



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

**PUBLIC HEARING
SYDNEY**

**FRIDAY, 24 NOVEMBER 2023
AT 10.00 AM**

DAY 28

APPEARANCES

MR D. LLOYD SC appears with **MS J. DAVIDSON** as Counsel Assisting
MR J. SHELLER SC appears with **MS C. MELIS** for Corrective Services NSW
MS J. GHABRIAL appears for a group of correctional officers
MR R. DEPPELER appears for a group of correctional officers
MR A. GUY appears for a group of correctional officers
MS L. DOUST appears for one correctional officer
MR C. WATSON appears for two correctional officers
MR A. WILSON appears for one correctional officer
MR I. LATHAM appears for one correctional officer
MR B. DEAN appears for a CSNSW member of staff
MR H. WHITE appears for one correctional officer
MR J. TUIITE appears for a former CSNSW member of staff
MR E. JAMES appears for one correctional officer
MR K. HORTON KC appears with **MS GAUSSEN** for a CSNSW member of staff
MR D. GASIC appears for a former CSNSW member of staff
MR O. JONES appears for Inspector of Custodial Services
MS L. BARNES appears for a former CSNSW member of staff
MR HALL appears for CSNSW member of staff

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<THE HEARING RESUMED AT 10.11 AM

MR LLOYD: Commissioner, on the screen is Assistant Commissioner Chantal Snell. And I've tested the link, and it appears to be working. And I call her.
5 Ms Snell, will you take an oath on the Bible or affirm?

MS SNELL: An oath, please.

<CHANTAL SNELL, SWORN

10

<EXAMINATION BY MR LLOYD:

MR LLOYD: Could you tell us your name?

15 **MS SNELL:** Chantal Snell.

MR LLOYD: And your address is known to the Commission?

MS SNELL: It is.
20

MR LLOYD: You made a statement to the Commission, and you did that on 20 November 2023?

MS SNELL: That's correct.
25

MR LLOYD: And in that statement, you're telling the truth?

MS SNELL: That's correct.

30 **MR LLOYD:** I tender that statement. It's found at Tab 12 in Volume 28 of tender bundle 5.

COMMISSIONER: It will become Exhibit 55.

35 **<EXHIBIT 55 TENDERED AND MARKED**

MR LLOYD: Ms Snell, could you just tell us about the position you are currently in at Corrective Services?

40 **MS SNELL:** Yeah, I currently hold the position of Assistant Commissioner, Delivery, Performance and Culture.

MR LLOYD: And you were appointed into that role in November 2022?

45 **MS SNELL:** Correct. But I didn't transition - I started to transition into the role in January until the full structure came into effect on 13 February.

MR LLOYD: What position did you hold prior to November 2022?

MS SNELL: I was the Executive Director, Strategic Projects.

5 **MR LLOYD:** For how long?

MS SNELL: From May 2022.

10 **MR LLOYD:** Just going back to the start, when did you first start with Corrective Services New South Wales?

15 **MS SNELL:** This - I've been at Correctives this time around for about four and a bit years. When I came back about four and a bit years ago, I was the Director of the Strategy to Reduce Re-Offending Program Management Office, and that was responsible for leading the Premier's priority to reduce adult re-offending.

MR LLOYD: And going right back to an earlier time, had there been a time that you were with Corrective Services before then?

20 **MS SNELL:** Yes. So prior to being the Director of the Strategy to Reduce Re-offending Program Management Office, I was with the Department of Premier and Cabinet for a couple of - just over a couple of years. Prior to that, I was with Corrective Services leading the state priority to reduce re-offending for - I think it was just under a year. I can't remember the exact timeframe, I apologise.

25 **MR LLOYD:** Part of your present obligations or duties involves oversight of what is now the PSI?

MS SNELL: That's correct.

30

MR LLOYD: That - the PSI came into existence as a consequence of what is referred to as Project Merge?

35 **MS SNELL:** Yes, as part of the - the executive restructure that was done across Corrective Services at the end of last year that came into full effect in February this year.

40 **MR LLOYD:** I'll ask you some more questions about that in due course. But in broad terms, the effect of Project Merge was to collapse into the one agency both Investigations and Professional Standards?

MS SNELL: That's correct.

45 **MR LLOYD:** And you have oversight over now that collapsed or merged agency containing both Professional Standards and Investigations?

MS SNELL: That's correct.

MR LLOYD: And you've been following the evidence in this Inquiry?

5 **MS SNELL:** To the best of my ability, yes. I'm not - I've either been there in person or online where I can, but there have been some moments where I've not been able to.

MR LLOYD: You've been physically in court for many of the days of hearing?

10 **MS SNELL:** I have, yes.

MR LLOYD: Did you hear, during Mr Hovey's evidence, the Commissioner describe an aspect of what Mr Hovey was telling us about the interrelationship between the Investigations Branch and the Professional Standards Branches resembling something like table tennis?

15 **MS SNELL:** I did, yes.

MR LLOYD: And is one of the aims of Project Merge to avoid that kind of scenario where things are just going back and forward between those two separate branches being separately run?

20 **MS SNELL:** Indeed it is, absolutely.

MR LLOYD: I'll ask you some more things about that agency. But before doing that, I just want to get your response to some factual evidence that the Commission has heard about events at Dillwynia this year. Did you go out to Dillwynia on 19 September?

25 **MS SNELL:** I did.

MR LLOYD: And was Commissioner Corcoran there with you?

30 **MS SNELL:** He was.

MR LLOYD: And did you attend meetings with any of the officers?

35 **MS SNELL:** I did. Not all of them, but some of them.

MR LLOYD: We've heard evidence that there was a meeting with perhaps 70 or so officers that occurred initially.

MS SNELL: That's correct.

40 **MR LLOYD:** Were you at that one?

MS SNELL: I was.

MR LLOYD: We've heard some evidence that there was then a meeting at which Commissioner Corcoran was present with perhaps six - between six and 10 officers.

5

MS SNELL: Yes.

MR LLOYD: Were you at that one?

10

MS SNELL: I was.

MR LLOYD: And we've also heard some evidence that Commissioner Corcoran then met either one on one or perhaps with one or two officers present following that meeting with six to 10 officers.

15

MS SNELL: That's correct.

MR LLOYD: Were you present at any or all of those meetings?

20

MS SNELL: No, I wasn't.

MR LLOYD: We've got some handwritten notes that we've been told are notes that you made of one of the meetings that you attended.

25

MS SNELL: Yes. Apologies for the handwriting.

MR LLOYD: No. That was your note taken, was it, of the meeting involving the six to 10 officers?

30

MS SNELL: That's correct.

MR LLOYD: What was your memory of the effect of what was being said by those officers at that meeting?

35

MS SNELL: If you - if you don't mind, I can find the notes in this bundle and I can take you through the detail.

MR LLOYD: Certainly. For the parties here, they're Exhibit - and for you, Commissioner, Exhibit 51. Just tell me when you've managed to turn them up.

40

MS SNELL: Yeah, I'm sorry, I'm just scrolling through the pages. Here we go. Okay. Sorry, they start in the wrong order from what's on my screen, but the start of the meetings - the notes start with the words "staff meeting" in the top left-hand corner.

45

MR LLOYD: That's - the third page of what we have is a document headed Staff Meeting.

MS SNELL: That's the beginning of the notes.

MR LLOYD: Is that the first page of the notes that you took?

5

MS SNELL: Correct.

MR LLOYD: Which of the two meetings you've identified being present at does that record?

10

MS SNELL: It records the one with the six or so officers.

MR LLOYD: Do you remember who was there? Which officers?

15

MS SNELL: I have a good recollection of the majority of people were there, but I'm just not sure of one or two.

MR LLOYD: Could you tell us, including, if you need to, by reference to your notes, what you recall being said at the meeting?

20

MS SNELL: Yeah, by all means. So essentially, at the start of this meeting, there was a discussion from predominantly two members of staff, expressing their views to the Commissioner in particular - the Commissioner of Corrective Services - with regards to their experiences recently at Dillwynia. So, they first of all - in my notes, you'll see that it refers to staff moved and, in particular, they talk about Mishelle, and they're talking about Mishelle Robinson there, who is the wife of Westley Giles, and they were seeking a review of her placement because they thought that she would be better placed at Dillwynia where her support network was.

30

The next item in the agenda refers to - it actually says "John Morony placed Holman and Paddison", and that's probably written in reverse, as in, it's meant to say "Holman and Paddison have been placed at John Morony", and that they were concerned - you'll see there's a little arrow down to some words saying "more involvement", as in, there was some concern that they could have more involvement in the operations of Dillwynia from John Morony, if that was an intent to prevent them having involvement at Dillwynia.

35

MR LLOYD: In terms of the sense of that, though, Ms Snell, "more involvement", do we understand that to mean that - I mean, plainly enough, if they were moved out of Dillwynia to John Morony, they would have less involvement in the operations of Dillwynia?

40

MS SNELL: I think what - what they were trying to say is that John Morony is really not very far from Dillwynia. It's in close proximity to. And so they could still have more involvement, was my interpretation of the -

45

MR LLOYD: Well -

COMMISSIONER: I don't understand where that comes from in the note.

5 **MR LLOYD:** The arrow down to -

COMMISSIONER: The arrow?

10 **MR LLOYD:** "John Morony" and then underneath "Holman and Paddison",
arrow down, "more involvement", as I understood what Ms Snell said.

COMMISSIONER: All right.

15 **MR LLOYD:** But I just want to understand at least what you understood. It must
be logical, mustn't it, that if they were moved out of Dillwynia to a centre even
one very, very close by, that, in effect, what's being raised is that they would have
less involvement with Dillwynia, but they would still be involved?

20 **MS SNELL:** I think they were saying they could still be involved. Obviously this
was me attempting to take at speed some very brief notes, not judge their
comments.

25 **MR LLOYD:** The involvement that you remember being raised, or the concerns
about it, what were the nature of those concerns?

