substantiated."

MS MARTIN: Yes.

10

MR LLOYD: Now, I'll make it clear, Ms Martin. I am not putting to you that you inserted those words. But that description there was false, wasn't it? It did not reflect the true position in your mind. Do you agree?

15 **MS MARTIN:** It's false?

MR LLOYD: Yes.

MS MARTIN: I - I'm not quite sure. Sorry.

20

MR LLOYD: I've drawn to your attention information that's recorded -

MS MARTIN: Yes.

25 **MR LLOYD:** - in various parts of this document containing very serious allegations about Astill. Do you see that?

MS MARTIN: Yes. And that summary is not what is actually - is that what you're asking me, what was actually being said?

30

MR LLOYD: The Local Intelligence Gaps comment:

"The majority of information supplied cannot be substantiated."

35 **MS MARTIN:** Yeah.

MR LLOYD: That did not reflect the true position, did it?

MS MARTIN: No, I - I don't think it did, no.

40

MR LLOYD: Did you know that that was what was being said by Ms Wilson in the intelligence report that was being submitted -

MS MARTIN: No.

45

MR LLOYD: - about these things? Did you ever ask her what she'd said in the intelligence report?

MS MARTIN: No, I didn't.

5 **MR LLOYD:** Did you ever ring up Michael Hovey to find out what on earth was going on at this point about the investigation into Astill?

MS MARTIN: I can't recall if I did.

10 **MR LLOYD:** Did you ever pick up the phone to him?

MS MARTIN: I can't recall if I did.

15 **MR LLOYD:** Did you ever make contact at this point with Hamish Shearer to say, "There are more things coming forward about this officer who I had concerns about right back in March of 2016 and who I've heard multiple allegations about since"? Did you pick up the phone to him and say that?

MS MARTIN: I may have, but I can't recall.

20 **MR LLOYD:** See, each of those things that I've just put to you in sequence - telephoning Michael Hovey to find out what was going on, making contact with Hamish Shearer, doing a report yourself of the kind in the Evelyn Lloyd - each of those things was required by you in discharge of your functions, wasn't it?

25 **MR TYSON:** Objection. Privilege.

COMMISSIONER: Yes, I require you to answer.

30 **MS MARTIN:** I - I'd said I can't recall in relation to Mr Shearer or Mr Hovey. I may have, but I can't recall -

MR LLOYD: Ms Martin -

35 **MS MARTIN:** - ringing. But I concede that I - I didn't put the report in.

40 **MR LLOYD:** I know you say you can't recall. My question was a little different. You were required to make those telephone calls by this time to both Mr Hovey and Mr Shearer to report the fact that you had more allegations about Astill that had come to your attention.

MS MARTIN: I was required -

45 **MR TYSON:** Objection. Privilege.

COMMISSIONER: I require you to answer.

MS MARTIN: I was required to report to my Director.

MR LLOYD: And if you didn't do that, that would be a serious failure by you. Do you agree with that?

5

MR TYSON: Objection. Privilege.

COMMISSIONER: I require you to answer.

10 **MS MARTIN:** Yes, it would.

MR LLOYD: Could I ask you to look - you can perhaps keep folder 10 with the intelligence report but go - if you have before you at folder 8 - or that will be put in front of you. If you've got folder 8, can you just go and find Tab 80. And locate behind that Annexure 27. It should be behind a separate tab. Do you recognise this document - go to the bottom - Neil Holman, 3 June 2018?

15

MS MARTIN: It would be a type of document to look at the classification of an inmate they had concerns with.

20

MR LLOYD: Have a look on this page - second page:

"I'm also aware that Cox..."

25 Up the top:

"...has made serious allegations regarding the conduct of Astill."

MS MARTIN: Yep.

30

MR LLOYD:

"After seeking advice from the General Manager, have advised Astill no further formal contact with Cox and avoid her if possible."

35

MS MARTIN: Yes.

MR LLOYD: See, you knew by the time of this report that the allegations made by Cox about Astill were very serious?

40

MS MARTIN: Yes.

MR LLOYD: The response being recorded here was, what, that Cox was to have no further formal contact with him?

45

MS MARTIN: Because she was scared. She'd made a complaint.

MR LLOYD: Because you had a Chief Correctional Officer, albeit acting up, in your gaol who you were sufficiently worried about the conduct of -

MS MARTIN: Yes.

5

MR LLOYD: - that he had to be separated from one of your inmates?

MS MARTIN: Yes. For her - for her wellbeing.

10 **MR LLOYD:** Just stepping back, Ms Martin, for one minute and just dealing with a situation of this kind where you have a senior officer in your gaol who, because of fears of safety by an inmate, you had to separate the officer from the inmate. That sounds like a dreadful state of affairs in the conduct of the prison.

15 **MS MARTIN:** Yes. It was.

MR LLOYD: What were you doing in your function as General Manager of this place to deal with that situation?

20 **MS MARTIN:** I'm sure I would have contacted the Director in relation to this.

MR LLOYD: Do you agree that this is a symptom - I withdraw that. This is a clear sign that there was dysfunction in the operation of this gaol at this stage?

25 **MR TYSON:** Objection. Privilege.

COMMISSIONER: I require you to answer.

MR LLOYD: Do you agree with me?

30

MS MARTIN: In the whole of the Centre, there was dysfunction?

MR LLOYD: No, this is a sign of dysfunction, that you've got to try and separate a senior officer from an inmate for her safety.

