



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

**PUBLIC HEARING  
SYDNEY**

**WEDNESDAY, 22 NOVEMBER 2023  
AT 10.00 AM**

**DAY 26**

**APPEARANCES**

**MR D. LLOYD SC appears with MS J. DAVIDSON as Counsel Assisting  
MR J. SHELLER SC appears with MS C. MELIS for Corrective Services NSW  
MS J. GHABRIAL appears for a group of correctional officers  
MR R. DEPPELER appears for a group of correctional officers  
MR A. GUY appears for a group of correctional officers  
MR A. WILSON appears for one correctional officer  
MR I. LATHAM appears for one correctional officer  
MR H. WHITE appears for one correctional officer  
MR K. HORTON KC appears with Ms Gausson for a CSNSW member of staff  
MR HALL (Solicitor) appears for a CSNSW member of staff**

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**<THE HEARING RESUMED AT 10.04 AM**

**<ANGELA ZEKANOVIC, ON FORMER OATH**

5 **MR LLOYD:** Commissioner, you'll see that Ms Zekanovic is on the screen. I trust that's acceptable to complete her evidence via audiovisual link.

**COMMISSIONER:** That's fine.

10 **MR LLOYD:** I should tell you this, Commissioner: Mr Hall is here for Mr Shearer today.

**MR HALL:** Yes, Commissioner. Hall. I seek leave to appear on behalf of Mr Hamish Shearer.

15 **COMMISSIONER:** You have leave.

**MR HALL:** Thank you.

20 **MR SELLER:** Thank you, Commissioner.

**<EXAMINATION BY MR SELLER:**

25 **MR SELLER:** Ms Zekanovic, if you could - sorry. If I can just take you back to some evidence that you gave on Monday. You were asked a question by our learned friend Ms Davidson by reference to a document you were shown. It's document 452. I'm not going to ask you to look at it again, but it's a document which involved an exchange of emails between former members of the Professional Standards Branch and others concerning an investigation which had  
30 been brought to their attention which they otherwise did not know about. Do you remember that email?

**MS ZEKANOVIC:** Yes.

35 **MR SELLER:** Could I just ask you to tell us what the current set-up is within PSI in terms of a capacity of an investigator to not pass on information which he or she is receiving to someone in your position, for example?

40 **MS ZEKANOVIC:** Sure. Under the current arrangements with there being only one Director, I have oversight of all the information that's coming in to PSI. And often when the investigators receive information during the course of their inquiries, they will pass it on to the - they will pass it on to me to include - for instance, if it's a new POI that's come to our attention, to include as part of that investigation. And then that goes back through the assessment and triage team, for  
45 instance, and they make sure that information is all captured. So that's included as part of the scope in the investigation. And there's - and there's more managers - I guess the investigations manager speaks frequently to the legal

managers, and there's a lot more collaboration in terms of how the two teams work now, that is, Professional Standards and Investigations.

5 **MR SHELLER:** Is it possible that someone in the position of investigator can close off a matter without someone in your position or one of your managers not knowing about it?

10 **MS ZEKANOVIC:** No. Any - any reason that we need to close a matter, if it's other than going through the misconduct process where it naturally concludes throughout that process, any request to close a matter comes through to me and that request only I can authorise.

15 **MR SHELLER:** Now, could I just ask you - I think you've got available in either hard or soft copy form what's known as Exhibit 48, which is the material concerning the possible suspension of Mr Paddison and Mr Holman, and the suspension of Mr Giles. I'm just wondering if you could, within Exhibit 48, go to the document you say you signed off on dated 21 June 2023 and, in particular, page 7. The document starts at page 6 by reference to the numbers in the bottom right-hand corner.

20 **MS ZEKANOVIC:** Okay. Let me just go to it. Hold on, sorry. Sorry, what's the document the top right-hand corner - the number, sorry?

25 **MR SHELLER:** It's - it finishes 0007. It's 0024 then 0007. It's your document signed 21 June this year -

**MS ZEKANOVIC:** Oh, yes. Yes.

30 **MR SHELLER:** - for Ms Smith and Assistant Commissioner Thorpe?

**MS ZEKANOVIC:** Yes.

35 **MR SHELLER:** I just ask you to go to the second page of that document, or page 7 in the bottom right-hand corner -

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** - and the second-last paragraph.

40 **MS ZEKANOVIC:** Yes.

**MR SHELLER:** That paragraph makes reference to information that had been obtained concerning the fact that at least two employees were on workers' compensation. Do you see that?

45 **MS ZEKANOVIC:** Yes.

**MR SHELLER:** I know it's only a couple of months ago now - or several months ago know, but do you have a recollection that the fact that employees were injured as a result of what's described as inaction of management played on your mind in the preparation of this report?

5

**MS ZEKANOVIC:** Yes, definitely. When we are considering suspension of any employee, if - for instance, it often comes up in bullying and harassment cases where staff go off on workers' compensation because their colleagues, the ones that are the bullying and harassing colleagues, will be causing them psychological harm, and they'll go on workers' compensation. So that is always something that we would include, if it's relevant, in the submission.

10

**MR SHELLER:** Is that - do you do that because it's consistent with your obligation as employer to endeavour to rehabilitate persons on workers' compensation?

15

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** And, if possible, return them to the workplace?

20

**MS ZEKANOVIC:** That's right, yes.

**MR SHELLER:** And to provide them a safe workplace?

25

**MS ZEKANOVIC:** Yes, a safe workplace for everyone. Yes.

**MR SHELLER:** Then just generally yesterday, some questions were asked using expressions such as "corporate governance" and then also "independence of decision-making". The model that's now in place involving PSI and PSC you described in detail yesterday. Just in terms of the role of the PSC, if you can accept from me, the meeting you couldn't attend yesterday had 24 matters under consideration. Does that sound like the sort of usual number of matters that might fall for consideration in a PSC meeting?

30

35

**MS ZEKANOVIC:** Yes. That number has gone up recently, so that's a bit higher than usual. But that's been consistent with the number of complaints we've been receiving recently, yes.

40

**MR SHELLER:** And does the PSC sit only for a limited time and then, if matters aren't reached, they're pushed off to the next meeting?

45

**MS ZEKANOVIC:** No. All of the matters that are on the agenda for that week are considered. Part of the agenda is matters for discussion. The rest of the matter - the agenda is taken as read matters, but often the committee members will raise issues or concerns or discussion points. And the meeting will go on for as long as it needs to go.

**MR SHELLER:** From your observation as chair of those meetings, is it apparent that particularly the Assistant Commissioners sitting in are all bringing an independent mind to what's in front of them in terms of information?

5 **MS ZEKANOVIC:** Yes, definitely.

**MR SHELLER:** And using the example of Mr Giles, Mr Paddison and Mr Holman, is it correct, in your view, to characterise the decisions made by Director Smith and Assistant Commissioner Thorpe involved independent  
10 thinking?

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

**COMMISSIONER:** Mr Sheller, I'm not sure anyone can answer that question.  
15 Yes. It's not going to help me.

**MR SHELLER:** I won't press that question. Just going back to the process concerning Officers Giles, Paddison and Holman. The stages have been well considered yesterday. The last report prepared by you before Commissioner  
20 Corcoran became involved is that document of 31 July 2023?

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** And you recall that that document was addressed, for at least  
25 consideration or signature, to Dr Martin?

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** Is that right? And at that stage, she was fulfilling the role of  
30 Acting Commissioner?

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

**MR SHELLER:** And then subsequent to that, Deputy Commissioner Taylor  
35 became involved?

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

**MR SHELLER:** And by that stage, he was Acting Commissioner?  
40

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** Is it your view that the engagement at this stage by a person  
45 sitting in the role of Acting Commissioner means that, by and large, the PSI/PSC role concerning these officers had come to an end and that the matter was now being managed at the top of Corrective Services?

**MS ZEKANOVIC:** That was my understanding, yes.

**MR SHELLER:** And the top of Corrective Services has that power we discussed yesterday. It's, I think, section 232 of the CAS Act.

5

**MS ZEKANOVIC:** That's correct, yes.

**MR SHELLER:** (Indistinct) to take necessary for good governance and so on within the prison network?

10

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** And that included within the work being done by the Assistant Commissioners with your assistance was preparing of notes for the Minister?

15

**MS ZEKANOVIC:** Yes.

**MR SHELLER:** And certainly some engagement with the Secretary?

20

**MS ZEKANOVIC:** Yes. I wasn't privy to that engagement, but that was my understanding, that there were conversations being had at those very senior levels.

**MR SHELLER:** All indicative that the process here had been taken out of PSI and PSCs hands to a significant extent?

25

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

**MR SHELLER:** And that at least towards the end of the process with the Commissioner himself becoming involved and going to Dillwynia in a context where this very Inquiry was (indistinct)?

30

**MS ZEKANOVIC:** Yes.

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

35

**COMMISSIONER:** Mr Lloyd.

**MR LLOYD:** There's just one matter, Commissioner, arising from a document which we received this morning. It may be that you're the only person in the room who doesn't have it. I hand it up.

40

**COMMISSIONER:** Are you tendering it?

**MR LLOYD:** I will tender it.

45

**COMMISSIONER:** How do I deal with it?

**MR LLOYD:** Email chain -

**COMMISSIONER:** Sorry, mark it separately?

5 **MR LLOYD:** I think so, Commissioner.

**COMMISSIONER:** It'll become Exhibit 49.

<**EXHIBIT 49 TENDERED AND MARKED**

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**MR LLOYD:** Email chain between Mr Skopelja and Ms Zekanovic of 19 and 20 September this year.

<**EXAMINATION BY MR LLOYD:**

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**MR LLOYD:** Ms Zekanovic, do you have access to an email chain, relevantly starting with an email that you sent to Mr Skopelja on 19 September at 9.29 pm?

**MS ZEKANOVIC:** Yes.

20

**MR LLOYD:** Obviously working late that night?

**MS ZEKANOVIC:** It's not unusual.

25 **MR LLOYD:** I take it that after some questions that you were asked yesterday and some evidence you gave about the preparation of the 20 September submission, you located this email chain?

**MS ZEKANOVIC:** Yes. I was asked to locate it, yes.

30

**MR LLOYD:** You wrote to Mr Skopelja at 9.29 on the 19th:

35 "I spoke to Chantal this evening, and I suggested you would be best placed to prepare the submission giving the Commissioner the option to suspend Paddison and Holman."

**MS ZEKANOVIC:** Yes.

**MR LLOYD:** "Opportunity to consider suspension" is what you said?

40

**MS ZEKANOVIC:** Yes.

**MR LLOYD:** And you understood that the Commissioner became aware of further information after an attendance at Dillwynia that day?

45

**MS ZEKANOVIC:** Yes.

**MR LLOYD:** And you understand he would like this submission urgently and say:

5 "Can you please prepare it and send it to me for review and approval."  
See that?

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

10 **MR LLOYD:**

"Please let me know if you wish to discuss this further."  
Do you see that?

15 **MS ZEKANOVIC:** Yes. Yes.

**MR LLOYD:** And Mr Skopelja responded early the following morning, thanking  
20 you and asking whether there were any documents he should be aware of or  
whether there was anyone who could brief him on the further information. Do you  
see that?

**MS ZEKANOVIC:** Yes. Yes.

25 **MR LLOYD:** Did you have a subsequent discussion with Mr Skopelja about the  
matter that he'd raised?

**MS ZEKANOVIC:** Most likely. I can't exactly remember the conversation, but it  
30 was probably followed by a phone call.

**MR LLOYD:** Presumably it follows from what you told us yesterday that if there  
was a discussion between you and him, it would have reflected the position you  
told us about yesterday that you knew the Commissioner had been there on the  
19th and had spoken to some people who had raised concerns about Astill's  
35 offending; correct?

**MS ZEKANOVIC:** Yes.

40 **MR LLOYD:** But you didn't know any more details than that about what  
information he had uncovered on that attendance?

**MS ZEKANOVIC:** Correct.

45 **MR LLOYD:** Do you remember there being a discussion between you and  
Mr Skopelja about whether that was a satisfactory state of affairs in either yours  
or, to your knowledge, his consideration when he was preparing the submission?



5 **MS ZEKANOVIC:** I can't recall. I can't recall that conversation. It was a while ago now. I - I honestly can't recall, but I think the fact that I said in the email the options to suspend - you know, the option, I think that was then reflected later in the submission that we discussed yesterday - or that was raised yesterday. So perhaps the conversation was along those lines, consistent with those emails and that submission.

10 **MR LLOYD:** Do you regard the question that he asked you - are there any documents that he should be aware of or anyone who could tell him about further information - as a reasonable question?

**MS ZEKANOVIC:** Yes, of course.

15 **MR LLOYD:** Reasonable because it would be essential, in your view, to someone in his position preparing a submission to know what that further information was if you were to do a proper job; correct?

20 **MS ZEKANOVIC:** Well, yes. Usually when we're preparing suspension papers, we have the evidence that we have at the time available to us in order to draft the suspension papers or the submission.

25 **MR LLOYD:** And that would be all the more so where there'd been the history we discussed yesterday, arriving at an earlier recommendation not to suspend based upon identified evidence; correct?

30 **MS ZEKANOVIC:** Yes, this was a deviation from the usual process, as I mentioned yesterday. However, we didn't have, as I indicated, the information that the Commissioner knew or had, which is the reason why we prepared the suspension with the two options.

**MR LLOYD:** The question is this: With the history where, based upon known and identified information, there'd been the recommendation not to suspend at the end of July - do you remember that?

35 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** And being tasked with a reconsideration in this submission of that recommendation; correct?

40 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** Based upon the fact that there was said to be new information that was presumably thought to be relevant?

45 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** What's going on here is a question, to your understanding, directed at, "Well, what is the details of the new information so I can consider it in writing this submission?" Correct?

5 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** And that would be a perfectly proper and appropriate thing for someone in Mr Skopelja's position to know, that is, what is the particular information, what are the details of it, in writing a submission of this kind;  
10 correct?

**MS ZEKANOVIC:** Yes.

**MR LLOYD:** One other thing: You said yesterday that the circumstances which  
15 led to the further submission being prepared involved - I'll just use neutral language - people were calling it directions or other words, but just it being said to you by Assistant Commissioner Snell that you should prepare suspension papers.

**MS ZEKANOVIC:** Yes. Or words to that effect, yes.  
20

**MR LLOYD:** The email that you wrote makes reference to a conversation with Chantal "this evening"?

**MS ZEKANOVIC:** Yes.  
25

**MR LLOYD:** Is that the conversation where you - that you were referring to when you said yesterday that it was said to you that suspension papers should be prepared?

30 **MS ZEKANOVIC:** That's highly likely. Yes.

**MR LLOYD:** Do you have a recollection -

**MS ZEKANOVIC:** I can't - I can't remember the conversation, but it's highly  
35 likely that it was mentioned in that conversation.

**MR LLOYD:** Now, you must know this: that witnesses get asked about trying to recall words or words to the effect that were said. I'm going to ask you to do that. Can you tell us what you can remember was actually said to you?  
40

**MS ZEKANOVIC:** I - I can't remember. The conversation - if I sent that email late, it means the conversation with AC Snell would have likely have happened late in the evening as well. All I can recall is that I had been asked to arrange for suspension papers to be prepared.  
45

**MR LLOYD:** When you - I think you said you couldn't remember speaking to Mr Skopelja, but it's likely you did on the 20th?

**MS ZEKANOVIC:** Mmm.

**MR LLOYD:** I think that was a "yes"?

5

**MS ZEKANOVIC:** Yes. I'm assuming - I think - I'm assuming that I did speak to him, given his questions.

**MR LLOYD:** Do you remember whether you said to him that the purpose in preparing this new document was to prepare suspension papers?

10

**MS ZEKANOVIC:** I - I assume so, or I would have - we would have had the conversation around the fact that we didn't have the information available - the additional information that the Commissioner received on 19 September. So maybe it was a conversation around how we draft the submission, given that we don't have all of the information available, which is why it ended up with the two options at the end of that submission.

15

**MR LLOYD:** I have to get your response to this, Ms Zekanovic, to see whether you agree with this as being the state of play in your mind on the 20th. Is the position that you understood that the Commissioner wanted a submission prepared to allow him to then come in and suspend these two officers? Is that your understanding of the position?

20

**MS ZEKANOVIC:** My understanding was that he had enough information to warrant suspension and that we were asked to prepare suspension papers. However, because we didn't know what that was, we couldn't put in the submission that that is our recommendation.

25

**COMMISSIONER:** Ms Zekanovic, it would appear that you were being asked to provide a paper trail to provide legitimacy to a decision which the Commissioner had already made; is that right?

30

**MS ZEKANOVIC:** Perhaps in his mind. I - I'm not sure. I - I mean, I was receiving the information -

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**COMMISSIONER:** Well, it's a bit hard to see it otherwise -

**MS ZEKANOVIC:** I can understand that.

40

**COMMISSIONER:** - isn't it?

45

**MS ZEKANOVIC:** I can understand that, but I was receiving the information from somebody else, and I wasn't - I wasn't aware of what that information was. So I can assume that he wanted to suspend those - those staff because we'd obviously received the request. So I can only assume that, yes, he had wanted to suspend those officers.

**COMMISSIONER:** Now, you presumably studied administrative law, did you?

**MS ZEKANOVIC:** Yes.

5

**COMMISSIONER:** And would you come to the view this wasn't a legitimate process?

**MR SELLER:** Well, I object.

10

**COMMISSIONER:** I'm going to press it. As a lawyer, what did you think of this process?

**MS ZEKANOVIC:** I thought it was certainly a deviation from the process, and unusual. However, I was also of the view that given what the information that the Commissioner must have found out on 19 September was so significant to warrant him to consider immediate suspension. And there are occasions where immediate suspension is necessary. Yes, we are normally, in PSI, made aware of that information. That's how I - yes, that's my answer.

20

**COMMISSIONER:** But you'd normally have reasons for making a decision, wouldn't you?

**MS ZEKANOVIC:** Yes, but this was a recommendation or options to consider the two - you know, this was -

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**COMMISSIONER:** Well, as we discussed yesterday, in making that recommendation, you needed to have some reasons or some basis for doing it, didn't you?

30

**MS ZEKANOVIC:** Yes, which is why we didn't make a recommendation; we provided options.

**COMMISSIONER:** Well, one of those options was to suspend -

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**MS ZEKANOVIC:** Yes, but that wasn't -

**COMMISSIONER:** - as part of your recommendation.

40

**MS ZEKANOVIC:** Well -

**COMMISSIONER:** Your recommendation included two options.

**MS ZEKANOVIC:** Yes.

45

**COMMISSIONER:** Yes.

**MS ZEKANOVIC:** But I think we - I think we clearly put in that submission that the evidence that we had available, we were concerned about, which is why we provided the two options.

5 **COMMISSIONER:** Tell me, why did the Commissioner need a further report anyway? If he was minded to suspend, why couldn't he just do that?

10 **MS ZEKANOVIC:** When we suspend staff, we always prepare a submission and draft - prepare a letter for the decision-maker to sign and issue to that staff member.

**COMMISSIONER:** That's so the decision-maker gets an evaluation from you of the available evidence, is it?

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

**COMMISSIONER:** Yes. Which didn't happen in this case?

20 **MS ZEKANOVIC:** He still had our analysis on what we had, but we were unable to obviously analyse and consider the information that he had.

**COMMISSIONER:** Yes.

25 **MR LLOYD:** And I wanted to come to this, Ms Zekanovic: Your analysis of what you had, aside from the additional information on 19 September, had led you to already recommending that they not be suspended; true?

**MS ZEKANOVIC:** Yes.

30 **MR LLOYD:** And is what was really going on here on the 20th in your discussions with Mr Skopelja that, at least from your understanding, you believed the Commissioner wanted to come in and suspend the two officers; true?

35 **MS ZEKANOVIC:** Yes, that was my belief. Yes.

**MR LLOYD:** And is this your - to your knowledge, Mr Skopelja saying, "We don't know what the information is, and we're not prepared to write up that recommendation in our document"?

40 **MR SELLER:** Well, I object.

**MS ZEKANOVIC:** That was - that was a highly likely conversation.

45 **MR SELLER:** I object.

**COMMISSIONER:** I'll allow the question.

**MR SELLER:** (Indistinct).

5 **MS ZEKANOVIC:** Again, I - I - I can't remember the exact conversation, but it would have been along the lines of, "Well, what are we relying on to prepare the information?"

10 **MR LLOYD:** So when you signed it, what you were trying to do is pull up short of the recommendation that you understood you were being asked to make in the document, that is, to suspend?

**MS ZEKANOVIC:** Sorry, can you repeat that? I'm not -

**MR LLOYD:** When were you signing the submission -

15 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** - what you were doing was consciously not making a recommendation in favour of suspension; is that right?

20 **MS ZEKANOVIC:** Yes.

**MR LLOYD:** Because you knew that the process, in the sense of you not being told the details of the new information, did not allow you to properly make that recommendation; is that right?

25 **MR HORTON:** The document really must speak for itself on what is -

**COMMISSIONER:** Yes, but she can be asked about what was in her mind. No, I'll allow the question. I'll allow the question.

30 **MR LLOYD:** Are you able to answer?

**MS ZEKANOVIC:** Yes, that would have been correct. I didn't have all of the information, so I couldn't make a firm recommendation - or PSI couldn't make a firm recommendation to suspend.

**MR LLOYD:** Those are my additional questions.

40 **COMMISSIONER:** Mr Sheller, do you want to ask any more questions about this?

**MR SELLER:** Sorry, I did forget something a little earlier.

45 **<EXAMINATION BY MR SELLER:**

**MR SELLER:** I think you mentioned yesterday in your evidence there's this review process or the process of suspension is reviewed every month?

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

**MR SHELLER:** And who undertakes that review?

5

**MS ZEKANOVIC:** The decision-maker. So the PSI will prepare a letter for the consideration of the decision-maker, and the decision-maker then can review that suspension every 30 days.

10 **MR SHELLER:** Is the person who's subject to -

**MS ZEKANOVIC:** And a letter is sent to the person of interest - sorry.

15 **MR SHELLER:** Is the person who's subject to the suspension able to make representations in relation to the ongoing suspension?

**MS ZEKANOVIC:** Yes. At any time.

20 **MR SHELLER:** Yes. Thank you.

**MR LLOYD:** Could I ask for Ms Zekanovic to be excused.

25 **COMMISSIONER:** Ms Zekanovic, that concludes your evidence. Thank you. And you are now excused.

**MS ZEKANOVIC:** Thank you.

**<THE WITNESS WAS RELEASED**

30 **MR LLOYD:** The next witness, Commissioner, is Nicola Chappell, and I call her. I'll just find out where in the bundle her statement is.

**<NICOLA CHAPPELL, SWORN**

35 **MR SHELLER:** Ms Melis will ask any questions.

**<EXAMINATION BY MR LLOYD:**

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

**MS CHAPPELL:** Yes. My name is Nicola Chappell.

**MR LLOYD:** And I think your address is known to the Commission.

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

**MR LLOYD:** Ms Chappell, you made a statement to the Commission, and you did that on 20 November?

**MS CHAPPELL:** Yes, I did.

5

**MR LLOYD:** And what you say in that statement was true?

**MS CHAPPELL:** Yes, it is.

10 **MR LLOYD:** I'm told that you - you told us in Tab 11 of tender bundle 5 - and I hope that's before you. Do you have that now, Commissioner?

**COMMISSIONER:** I do.

15 **MR LLOYD:** Just as importantly, do you have Tab 11, Ms Chappell, (indistinct)? Would you just have a look at paragraph 8.

**MS CHAPPELL:** Paragraph 8.

20 **MR LLOYD:** You set out there your relevant qualifications?

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

**MR LLOYD:** Starting with a bachelor of laws from Keele University, 1999?

25

**MS CHAPPELL:** Yes.

**MR LLOYD:** And a bachelor of community and criminal justice from De Montfort University, 2005?

30

**MS CHAPPELL:** Yes.

**MR LLOYD:** And you record the other things in the nature of diplomas and other qualifications there?

35

**MS CHAPPELL:** Yeah.

**MR LLOYD:** In paragraph 10, you tell us about your relevant experience leading to your current position. Is it right that you started with Corrective Services New South Wales in 2014?

40

**MS CHAPPELL:** No, I started in 2012.

**MR LLOYD:** 2012. What was that position?

45

**MS CHAPPELL:** That was program facilitator in the Intensive Drug and Alcohol Treatment Program.



**MR LLOYD:** And then between June and August '14 - I see. So 10(a) as typo, is it? That should start in 2012?

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

**MR LLOYD:** And then moving on from there, senior program officer, state-wide programs, in head office?

10 **MS CHAPPELL:** Yes.

**MR LLOYD:** And moving on to Manager, Offender Services and Programs at Cessnock?

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** And without going through each and every one, the position immediately before your current position, Project Manager, Reducing Re-Offending Program Management Office between October '21 and August '23?

20

**MS CHAPPELL:** Yes.

**MR LLOYD:** And that led to your current appointment as the Governor of Dillwynia, which took place on 13 October this year?

25

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

**MR LLOYD:** Fairly fresh into that job?

30 **MS CHAPPELL:** Yeah. Friday the 13th, unlucky for some. Yeah.

**MR LLOYD:** Now, that career path that you've described, is that, to your knowledge, a slightly unconventional one leading to appointment as a Governor of a Correctional Centre?

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**MS CHAPPELL:** Yes, it is. It's not without precedent. There have been other Governors, for example, Janet Ruecroft, who have taken a similar pathway. But it is quite unconventional, yeah, in terms of the progression. Normally, it's custodial officers that have kind of grown up in the ranks. Yep.

40

**MR LLOYD:** More, in your experience, people with operational experience coming from junior positions as custodial officers and working up through the ranks?

45 **MS CHAPPELL:** Yes.

**MR LLOYD:** Yours is, if I can put it this way, not - no intention whatsoever to offend, but more academic and policy based - is that fair - rather than operational?

5 **MS CHAPPELL:** So it was definitely operational in nature. So if you think about the role such as Manager of Offender Services and Programs, that's a very operational role. It just has carriage of Offender Services and Programs more so than custodial. Yeah. The other role that's probably significant is actually the quality assurance and performance role, which sounds like it's quite policy driven but is actually very, I guess, operational in terms of the decision-making and how  
10 we kind of align the Correctional Centre KPIs to day-to-day operations. Yep.

**MR LLOYD:** To your knowledge, does - you said your rise in this way is not unprecedented but, I think, unusual?

15 **MS CHAPPELL:** It is unusual, yes.

**MR LLOYD:** Does this reflect, to your knowledge, a change in approach in terms of the way in which Governors might be appointed?

20 **MS CHAPPELL:** I would say so. I think that sort of with the Towards 2030 vision that we have around working together as one team, there'd be more of a balance in terms of the types of candidates that would apply for the Governor role, absolutely.

25 **MR LLOYD:** In paragraph 15, after identifying in 14 the key responsibilities for your current role, you tell us you're responsible for both Dillwynia and Emu Plains?

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

30

**MR LLOYD:** You must know that that also was the position, for example, during Shari Martin's time in your office?

**MS CHAPPELL:** Yes.

35

**MR LLOYD:** And you say you understand that Corrective Services submitted a briefing note for executive approval for there to be a standalone Governor?

**MS CHAPPELL:** Yes.

40

**MR LLOYD:** Do you know how that's come about? I take it from just what appears there, to your knowledge, someone has identified that it's too much for one person to do both jobs?

45 **MS CHAPPELL:** Yes, I would agree. It's certainly something that I expressed when I came into the role. And my understanding is from a strategic population management perspective, it makes sense to decouple Emu Plains from Dillwynia.

**MR LLOYD:** When did this submission come? Is it after you started?

5 **MS CHAPPELL:** That's a good question, and I don't know. I'd have to take that on notice. Yep.

**MR LLOYD:** Do you know more broadly when the view was formed that it was effectively too big a job for one person? Was it recently?

10 **MS CHAPPELL:** I don't know exactly. I'd have to go away and check, but my - my sense of it was that it had been in trend for sometime before I came along. Yep.

15 **MR LLOYD:** It certainly accords with your view, that you're currently in the positions, that it needs to be the one person?

**MS CHAPPELL:** Yes. Yep.

20 **MR LLOYD:** Could I ask you some things about the culture at Dillwynia, and I'll certainly ask you some things about what you've noticed in the period that you've been there. But I wanted to put some historical things to you to see if you can help us in your response. Have you been following the evidence in the -

25 **MS CHAPPELL:** For the most part, yes.

**MR LLOYD:** Do you remember hearing some evidence about an email from Leanne O'Toole that went to most of the officers from November of 2015?

30 **MS CHAPPELL:** You might need to refresh my memory on that.

**MR LLOYD:** Could Ms Chappell be shown Volume 17. When you have that, could you go to Tab 588.

35 **MS CHAPPELL:** 588.

**MR LLOYD:** You see the email from about point 3 on the page from Leanne O'Toole. She was, at the time of this email, the Manager of Security.

40 **MS CHAPPELL:** Yep.

**MR LLOYD:** And the recipients are, I think, not all but many of the officers who were employed at Dillwynia at that time?

45 **MS CHAPPELL:** Yes.

**MR LLOYD:** Including the Governor. Do you see that, without taking you through each of the things in the email, one of the things that the email is doing is

recording those six numbered paragraphs, what Ms O'Toole said was - or were problems with staff behaviour or behaviour by many staff at Dillwynia at that time?

5 **MS CHAPPELL:** Yes.

**MR LLOYD:** And one of those (indistinct) was in 3:

10 "If staff are informed of issues from inmates and inmates request to speak to management about the same, it is not dobbing or a weak act on the part of the officer. The officer is merely informing me that the inmates wish to see me and why."