MS SNELL: Well, if you go to the next page, which starts, "Converge - too hard."

MR LLOYD: Yes.

30 **MS SNELL:** And then goes on to:

"Disappointed Holman and Paddison are not suspended."

35 They were - they were trying to highlight that there was more involvement in
relation to Paddison and Holman, and that they were complicit in not reporting
issues related to Wayne Astill and that they were equally involved in bullying and
intimidation of other staff.

40 **COMMISSIONER:** So the "more involvement" words relate to their role in the
problem with Astill; is that right?

45 **MS SNELL:** I believe it was - actually - I actually don't know. It could have been
in relation to Astill or it could have been in relation to the proximity of Dillwynia
to date. I'm not sure.

MR LLOYD: But what -

COMMISSIONER: It doesn't sound very likely that it's got anything to do with proximity to John Morony, I have to tell you. But it does sound very likely, when followed up with "why haven't they been suspended", that it's a comment upon the degree of their involvement in the problem with Astill.

5

MS SNELL: It could absolutely be.

COMMISSIONER: That's how it reads.

10 **MS SNELL:** Yep.

MR LLOYD: And, Ms Snell, what the Commissioner has put to you would make more sense of the things that I asked you about, because it wouldn't really make sense to record officers saying that they would have more involvement with the operations at Dillwynia after being moved to a centre, even if it's close by?

15

MS SNELL: Look, I absolutely can see what you're saying. I just don't know what they were referring to there specifically.

20 **MR LLOYD:** Well, I'll just get you to respond to this: That concerns as you understood them, which were being raised, is, in effect, disappointment that Holman and Paddison were not suspended because of a belief that they had more involvement than had been thought to date with Astill's offending; is that right?

25 **MS SNELL:** That's correct. That was my interpretation of the disappointment in relation to the "not being suspended" comment.

MR LLOYD: And was anything raised in this meeting at any stage about concerns by officers that Officers Holman and Paddison would be coming into contact with inmates who were victims of Astill's?

30

MS SNELL: Not that I recall.

MR LLOYD: And if that kind of concern was raised - I appreciate the notes are in short form, but it's likely you would have made a note of it?

35

MS SNELL: Yes. I did have to step out of the meeting on a couple of occasions. But, yes, I - if I was in the room, then absolutely I would have likely taken a brief note.

40

MR LLOYD: Do you remember the officers who were expressing a view or belief that Officers Holman and Paddison may have had more involvement in Astill's offending?

45 **MS SNELL:** Yes.

MR LLOYD: Tell us who they were.

MS SNELL: Sorry, the - are you asking me to tell - tell you who the staff were in the meeting or who the other -

5 **MR LLOYD:** No, the ones who were expressing disappointment that they weren't suspended -

MS SNELL: Yep.

10 **MR LLOYD:** - on the basis that there was a belief they had more involvement in Astill's offending.

MS SNELL: Yes. So that was Renee Berry and Judy Barry.

15 **MR LLOYD:** Thank you. And I think you told us the meetings that came after that meeting with six to 10 or so officers - you weren't present at those ones at all?

MS SNELL: I wasn't, no. I was actually in the Governor's office with some other colleagues at the time, but I could hear some loud conversation coming from the
20 room.

MR LLOYD: You thought at least some of the officers during those meetings appeared to be upset and, in effect, shouting at Commissioner Corcoran?

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

MR LLOYD: Is there anything relevant in what appears to be the third page of the file note starting with, "Jacqui Brown"?

30 **MS SNELL:** I actually do not recall why I wrote down "Jacqui Brown". The next comment refers to proximity of a staff member to one of the witnesses and their concerns with regards to that. The next comment refers to the fact that there was reference to only five or six staff that were majorly impacted as a result of the Wayne Astill - the fallout from Wayne Astill, if you like. There was a comment
35 about the fact that Kelly Austin had been supporting inmates, but they were keen to see support for staff also. There was also a comment about making Dillwynia a pilot centre for the new Professional Standards and Investigation model. And, finally, there was a comment made around another matter where an email had apparently been sent to the Commissioner.
40

MR LLOYD: Thank you. After the Commissioner had finished speaking to the officers, did you have a discussion with him about what he was telling you had come out of those meetings in his mind?

45 **MS SNELL:** We did not discuss the meeting that he had without me, but he did tell me what his views were after this - of this meeting.

MR LLOYD: What did he say?

5 **MS SNELL:** He said that, "I think we need to review the files in relation to Michael Holman and Paddison and consider whether any further action needs to be undertaken."

MR LLOYD: Did he say -

10 **COMMISSIONER:** Well, is that right? Because he told us that he'd made up his mind.

MS SNELL: Well, that was my recollection.

15 **COMMISSIONER:** Mr Corcoran told us he'd made up his mind. Surely, he would have told you that, wouldn't he?

MS SNELL: My recollection was not that. My recollection was that he -

20 **COMMISSIONER:** So you don't think he told you what he was thinking?

MS SNELL: That's not my recollection, no.

25 **MR LLOYD:** Could I ask you - I'll refresh your memory with a text message - I'll read it out to you in case you don't have access to it - sent by you to Angela Zekanovic, 19 September at 5.53 pm:

30 "Hi Angela, out of the meeting at Dillwynia today, can we prepare all of the information we have on Paddison and Holman, please. There was further feedback that they were just as complicit as Giles, and KC would like to review tomorrow and consider urgent suspension. Thanks, Chantal."

Do you remember sending that?

35 **MS SNELL:** I do, but I do want to just highlight that the time of that text has captured my time in New Zealand.

MR LLOYD: That's - is that 7.53 -

40 **MS SNELL:** So it's two hours ahead here. Yeah. So when I took the screen -

MR LLOYD: 3.53 pm.

MS SNELL: Correct. Yeah.

45 **MR LLOYD:** How long after you sent that text did you remain at Dillwynia?

MS SNELL: I had left Dillwynia -

MR LLOYD: I withdraw that. When did you send it?

MS SNELL: I had left Dillwynia by the time I'd sent that text.

5

MR LLOYD: You see, the text - so that's 3.53 pm. You got a response:

10 "Okay. Thanks, Chantal. Given it relates to Astill, I'll ask Stefan to start
 working on what we have, noting further information is coming regarding
 Giles and Holman."

Do you remember receiving that?

MS SNELL: Yes.

15

MR LLOYD: The evidence that the Commissioner gave, as - Commissioner
Corcoran gave, as the Commissioner of this Inquiry has raised with you, Ms Snell,
was that by the time he left Dillwynia on the 19th, he'd decided that he wanted to
suspend Officers Holman and Paddison.

20

MS SNELL: Yes, I heard that.

MR LLOYD: Are you aware of that?

25

MS SNELL: Yes.

MR LLOYD: Did he convey that to you?

30

MS SNELL: Not that I recall, no.

MR LLOYD: Was your understanding that the matter actually was to be
considered by Ms Zekanovic to allow her to give advice about whether he should
make that decision?

35

MS SNELL: Correct.

MR LLOYD: And so you were acting on the basis that the decision had not been
made and that Mr Corcoran required advice from Ms Zekanovic about whether he
should make that decision?

40

MS SNELL: Yeah, I think I was trying to say, as reflected in the text messages,
"If you could pull all the information together in relation to what's held about
Holman and Paddison and let him consider in light of what he had heard, then he
would consider next steps."

45

MR LLOYD: Just dealing with the situation as you're telling us, on your
understanding, your understanding reflected the proper process to be followed if

suspension was going to be considered, that is, there would have to be a further submission document prepared by Professional Standards setting out the relevant factors to allow the Commissioner to consider whether the suspensions should take place?

5

MS SNELL: Correct.

MR LLOYD: And in your experience in Professional Standards, it's the decision-maker's - in the ordinary course of things, it's absolutely critical for the decision-maker to have the benefit of considered views of the relevant person at Professional Standards before making decisions exercising power of this kind?

10

MS SNELL: Yes, that's correct. But they do sometimes present options in their representation of their views.

15

MR LLOYD: Well, it may be that the ultimate recommendation involves options, but that wouldn't mean that there shouldn't be the benefit for the decision-maker of the considered analysis of the position; correct?

20

MS SNELL: Correct.

MR LLOYD: And that consideration, given by the relevant officer at Professional Standards, would have to be done, if proper practice is being observed, based upon all the relevant information?

25

MS SNELL: Correct.

MR LLOYD: And so if there was relevant evidence available, the person from Professional Standards would have to know about it so they could factor it in to the advice?

30

MS SNELL: Correct.

MR LLOYD: You've seen the submission that Ms Zekanovic prepared on 20 September?

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MS SNELL: I have seen a - a copy of it, yes.

MR LLOYD: Did you see it before it went to Mr Corcoran?

40

MS SNELL: No.

MR LLOYD: You know now at least that one of the things it records is that further information was given to Mr Corcoran on 19 September but that Ms Zekanovic wasn't made aware of what that information was?

45

MS SNELL: Yes, I heard that.

MR LLOYD: Do you agree with me that that - that is, the preparation of a submission addressing whether to suspend or not by the Acting Director of Professional Standards without further information, as in, the details of further information, is highly irregular?
5

MS SNELL: Well, I think in my text message to her and in a conversation with her, I relay some of the information that was presented.

10 **MR LLOYD:** Just going back, the submission itself records this:

"This submission is not aware of the content of the concerns expressed by staff on 19 September 2023."

15 You know that that's one of the things Ms Zekanovic says?

MS SNELL: Yes, I can see that.

MR LLOYD: That being so -
20

MS SNELL: Yeah.

MR LLOYD: - that's highly irregular, isn't it, for a submission of this kind to be made where the author of it, Acting Director, Professional Standards, is not aware - is stating that she's not aware of information that is said to be important?
25

MS SNELL: I'll admit it's an unusual circumstance.