35

MS MARTIN: Yes. Yes, there was definitely something wrong. I agree.

MR LLOYD: And a dysfunction in a gaol like this is plainly something that would have to be brought to the attention of your immediate superior, that is Mr Shearer?

40

MS MARTIN: Yes. Yes.

MR LLOYD: And are you telling us that whilst you don't have a recollection, that you would have done that?

45

MS MARTIN: I would have done that, yes.

MR LLOYD: What about reporting further up? Were things so serious by this time that you really needed, in your view, to bring it to the attention of someone beyond Mr Shearer if nothing was happening?

5

MS MARTIN: I would have only put it to the attention of Mr Shearer. I'd learnt not to go over his head.

MR LLOYD: What are you talking about there?

10

MS MARTIN: Well, I learnt that I had to speak to him so he knew that he could speak to the Assistant Commissioner.

MR LLOYD: Do you remember that on - just a little - going back a little bit in time. This is around the time I put to you that Ms Cox is making the allegations that I've put to you at the meeting and around the time of Ms Kellett's report of 22 May. Do you remember having brought to your attention that it was necessary to further extend Astill's appointment in the temporary position of Chief Correctional Officer?

15

20

MS MARTIN: This is what we discussed earlier, yes.

MR LLOYD: No. Well, that appointment or extension came to expire. Do you remember that?

25

MS MARTIN: No.

MR LLOYD: Could the witness please be shown Volume 11. Have a look at Tab 269. Do you see there, second email down in the chain, Sarah Brown to you, 28 May, behind Tab 269?

30

MS MARTIN: Sorry, I got 299. Sorry about that. 269.

MR LLOYD: See second one down, Sarah Brown to you, 28 May?

35

MS MARTIN: Yes.

MR LLOYD:

40

"Good morning, Shari. Please see attached SVAPO for the secondment extensions for your approval. I've clarified with HR manager that all is okay to extend past two years without any secondments becoming permanent."

Do you see that?

45

MS MARTIN: Yes.

MR LLOYD: And if you go to the second page here, you'll see in the email in the second half of the page, there's reference made to the two officers below, one of whom is Astill:

5 "Temporary assignment without comparative assessment above level beyond 12 months is not GSE compliant."

Do you see that?

10 **MS MARTIN:** Yes.

MR LLOYD:

15 "For their extension, you need to seek Director's approval."

Do you see that?

MS MARTIN: Yes.

20 **MR LLOYD:** And then if we then go back to the later email in time where:

"Good morning, Shari. I've clarified that all is okay to extend past two years without any secondments becoming permanent."

25 Do you see that?

MS MARTIN: Yes.

30 **MR LLOYD:** Do you remember you going to Mr Shearer, or to your knowledge someone else going to him, to seek approval to extend Astill's period acting up as Chief Correctional Officer beyond that (indistinct)? Do you see up the top your response:

35 "Extension of secondments approved."

MS MARTIN: Yes, I - I - I do, but - yes, I do, but the benchmarking would have come in shortly after that. So all those positions would not have been activated. But I understand what you're saying. Yeah:

40 "Extension of secondments approved."

MR LLOYD: You approved the extensions knowing all of the allegations -

MS MARTIN: Yes.

45

MR LLOYD: - that you knew?

MS MARTIN: Yes.

MR LLOYD: How can you defend that decision?

5 **MS MARTIN:** I - I can't. I can't defend that decision. And I'm not going to try.

MR LLOYD: Putting a man accused of serious crimes - retaining him in a position of great seniority.

10 **MS MARTIN:** I can't defend that position.

MR LLOYD: Do you know that the evidence, or at least some of it, before this Commission is to the effect that his position as Chief Correctional Officer was one of the things that gave him the opportunities to permit him to offend in the way he did?
15

MS MARTIN: No.

MR TYSON: I object to that question, sir.
20

COMMISSIONER: I require an answer.

MS MARTIN: No, I'm not aware of that.

25 **COMMISSIONER:** I think you might expand on that, Mr Lloyd. I'd like to know what she did understand.

MR LLOYD: Just dealing with now, you must have some understanding of the way in which he was committing assaults on a number of inmates in Dillwynia.
30 You must know now.

MS MARTIN: I'm not fully aware of everything that he did. I - only from what I've heard from some of the Inquiry and what I've read in newspapers.

35 **MR LLOYD:** You see, I won't tax you with all of the details, but a number of the offences of which he was found guilty - or to which he pleaded guilty occurred inside offices to which he had access by result of his position as Chief Correctional Officer. Do you know that to be true?

40 **MS MARTIN:** No. I - I - I - only what I've read in the newspaper and now that you've told me that.

MR LLOYD: If that's true, it would follow, wouldn't it, that these extensions, allowing him to continue to act up in that position, as it turned out, aided his
45 offending?

MR TYSON: Objection. Privilege.

COMMISSIONER: I require you to answer.

MS MARTIN: What - what was the question?

5

MR LLOYD: As it has turned out, it's right, isn't it, that these extensions, allowing him to continue to act up in this position, aided his ability to offend in the way he did?

10 **MS MARTIN:** I - I'm not really sure I can answer that.

COMMISSIONER: Ms Martin -

MS MARTIN: Yes.

15

COMMISSIONER: - leaving aside the detail of what you know now -

MS MARTIN: Yes.