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** Ms O'Toole told us, when I asked her questions about this, that it reflected her view that many, many officers there were not acting properly in that area, that is, by reporting allegations or belief of misconduct by other officers.

20 **MS CHAPPELL:** Mmm.

**MR LLOYD:** She says in the email underneath the six paragraphs:

25 "I've observed over a long period of time that the bulk of you in this Centre have a great deal to say, and I might add that little of it is positive. It doesn't bother me because when I look around, the majority of those making comment have never worked in another Centre, moved out of their comfort zone, stood up to be counted as an individual or attempted to improve yourselves."

30 Do you see that?

**MS CHAPPELL:** Yes, I can.

35 **MR LLOYD:** Could I ask you this: In your experience - I know you've only been there for a short period - how would you describe what you've seen so far as the culture in terms of making - officers making reports about things (indistinct), including misconduct by other officers?

40 **MS CHAPPELL:** My experience is that it's improved significantly, and I can sort of reflect back on my time in Corrections at the same sort of point that this email was sent. The staff now are more forthcoming. They will actually even sometimes report themselves if they think that, you know, there might be something untoward that's occurred or, you know, that they feel could be misinterpreted. So my sense is  
45 that there actually - that that culture is changing.

And I think what has contributed to that is probably a change in the narrative. You know, we're trying to encourage staff to understand that complaints - you know, they're going to happen in our industry. That's kind of - it goes without saying. As long as we are in a position to defend the decisions that we make and we're  
5 transparent about that, then we don't have anything to fear. And so that's why we would, yeah, be encouraging that narrative now. It is a culture change, and it's taking time, but I'd certainly say that there's been an increase in the number of referrals. Yep.

10 **MR LLOYD:** A number of the officers who were there - take the period between 2015 and 2018 - have said that there was a culture where it was not thought acceptable to do on another officer or you were, to use the phrase, papering another officer, wasn't seen as acceptable.

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** Have you heard of that kind of cultural phenomenon?

20 **MS CHAPPELL:** I have, yes.

**MR LLOYD:** Do you think that that still exists at Dillwynia or, to your knowledge, elsewhere in Corrective Services?

25 **MS CHAPPELL:** I think there are still concerns about that process, absolutely. But as I said, it is changing, and the narrative around it is changing. And I think, you know, those times of - those types of culture changes do take time.

30 **MR LLOYD:** What are the ways, in your view, to encourage officers to feel that they're safe in making reports about misconduct on the part of other officers?

35 **MS CHAPPELL:** So the safety question is a slightly different, I guess, part of that. I would say that the main things that we can do is to provide reassurances around how we handle the complaints. It is to be, I guess, discrete in the way that those complaints are handled, because I think sometimes there's reservations about that, and also to remind staff in general that there are repercussions if we are, you know, like, yeah, in any way being inappropriate to someone who's put a complaint in.

40 **MR LLOYD:** A number of officers have said that they felt that there was a high risk of being retribution or bullying or intimidation if they made reports about other officers.

**MS CHAPPELL:** Yep.

45 **MR LLOYD:** Is that something that you've experienced yourself in terms of seeing it in Corrective Services?

**MS CHAPPELL:** I think, historically, there have been reservations, and I would say that the team now do still report concerns around that. What we're trying to do at Dillwynia at the moment is to encourage an understanding around bullying and harassment and what that might look like and why sometimes, even if you mean  
5 a comment in a well-intended way, it could be misconstrued by someone who's put a complaint in. So we just need to be really kind of mindful of what we say and why we say it and, yeah, just support the team to understand that.

**MR LLOYD:** A number of the inmates at Dillwynia, when they gave evidence to the Inquiry, said that the circumstances that they were in meant that it was not  
10 really viable for them to make complaints about what Astill was doing, whether it be bullying or intimidation or right up to sexual offending. You're aware of that evidence?

**MS CHAPPELL:** Yes, I am.

**MR LLOYD:** You must know from your own experience that an inmate who is the victim of bullying or intimidation or, worse, sexual offending by an officer is in an extremely difficult position -  
20

**MS CHAPPELL:** Very vulnerable position.

**MR LLOYD:** - (crosstalk) able to advocate their own interests?

**MS CHAPPELL:** Yep. Absolutely.

**MR LLOYD:** And there's a range of factors which might lead to an inmate who's been the victim of that kind of offending not being prepared to make reports?

**MS CHAPPELL:** Absolutely. Yep.

**MR LLOYD:** The problem associated with encouraging inmates to make reports about officers who are engaged in that sort of behaviour includes the real possibility in the mind of the particular inmate that if they come forward and  
35 complain, that the officer about whom they're complaining is going to find out; true?

**MS CHAPPELL:** I've heard those concerns, absolutely. Yep.

**MR LLOYD:** And another particular failure at Dillwynia that the inmates have told us about, many of them, is that they didn't trust management to do anything with the complaints or to deal with them confidentially or properly.

**MS CHAPPELL:** Yes.  
45

**MR LLOYD:** In terms of trying to manage this particular issue, that is, creating an environment or pathways for inmates to be able to bring forward complaints

about matters that affect their safety inside Dillwynia and more broadly, what do we do? How do you encourage it? How do you solve the problem?

5 **MS CHAPPELL:** I would say, again, it's one of those things that is taking  
sometime to kind of change that mindset and change that culture, but I certainly  
know that myself and the function management team and the senior correctional  
officers - we're all in conversations around how we're handling the information  
and making sure that we're encouraging people to be forthcoming with any  
concerns that they have and being discreet in the way that we're handling it. And if  
10 I can give some specific examples. I have a senior correctional officer who's  
brought information directly to me in order to make sure that that information is  
treated discreetly. So it was reported to her, she would come to me and then  
I would forward on to Professional Standards.

15 And I think what we need to think about is, you know, encouraging inmates to  
access things like the tablets, because that's another forum where they can put in  
grievances. I would say that they can actually specifically in that request come  
straight to the Governor or to the Manager of Security or to whoever they felt  
comfortable. They can actually specify that information. And I think that  
20 Corrections is aware it's not necessarily discreet. However, you know, the  
expectation and the standards that we're setting within the team is that we would  
always handle that information discreetly and that we would not, yeah, in any  
way, yeah, be intimidating to someone or, you know, allow them to feel that way.

25 **MR LLOYD:** You must know about the way in which ultimately the complaint  
made by the particular inmate, Trudy Sheiles, eventually came to light leading  
directly to Astill's arrest. Have you followed that part of the evidence?

**MS CHAPPELL:** No, you might need to remind me of that as well.

30

**MR LLOYD:** I'll just tell you in broad summary -

**MS CHAPPELL:** Yep.

35 **MR LLOYD:** - what that evidence is, that over many months, Astill was engaged  
in sexual offending, but she was not prepared to make any report about it for fear  
of what might happen in terms of retribution; that she was disclosing some things  
to a particular officer, Mr Glenn Clark, but saying to him she was not prepared to  
go forward; that Glenn Clark felt that the environment was such that without  
40 a written complaint by her, he was hamstrung or unable to move it forward  
because, if he moved it forward, as in, that complaint forward, and there wasn't  
something in writing from the inmate, then he would be at risk of being criticised  
and risk of retribution. Just pausing there, that particular concern about an inmate  
who has made a complaint of very serious criminal conduct by an officer but  
45 unprepared to put it in writing, that would not be uncommon, in your experience,  
that an inmate might be not prepared to do that; correct?

**MS CHAPPELL:** Yeah, absolutely.

**MR LLOYD:** That is, the form -

5 **MS CHAPPELL:** Yes.

**MR LLOYD:** - (indistinct) number of the women in -

**MS CHAPPELL:** Yeah.

10

**MR LLOYD:** - (indistinct) very early in their lives is a regular thing, isn't it?

**MS CHAPPELL:** Yes.

15 **MR LLOYD:** And all of those kinds of things can lead to a reluctance in being able to come forward and disclose serious offending?

**MS CHAPPELL:** Yes.

20 **MR LLOYD:** And so that kind of situation that I've described with an inmate making serious allegations but not being prepared to put them in writing is to be expected; agree?

**MS CHAPPELL:** Yes.

25

**MR LLOYD:** The environment as at about April of 2018 was such that Mr Clark told us he was not prepared in the sense that he felt that he would be compromised if he took that allegation forward -

30 **MS CHAPPELL:** Yes.

**MR LLOYD:** - even though he knew (indistinct). Just pausing there in the sequence, what do you say about that kind of situation? If that was to happen at your Dillwynia in November 2023, what is it about the environment there that you think might lead to a different result in that kind of situation?

35

**MS CHAPPELL:** I think our understanding now, that we would not have to make someone write that down. And so again, if I speak of a recent example, an inmate disclosed to me a historical sexual assault, not to do with Dillwynia. It was outside of Dillwynia. We didn't make the inmate write that down. Like, you know, that's a very traumatic, you know, like, account to share with the Governor. She was clearly distressed. And we reported it to the police. We - we provided our own written report because that's our responsibility, but we certainly didn't make the inmate write anything done.

45



**MR LLOYD:** Is that the response, that officers should know that if they become aware of an allegation of that kind, whether or not it's in writing, that the first place you go to is the police?

5 **MS CHAPPELL:** Yes. Yes.

**MR LLOYD:** (Indistinct) report the crime to the police?

**MS CHAPPELL:** Yes.

10

**MR LLOYD:** Just to move forward in terms of the evidence that I want you to respond to. On the evidence of Ms Sheiles, what occurred is that in September of 2018, an officer, Mr Stephen Virgo, came in.

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** And, in effect, Officer Glenn Clark told Ms Sheiles that he was someone to be trusted.

20 **MS CHAPPELL:** Yes.

**MR LLOYD:** At that point, she was prepared to go forward and have the allegations disclosed to Mr Virgo, where he almost immediately contacted (indistinct).

25

**MS CHAPPELL:** Yes. Yes.

**MR LLOYD:** The police came in and interviewed her, and she made a statement, and it ultimately led to Astill's arrest a few months later. In terms of the response here, I think that what I've put to you is consistent with what you just said about what should occur is that officers should know that with allegations of this kind, whether in writing or not, that they're matters to be investigated?

30

**MS CHAPPELL:** Yes.

35

**MR LLOYD:** By the police?

**MS CHAPPELL:** Yes.

**MR LLOYD:** What about culturally? What can you tell us about what you think is the current environment at Dillwynia? Let it be assumed that something is brought forward to the police by an officer of this nature, and let it be assumed that there is no police investigation, that is, unlike Astill, there's not an arrest and it becomes known that the allegations have been advanced in this way. What assurance would the officer who brings it forward have they're not going to be the subject of bullying or retribution, having brought it forward?

40  
45

**MS CHAPPELL:** I think that's driven by us, the leadership team. We will provide assurances to that staff member that any bullying or retribution in relation to raising a complaint would not be accepted and that we would obviously refer that through to our process, so - so through to Professional Standards because it is  
5 a misconduct issue and potentially, you know, a criminal offence. So we would be really firm on that. And I do believe that the leadership team that I have now, they understand that and that they're very protective of anyone who would come forward with a complaint. Yep.

10 **MR LLOYD:** With all of your education, training and experience, you plainly would have come across the concept in other areas of mandatory reporters?

**MS CHAPPELL:** Yes.

15 **MR LLOYD:** That is, legislation imposing a legal obligation on some people to make a mandatory report of allegations of a certain kind?

**MS CHAPPELL:** Yes.

20 **MR LLOYD:** Without suggesting that you know about what legislation in this area should look like, in terms of training of officers, should - at least culturally, if not in the form of a policy, should we be looking at something which makes it plain to them that they are under an obligation to make a report if they become aware of allegations of criminal wrongdoing by a colleague?  
25

**MS CHAPPELL:** Absolutely, it should be in policy. It's certainly included in our primary training, and that is discussed at length around, you know, making sure that you are supporting the individual; that you refer to the right places, which would include, potentially, the police; and that you follow up with the inmate for support as well. Yep.  
30

**MR LLOYD:** If there's an established policy or procedure in place, it might be one way, mightn't it, to culturally effect change in that if everyone knows that that's what you are required to do and people do it, it might be that there's more understanding by officers?  
35

**MS CHAPPELL:** Absolutely. I'm a big believer in the Neil Thompson PCS model, so P for Papa, C for Charlie, S for Sierra. And the idea being that when you look at, I guess, structural sort of legislation and policy within an organisation,  
40 that that will actually then influence the culture and influence the individual. And that's a two-way sort of flowing, yeah.

**MR LLOYD:** Another thing that the Commission has heard evidence about is the management style by Shari Martin. Are you aware of that?  
45

**MS CHAPPELL:** Yes, I am. Yes.

**MR LLOYD:** At least on the evidence of some officers, officers who went forward to her, being told to fuck off out of her office, officers being (indistinct) being called "cattle" at parades.

5 **MS CHAPPELL:** Okay.

**MR LLOYD:** Are you aware of that?

10 **MS CHAPPELL:** No, I was not aware of that. I'd heard another parade story, but that one, yeah, was new to me.

**MR LLOYD:** Being told before Astill's arrest to stop engaging in rumour-mongering about him. Do you remember that one?

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** What's your response about that? First, that kind of management problem, many officers have told us, was one inhibiting factor in going forward to the then Governor. You would understand that to be an understandable concern?

20

**MS CHAPPELL:** Absolutely. I think - you know, I don't even know what you say to that, to be honest. That's, yeah, unprofessional in ways - and it would clearly create a culture where people wouldn't feel safe, absolutely.

25 **MR LLOYD:** What about the intelligence officer at Dillwynia? Is that role still in existence at Dillwynia?

**MS CHAPPELL:** Yes, it is.

30 **MR LLOYD:** And is it a role filled by one person?

**MS CHAPPELL:** No, we rotate through. So with cyclic rostering, we would try to put people into those roles who have preferences, and those preferences last for six months, and then they would rotate out.

35

**MR LLOYD:** What happens in terms of a system if there is a bit of intelligence or a complaint about the officer in the role of intel officer? What's the response to that kind of situation?

40 **MS CHAPPELL:** We would obviously respond accordingly, and we would review that information and then make a decision about whether that person would be suitable to remain in that area. Yep.

**MR LLOYD:** I just wanted to ask you some things about your statement -

45

**MS CHAPPELL:** Yep.

**COMMISSIONER:** Just before you do that, Mr Lloyd. Are you aware of the evidence we had about Dillwynia starting off as a different form of gaol?

**MS CHAPPELL:** I am, yes.

5

**COMMISSIONER:** Described - I'm not sure intended to commend, but it was decided as a kid gloves way of managing. Did you hear that expression?

**MS CHAPPELL:** I heard that evidence, that it was kid gloves. Yeah. I'm not sure what the actual definition of that is. But, yes, I had heard that evidence.

10

**COMMISSIONER:** Well, it's to be contrasted with old school, as I understand it.

**MS CHAPPELL:** Okay.

15

**COMMISSIONER:** And you understand what that means, I assume, in the context of prison?

**MS CHAPPELL:** Yes. Yes, I am.

20

**COMMISSIONER:** Where do you sit on this scale? Are you an old school or a -

**MS CHAPPELL:** I would say I'm a leader that leads with compassion. I think the leader at the time back in 2004, I think, when Dillwynia opened, was Marilyn Wright. Marilyn Wright - I actually worked for Marilyn. She was my Governor for a period of time. My experience with her was she was always firm and fair. So I think treating people with kid gloves is probably a bit too extreme. You know, it's about being clear, being kind, setting expectations and setting boundaries. Yep.

25

**COMMISSIONER:** Now, the impression I have is it's been a bit of a struggle inside Corrective Services generally to work out how you should manage the whole organisation, either the kid gloves side of the equation or the old school. Is my impression correct, do you think?

30

**MS CHAPPELL:** I don't believe so. I know that - so drawing on my experience when I was in the Reducing Re-Offending Program Management Office, we had four work streams, and workstream 3 was around enhancing prison climate. And that was very much coming at a range of projects that sort of sat within that portfolio that were aiming to reduce re-offending by creating a more rehabilitative culture within a prison environment, and that was their specific focus of that particular strategic project area.

35

40

**COMMISSIONER:** You've been working on changing the way the prison functions to the benefit of prisoners' rehabilitation?

45

**MS CHAPPELL:** And I want to be clear that, you know, if we change the culture within a prison, it benefits both staff and inmates. So we know that, you know, if

a prison is operating well and the culture is good, you have a reduction in all of your KPIs, things like assaults, things like drug use, things like self-harm. So it's actually - it's beneficial for both - both staff and inmates. Yep.

5 **COMMISSIONER:** I can understand that, but go back to my question. The sense I have is that - and you perhaps confirmed it by discussing the training that you have been delivering. But Corrective Services has been in the process of trying to move to a more informed way of managing inmates.

10 **MS CHAPPELL:** Absolutely.

**COMMISSIONER:** And trying to get rid of, as it were, the old school.

15 **MS CHAPPELL:** Yes. Yes. And, you know, I mean, over time, I guess, the - the theories behind offending have changed. You know, it used to be that nothing works. It's now, you know, the what works kind of paradigm. And I guess that, over time, the service has had to adapt and shift with that as well.

20 **COMMISSIONER:** And has the old school gone, to your observation?

25 **MS CHAPPELL:** Not completely. I'd say that there are still some staff that - you know, it's difficult, isn't it? When you were trained a certain way, to now retrain individuals who have been, I guess, engaging in particular behaviours for a period of time - and I'm not talking specifically about Dillwynia; I'm talking about Corrections as a whole. I think that takes time. Yep.

**COMMISSIONER:** And presumably has to be led from the top?

30 **MS CHAPPELL:** It does have to be led from the top, absolutely. Yep.

35 **MR LLOYD:** Can I ask you - there's a number of initiatives that you've identified in your statement. I'm not going to ask you about all of them. Take it - or accept from me that the statement is in evidence, and we have access to that information. But I want to ask you some things about some aspects. 16(b), the leadership program.

**MS CHAPPELL:** Mmm.

40 **MR LLOYD:** You say that the MoS, functional managers and senior correctional officers can be nominated to enrol in a PPLDC?

**MS CHAPPELL:** Yes.

45 **MR LLOYD:** That's the Pre-Promotional Leadership and Development Course?

**MS CHAPPELL:** Yes.

**MR LLOYD:** And one of the things that that course aims to enhance and strengthen is the officers in the area of emotional intelligence and emotional self-management?

5 **MS CHAPPELL:** Yes.

**MR LLOYD:** Now, I take it you agree that that course is important for officers of those ranks?

10 **MS CHAPPELL:** Absolutely.

**MR LLOYD:** To date, three of the seven members of the management team have enrolled and completed the course?

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** Are you aware why the remainder have not?

20 **MS CHAPPELL:** Two were actually off work at the time. So they were enrolled; however, we had to withdraw them. And then the next rounds, my understanding is that they are nominated through the Commissioner's office; however, my understanding is that once - we can't have all the functional managers out at the same time. So once the next training is offered, they will potentially be offered enrolment at that stage. Yeah.

25

**MR LLOYD:** Are you aware of what a witness, Julijana Miskov, told the Commission about her experience for a month in Dillwynia in May '16?

**MS CHAPPELL:** No, I'm not.

30

**MR LLOYD:** She arrived fresh out of training at the Academy, and there are a number of things I'll just draw to your attention. One day, she was in an area of Dillwynia where there was some building work. There were no vests - high-vis vests available for her to wear, and she wasn't wearing one. And one of the other officers yelled out to her, "Hey cunt, where's your vest?" Another thing she said occurred to her within the space of the month she was there was that Astill walked past her and thrust or rubbed his groin in her face while she was trying to eat her lunch and that, without being able to identify who, a number of other officers were there, she believes, saw it and laughed. Can you assure us that the culture of Dillwynia now is different than the culture that might be thought to be reflected by those two (indistinct)?

40

**MS CHAPPELL:** Absolutely, it's definitely different compared to what it was back then. I do know that we've had some conversations around respectful workplace training, just to enhance, you know, I guess, everyone's understanding around that and particularly in light of some of the things that have come out in

45

the Inquiry around the implicit thinking that we might hold around sexual assault and harassment. Yep.

5 **MR LLOYD:** Could I ask you about the IDC meetings. That's in 17(c).

**MS CHAPPELL:** Yes. Yep.

10 **MR LLOYD:** You say since you became Governor, there's been a renewed focus on the IDC meetings?

**MS CHAPPELL:** Yes.

**MR LLOYD:** Those meetings are the Inmate Delegation Committee?

15 **MS CHAPPELL:** Yes.

**MR LLOYD:** Do I take it - were those meetings not occurring when you arrived?

20 **MS CHAPPELL:** No, they were occurring. What was happening, though, was that we were coming to those meetings with a list of - I think it was like 18 pages of things that needed to be resolved. So what we've done is we've actually implemented the house meetings - they did occur for a period of time, but they'd stopped - whereby some of those low-level issues can be addressed and that then when they come to the IDC meeting, it's those much more strategic issues that we  
25 can focus on and, yeah, hopefully action all of the items on there, because it's impossible to get through 16 pages of action items. Yep.

**MR LLOYD:** And the individual house meetings you deal with in 17(d). Following feedback received during an IDC meeting in October, you directed  
30 functional managers to recommence holding individual house meetings?

**MS CHAPPELL:** Yes.

35 **MR LLOYD:** Those individual house meetings, they occur, what, between inmates who are representative, as in, voted in by other inmates?

40 **MS CHAPPELL:** No. So that would be available to anyone that's in the accommodation area, and the functional manager and senior correctional officer will meet with them to discuss kind of some of the things that might be, you know, needed to support the operational needs within the accommodation space.

**MR LLOYD:** You will know much better than me, but tell me this: That kind of scenario of the house meeting involving senior officers and inmates, I take it  
45 they're informal?

**MS CHAPPELL:** Yes. Yep.

**MR LLOYD:** It sounds like the sort of thing that might indicate a respectful relationship between officer and inmate?

**MS CHAPPELL:** Yes.

5

**MR LLOYD:** Is that right?

**MS CHAPPELL:** Yes.

10 **MR LLOYD:** And it sounds like the sort of thing that might have the capacity to enhance positive relationships between officers and inmates?

**MS CHAPPELL:** I believe so, yes.

15 **MR LLOYD:** Is one way of dealing with the problems I asked you about before of creating an environment where inmates can feel free to come forward and make complaints about serious conduct or misconduct towards them, is establishing some sort of pathways to positive relationships with officers?

20 **MS CHAPPELL:** Absolutely. I think if we can sort of build trust on both sides, then - and, you know, encourage as much interaction as possible, and that's absolutely going to help in building up those kinds of positive working relationships, yeah.

25 **MR LLOYD:** And these individual house meetings, how important are they, do you think, to establishing those kind of relationships?

**MS CHAPPELL:** Look, I think they are essential. (A) because I think you get a feel for what's going on within the accommodation area and you get to understand the dynamics. You also get to understand, I guess, the requests. And so I think that they're really, yeah, a really good opportunity for us to build relationships.

30 **MR LLOYD:** What you just said about these kinds of meetings, I take it that's not restricted to Dillwynia in terms of the benefits?

**MS CHAPPELL:** No, that's right.

40 **MR LLOYD:** One of the reasons I'm asking you is because, at some point, we'll have to think about recommendations that might be made to improve the situation of inmates. And I want to get your response to this: this kind of initiative that you've introduced or reintroduced in October at Dillwynia, in your view, is that something that is likely to have the capacity to enhance relationship building more broadly throughout Corrective Services Correctional Centres?

45

**MS CHAPPELL:** Absolutely. I think, you know, if we look at some of the training that we've provided around things like five-minute interventions, it's all



about encouraging - increasing contact, so that concept that every contact counts that we have with those staff and offenders, and it definitely helps to build positive relationships. So - yeah. It's certainly something we've done historically in things like the Intensive Drug and Alcohol Treatment Program. Yeah.

5

**MR LLOYD:** A much more practical thing I wanted to ask you about in 23(e). In November of 2023, the removal of all window tinting in Area 2 and the removal of blinds, posters that obscured views into offices.

10 **MS CHAPPELL:** Yes.

**MR LLOYD:** Including rate of visibility for CCTV.

**MS CHAPPELL:** Yes.

15

**MR LLOYD:** And in November '23, installing viewing panels onto office doors, which were places of interest during Astill's offending.

**MS CHAPPELL:** Yes.

20

**MR LLOYD:** Is that something that you have decided to do, or did it come from -

**MS CHAPPELL:** It was actually - it was actually a broader discussion that I had with Mr Algindi. He's been - he's a general manager. He's currently Acting Director. And we - yeah, we were talking about, I guess, the importance of having line of sight. And certainly in other Correctional Centres, that's how we operate. Yeah.

25

**MR LLOYD:** Don't take from this question any personal criticism of you.

30

**MS CHAPPELL:** Yep.

**MR LLOYD:** You started there in mid-October. Do you know why it took until November '23 to do the things recorded in 23(e) and (f) having regard to what was known for many, many years about the nature and gravity of Astill's offending?

35

**MS CHAPPELL:** I don't. I don't know.

**MR LLOYD:** Do you think it might have been a good idea to have done - I withdraw that. They were pretty basic things, low cost?

40

**MS CHAPPELL:** Yes.

**MR LLOYD:** Easy to achieve?

45

**MS CHAPPELL:** Yes.

**MR LLOYD:** And obvious in terms of transparency?

**MS CHAPPELL:** Yes. Absolutely. Yep.

5 **MR LLOYD:** 25, a total of 13 additional CCTV cameras have been installed?

**MS CHAPPELL:** Yes.

10 **MR LLOYD:** That also occurred in November?

**MS CHAPPELL:** Yes.

**MR LLOYD:** How did it come to pass that that occurred in November?

15 **MS CHAPPELL:** I don't know.

**MR LLOYD:** Paragraph 26, 4 December 2023 - so that's looking forward - body-worn cameras will be introduced at Dillwynia?

20 **MS CHAPPELL:** Yes.

**MR LLOYD:** Just from your perspective, do you think that's likely to assist in the management of the place?

25 **MS CHAPPELL:** Yeah, absolutely. The body-worn cameras is a state-wide project. So each Correctional Centre - you know, they will be installed. And I absolutely think that it will increase the confidence of both the staff and the inmates around, you know, the interactions.

30 **COMMISSIONER:** However, as I understand, what you've said is the camera only works if the officer turns it on.

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

35 **COMMISSIONER:** If the officers wants to do something they shouldn't, they don't have to turn their camera on, do they?

40 **MS CHAPPELL:** Yes, but I'd say it's about decreasing the risk that that occurs. We're never going to eliminate that risk, and I think what we can do is to mitigate for it. And one of the things is body-worn video cameras. We also encourage officers not to interact with offenders in - you know, like, on their own. And - you know - and, I guess, things like that would hopefully help. And so if you haven't activated your body-worn video camera, probably the officer beside you has. So there's multiple ways to address that.  
45

**MR LLOYD:** In 27 to 29, you say some things about training with respect to reporting allegations of misconduct to the Professional Standards and Investigations?

5 **MS CHAPPELL:** Yes.

**MR LLOYD:** You tell us in 27 and 28 your understanding of the training that's been in place? Do you see that?

10 **MS CHAPPELL:** Yes.

**MR LLOYD:** 29, to further ensure that all staff are aware of their ability to make reports, you've scheduled training in relation to PSI reporting on 6 December 2023?

15

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

**MR LLOYD:** Does that reflect a view that you have that the knowledge of the staff still about the reporting of allegations was inadequate?

20

**MS CHAPPELL:** I think, for me, I still get a lot of allegations that come directly to me and not - and I can't compare. So I don't know what it was like in previous times. I guess what we're trying to do is to encourage the staff to understand that they don't need to come to me, that they can go directly to Professional Standards. It was actually training that I received as part of the primary training package that I undertook sort of back in August and September, and I just thought it would be relevant for staff who maybe didn't access that training to revisit it. Yeah.

25

**MR LLOYD:** That is, on your understanding, at least some staff still thought that they needed to come to you to make reports?

30

**MS CHAPPELL:** I don't know if that's they still think they need to come to me or whether they feel reassured in coming to me. I'm not really sure why. We talk about it, and they know they don't need to, but they do still come to me with information, absolutely.

35

**MR LLOYD:** Could I ask you - 32, you talk about training courses, for example, intel awareness?

40 **MS CHAPPELL:** Yes.

**MR LLOYD:** And at 33, based upon information provided to you as at 31 October, 80 out of 277 current Dillwynia staff have completed the intel awareness course?

45

**MS CHAPPELL:** That's right.

**MR LLOYD:** Do you know why the numbers are so low?

5 **MS CHAPPELL:** I think intel is quite a specific area and so not everyone necessarily needs to complete it. I don't believe it's mandated training. But if that is something that the Special Inquiry thinks is necessary, we could absolutely revisit that. Yeah.

10 **MR LLOYD:** Well, in your opinion, is it necessary for all staff to do that course or only (indistinct) directly involved in intel?

**MS CHAPPELL:** I would have to see the course to, yeah, make that determination.

15 **MR LLOYD:** In 34 - I asked you about this a minute ago, the reporting process for misconduct, and you say it should be simplified and consistent; all staff can report to the PSI via email. Do you see that?

**MS CHAPPELL:** Yes.

20 **MR LLOYD:** This option of reporting via email should also be included in any additional training to staff?

**MS CHAPPELL:** Yes.

25 **MR LLOYD:** You must be aware that many, many officers that have come into this Inquiry said that they did not have awareness of the basic system by which they could make reports that went outside the gaol?

30 **MS CHAPPELL:** Absolutely.

**MR LLOYD:** Is what you're saying here that you think that the system that presently is in existence about those reporting pathways still needs to be revised?