MR LLOYD: Well, it's inconsistent with proper - on your understanding, proper decision-making in relation to questions involving disciplinary investigations, including suspensions, isn't it?
30

MS SNELL: Well, I think it's presenting the information that was held in relation to Holman and Paddison, and in the context of the information that the Commissioner held enabling him to make a decision.
35

MR LLOYD: But, Ms Snell, you're in charge, at least in oversight, of this agency. Isn't it important when the Acting Director or Director of it is asked to prepare a submission about something of this kind for that person to have the benefit of the particulars of all the relevant information affecting the submission?
40

MS SNELL: It would have been helpful, absolutely. But I think that it was also trying to present the information that was held in relation to Holman and Paddison already.
45

MR LLOYD: Well, it may be that the author was doing the best with what she had, but what I'm putting to you is what is clear is that she did not have a critical

piece of information, namely, the particulars that had come to the attention of Mr Corcoran on 19 September. Do you agree with me?

5 **MS SNELL:** Well, I believe she had some from my text message and my phone call with her.

MR LLOYD: Whatever the text message and phone call, the submission itself describes that:

10 "This submission is not aware of the concerns expressed by staff on 19 September."

MS SNELL: Not -

15 **MR LLOYD:** Do you agree that that's what it says?

MS SNELL: - in relation to all of the details of those meetings, no. But in relation to the suspension and the - the complicit nature being similar to that of Giles, I believe that that was shared with her.

20 **MR LLOYD:** Do you know, then, why it is the submission records that it's not aware of the content of the concerns expressed?

25 **MS SNELL:** I don't. I don't, no.

MR LLOYD: Do you think that that's a wrong statement by Ms Zekanovic, then?

MS SNELL: Well, I'm - I don't - it would have been perhaps helpful to reference the text message or the conversation.

30 **MR LLOYD:** It would have been critical for proper process for her to have a record in writing of what was told to Mr Corcoran by the officers on the 19th?

35 **MS SNELL:** It would have been, absolutely.

MR LLOYD: You see, whatever you conveyed in your text messages or orally, you didn't even know what was said in the meetings that came after the six to 10 officer meeting.

40 **MS SNELL:** No, I did not know what was said in the other meeting. No.

MR LLOYD: You didn't know, and it's clear from the document Ms Zekanovic didn't know.

45 **MS SNELL:** That's true.

MR LLOYD: Correct?

MS SNELL: Yep.

5 **MR LLOYD:** In terms of process where a submission is being made, on your understanding, for the benefit of the decision-maker who has not yet made up his mind about suspension, that is a critical failure, isn't it?

10 **MS SNELL:** Yeah. Well, obviously we heard yesterday that he had made up his mind.

MR LLOYD: Ms Snell, that's not my question at all.

MS SNELL: Okay.

15 **MR LLOYD:** Your understanding was he has not - had not made up his mind.

MS SNELL: That was my understanding.

20 **MR LLOYD:** You've told us -

MS SNELL: Correct. Yes.

25 **MR LLOYD:** On your understanding, the fact that I've just put to you that you did not know what was said in those meetings - the one-on-one meetings and, to your knowledge, Ms Zekanovic did not know that, represented a fundamental defect in this process, didn't it?

30 **MS SNELL:** Well, I think that what - what they were trying to do was present the facts that they had available to them to enable a decision by the decision-maker. So I do agree that it would have been beneficial for those facts to have been sought or included. But I think that - on the basis that they were aware that they were held by the decision-maker, I believe that that's what they were trying to enable him to be able to make that decision.

35 **MR LLOYD:** What -

40 **COMMISSIONER:** Ms Snell, I need to put this to you: having regard to what's in the documents and what Mr Corcoran said yesterday, it would seem that Mr Corcoran had made up his mind that he was going to suspend these two officers and was seeking your assistance to document it so that he could do that. Do you agree?

45 **MS SNELL:** I agree from the evidence that was given yesterday that he said that he had made up his mind. I did not know that that was what he was trying to enable to do. I thought we were preparing some of the historic facts in relation to Holman and Paddison for him to -

COMMISSIONER: Well, the historic facts were already known. They had been recorded in a previous submission, hadn't they?

MS SNELL: They had. Yeah, that's correct.

5

COMMISSIONER: And as counsel has made plain to you, this latest submission contained no new facts at all, did it?

MS SNELL: No, that's correct.

10

COMMISSIONER: Right. So I put to you again: it seems apparent that Mr Corcoran had made up his mind, and he was asking you to provide a paper trail to allow him to do what he intended to do, which was to suspend. Do you agree?

MS SNELL: That could have been possible with what he said yesterday. I did not know that at the time.

MR LLOYD: Based on what Mr Corcoran said yesterday, that he'd made up his mind, and what you've told us today about what was your understanding when you left Dillwynia, do you feel that you were misled about what was being required in terms of the preparation of this document?

20

MR SELLER: Well, I object. Misleading in what sense? What are the materials - what are the facts (crosstalk) -

25

MR LLOYD: I'll withdraw the question. Misled about the purpose of the preparation of the document.

MR SELLER: (Indistinct) what she was asked. I object.

30

MR LLOYD: Well, I press the question.

COMMISSIONER: I'm not sure what's going on. But, Mr Lloyd, I think the position is now pretty clear. There's a credit issue, of course, involved, but the position is fairly clear.

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MR LLOYD: I'll move on, Commissioner. Can I - I withdraw the question.

MR SELLER: Lest there be any doubt by my silence, we'll be making a submission the position is clear but in a different way.

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COMMISSIONER: Sorry. I didn't get a word of that, Mr Sheller.

MR SELLER: Sorry. Lest there be any doubt by my silence, there will be a submission that the position is not as perceived by the Commission.

45

COMMISSIONER: Well, you'll have to make that plain through questions to this witness.

MR SHELLER: Yes.

5

COMMISSIONER: Mr Lloyd.

MR LLOYD: You see, in terms of the process here, Ms Snell, you knew that a submission had been prepared earlier in 2023 which, in part, dealt with the question of suspension of Officers Holman and Paddison, didn't you?

10

MS SNELL: I'm very sorry, you dropped out - that - the end of your question dropped -

MR LLOYD: I'll withdraw and repeat it. You knew from earlier in the year that a submission had been prepared dealing with, in part, the question of the suspension of Officers Holman and Paddison?

15

MS SNELL: Yes.

20

MR LLOYD: You no doubt know the material, so I'll try and do this in summary form. The chronology was a submission was prepared by Professional Standards which recommended suspension of those two officers?

MS SNELL: Correct.

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MR LLOYD: You knew, from the material, that that in part was based upon things that Officers Berry and Barry had said to some Support Unit workers in June?

30

MS SNELL: Correct.

MR LLOYD: You looked at that submission and considered it?

MS SNELL: I don't recall - I think the submission went to the decision-maker.

35

MR LLOYD: You were involved in some discussions with those people with decision-making authority about whether to follow that recommendation?

MS SNELL: That's correct. After the submission was sent to them, they reached out to me.

40

MR LLOYD: And that culminated in those decision-makers not following that advice, in effect, because of a belief that the evidence was not sufficiently strong to support the suspension of Officers Holman and Paddison; is that correct?

45

MS SNELL: That's correct.

MR LLOYD: There was a later submission prepared, 31 July, which contained a detailed analysis, which culminated in a recommendation not to suspend those two officers; correct?

5

MS SNELL: Sorry, can you say which briefing note you're referring to?

MR LLOYD: The 31 July submission prepared by Ms Zekanovic -

10 **MS SNELL:** Yes.

MR LLOYD: - which culminated in a recommendation not to suspend Officers Holman and Paddison. Do you remember that?

15 **MS SNELL:** Yes.

MR LLOYD: And that came after a detailed analysis of the evidence that was available?

20 **MS SNELL:** Yes. Correct.

MR LLOYD: Including the information that had come forward from Officers Berry and Barry?

25 **MS SNELL:** Correct.

MR LLOYD: And you know a decision was made to follow that recommendation, that is, not suspend them, in around August?

30 **MS SNELL:** Correct.

MR LLOYD: At the time that the decision was ultimately taken to suspend in September of 2023, you must have had a pretty good idea that if that decision was to be based upon material from Officers Berry and Barry about concerns about
35 Holman and Paddison, that that material had already been considered earlier by the decision-makers?

MS SNELL: Yes.

40 **MR LLOYD:** In effect, concerns by those particular officers, Berry and Barry, about Holman and Paddison were not new?

MS SNELL: Well, they were making some strong representation to a new decision-maker. But the facts remained the same.

45

MR LLOYD: Their concerns - the facts remained the same?

MS SNELL: Correct.

5 **MR LLOYD:** And didn't that make you pause to consider what was happening when the decision was different in September than it was when you first were involved in the decision-makers - or knew that the decision-makers rejected the recommendation earlier and then Ms Zekanovic prepared the document recommending against suspension in July?

10 **MS SNELL:** I think what was happening - I did - I did absolutely reflect at the time, and I think what was happening was that we were in a slightly different situation at that time in terms of some sort of heightened sensitivity to action that we wanted to ensure was prevented, particularly any retributive action. We knew that the Inquiry was going on, so it's high profile. We wanted to protect other staff, those staff, any victims and so on. So I think that it was probably a series of
15 emerging pieces of information, emerging sensitivity and new information to a new decision-maker.

20 **MR LLOYD:** Could I just ask about process, because this is relevant to some things about the operation of the merged agency. Do you agree that the question of whether to suspend officers who are the subject of disciplinary investigation should be based upon recommendations, or at least taking them into account, of Professional Standards?

25 **MS SNELL:** Yes.

MR LLOYD: And those recommendations should be based upon the available evidence?

30 **MS SNELL:** Yes.

MR LLOYD: And those recommendations ordinarily would come after a consideration by the Professional Conduct Committee - or Standards Committee?

35 **MS SNELL:** Yes.

40 **MR LLOYD:** So the proper process here before a decision-maker exercises their authority would involve consideration by the committee and then recommendations in a document prepared by someone within Professional Standards; is that right?