20 **COMMISSIONER:** - wasn't it obvious to you that keeping a person such as Mr Astill about whom multiple complaints had been made -

MS MARTIN: Yes.

25 **COMMISSIONER:** - in the position of seniority and sometimes sole authority in the gaol was the wrong thing to do?

MR TYSON: Commissioner, objection. Privilege.

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

MS MARTIN: Commissioner, the areas that the Chiefs worked in, for example, in high needs, was approximately four paces from an office with three officers in, and their doors basically faced each other. The area in low needs was exactly the same. The area in medium needs would have been a problem area. Why
35 I extended his - his secondment, I - I don't know. Honestly, I don't know.

MR LLOYD: Is it possible that an explanation for this is that you consciously did set out to protect him?

40

MR TYSON: Objection. Privilege.

MS MARTIN: No.

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

MR LLOYD: Is it possible that what's really going on here, Ms Martin, is that you were favouring his interests -

MR TYSON: Objection. Privilege.

5

MR LLOYD: I hadn't finished - over the interests of inmates who you had the care of?

MS MARTIN: No.

10

COMMISSIONER: I require an answer.

MR LLOYD: Could I ask you about another event. I'll move forward to the end of June 2018. Do you remember Officer Glenn Clark telephoning you and saying to you something to this effect, "It's Clark from high needs. I have an inmate, Elizabeth Cox, in front of me telling me that one of your executive staff is bringing drugs into the Centre, and she's already told you"? Do you remember that happening?

MS MARTIN: No.

MR LLOYD: Do you agree with me just those words in terms of the evidence that I'm putting to you that Officer Glenn Clark has given to this Commission - that reference to, "And she has already told you" would be consistent with what I've put to you from Ms Cox about telling you on the earlier occasion about that fact?

25

MS MARTIN: Yes, but I don't recall - recall that phone call, whatsoever.

MR LLOYD: Do you recall - I'll just put this to you. Officer Clark told us that your response was, "I'll send Pammy," being a reference to Pam Kellett, "up to you." Do you remember that?

30

MS MARTIN: No.

35

MR LLOYD: Can I ask you - I think you've still got Volume 10. I'll relieve you of Volume 11 there. Do you remember in - if you go to Tab 172.

MS MARTIN: Which folder is that?

40

MR LLOYD: 10.

MS MARTIN: Tab?

MR LLOYD: 172. See, this is an information note, incident date, 6 July '18?

45

MS MARTIN: Mmm.

MR LLOYD: And I won't dwell on all the details under Information, but it's involving a number of things, including contraband, and Mr - Mr Astill has described. And then you see down toward the bottom of page 2:

5

"Someone had seen Witness GG with a pouch. She suspects it also came from Officer Astill as she was one of his girls."

Do you see that?

10

MS MARTIN: Mmm.

MR LLOYD: Were you aware of these events?

15

MS MARTIN: No. Not that I recall.

MR LLOYD: Can I ask you - next in sequence, can you go - I'll just take you slightly out of sequence. Stay in that folder. At Tab 173, see there's an intelligence report, incident date, 24 February '18?

20

MS MARTIN: Yes.

MR LLOYD: And just go over to page 4, Local Analysis. Do you see that?

25

MS MARTIN: Yes.

MR LLOYD: Second-last paragraph on the page:

30

"A number of reports have recently been submitted..."

MS MARTIN: Yes.

MR LLOYD:

35

"...through SIU in relation to Astill and his introduction of tobacco and illicit drugs by a staff member."

Do you see that?

40

MS MARTIN: Yes.

MR LLOYD: And then:

45

"Previously been mentioned in relation to suspicious activity with C. However, staff would not come forward with reports."

MS MARTIN: Yes.

MR LLOYD: Were you aware of this intelligence report going up?

5 **MS MARTIN:** I - I don't recall it, but that's not to say - if it went to Investigations, I wouldn't have seen it.

MR LLOYD: Accepting, if you look at that document, from the date on page 5, 15 August 2018 - see that?

10 **MS MARTIN:** So 15 -

MR LLOYD: Do you see that?

15 **MS MARTIN:** Which - which page, sorry?

MR LLOYD: Page 5 of 6. Submitted Date, 15 August 2018?

MS MARTIN: Yes.

20 **MR LLOYD:** Submitted by Deborah Wilson on or about that date?

MS MARTIN: Yes.

25 **MR LLOYD:** Have a look, then, if - you'll need to have put before you a document contained in Volume 17. Tab 524.

MS MARTIN: 524?

30 **MR LLOYD:** Yes. You see there an email from Deborah Wilson to you, 19 August?

MS MARTIN: Yes.

35 **MR LLOYD:** That's -

MS MARTIN: Yes.

40 **MR LLOYD:** - obviously four days after that report that I've just drawn to your attention?

MS MARTIN: Yes.

MR LLOYD:

45 "Hi, can you please furnish any further reports you have on Wayne Astill to..."

There's a redaction. The name there is Sarah Casey:

"I have forwarded copies of the paperwork from your safe."

5 Do you see that?

MS MARTIN: Yes.

10 **MR LLOYD:** Do you remember having a discussion with Deborah Wilson around this date about forwarding reports to the Investigations Branch?

MS MARTIN: No, I don't. But if - if Deb has requested that information, it would have - would have gone through.

15 **MR LLOYD:** What did you do about the request "furnish any further reports you have on Wayne Astill" in that email?