35 **MS CHAPPELL:** I think we just need to increase awareness around it and keep reinforcing that message. You know, Corrections is a evolving space, and information changes for us all the time. And so it would be helpful just to remind staff of the ways that you can do it. And I think also to sort of remind them that if it's really serious, they can go outside of the Department. It doesn't have to go directly to PSI. Yeah.

40 **MR LLOYD:** When you say "go outside of the Department", that is, to the police?

45 **MS CHAPPELL:** To the police, yes. Or to ICAC. Yep.

**MR LLOYD:** Is that currently part of training, to tell them, in practical terms, what their options are or what they're required to do if they become aware of allegations of serious misconduct?

5 **MS CHAPPELL:** So it is now in terms of the primary training, but I can't speak to what it was like for officers that, you know, had been in the system for a while. Yeah.

**MR LLOYD:** What, new officers get trained?

10

**MS CHAPPELL:** Yes.

**MR LLOYD:** But you're not sure about officers who have been in the system for a while?

15

**MS CHAPPELL:** Yes.

**MR LLOYD:** That sounds like a gap -

20 **MS CHAPPELL:** Yes. Yes.

**MR LLOYD:** - that needs to be filled?

**MS CHAPPELL:** Yes. And that's why I think we wanted to offer the training.

25

**MR LLOYD:** Could I ask you about some of the particular features of training which you address in other parts here. In 47, you tell us about the Working With Female Offenders training program?

30 **MS CHAPPELL:** Yes.

**MR LLOYD:** And the numbers for that are at 51. That's 208 out of 277 of current staff?

35 **MS CHAPPELL:** Yes.

**MR LLOYD:** That should be mandatory?

**MS CHAPPELL:** Yes. Yes.

40

**MR LLOYD:** Every single officer -

**MS CHAPPELL:** Yep.

45 **MR LLOYD:** - before they do a day's work at Dillwynia should have done that course?

5 **MS CHAPPELL:** Yep. So I - I guess to clarify, we do actually cover working with female offenders briefly in our primary training. So there is a day that we spend reviewing that. This is a three-day training program. With this particular program, we are aware that there is a shortfall now in the numbers, and certainly my functional manager, Mr Deen, has been busy trying to roster people on to the remaining training for this year.

10 **MR LLOYD:** That basic training - every officer, in doing the initial basic training, does that one day?

**MS CHAPPELL:** I don't know when that was introduced, but certainly I can speak to the - to trainees that have recently completed, and it is included now. Yep.

15 **MR LLOYD:** This is a three-day course?

**MS CHAPPELL:** This is a three-day course, yeah.

20 **MR LLOYD:** But what you're saying, that any officer who works in a women's Correctional Centre should be required to do the three-day course?

**MS CHAPPELL:** Yes.

25 **MR LLOYD:** And my question to you, but please tell me if I'm overstating this: before they do a day's work, practical - taking into account practicalities, they should be required to do that course?

30 **MS CHAPPELL:** I actually disagree, and I will say why. I think when you have not worked in a Correctional Centre, you don't have anything to hang your learning on. Like, you don't know what you're walking into. You don't know what to expect. And so my sense would be that it's helpful for the staff to have at least experienced working in a female gaol, so when they go back to the training, they can actually apply the learning. Yeah.

35 **MR LLOYD:** They get the basic training, but then after an identified period of working at the Centre, they go back and do the three days?

**MS CHAPPELL:** Yes.

40 **MR LLOYD:** By then, they will have had some real-life examples?

**MS CHAPPELL:** That's right, yes.

45 **MR LLOYD:** Any idea what period that might be, in your opinion? How soon after starting they might be required to do that?

**MS CHAPPELL:** I would say at least six months. I think once you've kind of done six months, you would probably know - you'd have some real case examples that you could take that you'd then be able to apply. But I think that might be open to consultation, and I might sort of ask some of the new trainees as to their view on that.

**MR LLOYD:** At 52, you talk about the five-minute interventions?

**MS CHAPPELL:** Yes.

**MR LLOYD:** And that that's been effective?

**MS CHAPPELL:** Yes.

**MR LLOYD:** At 59, you tell us basically everyone has done it. There's eight missing?

**MS CHAPPELL:** Yes.

**MR LLOYD:** Generally, that would be because of absences through illness or that kind of thing?

**MS CHAPPELL:** So probably of the eight - I'm one of them. They are new trainees that have come out of the Academy. Yeah.

**MR LLOYD:** At 60, there's an unconscious bias course?

**MS CHAPPELL:** Yes.

**MR LLOYD:** Do you think that that's important in terms of - I can see your reaction. I take it you think it's very important for officers to be able to manage the things, including the things that this Inquiry has dealt with?

**MS CHAPPELL:** Absolutely. I think one of the things that is really apparent for correctional officers is that we have to wear multiple hats. And when we do so, we need to be aware while we're making decisions, and those decisions need to be defensible. And if we're using professional discretion, we need to know why we're doing it. And so having that awareness of the unconscious bias absolutely helps.

**MR LLOYD:** Paragraph 62, 91 out of 277 have done that course?

**MS CHAPPELL:** Yes, I was aware of that when I drafted my statement. So I do have an email prepared to the team to ask them to enrol. It's a Thrive Learning course, so they can do that.

**MR LLOYD:** I take it, at least in your opinion, this is not a good idea only for those employed at Dillwynia; this would apply more broadly?

**MS CHAPPELL:** Absolutely.

5 **MR LLOYD:** 63, I think you make a suggestion about the Working With Female Offenders, but you say you believe it would also be beneficial to explicitly link the training material to operational practices?

**MS CHAPPELL:** Yes.

10 **MR LLOYD:** What do you have in mind?

15 **MS CHAPPELL:** Certainly I think it's just a reminder for staff - and I do use the example in the statement. You know, you've just got to be mindful when you're speaking to other colleagues. Sometimes information that you share can - you know, about your personal circumstances, it can be interpreted by - you know, by anyone around you, and you've just got to be really kind of mindful of that. So it's those types of things that I think we forget on a day-to-day basis that we need to, yeah, include in the training.

20 **MR LLOYD:** What does this look like? This is a modification to that training course?

25 **MS CHAPPELL:** Yes. So there are, I guess, linkages to operational practice, and I think it's more around sort of how we might conduct some of our more security focused, you know, interactions with female offenders and what that might need to look like if we're applying a trauma-informed lens. But I guess this is quite detailed in terms of the specifics.

30 **MR LLOYD:** Can I ask - you say something about the Official Visitor. You tell us about that at 66 through 72.

**MS CHAPPELL:** Yes.

35 **MR LLOYD:** In 72, you say you think that DCC staff would benefit from - further benefit from training about the role of the Official Visitor?

**MS CHAPPELL:** Yes.

40 **MR LLOYD:** And, again, is that some sort of training module to explain to them exactly what the Official Visitor is doing and how it is that the person is doing the job?

45 **MS CHAPPELL:** I think what I was envisaging was contact. So probably either a forum for the Inspector of Custodial Corrections or the Official Visitor to come in and brief the team and just do an interaction. They need to build the connections with the Official Visitor but also to understand the scope of the role, and the importance of it.



**MR LLOYD:** A briefing more than (indistinct)?

**MS CHAPPELL:** Yes. Yep.

5

**MR LLOYD:** And then finally, in 78, you say:

"At Dillwynia, the Offender Services and Programs team have commenced a review of orientation training."

10

**MS CHAPPELL:** Yes.

**MR LLOYD:**

15

"In my view, inmates would benefit from a training session during their induction and orientation to a Correctional Centre which explores information contained in the handbook and the complaints process generally, including how they can make a complaint to the Ombudsman."

20

**MS CHAPPELL:** Yes.

**MR LLOYD:** So the handbook deals in writing with some of these things, that is, the complaint system?

25

**MS CHAPPELL:** Yes.

**MR LLOYD:** You know that many inmates might not be able to read, and some might not be able to properly comprehend the writing?

30

**MS CHAPPELL:** Yes.

**MR LLOYD:** Is it right that really what we need, is what you're telling us here, is something during induction and orientation that involves a fairly simple explanation of the various pathways and what they look like?

35

**MS CHAPPELL:** Absolutely, yes.

**MR LLOYD:** That's critical?

40

**MS CHAPPELL:** Yes.

**MR LLOYD:** And what about - that's during induction and orientation. It must be known by you - and the Commission has heard some evidence that arriving at gaol in the first day or week can be traumatic?

45

**MS CHAPPELL:** Yes.

**MR LLOYD:** And an induction telling them important information like this might not result in information being remembered (indistinct)?

**MS CHAPPELL:** Yes. Yes.

5

**MR LLOYD:** What do we do about the problem about reminding inmates, once they've settled in, about something as important as this?

**MS CHAPPELL:** Yep. I think there are a couple of options available to us. One would be to remind the IDCs so that the inmate delegates can take that information back to the house. I'd also say that, again, when we have, like, those accommodation meetings, that would be a good opportunity. And the other option is the facility-wide messages. So we can send facility-wide messages probably routinely just to remind people that these avenues are available to them and so provide a bit more context.

10  
15

**MR LLOYD:** Thank you. And to save Mr Sheller asking this question, the tablets.

20 **MS CHAPPELL:** Yes.

**MR LLOYD:** They worked?

**MS CHAPPELL:** Yes, absolutely.

25

**MR LLOYD:** Is there anything about those where it could be improved to make it even better?

**MS CHAPPELL:** Yes. So we've talked - and I think it's come up in the Inquiry as well - about the in-cell chargers, so the ability to be able to charge them during the day or, you know, overnight. Because at the moment, we have to charge them during the day, which limits their access. So I think that would be really beneficial. And certainly in terms of the grievance process, if you - if it was possible - and I do believe that that might be quite technical to implement, but it would be good if we could limit who actually has visibility of that as well to increase confidence in reporting. Yeah.

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35

**MR LLOYD:** The next question - I'm not trying to elevate you into an expert in wi-fi capability, but are there wi-fi problems (indistinct)?

40

**MS CHAPPELL:** So it is routinely reported that there are issues with the tablets dropping out during phone calls in particular. We have done extensive investigations around it. I do know that Corrections has, you know, really tried - we've had the supplier - the suppliers out, so both the supplier of the - sort of the software but also the, you know, telecommunications company as well. We haven't been able to establish the exact reasons. What I've said, though, is that we

45

can submit service-out requests if inmates routinely continue to have issues, because it could be a problem with the device itself. Yep.

5 **MR LLOYD:** Commissioner, those are the questions.

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

**<THE HEARING ADJOURNED AT 11.30 AM**

10 **<THE HEARING RESUMED AT 11.47 AM**

**COMMISSIONER:** We've lost counsel.

15 **MR SHELLER:** Mr Lloyd is approaching.

**MR LLOYD:** My apologies, Commissioner.

**COMMISSIONER:** That's all right. We thought you were there, but you weren't.

20 **MR LLOYD:** I have one further question for Ms Chappell. It might be two, actually. Do you remember I asked you about whether you'd heard that Shari Martin had referred to officers at a parade as "cattle"?

25 **MS CHAPPELL:** Yes.

**MR LLOYD:** And I think you said you'd heard something different?

**MS CHAPPELL:** Yes.

30 **MR LLOYD:** What had you heard that she did and in what forum or context?

**MS CHAPPELL:** So I don't know the context in which it was said, but my understanding is, from what I've been told by several staff members, that on parade she had referred to the staff as "fucking cunts".

35 **MR LLOYD:** Can you just tell us: if that happened at a parade - parade is the whole of the staff who are there on that particular -

40 **MS CHAPPELL:** It is custodial staff, so not the whole gaol, but it's every staff member that is on duty for that watch. Yep.

**MR LLOYD:** It's a formal thing?

45 **MS CHAPPELL:** Yes, it is.

**MR LLOYD:** What do you think - if that's true, what do you think about it?

**MS CHAPPELL:** Yeah. I - "horrified", probably, is the word that I would use. Yep.

**MR LLOYD:** I take it it's not part of your management style?

5

**MS CHAPPELL:** No. No.

**MR LLOYD:** Have you ever heard of other Governors at other places addressing their staff in this kind of formal way, or any other environment for that matter -

10

**MS CHAPPELL:** No, not in my experience.

**MR LLOYD:** Those are my additional questions, Commissioner.

15 **COMMISSIONER:** Mr Sheller - sorry.

**<EXAMINATION BY MS MELIS:**

20 **MS MELIS:** Ms Chappell, yesterday we heard some evidence from Ms Zekanovic. Were you in attendance when Ms Zekanovic was giving her evidence?

**MS CHAPPELL:** I was here for some of it, yes.

25 **MR LLOYD:** She gave some evidence where she said that for some less serious matters of misconduct received by the PSI, including, for example, isolated bad language -

**MS CHAPPELL:** Yes.

30

**MR SELLER:** - absenteeism, one officer sleeping on duty, that the PSI would refer those kinds of matters down for management at the local level.

**MS CHAPPELL:** Yes.

35

**MR SELLER:** What is your level of comfort as Governor in dealing with minor misconduct coming back to you from the PSI, including anonymous complaints?

40 **MS CHAPPELL:** I'd be absolutely comfortable. So I guess, you know, if it's gone through PSI, we know that it's been fact checked. We know that that information is possibly an isolated incident. It doesn't lead to, you know, the really serious misconduct. And so if I was given the instruction by PSI to speak to that staff member, I absolutely would. And I guess there's a couple of things in that: one, it's to obviously explain the expectations of behaviour within the Correctional Centre;  
45 and, two, it's also an opportunity to check on that staff member as well.

**MS MELIS:** And you understand that the PSI still retains oversight of those low-level misconduct matters?

**MS CHAPPELL:** Absolutely.

5

**MS MELIS:** And you understand that if you required any assistance, you could go directly to the PSI in dealing with those matters?

**MS CHAPPELL:** Yes. And I do frequently.

10

**MS MELIS:** You understand that you have HR available for assistance as well?

**MS CHAPPELL:** Yes.

15 **MS MELIS:** As well as the Staff Support, Culture and Wellbeing Directorate -

**MS CHAPPELL:** Yes.

**MS MELIS:** - which is in place for support of staff?

20

**MS CHAPPELL:** Yes.

**MS MELIS:** Those are my questions.

25 **COMMISSIONER:** Anyone else have any questions?

**MS GHABRIAL:** I do, Commissioner, if I may.

**<EXAMINATION BY MS GHABRIAL:**

30

**MS GHABRIAL:** Ms Chappell, my name is Ms Ghabrial. I appear for a group of correctional officers. I have one question. In March of this year - and this is not a meeting that you attended, but in March of this year, there was a PSI workshop - I think it was called - just bear with me for a moment - a PSI working group workshop, and that took place on 21 March of this year. It's behind Volume 35, Tab 138, Commissioner.

35

In attendance at that meeting - and I just wanted to raise this with you and see what your view of it is. The senior legal officer, Cathy McInnes - and this meeting was chaired by Joanna Wong, and Chantal Snell and Angela Zekanovic were present, including a whole lot of other people as well. But the senior legal officer, Cathy McInnes, raised an issue about under-reporting in areas due to no clear knowledge of the Public Interest Disclosures Act or fear of being targeted. That's page 2 of Tab 138, Commissioner.

40

45

Now, just in relation to the Public Interest Disclosures Act, there was obviously the predecessor to the current Act, which was the 1994 version, and the new Act

came into force on 1 October this year. There has been some evidence earlier in this Inquiry from a couple of correctional officers that they were not aware of the protections that were available to them under the Public Interest Disclosure Acts in either form, the old Act or the new Act. And this minutes of meeting and that  
5 observation by the senior legal officer appears to support that there was really no knowledge of the Act and the protections that it provided to officers to make complaints.

10 Was that your impression as well, in respect of knowledge of the actual Public Interest Disclosures Act and whether there was actually specific training given to advise officers about their rights and protections available to them?

15 **MS CHAPPELL:** I can't recall specific training, but I certainly was aware that you could make, you know, a protective disclosure. Yeah.

**MS GHABRIAL:** But was it your impression that officers were not aware or were not specifically given information about the protections in place for them so that they could make disclosures confidentially and have protections in place for them?  
20

**MS CHAPPELL:** I'm trying to think about how I find out about it, and I can't recall. Yeah.

25 **MS GHABRIAL:** One of the things in respect of the new legislation is that it was passed by Parliament in March of last year, and the due date for it to come into effect was essentially 18 months to allow various government organisations impacted by it, and various organisations impacted by it, to implement policies and protocols in time for the Act to actually then commence, which then did commence on 1 October of this year.  
30

During the time that you've been at Corrective Services New South Wales, are you aware of any policies that have come out or been notified to any of the staff or Centres in respect of the impact of the new legislation that came into force in October of this year?  
35

**MS CHAPPELL:** I'm not, no.

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

40 **COMMISSIONER:** Does anyone else have a question?

**MR LLOYD:** I just need to tender Ms Chappell's statement. In my confusion about where it was, I omitted to tender it.

45 **COMMISSIONER:** That will become Exhibit 50.

**<EXHIBIT 50 TENDERED AND MARKED**

**COMMISSIONER:** Nothing further?

**MR SHELLER:** No.

5

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

**MS CHAPPELL:** Thank you.

10

**<THE WITNESS WAS RELEASED**

**MR LLOYD:** The next witness is Commissioner Kevin Corcoran, and I call him.

15

**<KEVIN CORCORAN, SWORN**

**<EXAMINATION BY MR LLOYD:**

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

20

**MR CORCORAN:** My name is Kevin Corcoran.

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

25

**MR CORCORAN:** Yes.

**MR LLOYD:** Now, Mr Corcoran, in very recent times, you've signed a statement for our benefit?

30

**MR CORCORAN:** Yes.

**MR LLOYD:** You've done that in the knowledge that you weren't required or compelled to do it, but you've done it to assist the Commission.

35

**MR CORCORAN:** Yes.

**MR LLOYD:** Because of some practical issues, I'm not in a position to tender that statement. Understand, we need to do some things, including redactions, before it can be tendered.

40

**MR CORCORAN:** Yes.

**MR LLOYD:** So for the purpose of at least your evidence until those things are dealt with, I won't be asking you about your statement. You understand?

45

**MR CORCORAN:** Right.

**MR LLOYD:** But there will come a time when we're able to deal with that, and I'll show your statement and it'll go into evidence.

**MR CORCORAN:** Yes.

5

**MR LLOYD:** One other preliminary matter. I've explained this to you, but I wish to state it publicly. During the course of the questions I ask you, I ordinarily would refer you by your title, Commissioner. But I intend to refer you to you as Mr Corcoran to avoid confusion, bearing in mind we've got two Commissioners in the room.

10

**MR CORCORAN:** Yes.

**MR LLOYD:** And I don't mean, by addressing you as Mr Corcoran, any disrespect. You understand?

15

**MR CORCORAN:** Yes.

**MR LLOYD:** There is one part of your statement that, in fairness to you, I just wish to draw to your attention as it seemed to me you may wish to deal with it at the outset of your evidence. What I will do - it's not necessary to deal with this in formality. I'm just going to show you a page from your statement and ask you whether you just want to effectively read that out onto the record before I start asking you questions. You'll see I've already marked it. Paragraph 120.

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25

**MR CORCORAN:** Yes.

**MR LLOYD:** Before I ask you, do you want to read that out onto the record at the start of your evidence?

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**MR CORCORAN:** Yes, that would be good.

**MR LLOYD:** I invite you to do that.

35

**MR CORCORAN:** I unreservedly apologise to the victims of Mr Astill. The evidence surrounding his offending has demonstrated the reforms we had made were necessary and, in many areas, further and more substantial reforms will need to be made. I acknowledge that this Inquiry is an essential step in assisting to develop the systems, policies and capabilities of Corrective Services New South Wales to ensure the situation never occurs again.

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I also would like to just depart from this and just also apologise to the staff who had to go through some pretty horrendous things over the last few years in terms of trials and now this Inquiry and the stress that's put on them. So I await the recommendations of the Inquiry and have committed, with the support of my executive team, to implementing the recommendations made.

45



**MR LLOYD:** Thank you. You can hand that piece of paper back for now. Can I ask you - no doubt this will be dealt with in your statement, but I'll just get you to tell us in short form about your career in Corrections. It started, did it, in 1984 in South Australia?

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**MR CORCORAN:** Yeah, that's correct. I started off as a trainee superintendent in South Australian Corrections and did the correctional officer course and did a couple of positions in head office before moving into the prison, Adelaide Gaol, and -

10

**MR LLOYD:** Was that job in Corrections in South Australia - was that your first job in the workforce?

**MR CORCORAN:** No.

15

**MR LLOYD:** What did you do beforehand?

**MR CORCORAN:** I was a - well, a clerical officer in - at - the last job I had was clerical officer in the Public Service Commission.

20

**MR LLOYD:** You stayed in Corrections in South Australia before - at a time that I couldn't work out - you moved to Corrections in Queensland?

**MR CORCORAN:** That's right.

25

**MR LLOYD:** When was that?

**MR CORCORAN:** That was 1994.

30

**MR LLOYD:** Did you move into a role, Director of Custodial - you'll know better than me -

**MR CORCORAN:** Custodial Corrections -

35

**MR LLOYD:** In Queensland?

**MR CORCORAN:** - in Queensland for a couple of years. Then there was a period where the organisation was split off from the Queensland Corrective Services Commission. We formed a government-owned corporation called Queensland Corrections. And during that period, I was the Executive Director of Operations, and that entailed looking after juvenile detention, Community Corrections and Custodial Corrections.

40

**MR LLOYD:** You then later moved into the private sector for a period?

45

**MR CORCORAN:** Yes, for about 14 years.

**MR LLOYD:** And just tell us a bit about that.

5 **MR CORCORAN:** I was involved in a whole range of activities with State and Commonwealth Governments in Australia and overseas, working with public and private sector on various investigations, reviews, public/private partnerships, design and operation as a consultant to various builds (indistinct) and immigration detention and in Corrections.

10 **MR LLOYD:** Who did you work for? Who were you working for?

**MR CORCORAN:** I worked for State and Commonwealth Governments, private sector. So I was an independent consultant.

15 **MR LLOYD:** You worked for yourself?

**MR CORCORAN:** Correct. Yes.

20 **MR LLOYD:** Part of that time in the private sector working as a consultant in the way you've described, did it involve looking at body scanning security systems?

**MR CORCORAN:** Yes, it did.

**MR LLOYD:** Just tell us what you came to learn about that.

25 **MR CORCORAN:** I - well, I introduced the first security body scanner into Australia. So I did have a lot of experience in developing how to read the X-ray images and, you know, just generally how those body scanners worked.

30 **MR LLOYD:** Are these - just tell us about the particular body scanners that you're talking about. These are not the ordinary scanners that you walk - that staff walk through, for example, at Dillwynia?

35 **MR CORCORAN:** No. No, these are transmission X-ray body scanners. And we've got a whole range of these body scanners in Corrections now at the moment.

**MR LLOYD:** You probably know - I'll just depart from your professional history for one moment - that there's been evidence given to this Inquiry about problems with the security system at Dillwynia -

40 **MR CORCORAN:** Yeah.

**MR LLOYD:** - in detecting contraband of various types coming into the gaol.

45 **MR CORCORAN:** Yes.

**MR LLOYD:** And some evidence to the effect that unless there's metal or something that will set off that security system, then it would be possible for officers to bring, for example, drugs or items of clothing into the gaol?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** The kind of body scanner that you're talking about here, is that capable of detecting things like drugs that wouldn't otherwise set off the current scanning (indistinct)?

10

**MR CORCORAN:** Yeah, drugs, tobacco, you know, clothing - you know, if there was packages of, you know, anomalous items, yes.

15 **MR LLOYD:** As in, without getting into the technicalities of it, an ability to detect the presence of matter on the person in a place where you wouldn't ordinarily expect it?

20 **MR CORCORAN:** Yes. So if somebody was bringing stuff internally and it was of sufficient size and density, you could see it.

20

**MR LLOYD:** I'll come back and ask you -

**MR CORCORAN:** Yeah.

25 **MR LLOYD:** - a bit more about that topic later. Moving on to your professional career, did you come to New South Wales Corrective Services in January of '14?

30 **MR CORCORAN:** Actually, I started as a contractor in January '13, and I was doing work for the agency around developing a 20-year infrastructure plan. So that entailed going around to every Correctional Centre, having a look at what was there, analysing, you know, the effectiveness of that Correctional Centre. So - and I was able to meet all the sort of Governors around the place, you know, whilst I was doing that work.

35 **MR LLOYD:** Did you become the Assistant Commissioner, Custodial Corrections in the early part of '14?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** And remained in that position until the middle part of 2021 when you became the Commissioner?

**MR CORCORAN:** I was Acting Commissioner in August and appointed in December '21.

45

**MR LLOYD:** Acting Commissioner from August '21 and then formally appointed at the end of that year?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** And you remained in that position, the formal position, from then until now?

**MR CORCORAN:** Yes.

10 **MR LLOYD:** Could I ask you some questions - you've been involved in Corrective Services in three states for, well, almost 40 years. In terms of the core business of Corrective Services, do you agree that the core business is managing the Correctional Centres to achieve safe, secure and humane custodial environments?

15 **MR CORCORAN:** I would also include the fact that, you know, we need to work with people in custody to make sure that we are preparing them for release.

**MR LLOYD:** As in, rehabilitation -

20 **MR CORCORAN:** That's right.

**MR LLOYD:** - of the prison population is another aspect of the core business?

25 **MR CORCORAN:** Absolutely.

**MR LLOYD:** And is this right: that life in gaol isn't easy, and it's not intended to be, but inmates are entitled to be detained in an environment where they're not exposed to criminal offending?

30 **MR CORCORAN:** Yeah, that is correct.

**MR LLOYD:** And just starting with this: that's an important goal, that is, inmates not being exposed - to the extent the system can achieve it, not being exposed to criminal offending by officers?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** And other inmates?

40 **MR CORCORAN:** And other inmates.

**MR LLOYD:** The latter would be a significant problem throughout Correctional Centres?

45 **MR CORCORAN:** Not every Correctional Centre, no.

**MR LLOYD:** No, no. But, sorry, a problem that needs to be addressed is obviously violence between inmates?

**MR CORCORAN:** Certainly those, yes.

5

**MR LLOYD:** If you turn to the part of this ideal, to detain inmates in an environment where they're not exposed to criminal offending by officers, is it critical to make sure that there's a system of disciplinary or conduct oversight which is robust?

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**MR CORCORAN:** For staff or -

**MR LLOYD:** For officers.

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**MR CORCORAN:** Yes.

**MR LLOYD:** As in, the disciplinary system for the oversight of the conduct of officers -

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**MR CORCORAN:** Yes.

**MR LLOYD:** - within the gaols, it has to be robust?

25

**MR CORCORAN:** Yes.

**MR LLOYD:** And it has to be well funded?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** And the officers within the gaols need to understand how it works?

**MR CORCORAN:** Yes.

35

**MR LLOYD:** Could I ask you some things broadly about culture of reporting by officers that we've been told during some of the evidence that the Commission has heard. One officer - for those at the bar table, this is Mr Riddle at transcript 1015 - said that from what he when he started about 21 years ago in New South Wales, it was pushed down your throat that if you put in a report about an officer - another officer about misconduct, there could be retribution in the form of bullying, harassment, being ostracised, and that the culture was you don't paper another officer. First, have you heard of that kind of cultural phenomenon within Corrective Services?

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45

**MR CORCORAN:** Yeah. Well, that is a common feature of Corrective Services around the nation.

**MR LLOYD:** So not restricted to New South Wales -

**MR CORCORAN:** No.

**MR LLOYD:** - but, in your experience, more broadly?

5

**MR CORCORAN:** I've worked in every jurisdiction in Australia, you know, in some capacity or another, and, yeah, that is a common feature.

**MR LLOYD:** That is, officers would be reluctant to paper or report on other officers?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** Including where that papering or reporting might involve serious misconduct by the other officer, that culture still applies in those circumstances?

15

**MR CORCORAN:** Yes.

**MR LLOYD:** As a matter of culture in terms of running an organisation where it's important for there to be oversight of conduct matters - misconduct by officers, that's a fundamental problem, isn't it, if the reports aren't coming up from the officers in the first place?

20

**MR CORCORAN:** Yeah, it is.

25

**MR LLOYD:** And one that, to the extent that the institution, Corrective Services, is able to address, needs to be addressed?

**MR CORCORAN:** Absolutely.

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**MR LLOYD:** Has it got better in your time - just taking New South Wales from, say, 2013 until now, has it got better over that period?

**MR CORCORAN:** No, I don't believe so. I think there needs to be some fundamental change to the way we do business in terms of reporting and in terms of how we deal with reports that come in. You know, certainly the executive team and I are trying to create at the moment more of a learning organisation rather than a punitive organisation. You know, when minor matters come in and they take a lengthy period of time to be dealt with, you know, that's a problem. But it also means that, you know, a year or two later, the minor matter is suddenly brought to the attention of the person who was involved, and they sometimes don't even know they're being investigated and suddenly there's a penalty there. So that is problematic from our perspective, and we need to change that.

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40

**MR LLOYD:** A culture where officers are likely to report might mean that there's misconduct occurring in gaols by officers which doesn't even come to the attention of the senior management within the gaol?

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**MR CORCORAN:** That could be the case, yes.

5 **MR LLOYD:** And, further, that it would not - in addition to not coming to the attention of the management within the gaol, it wouldn't come to the attention of Investigations or Professional Standards outside the gaol?