MS SNELL: Correct.

45 **MR HORTON:** I object (indistinct).

COMMISSIONER: Sorry, I can't hear you.

MR LLOYD: I'll withdraw it. I'll withdraw it. In terms of suspensions, you have a process where there's a disciplinary investigation that starts?

MS SNELL: Yes.

5

MR LLOYD: That can go off in various ways, that is, it can be referred out for police to look at, might then get referred back if they don't take action; correct?

MS SNELL: That's right.

10

MR LLOYD: The disciplinary process is suspended pending police consideration?

MS SNELL: I'm sorry, could you say that part again?

15

MR LLOYD: The disciplinary process gets suspended pending police completing their consideration?

MS SNELL: Yes. I mean, there still may be action taken to manage the operational risk if it's of serious nature whilst it goes through to police, as in, the person may still be suspended or put on special leave.

20

MR LLOYD: No, I'm coming to that. Part of the disciplinary investigation, even if it goes off to police - during the currency of the investigation, you might have to take interim action, which includes suspension?

25

MS SNELL: Correct.

MR LLOYD: The evidence, in effect, from Mr Corcoran is that might be something that looks like a last resort after considering other options. If that's, in effect, what he says, do you agree with that?

30

MS SNELL: I'm sorry, I - I'm not sure I understand that question.

35

MR LLOYD: You would look at other options before suspending pending an investigation being completed?

MS SNELL: Yeah, a range of options would be considered to manage all of the operational risks.

40

MR LLOYD: Coming back to the process, then. In a situation where there is a pending investigation, that is, having come to a conclusion and a question arises as to whether to suspend officers before the investigation has come to a conclusion, the ordinary process would be for the Professional Standards Committee to consider that question of suspension and come to its own view in the first instance; is that right?

45

MS SNELL: Yes. So ordinarily, if there's an allegation or a referral to Professional Standards and it goes through to the Professional Standards Committee, it's at that point - well, actually, prior to it getting to the Professional Standards Committee, special leave can be instigated. But once it gets to the committee, then absolutely a decision can be made to suspend based on a recommendation. And that recommendation is made with consideration to the facts, and it's made in - with consideration of quite a few people prior to it going to the committee.

10 **MR LLOYD:** I'm just interested in a decision of the Committee. It's important to try and - for us to try and understand what's going on here. The committee, as certainly I've understood it, would give consideration to the complaint at an early stage; correct?

15 **MS SNELL:** Correct.

MR LLOYD: Including the question of whether an interim suspension was warranted?

20 **MS SNELL:** Yes. So someone can be placed on special leave prior to it going to the committee, but absolutely a suspension can be made out of that Committee - sorry, a suspension decision can be made out of that committee.

25 **MR LLOYD:** But the Committee itself does not have the authority - is this right - to resolve to take action; the committee, as I understood the evidence so far, comes up with a resolution that is, in effect, advisory.

MS SNELL: Yes. So the committee will make a recommendation, which is then followed through by Professional Standards in terms of paperwork to put that decision - for final sign-off by the decision-maker.

30 **MR LLOYD:** And so the process is Committee - and just to take Mr Horton's point. The Committee - in terms of what to do, including the question of suspension or leave without pay, that kind of thing, the Committee comes up with a recommendation. The next step, a relevant officer from Professional Standards would write up the analysis reflecting that recommendation?

MS SNELL: Correct.

40 **MR LLOYD:** That's for the benefit of the ultimate decision-maker?

MS SNELL: Correct.

45 **MR LLOYD:** The decision-maker then has at his or her disposal the recommendation of the Committee and the written advice with the details from Professional Standards and then that person sits down with that material and exercises their power?

MS SNELL: That's correct.

5 **MR LLOYD:** And I thought you said earlier, generally speaking, it's important for the process for the decision-maker to have access to that material to properly exercise power; correct?

MS SNELL: Correct.

10 **MR LLOYD:** And, in this case, we know that's what happened with the earlier decisions. It went to the Professional Standards Committee. It then went to Ms Zekanovic, who wrote it up?

15 **MS SNELL:** Yep. That's correct.

MR LLOYD: And the decision-makers, with that material available - that's Ms Smith -

20 **MS SNELL:** Emma Smith, yeah.

MR LLOYD: - and another person who -

MS SNELL: Mr Thorpe. Yep.

25 **MR LLOYD:** Mr Thorpe. Read all that material and determined not to follow the recommendation with respect to Holman and Paddison?

MS SNELL: Correct.

30 **MR LLOYD:** And that is also part of the process working properly, isn't it? The decision-maker, armed with the recommendation of the Committee, the analysis of Professional Standards, might sit down and come to the decision that those decision-makers came to?

35 **MS SNELL:** That's right.

40 **MR LLOYD:** But at the heart of a proper process is the decision-maker, including in making decisions about interim suspensions, has to have the considered views of the Committee and the analysis of Professional Standards if they're to be acting properly in exercising power. Do you agree?

MR SHELLER: I object. I object.

45 **COMMISSIONER:** What's the objection?

MR SHELLER: It fails to recognise the residual power which the Commissioner has to make decisions on these matters.

COMMISSIONER: I think that's a different question. I'll allow the question, Mr Lloyd. And I appreciate what you say, Mr Sheller, but I think that's a different issue.

5

MR SHELLER: May it please the Commission.

MR LLOYD: Ms Snell, can you answer that?

10 **MS SNELL:** Sorry, can you remind me the question. Is - I think you said, does that Committee have the power to make that decision?

MR LLOYD: Not quite. For the process - and I'm asking you about process here. Do you understand?

15

MS SNELL: Yes. Sorry. That was - you're saying about whether it be the correct process?

MR LLOYD: Yes.

20

MS SNELL: Yes.

MR LLOYD: In terms of - just to make it clear because of the interruption, the process of proper exercise of power by a decision-maker, including decisions to make interim suspensions pending investigations concluding - for that process to be working properly, that decision-maker ought have before him or her the recommendation of the Professional Standards Committee and the advice of Professional Standards at the time of making that decision?

25

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

MR LLOYD: Do you agree?

MS SNELL: Yep.

35

MR LLOYD: And is that what the process is at your agency now, that is, the merged agency?

MS SNELL: That's correct.

40

MR LLOYD: And in terms of your view about what assistance decision-makers need to be exercising their undoubted power properly, that's the assistance, isn't it?

MS SNELL: The assistance of the Committee and the information?

45

MR LLOYD: And the analysis by the person from within Professional Standards.

MS SNELL: Well, yes, I think absolutely the analysis of the Professional Standards area is very helpful in forming the decision, but there is sometimes options given to the decision-maker to be able to make a range of decisions. And so the decision-maker still has the ability to make a decision despite the recommendation.

MR LLOYD: Could I ask this: in terms of this process that you've identified, there are at least some other models of professional oversight which would see a committee, which might look something like the Professional Standards Committee, having the legal authority of decision-making in terms of coming to a resolution rather than coming up with a recommendation. That's just me saying that. Are you aware of that?

MS SNELL: I haven't come across many examples of that nature, I have to say.

MR LLOYD: Have you looked, in terms of how to manage the new agency, at other models, for example, of disciplinary oversight for Corrective Services in other states and territories in Australia?

MS SNELL: We looked at a range of models. So professional - we had a strategic project delivery team, a small team that I established, to look at a range of models. And, essentially, they looked at various agencies, some of which were similar in nature. And ultimately the one that we did a case study in was the Australian Federal Police.

MR LLOYD: Is there a reason, in your mind, why it is that you have the process here of a recommendation by Professional Standards Committee and then a referral off to someone with the legal authority to make the decision?

MS SNELL: Sorry, can you say the question again?

MR LLOYD: Well, let me deal with it another way. The people on the Professional Standards Committee, I assume, are there because they have experience and knowledge in what decisions are appropriately to be made to deal with the range of conduct issues that come before them?

MS SNELL: Yes, an operational experience and to create some contestability.

MR LLOYD: And we have a system here where those people analyse the way to deal with disciplinary complaints and come up with a recommendation, in effect.

MS SNELL: Yes. And in - in our model, we actually have a range of people assess the issues before it goes to the Committee. So we have - DCJ people look at the recommendations and the issues that are presented, and we also have our staff support area, as well as the lawyers, all reviewing the information before it goes to the Committee as well. So there's some expertise that comes into play prior to it coming to the Committee also.

MR LLOYD: That sounds like a very good and robust approach of analysis before the Committee ultimately considers and makes its recommendation?

5 **MS SNELL:** Yes.

MR LLOYD: It sounds like in the ordinary course - is this right, as a matter of experience anyway - decision-makers would be - it would be unusual for them to depart from the recommendations?

10

MS SNELL: Not always. It's - it's often the decision-makers are at the Committee. So they would obviously have the ability to contribute to the decision that's made. But sometimes when they're not at the Committee, then absolutely they - they will consider it. And there are sometimes where there's variances. It isn't very often, though.

15

MR LLOYD: Are the decision-makers here generally those people who are effectively responsible for employing the particular person the subject of the complaint?

20

MS SNELL: Yes, usually they are, absolutely. Not necessarily by direct line management, but yes.

MR LLOYD: Isn't there the possibility that exists where you have the ultimate power resting in the hands of someone who might look like the employer for there to be decisions that don't conform with the views of people on the Committee for reasons that might not be robust or good?

25

MS SNELL: Sorry, you - can you say that question again? Are you suggesting that there's some people who might -

30

MR LLOYD: Well, you have ultimate authority for decision-making here about whether to follow the advice of the Professional Standards Committee resting in the hands of someone who might have a direct association with the person who's the subject of the complaint.

35

MS SNELL: Yes.

MR LLOYD: Correct?

40

MS SNELL: Correct.

MR LLOYD: Isn't a better model to have the result effectively being achieved by the Committee itself, in circumstances where you have multiple people, the advice that you've told us about that they get before they even consider it, for that to effective operate as the resolution of the particular issue?