20 **MS MARTIN:** I - I can't recall. I would have - I would have done what the report said and give them to - to Deb.

MR LLOYD: See, Ms Martin, on the evidence before this Commission, there is no occasion on which you forwarded any further reports about Wayne Astill to Sarah Casey by email or otherwise.

25 **MS MARTIN:** Well, did I give reports to Deb Wilson?

30 **MR LLOYD:** That's not my question. My question is if you accept that there's no documentary record of you sending any further reports to Sarah Casey - I'm putting to you that that is the evidence before this Commission. There's no email or any other documentary record of you sending further reports to Sarah Casey. Do you have an explanation for that?

35 **MS MARTIN:** So if Deb had asked me for reports, I would have more than likely taken them around to intel and given them to her to - to scan and send off, if - if that was the request.

MR LLOYD: Did you store reports about Astill in your safe?

40 **MS MARTIN:** Deb Wilson would put working papers about officers in - well, Astill in my safe, the working documents.

MR LLOYD: Did you know who Sarah Casey was?

45 **MS MARTIN:** Sarah Casey was an analyst, I think. She's an analyst.

MR LLOYD: Did you know that at the time?

MS MARTIN: I may have. I'm not sure.

5 **MR LLOYD:** Did you think of getting in touch with her and saying, "I've been given your email address. What on earth is going on with all of these serious complaints about Wayne Astill that you have that, on your understanding, nothing has been done about"?

MS MARTIN: No, I didn't do that.

10 **MR LLOYD:** Why?

MS MARTIN: Because I would have got Deb to - to find out what was happening.

15 **MR LLOYD:** Did you not care about the fact that there was a man in a senior position -

MS MARTIN: Yes, I did care.

20 **MR TYSON:** Objection. Privilege.

COMMISSIONER: I require you to answer.

25 **MR LLOYD:** I'll finish, if that's convenient, Commissioner, and then - did you not care that there was a man in a senior position still at this time about whom you have all these complaints -

MS MARTIN: Yes.

30 **MR LLOYD:** - and allegations?

35 **MS MARTIN:** Yes, I cared. And that's why I was asking - saying things like, "What - what do we need to do with this bloke?" I was waiting for all the information to come back from Investigations. Nothing appeared to be happening.

MR LLOYD: Your evidence about, "What do we do with this bloke," as I understood it, but tell me if I've got it wrong, was what you said to Hamish Shearer back around the mediation time.

40 **MS MARTIN:** Yes. And I - I - I would have told him.

MR LLOYD: This is eight months or so later.

MS MARTIN: Yes.

45

MR LLOYD: August of '18. He's still in your gaol, working; correct?

MS MARTIN: Yes. Correct.

MR LLOYD: Still acting up as a Chief Correctional Officer?

5 **MS MARTIN:** Correct.

MR LLOYD: I'll return to my question. Did you just not care that you had a man accused of a range of crimes against a range of inmates, and other serious misconduct by the way, still working at your gaol in August of 2018?

10

MS MARTIN: I did care.

MR TYSON: Objection. Privilege.

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

MR LLOYD: I think it was you did care. But your level of care didn't rise to giving your own written report or making direct contact with anyone from the Investigations Branch, I put to you.

20

MS MARTIN: No, I didn't do a report. I've - I've agreed to that I don't recall ever doing a report. But if I rang someone, I can't recall if I did or I didn't.

25 **MR LLOYD:** See, there must come a point, Ms Martin, when you in your capacity as Governor - there's the process that you describe, reports go to Investigations Branch; correct?

MS MARTIN: Yes.

30 **MR LLOYD:** Sometimes reports might go to the Professional Standards Branch. You might write something -

MS MARTIN: Yes.

35 **MR LLOYD:** There must come a time when you think this situation that you're aware of, all these allegations, to your knowledge, not dealt with, not properly investigated, "Really, why aren't these just a matter for the police? And why don't I ring the police and find out what they can do about it?" Did you ever think of doing that?

40

MR TYSON: Objection. Privilege.

COMMISSIONER: I require an answer.

45 **MR LLOYD:** I think your answer was "no".

MS MARTIN: No.

MR LLOYD: Do you think you should have?

MR TYSON: Objection. Privilege.

5

COMMISSIONER: Again, I require an answer.

MS MARTIN: The Investigations Branch have an arm - the Corrections - a police arm. That's where I thought that with the investigations, if they felt something - and that's what actually eventually happened with -

10

MR LLOYD: Steve Virgo?

MS MARTIN: No. What happened was - I don't know if Steve was there. She hasn't got a pseudonym (crosstalk).

15

MR LLOYD: Can I put some things to you and see if you agree.

MS MARTIN: Yeah. Yeah.

20

MR LLOYD: In the end, Steve Virgo made a telephone call to Michael Hovey about allegations that Trudy Sheiles had made about being the victim of a very serious series of sexual assaults.

MS MARTIN: I wasn't aware of that.

25

MR LLOYD: Is that what had you in mind, or did you have something else in mind?

MS MARTIN: Sarah Ward.

30

MR LLOYD: Just in terms of the chronology, she also came forward but in time shortly after Trudy Sheiles.

MS MARTIN: I wasn't aware of -

35

MR LLOYD: Just going back to the situation. You're in charge of this Correctional Centre at which, I think you must agree, there is a gross imbalance of power between correctional officers and inmates?

40

MS MARTIN: A gross imbalance of power?