**MR CORCORAN:** That's right.

10 **MR LLOYD:** And so a culture of that kind might lead to a situation where there's offending of a very serious nature within gaols which is going undetected?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** And I take it that's why you say, in terms of the problem that needs to be addressed -

**MR CORCORAN:** Yes.

20 **MR LLOYD:** - there's a resolution on your part and the part of others to address it?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** In the evidence yesterday of Ms Zekanovic - did you follow that?

**MR CORCORAN:** For most of the time, yeah. Sorry, there was a couple of periods that I might have missed.

30 **MR LLOYD:** No, that's okay. You just tell me if you need me to put any of the things that she said to us in any more detail, and I'm not expecting you to have watched (indistinct) of it.

**MR CORCORAN:** Yeah.

35

**MR LLOYD:** She told us in response to something that I put to her from the Director of Culture, Wellbeing and Staff Support, Mr Jackson - did you hear that part of the evidence?

40 **MR CORCORAN:** (Indistinct).

**MR LLOYD:** That's okay. I'll put it to you. I asked Ms Zekanovic about something that Mr Jackson had said about some of his staff members, the support workers within his area, that he and those workers in his area had been:  
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"...working actively to remove the perception we were involved in investigations or PSB in general, as staff had clearly stated to his team that if his team were with PSB, they would not talk to him."

5 Now, accepting that to be a truthful account of what Mr Jackson has said, that is, his staff have been told by officers that if the officers knew that they were with Professional Standards, the officers wouldn't talk to them. Do you - is that your experience? Do you agree with that as being a correct description?

10 **MR CORCORAN:** Look, I think we've been engaged in the agency and in training and development from Professional Standards. There was a support branch in Professional Standards there for quite sometime, and my understanding was that people were coming forward and talking to that particular group.

15 **MR LLOYD:** With that experience that I just read out to you, did that come as a surprise to you?

**MR CORCORAN:** Well, no, in general, staff are a little reluctant to report, as you've already identified. So some staff would feel comfortable; many others would not.

**MR LLOYD:** This, though, is raising a different problem that I want to get your response to.

25 **MR CORCORAN:** Sure.

**MR LLOYD:** The effect of what I put to you from him is that if his staff are identified as people from the PSB in going out and speaking to officers, that the officers would be reluctant to speak to them because they're from PSB.

30 **MR CORCORAN:** Mmm.

**MR LLOYD:** Is that something that you're aware of as a cultural problem?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** Reluctance of that kind?

40 **MR CORCORAN:** As I've said, I think, you know, some staff would be quite happy to speak to PSB; others - and I think it's more like the vast majority - would be worried.

**MR LLOYD:** In terms of a range of barriers to proper action being taken in response to officer misconduct -

45 **MR CORCORAN:** Yeah.



**MR LLOYD:** - we have spoken about one barrier being reports being made in the first place?

**MR CORCORAN:** Yes.

5

**MR LLOYD:** And I think you agreed with me that that's presently a problem?

**MR CORCORAN:** Presently a problem.

10 **MR LLOYD:** This speaks of another barrier in the system, though, doesn't it? Even if it's gone up to the Professional Standards and Professional Standards staff are coming out to conduct some sort of an Inquiry or investigation into allegations that have come to their attention, there's a reluctance even at that point -

15 **MR CORCORAN:** Yes.

**MR LLOYD:** - to cooperate?

**MR CORCORAN:** There is.

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**MR LLOYD:** Is that, in your experience, the position, that is, there's a reluctance by at least some staff to cooperate with inquiries by Professional Standards?

**MR CORCORAN:** Yes.

25

**MR LLOYD:** That would be another barrier that would stand in the way of getting to the bottom of identifying and responding properly to misconduct by officers at gaols?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** Can I ask you some things that (indistinct) have come to your attention, in particular about Dillwynia, to see if it accords with your experience. We just heard some evidence about the then Governor in a parade of officers calling the officers "fucking cunts". I'm not sure if you heard that evidence?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** And Ms Chappell is not the only person who gave evidence to this Inquiry about that kind of thing happening.

40

**MR CORCORAN:** Yes.

**MR LLOYD:** Are you familiar with that, either at Dillwynia or anywhere else in your time in New South Wales Corrective Services, that kind of behaviour?

45

**MR CORCORAN:** Yes.

**MR LLOYD:** Is that kind of behaviour, in your experience, widely occurring?

5 **MR CORCORAN:** I wouldn't say widely, no. I think the vast majority of  
Governors are very competent and do the job very well. But certainly there has  
been some instances of this sort of behaviour over the last - over the period that  
I've been working in the organisation.

10 **MR LLOYD:** Do you remember Doug Greaves?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** He gave some evidence to this effect - and I want to get your  
response to it - that in his time in Professional Standards, he repeatedly heard  
stories that when somebody had done - within a gaol, had done something that the  
Governor disagreed with or thought was wrong, the Governor would call that  
person out on the parade and abuse them and humiliate them in front of their  
colleagues. Have you heard of that kind of thing happening?

20 **MR CORCORAN:** I haven't heard of that kind of thing, no.

**MR LLOYD:** In terms of the environment - I'll come to some more particular  
things about Dillwynia. You obviously have heard the evidence of Mr Shearer?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** In the time I've had available, there's a section in your statement  
that responds to his evidence?

30 **MR CORCORAN:** Yes.

35 **MR LLOYD:** I just ask you about this now: He told us that the culture within  
Corrective Services, at least as at November '17 and January '18, was one where  
there was bullying?

**MR CORCORAN:** Yes.

**MR LLOYD:** Do you agree?

40 **MR CORCORAN:** Yeah. Yes, I do.

**MR LLOYD:** Including right up to the top at that time, as in, the top levels of the  
hierarchy?

45 **MR CORCORAN:** Are you talking about top levels of the organisation or -

**MR LLOYD:** Yes. Right up to the top.

**MR CORCORAN:** No, I don't think so.

**MR LLOYD:** He made a complaint at one point about your treatment of him?

5

**MR CORCORAN:** That's right.

**MR LLOYD:** That complaint went to then Commissioner Severin?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** And, in effect, one aspect of that complaint was that you were bullying him?

15 **MR CORCORAN:** Mmm.

**MR LLOYD:** That was a verbal response "yes".

**MR CORCORAN:** Yes.

20

**MR LLOYD:** That was an aspect of the complaint?

**MR CORCORAN:** That - that was the complaint, yes.

25 **MR LLOYD:** You disagreed with that?

**MR CORCORAN:** I disagreed that I was bullying him, yes.

**MR LLOYD:** What happened in response to that complaint?

30

**MR CORCORAN:** I think we need to go back to what generated that complaint, and what generated the complaint was I was having conversations with Hamish about a number of issues that I wanted to address with him, and I wanted to change the way he was approaching those particular issues.

35

**MR LLOYD:** What were the particular issues?

**MR CORCORAN:** They were associated with, you know, his technical knowledge and the fact that, you know, I was getting feedback from general managers around the place that they would ask him questions and he would tell them to go to someone else for a response rather than finding out himself what the answer was and then being able to answer that question in future. That's an example.

40

45 **MR LLOYD:** One of the things he said about Corrective Services - that's Mr Shearer - was:

"We're a 240 year old organisation that had been doing things a certain way for a long time, and the organisation has been able to get away with things. We're now in the age - with the attention we get through media, the organisation has been dragged into the 21st century and..."

5

In his view:

"...we've made some great inroads in recent times."

10 **MR CORCORAN:** Yes.

**MR LLOYD:** Do you agree with that as an assessment?

**MR CORCORAN:** Yes.

15

**MR LLOYD:** In terms of Dillwynia, he was the Director with oversight of that particular Correctional Centre from when he was appointed into that role in 2016?

**MR CORCORAN:** Yes.

20

**MR LLOYD:** And he directly reported to you?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** You were aware, at least in that period from when he was appointed, of some management problems inside that Correctional Centre?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** And some performance problems by the then Governor?

**MR CORCORAN:** Yes.

35 **MR LLOYD:** What did you think of the performance of the then Governor Shari Martin at that time, from, say, August 2016 until the time of her departure in December of '18?

**MR CORCORAN:** Yeah, I wasn't impressed with the way she operated.

40 **MR LLOYD:** Did you think that she was managing the Centre properly and effectively?

**MR CORCORAN:** No.

45 **MR LLOYD:** She was put on a performance - I withdraw that. There was a decision taken to put her on a performance review program?

**MR CORCORAN:** Yes.

**MR LLOYD:** Did you agree with that?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** Did that come to pass, though, that she, in fact, was put on that program?

10 **MR CORCORAN:** Yes. I think I communicated that to Peter Severin.

**MR LLOYD:** Were you satisfied, because of that, that her ability to do the job there had improved?

15 **MR CORCORAN:** Well, I think, you know, from my perspective, performance improvement plans are not very effective, and I think there's much more effective ways of managing this sort of low-level behaviours that just, you know, hover on misconduct or performance, and - and that's the sort of thing we want to introduce into the future so that this sort of thing, you know, can't go on in the future with  
20 certain people.

**MR LLOYD:** Just out of interest, if you - the position that you were then in, you've got the Director with oversight of the gaol who's a direct report to you?

25 **MR CORCORAN:** Yep.

**MR LLOYD:** You have a view - I take it, throughout the period I'm asking, say, August '16 until when she left in December '18, that she was not up to the job?

30 **MR CORCORAN:** Yes, that's right.

**MR LLOYD:** But that means that in a correctional facility that a direct report of yours has the oversight of, there's the senior manager who's not - has the capacity, in your opinion, to do the job properly?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** What did you think was necessary for you to do to discharge your obligations to address that problem?

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**MR CORCORAN:** I had to keep the Commissioner informed, because the Commissioner was responsible - or made himself responsible for managing Governors and the misconduct or performance with serious performance issues with Governors.

45

**MR LLOYD:** In this period, is what you're saying that then Commissioner Severin had the responsibility to intervene if there was a Governor who was not capable of discharging his or her functions?

5 **MR CORCORAN:** Yes, he took responsibility for that misconduct process or anything that, you know, moved into a misconduct process as a result of performance.

10 **MR LLOYD:** What about something short of misconduct but reflecting inability to discharge function -

**MR CORCORAN:** Yeah.

15 **MR LLOYD:** - through incompetence or something like that?

**MR CORCORAN:** That's right. So that would then go to Peter. I would be talking to Peter about those things.

20 **MR LLOYD:** Did you talk to him about Shari Martin's inability, in your view, to discharge her functions as Governor?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** What did you say to him?

**MR CORCORAN:** Well, you know, we - we were letting her know that we were putting her on that performance improvement plan. I think Hamish documented that, and that was sent through to Peter, as I recall.

30 **MR LLOYD:** You didn't think that those were effective, though?

**MR CORCORAN:** I don't think the measures that we had available to us - the tools - are effective in managing people who are really, I guess, uncooperative.

35 **MR LLOYD:** At that time, something in the order of 34 Correctional Centres in New South Wales?

**MR CORCORAN:** I think there were more. There were probably over 40.

40 **MR LLOYD:** Even if it's 40 or even more than 40, one Correctional Centre being run by someone who is incapable of doing their job is a very serious problem?

**MR CORCORAN:** It is.

45 **MR LLOYD:** And, to your knowledge, the performance review plan was unlikely to address her inability to do the job?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** Didn't there come a point where you felt it was part of your obligation to take more serious or drastic action, or recommend more serious or drastic action, to deal with that particular problem than the performance review plan?

10 **MR CORCORAN:** As I said, you know, I can only brief Peter Severin on, you know, the activities of various Governors, and it was up to Peter to make a decision on what he wanted to do with those Governors. As I said, it was something that he specifically wanted to do.

**COMMISSIONER:** Mr Corcoran, you said that you:

15            "...didn't think that the measures that we had available to us - the tools - are effective in managing people who are really, I guess, uncooperative."

What tools did you need?

20 **MR CORCORAN:** Well, thanks, Commissioner. What we really need is an ability to have conversations with people and - and engage with them (indistinct) so they are aware of, you know, what behavioural limits they can be involved with. If they continue to misbehave or, you know, engage in  
25 inappropriate behaviour, we will then issue a first warning. If they continue it, a second and final warning. And then we move to a misconduct process. So that's not something that was available to us at that time.

**COMMISSIONER:** You couldn't have a conversation?

30 **MR CORCORAN:** We could have conversations, but it actually meant not very much. There was no consequence for -

**COMMISSIONER:** You mean that managers at the top of the organisation didn't ultimately have the capacity to say, "You're not up to the job. You have to go"?

35 **MR CORCORAN:** They do in an SES environment, but not in - they're the award employees. So even though they're paid, you know, at sort of mid-range SES1, they're covered by an award. So we have to, you know, go through those particular processes that apply to award employees.

40 **COMMISSIONER:** So you could have a conversation, and if they continued not to perform, you could warn and then ultimately you could invite them to leave?

45 **MR CORCORAN:** We could - I could warn them. I could, you know, advise the Commissioner that, you know, they're just not behaving properly and - you know, there was - as I said, there wasn't the tools there.

**COMMISSIONER:** I'm not understanding what tools were missing.

5 **MR CORCORAN:** Well, you really - you know, to go down that path of misconduct, you'd need something that was serious. And, you know, as I said, (indistinct) at the performance level as opposed to moving into the misconduct -

**COMMISSIONER:** So someone who couldn't do the job, you're saying, couldn't be removed?

10 **MR CORCORAN:** Exactly, yes.

**COMMISSIONER:** That's absurd.

15 **MR CORCORAN:** Yeah. Agreed. This is why we need, you know, different tools to manage these sorts of behaviour.

**COMMISSIONER:** Well, has this issue ever been raised before, that you didn't have the tools?

20 **MR CORCORAN:** Well, you know, we've been working on this now for about 12 to 18 months. This is - we've gone to the Crown Solicitor's Office for advice, and they have agreed that within the GSE Act, we have the ability to do this. So this will be a significant game changer in terms of behaviour right across the organisation. You know, we will be in a position where we can, you know, get  
25 people to do mandatory training on things like bullying, harassment, sexual harassment, racism, integrity. And then if something happens, we can put them onto a - a mentoring course (indistinct) and we can take misconduct action.

30 **COMMISSIONER:** Well, that's, again, the misbehaviour. But we're talking here about people who have been given a position of great responsibility -

**MR CORCORAN:** Yes.

35 **COMMISSIONER:** - who, you tell me, weren't up to the job.

**MR CORCORAN:** That's right.

40 **COMMISSIONER:** How are you proposing to manage them out of your system in future?

45 **MR CORCORAN:** Well, I can propose using those particular tools that weren't available to us at that time. The performance improvement programs, you know, run for maybe, you know, 12 to 18 months. But the big thing, I think, you've got to understand with these people - these people are operating - or should be operating at the executive level, SES level. That's where they're being paid. So we expect them to be - you know, having all the characteristics of an SES to be able to manage themselves, you know, to drive behaviours, to set themselves up as role



models for behaviours. So - so, you know, the likes of Hamish who's got maybe eight or 10 Centres to go to, you know, all around the state, he's not going to position himself in Dillwynia and just watch one Governor. We - we do expect these people to be operating at that very, very senior level.

5

**COMMISSIONER:** We started this conversation, though, talking about the Governor of the gaol.

**MR CORCORAN:** Yeah.

10

**COMMISSIONER:** Now - who was ultimately your responsibility in the line of command?

**MR CORCORAN:** Yes, that's right.

15

**COMMISSIONER:** Did you form the view she wasn't up to doing the job properly?

**MR CORCORAN:** I did form that view.

20

**COMMISSIONER:** You did?

**MR CORCORAN:** It has to go through the -

25

**COMMISSIONER:** You did form that view?

**MR CORCORAN:** Yeah.

30

**COMMISSIONER:** Now, what did you do with that view? Where did you take it?

**MR CORCORAN:** We - we engaged in the processes that we had available to us, which was the performance improvement plan and - and notifying the Commissioner.

35

**COMMISSIONER:** But that didn't work, as I understand you to tell me.

**MR CORCORAN:** No, there was not -

40

**COMMISSIONER:** So what happened? If it didn't work, what -

**MR CORCORAN:** (Indistinct).

45

**COMMISSIONER:** So was that a result of managing her out of the system or -

**MR CORCORAN:** No. It was a result of her - I think some changes might have occurred in the time in terms of the structure and, you know, people could apply for a redundancy.

5 **MR LLOYD:** Mr Corcoran, can I just ask: the problems that you've just identified include that there's a Governor of a Correctional Centre incapable of discharging her obligations over a period of more than two years, is the time period I'm asking you about.

10 **MR CORCORAN:** Mmm.

**MR LLOYD:** And what you're telling the Commissioner there is, for one reason or another, an inability within the system to bring about her removal, that is, someone who is incapable of discharging functions and running a Correctional  
15 Centre - inability to remove them?

**MR CORCORAN:** Mmm.

**MR LLOYD:** You have to give a verbal response. Yes?  
20

**MR CORCORAN:** Yes.

**MR LLOYD:** It's being recorded. Is that difficulty still in existence within  
25 Corrective Services?

**MR CORCORAN:** Well, it is at this point in time, and we've been working, as I said, for about the last 12 months to come up with a new system where we can really, you know, engage with people that are engaging in inappropriate behaviours and make sure that, you know, they understand that these behaviours  
30 are inappropriate and that there are consequences for, you know, continued engagement. See, one of the big problems also with Professional Standards - as I said, you might get this sort of behaviour going on and a report goes into Professional Standards, and because it's a low-level thing, it goes to the bottom of the pile and takes 18 months. In the meantime, there's been multiple, you know,  
35 occurrences again of inappropriate behaviour, but staff then don't report it because they think, "What's the point?"

**MR LLOYD:** Nothing is going on.

40 **MR CORCORAN:** Nothing is happening. And even with victims at the moment, you know, they don't know what's going on. It's all confidential. You know, where we want to go in the future is we want to have these conversations with perpetrators and victims, and victims can see that something is happening. You know - and this is the sort of thing that needs to occur if we are going to change  
45 the culture of reporting.

**MR LLOYD:** Is there any, in terms of tools - if you've got a situation where you form the view that someone in your position at that time, an Assistant Commissioner with responsibility for a Governor, forms a view that they're not up to the job, is one thing to conduct something that might be like an audit or something that looks like an investigation into the particular facility?

**MR CORCORAN:** Yes. That would be something that could occur.

**MR LLOYD:** Do you think you should have done that at Dillwynia in the period August '16 to the end of December 2018, having regard to the opinion you formed about Shari Martin?

**MR CORCORAN:** We really didn't have the capacity to do quality assurance audits in the public sector at the time. We've put that in place now with the new structure so that we've got quality assurance for Community Corrections, for public and private centres. At that stage, you know, that quality assurance function was pretty much focused on the private sector.

**MR LLOYD:** Mr Corcoran, I've got to get your response to this. Just looking at - without for the moment getting bogged down into the particular factors about the state of affairs you're describing.

**MR CORCORAN:** Yes.

**MR LLOYD:** This sounds like, in terms of the administration of Corrective Services New South Wales, in this period of time, a disastrous position where you might have very senior people, like you, who know or believe there's a Governor who's not up to the job but an inability to do anything effective to deal with that.

**MR CORCORAN:** It's frustrating.

**MR LLOYD:** And am I overstating it if I say that's a disastrous outcome?

**MR CORCORAN:** Well, obviously it has caused the disaster.

**MR LLOYD:** No, but -

**MR CORCORAN:** Yeah.

**MR LLOYD:** I'll come to that, about the consequences. But just even - even if it hadn't led to these catastrophic outcomes for the women here.

**MR CORCORAN:** Yeah.

**MR LLOYD:** Just as a feature of the management or governance, that sounds like a - I'll use different words - a terrible state of affairs, that you could have

a Governor in charge of a gaol and someone as senior as you thinking she's not up to it but, in effect, without the ability to do something to deal with that.

**MR CORCORAN:** Yes.

5

**MR LLOYD:** We know, as it turns out, that the consequences here of her staying in, at least in part, would appear on some of the evidence to be that women got sexually assaulted by Astill. And in terms of a kind of audit or quality assurance, as you identified, we now know the evidence of the officers about what was going on inside this place, officers saying they had no trust in management to deal with complaints.

10

**MR CORCORAN:** Yes.

15

**MR LLOYD:** People being told to get the fuck out of her office.

**MR CORCORAN:** Yes.

20

**MR LLOYD:** And the recruit - new recruit coming in and making a report of being indecently assaulted and (indistinct) in the presence of the Governor in front of her. That kind of thing.

**MR CORCORAN:** Yeah.

25

**MR LLOYD:** It's - as it's turned out, if there had been some sort of an analysis or audit that was effective, it would have revealed very serious problems about this place, wouldn't it?

**MR CORCORAN:** Yes. And - there's no doubt.

30

**MR LLOYD:** Could I ask, right here and now, if there was a situation where there was a view held by someone in your position at the time that the Governor wasn't up to the job, are the same impediments still here about doing anything about it?

35

**MR CORCORAN:** At the moment?

**MR LLOYD:** Yes.

**MR CORCORAN:** Yeah.

40

**MR LLOYD:** That means, without overstating things, it's not unreal to think that if there were problems of the kind that we now know were occurring at Dillwynia occurring someone else in the, say, 40 Correctional Centres that it might well be that that's happening, but it's completely undetected. Is that a real possibility?

45

**MR CORCORAN:** I - look, I don't think so. I think the Governors that we have in place now, you know, the risk control that we need to make sure those sort of

things don't happen, you know, it is one of the critical things - the critical risk controls for making sure the Centre is functioning properly, that you do have a Governor that is that role model, that does, you know, care for their staff, care for the inmates.

5

**MR LLOYD:** Do you have any Governors who you have concerns about their ability to do the job right now?

**MR CORCORAN:** Right now, no.

10

**MR LLOYD:** Could I ask you about a different topic, and that is what policies and procedures were in place at relevant times about reporting of allegations. Do you understand broadly the topic?

15

**MR CORCORAN:** Yeah. Yes.

**MR LLOYD:** Could Mr Corcoran please have access to Ms Zekanovic's first statement, page 118, and the annexures to it. If you could turn to page 118, please, down the bottom right-hand corner.

20

**MR CORCORAN:** 118 - it only goes -

**MR LLOYD:** In the annexures. It may be my fault.

25

**MR CORCORAN:** Yes.

**MR LLOYD:** Also at Tab 142 in Volume 9. So we won't use that one. Just make sure that we've got the right document. This is the Management of Professional Conduct in Department of Corrective Services, September '02.

30

**MR CORCORAN:** Yes.

**MR LLOYD:** Now, just dealing first with the status of this policy. I had understood from some things that occurred yesterday - was it your view until recently that this policy was in place for - in effect presently?

35

**MR CORCORAN:** No.

**MR LLOYD:** Do you know that it was preceded by another policy?

40

**MR CORCORAN:** Yes.

**MR LLOYD:** And when did you come to know that this wasn't the policy that was in operation and it was superseded?

45

**MR CORCORAN:** I would have known when, you know, the Department of Justice came into being and then that particular policy came into effect.

**MR LLOYD:** This is the one at - I think it's in the same volume you've got there, Tab 149. Is that the policy that superseded it?

5 **MR CORCORAN:** Yes, that looks like it.

**MR LLOYD:** Was that the most obviously applicable policy about managing misconduct in place from - I think you see the date at the end of the document, September - I withdraw that - February '16?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** So that was in place right throughout calendar year 2017?

15 **MR CORCORAN:** Yes.

**MR LLOYD:** Could I just ask your views about some things in terms of the document. It identifies at 3.5 - that's page 5 of the document - I'll just go to page 4, actually, under Managers.

20

**MR CORCORAN:** Managers, yeah.

**MR LLOYD:**

25 "Managers across all divisions must action any concerns regarding an employee's conduct as soon as it's identified or raised."

**MR CORCORAN:** Yes.

30 **MR LLOYD:** And:

"Serious concerns regarding the conduct of an employee involving alleged misconduct or any criminal offences must be reported..."

35 And it's got here:

"...to strategic human resources Business Partner or relevant Professional Standards unit in the first instance."

40 **MR CORCORAN:** Yes.

**MR LLOYD:** Now, for Corrective Services, I take it it's the latter that's relevant?

**MR CORCORAN:** No, it's both.

45

**MR LLOYD:** Both?

**MR CORCORAN:** Yes.

**MR LLOYD:** It said "or". Does that mean that what this -

5 **MR CORCORAN:** Either or.

**MR LLOYD:** Either or.

**MR CORCORAN:** Yeah.

10

**MR LLOYD:** So it's got to go to one of these places in the first instance to enable assessment and further action as may be appropriate to be taken.

**MR CORCORAN:** Yes.

15

**MR LLOYD:** The strategic human resources Business Partner, who as at February 2016 was that?

**MR CORCORAN:** Cathy Hellams.

20

**MR LLOYD:** Cathy?

**MR CORCORAN:** Hellams.

25 **MR LLOYD:** Where did she -

**MR CORCORAN:** She worked for, at that stage, the Department of Justice, and she reported to the executive director of human resources, which - strategic human resources. They are, you know, part of the corporate services function - you know, the sort of shared corporate services function for the Department of Justice.

30

**MR LLOYD:** The policy says either/or.

**MR CORCORAN:** Yeah.

35

**MR LLOYD:** As a matter of practice, do you know that, really, the system that grew up by 2016 and 2017 was for reports of serious misconduct to convey to Professional Standards?

40 **MR CORCORAN:** I think serious misconduct, but other sort of matters, such as grievances or things of that nature, you know, would definitely be going to Ms Hellams.

45

**MR LLOYD:** Serious misconduct to Professional Standards; less serious things - I think you mentioned grievances - to Ms Hellams?

**MR CORCORAN:** Yeah. She - well, it could be, you know, serious misconduct going to Ms Hellams as well because she was also the PID - I think it's Protected Interest Disclosure - Officer for the agency.

5 **MR LLOYD:** The Commission has heard evidence from more than one witness that a procedure with respect to reports of serious misconduct, that - and I'm talking about procedure rather than policy - required any reports of serious misconduct to go to Professional Standards so that that unit or department was aware of any of those matters.

10

**MR CORCORAN:** This was the policy. This is what people should have been following.

**MR LLOYD:** When you say "this" -

15

**MR CORCORAN:** Managing misconduct is the policy.

**MR LLOYD:** But what do you understand that to mean in terms of an allegation known by an officer of serious misconduct by another officer, where do they go, according to this policy?

20

**MR CORCORAN:** Well, according to this policy they can go to either because, as I said, this Strategic Human Resources Business Partner was also the PID officer.

25

**MR LLOYD:** Were you aware that that was the system, as in what practically was happening, though, that people were going to the Strategic Human Resources Business Partner.

30 **MR CORCORAN:** Yes.

**MR LLOYD:** For serious misconduct complaints?

35 **MR CORCORAN:** Yeah, I was aware that that could happen, yes. And - and bear in mind that that person, you know, was able to give us advice if, in fact, that wasn't somebody - something that she would be interested in handling, even with being referred to the Professional Standards.

**MR LLOYD:** It would go back to Professional Standards?

40

**MR CORCORAN:** Yeah, that's right.

45 **MR LLOYD:** And does that mean that if that occurred any allegations of serious misconduct would ultimately, in your view, come to the attention of Professional Standards one way or other?



**MR CORCORAN:** Well, I think we've heard evidence that some allegations went straight to Investigations Branch. So they weren't going to Professional Standards; they were going to another branch separate from Professional Standards, then they were finding their way back to Professional Standards.

5

**MR LLOYD:** And that obviously is an ineffective -

**MR CORCORAN:** Yes.

10 **MR LLOYD:** - outcome. In terms of the system, though, do you agree that what should have been happening is that any allegation of serious misconduct, one way or other, should have come to the attention at a very early stage of Professional Standards?

15 **MR CORCORAN:** Yes, that's - that's right.

**MR LLOYD:** 3.5 deals with decision-makers. Do you see that?

**MR CORCORAN:** Yes.

20

**MR LLOYD:**

"A decision-maker..."

25 In the second paragraph -

"...responsible for considering all materials and making a fair, objective and evidence-based decision as to further action at key stages of the misconduct process."

30

**MR CORCORAN:** Yes.

**MR LLOYD:** And you agree that that represents an accurate statement for the decision-makers in terms of (indistinct).

35

**MR CORCORAN:** For a misconduct process.

**MR LLOYD:** Well, they're responsible for considering all materials, making a fair objective and evidence-based decision as to further action at key stages of the process.

40

**MR CORCORAN:** Key stages, yeah.

45 **MR LLOYD:** That is, we are not here dealing solely with the outcome, that the decision-maker's decision to, for example, terminate or refer back to local management. That's not solely what's being dealt with here. This is at key stages?

**MR CORCORAN:** The key stages.

**MR LLOYD:** And one of the key stages dealt with in the next paragraph is:

5 "The decision-maker is responsible also for considering whether or not a relevant employee should be suspended."

**MR CORCORAN:** Yes.

10 **MR LLOYD:** Do you see that? That step of considering suspension is one of the key stages, isn't it?

**MR CORCORAN:** Yeah - well, if it's a misconduct, yes.

15 **MR LLOYD:** So the misconduct process will include a decision-maker, in some cases, giving consideration whether along the way of managing the complaint or the misconduct process, the decision-maker might be called to consider whether to suspend as part of that process; correct?

20 **MR CORCORAN:** Yes.

**MR LLOYD:** That is, before you get to the outcome, a decision along the way to suspend pending the outcome; correct?

25 **MR CORCORAN:** If there's a misconduct process commenced.

**MR LLOYD:** Yes. We're dealing with the misconduct process.

**MR CORCORAN:** That's right.

30

**MR LLOYD:** And I should draw to your attention the second paragraph:

35 "The Executive Director Staff or Professional Standards units and/or other staff of Strategic Human Resources experience in handling misconduct matters will provide strategic advice when required in order to assist the decision-maker."