45

MS SNELL: Yeah, I think in the new model that we're proposing to implement, we actually have the Professional Standards Committee meeting towards the end of the process. So prior to the outcome decision, as opposed to the incoming decision. And we have an operational risk review proposed at the beginning of the process.

MR LLOYD: But the decision-maker on the new model is still dealt with in the same way, that is, the person effectively responsible for the employment of the -

10 **MS SNELL:** Yes, although we have started to talk about variances to that.

MR LLOYD: When you started - when you say you've started to talk about them, what's the talk been? What's on the table?

15 **MS SNELL:** Other areas - so, say, for example, one of the things that we've talked about is whether I become a decision-maker for some of the senior members of the security and custody area.

MR LLOYD: That is someone other than the person I've described, in effect, as the employer, so someone other than that person being the decision-maker?

MS SNELL: That's right. Yep.

25 **MR LLOYD:** And is any of the discussion involving the legal question of whether the Committee itself has got the power to make resolutions effectively bringing the particular question to an end in a formal way at the Committee stage?

30 **MS SNELL:** At the moment, we have the assessment and triage team making a recommendation to progress and make a decision and then advising any responsible area of the outcome of that decision. So, essentially, in essence - in simple terms, yes.

35 **MR LLOYD:** Could I ask you to look, please, at - I hope this has been made available to you. It's Tab 140 in Volume 9. If you don't, I can probably just deal with it descriptively.

MS SNELL: I have 115 pages, but they're not tabbed. I can try and find it if it's in the bundle.

40 **MR LLOYD:** I see. It's a document viewed in landscape, and it's a new misconduct process. I'll take you now - 105 of your bundle, I'm told.

MS SNELL: 105? Yes.

45 **MR LLOYD:** Is that -

MS SNELL: That's the beginning of a PowerPoint pack; is that right? The title page?

MR LLOYD: The new misconduct process document?

5

MS SNELL: Yes, it's got Professional Standards and Investigations Project Merge Update, PSI.

MR LLOYD: That's - exactly. And if you go then in the document to page 9 up the top right-hand corner, you'll see New Misconduct Process.

10

COMMISSIONER: What's the date of this document, Mr Lloyd?

MR LLOYD: Just pardon me. I'll ask the witness, Commissioner. What's the date of the document, Ms Snell?

15

MS SNELL: I don't know, I'm sorry.

MR LLOYD: I did have a question that's related, and the page that we've got, the flowchart of that new misconduct process, is that the current - does that reflect the current plan?

20

MS SNELL: No, it doesn't.

MR LLOYD: So this one has been superseded, has it?

25

MS SNELL: It has, yes. This looks like one that was used for - as part of the working groups or consultation. I'm not sure which.

MR LLOYD: I see. I'll just get you to help me by describing some things, then, that might help to understand the process, but I'll just do it by reference to the words in your statement. If you have a look at paragraph 30.

30

MS SNELL: In my statement, is that?

35

MR LLOYD: Yes.

MS SNELL: Yep.

MR LLOYD: Now, this is subject to final approval, the current new proposed PSI operating model. Do you see that?

40

MS SNELL: I do, yes.

MR LLOYD: I take it from your statement that this obviously has not yet come into place?

45

MS SNELL: That's correct.

MR LLOYD: When is that likely to happen?

5 **MS SNELL:** We would like the consultation to occur this year and then we will bring the new process in in the first quarter next year, subject to that consultation.

MR LLOYD: Ms Zekanovic talked about in, I think, a slightly different area than this process an idea about getting some assistance from a consultant to give you
10 some ideas about aspects of managing this process. Are you aware of that evidence?

MS SNELL: I don't recall that evidence, no.

15 **MR LLOYD:** I'll come back. Could I just take you back to 30. The current proposed new PSI operating model, two new directorates, namely, the MAP Directorate -

MS SNELL: Yes.

20

MR LLOYD: - which is Misconduct Assessment and Prevention?

MS SNELL: Correct.

25 **MR LLOYD:** Under which sits something which is given the acronym MATT, Misconduct Assessment and Triage team?

MS SNELL: Correct.

30 **MR LLOYD:** And another team - I don't need to trouble you with that. And then the second directorate is the PSI Directorate -

MS SNELL: That's right.

35 **MR LLOYD:** - under which sits the Complex Cases Team, Metro Team and Regional Team. Do you see that?

MS SNELL: Yes.

40 **MR LLOYD:** Is it right that in terms of this proposal that it's the MAP Directorate via the MATT which would become responsible for the initial assessment of what approach should be taken when a complaint is received?

MS SNELL: That's correct.

45

MR LLOYD: And so I think it's in 32(b)(iii), the MATT will be multidisciplinary in nature, lawyers, investigators, intel analysts, support staff, as well as the CSIU. And -

5 **MS SNELL:** Yes.

MR LLOYD: - is it right that, effectively, that committee will operate to come to a view very early on when a complaint is received about where it should go and how it should be managed?

10

MS SNELL: That's right. It goes on to say that that committee will make a decision on a weekly basis on the new referrals and then inform the relevant either Deputy Commissioner and Assistant Commissioners of all the issues that are in their remit.

15

MR LLOYD: When Mr Corcoran gave his evidence, he said, in effect, at this stage, we're dealing with something that might resemble a traffic cop about where to send the thing. So if it's an allegation of criminal conduct, a decision gets made early by this new group, the MATT, about whether to send it to CSI - CSIU, sorry?

20

MS SNELL: Yes, I heard that.

MR LLOYD: Or whether it gets sent to Investigations for a Correctives investigation?

25

MS SNELL: Yes.

MR LLOYD: Or whether it gets sent back for lower-level things to be managed locally with support?

30

MS SNELL: That's right. Exactly.

MR LLOYD: Is that what we're dealing with here?

35

MS SNELL: Yeah.

MR LLOYD: That's the job of this new -

40

MS SNELL: That's right. So, essentially, what this -

MR LLOYD: Can I ask you -

MS SNELL: Sorry.

45

MR LLOYD: No, no. You go.

MS SNELL: Essentially what's proposed here is for an assessment and then for it to be triaged into a low level or a high level of seriousness. And then if it's high level, it will obviously include the police being able to inform whether there is criminal - likely criminality to the matter. It would then be referred to them to take
5 on, or go further into a combined multidisciplinary Professional Standards and Investigations referral to be able to take that matter further for consideration.

MR LLOYD: When you say consideration as to whether criminality is involved, a member of this committee, the MATT, comes from CSIU. You tell us that?
10

MS SNELL: Yes. So at point (b)(iv), I'm suggesting here that the CSIU will attend the weekly MATT committee and will ensure that any matters that are considered criminal in nature will be able to be considered by the New South Wales Police Force immediately, because the CSIU also have access to specialised
15 areas within the police force.

MR LLOYD: I asked Mr Corcoran about - for those matters which involve allegations of criminal conduct, whether, rather than a referral to the seconded officers embedded within Corrective Services who form the CSIU, it would be
20 a better idea to have referrals to the New South Wales Police in its ordinary functioning. Are you aware of that question and the answer that Mr Corcoran gave?

MS SNELL: Yes, absolutely. Yes, that is also an option.
25

MR LLOYD: Well -

COMMISSIONER: Mr Lloyd, I'm not sure - when you turn over the page to look at the PSI Directorate, there's a suggestion - the complex cases - matters involve
30 criminal would go to the CSIU. There's no suggestion of going straight to the police.

MR LLOYD: That's what I -

COMMISSIONER: The two documents don't seem to work together.
35

MR LLOYD: One of the reasons I'm asking how it's intended. I'll just make it clear. This is not currently in place; this is under consideration?

MS SNELL: Correct. This is just the latest proposal that we're looking to put forward.
40

MR LLOYD: And so on this scenario, if - you just told the Commissioner that it's an option for any allegations involving criminal conduct to be referred to, effectively, external police. My question - or my next question is, is that a better
45 option than the - what appears to be the current proposal for those to be referred to the police within the CSIU?

5 **MS SNELL:** Look, absolutely we could integrate an option for it to be referred to the local police, and that does happen with staff going to the local police directly at the moment. I think what we were trying to do is integrate the advice of whether a matter should be going to police through the CSIU. But it absolutely could also be referred to police outside of Corrective Services. But this document, and hence the reference to the CSIU on the next page, is based on CSIU being in existence and integrated.

10 **COMMISSIONER:** Well, I think what's being put to you, as was put to Mr Corcoran, is that matters which are identified as criminal should - not could, but should go straight to the police outside Corrective Services.

15 **MS SNELL:** Yep. Absolutely.

COMMISSIONER: It's a crime that you're looking at.

MS SNELL: Yes.

20 **MR LLOYD:** Could I ask to take up the Commissioner's point. [33] then deals with the PSI Directorate which is the - sorry, I withdraw that. This is the other directorate in addition to the MAP Directorate; correct?

25 **MS SNELL:** Yes.

MR LLOYD: And you tell us that that will support the implementation of multidisciplinary teams to work across those three teams identified in 33. Do you see that?

30 **MS SNELL:** Yes.

MR LLOYD: And the complex cases team - sorry, I withdraw that. The teams - these teams which focus on serious matters with criminal matters being referred to the CSIU -

35 **MS SNELL:** Yes.

40 **MR LLOYD:** - I wanted to ask you - and this may be part of the Commissioner's concern expressed a moment ago - how that relates to the assessment by the MATT about where to send allegations involving criminal conduct.

MS SNELL: Well, at the moment, the CSIU take matters related to criminal conduct where it comes through the Professional Standards Committee. So it's, in essence, the same process within the new structure.

45 **MR LLOYD:** But this is a different directorate, isn't it, to the MATT -

MS SNELL: This is the Professional Standards and Investigations Directorate, yes, that would receive the referral from the MATT.