MR LLOYD: Yes. That officers have and are able to exercise very significant power and influence over the inmates.

45

MS MARTIN: To a degree, yes.

MR LLOYD: The officers get to go home at the end of the day, but the inmates are stuck there; true?

MS MARTIN: That's true.

5

MR LLOYD: You have a man who you are repeatedly being told is committing crimes against the inmates; true?

MS MARTIN: True. And I had a man that I repeatedly kept putting reports up and intelligence reports up about.

10

MR LLOYD: You must have known by this time, if not before, that something very bad was going wrong with the process being adopted by people outside the gaol, whether they be Investigations or Hamish Shearer.

15

MR TYSON: Objection. Privilege.

COMMISSIONER: I require an answer.

MR LLOYD: Do you agree?

20

MS MARTIN: I knew a lot of things that I put up were not - I was not getting information about. For example, I - and I think I mention it in the email that I sent after I'd left the Department. For example, there was a serious assault and allegations of rape of inmate on inmate, and that was in a - a - a housing unit, that reports had been going up for two years in relation to what we thought was the dangerous points of this housing unit. And it basically took an incident like that and then someone came out and did a risk assessment.

25

MR LLOYD: Can I just put to you about Astill: you must have believed, I suggest to you, by this time, that is, August 2018, if not before, that on the allegations, you had a serial sexual predator working for you in your gaol.

30

MR TYSON: Objection. Privilege.

35

COMMISSIONER: I require an answer.

MR LLOYD: Do you agree with me?

MS MARTIN: I didn't know about his sexual assault until after I had retired.

40

MR LLOYD: I asked you in detail about Witness M and those allegations. Do you remember that?

MS MARTIN: Yes.

45

MR LLOYD: You knew by this time that nothing, to your knowledge at least, had been done about that.

5 **MS MARTIN:** I did not know about the sexual assaults until after I had retired.

MR LLOYD: So I put to you earlier that allegations were squarely put to you at the meeting on 20 July '17 that Astill had assaulted, indecently, Witness M. Do you remember that?

10 **MS MARTIN:** Yes, I remember that.

MR LLOYD: See, you must have known that whatever was happening outside the gaol, it had fallen over. It had miscarried in a very serious way in terms of something happening about Astill.

15 **MR TYSON:** Objection. Privilege.

COMMISSIONER: I require an answer.

20 **MR LLOYD:** Do you agree with that?

MS MARTIN: Well, there wasn't - something wasn't right because all these reports had gone in.

25 **MR LLOYD:** And something not being right, the result of it, to your knowledge, was a man who was accused of a range of criminal conduct against inmates was still coming to work, filling his duties as a Chief Correctional Officer at a gaol that you were charge of.

30 **MR TYSON:** Objection. Privilege.

MR LLOYD: That was the result, wasn't it? Sorry.

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

MS MARTIN: It - yes.

MR LLOYD: That's a disastrous outcome. Do you agree with me?

40 **MR TYSON:** Objection. Privilege.

COMMISSIONER: Again, I require an answer.

MS MARTIN: A disastrous outcome?

45 **MR LLOYD:** Yes, the one I just put to -

MS MARTIN: That what - what happened to the women was a disastrous outcome, yes.

5 **MR LLOYD:** And in terms of administration of the gaol, this was disastrous administration, wasn't it?

MR TYSON: Objection. Privilege.

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

MS MARTIN: Well, I wasn't fully aware of the sexual assaults. I had put in the reports. I - I can't move people. I was not that decision-maker. So -

15 **MR LLOYD:** Could I ask you, just in terms of Volume 10, to look at 174, being an information note, and just also look at 175, same date, information note, authored by Renee Berry.

MS MARTIN: Mmm.

20 **MR LLOYD:** Do you remember seeing these or being aware that they were being submitted?

MS MARTIN: No, I'm not aware of that one. No.

25 **MR LLOYD:** You can close that folder 10, and it can be taken away from you. Could I ask for Exhibit 39 to be put in front of the witness. Have a look, please, first at page 70. I'll just draw to your attention some things. You see this is authored by Astill, 1 August '18? You see that?

30 **MS MARTIN:** Yes.

MR LLOYD: And, in essence, this involves a complaint by Astill about Jean Dolly, including about references to Astill as "Poppy Astill". Do you remember this issue coming to your attention?

35

MS MARTIN: Yes, yes.

MR LLOYD: And do you see down the bottom:

40 "Allocated investigation to Pam Kellett to obtain all the facts."

Do you see that?

45 **MS MARTIN:** Yes.

MR LLOYD: And Pam Kellett, if you go to page 72, gave you the result of her investigation on 30 August?

MS MARTIN: Yes.

MR LLOYD: And I'll just draw to your attention some features. Finding on page
5 1 in reference to being referred to as "Poppy Astill":

"Investigated the allegation."

10 And then a reference to a song being made up, an inappropriate song, "Astill
and Witness N hanging in The Hub, Astill and Witness N having a rub and tug."
Do you see that?

MS MARTIN: Yes.

15 **MR LLOYD:** What did you think when you heard about that song?

MS MARTIN: I can't recall.

20 **MR LLOYD:** In light of all the other things I've been asking you about, this
coming on 30 August 2018, you must have thought this is more evidence of sexual
activity or allegations of sexual activity between Astill and inmates. Do you
agree?

MS MARTIN: I agree.