Do you see that?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** That is to assist, on your understanding, the decision-maker at all stages of the misconduct process?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** Including a decision to suspend?

**MR CORCORAN:** If it's a misconduct.

5 **MR LLOYD:** You say "if it's a misconduct" but I just want to explore this with you, Mr Corcoran.

**MR CORCORAN:** Yes.

10 **MR LLOYD:** Just moving forward, I will come to the details, but there's no doubt in your mind that the misconduct process can start with an allegation that comes to the attention of Professional Standards, which allegation involves someone saying that there has been misconduct by an officer?

15 **MR CORCORAN:** Yes.

**MR LLOYD:** A perfectly ordinary way for the misconduct process to start?

**MR CORCORAN:** Yes.

20 **MR LLOYD:** If a determination at the initial stage is that the allegation is such as to warrant a referral to the CSIU, that is a common enough thing, in your experience - a referral out?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** By Professional Standards staff to the CSIU to see whether something is criminal and should be prosecuted? Do you agree?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** And then, we have heard evidence but I want you to tell me if it accords with your experience, that the CSIU can obviously then decide to prosecute if there's a crime?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** Or if it determines that they're not going to prosecute, it will then come back to Professional Standards; do you agree?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** And Professional Standards at that point will work out whether they would need to investigate it through the investigations body?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** Or, if not, what to do next; that is, whether recommendations could be made about disposing of the complaint in one way or another.

5 **MR CORCORAN:** Or, indeed, the allegation is put because there's sufficient evidence to, you know, to sustain an balance of probabilities decision.

**MR LLOYD:** So they can make a decision that it is sustained at that point, for example, or they could dismiss it?

10 **MR CORCORAN:** Well, I don't think - I think the decision-maker would make a decision. The Professional Standards wouldn't be making the decision.

15 **MR LLOYD:** No, but we have got here, haven't we, if you get to the decision stage, the decision-maker is going to be making the decision with the benefit of the staff who are experienced in handling misconduct matters, that is, the strategic advice when required?

**MR CORCORAN:** When required, yes.

20 **MR LLOYD:** And based upon all materials in making a fair and objective evidence-based decision; do you see that?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** Ordinarily what would be done if we get a referral back from CSIU to Professional Standards is the decision-making process from Professional Standards would kick in; correct?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** It would go ordinarily to the Professional Standards Committee?

**MR CORCORAN:** It could do, yes.

35 **MR LLOYD:** That Committee, often enough, might determine whether it needs to be investigated by Investigations?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** Or, if it doesn't need to be investigated, they might feel that the Committee can come to its own view about what should happen?

**MR CORCORAN:** Yes.

45 **MR LLOYD:** It might involve dismissal or -

**MR CORCORAN:** No.

**MR LLOYD:** - a recommendation or a resolution by that Committee that the complaint is not sustained? That can happen, can't it ?

5 **MR CORCORAN:** No. The Professional Standards Committee making a determination whether no further action was taken -

**MR LLOYD:** Making a recommendation on what it knows that there's no further action, is that not an available option?

10

**MR CORCORAN:** (Indistinct).

**MR LLOYD:** Are you saying that Professional Standards Committee invariably would do something in terms of a resolution that involves some sort of either investigation or -

15

**MR CORCORAN:** Referral back to maybe the local management.

**MR LLOYD:** So they might refer it back if it can be managed locally?

20

**MR CORCORAN:** They may.

**MR LLOYD:** Or there might be an investigation?

25 **MR CORCORAN:** There might be an investigation. Or they might say, "Look there's possibly sufficient evidence here" to put an allegation to the person.

**MR LLOYD:** And at that point the person is confronted with the allegation for their response?

30

**MR CORCORAN:** Yes.

**MR LLOYD:** And then at some point what, it might come back for the Committee to then -

35

**MR CORCORAN:** No.

**MR LLOYD:** It wouldn't come back?

40 **MR CORCORAN:** No.

**MR LLOYD:** Why?

45 **MR CORCORAN:** Because all the material would then be, you know, the investigation would occur. The investigation would come back to Professional Standards. They would compile something for the decision-maker. The decision-maker would then make a decision.

**MR LLOYD:** After the Committee does its consideration, the next step is that someone from Professional Standards writes some sort of recommendation or memo or submission about it?

5

**MR CORCORAN:** Well, I guess the members of the Professional Standards Committee have a recommendation from, you know, the Director normally, when they see the documentation. And that documentation is deidentified. So they don't know where that individual - who that individual is or where that individual is, that might be the subject of the allegation.

10

**MR LLOYD:** I want to come back to that, but I will just ask you some more things about the document that is in front of you. If you go over to 4.2, there is a heading Fairness.

15

**MR CORCORAN:** Yeah.

**MR LLOYD:**

20 "Fairness involves ensuring that all parties involved in a misconduct process are treated fairly."

Do you see that ?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** And that's important?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** And the bottom of that section:

"All matters are to be managed in a procedurally fair manner having regard to the relevant legislative requirements."

35

That's important?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** And go over to 5.1 Procedure, Initial Stage. I think you've agreed the first bullet point:

"All allegations of misconduct reported to one of those two places in the first instance."

45

**MR CORCORAN:** Yes.

**MR LLOYD:** And in the next bullet point:

5 "Any reports, file notes, emails, CCTV footage or any other evidentiary material which will assist with the initial system process must be provided either to Strategic Human Resources or a Divisional Professional Standards Unit as appropriate as soon as possible."

Do you see that?

10 **MR CORCORAN:** Sorry, which section that is?

**MR LLOYD:** The second bullet point.

15 **MR CORCORAN:** The second one - yes.

**MR LLOYD:** And that's critical, on your understanding, isn't it, for the assessment by, if it's Professional Standards, that for that assessment to be done based upon reports, file notes, emails, footage or any other evidentiary material which will assist?

20 **MR CORCORAN:** Yes.

**MR LLOYD:** And just going down, the second-last bullet point:

25 "The relevant employee may be required to provide an initial response."

**MR CORCORAN:** Yes.

30 **MR LLOYD:** I think that's getting at something you said a few minutes ago, that at some point during this process the allegations might be put to the individual employee?

**MR CORCORAN:** That's right.

35 **MR LLOYD:** But it's not always necessary at least in the first instance to do so?

**MR CORCORAN:** That's right.

40 **MR LLOYD:** And then underneath the last bullet point:

"Decision-maker consider the materials gathered, including any statements made by the relevant employee and determine whether or not to proceed."

45 This is again dealing with the initial stage about whether to proceed with the matter?

**MR CORCORAN:** Yes.

**MR LLOYD:** A decision by the decision-maker but armed with any recommendations by the staff from Professional Standards; is that right?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** And that advice from Professional Standards, in the ordinary course of the decision-maker, would be essential to proper decision-making; do you agree?

10

**MR CORCORAN:** Sorry, it would be essential for?

**MR LLOYD:** Advice from Professional Standards about a particular allegation would be essential to (indistinct) of the decision-maker?

15

**MR CORCORAN:** Yes, for the decision-maker.

**MR LLOYD:** 5.2 deals with the next stage:

20

"In following consideration of the initial assessment decision-maker decides to proceed, the relevant employee is to be advised of the details."

Do you see that?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** And last bullet point:

30

"At this stage relevant employee be provided with reasonable opportunity to make a statement in relation to the allegations."

**MR CORCORAN:** Yes.

**MR LLOYD:** And second-last paragraph:

35

"Divisional Professional Standards Unit or Strategic Staff responsible for ensuring inquiries are undertaken in a timely matter."

Do you see that?

40

**MR CORCORAN:** Yes.

**MR LLOYD:** I want to ask you about this, suspension from duty:

45

"A risk management approach taken with management of the relevant employee during the course of misconduct or criminal proceedings."



**MR CORCORAN:** Yes.

**MR LLOYD:** And:

5 "If it is not appropriate for the relevant employee to remain in the workplace pending the outcome, consideration should be given to suitable alternative duties in the first instance."

**MR CORCORAN:** Yes.

10

**MR LLOYD:** Do you agree that's the first thing, if that state of satisfaction is reached, that it's not appropriate to remain in the workplace for the person if there are alternative suitable - suitable alternative duties?

15 **MR CORCORAN:** Yes.

**MR LLOYD:** That can be at a different Correctional Centre?

**MR CORCORAN:** Yes.

20

**MR LLOYD:** Or it can be at the same one?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** And suspension, do you agree, is effectively a last resort?

**MR CORCORAN:** It would be last resort.

**MR LLOYD:** And in paragraph - the third paragraph:

30

"In some instances involving serious allegations, or where an employee has been charged with a serious criminal offence there may be a need to remove them from the workplace."

35 And that decision, if it's made, to remove them or suspend, rests with the relevant decision-maker?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** But it would have to be made, wouldn't it, that decision, if things are being dealt with properly, based upon all of the relevant available evidence going to the misconduct process in relation to that particular employee; do you agree?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** Could I just ask this: did you hear the evidence of Mr Hovey?

**MR CORCORAN:** I heard some of the evidence.

5 **MR LLOYD:** His evidence, in effect, was that the first place of the matter of the system operating - the first place which ought to have received complaint of any serious misconduct by an officer would be the Professional Standards Branch. Do you agree or disagree with that?

10 **MR CORCORAN:** I'd have to go along with the managing misconduct policy rather than Mick Hovey's statement.

15 **MR LLOYD:** You think that that policy - I withdraw that. I just want to understand what you're saying here. The pivotal system, if it was followed, you say, is the one in the policy I've just been asking you about?

**MR CORCORAN:** Yes.

**MR LLOYD:** That is, giving the option of reporting to one of those two places?

20 **MR CORCORAN:** That's correct. And that policy is still in place in this organisation.

25 **MR LLOYD:** (Indistinct) allegations at the moment of serious misconduct might still be able to be made not to Professional Standards but to the strategic unit that's identified?

**MR CORCORAN:** As to a particular individual, yes.

30 **MR LLOYD:** You see, Mr Hovey, as you know, at the time of Astill's offending, was the head of Investigations.

**MR CORCORAN:** That's right.

35 **MR LLOYD:** Do you think it's an issue in he came along and told us that that wasn't his understanding of the system that was then in place?

**MR CORCORAN:** It's an issue, yes.

40 **MR LLOYD:** Mr Greaves was in the Professional Standards part of the organisation. Do you understand that?

**MR CORCORAN:** Junior officer in there, yeah. Not - he's not the senior officer in Professional Standards.

45 **MR LLOYD:** Well, he told us that that was also his understanding, that the system required allegations, if it was working properly, to always come to the attention of the Professional Standards.

**MR CORCORAN:** Well, I think the policy is pretty clear.

5 **MR LLOYD:** Well, what I just put to you from Mr Hovey and Mr Greaves might suggest there's at least two people who didn't understand it.

**MR CORCORAN:** That's right.

10 **MR LLOYD:** Do you agree? That's a problem, isn't it?

**MR CORCORAN:** It is a big problem.

15 **MR LLOYD:** Particularly when they're in both branches of the disciplinary agency, that is, Investigations and Professional Standards?

**MR CORCORAN:** Yes.

**MR LLOYD:** Two people -

20 **MR CORCORAN:** Two people.

**MR LLOYD:** - didn't know what the policy was?

25 **MR CORCORAN:** Mmm.

**MR LLOYD:** A problem?

**MR CORCORAN:** A problem.

30 **COMMISSIONER:** We'll have lunch.

**<THE HEARING ADJOURNED AT 1.03 PM**

35 **<THE HEARING RESUMED AT 2.00 PM**

**MR LLOYD:** Mr Corcoran, before I ask you some more questions about the system at various times for dealing with complaints of misconduct by officers, I just wanted to go back and ask you a couple more questions about the situation that you describe with respect to Shari Martin.

40 **MR CORCORAN:** Yes.

**MR LLOYD:** I think you were talking about a problem in your position about a lack of tools to be able to deal with that particular issue?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** And the particular issue, I think you said, was that at least in the period I identified, August '16 through to December 2018, you did not think she was competent enough to be able to discharge her functions as the Governor?

5 **MR CORCORAN:** We thought that she had issues, yes.

**MR LLOYD:** Well, I thought you said before the break that the issues were such that you formed the view she wasn't capable of doing the job?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** In terms of the tools, you told us about the performance management option?

15 **MR CORCORAN:** Yes.

**MR LLOYD:** And that you didn't think that that particular option was generally an effective one?

20 **MR CORCORAN:** No, especially with a Governor, because, you know, their supervisor, the Director, is not able to be - so it's not like an office where you've got someone sitting there and you can watch them all the time and monitor their work. It's not an environment of that nature.

25 **MR LLOYD:** Just going to the end again without - I'll come back to some details about process, but it's plainly a deeply unsatisfactory state of affairs to have a Governor in charge of a Correctional Centre who is not up to the job?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** In terms of the options available, I think you agreed with something that came from a question from this Commissioner, that, in effect, you had oversight over this Correctional Centre, albeit Mr Shearer was interposed between you and the Correctional Centre?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** In order to deal with this deeply unsatisfactory state of affairs, was one option, for example, for you to give the particulars that led you to the view  
40 you formed about her not being up to the task and getting some legal advice based upon those particulars to see whether that warranted action, including dismissal?

**MR CORCORAN:** As I said, you know, if people operate just below misconduct  
45 level, you know, this is the - this performs improvement plan was the appropriate way to deal with them under the tools that were available at the time.

**MR LLOYD:** I'm just interested in exploring that, though. You have someone in a role which requires a significant suite of skills and experience to do the role of Governor?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** There might be many situations where someone is just incapable of doing that job effectively but which - where those factors don't amount to misconduct under the Act; correct?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** Are you telling us that there is no way that was available to you in your position of dealing with that situation, that is, something short of a credible allegation of misconduct which could be dealt with in the disciplinary process?

15

**MR CORCORAN:** That's what would normally be required if you had to - bearing in mind these are award employees, not SES. SES employees have got a contract of employment that can be terminated at any time for any reason or no reason. This is not the case with the - with the Governors. And this is a workplace, and you need to treat them as such.

20

**MR LLOYD:** When you say "treat them as such", is what you're telling us, really, that if the position is reached where someone at your level of seniority thinks that a Governor cannot perform his or her functions, that unless there's misconduct, there's nothing you can do?

25

**MR CORCORAN:** As I said, the only thing we could do is a performance improvement plan and keep the Commissioner informed of, you know, actions that you are taking.

30

**COMMISSIONER:** Mr Corcoran, what were the deficiencies that you identified in Ms Martin's capacity to be a Governor?

**MR CORCORAN:** I think her treatment of staff and inmates was a problem, and, you know, some of the activities that were going on at that Centre at the time.

35

**COMMISSIONER:** Well, you'll have to explain that to me. What was the problem with her treatment of staff?

40

**MR CORCORAN:** Well, we were hearing about things, but people were not obviously prepared to put things on paper about a Governor. And so that's - you know, the problem is that, you know, we have to rely on, you know, I guess, hearsay evidence that things aren't going well.

45

**COMMISSIONER:** Where were you hearing things?

**MR CORCORAN:** From staff.

**COMMISSIONER:** So that's not hearsay; that's direct?

5 **MR CORCORAN:** Yeah, we haven't witnessed that behaviour.

**COMMISSIONER:** So you haven't witnessed it, but -

10 **MR CORCORAN:** Witnessed the behaviour.

**COMMISSIONER:** But people were reporting to you what they had seen?

**MR CORCORAN:** They were reporting it to Hamish and -

15 **COMMISSIONER:** Right. So it was coming up to you?

**MR CORCORAN:** Yes. And - and that's why we went down this path of this performance improvement plan with Ms Martin.

20 **COMMISSIONER:** And the second issue that you said was - you identified as being reflective of her incapacity?

**MR CORCORAN:** Sorry, I didn't hear that.

25 **COMMISSIONER:** The second issue that you identified as being - in which she was deficient?

**MR CORCORAN:** The - just then or -

30 **COMMISSIONER:** I've got it now. The transcript is that you:

"...think her treatment of staff and inmates was a problem, and, you know, some of the activities that were going on at the Centre at the time."

35 **MR CORCORAN:** Yes. Yes.

**COMMISSIONER:** And what were the activities that were going on at the Centre at the time that made the problem?

40 **MR CORCORAN:** Well, things such as the way she treated unemployed inmates. (Indistinct).

**COMMISSIONER:** Well, that's treatment of staff and inmates, but you said there were, in addition, activities that were going on at the Centre.

45 **MR CORCORAN:** Well, that's what I'm talking about. The - you know, the treatment of unemployed inmates was an example.

**COMMISSIONER:** No, no, no.

**MR CORCORAN:** It's an activity.

5

**COMMISSIONER:** When you answered my question, you said there were two reasons: one was treatment of staff; and then you say some of the activities that were going on at the Centre at the time. What were the activities that were going on?

10

**MR CORCORAN:** As I - as I said, the way that inmates who were unemployed were placed in a yard all day with nothing to do - you know, nothing (indistinct). And that was problematic for me. And this is something I communicated through to Hamish, you know, after visits there. So I would see things not - you know, activities not occurring for inmates. And, you know, they were the things that, you know, I was disturbed about in terms of how that Centre was operating.

15

**COMMISSIONER:** Did you get reports about the way she treated her own staff and the language she used?

20

**MR CORCORAN:** I didn't personally get reports. But I understand that reports were submitted to Hamish. But - and I think that formed part of that performance improvement plan.

25

**COMMISSIONER:** So you got reports from Hamish?

**MR CORCORAN:** Well -

**COMMISSIONER:** About Ms Martin's conduct?

30

**MR CORCORAN:** Yeah.

**COMMISSIONER:** Did you go and have a look for yourself?

35

**MR CORCORAN:** Yes.

**COMMISSIONER:** Did you go and talk to officers about the problem?

40

**MR CORCORAN:** Yes, I talked to staff in the Centre and - and also, you know, talked to the inmates.

**COMMISSIONER:** So the staff and inmates told you of these problems, did they?

45

**MR CORCORAN:** They told me that - you know, how they were being treated at that point in time, and that's why I asked Hamish to start addressing these issues.

**COMMISSIONER:** Well, you say that they weren't adequately addressed through this performance management plan; is that right?

**MR CORCORAN:** Sorry?

5

**COMMISSIONER:** You said that they couldn't be adequately addressed through the performance management plan?

**MR CORCORAN:** Well, the performance management plans are, in my view, ineffective. They - they go over, you know, periods of time. And in the circumstance where you're trying to manage a person who is, you know, basically a senior executive, that you can't be on site to supervise them all the time, it makes it incredibly difficult to make those - get proper results out of a performance improvement -

15

**COMMISSIONER:** I understand that. Did you sit down with Ms Martin yourself?

**MR CORCORAN:** I had.

20

**COMMISSIONER:** And talked to her about the way she was managing?

**MR CORCORAN:** Well, I talked to her about her behaviours, yes.

25

**COMMISSIONER:** You did? How many times did you do that?

**MR CORCORAN:** Multiple occasions over - over the years, yeah.

**COMMISSIONER:** Multiple occasions?

30

**MR CORCORAN:** And reported that through, obviously, to Mr Severin.

**COMMISSIONER:** Did you make written reports about this?

35

**MR CORCORAN:** Sorry?

**MR HORTON:** Did you provide - or record any of this in writing? Did you make written reports?

40

**MR CORCORAN:** Look, I - I can't recall. I can't recall, sorry.

**COMMISSIONER:** Well, it's not going to be hard for us to find out.

**MR CORCORAN:** Yeah.

45

**COMMISSIONER:** Did you make written reports?



**MR CORCORAN:** I - I can't recall whether I put things in writing, sorry.

**COMMISSIONER:** Well, you should have, shouldn't you, surely, for this sort of problem?

5

**MR CORCORAN:** Yeah. Well, as I've said, you know, we - I conveyed information that I got from Hamish through to Peter Severin.

**COMMISSIONER:** But shouldn't you have been documenting this?

10

**MR CORCORAN:** We were documenting it.

**COMMISSIONER:** You were?

15

**MR CORCORAN:** We were - well, we (crosstalk) through this performance improvement plan, yes.

**COMMISSIONER:** But you didn't document your interviews with Ms Martin, did you?

20

**MR CORCORAN:** Not my interviews, no.

**COMMISSIONER:** Should you have?

25

**MR CORCORAN:** Well, you know, we endeavour to have conversations with people to ensure they understand what behaviour is all about. When you start documenting it, it becomes a formal process.

**COMMISSIONER:** Well, didn't you ever reach the stage where Ms Martin's behaviour was such that you needed some sort of process?

30

**MR CORCORAN:** Yes, we did. We did do that.

**COMMISSIONER:** Right. Well, what was wrong with - or why shouldn't you have been recording what you'd attempted to do with her?

35

**MR CORCORAN:** Why shouldn't we be?

**COMMISSIONER:** Why weren't you recording your meetings with her pointing out to her her problems?

40

**MR CORCORAN:** I can't answer that, sorry.

**MR LLOYD:** Did it get to the point of you making a recommendation to then Commissioner Severin that there should be a warning?

45

**MR CORCORAN:** My understanding was that that performance improvement plan didn't progress very far and, you know, Shari Martin subsequently left the organisation.

5 **MR LLOYD:** We're dealing with the period I'm asking you about from August '16 to the end of '18 -

**MR CORCORAN:** Yes.

10 **MR LLOYD:** - almost two and a half years -

**MR CORCORAN:** That's right.

15 **MR LLOYD:** - that a Governor who you thought was not capable of doing the job was still in there -

**MR CORCORAN:** Yeah.

20 **MR LLOYD:** - in that position.

**MR CORCORAN:** That's right.

25 **MR LLOYD:** My question was, did you ever recommend to then Commissioner Severin that she have a formal warning?

**MR CORCORAN:** A formal?

**MR LLOYD:** A warning.

30 **MR CORCORAN:** Warning. Well, we basically did that through the performance improvement plan. That is a formal warning of your behaviour.

35 **MR LLOYD:** What were the reports from the employees at Dillwynia that came to your attention about her conduct? What was the substance of those reports?

**MR CORCORAN:** Nothing, you know, serious, you know, in terms of, you know, swearing at people on parade and things of that nature. But certainly just being rude and, you know, not, you know, talking to staff and so forth.

40 **MR LLOYD:** Being unapproachable?

**MR CORCORAN:** Unapproachable.

45 **MR LLOYD:** Not listening?

**MR CORCORAN:** Not listening. So more along those sort of lines, which, you know, are very - you know, as I said, very low level. So, you know, you can't mount a campaign against a senior officer on - on that basis.

5 **MR LLOYD:** But low level except when it creates an environment that inhibits reports of serious matters going up to the Governor.

**MR CORCORAN:** Yeah, very much so. Yeah.

10 **MR LLOYD:** And that kind of culture, to your knowledge, would have been one that had the capacity of doing that, that is, inhibiting reports?

**MR CORCORAN:** Yes.

15 **COMMISSIONER:** Mr Corcoran, I'm not understanding. You just told Mr Lloyd that the complaints that you heard about were low level?

**MR CORCORAN:** Yeah. Well, the complaints that I heard about were low level, yes. When I went out to visit - when I went out to visit.

20 **COMMISSIONER:** Well, did you get complaints other than when you went out to visit that weren't low level?

25 **MR CORCORAN:** Well, through Hamish, yes. He would have got complaints about other things, and those things were then included in that - that performance improvement plan.

**COMMISSIONER:** So from Hamish, you were getting the higher level complaints, were you?

30 **MR CORCORAN:** We were getting complaints about, you know, how she was managing the Centre and, you know, her relationships with staff.

35 **COMMISSIONER:** Higher level complaints than you were getting yourself at the gaol?

**MR CORCORAN:** I - I wasn't getting higher level complaints; I was getting low-level complaints.

40 **COMMISSIONER:** Yes, but you got higher level complaints from Hamish; is that right?

**MR CORCORAN:** Yes. And that's why we embarked on that performance improvement plan.

45 **COMMISSIONER:** So were you satisfied you weren't getting the whole story when you went to the prison?

**MR CORCORAN:** I mean, I was only out there - yeah, I only go for those visits, you know, every now and then. You know, when you've got 40 Correctional Centres, you have to spread yourself pretty thin around a system. So, you know, I probably might have only visited twice a year or something of that nature.

**COMMISSIONER:** The sessions that you had with Shari herself, did you have those sessions when you went out to look at the prison or were they separate?

**MR CORCORAN:** No, they were separate. You know - but when I visited her at other prisons and talked about her behaviours then.

**COMMISSIONER:** Sorry:

15 "You know - but when I visited other prisons and talked about her behaviours."

What do you mean?

**MR CORCORAN:** Well, she was - prior to being at Dillwynia, she was in Dawn de Loas Correctional Centre.

**COMMISSIONER:** Yes. So what are you telling me now?

**MR CORCORAN:** So what I'm telling you is that I had those discussions with her at - at Dawn de Loas.

**COMMISSIONER:** And not at Dillwynia?

**MR CORCORAN:** Not at Dillwynia, no.

**COMMISSIONER:** So you didn't have any sessions with her when she was Governor at Dillwynia; is that right?

**MR CORCORAN:** Not - not in Dillwynia. I certainly made, you know, sure that Hamish had those discussions with her.

**COMMISSIONER:** But you had reached the view that she wasn't capable of doing the job, hadn't you?

40 **MR CORCORAN:** Yeah, that's right.

**COMMISSIONER:** Wasn't it your responsibility to step in and take action to ensure that the prison was conducted in a safe and effective manner?

45 **MR CORCORAN:** Look, it certainly is my responsibility and - you know, I guess in the sense that I needed to communicate that through to the

Commissioner, because the Commissioner was responsible for taking action against any Governor that, you know, presented the problems.

5 **COMMISSIONER:** But wasn't it your - I know the Commissioner has a role, but you were the person in the line of management, weren't you?

10 **MR CORCORAN:** As I explained before, the Commissioner took responsibility for managing Governors. So if there was any major misconduct or other matters involving, you know, Governors, that would have to go - necessarily have to go to the Commissioner for consideration.

15 **COMMISSIONER:** So we have the position, do we, that for two or three years, Ms Martin was in this gaol, you knew she wasn't capable of doing the job, but you didn't sit down and talk with her about improving? Is that right?

**MR CORCORAN:** I can't recall doing that.

**COMMISSIONER:** No.

20 **MR CORCORAN:** That's not to say I didn't do that, but I can't recall.

25 **MR LLOYD:** Can I ask you this, Mr Corcoran: if you didn't sit down and speak to her in that two and a half year period, would that be a failure on your part to have -

**MR HORTON:** I object.

30 **MR LLOYD:** Sorry, do you need the question again? You understand what you're barrister has done is taken an objection under the Act.

**COMMISSIONER:** I require an answer. Ask the question again.

35 **MR LLOYD:** I'll ask it again. If you had not sat down in the two and a half year period with Ms Martin to talk to her about the position that you had reached about her inability to do the job, would you agree that that was a failure on your part?

**MR CORCORAN:** What I can say is that we launched a performance improvement plan. So, from my perspective, I don't regard that as a failure.

40 **MR LLOYD:** You told us that you had a dim view - that's my word, not yours, but a dim view of the effectiveness of that kind of plan?

**MR CORCORAN:** Yes. But that's the only tool we had at our disposal.

45 **MR LLOYD:** Well, really, what I'm asking for you to respond to is whether you agree that not using the tool of sitting down with her and talking to her about your view that she was not capable of performing her job was a failure on your part.

**MR CORCORAN:** Well, I can't say. I just mentioned that I can't recall whether I did do that or not. But the point is that the supervisor - the supervisor made sure that that was occurring.

5

**MR LLOYD:** Let me make sure I put the proposition clearly. Assuming that you didn't - so pretending for one minute that there was no conversation - would you agree, if that's right, that there was a failure by you?

10 **MR CORCORAN:** No, I wouldn't. I wouldn't - I wouldn't because, you know, that is not my direct report.

**MR LLOYD:** You thought it was okay from where you sat in the chain for someone to remain in charge of a Correctional Centre who, in your view, was not up to the job? Is that - I want to make sure I'm being fair to you. Is that what you're saying to us?

15 **MR CORCORAN:** I'm saying that at that - at that point in time, it was very difficult to deal with problematic general managers.

20

**MR LLOYD:** I've framed my questions about the period of time in which you thought she was not capable of doing the job starting at August '16 and running through to December '18. Do you remember I asked you a number of questions about that time period?

25

**MR CORCORAN:** Yes.

**MR LLOYD:** I did that because that's about when Mr Shearer started.

30 **MR CORCORAN:** Yeah.

**MR LLOYD:** I just want to ask you this: Did your view about her inability to do the job at Dillwynia go back before August '16?

35 **MR CORCORAN:** I thought that prior to that, she was, you know, behaving in a way which was problematic. But at that point in time, I don't think I formed a view about whether she was capable of running a Correctional Centre or not.

**MR LLOYD:** You mentioned to the Commissioner a short while ago a conversation you'd had with her when she was at another Correctional Centre?

40

**MR CORCORAN:** Yeah.

**MR LLOYD:** Had you formed a view, at least of doubtfulness, about her capacities at that time?

45

**MR CORCORAN:** It was more about her behaviours than her capacities.

**MR LLOYD:** Could I ask you to go back - I'll deal with the topic of reporting lines and policies and procedures about reports of misconduct.

5 **MR CORCORAN:** Yes.

**MR LLOYD:** Do you understand the topic? I asked you some questions about that written policy before the break. Do you remember that?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** And I put to you the evidence that we've heard, both from Mr Hovey and Mr Greaves, to the effect that they understood that all complaints of serious misconduct must go to the Professional Standards Board at some early stage of the process. Do you remember I put those things to you?