5 **MR LLOYD:** What I'm just - want you to help me with, though, is where would be the circumstances - or what would be the circumstances in which the PSI Directorate would ever be considering referrals to the CSIU? Wouldn't that have happened at an earlier stage?

10 **MS SNELL:** Yes, that's correct. I think that that's probably misrepresented in that point.

MR LLOYD: It's not a criticism, Ms Snell.

15 **MS SNELL:** Yeah.

MR LLOYD: I just want to understand what the proposal is.

20 **MS SNELL:** Yeah, no, I think it's just - you're right. It's absolutely - it should have been referred to CSIU from the MATT Team. I think it's just trying to reference that but perhaps not quite worded that way.

25 **MR LLOYD:** But as I understand what, in effect, is what you're intending to say in these paragraphs is that the Complex Cases Team would investigate more serious matters?

30 **MS SNELL:** Matters that might be complex in nature. They might be more serious. They might involve matters that are with police. They might have multiple persons of interest, be high priority, corruption matters with ICAC; that kind of thing.

35 **MR LLOYD:** But the matters which are serious or more complex that aren't the subject of criminal investigations, would either come back from the police to the Complex Cases Team or, if there's no criminal conduct, will just be referred by the MATT. Is that how it works?

40 **MS SNELL:** Yes. Or if there's matters to be investigated that do not involve the police or aren't complex in nature, what is proposed here is that they go to the Metro and Complex Cases Team relevant to their geographical area. So obviously metro would - would build up that knowledge of the metro issues and manage the legal and investigative considerations for cases in their remit that are outside of the police. And the same would be mirrored for those in the regional areas.

MR LLOYD: Could I -

45 **MS SNELL:** There is a new diagram that reviews this that I absolutely can provide outside of -

MR LLOYD: That might be -

5 **COMMISSIONER:** So should it be that these teams which are said to focus on serious misconduct, with criminal matters being referred to the CSIU, should that really be criminal matters being referred to the police?

MS SNELL: Yes, I -

10 **COMMISSIONER:** Is that right?

MS SNELL: That's right.

15 **COMMISSIONER:** And as far as matters of corruption are concerned, the obligation there is to refer them to the ICAC, isn't it?

MS SNELL: Correct. But sometimes the ICAC ask us to investigate those.

COMMISSIONER: Yes, they may send them back to you -

20 **MS SNELL:** Correct.

COMMISSIONER: - but the obligation first of all is to go to the ICAC.

25 **MS SNELL:** Correct.

COMMISSIONER: And that doesn't seem to be reflected here either.

30 **MS SNELL:** You're right. It's not reflected in the words, but it's definitely intended, as is normal practice.

COMMISSIONER: Now, the relationship of the CSIU, where will the CSIU be managed? Who is the manager of the CSIU?

35 **MS SNELL:** The manager of the CSIU is the Commander who is in - who is - in effect, reports into the police.

COMMISSIONER: So he's reporting into the -

40 **MS SNELL:** Because they are police officers that are seconded into the CSIU. They utilise -

COMMISSIONER: And they're subject to direction -

45 **MS SNELL:** Sorry.

COMMISSIONER: Are they subject to direction by the police, are they?

MS SNELL: Correct. And they utilise police systems and processes.

COMMISSIONER: But PSI itself doesn't have those skills. They come from the CSIU; is that right?

5

MS SNELL: That's right.

COMMISSIONER: So a complex case won't be looked at by CSIU; is that right? Just because it's complex?

10

MS SNELL: That's right.

COMMISSIONER: Nor will matters that you say go to a Metro Team or a Regional Team?

15

MS SNELL: That's correct. What this is trying -

COMMISSIONER: Will there be one manager of -

20

MS SNELL: Sorry.

COMMISSIONER: Sorry. Will there be one manager of all of those teams?

MS SNELL: Correct.

25

COMMISSIONER: So one person will be responsible for controlling the performance of each of those teams?

MS SNELL: That's correct. That's what's proposed.

30

COMMISSIONER: But that person won't be responsible for the CSIU?

MS SNELL: No. The police are responsible for the CSIU. They're just seconded to us.

35

COMMISSIONER: Now, you say the Metro Team and Regional Team will manage serious misconduct matters relevant to their area. I understand that.

MS SNELL: Yep.

40

COMMISSIONER: But you say in the next paragraph it became clear to you - I assume it's you - the complaint forms and case management system used by Corrective Services were deficient. Now, when did that become apparent to you?

45

MS SNELL: Very early on in my taking on this remit when I discovered that they were using an Excel spreadsheet.

COMMISSIONER: Right. So when was that? How long ago?

MS SNELL: That was January or February this year.

5

COMMISSIONER: This year?

MS SNELL: Correct.

10 **COMMISSIONER:** And is it the fact that they were using the Excel spreadsheet that prompted you to move in and start to work out how to reorganise it going forward?

15 **MS SNELL:** It's definitely one aspect. There was - there was a few aspects that prompted the redesign and the new operating model being proposed, one of which was managing the volume, operating more efficiently overall, not having a one-size-fits-all approach and having a single computer system that records all of the information in a - in a workflow that enables better monitoring of cases.

20 **COMMISSIONER:** So, in other words, fundamental to what's proposed is an effective method of controlling the work as it moves through the relevant teams; is that right?

25 **MS SNELL:** That's right. So it can be recorded, tracked, analysed, we can look at trends, hotspots and so on. And we have an interim solution at the moment, but we've also got development of a longer-term solution in - in train.

30 **COMMISSIONER:** From the evidence the Commission has had so far, it would seem that there's a very great need for more resources. Apart from any question of trends and tracking, there's a need for more resources if you're going to meet any targets of efficiency; is that right?

35 **MS SNELL:** Yes. So we absolutely need to be able to complete the recruitment of the vacancies within the PSI, and that's in train at the moment. And if it doesn't yield an outcome, we will go to look - we've agreed with the PSA that we'll look to contractors to come in until we can fill those vacancies. But this is also why, however, we're using another Director to oversight the MAP, which is slightly different to the version that's in my tender bundle, so that we can look to ensure that we mobilise the MATT and the Prevention Education and Development Team
40 as quickly and as efficiently as possible, them both being very critical teams to the success of this model, and also because we anticipate that people will have more confidence and hope that people have more confidence as a result of this new model. So we anticipate that the referrals will actually increase. And so having the additional area will also allow that to be accommodated for.

45

COMMISSIONER: Well, it's a fairly big task that you're confronting, as I understand it; is that right?

MS SNELL: It is, yes.

5 **COMMISSIONER:** And that's a product of a system that wasn't working; is that right?

MS SNELL: Yes, that's correct.

10 **COMMISSIONER:** Was it you who first identified that it wasn't working? Did it take your coming in (crosstalk) -

15 **MS SNELL:** I believe that there were reports that were done historically that have identified that. But certainly when I came in, it was my - my own observation that this was not working. And certainly when I was looking at trying to access data that became problematic as well because of the use of an Excel spreadsheet. I do not believe that the team have been adequately enabled with tools and systems to be able to effectively do their job.

20 **MR LLOYD:** Could I ask this: the record of the new system that you've introduced, I think that you tell us about in - to deal with the problem - in [35] of your statement. Will that record so that each and every person in each of these teams, along with the MATT, will have access to both the current complaint about an officer, any prior complaints which have been made, and intelligence that's held all in the one place?

25 **MS SNELL:** Correct.

30 **MR LLOYD:** And I think you tell us that that's one of the serious problems with the system that you identified when you came in, that there was not a central record compiling all of that information?

MS SNELL: Correct.

35 **MR LLOYD:** And we know that's one of the major things that went wrong here?

MS SNELL: That's right.

40 **MR LLOYD:** Could I ask you, I'm mindful of the time, I won't be much longer. You've identified a number of things in an annexure to your statement - improvements over three months, six months and then 12 months?

MS SNELL: That's right, yes.

45 **COMMISSIONER:** Mr Lloyd, I'm conscious of those documents but do we know the dates on which they were prepared or published?

MR LLOYD: I will ask the witness. Those annexures - you heard the Commissioner's question. (Indistinct) when were they prepared?

MS SNELL: I prepared those -

5

MR LLOYD: Were they -

MS SNELL: Sorry.

10 **MR LLOYD:** No, no. You go.

MS SNELL: I prepared those to accompany my statement which was submitted on the 20th. And, in essence, these were prepared as a result of observing the Inquiry and establishing an executive taskforce to consider some of the improvements that we could make and also integrating some of the improvements that were also underway already.

15

COMMISSIONER: So, Ms Snell, are these your suggestions or do they have the imprimatur of the top level of management?

20

MS SNELL: Yes. So these have been agreed with the Commissioner, the Deputy Commissioners and the Assistant Commissioners, which make up the Corrective Services executive.

25 **COMMISSIONER:** Yes.

MR LLOYD: Ms Snell, don't think for one moment that me not taking you up with all of the detail indicates that we're anything other than grateful for the recommendations, but you appreciate there's a considerable amount of detail in them.

30

MS SNELL: Yes. I apologise.

MR LLOYD: It's not a criticism.

35

COMMISSIONER: Well, that's to be applauded.

MS SNELL: Okay.

40 **MR LLOYD:** They will be, take it from me, given very active consideration by the Commission.

MS SNELL: Great. Thank you.

45 **MR LLOYD:** Could I just ask you some other things, though, quickly. Ms Chappell, in her statement - at various parts of that, she identifies some initiatives across a range of areas that she has felt have worked to make Dillwynia a better

place in terms of enhancing ability for inmates to make complaints, enhancing emotional intelligence of officers in being able to respond to some of the complex situations we've heard about. You're aware of that?

5 **MS SNELL:** Yes, I am aware. I actually instigated some of those from my Director of Strategy to Reduce Reoffending role.

MR LLOYD: Could I - have you had a chance to look at her statement?

10 **MS SNELL:** I have it here, I believe.