25 **MR LLOYD:** Over the next page, down the bottom:

30 "In reference to allegations made by Cox in regards to Astill, felt that Astill
was doing favours for other inmates and at this stage we only have the inmate
word."

Do you see that?

MS MARTIN: Yes.

35 **MR LLOYD:** And over on the conclusion, it's:

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

Do you see that?

MS MARTIN: Yes.

45 **MR LLOYD:** See, this included very serious information suggesting serious
misconduct by Astill, the reference to the song. Do you agree with me?

MR TYSON: Objection. Privilege.

COMMISSIONER: I require an answer.

5 **MS MARTIN:** In reference to the song, it made - sorry, what was -

MR LLOYD: In reference to the song - the details of the song, I think you agree with me, suggested sexual activity.

10 **MS MARTIN:** "Rub and tug"?

MR LLOYD: Yes. Between Astill and the inmates at The Hub.

MS MARTIN: Yes. I agree.

15

MR LLOYD: Very serious matters that demanded investigation. Do you agree with me?

20 **MS MARTIN:** There was matters that - I - I agree that they were serious - that was a serious matter, the -

MR LLOYD: Demanding investigation?

25 **MS MARTIN:** If that information had already been put on an IR, I'm not sure if it did.

MR LLOYD: Take it from me, on the evidence before this Commission, there is no intelligence report which includes that information. If what I put to you is right, that is a serious oversight, isn't it? -

30

MR TYSON: Objection. Privilege.

COMMISSIONER: I require an answer.

35 **MR LLOYD:** - that that information was not reported up to Investigations. Do you agree?

MS MARTIN: I don't think Investigations would have looked at this information on its own - on its own.

40

MR LLOYD: What, a song by inmates suggesting sexual activity between a Chief Correctional Officer and inmates? Are you serious?

45 **MS MARTIN:** Well, I - I - I don't know if that would have been - been looked at by Investigations. There's been many songs made up by many inmates, but I know what you're saying. Yes, it is serious.

MR LLOYD: See, what happened - if Ms Martin can be shown Volume 17, Tab 525. The name of this -

MS MARTIN: Sorry, what tab was that?

5

MR LLOYD: 525. Do you see that one?

MS MARTIN: Yes.

10 **MR LLOYD:** This was - this is authored by you.

MS MARTIN: Yes.

15 **MR LLOYD:** And what this was you doing was you writing to the Professional Standards Board to make a complaint on behalf of Astill about Jean Dolly.

MS MARTIN: Well, not really. I was just putting in as a result of these - it was up to the Professional Standards Branch. I - this wouldn't have been the only one I would have done, and it would have been - I - I would do any officer that required it.

20

MR LLOYD: You were - this is you taking the initiative of writing to the Professional Standards Board or Branch to ask them, in effect on behalf of Astill, to investigate whether there'd been a disciplinary offence by Jean Dolly.

25

MS MARTIN: Well, it wasn't my initiative. I did this for a number of - a number of disciplinary issues.

30 **MR LLOYD:** Did you think about maybe writing a letter to the Professional Standards Branch saying, "And by the way, the investigations reveal that the inmates are singing a song suggesting Astill is having sexual contact with inmates"?

MS MARTIN: No.

35

MR LLOYD: Why?

40 **MS MARTIN:** Because I had sent up intelligence reports in relation - I had made sure intelligence reports in relation to any information that we received were sent up.

45 **MR LLOYD:** Remembering the questions about the evidence of "Shari's boys", what we have here, Ms Martin, is information that came to your attention suggesting sexual activity between Astill and inmates in the form of the song and your response being to pass up to Professional Standards for investigation a complaint about an officer other than Astill, being Jean Dolly.

MS MARTIN: I would pass up complaints about other officers as well.

MR LLOYD: But Jean Dolly was telling you, in effect, that he was being called "Poppy" because he was bringing tobacco into the Centre. Remember that?

5

MS MARTIN: Well, she wasn't telling me. She was telling the inmates, by the looks of it.

MR LLOYD: Is this an example of you just favouring Astill's interests?

10

MS MARTIN: No.

MR TYSON: Objection. Privilege.

15

COMMISSIONER: I require an answer.

MS MARTIN: I'm - I'm - I'm not sure where this favouring or "Shari's boys" is coming from.

20

MR LLOYD: Well, I'm trying to understand why it is that by this time, Ms Martin, you are not making a written report either to Professional Standards or the investigation report or to Mr Shearer or, frankly, the police about the information you had about allegations about Astill.

25

MS MARTIN: I have stated I - I - I don't recall doing a report, but I may have rang - rang them up. And I've also put - made sure that the intelligence reports are put in.

30

MR LLOYD: See, the day after that 30 August report that I asked you about making reference to the "rub and tug" and Astill hanging out with an inmate in The Hub - the day after, do you remember again approving an extension of -

MS MARTIN: No.

35

MR LLOYD: - his position?

MS MARTIN: I can't recall that.

40

MR LLOYD: If that -

MS MARTIN: I - I may have - not have read some of these reports for - I had so many emails. No, I don't recall that.

45

MR LLOYD: You certainly read enough to write the letter to Professional Standards I just asked you about. Do you agree?

MS MARTIN: Yes. But I may have done a number that day.

MR LLOYD: Certainly I want to suggest to you, you didn't do any about Astill's conduct and the allegations -

5 **MS MARTIN:** I disagree with that.