**MR CORCORAN:** Yeah, you said that. But, no, you said, I think, that all - everything must go, not at some early stage.

20 **MR LLOYD:** No. Well, let me be clear about what Mr Hovey told us: that all allegations of serious misconduct must be brought to the attention, if the system is working properly, of Professional Standards.

**MR CORCORAN:** Yes.

25

**MR LLOYD:** And Mr Greaves said, in effect, the same. You remember that those two men gave that evidence?

**MR CORCORAN:** I don't recall Mr Greaves - I don't recall those precise - I know that you've told me that they've said that.

30

**MR LLOYD:** I think you said you thought Mr Greaves was fairly junior?

**MR CORCORAN:** Yes.

35

**MR LLOYD:** He was the manager, at least as at 2016, of Professional Standards, wasn't he?

**MR CORCORAN:** No. No. As far as I was aware, he was - and you're - what you're talking about is Peter Robinson being the Director.

40

**MR LLOYD:** He was the Director.

**MR CORCORAN:** I think - and, yeah, that's -

45

**MR LLOYD:** Director of the agency.

**MR CORCORAN:** Director of Professional Standards.

5 **MR LLOYD:** Mr Greaves - you know there are a range of employees underneath the Director who do the daily work of that particular branch, the Professional Standards Branch? You know that, obviously?

**MR CORCORAN:** Yes.

10 **MR LLOYD:** Do you not know that as at 2016, Mr Greaves was the manager - filled the role of manager, Professional Standards?

15 **MR CORCORAN:** No. No, he wasn't the manager of Professional Standards. I mean, there was - there were lawyers in there that were senior legal officers that were managing the business, reporting through to Peter Robinson.

**MR LLOYD:** We'll come back to that. Can I just put to you the position of Mr Severin about this reporting lines issue.

20 **MR CORCORAN:** Yep.

**MR LLOYD:** He, when he gave his evidence to the Commission, said that if there was any allegation of serious misconduct, the proper system was that there would be a notification by a report to the Regional Director with oversight of the particular facility, along with Professional Standards and sometimes also up to an Assistant Commissioner or maybe the Commissioner. Are you aware of him giving that evidence?

**MR CORCORAN:** Yeah. I believe so, yes.

30 **MR LLOYD:** And do you agree that that was an accurate representation or statement about the system with respect to allegations of serious misconduct?

**MR CORCORAN:** Could you just repeat that?

35 **MR LLOYD:** Certainly.

**MR CORCORAN:** Yeah.

40 **MR LLOYD:** The evidence that Mr Severin gave - for those at the bar table, it's page 12, 20 November 2023. If there was allegations of serious criminal wrongdoing by an officer, a report in the gaol should be done. Do you agree with that?

45 **MR CORCORAN:** Yes.



**MR LLOYD:** And if those allegations by an officer were - came to the attention, there would be an intelligence report to the Investigations Branch. He agreed with that.

5 **MR CORCORAN:** Yes.

**MR LLOYD:** Do you agree?

**MR CORCORAN:** Yes.

10

**MR LLOYD:** There would also be a report, either orally or in writing, to the Regional Director. Do you agree with that?

**MR CORCORAN:** Yes.

15

**MR LLOYD:** And there would also be a report -

**MR CORCORAN:** Can I just preface that with, you know, at times, you know, people lower down the chain in the Correctional Centre could report staff through to Professional Standards and Investigations. And if they don't alert the Manager of Security or the Governor that they'd done that, the Manager of Security and the Governor wouldn't be able to report that through to the Regional Director.

20

**MR LLOYD:** He also said there would also be a report to Professional Standards in this situation. Do you agree with that?

25

**MR CORCORAN:** If there was serious misconduct?

**MR LLOYD:** Yes.

30

**MR CORCORAN:** Yeah. Criminal, you're talking? I think you mentioned criminal.

**MR LLOYD:** Well, serious misconduct would obviously include criminal.

35

**MR CORCORAN:** Include criminal, yeah. Yes, that's right. That's what should happen.

**MR LLOYD:** And so, in effect, what he was saying is that -

40

**MR CORCORAN:** Can I also preface it with serious misconduct can also be reported through to the HR Business Partner. And if indeed it was a PID, then it would have to go -

45

**MR LLOYD:** This is going back to that strategic - person in the strategic role identified in the document?

**MR CORCORAN:** That's correct.

5 **MR LLOYD:** Is what you're saying that Mr Severin's description of people who should be advised of an allegation of this kind - you agree that each of those people or agencies should be told?

**MR CORCORAN:** They should be, yes.

10 **MR LLOYD:** But in addition, the strategic business partner should be told based upon the policy. Is that what you're saying?

**MR CORCORAN:** Not - not in addition, but they - that person could be told of serious misconduct.

15 **MR LLOYD:** I'm sorry, I don't -

20 **MR CORCORAN:** So there were two routes, you know, for people to report serious misconduct, either to the business partner - HR Business Partner or to Professional Standards. Now, if it's a PID, it would definitely have to go to the HR Business Partner.

**MR LLOYD:** Mr Corcoran, what you're saying to us, that the system - take as at 2016, 2017, 2018.

25 **MR CORCORAN:** Yes.

30 **MR LLOYD:** The system was that if there were allegations of serious criminal conduct by an officer, part of compliance with the system at those times would have been achieved by a report only to the strategic business partner.

**MR CORCORAN:** It could have happened, and that strategic business partner would then report it through to, you know, CSIU and the Professional Standards.

35 **MR LLOYD:** See, I need to put this to you. We've had a number of people in that witness chair throughout this Inquiry being asked similar questions about what obligations they understood they had about reporting serious - allegations of serious criminal conduct. Do you understand?

40 **MR CORCORAN:** Yeah, I understand.

**MR LLOYD:** Can I put this to you: you're the first person to say that one reporting line was to make a report only to the strategic business partner.

45 **MR CORCORAN:** That's what the policy says.

**MR LLOYD:** No, no. Do you know that you're the only person who's said that so far?

**MR CORCORAN:** Yeah.

5 **MR LLOYD:** Does it come as a surprise to you that you -

**MR CORCORAN:** It certainly comes as a surprise to me that people in those areas didn't - weren't aware of the policy of the agency.

10 **MR LLOYD:** See, all those people, including the people I put to you so far, include Mr Hovey, the then Director of Investigations; correct?

**MR CORCORAN:** Look, I'm sure Mr Hovey was aware of the PID Officer. And had you asked about the PID Officer and the role of the HR Business Partner, he would have been able to tell you about it.

15 **MR LLOYD:** Well, Mr Severin, the Commissioner, didn't seem to be aware of this option, that make a report only to the strategic business partner and not also to the Professional Standards?

20 **MR CORCORAN:** No, I think he - you know, again, if he had been asked about that, he would have agreed that that is a route or a pathway to report.

**MR LLOYD:** Well, I want to get your response to this as a matter of fairness. What you're describing is a system, just to be clear, involving a report of serious criminal conduct only to the strategic business partner and not to the other people or agencies I put to you in my questions.

25 **MR CORCORAN:** As I said, you know, this reporting mechanism would then result in the - a judgment being made by the HR Business Partner about a more appropriate pathway to report that misconduct.

30 **MR LLOYD:** I'll just finish the question.

**MR CORCORAN:** Sorry.

35 **MR LLOYD:** Your description of this as being an aspect of the system, that you could report conduct of this kind only to the strategic business partner and not also to Professional Standards, is a departure from and is different from the actual system that was in place at Corrective Services between 2016 and 2018?

40 **MR CORCORAN:** I don't agree.

**MR LLOYD:** Can you explain how -

45 **MR CORCORAN:** Yes. Well -

**MR LLOYD:** - those other people who I've told you about gave -

**MR CORCORAN:** Well, I -

5 **MR LLOYD:** Just let me finish - gave evidence that, in effect, was that serious allegations of this kind, Professional Standards would always have to be made aware?

**MR CORCORAN:** Correct.

10 **MR HORTON:** I object. Calls for speculation about the basis (indistinct).

**COMMISSIONER:** I didn't hear that, I'm sorry.

15 **MR HORTON:** I'm sorry. The objection is that the question is that it falls for this witness to speculate the motivation of others on the basis of then giving evidence, clearly (indistinct) this witness should be asked to comment upon.

**COMMISSIONER:** There's something in that, Mr Lloyd.

20 **MR LLOYD:** I'll move on. Could I ask you this - I'll just show you some examples of the system in operation. Could Mr Corcoran be shown Volume 15. Could you please turn to Tab 489. I don't want to get bogged down in the details, Mr Corcoran, but what we see here is a document recording matters to be referred to the Professional Conduct Management Committee. Do you see that?

25

**MR CORCORAN:** Yes.

**MR LLOYD:** You're aware of the title of that committee and what it did at this time, February 2014?

30

**MR CORCORAN:** Yes.

**MR LLOYD:** Pretty soon after you started, was it?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** But did that committee, in effect, change its title at some point to the Professional Conduct Committee?

40 **MR CORCORAN:** No, that committee was comprised, as I understand it, at the time, of three people: The Director of Professional - Professional Standards Branch; the Director of Investigations; and the Detective Inspector of the CSIU.

45 **MR LLOYD:** If you just have a look. This is something which evidently is to be referred to that committee involving allegations of inappropriate association between an officer and an inmate. Do you see that -

**MR CORCORAN:** Yes.

**MR LLOYD:** - in the title next to 23 January? And if you just move forward to the next tab, 488.

5

**MR CORCORAN:** 488?

**MR LLOYD:** 488. Sorry, it's the previous page. You see you have a letter here from Mr Severin to Mr Hovey of March 2014? Tab 488.

10

**MR CORCORAN:** Sorry. Yeah.

**MR LLOYD:** See Appointment to Conduct an Investigation?

15

**MR CORCORAN:** Yes.

**MR LLOYD:** Is this process, so far anyway, that is, a referral to the Professional Conduct Management Committee and then, after that, an appointment by the then Commissioner for Investigations to conduct an investigation - does that accord - is that in accordance with what you understood to be the process at the time?

20

**MR CORCORAN:** I can't comment on that.

**MR LLOYD:** Do you -

25

**MR CORCORAN:** The reason I can't comment is because, you know, the Professional Standards Branch and the Investigation Branch were run by another person and not the Assistant Commissioner. So I'm not familiar with the protocols and procedures that applied in that branch at that time.

30

**MR LLOYD:** In the time that you've been Commissioner, have you done this kind of thing by making, in your personal capacity, referrals to Investigations?

**MR CORCORAN:** I've referred things through to Professional Standards because - we've merged it now, so they look after investigations. I don't - I don't recall - I mean, they - they would conduct - they would - they would, you know, I guess, prepare their own forms for, you know, the investigators to examine a particular instance. That's the Professional Standards (indistinct).

35

**MR LLOYD:** Just go - sorry. I didn't want to interrupt. Go to Tab 490. You see here there's a Professional Standards Branch document which says that there's a letter of warning which is signed by then Assistant Commissioner Dr Anne Marie Martin?

40

45

**MR CORCORAN:** Yes.

**MR LLOYD:** And without going to the details, the letter itself involves a warning to the particular officer?

**MR CORCORAN:** Yes.

5

**MR LLOYD:** This kind of process, that is, starting with a referral to the then Professional Conduct Management Committee, then an investigation by Investigations, culminating in a decision by a decision-maker to issue a warning, that sounds like a fairly regular kind of process?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** Not always happening that way?

15 **MR CORCORAN:** Not always happening that way because - I mean, if it's a HR matter, you would, you know, deal with it in that fashion. If it was a grievance, there was another policy associated with that.

20 **MR LLOYD:** Thank you. You can close that one. Could Mr Corcoran have Volume 14. Go to Tab 437. Now, this is from before your time at least of formal employment. Do you see Background, 21 February '13, Hyacinth Joseph was charged?

**MR CORCORAN:** Yes.

25

**MR LLOYD:** And you see over the page, there's the - criminal proceedings are before the courts, in effect?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** And - on the first page, actually. He's currently suspended without pay?

**MR CORCORAN:** Yes.

35

**MR LLOYD:** That would be a perfectly common kind of scenario, if someone's subject to criminal charges, for suspension?

**MR CORCORAN:** Yes.

40

**MR LLOYD:** And then in terms of the disciplinary process, it would be suspended until the end of the criminal justice system proceedings?

**MR CORCORAN:** That's the normal course of events, yes.

45

**MR LLOYD:** And perfectly appropriately for fear of getting in the road of the criminal justice system's work?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** And, you see, what happened in the end here was that Mr Joseph resigned, if you look at Tab 440. Retired. Do you see that?

**MR CORCORAN:** Yep.

10 **MR LLOYD:** And the conclusion in the final paragraph:

"Should you apply for re-employment with Corrective Services, the allegations will be investigated before any offer of employment..."

15 **MR CORCORAN:** Yes.

**MR LLOYD:** Does that reflect your view - this is at February '15, but just move forward to the current position. Is it right that once an officer has resigned or retired from Corrective Services, the understanding is the disciplinary process can't operate because they're no longer within Corrective Services?

20 **MR CORCORAN:** Yeah, that's my understanding of the situation.

**MR LLOYD:** And so this kind of approach would operate right up to now, that is, if there are serious allegations and a disciplinary process, but in the meantime the officer retires or resigns, then the disciplinary process would necessarily come to a halt?

25 **MR CORCORAN:** It would be noted on their file and would recommence if, you know - obviously they can't be employed, but, you know, if - yes.

30 **MR LLOYD:** And which is exactly what the then Commissioner is doing, saying, "If you come back, it will recommence."

**MR CORCORAN:** Yeah. That's right. Yeah.

35 **MR LLOYD:** And right up to now, that's the appropriate way to deal with that kind of situation?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** You appreciate - I'll come to the detail shortly, but -

45 **MR CORCORAN:** Can I just say, hopefully you would say - you would look at that and say, "We're not employing that person." And I've got to say that I've done that in the past, you know, that people have applied for re-employment, and I've said, "No thanks."

**MR LLOYD:** I've been trying to avoid, Mr Corcoran, trying to get you to engage with the actual details in terms of (indistinct) here -

**MR CORCORAN:** Okay.

5

**MR LLOYD:** - because obviously it's hard to deal with.

**MR CORCORAN:** Yes.

10 **MR LLOYD:** This one, I think what you're saying, looks like one that if they came back would be a "no", is what you're saying?

**MR CORCORAN:** Yeah, I would not want them back, you know.

15 **MR LLOYD:** Could you look in that volume to Tab 444. Again, I'm interested at least at this stage in process. Do you see the email down toward the bottom of the page from Michael Paddison to you?

**MR CORCORAN:** Yes.

20

**MR LLOYD:** 26 May, subject: Dillwynia Correctional Centre Assault Information?

**MR CORCORAN:** Yes.

25

**MR LLOYD:** And:

"Sir, as requested by Marilyn Wright to provide to you."

30 **MR CORCORAN:** Yes.

**MR LLOYD:** Do you remember the circumstances in which this email came to be sent to you in May '16?

35 **MR CORCORAN:** My understanding was information was given to Michael Paddison. He compiled that information and sent it through to me at the request of Marilyn Wright.

40 **MR LLOYD:** In terms of process about reporting information out, it's obviously - this email - coming from a senior person within Dillwynia directly to you?

**MR CORCORAN:** Yes.

45 **MR LLOYD:** Do you have an understanding as to why that's occurring at this stage?



**MR CORCORAN:** Because Marilyn requested it.

5 **MR LLOYD:** And because you albeit would be in the position of, at that time, Marilyn had oversight for the Centre, that might be one reason why it had come to you?

**MR CORCORAN:** Yes.

10 **MR LLOYD:** You then forward it on:

"Dear James..."

Koulouris:

15 "...as reported in my phone message."

**MR CORCORAN:** Yes.

20 **MR LLOYD:** And that's because, in terms of an investigation into allegations of this kind, that more obviously fell within his domain at that time?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** And that's you passing it on for him to action?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** And I won't - just if you go up to the top, Peter Robinson, to a number of people, recommended that CSIU and IB review action strategies.

**MR CORCORAN:** Yes.

35 **MR LLOYD:** This looks like a process that's working up to this point. Do you agree?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** And you probably know, because you would have either heard this or looked at the documents, that what happened was there was an investigation by Investigations Branch?

**MR CORCORAN:** Yes.

45 **MR LLOYD:** That was after the police said that they couldn't identify any allegations that they could pursue?

**MR CORCORAN:** Yes.

**MR LLOYD:** So far, that seems to be working, that is, up to this point, Professional Standards are aware?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** A referral off to the police to see -

**MR CORCORAN:** Yes.

10

**MR LLOYD:** - if it was a police matter?

**MR CORCORAN:** Yep.

15 **MR LLOYD:** Police determining it wasn't a police matter and then a referral back to Investigations Branch?

**MR CORCORAN:** Yes.

20 **MR LLOYD:** Investigations Branch doing a report?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** I withdraw that. Well, report ultimately, but prior to that, an investigation?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** All of this is working well in terms of the system at this time?

**MR CORCORAN:** Yes.

35 **MR LLOYD:** Are you able to say at this time - you may not know - why it wouldn't have been information sent off to the strategic business partner? Should that have happened as well?

**MR CORCORAN:** Well, no. In this instance, no.

40 **MR LLOYD:** Why?

45 **MR CORCORAN:** Because it's in relation to matters associated with an intelligence report on what's going on in that particular Centre. So the strategic business partner, as I said, is looking at HR matters, grievances - you know, might be serious misconducts that she's getting that are associated with PIDs. But, in general, the sorts of reports that she would be getting would be associated with HR matters and grievances. So, you know, reports coming from Centres are the whole gamut of seriousness.

**MR LLOYD:** Could I ask you to go forward to 450. I'm moving forward in time from May through to January - May '16 through to January of the following year.

5 **MR CORCORAN:** Yeah.

**MR LLOYD:** See, from Doug Greaves to the then Commissioner, you and a number of other people. See that?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** And saying:

15 "Please find self-explanatory memorandum regarding the allegations of criminal activity at Dillwynia."

**MR CORCORAN:** Yes.

20 **MR LLOYD:** See that? And summary of the report itself:

"Found no evidence to support most of the allegations. No viable remaining lines of inquiry to pursue."

25 **MR CORCORAN:** Yes.

**MR LLOYD:**

"The case will now be closed."

30 **MR CORCORAN:** Yes.

**MR LLOYD:** Written by Doug Greaves who, at least on the email, is recorded as Professional Standards Manager. I take it that comes as a surprise to you?

35 **MR CORCORAN:** Yeah, it does. You know, I had known that - you know, I - I dealt with the Director and the Assistant Commissioner. So his particular status - and I don't know what classification he was, but it does. Yeah.

40 **MR LLOYD:** It's not a trick, Mr Corcoran. It really arose from - I thought you said when I put to you his understanding of the system, or at least that aspect of it -

**MR CORCORAN:** Yes.

45 **MR LLOYD:** - that Professional Standards would always be made aware of any allegations of serious conduct. I thought in answer to that question, you said, "Well, Mr Greaves was fairly junior"?

**MR CORCORAN:** Yes. Well, that was my understanding. And I'd - I'd need to check what his classification was, but, you know, I don't think it was - well, I'm not going to say and - I'll have to check on that, but I didn't think he was, you know, a senior person within the Professional Standards organisation.

5

**MR LLOYD:** You can close that folder up. Could Mr Corcoran now be provided with Volume 8, Tab 84. Now, could you try and turn up there Annexure K at Tab 84.

10 **MR CORCORAN:** Yes.

**MR LLOYD:** Have you got that one?

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

15

**MR LLOYD:** Now, if you look down the very bottom of that first page, it's an email from Hamish Shearer, 12 September '17?

**MR CORCORAN:** Yes.

20

**MR LLOYD:** And over the page - you've got to get to the substance - that's for the people who were, in effect, either Governors or in that role as a matter of substance at the various Correctional Centres over which he had oversight at that time?

25

**MR CORCORAN:** I'm sorry. This is the - the first page, "Team" - where it says "team"?

30 **MR LLOYD:** Just look down - Hamish Shearer, September 12. That email down the bottom of page 1 of this annexure.

**MR CORCORAN:** Yeah.

35 **MR LLOYD:** And then over the page, I was just drawing to your attention the distribution list. Those people are what he told us were the Governors or otherwise senior people in charge.

**MR CORCORAN:** I might not have that page.

40 **MR LLOYD:** I'll just make sure you've got the right Tab. On the first page that you're looking at behind -

**MR CORCORAN:** The first page, I can see an email from Hamish entitled, "Team."

45

**MR LLOYD:** I see. I think that's become the first page for you in your version, but are you looking there at an email to Linda Ferrett and (indistinct)?

**MR CORCORAN:** Yes. Yes.

5 **MR LLOYD:** The previous page, if you had it, would show that it was sent on 12 September 2017, but you don't need to find it.

**MR CORCORAN:** Sorry.

10 **MR LLOYD:** Take it from me -

**MR CORCORAN:** Okay.

15 **MR LLOYD:** - that that's the timing. And I'm sure you've been shown this email in recent times?

**MR CORCORAN:** Yes.

**MR LLOYD:** And you're familiar with its contents?

20 **MR CORCORAN:** Yes.

**MR LLOYD:** And I take it you're aware of what Mr Shearer has told the Commission about the circumstances in which it came to be prepared?

25 **MR CORCORAN:** About Custodial Corrections executive meeting? Is that what you're referring to?

**MR LLOYD:** Yes.

30 **MR CORCORAN:** Yes.

**MR CORCORAN:** Are you aware of what he said? I'll take you to the detail, but -

35 **MR CORCORAN:** Yeah, that would be good.

**MR LLOYD:** In effect, what he told us is on the previous day, there was a Custodial Corrections executive committee meeting?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** And at which you and other people were present?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** Including Mr Scholes and Mr Shearer?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** In effect - I'll show you - if you need to see the minutes, tell me and I'll take you to them, but I'll see if I can do it without it. That he said a topic that was raised at that meeting was whether there was a culling method for disciplinary issues. Do you remember that? A way to -

**MR CORCORAN:** This is what - this is what Hamish had said?

10 **MR LLOYD:** Well, the evidence that he gave about what happened -

**MR CORCORAN:** Yeah.

15 **MR LLOYD:** And also (indistinct) at least record - and tell me if it accords with your memory - that a topic of discussion was the burdens on Professional Standards of dealing with complaints and whether there were ways of dealing with that. Do you remember -

**MR CORCORAN:** Yes.

20 **MR LLOYD:** And Glen Scholes identified to the meeting that he'd introduced a new procedure in the North Region. Do you remember that?

**MR CORCORAN:** Yes. Yes.

25 **MR LLOYD:** And the briefing by Mr Scholes about what he was doing in the North Region was an instruction being issued to all Governors that no more referrals were to be made to the Professional Conduct Management Committee without being forwarded first to the Director - the Regional Director. Do you  
30 remember that?

**MR CORCORAN:** Yes.

35 **MR LLOYD:** And that only five per cent, in Mr Scholes' view, were worthy of being forwarded to the Professional Conduct Management Committee. Do you remember that?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** And that, in his view, the process had been much more effective and had empowered the managers. Do you remember that?

**MR CORCORAN:** Yes. Yes.

45 **MR LLOYD:** And at the conclusion of the discussion about that, is it right that at that meeting you said that you'd like all Regional Directors to adopt the same process?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** And going back, then, to the email that's before you. The language in that email, that language was, in effect, adopting that resolution or conclusion that had been reached at the meeting; is that right?

**MR CORCORAN:** Yes.

10 **MR LLOYD:** The words here that are used in Mr Shearer's email, do you see a change of approach with regard to referrals? In the first -

**MR CORCORAN:** Well, you know, if there's - if there's HR matters going - all going to PSB that could be better channelled through the HR Business  
15 Partner - and that's what we're talking about here. You know, as I've said before, low-level matters going through to PSB, being put on the - on the - you know, because they're low level, being put on the bottom of the pile and taking a long time to process, things that could be managed through the HR Business Partner.

20 **MR LLOYD:** That's not quite an answer to my question.

**MR CORCORAN:** I'm sorry.

25 **MR LLOYD:** You are answering a question that's coming, but at the moment I'm just asking about the first line. It's advising of a change with approach to referrals to the PSB for investigation.

**MR CORCORAN:** Well, it's -

30 **MR LLOYD:** Do you see that that -

**MR CORCORAN:** I can - I can see that, yes.

35 **MR LLOYD:** And it's not distinguishing - the words here aren't distinguishing between low-level complaints or HR issues or serious misconduct issues, is it?

**MR CORCORAN:** No. It's saying that, you know, we're changing our approach with - in relation to referrals. So instead of the Governor referring directly to PSB, they would advise the Director first that something was going on in the Centre. I  
40 think what you've got to understand is once that - if that Governor didn't tell a Director of a referral, that Governor would never know about the - sorry, that Director would never know about the referral.

45 **MR LLOYD:** Mr Corcoran, the question is pretty straightforward so far. This was, to your knowledge, communicating a change in the approach with respect to referrals to PSB for investigation?

**MR CORCORAN:** Yes.

**MR LLOYD:** That is -

5 **MR SELLER:** I object. The word "direct" (indistinct).

**MR LLOYD:** Well, Mr Corcoran, I had drawn your attention to the sentence. You've heard what Mr Sheller has said. The word "direct" is there.

10 **MR CORCORAN:** The word "direct" is there. That doesn't - yeah. So referrals were still going to go to the PSB; it's just that the Director would know about the referrals.

15 **MR LLOYD:** We'll come to it. At the moment, the question is pretty straightforward. It was a change of approach with respect to referrals direct to PSB; agree?

**MR CORCORAN:** I will agree, yes.

20 **MR LLOYD:** That's what had happened the previous day. There was something in place which was agreed would be changed; correct?

25 **MR CORCORAN:** Well, I guess it was at - more about an approach that would be a consistent approach right across the board in Custodial Corrections. I mean, here we have a Director who is, you know, managing things in a certain way, and he's communicated that to the rest of Custodial Corrections executive. Those - I would expect that everything that needs to go to PSB would still go to PSB; it's only the fact that the Director would then know that it has gone to PSB.

30 **MR LLOYD:** It says:

"The decision has been taken to enable Directors to better manage disciplinary and performance issues within their districts..."

35 **MR CORCORAN:** That's correct.

**MR LLOYD:**

40 "...to provide greater transparency."

**MR CORCORAN:** Yes. Correct.

**MR LLOYD:** So "disciplinary" includes the whole gamut of things which become the subject of disciplinary complaints to PSB.

45

**MR CORCORAN:** Yes.



**MR LLOYD:** Do you agree?

**MR CORCORAN:** Correct.

5 **MR LLOYD:** That's serious misconduct?

**MR CORCORAN:** Yes.

10 **MR LLOYD:** Right down to much less serious matters?

**MR CORCORAN:** Correct.

15 **MR LLOYD:** Now - so in terms of disciplinary issues, that would include, at the highest level of seriousness, allegations of criminal conduct; true?

**MR CORCORAN:** Yes. And Directors should know about that.

20 **MR LLOYD:** And just going back to what I put to you about Mr Severin, remember I said his view was that Directors should know about allegations of serious criminal conduct?

**MR CORCORAN:** I agree.

25 **MR LLOYD:** He also said the PSB should always know about allegations of that kind.

**MR CORCORAN:** Correct.

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

**MR CORCORAN:** Yeah.

35 **MR LLOYD:** Do you see here there's a reference to not overburdening the resources of the PSB? Do you see that?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** Some matters referred to PSB may be better - may be more effectively managed under performance management?

**MR CORCORAN:** Correct.

45 **MR LLOYD:** That reflected your view that for the lower level complaints, that local management ultimately was the best way to deal with it?

**MR CORCORAN:** Local management through HR.

**MR LLOYD:** HR support from the DCJ people or -

**MR CORCORAN:** Correct.

5 **MR LLOYD:**

"In future, any incidents of a disciplinary or performance nature that warrant elevation..."

10 Just pausing there. What those words mean is that any incidents that warrant elevation to PSB - clearly that's the effect of it, isn't it?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** Any - and any - it's obviously including allegations of serious criminal conduct?

**MR CORCORAN:** Yes, that's right.

20 **MR LLOYD:**

"...in the first instance to be raised with me. We will decide whether a performance or disciplinary investigation is most appropriate."

25 Do you see that?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** That is introducing a policy or a system where all allegations, relevantly of a disciplinary nature, that warrant elevation to PSB instead of, in the first instance, going to the PSB, would go to the Regional Director.

**MR CORCORAN:** So they know about the allegation.

35 **MR LLOYD:** No, it would, in the first instance, go to the Regional Director.

**MR CORCORAN:** That's right.

40 **MR LLOYD:** The Regional Director would then decide whether a performance or disciplinary investigation is appropriate.

**MR CORCORAN:** That's right. So that, you know, they would then refer that through to either Professional Standards or deal with it, you know, with HR.

45 **COMMISSIONER:** What's being put to you, Mr Corcoran, is they may also not do that. In other words, this document makes them a decision-maker. That's what's being put to you.

**MR CORCORAN:** No, it doesn't. It doesn't make them a decision-maker.

**COMMISSIONER:** Well, the words are clear:

5

"...raised with me, and we will decide whether a performance or disciplinary investigation is most appropriate."

That's making a decision, isn't it?

10

**MR CORCORAN:** It - it makes a decision on which pathway to go down.

**COMMISSIONER:** No, it doesn't. Just whether a performance or disciplinary investigation - it should be - is most appropriate. That's what it is saying.