MR LLOYD: I think I asked you to have access to it because I just want to see in addition -

15 **COMMISSIONER:** Mr Lloyd, I probably need to take the morning adjournment, I think. It might be sensible to do it now.

MR LLOYD: Certainly.

20 **COMMISSIONER:** Do you know how long those at the bar table will require?

MR LLOYD: I don't. I'll be another five minutes.

MS GHABRIAL: I'll be about five minutes as well, Commissioner.

25 **COMMISSIONER:** Mr Sheller?

MR SELLER: No longer than 10 minutes.

30 **MR HORTON:** Brief, if at all, after Mr Sheller.

COMMISSIONER: All right. Well, we'll take the morning adjournment.

<**THE HEARING ADJOURNED AT 11.32 AM**

35 <**THE HEARING RESUMED AT 11.52 AM**

MR LLOYD: Thank you, Commissioner. Now, Ms Snell, I think I asked you in the break to look at some particular paragraphs of Ms Chappell's statement to
40 hasten this next part of your evidence.

MS SNELL: Yes.

MR LLOYD: The first one, paragraph 17, in particular paragraphs 17(c) and (d).
45 It's Exhibit 50, Commissioner, that I'm asking Ms Snell about.

MS SNELL: Yes.

MR LLOYD: Do you see there - Ms Chappell tells us about the IDC meetings in subparagraph (c) and then the individual house meetings. Do you see that?

5 **MS SNELL:** Yes.

MR LLOYD: And, in effect, when I asked Ms Chappell about these events, in particular the individual house meetings, I think she agreed that those initiatives were likely to improve relationships between officers and inmates. Are you aware
10 of that?

MS SNELL: I actually, unfortunately, missed her evidence, but I'm - I'm aware of it now. Thank you.

15 **MR LLOYD:** Do you have a view, from where you sit within Corrective Services, about whether things happening at Dillwynia described in subparagraphs (c) and (d), those meetings, and then the IDC meetings and then the individual house meetings, are initiatives that warrant consideration to be rolled out at all correctional centres?
20

MS SNELL: Yeah, absolutely. I think that - my understanding is IDC meetings do actually occur at a number of correctional centres, but I agree it should be state-wide, in my opinion.

25 **MR LLOYD:** Paragraph 40 - this is after a description by Ms Chappell of the PPLDC. Are you familiar with that?

MS SNELL: Yes.

30 **MR LLOYD:** And in paragraph 40, Ms Chappell tells us that three out of seven functional managers and the MoS at Dillwynia have completed that training.

MS SNELL: Yes.

35 **MR LLOYD:** Do you regard that training as being essential for officers, particularly senior officers, to perform their roles?

MS SNELL: Yes, absolutely. And I think that the plan is to scale that training through the Academy, and I have actually covered off on some of that in my
40 statement as well.

MR LLOYD: Is that training presently mandatory?

45 **MS SNELL:** It's not currently mandatory, no. It's currently aimed at people who are going to - at a particular level and seeking to look to go up into the next level. It's - it's mandatory for recruitment to the next level.

MR LLOYD: Mandatory if you want to be considered for promotion?

MS SNELL: That's correct. Pre-promotion is the concept.

5 **MR LLOYD:** One thing we know from the evidence of a number of the senior officers at Dillwynia is they often stay in senior positions for many, many years; correct?

MS SNELL: Correct. At Dillwynia, yes.

10

MR LLOYD: I don't imagine that's solely the position at Dillwynia. That is, across Correctional Centres throughout New South Wales, there might be presently senior officers who have been in their current positions for many, many years?

15

MS SNELL: There are - most of the gaols have rotational policies for General Managers and Managers of Security, the most senior positions. Dillwynia has not until recently, because of the previous island award that it was under.

20 **MR LLOYD:** My question - I understand what you're saying, but my question is slightly different. For those senior managers who have got into those positions without having done this training, is there any initiative that you're aware of which would require those people to do this training?

25 **MS SNELL:** The model that we're trying to roll out is absolutely to get as much of this training to any manager before they get promoted and to ensure that all - all leaders have the relevant amount of training. Plus, we're looking to instigate a continuing professional development regime that not only has these formal qualifications but has more micro qualifications as well and really encourages
30 a learning environment across the organisation.

MR LLOYD: Is there any proposal to have those managers who have not done this training in senior positions be required to do it?

35 **MS SNELL:** At the moment, we're just in - we've just - we've just gone out to procurement - or we're finalising procurement for that training to occur for a larger - a much larger range of managers. And, forgive me, I think I talk about the numbers in my statement.

40 **MR LLOYD:** That's okay. We can find that. Can I ask you about paragraph 47, the Working with Female Offenders training program.

MS SNELL: Yes.

45 **MR LLOYD:** And is that - currently across Correctional Centres in New South Wales, is that required for all officers working at female correctional - or women's correctional centres?

MS SNELL: I don't know whether it's mandatory or not. I would have to confirm that. But the intent moving forward is for it to be mandatory for if you're going to work in a female centre.

5

MR LLOYD: It should be mandatory, shouldn't it?

MS SNELL: Yes. And that's in the new training model that's proposed as well.

10 **MR LLOYD:** Could I ask you about paragraph 60. Ms Chappell tells us about an unconscious bias course that was introduced in September 2021.

MS SNELL: Yes.

15 **MR LLOYD:** And she tells us the numbers, she understands, of staff at Dillwynia who have done that course are 91 out of 277.

MS SNELL: Yes.

20 **MR LLOYD:** Where are you up to in terms of that training being done more broadly throughout New South Wales?

MS SNELL: Yeah. Look, this is a fantastic course. It was one that I instigated myself to also complement the inclusive leadership training and the five-minute
25 intervention training, and it would be my desire that this be undertaken by all staff.

MR LLOYD: And what's in train to see that come to pass, that is, all staff doing that training throughout New South Wales?

30 **MS SNELL:** The Strategic Delivery Team are actually rolling out that training, including the five-minute intervention, inclusive leadership and promotion of the unconscious bias through the Thrive Learning platform. And they, I think, have gotten something like five and a half or six thousand staff through the five-minute
35 intervention training, and we probably need to make sure that this one is better mandated and promoted.

MR LLOYD: Is that going to happen?

MS SNELL: Yes.

40

MR LLOYD: Finally, Ms Chappell tells us that she considers staff at Dillwynia - in paragraph 72 - would further benefit from training regarding the role of the Official Visitor.

45 **MS SNELL:** Yes.

MR LLOYD: Do you see that?

MS SNELL: Yes.

5 **MR LLOYD:** Do you agree that staff, not just at Dillwynia but more broadly at Corrective Services New South Wales, ought to be further trained about the role of the Official Visitor?

MS SNELL: Yes, I do.

10 **MR LLOYD:** Is there any plan in place to do that?

MS SNELL: Yes, there is.

MR LLOYD: And when is that coming into operation?

15

MS SNELL: We haven't actually - I think it's covered in one of the system improvements. We've certainly created some more information, but in terms of training, we have not yet developed it. I can't remember whether - what time period it falls into, I'm sorry, off the top of my head.

20

MR LLOYD: Those are my questions.

MS SNELL: Thank you.

25 **COMMISSIONER:** Yes. Who wants to go first?

<EXAMINATION BY MS GHABRIAL:

30 **MS GHABRIAL:** Ms Snell, my name is Ms Ghabrial and I appear for a group of correctional officers. I just wanted to ask you some questions about two particular topics. The first is in relation to the questions that were asked of you about decision-makers, and Counsel Assisting brought to your attention the fact that currently the way that the model is within Corrective Services is that the decision-maker who makes the decisions under the GSE Rules is a person who,
35 more often than not, as I understand it, is in the chain of command or is responsible ultimately for the person that's complained about - the officer that's complained about; correct?

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

MS GHABRIAL: And Counsel Assisting raised with you, obviously, that that gives rise to potential for conflict; correct?

45 **MS SNELL:** They did, yes.

MS GHABRIAL: And at least - at the very at least, the perception that there may be a conflict of interest between the decision-maker in the official function and the decision-maker at a personal level; correct?

5 **MS SNELL:** It's very unusual for them to have direct responsibility for the staff that are coming forward to the Professional Standards Committee, as in, there's - there's likely to be layers between them and the staff member. And as discussed, what's proposed in the new model is for the decision to be made by the assessment and triage team.

10

MS GHABRIAL: Just on that issue, you have indicated that you have been following some of the evidence in the Inquiry; correct?

MS SNELL: I have, yes.

15

MS GHABRIAL: And have you heard questions that I have asked of - I think it was Ms Zekanovic and of Mr Corcoran in relation to Operation Estry and the ICAC Inquiry from Lithgow Correctional Centre and use of force there? Do you remember any of those questions?

20

MS SNELL: I don't, I'm sorry.

MS GHABRIAL: You're aware of the ICAC report that was produced in June 2019 as a result of Operation Estry?

25

MS SNELL: At a high level, yes.

MS GHABRIAL: And you were aware, then, would it be fair to say, that ICAC had a view about decision-makers being the persons who were ultimately responsible for the people below them in making the decision? They had a view that that was not an independent person?

30

MS SNELL: I'll - I'll take your analysis of that. I'm sorry, I don't have the recommendations in front of me to confirm.

35

MS GHABRIAL: And, indeed, ICAC expressed a concern that it gave rise to a perception of potential conflict.

MS SNELL: Okay.

40

MS GHABRIAL: Would you accept that? Now, just in that respect, in addressing that issue, you were asked some questions about whether or not any other models of corporate governance or governance had been looked at in deciding how the perception could be addressed in that respect. Do you remember that?

45

MS SNELL: Yes, I do.

MS GHABRIAL: And there are, as you would no doubt be aware in those inquiries that were made - you indicated that there were various models that were looked at.

5 **MS SNELL:** Yes.

MS GHABRIAL: There are various models available in terms of governance of organisations; correct?

10 **MS SNELL:** Yes.