MR LLOYD: Could I ask you about some evidence that an officer Kim Wilson gave. Do you remember her?

10 **MS MARTIN:** A custodial officer?

MR LLOYD: Yes.

MS MARTIN: Yes.

15

MR LLOYD: She said that in the period which is probably pretty close to when Astill was arrested, that is, toward the end of your time (indistinct) -

MS MARTIN: Mmm.

20

MR LLOYD: Do you understand the timeframe?

MS MARTIN: Up until 21 December 2018.

25 **MR LLOYD:** Sometime pretty close to when you left; understand?

MS MARTIN: Yes.

30 **MR LLOYD:** She said that there was a parade, and what you said to the officers on parade was that there were malicious rumours going around about Astill, and they were to stop, and that anyone involved in spreading the rumours would be dealt with harshly. Do you remember saying that?

MS MARTIN: No, that - that's not true.

35

MR LLOYD: Any reason you can think of why Ms Wilson would tell us that if -

MS MARTIN: I have no - I don't understand why, because the police had already come out to see - I would never say that, no.

40

MR LLOYD: Jean Dolly told us about an occasion around the same timeframe, that is, she's described it as a staff meeting, and she said while she was in the meeting with other staff members, you called them all "cunts" and said the rumour-mongering about Astill needed to stop. She told us that you said, "Youse are a bunch of cunts, so pull up." Do you remember saying that?

45

MS MARTIN: No. That's a lie. You've - you've got to remember, the staff meetings - I - I couldn't behave that way. We had nursing unit managers, we had business managers there, service and programs officers, psychologist. I would not address a meeting like that.

5

MR LLOYD: And so what you're telling us is from your description of your behaviour at meetings of this kind, having regard to the evidence that I've put to you about Ms Dolly, she is either wrong or making it up?

10 **MS MARTIN:** She's making it up.

MR LLOYD: Do you have any idea, in terms of your dealings with Ms Dolly, why she would be motivated to make up something like that about you?

15 **MR TYSON:** I object. It's speculative.

COMMISSIONER: I require an answer to the question.

20 **MS MARTIN:** Jean was a very difficult officer in relation to her - her - her communication with staff and inmates. Jean was placed on a performance improvement plan. As a result of that plan, she was allocated a mentor. She was also given training. And as a result of that, I think today that she's - she's been promoted. I - I would not understand why Jean would say that. She went on secondments. She acted - she acted up. I - I don't understand why she would say
25 that.

MR LLOYD: Is what you're saying, there's no reason that you're aware of why she would say it if it wasn't true? Is that what you say?

30 **MS MARTIN:** Yes. I - I'm unaware of why she would say it.

MR LLOYD: Could I put to you one second-last thing, Ms Martin. In your statement to the Commission, Volume 7, 59A, you tell us about events that happened toward the end of your time at Dillwynia in relation to Sarah Ward.

35

MS MARTIN: Yes.

MR LLOYD: And I'll see if I can do this - actually, could Ms Martin be shown Volume 7. Go to 59A.

40

MS MARTIN: 59A.

MR LLOYD: Yes.

45 **MS MARTIN:** Yes.

MR LLOYD: Paragraph 81. I'll just take you through some things you say in order to save time, Ms Martin, but tell me if you need me to go more slowly. You're here describing an incident involving Sarah Ward where she came to you and she was hysterical and very upset. Paragraph 81, that's the effect of what you say?
5

MS MARTIN: Yes.

MR LLOYD: And allegations, to your knowledge, that she wanted to make about Astill's behaviour?
10

MS MARTIN: Yes.

MR LLOYD: And then at 83, you believed her?
15

MS MARTIN: Yes.

MR LLOYD: 84, you tried to calm her down and find out what happened and then the police came to your office the next day or soon after?
20

MS MARTIN: A intelligence report was done on it and then the police from Corrections Investigation Unit had come.

MR LLOYD: You arranged for Sarah to meet with the police in the conference room located near to your office?
25

MS MARTIN: That's correct.

MR LLOYD: And they came and spoke to her in that conference room?
30

MS MARTIN: Yes, that's correct.

MR LLOYD: One of the officers, you tell us, then came to you and said, "Sarah didn't want to talk. She was too scared and asked if you could help out by trying to get her to talk."
35

MS MARTIN: Yes.

MR LLOYD: And you agreed?
40

MS MARTIN: Yes.

MR LLOYD: Sarah then came back into your office, and you spoke with her?

MS MARTIN: Yes.
45

MR LLOYD: And then Sarah:

"...back to my office. I told her she had done nothing wrong and needed to talk to the police about what Astill had said to her."

5 Do you see that?

MS MARTIN: Yes.

MR LLOYD:

10

"I gave her an undertaking she would be safe."

And you kept Astill away from her. See that?

15 **MS MARTIN:** Yes.

MR LLOYD: And you're telling us that she then said:

20

"Okay, Shari. I will talk to them."

MS MARTIN: Yes.

25

MR LLOYD: And then, to your knowledge, she went to the police - this is in 88 - to give a statement. Do you see that?

MS MARTIN: Yes, that's correct.

30

MR LLOYD: Now, many things that I've asked you about in the course of your evidence you have not had a recollection one way or the other. Do you remember that?

MS MARTIN: Yes.

35

MR LLOYD: This is you telling us in your statement that you have a distinct recollection of (crosstalk)?

MS MARTIN: Yes, I do.