15

**MR CORCORAN:** It makes - they are making a decision about which pathway to go down, human resources or referral to Professional Standards. If, indeed, it is a Professional Standards matter that's referred to human resources, then the strategic business partner would then make sure that went through the - as I mentioned before, make sure it went through the appropriate pathway.

20

**MR LLOYD:** But, see, could I - I'll try and do this without taking you back, but please tell me if you want the documents side by side. Do you remember I read out to you, and you looked at, the February 2016 procedure?

25

**MR CORCORAN:** Yes.

**MR LLOYD:** And I read out to you under 5.1, Initial Stage, these words:

30

"All allegations of misconduct are to be referred to the strategic human resources business partner or the divisional Professional Standards units in the first instance."

Remember those words?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** Go back here:

40

"Any incidents of a disciplinary or performance nature that warrant elevation are in the first instance to be raised with the Regional Director and..."

It says "we". In effect, he will decide whether a performance or disciplinary investigation is most appropriate. Do you see that?

45

**MR CORCORAN:** Yes.

**MR LLOYD:** Do you see the problem between reconciling the policy that you've told us about was in place - all allegations are to be reported either strategic human resources business partner or Professional Standards unit - and this policy on 12 September that the disciplinary or performance incidents are first to go to the Regional Director?

**MR CORCORAN:** So it does not prevent anything going through to Professional Standards, and what we're - we're in a situation where anything going to Professional Standards in this era would not be then revealed to operational people - Directors, Assistant Commissioners. In many instances, we would find out about quite serious misconduct that had been reported through at a lower level to Professional Standards 12 months, 18 months later when a document appeared on our desk as a decision-maker.

**MR LLOYD:** That would be a very good reason to make it crystal clear that within the existing policy, requiring in the first instance all allegations of misconduct to go to Professional Standards - to make it clear they should also go to the Regional Director so they both know; that's right, isn't it?

**MR CORCORAN:** And that would be perfect if - if that was the case, but it wasn't the case. It was very much a need-to-know basis once the information got through to Professional Standards.

**MR LLOYD:** That -

**MR CORCORAN:** And can I just say, that is what we need to do in the future -

**MR LLOYD:** I'll come to the future.

**MR CORCORAN:** Yeah.

**MR LLOYD:** I'm asking about 12 September at the moment. This policy puts the Regional Director in the place of the Professional Standards unit or the strategic business partner as being the person to whom allegations of serious misconduct would be first made, doesn't it?

**MR CORCORAN:** So they know about it, yes.

**MR LLOYD:** No, they are the person - they become the person under this policy to whom that is made and then they decide, the Regional Director.

**MR CORCORAN:** Well, as you see from the managing misconduct policy, all matters of serious misconduct can be reported to either the strategic business HR department or the Professional Standards Committee.

**MR LLOYD:** See, you've got oversight, you've told us, ultimately for the Governors at these various Correctional Centre at this time?

**MR CORCORAN:** That's right.

5 **MR LLOYD:** They received this communication in the context of the policy you've identified, saying all reports go in the first instance of serious misconduct to Professional Standards. Obviously that's the situation. That's the policy in place.

10 **MR CORCORAN:** The reality is that, you know, if - and the only things that would have been going through to Hamish would have been things that the Governors knew about. If the other matters were being reported directly to Professional Standards by officers in the Centres, Governors wouldn't know about it; Directors wouldn't know about it; Assistant Commissioners wouldn't know about it.

15 **MR LLOYD:** That's not an answer to my question. This email is sent out in the context of a policy you've agreed was in place which requires all matters of misconduct to be reported to the PSB or the strategic business partner.

20 **MR CORCORAN:** This is not stopping matters being reported to PSB or the strategic HR business partner. All this means is that Hamish knows that there's something that needs to be dealt with, either through HR or through Professional Standards.

25 **MR LLOYD:** And it's telling the Governors that instead of going for any incidents of a disciplinary or performance nature - instead of going to Professional Standards or the strategic business partner, they go to the Regional Director.

30 **MR CORCORAN:** They advise the Regional Director, and they work out whether that should go to HR or whether it should go to Professional Standards.

**MR LLOYD:** What would -

35 **MR CORCORAN:** And, as I said, HR can then say, "Well, this is not, you know, something we can deal with. I'll refer that through to Professional Standards."

**MR LLOYD:** What would the people below the Governors and other people on this distribution list who were, under the policy you've identified, requiring that you agree reports of serious misconduct direct to the Professional Standards?

40 **MR HORTON:** Well, could I object. Could it first be established who else is on the distribution list who is not a Governor.

45 **MR LLOYD:** I withdraw the question. There are scores of officers at these Correctional Centres who are not on this distribution list.

**MR CORCORAN:** That's right.

**MR LLOYD:** They are governed by the policy you've identified; is that right?

5 **MR CORCORAN:** No, these - the - the distribution list are the people who are reporting through to Hamish things that they know about - and they don't - they won't know about everything - the things that they know about so that they can have a discussion about what is appropriate - whether this is a grievance, a HR matter or it should be referred to Professional Standards.

10 **MR LLOYD:** There are hundreds of officers at these Centres who would - in terms of where to report allegations of serious misconduct would be governed by the 2016 policy; correct?

**MR CORCORAN:** That's right.

15 **MR LLOYD:** That policy says all reports of serious misconduct go in the first instance to Professional Standards; correct?

**MR CORCORAN:** I don't - can we refer back to that policy, please?

20 **MR LLOYD:** Certainly. It's in -

**MR CORCORAN:** I don't think that's what it says.

25 **MR LLOYD:** Go to Volume 9, Tab 149. The page that I read from was page 7 down the bottom right-hand side. First bullet point under 5.1. Do you see there, Mr Corcoran, the words that I read to you before in the first sentence?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** And do you see it goes on and talks about the triaging of allegations by the identified people, that is, Professional Standards Committee, where it exists, or the strategic human resources business partner. Do you see that?

35 **MR CORCORAN:** Sorry, where is it?

**MR LLOYD:** First bullet point -

**MR CORCORAN:** First bullet point.

40 **MR LLOYD:** - under 5.1.

**MR CORCORAN:** Yeah. No, it says in instances where there's a Professional Standards Committee, they need to assess and triage allegations.

45 **MR LLOYD:** Well, the first sentence says all instances of misconduct are to be reported to one or other of those two units; correct?

**MR CORCORAN:** Yes. And - and - and this policy does not prevent that from occurring.

5 **MR LLOYD:** I'm not saying it prevents it, Mr Corcoran, but it makes the Regional Director the first person to whom allegations, including allegations of serious misconduct, are reported by the people who received this email; that's right, isn't it?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** It makes you the person who decides what happens next?

15 **MR CORCORAN:** It does not prevent information getting through to either HR or Professional Standards.

**MR LLOYD:** Is that your answer to my question?

**MR CORCORAN:** Yes.

20 **MR LLOYD:** Can I put to you some things about some other witnesses, who have come to the Commission and given evidence about this 12 September policy, have said about it. For those at the bar table, page 36 from the transcript which has not been finalised, I think, from 20 November. Mr Severin was asked about this, and he said in answer to a question:

25 "What Mr Shearer was doing in this email is implementing the new strategy which had been determined at the meeting?"

30 "Yes."

He said:

35 "I became aware of the event through the Assistant Commissioner, Governance and Continuous Improvement."

Then a Mr Koulouris. He said:

40 "The system that had been introduced was inconsistent with the way that complaints or allegations of misconduct were handled up to that point."

That was his evidence. Do you disagree with that?

45 **MR CORCORAN:** I think he - he was of the opinion that only - reports can only go through to the Professional Standards Branch. That was the way he framed that answer, as far as I was aware.

**MR LLOYD:** Are you saying that by reference to the evidence or something he said to you at the time?

**MR CORCORAN:** No, by listening to the evidence.

5

**MR LLOYD:** I said:

"And when the email says 'increasing transparency', you would appreciate this idea would have the - likely have the opposite effect?"

10

His answer:

"It would have, yes. I can understand the motivation based on workloads, but it is completely inconsistent with proper processes and procedures as they were at the time."

15

What do you say to that?

**MR CORCORAN:** Well, I say that the proper processes and procedures were that they - things could be handled through the strategic HR business partner or Professional Standards Committee. So if a judgment was made that this is something that should be dealt with as a HR matter or a grievance, then that would be more - more appropriate to be going through the HR person -

20

**MR LLOYD:** Mr Corcoran -

**MR CORCORAN:** - as opposed to the Professional Standards Committee.

**MR LLOYD:** - the Regional Manager was neither of those people or entities; correct?

30

**MR CORCORAN:** That's right, but they are the Director in charge of that area that should be known - and I think you mentioned before, Directors should know what is going on in their Centres.

35

**MR LLOYD:** Mr Severin (indistinct) this proposition:

"This new policy would actually have the effect, wouldn't it, if implemented, of concentrating decision-making in the hands, at least initially outside the gaol, of one person?"

40

He agreed with that. Do you disagree with it?

**MR CORCORAN:** From my perspective, what this does is give the Director knowledge about what is happening in their Centres. As I've said to you before, if it went to Professional Standards directly from the Governor and they didn't tell

45



the Director, that Director would never know about what was going on in their Centre until maybe 18 months down the track.

5 **MR LLOYD:** That would be a reason to make sure Directors became aware of reports that were made to Professional Standards or the strategic director.

**MR CORCORAN:** Yes, it would be.

10 **MR LLOYD:** It would not be a reason to concentrate the decision-making at the initial stage in the hands of the Director. Do you agree with me?

15 **MR CORCORAN:** Well, I'll put it this way. There were many decisions made by people in the field about who to go to, whether it was the strategic HR business partner or Professional Standards. Now, you know, there's no - there's no definition about what should go to either body that I've been able to discern.

20 **MR LLOYD:** Can I put this to you. He said that as soon as he found out about this, he made it clear that the policy needed to be rescinded. Are you aware of that?

**MR CORCORAN:** I'm aware that he said that, yes.

**MR LLOYD:** You weren't aware of it at the time?

25 **MR CORCORAN:** No.

**MR LLOYD:** And it wasn't rescinded, was it?

30 **MR CORCORAN:** No.

**MR LLOYD:** So this policy, to your knowledge, remained in place at all times after September 2017; is that right?

35 **MR CORCORAN:** Well, that's right because, you know, he mentioned in his evidence that he spoke to James Koulouris. I can't recall speaking to James Koulouris, and if - if I was required to rescind that policy, then, you know, that would have been recorded in the next Custodial Corrections executive minutes.

40 **MR LLOYD:** And is what you're saying it was not?

**MR CORCORAN:** No, it wasn't in any subsequent minutes. So I can only presume that maybe James Koulouris forgot to talk to me about it.

45 **MR LLOYD:** So just to be clear, you're saying there was no formal rescission of this policy, 12 September, at any time?

**MR CORCORAN:** That's right.

**MR LLOYD:** Is it still, to your knowledge, in place now?

**MR CORCORAN:** That people talk to the HR Business Partner about -

5

**MR LLOYD:** Mr Corcoran, I'm asking you about the policy recorded in the 12 September email, that for all allegations of disciplinary - of a disciplinary nature - I think you've agreed with me -

10 **MR CORCORAN:** Yeah.

**MR LLOYD:** - including serious allegations. Is the policy currently that the first place the Governors to report those matters is the Regional Director? Is that currently the policy today?

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**MR CORCORAN:** I - I don't know if that is happening in Custodial Corrections at the moment.

**MR LLOYD:** Shouldn't you know?

20

**MR CORCORAN:** But I would expect it would be, that the Directors would know what was going on in their Correctional Centres, yes. I believe that would be the most appropriate course of action.

25 **MR LLOYD:** Mr Corcoran, I think we've been through this, but I have put questions to you that this policy was not one which included the Directors in the loop of information; this was one where reports went to them in the first instance, and them alone. You agree with that, don't you?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** And are you saying that that currently is still the policy within Corrective Services New South Wales, that is, for allegations that come to the attention of Governors at Correctional Centres, including of serious misconduct, that the first person who gets reported to by those Governors is the Regional Director?

35

**MR CORCORAN:** If it was a very serious misconduct, I would expect the Regional Director to know about it, and - and, you know, I would probably expect the Regional Director to be the one who is reporting through to PSB.

40

**MR LLOYD:** And if that is the current policy, that is, that reflected in 12 September, do you agree with me that at least in terms of the writing, that does not mandate that that Director make a report to anyone, any agency, of allegations of misconduct that come to his or her attention?

45

**MR CORCORAN:** Well, Hamish's note doesn't, no.

**MR LLOYD:** There's some evidence that the email that he sent around effectively was consistent with similar emails that had been distributed in the other regions. Do you know whether that's right?

5

**MR CORCORAN:** I don't know, no.

**MR LLOYD:** You don't say, do you, that this policy in this email was any different than the one that was in place in those other regions, do you?

10

**MR CORCORAN:** No, I don't know. Sorry.

**MR LLOYD:** Could I put this to you for your response. Mr Severin said that this policy reflected in the 12 September document was not sanctioned by official Corrective Services New South Wales policy.

15

**MR CORCORAN:** I disagree. I disagree. I think that, you know, we are dealing with a situation where, you know, we are looking at things that might go to Professional Standards that shouldn't be going to Professional Standards; they should be going to HR in the first instance. It could be a grievance; it could be people swearing at each other. That could have been dealt with, you know, by HR advice to the Governors to deal with it in-house.

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**MR LLOYD:** Mr Severin said this, and I want to get you to respond to this question. The question:

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"Tell me if this is an overstatement: in the stroke of a pen, directing an email of this kind to go out effectively sidelining a very significant part of a well-established system for dealing with serious complaints, is that an overstatement or is that fair?"

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Answer:

"No, it's not an overstatement at all. I mean, he sidelined me to some extent in my role as Commissioner."

35

Do you agree with that assessment?

**MR CORCORAN:** Sidelined him?

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**MR LLOYD:** Well, that part of it. Do you agree with that?

**MR CORCORAN:** No, I don't agree with that, because if it was serious misconduct, it would be reported through, but the Director would know about it.

45

**MR LLOYD:** I asked him this:

"And sidelined a whole system along with - subject to the independent decision-making of the Regional Directors, maybe all the people from Investigations and Professional Standards Branch as well."

5 And he agreed with that.

**MR CORCORAN:** No.

**MR LLOYD:** Do you disagree?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** He also said in a different part of his evidence that the issuing of this policy in the form of the 12 September email represented a gross failure of corporate governance within Corrective Services. Do you agree or disagree with that?

15

**MR CORCORAN:** I disagree.

**MR LLOYD:** Mr Shearer, on a related point, gave some evidence - and I think you've addressed this in your - parts of your statement - that the training that he had received by this time, that is, September 2017, was, in his view, inadequate to allow him to do his job properly. You're aware of him saying that?

20

**MR CORCORAN:** I'm aware of him saying it, yes.

25

**MR LLOYD:** And he said that it was a period of about six and a half years before he did the basic correctional officer training?

**MR CORCORAN:** Yes, that is the - correct.

30

**MR LLOYD:** Factually, it's correct -

**MR CORCORAN:** Yes. Correct.

35

**MR LLOYD:** - (indistinct) the delay. Now, Mr Corcoran, I can't take you yet to that part of your statement where you deal with this because it's still being processed by the staff here.

**MR CORCORAN:** Sure.

40

**MR LLOYD:** But I have read, in effect, what you say and let me just see if we can do it this way. Is your position that you were urging him to do that training?

**MR CORCORAN:** Yes.

45

**MR LLOYD:** And he was resistant because it meant it was - took him out of his normal job for a lengthy period? And, sorry, relatedly, to be fair - and he, on your understanding anyway, felt it might be demeaning having regard to his extensive experience, including in the Army?

5

**MR CORCORAN:** I think the latter was -

**MR LLOYD:** More the latter?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** So you say you were pressing him to do it; he was resistant because it was effectively beneath him. That's your assessment?

15 **MR CORCORAN:** Yeah. I think, you know, I encouraged him to do it because I thought it would be very useful for him to get an understanding of the foundations. And many other people have come in laterally. I have encouraged them to do it, and they have done that course.

20 **COMMISSIONER:** Mr Corcoran, I know that you and Mr Shearer disagree about this -

**MR CORCORAN:** Yes.

25 **COMMISSIONER:** - but I confess to you, I am surprised that you would bring anyone in to a management role in the organisation who had not previously worked in the prison system without requiring them as part of their - the obligations of their employment to undertake the basic training that was available to everyone that came into the system. Why wasn't that your process?

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**MR CORCORAN:** It certainly wasn't our process. It wasn't the requirement to do this course. I thought it was a good idea, but as you heard -

35 **COMMISSIONER:** No, my point is, why wasn't it a requirement? It seems to be a basic proposition that you would ensure that your managers at least understand what all of the officers have gone through.

**MR CORCORAN:** I agree. And that's why I encouraged everybody who came in laterally to do that.

40

**COMMISSIONER:** My question is, why didn't you mandate it? Why wasn't it a requirement?

45 **MR CORCORAN:** Well, I think you heard former Commissioner Severin say that he wasn't a fan of - of this. So, you know, had I forced it -

**COMMISSIONER:** I'm asking you, why wasn't it a requirement? What's your answer to that proposition?

5 **MR CORCORAN:** My answer was that the Commissioner was not a person who thought it should be a requirement.

**COMMISSIONER:** So did you take that up with him?

10 **MR CORCORAN:** Yes.

**COMMISSIONER:** Sorry?

**MR CORCORAN:** Yes.

15 **COMMISSIONER:** What did you say to him?

**MR CORCORAN:** Well, he did not think that -

20 **COMMISSIONER:** No. What did you say to him?

**MR CORCORAN:** I said that I have encouraged Hamish to - to do this, and he knew that I was encouraging other people to do it, and they were doing it. But he did not believe that it was -

25 **COMMISSIONER:** You speak in terms of encouragement. I put the proposition to you that this, rationally, just would have been the first thing anyone would have been required to do.

30 **MR CORCORAN:** Yes.

**COMMISSIONER:** Do you agree with that?

**MR CORCORAN:** I agree.

35 **COMMISSIONER:** Did you tell Mr Severin that this should be a requirement?

**MR CORCORAN:** I didn't tell him it should be a requirement because, you know, he did not believe it should be a requirement.

40 **COMMISSIONER:** All right. So we have the position, do we, that there are multiple people who have come in under your management - your part of the organisation -

45 **MR CORCORAN:** Yes.

**COMMISSIONER:** - to management roles, some quite senior, who have never been educated through the process that all of the people beneath them will have gone through?

5 **MR CORCORAN:** No, really, everybody who's come in laterally has - has done that course that I can recall. You know, Nicola Chappell, who you just saw, is one of them. You know, other people who have come into Custodial Corrections laterally. And I think Peter Severin identified one that came in from the police, and he went and did that course prior to coming on board. So, you know, it was  
10 something that I thought was, you know, necessary to get a foundation, but Peter obviously had different views on that.

**COMMISSIONER:** Well then, presumably Mr Shearer's position in relation to it accorded with Mr Severin's view, as you understand it?

15 **MR CORCORAN:** Yes.

**MR LLOYD:** Did that - I withdraw that. Mr Shearer, going back to the position that he was in -

20 **COMMISSIONER:** Sorry, I should have said, Mr Shearer's view as you understood it. You appreciate it wasn't what he said?

25 **MR CORCORAN:** No.

**COMMISSIONER:** He said the demands of the job -

**MR CORCORAN:** Yeah, he said the demands.

30 **COMMISSIONER:** - made of him were such that he didn't have the time to do it.

**MR CORCORAN:** Yeah, that's - that's certainly what I think his evidence was.

35 **COMMISSIONER:** It was.

**MR CORCORAN:** Yeah. But, you know, everybody else that came in, we gave them - we relieved them, gave the - you know, had someone else acting in the role. And certainly when Hamish did the course, somebody was acting in the role.

40 **MR LLOYD:** In terms of the part of Mr Shearer's role that he had to fill after the 12 September 2017 email policy, he said, when he was asked about whether he was equipped to know how to deal with (indistinct) disciplinary or performance nature, that he had, to use words in the proposition he agreed with, no guidance, training, knowledge or skills to manage a situation of having reports made to him  
45 and then for him to work out what to do next. Do you agree that that was the position, from your perspective, that he did not have any guidance, training,

knowledge or skills to manage the situation of responding to complaints of this kind?

5 **MR CORCORAN:** No, I don't agree. I mean, I made sure that Directors had training from Professional Standards as decision-makers. So, you know, that was something that occurred, so I don't agree that Hamish did not have the capability to discern whether this should be a human resource issue or whether this should be a serious misconduct straight to Professional Standards.

10 **MR LLOYD:** He told us he didn't really understand the way the Professional Standards system worked at this time in September '17. What do you say to that?

15 **MR CORCORAN:** Well, I'm surprised that he didn't understand. He had a lot of involvement with it. He had a lot of involvement with various legal officers when he was doing decision-making. So it would be quite unusual for anybody not to have any knowledge of what they were doing.

20 **MR LLOYD:** You obviously identified yourself by this time, September '17, that there was a deficiency in his training in the sense that you've told us you were urging him to do this course?

25 **MR CORCORAN:** Yes, but this course would have no bearing on his understanding of Professional Standards. This is a foundational course, teaches you how to handcuff people or do an escort; things of that nature. Lock a cell up.

**MR LLOYD:** And it tells you some basic things about what correctional officers have to do in the performance of their functions.

30 **MR CORCORAN:** Yes, that's right.

**MR LLOYD:** It's pretty important to know that if you are the first responder to work out what to do with allegations of misconduct, wouldn't it, to know about the basics? Do you agree?

35 **MR CORCORAN:** Yes.

40 **MR LLOYD:** See, I won't take you to the details. Tell me if I'm wrong in saying that you're aware of the facts that have emerged in relation to the mediation process at the start of calendar year 2018? Do you know about those things?

**MR CORCORAN:** Yeah, I've heard about them. Yes. I don't think I saw Hamish's evidence in relation to that.

45 **MR LLOYD:** I'll take you to some relevant features.

**MR CORCORAN:** Yeah.



**MR LLOYD:** I'll try and do it quickly, and no doubt there will be an objection if I say something to you that doesn't reflect the evidence. In effect, what he said was that Shari Martin called him out to the gaol in the latter part of November 2017 because she had a problem with Astill and she didn't know what to do about it.  
5 Take that from me.

**MR CORCORAN:** Yes.

**MR LLOYD:** He went out there and participated in a meeting with Astill and Shari Martin on 22 November 2017.  
10

**MR CORCORAN:** Okay.

**MR LLOYD:** At that meeting, a range of complaints being advanced by a range of different inmates were discussed - complaints against Astill. Take that from me.  
15

**MR CORCORAN:** Yes.

**MR LLOYD:** The complaints - I don't want to go through all the details, but they included serious allegations of bullying and intimidation of inmates. Take that from me.  
20

**MR CORCORAN:** Yes.

**MR LLOYD:** They also included references to allegations which Mr Shearer did not have any details, that is, references to allegations that were made about Astill with no particulars describing what the nature of those allegations were. That of itself, just pausing there, is a cause for alarm, isn't it, the fact that there might be an allegation coming to the attention of either a Governor or a Regional Director and you don't even know what it's about?  
25  
30

**MR CORCORAN:** Yeah.

**MR LLOYD:** Do you agree?  
35

**MR CORCORAN:** Yes.

**MR LLOYD:** What he said happened was that following the meeting with Mr Astill, Astill prepared some document containing a defence to at least some of the allegations. A four-page document. I don't know whether you've seen that?  
40

**MR CORCORAN:** No.

**MR LLOYD:** He then, in terms of exercising his decision-making function at that time, determined that the way to deal with the problem was to allow a mediation process to occur, and that occurred in January '18. Take that from me.  
45

**MR CORCORAN:** Are you saying that it's - it was his decision and he came up with that idea?

5 **MR LLOYD:** I've qualified it. There's a dispute in the evidence. I don't need to tax you with about whose idea it was. The mediation process occurred with (indistinct). Just take that.

**MR CORCORAN:** Yeah. Okay.

10 **MR LLOYD:** The mediations involved the inmates sitting down with the very person, Astill, they were accusing of the misconduct in a series of mediations, three of them, so called, in January of 2018. And no report was made to Professional Standards about the allegations either for investigation or for a referral to CSIU or for any other reason. You know that, that no report about  
15 these things was ever made?

**MR CORCORAN:** Well, I now - know now, yes.

20 **MR LLOYD:** Mr Shearer in his evidence frankly accepted that his decision-making in relation to this, that not making a report to Professional Standards, would have involved a very serious failure by him.

**MR CORCORAN:** Yes.

25 **MR LLOYD:** He said that, looking at it, he plainly should have been referring those matters up to Professional Standards, and he failed to do that. Do you understand?

**MR CORCORAN:** Yes.

30 **MR LLOYD:** Just pausing there. That clearly was the only available decision on the facts, as I've put them to you anyway, wasn't it, that that was a referral that needed to go up to -

35 **MR CORCORAN:** Yeah, needed to go up. Yeah.

**MR LLOYD:** Following the policy, as you understood it, also to the strategic business partner or not?

40 **MR CORCORAN:** In that - in that instance, that should have gone straight to Professional Standards, that one.

**MR LLOYD:** And I think you're saying it would have been proper to make sure the Regional Director is also made aware?  
45

**MR CORCORAN:** Well, he was the Regional Director.

**MR LLOYD:** So that would be - at least that part is satisfied?

**MR CORCORAN:** That's right. And, you know, that - he's had that discussion and made the wrong decision.

5

**MR LLOYD:** Can I put something to you that he told the Commission in his evidence about his decision-making at that time, that is, not to make a referral of these matters to Professional Standards, to get your response. He said in answer to a question:

10

"You accepted yesterday that your decision-making, not referring off the things that came to your attention and that were discussed in the meeting and Astill's document, that that all ought to have been sent off in an intelligence report or to Professional Standards."

15

He said:

"Yes."

20

He said he frankly admitted to the Commissioner yesterday that was an error, and he agreed. Now, that's effectively the summary I'll put to you so far about what he told us.

**MR CORCORAN:** Yes.

25

**MR LLOYD:** See, he made reference to pieces of the jigsaw. I said:

30

"This was you exercising the precise role of performing the precise role which you've been allocated as per the new direction in the 12 September email, that is, you making the decision about what to do with the allegations that came to your attention."

And he said:

35

"Yes."

That is, telling us in his evidence that this was an example of him doing the very thing that he was required to do under that new policy.

40

**MR CORCORAN:** The new policy required them to still report matters of misconduct through the Professional Standards. It didn't say that they could make a decision that it wouldn't go to either HR or Professional Standards.

45

**MR LLOYD:** He was saying that he understood that policy to mean he had to make a decision about what to do, ie, manage it locally or send it up.

**MR SELLER:** I object. I don't think that was the evidence.

**MR LLOYD:** Just pardon me. I'll just put this to you - sorry, Mr Corcoran. It will take a bit longer. The question:

5            "In terms of pieces of the jigsaw, is what you're really talking about in this scenario that in order for this system to operate properly, there should be one person or body who would have access to each of the pieces of the information at the time decisions are made about what to do with it and what the proper course to be taken?"

10

His answer:

"Absolutely."

15            Just pausing, do you agree with that, that there should be one body who is aware of all allegations of misconduct at the initial stage of assessment to work out what to do about a particular allegation? Do you agree with that?

20            **MR CORCORAN:** Look, I do agree with that, and that's definitely where we're heading in the future.

**MR LLOYD:** Well, I'll come back - I promise you - that's the second time you've said it and I'll say it again -

25            **MR CORCORAN:** That's right.

**MR LLOYD:** - I'll come back to the future. Just talking about what was happening here.

30            **MR CORCORAN:** Sure.

**MR LLOYD:** Do you see - the next thing I asked him:

35            "And so if you had one body or person with access to each of the matters, that is, serious allegations about Astill going back to November '16, following to allegations of sexual assault and intimidation in the middle part of '17, coupled with what came to Mr Shearer's attention in '17, what you're saying is that's the proper way to handle alleges of serious misconduct?"

40            And he said:

"Yes."

**MR CORCORAN:** Yes.

45

**MR LLOYD:** And do you agree with that?

**MR CORCORAN:** Yes.

**MR LLOYD:** And I said:

5 "And I think what you're telling us in part, but tell me if you agree, is that that  
is not what happened when you go to the November '17 mediation process, in  
part because of the very policy that came in making you the first person who  
was given a decision-making role about what to do about those November '17  
allegations?"

10 "Yes."

That was yes, he agreed with that.

15 **MR CORCORAN:** Well, the reality is, you know, when he's confronted with  
allegations of misconduct in a workplace, you know, he knew he should - well, he  
should have known that that needed to be referred through to Professional  
Standards or -

20 **MR LLOYD:** I'm just trying to understand in terms of the system and what  
a good system might look like. You see, you know that there were allegations of  
criminal wrongdoing -

**MR CORCORAN:** Yes.

25 **MR LLOYD:** - made against Astill that came to - or were sent to the  
Investigations Branch.

**MR CORCORAN:** That's right.

30 **MR LLOYD:** Now, we separately know in an unrelated failure that those  
allegations weren't acted on (indistinct).

**MR CORCORAN:** That's right. Yeah.

35 **MR LLOYD:** Assuming a proper system, those allegations would have come to  
the attention of the Professional Standards Branch; agree?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** In effect, what I'm putting to you as being the effect of Mr  
Shearer's evidence is that he was deciding what to do with the allegations that  
came to his attention. He did not know about the fact of those earlier allegations of  
criminal offending by Astill.

45 **MR CORCORAN:** Well, this is my point that I'm making about Professional  
Standards Branch and how they operated at the time, is that operational people

were not aware of what was going on in Correctional Centres or in Community Corrections regions until maybe very much later down the track. And - and, as you say, the jigsaw puzzle was not - never put together because there's these groups that kept hold of information.

5

**MR LLOYD:** And what I'm putting to you is that, as a system, having a decision made by the Regional Director, who may not be aware of the whole history in relation to a particular officer, does accord with the description Commissioner Severin gave it of a gross failure of corporate governance.

10

**MR CORCORAN:** No, I think what we're dealing with here is a Director who is not able to discern what misconduct is. And, you know, if he was able to say, "Well, this is clearly misconduct. It clearly has to go to the Professional Standards Branch" - any other Director who was confronted with those facts would have said that.

15

**MR LLOYD:** You see, I want to suggest this to you and get your response: That what Mr Shearer is effectively saying is that he was trying to implement this policy, and it had a direct impact on the failed decision that he made not to take the proper action to deal with these complaints.

20

**MR CORCORAN:** Yeah. Well, I think, you know, that is an excuse for not taking action.

25

**MR LLOYD:** Is that your response? You think it's just his fault?

**MR CORCORAN:** I think that any other Director confronted by that situation, whether it was a numerous allegations of serious misconduct by an officer involving inmates, would remove that officer from the workplace and initiate - request PSB to initiate an investigation.

30

**MR LLOYD:** Can I ask you something else. Could Volume 14 please be put before Mr Corcoran.

35

**MR CORCORAN:** Can I just say one other thing?

**MR LLOYD:** Yes.

**MR CORCORAN:** That, you know, here we have a person who was a lieutenant colonel in the military. I was in the military. I know what the, you know, what people have to learn about how you report misconduct, how you deal with it. You know, that's part of the training you get as an officer, and that's what I expected that Hamish would understand that.

40

45

**MR LLOYD:** But I should, in fairness, if you're not aware of all of the facts, Mr Corcoran, put this to you for your response. You see, the evidence here is that, as it turns out, the things that came to Mr Shearer's attention in November of '17

about bullying and intimidation, some of them had a relationship back to things that had happened earlier that year -

**MR CORCORAN:** Yes.

5

**MR LLOYD:** - regarding Astill. Did you know this?

**MR CORCORAN:** No.

10 **MR LLOYD:** The stories on the evidence this Commission has heard that had been coming out of Dillwynia both in relation to things that had happened in the middle part of '17 and things were coming to Mr Shearer's attention had a link. Do you know this?

15 **MR CORCORAN:** Right. Well, now I do.

**MR LLOYD:** I'll just put some things and no doubt someone will object if I'm not putting it accurately. But there were allegations that were recorded in an intelligence report that Astill had sexually assaulted an inmate. I don't need you - her identity for present purposes doesn't matter. That was Witness M.

20

**MR CORCORAN:** Yes.

**MR LLOYD:** Those allegations were reported up in an intelligence report. Do you know that ?

25

**MR CORCORAN:** I do now.

**MR LLOYD:** The women who had come forward to advance the complaint about Witness M, some of those women were the women who were the subject of bullying and intimidation allegations and it went to the mediations. Do you understand? Mr Shearer went out not knowing any link between the two events. You can take that from me?

30

35 **MR CORCORAN:** Yes.

**MR LLOYD:** In a corporate sense, just in terms of the governance here, do you see the problem? You have a document that, I think you've agreed in the ordinary course if things had been working - that is the intelligence report - which would have come to the attention of Professional Standards, which reports that women had come forward to advance complaints about sexual assault by Astill; okay?

40

**MR CORCORAN:** Yes.

45 **MR LLOYD:** Some of those same women then, only a few months later, are bringing forward allegations of bullying and intimidation by the same officer.

**MR CORCORAN:** Yes.

5 **MR LLOYD:** Do you see the need in an organisation such as yours, if it's proper, to have a system which is foolproof that the same agency would have to be aware in every case that knowing both of those allegations?

**MR CORCORAN:** Absolutely.

10 **MR LLOYD:** So that they can work out, some person within a particular agency can have a look at the full picture to work out what should be done, in good corporate governance?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** Here, I know you have been critical of Mr Shearer, but his evidence to us, if it is to be believed, he had no idea about these earlier complaints.

20 **MR CORCORAN:** No, I would agree that he would have no idea because that was the nature of the way the systems were operating in Corrective Services.

**MR LLOYD:** But there should be a system which makes it absolutely foolproof, shouldn't there?

25 **MR CORCORAN:** There had should be.

**MR LLOYD:** One agency should know about every complaint both of the kind in the intelligence report that I've asked you, and of the kind that came to Mr Shearer -

30 **MR CORCORAN:** 100 per cent agree.

**MR LLOYD:** And the problem with the policy of 12 September is that would mean that there could be cases where that sort of system is not the way it played out?

35 **MR CORCORAN:** Well, here we have a system where Directors, we have Assistant Commissioners, where even Governors were not aware of things going on in their Centres and weren't told either by Intelligence or by Investigations Branch or Professional Standards Branch of things that were going on in their  
40 Centres. So, incredibly difficult to manage risk in that sort of environment from an operational perspective.

**MR LLOYD:** Thank you. Could I just ask you to turn to 452 in there. I just want to ask you one question about these facts. You see here there's an email chain  
45 behind 452. You are not on any of the emails here, take it from me.

**MR CORCORAN:** Okay.



5 **MR LLOYD:** I just want to get you to look at the information to see if it accords with anything you were told around this time about Dillwynia. The circumstances described by Mr Greaves to Mr Shearer down the bottom are allegations about an officer at Dillwynia who had been making sexual advances towards inmate M. Do you see that? The first dash in the email.

**MR CORCORAN:** The first dash.

10 **MR LLOYD:** When you said to you to take it from me that there had been these allegations in the middle part of '17, that that's what these -

**MR CORCORAN:** Right.

15 **MR LLOYD:** Now, you see the next one, Mr Greaves and Mr Robinson saying:

20 "Hamish called me after making inquiries. It appears this wasn't an investigation as such; instead, there was some information about an officer. Shari liaised with Mick Hovey, and the interview described below was one step down the path of assembling the relevant information."

Do you see that?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** What's happening here, I can try and summarise it accurately is something has come to Mr Greaves' attention which suggested there had been internal investigation by Dillwynia into allegations of sexual assault.

30 **MR CORCORAN:** Right.

**MR LLOYD:** And there's then the email in the middle of the page something suggesting information had come that Mr Hovey was in intelligence-gathering mode. Do you see that?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** Did you ever become aware of this occurrence or this concern?

40 **MR CORCORAN:** No.

**MR LLOYD:** As a matter of process, it wouldn't make sense, would it, if there were allegations of either sexual or indecent assault for Mr Hovey to be in intelligence-gathering mode, other than referral -

45 **MR CORCORAN:** It should have been - it should have been, yeah, a referral to police.

**MR LLOYD:** In any event, you don't recall being told about it?

**MR CORCORAN:** No.

5

**MR LLOYD:** We have had some other evidence that where there are allegations of sexual assault by officers, that those matters at least sometimes get reported up either to the Assistant Commissioner and sometimes in the Commissioner?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** Is that your experience?

**MR CORCORAN:** Yes.

15

**MR LLOYD:** I suppose you wouldn't know the full range because you don't know what you don't know?

**MR CORCORAN:** That's right.

20

**MR LLOYD:** But you know that sometimes -

**MR CORCORAN:** Sometimes they get reported, sometimes they don't get reported to, say, an Assistant Commissioner.

25

**MR LLOYD:** Is a worked example of that the May '16 email from Mr Paddison to you?

**MR CORCORAN:** Yeah, that - that's an unusual scenario that I would get, you know, an email of that nature from -

30

**MR LLOYD:** Can I -

**MR CORCORAN:** - a functional manager.

35

**MR LLOYD:** This is a question about the future. Yes. Should Commissioners always be told that there is an allegation of sexual misconduct by an officer at a correctional centre?

40 **MR CORCORAN:** Look, I think that's incredibly serious, and yes, I think Commissioners should be told about that.

**MR LLOYD:** Just on that point, I don't want you to start to try and engage in statutory construction -

45

**MR CORCORAN:** No.

**MR LLOYD:** - but you have regulation 253.

**MR CORCORAN:** I think that, if that's the one that requires all officers to report through to the Commissioner.

5

**MR LLOYD:** Yes. You are aware that at least it seems to say that a senior correctional officer who becomes aware of serious misconduct or misconduct that involves a criminal offence or other misconduct, has to report to a senior correctional officer?

10

**MR CORCORAN:** Yes.

**MR LLOYD:** And that senior correctional officer, at least according to the Regulation, is then bound to promptly report to the Commissioner?

15

**MR CORCORAN:** Yes.

**MR LLOYD:** And I think something has changed during the course of this Inquiry in terms of the delegation to mean that that no longer is the case?

20

**MR CORCORAN:** That is correct, yes.

**MR LLOYD:** But is it, on the strict terms of at least on your understanding, until that change, is that really what you understood was required, that is -

25

**MR CORCORAN:** No.

**MR LLOYD:** - a senior officer making a report directly to you?

30

**MR CORCORAN:** No.

**MR LLOYD:** And to the extent it was required, from what you are saying, it certainly does not appear to have been happening?

35

**MR CORCORAN:** No, it certainly wasn't - wasn't happening and, you know, I was a bit worried about it, I've got to say, until we changed that delegation or tried to put -

40

**COMMISSIONER:** I'm not understanding. Mr Corcoran is saying he didn't previously understand what that matter said, what the words were.

**MR LLOYD:** I'll pursue it.

45

**COMMISSIONER:** I would like to know what he's saying.

**MR LLOYD:** Until in recent times, I take it, it was drawn to your attention that the effect of the regulation at least might be that it was a requirement for senior correctional officers with this information to make a report directly to you?

5 **MR CORCORAN:** So once you identified that, previously in -

**COMMISSIONER:** No, no, please. Please answer counsel's question.

10 **MR LLOYD:** On your understanding until recently, the effect of the regulation required the senior correctional officer who had that information come to them, make a report directly to you?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** Did you know about that, or at least have that understanding about the effect of this regulation until recently?

**MR CORCORAN:** No.

20 **MR LLOYD:** You aren't aware of it?

**MR CORCORAN:** Now I am, and, you know, I obviously was aware of that beforehand but thought it was a delegation issue.

25 **MR LLOYD:** In terms of either policies or procedures or systems with respect to reporting, we have here something which appears to be a regulation saying something different again than the policy and at least what I've put to you on the evidence from Mr Hovey and Mr Greaves about the system?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** Agree?

**MR CORCORAN:** Yes.

35

**MR LLOYD:** It sounds like, to put it mildly, an unsatisfactory state of affairs?

**MR CORCORAN:** Yes.

40 **MR LLOYD:** Currently, the delegation now, what's your understanding of the effect of that in terms of the requirement imposed by the Regulation on who the senior officer report to?

45 **MR CORCORAN:** So, my understanding of the effect would be that it empowers other officers, such as Director Professional Standards, to receive allegations.

**MR LLOYD:** The Director of Professional Standards and others?

**MR CORCORAN:** And others.

5 **MR LLOYD:** Not solely the Director of Professional Standards, for example?

**MR CORCORAN:** Not solely.

**MR LLOYD:** Who are the others?

10 **MR CORCORAN:** I can't recall, but it might have been, you know, the Assistant Commissioner in - you know, responsible for that area. Maybe the Deputy Commissioner.

15 **MR LLOYD:** I'll just again ask you yew your understanding, not about the legal effect of things. Does it include, on your understanding, the Strategic Business Partner?

**MR CORCORAN:** No.

20 **MR LLOYD:** That's a problem, isn't it, in terms of the February '16 policy?

**MR CORCORAN:** It probably is. We should make sure that that delegation is there as well.

25 **MR LLOYD:** Can I ask you on a different topic. You must be aware of some evidence that was given by Ms Zekanovic yesterday about the topic of the suspensions of three officers from Dillwynia?

**MR CORCORAN:** Yes.

30

**MR LLOYD:** I'll take you to the relevant parts. Could I just first ask: you remember, obviously, the decision taken in fairly recent times by you to suspend Officers Holman and Paddison?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** That was taken on or about 20 September of this year?

**MR CORCORAN:** Yes.

40

**MR LLOYD:** And - I'll take you to the detail - it was made after you had a document called the Submission to Commissioner?

**MR CORCORAN:** Yes.

45

**MR LLOYD:** And that Submission to Commissioner came to, after you attended Dillwynia on 19 September 2023?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** That attendance by you at Dillwynia on that date, how many people went out you and - presumably you didn't go by yourself.

**MR CORCORAN:** No, I didn't go by myself. I think Chantal might have been there, I'm not sure who else was there. Chantal Snell.

10 **MR LLOYD:** On that day you spoke to one or more officers?

**MR CORCORAN:** I think I could be wrong, but I think I had a staff meeting followed by a meeting with a number of officers in pairs or individual.

15 **MR LLOYD:** What might be important, was it in pairs or individual, do you remember?

**MR CORCORAN:** In pairs and individual.

20 **MR LLOYD:** How many officers did you speak to?

**MR CORCORAN:** I spoke to the whole staff at the staff meeting.

25 **MR LLOYD:** Sorry (crosstalk).

**MR CORCORAN:** In the meetings, probably about six, maybe seven.

30 **MR LLOYD:** It's important to try and get this detail from you, Mr Corcoran. Do you remember to whom you spoke in the individual or pairs meetings?

**MR CORCORAN:** I remember some of them, yeah.

**MR LLOYD:** Did you take a documentary record or notes?

35 **MR CORCORAN:** Look, I didn't, but I probably had - Chantal might have taken some notes of that.

**MR LLOYD:** Was it you and Assistant Commissioner Snell at the meeting?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** Anyone else?

45 **MR CORCORAN:** I'm pretty sure there was probably only us at the meetings.

**MR LLOYD:** Do you remember - coming back to my earlier question, do you remember to whom you spoke?

**MR CORCORAN:** Look, you know, these people wanted, you know, some confidentiality about what they were saying to me. So -

5 **MR LLOYD:** I appreciate -

**MR CORCORAN:** I'm a little reluctant to be -

10 **COMMISSIONER:** No, no, Mr Corcoran. You will have to answer the question.

**MR LLOYD:** I'll just put this to you before I come back to the question.

15 **COMMISSIONER:** You can do it on paper, maybe Mr Lloyd but we need the answer.

**MR LLOYD:** Thank you, Commissioner. The - I just need to put this to you. You appreciate we've heard evidence -

20 **MR CORCORAN:** Yeah.

**MR LLOYD:** - from a significant number of officers for the purpose of this Inquiry doing its work?

25 **MR CORCORAN:** Yes.

**MR LLOYD:** You appreciate we've obtained statements from scores more who have not been called?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** The purpose of that is to try and make sure that the Commissioner can be satisfied that all of the relevant evidence about Astill's offending and the response to it -

35 **MR CORCORAN:** Yes.

**MR LLOYD:** - adequate or otherwise, is known by this Commission. Do you understand?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** We've had some evidence already that some people from the Support Unit spoke to three identified officers back in June of 2023; understand?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** The reason why it's important for us to know who you spoke to is not for the purpose of trying to breach any confidentiality -

**MR CORCORAN:** Sure.

5

**MR LLOYD:** - but to make sure we have spoken to the same people that you got information from on that day.

**MR CORCORAN:** Yeah.

10

**MR LLOYD:** So for that purpose, are you able to write on the piece of paper if -

**MR CORCORAN:** I can only remember two that -

15

**MR LLOYD:** Just the two you remember. And then if you can hand that to me, I will, at least at the first instance, keep it - well, I intend to keep it confidential in the sense of -

20

**COMMISSIONER:** Well, it may not be necessary depending on the names, Mr Lloyd.

**MR LLOYD:** Yes.

25

**MR CORCORAN:** I'm just trying to remember the person's name.

**MR LLOYD:** I don't want to put you on the spot, but it is important.

30

**MR CORCORAN:** Yeah. Sure. I can only remember that one. I - I can see that person's face, but I just can't remember their name at the moment. It will come back to me, I'm sure.

**MR LLOYD:** Unfortunately you're going to be back tomorrow, so you might think about it overnight -

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**MR CORCORAN:** I shall. I shall.

**MR LLOYD:** - to help us with it.

40

**MR CORCORAN:** Yeah.

**MR LLOYD:** I'll come back -

45

**COMMISSIONER:** And if anyone has made a note, Mr Lloyd, we'd like that note.

**MR LLOYD:** We have called for it, Commissioner, and I'll follow that up.



**COMMISSIONER:** We have, have we?

5 **MR LLOYD:** Informally, I might say. It's not a criticism of Mr Sheller. It might have come in while I've been on my feet. We can come back to that topic tomorrow -

**MR CORCORAN:** Sure.

10 **MR LLOYD:** - but just at a level of generality at the moment. It was information - I withdraw that. Information was told to you on that day -

**MR CORCORAN:** Yes.

15 **MR LLOYD:** - by one or more of the officers to whom you spoke -

**MR CORCORAN:** Yes.

20 **MR LLOYD:** - that you regarded as being relevant to that decision about whether to suspend?

**MR CORCORAN:** Yes.

25 **MR LLOYD:** We will come back to the detail. But could I, in the remaining time, just get you to go back to an earlier time. Could Mr Corcoran have access to Volume 17. You can close up that one. That can be taken away. If you look at Tab 568. Do you see that's an email - and you're not on the distribution list - '26 July '22?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** And without going to all the details but there's allegations there recorded from two named officers, Judy Barry and Renee Berry, including of - first bullet point from Ms Barry:

35 "Inexcusable unprofessional behaviour from senior management in respect of Astill."

**MR CORCORAN:** Yes.

40 **MR LLOYD:** And from Ms Berry, third bullet point:

"Still current management staff who turn a blind eye to inappropriate behaviour."

45 **MR CORCORAN:** Yes.

**MR LLOYD:** And some other things in terms of abuse and bullying earlier too.

**MR CORCORAN:** Yes.

**MR LLOYD:** And then the fifth bullet point under Summary:

5

"No further details have been provided about the other managers who they allege acted inappropriately and took no action."

**MR CORCORAN:** Yes.

10

**MR LLOYD:** See that? And then under View, there's a reference made to the complexity about the ongoing court case; that is, at this time, Mr Astill's trial had not yet occurred or been completed.

15 **MR CORCORAN:** Right.

**MR LLOYD:** And that meant it was not appropriate, was it, to do any investigation or further any disciplinary complaint about any of the officers referred to by Ms Barry or Ms Berry until that criminal process had come to an end -

20

**MR CORCORAN:** That's right.

**MR LLOYD:** - for fear of jeopardising it -

25

**MR CORCORAN:** Yes.

**MR LLOYD:** - apart from anything else?

30 **MR CORCORAN:** Yes.

**MR LLOYD:** At 533 in the bundle, there's an email of April 2023 from Kurumi Todoroki. Do you see that?

35 **MR CORCORAN:** Yes.

**MR LLOYD:** And it's making reference to the receipt by PSI of a referral from ICAC. Do you see that?

40 **MR CORCORAN:** Yes.

**MR LLOYD:** And the recommendation that it be referred to Investigations for fact-finding. Do you see that?

45 **MR CORCORAN:** Yes.

**MR LLOYD:** And if criminality is identified, it goes over to CSIU. And then subject to the outcome, misconduct papers are prepared for consideration for the decision-maker?

5 **MR CORCORAN:** Yes.

**MR LLOYD:** That's a perfectly accurate description of what should happen in terms of process?

10 **MR CORCORAN:** Yes.

**MR LLOYD:** And that means that there was, at this time, on at least this recommendation, a disciplinary process that was commenced, starting with fact-finding by Investigations; is that right?

15

**MR CORCORAN:** Yes.

**MR LLOYD:** Now, could I just ask: by this time, 13 April 2023, you must know that it was in the latter part of August 2022 that the jury returned verdicts of guilty for most of the charges against Astill?

20

**MR CORCORAN:** Yes.

**MR LLOYD:** What had happened, to your knowledge, about, first, any disciplinary investigation in relation to any officers who may have been complicit in that offending or aware of it and failed to respond between August of '22 and April of '23?

25

**MR CORCORAN:** My understanding is that Professional Standards were going through the police facts and the transcripts of the court to try and identify what had happened and whether there was any matters that we had to follow up.

30

**MR LLOYD:** Are you sure that was happening before 13 April 2023?

**MR CORCORAN:** Yeah, I'm sure it was happening. Because, you know, they were the things that were, you know, what - that and the police investigation that, you know, were sort of holding up, you know, any - any action that we were going to take in terms of looking at a lessons learnt information approach in relation to Astill.

40

**MR LLOYD:** One of the difficulties here in terms of getting to the bottom of lessons learned -

**MR CORCORAN:** Yeah.

45

**MR LLOYD:** - was that at least some of the very senior staff at Dillwynia had left?

**MR CORCORAN:** Yes.

5 **MR LLOYD:** And that included at least one person in the form of Shari Martin, who you had the doubts you told us about before?

**MR CORCORAN:** Yeah.

10 **MR LLOYD:** And you must have known that the police - there was a sense that she might have been culpable - or at least some people thought she was culpable in failing to act?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** And the disciplinary process was never going to be one, I think from what you told the Commissioner before, to get to the bottom of her failings in the sense that she was - having resigned at the end of '18, she was beyond the reaches of that system?

20 **MR CORCORAN:** The reaches of our system?

**MR LLOYD:** The disciplinary system.

25 **MR CORCORAN:** The disciplinary system, yes.

**MR LLOYD:** Did that mean, in your view, that if you were really going to get to the bottom of what happened at Dillwynia which led to Astill being able to sexually assault multiple inmates, multiple times -

30 **MR CORCORAN:** Yeah.

**MR LLOYD:** - over many years, that what was positively required was a serious investigation that was beyond any disciplinary investigations into individual officers?

35

**MR CORCORAN:** Yes.

**MR LLOYD:** What had you done by April 2023?

40 **MR CORCORAN:** Well, my understanding is that the police have already launched an investigation into other people associated with Astill's offending.

**MR LLOYD:** Is - by that answer, are you saying that a broader investigation would ordinarily have been required to get to the bottom of it, but that was  
45 suspended because of that police investigation?

**MR CORCORAN:** Yes, that's correct. Police investigation plus the fact that, as I understand it, they were going through - and that's what was explained to me, going through the transcripts and the police facts -

5 **MR LLOYD:** So the sequence -

**MR CORCORAN:** - from the trial.

10 **MR LLOYD:** So the sequence, then, is hamstrung in terms of pursuing any disciplinary investigations or process until the criminal justice system had finished with Astill?

**MR CORCORAN:** Yes.

15 **MR LLOYD:** But then, shortly after the entry of those verdicts, awareness that the police were investigating the potential for further crimes to have been committed by officers at the gaol in terms of a failure to act?

20 **MR CORCORAN:** Yes.

**MR LLOYD:** And so in terms of any broader investigation, that broader investigation hamstrung by that police investigation?

25 **MR CORCORAN:** That's right. And - yes.

**MR LLOYD:** Commissioner, I will be probably another 20 minutes, but I -

30 **COMMISSIONER:** I think we should come back tomorrow. But before we adjourn, Mr Corcoran, earlier on we were talking about your approach to the management of Ms Martin. Do you remember?

**MR CORCORAN:** Yes.

35 **COMMISSIONER:** You told me that he had had meetings with her by way of reviewing her performance when she was at a previous gaol to the Dillwynia gaol. Do you remember that?

**MR CORCORAN:** Yes.

40 **COMMISSIONER:** That's what you told me?

**MR CORCORAN:** Yes.

**COMMISSIONER:** What was the name of that gaol?

45

**MR CORCORAN:** Dawn de Loas.

**COMMISSIONER:** Was that gaol within your line of responsibility?

**MR CORCORAN:** Yes.

5 **COMMISSIONER:** And how did it come about that she was transferred, then, to have responsibility for Dillwynia and another gaol? If you had concerns about her capacity in her performance, how did it happen that she was given responsibility for two gaols?

10 **MR CORCORAN:** She was given the responsibility - well, because we rotate people around in Correctional Centres. Part of the award for Governors and Managers of Security is they need to rotate around Correctional Centres.

**COMMISSIONER:** Why give her two?

15

**MR CORCORAN:** Sorry?

**COMMISSIONER:** If she wasn't up to the job, why would you give her two?

20 **MR CORCORAN:** If she wasn't up to the job, we'd have to terminate.

**COMMISSIONER:** Well, you have told us that she wasn't performing.

25 **MR CORCORAN:** Yes. As I said to you before, the person who was responsible - who made themselves responsible for the - you know, if there was going to go to a termination was the Commissioner at the time.

**COMMISSIONER:** No, no. She is in one gaol. She is in charge of one gaol. Then, in your line of command, she is moved and given responsibility for two.

30

**MR CORCORAN:** Yes.

**COMMISSIONER:** And you've told us that you were counselling her when she was at the previous gaol.

35

**MR CORCORAN:** Yes.

40 **COMMISSIONER:** And you counselled, or indeed you put in a performance review and a plan to upgrade the performance when she came to Dillwynia. How did it come that, having been responsible for one gaol and not doing very well, she was then given responsibility for two? How did that happen?

**MR CORCORAN:** Well, it's part of the rotational process. I, you know, can't explain, you know, why that decision was made back then.

45

**COMMISSIONER:** Presumably, you were part of the decision-making?

**MR CORCORAN:** I would have been part of the decision-making -

**COMMISSIONER:** Was it your decision, actually?

5 **MR CORCORAN:** I would have participated in that decision-making process with the directors of Custodial Corrections.

**COMMISSIONER:** It was ultimately your responsibility for that? No. Well, how did it happen that being unsatisfactory in one she gets responsibility for two?

10

**MR CORCORAN:** Because we have to rotate these people around.

**COMMISSIONER:** Yes I know, but you didn't have to give her two.

15 **MR CORCORAN:** No, but it was only a very small prison, the other one. That prison she was in at the time was a 500-bed prison. The Dillwynia and Emu Plains was a smaller facility at the time.

20 **COMMISSIONER:** I'm still not understanding how you go from one to two when she is not performing satisfactorily in one?

**MR CORCORAN:** We have to rotate these people around. So, you know, unless you go down the path of terminating someone because they're - you know, they're - they're not up to this role, as I said to you before, very difficult - very  
25 difficult to do with these award employees.

**COMMISSIONER:** So you are telling me that the award demanded that she be given responsibility for two gaols. Is that what are you saying?

30 **MR CORCORAN:** No, the award demanded that they be rotated around.

**COMMISSIONER:** Right I understand that.

**MR CORCORAN:** Yes.

35

**COMMISSIONER:** But why give her two? Why not send her to somewhere where she has got one?

40 **MR CORCORAN:** It was a small one, you know, in total facility than the one that she -

**COMMISSIONER:** So that justified making her responsible for the management of two facilities, did it?

45 **MR CORCORAN:** Well, I just can't go back and understand what we were doing at the time, why we made that particular decision. But we did have, you know as I said, 40 facilities to rotate people around in. So I - you know -

**COMMISSIONER:** That means you had many options for her apart from giving her two goals.

5 **MR CORCORAN:** Yes.

**COMMISSIONER:** And you didn't take one of them?

**MR CORCORAN:** No, I didn't.

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**COMMISSIONER:** And you can't tell me why?

**MR CORCORAN:** No, I'm sorry. That was a long time ago, almost - almost 10 years ago.

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**COMMISSIONER:** All right. We will meet at 10 o'clock in the morning.

**MS GHABRIAL:** Before we adjourn, I have asked those instructing Mr Lloyd of Senior Counsel whether the performance plan that has been referred to a number of times during these proceedings has actually been produced to the Commission. I understand that that has not taken place, and I would ask that that performance plan be produced to the Commission and I'm inviting the Commission to compel production of that document.

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**COMMISSIONER:** I don't think I have to compel it, do I Mr Shearer?

**MS GHABRIAL:** (Crosstalk) The difficulty is -

**COMMISSIONER:** Just a minute -

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**MS GHABRIAL:** - I have I've made requests on several occasions -

**COMMISSIONER:** Just a minute. If we haven't got it, we should have it. Have we got it?

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**MR LLOYD:** There's a summons that you are about to asked to be signed, if it's required.

**COMMISSIONER:** We haven't got it yet?

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**MR LLOYD:** As I understand it, we do not have it.

**COMMISSIONER:** Mr Sheller, I presume it will be here early in the morning, will it?

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**MR SELLER:** (Indistinct)



**MS GHABRIAL:** And perhaps a copy of the award that is being referred to as well might be of assistance.

5 **COMMISSIONER:** Well, you can probably find that on the net, can't you?

**MS GHABRIAL:** I don't know which one specifically this witness is referring to.

**COMMISSIONER:** Mr Corcoran?

10 **MR CORCORAN:** It's - I think it's a senior - SEAG award. I'm not sure of the -

**COMMISSIONER:** How do you spell that?

**MR CORCORAN:** S-E-A-G.

15 **COMMISSIONER:** SEAG award.

**MS GHABRIAL:** SEAG, what does that mean?

20 **COMMISSIONER:** It will stand for something. Do you know, Mr Corcoran, what it stands for?

**MR CORCORAN:** I'll have to just check on that because I might be wrong, if I remember.

25 **MR LLOYD:** We can deal with it this way: we can speak to Mr Sheller, or Mr Horton for that matter, and send a communication overnight with that production (indistinct).

30 **COMMISSIONER:** All right.

**MS GHABRIAL:** Thank you.

**COMMISSIONER:** Very well. We'll adjourn.

35 <**THE HEARING ADJOURNED AT 4.06 PM TO THURSDAY, 23  
NOVEMBER 2023 AT 10.00 AM**