40

MR LLOYD: A very good recollection?

MS MARTIN: I - I believe I do, yes.

45

MR LLOYD: And I asked you at the very start of your evidence about this statement, and you told us that in this statement you were telling the truth?

MS MARTIN: Yes.

MR LLOYD: Are you sure that that is right, that in this statement you are telling the truth in these paragraphs?

MS MARTIN: I believe so, to my -

5

MR LLOYD: Ms Ward - sorry. Ms Ward gave evidence. Can I just put to you what she says happened on this occasion and get your response.

MS MARTIN: Yes.

10

MR LLOYD: She says she was called to do a statement with detectives from New South Wales Police and, for that purpose, she was called to your office. Sound pretty close to your account so far?

MS MARTIN: Well, my office was here; the conference room was there. So she would have been called up to the Governor's office to go to the conference room. We - we wouldn't have said - called her up because, you know, there's police. She would have said to report to the Governor's office.

MR LLOYD: She said that when she arrived, two detectives were seated at a round table in your office and you were sitting at your desk?

MS MARTIN: No. I think the detectives were waiting in the conference room for her.

25

MR LLOYD: She told us that she freaked out when she saw that because her belief was that you were not helping women and that when women had spoken up, they would be shut down by you. What's your response to that?

MS MARTIN: Well, I - I don't know why she said that. What happened was she went straight into the police.

MR LLOYD: She said that after she saw you and the detectives, she didn't want to give the detectives any information because of your presence in the office. And so what she said was that she didn't want to get the officer in trouble because he was a nice guy, and she didn't want anyone to lose their job. Do you remember that?

35

MS MARTIN: We don't have police interviews with the Governor sitting inside that interview room. That doesn't happen.

40

MR LLOYD: She told us that after she said, "I don't want to get the officer in trouble because he's a nice guy, and I don't want anyone to lose their job," that your response was that that was good of her.

45

MS MARTIN: I wouldn't have been in the interview room with the police officers.

MR LLOYD: She told us that she walked out of the office and saw Stephen Virgo, and Virgo asked her whether she'd spoken to the detectives and she said she didn't and had walked out of the meeting. Do you ever remember -

5

MS MARTIN: No, that's not correct. No.

MR LLOYD: Her account to us was that after that meeting where she did not tell the police about the allegations, she said because you were there, that Virgo arranged for her to be taken outside of the gaol, and it was then that she told the police what happened. Any recollection of this now?

10

MS MARTIN: No, I wouldn't have been in the room with the detectives. That's - that's not appropriate.

15

MR LLOYD: See, Ms Martin, I need to put this to you: your account of what happened when Ms Ward came forward in paragraphs 81 to 88, in effect, is you say she wasn't prepared to tell the police about her allegations until you spoke to her and persuaded her -

20

MS MARTIN: Because the police detective asked me to do that.

MR LLOYD: - that she should come forward. That's what you're telling us.

MS MARTIN: The police detective came into my office and said, "She's - she won't tell us anything. Could you help us?"

25

MR LLOYD: Ms Ward's account is that she was prepared to come forward but didn't while you were there and because of your presence, in effect.

30

MS MARTIN: But I wasn't there. We can't be in the interview with police.

MR LLOYD: Are you telling us the truth about this in your police statement?

MS MARTIN: I think you - I think that the reports should be - the Commission should look at the reports in relation to that interview and see - I think it was Cambridge - I think it was Detective Cambridge - and speak to them. I'm not lying in my statement in relation to that.

35

MR LLOYD: One final matter. Do you remember Adam Schreiber?

40

MS MARTIN: Yes.

MR LLOYD: I think he took over from you?

45

MS MARTIN: Well, there was never any handover done with me.

MR LLOYD: If he - he said that when he arrived in the position of Governor immediately after you left, he found a safe full of documents which mostly related to Astill.

5 **MS MARTIN:** Well, that's - Deb Wilson would put the documents in there - the working documents, yes.

MR LLOYD: That account, is that - do you agree with that?

10 **MS MARTIN:** I agree with that, yes.

MR LLOYD: Your safe contained documents that mostly related to Astill?

15 **MS MARTIN:** I don't know if it was mostly. We're not talking about a very big safe. But there would have been - yes, Deb Wilson put those documents in there. They were the working documents.

20 **MR LLOYD:** To your knowledge, mostly related to allegations of misconduct by Astill?

MS MARTIN: Oh, look, I can't remember. There were other documents in there. I - I can't - I can't remember, but Deb would have put those documents in the safe.

25 **MR LLOYD:** Did you ever destroy documents that contained allegations of misconduct by Astill?

MS MARTIN: No.

30 **COMMISSIONER:** Mr Lloyd, I think it's probably time to pull up stumps today anyway. If there's anything further, you might reflect overnight -

MR LLOYD: Thank you, Commissioner. And -

35 **COMMISSIONER:** - and ask it in the morning.

MR LLOYD: And I'm anticipating, remembering we're not sitting tomorrow, that would be on Thursday.

40 **COMMISSIONER:** On Thursday.

MR LLOYD: But - and accepting, Commissioner, that there are, no doubt, people who wish to cross-examine.

45 **COMMISSIONER:** Yes, I understand that. Yes. Very well. Thursday.

**<THE HEARING ADJOURNED AT 4.00 PM TO THURSDAY, 16
NOVEMBER 2023 AT 10.00 AM**