MS GHABRIAL: And you would accept, would it be fair to say, that it is important to have a governance model that ensures the effective management and running and long-term success of an organisation; correct?

15

MS SNELL: Yes. Correct.

MS GHABRIAL: And, essentially, that is so that the model that is used can benefit the organisation to ensure things like ethical and responsible practices?

20

MS SNELL: Yes, absolutely.

MS GHABRIAL: Promotion, equity and fairness amongst the stakeholders; correct?

25

MS SNELL: Yes.

MS GHABRIAL: Development of trust through transparency and accountability?

30 **MS SNELL:** Yes.

MS GHABRIAL: And helping to manage and identify risk? They're key features of a good governance model. Would you agree with that?

35 **MS SNELL:** Yes.

MS GHABRIAL: So just in relation to trying - in respect of trying to promote those key features of a good governance model, would you agree that in trying to address each of those things that it would be a good idea to have some kind of model - where there are decisions to be made, like dealing with Professional Standards issues and what's to happen in respect of decisions to be made under the GSE Rules and Act, that it would be a good idea for there to be the equivalent of a board? And so that could look like the PSC. There are, as I understand it, a number of members on the PSC; is that correct?

40

MS SNELL: Yes.

45

MS GHABRIAL: And could one way of being able to have a good governance model in respect of Professional Standards be to actually have the PSC be given delegated authority under the GSE legislation, the Act and the Rules, so that as a body - as a group of people - rather than a single person, as a group of people, those systems can then be actually put in place to ensure that ethical and responsible decisions are made in respect of staff against whom complaints have been made; correct?

MS SNELL: Correct. And that's what's proposed in the MATT team.

MS GHABRIAL: So is it my understanding, then, of what you've just said that what you are proposing to do is actually have the PSC be given the delegated decision-making capability under the GSE Act and Rules so that multiple people can then vote as to what the appropriate action is, as opposed to leaving the decision to a single person? Is that what I understand your evidence to be?

MS SNELL: Yes, what we're saying is the MATT - MATT team will make the decision and then they'll advise the relevant line of responsibility, so the relevant Deputy Commissioner and Assistant Commissioners of that area, of the issues that are occurring in their remit each week.

MS GHABRIAL: And that's really what I wanted to clarify. The way I understood that evidence - and I may have misunderstood it, but I just wanted to clarify this - is that the decision that would be made by the MATT - is that correct? The decision that would be made is that a decision that is under the GSE Rules, like the decisions that are made under, I think regulations 37 and 38, and I think there are decisions that can be made under sections 68 and 69 of the Act - are they the decisions that you're intending can be made under those kinds of provisions and then you essentially just report that those decisions have been made, or are they sent as a report up the chain for that decision to be ratified by that person? What does that process actually look like?

MS SNELL: What we're saying is that the MATT will make the decision and then advise the Deputy Commissioners or Assistant Commissioners each week of that decision so that the Deputy Commissioners and Assistant Commissioners are aware of the issues that are occurring in their remit.

MS GHABRIAL: And so that they wouldn't be able to change the decision. The decision will have been made, and that will be the decision of the group; correct?

MS SNELL: That's correct, unless they present any new information that the MATT hasn't taken into account, absolutely -

MS GHABRIAL: And that information would be -

MS SNELL: - in which case it would be referred back to MATT.

MS GHABRIAL: Okay. All right. And so that would be, obviously, one way of taking it out of the hands of a single person, and you would welcome a recommendation to support that - that process; is that correct?

5 **MS SNELL:** Yes, absolutely.

MS GHABRIAL: Thank you. Now, just finally, there has also been some evidence in relation to the awareness of correctional officers of the public interest disclosures legislation, and it would appear that boots on the ground officers, I'd like to call - you know, not people in the head office but people in the job weren't
10 aware of the protections that were in place under the old Act, the *Public Interest Disclosures Act* 1994, or even under the new Act. Now, as I understand it, that was something that was a problem, that was actually acknowledged and recognised in a working group meeting earlier this year in March. Do you recall
15 that?

MS SNELL: I don't, I'm sorry.

MS GHABRIAL: If I could take you to - I think it's Volume 9 - I'll just
20 double-check.

MS SNELL: I probably don't have access to that document unless it can be sent to me.

MS GHABRIAL: I'll see if I can jog your memory by reading out the portion. Sorry, Commissioner. Is there a hard copy of Volume 9 that I could have a look at? I'm sorry, I'm just having problems with my computer. Thank you. Tab 138, Commissioner. On 21 March 2023, there was a PSI working group workshop 1 at Strawberry Hills room 4. Does that jog your memory about a meeting - a
30 workshop?

MS SNELL: There was definitely a meeting around that topic in that meeting room. I just can't remember whether I was at that one or other ones.

35 **MS GHABRIAL:** On that particular day, the chair was Joanna Wong -

MS SNELL: Yep.

MS GHABRIAL: - and you were present; Ms Zekanovic was present; Sarah Heron was present; Joe Kemperle; Ann Baroudi; Cathy McInnes, who was the senior legal officer; Stefan Skopelja; Karen Garrard; Stuart Hepburn; Paul Sheehan; and Sam Elley. And during that meeting, Cathy McInnes noted that one of the sides to the under-reporting problem from the past was due to - and I'll read
40 the words in the minutes of the meeting:

45

"...due to no clear knowledge on the *Public Interest Disclosures Act* or fear of being targeted."

Do you remember that being raised in a meeting earlier this year?

5 **MS SNELL:** I can't recall it, I'm sorry. I have - however, know that there is a PID working group that Corrective Services form part of in collaboration with DCJ People Branch to respond to the new legislation around PIDs and nominate a whole - many more PID officers, given the legislative requirement for each work location to have a PID officer and for training to be developed and rolled out to staff in relation to PIDs. So I know that there is activity very much underway to address the awareness of the new legislation and, obviously, the ability for people to make those disclosures.

15 **MS GHABRIAL:** Just on that issue, you are no doubt aware that Parliament had passed that legislation in March of last year?

MS SNELL: Yes.

MS GHABRIAL: Is that correct?

20 **MS SNELL:** Correct.

MS GHABRIAL: And it would appear that the intention of Parliament in delaying the legislation from commencing until October of this year - I think the original date that was intended for its operation was mid-October, but it ended up coming into force on 1 October of this year. But the intention behind that 18-month delay was to allow for the various organisations, public sector and other organisations impacted by that legislation, to put in place policies and procedures and get their houses in order in respect of having all of those things in place by the time that the legislation actually commenced. Would you agree with that?

30 **MS SNELL:** Yes, I am aware of that. And I understand that there is a six-month period as well to be able to fully implement all of the requirements of that legislation.

35 **MS GHABRIAL:** So if I could just take you to your statement in relation to that.

MS SNELL: Yes.

40 **MS GHABRIAL:** Just looking at the tables that are attached to your statement.

MS SNELL: The one on page 24?

45 **MS GHABRIAL:** Yes, it's - I'll just start with the - obviously the heading of the table is Annexure CS2, which starts on page 23, and that's the Medium-Term Improvements Responsive to Mr Astill's offending able to be implemented in six months; is that correct?

MS SNELL: Correct.

MS GHABRIAL: And then at the bottom of page 24 is a heading System Improvements.

5

MS SNELL: Correct.

MS GHABRIAL: And there it says:

10 "Introduction of new PID arrangements..."

There it is noted that on 1 October 2023, the new *Public Interest Disclosures Act* had commenced operation.

15 **MS SNELL:** Yes.

MS GHABRIAL: And the portion I wanted to take you to was the end of that entry, which is on page 25, where it says these words - and you indicated earlier that this was a document that you had prepared for the purposes of the Inquiry as a result of having listened to evidence throughout the Inquiry, and this is not a criticism of you in any way. Just - you know, this is a recent document. So the last sentence of that table on page 25 says this:

25 "CSNSW is currently working on an implementation plan for these legislative changes, which will be accompanied by training courses in due course."

Do you see those words there?

30 **MS SNELL:** I do.

MS GHABRIAL: Can I just ask this: do you know why it is that Corrective Services New South Wales didn't start that process during that 18-month period in advance of the legislation commencing, as opposed to doing it after it has commenced?

MS SNELL: It had started - I think earlier on in my evidence, I indicated that this document was prepared in relation to what we've observed during the Inquiry and either new things or existing things that we have in - in train that we believe to be relevant. This was one of those existing items that I mentioned that there is a working group that has been established and being led and coordinated by DCJ People Branch. We are now awaiting finalisation of the training material from the Ombudsman to be able to complete that. The PID officers have been nominated and advised that they are PID officers, and the policy has been placed on the intranet by DCJ Corporate.

MS GHABRIAL: And when did that working group start? Do you know?

MS SNELL: A few months ago - maybe six months ago, something along those lines. I can't remember exactly, I'm sorry.

5 **MS GHABRIAL:** Okay. But at this stage, the policies and the procedures in respect of the new legislation are still not in place and the training course is still not in place?

10 **MS SNELL:** The new policy - my understanding is the new policy has been placed on the intranet. It's been coordinated by the Corporate Services area of DCJ. As I mentioned, the PID officers for each work location have been advised of their role and how to access that information, and the training is yet to arrive.

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

COMMISSIONER: Anyone else? Mr Sheller.

MR SELLER: Thank you, Commissioner.

20 <**EXAMINATION BY MR SELLER:**

25 **MR SELLER:** Assistant Commissioner, it's James Sheller here for Corrective Services. Could I just deal with the question of improvements and initiatives for which you have been responsible. Is it correct that the executive that you described before had been meeting regularly since September to participate in discussions in relation to improvements and recommendations and changes for which you've been responsible?

30 **MS SNELL:** Yes, that's correct. We've been meeting weekly.

MR SELLER: And are there other persons within the executive who are also responsible for making recommendations or creating initiatives for consideration by the executive?

35 **MS SNELL:** Yeah, it's a collaborative exercise. We're listening to the evidence and obviously considering what we can do in relation to that and then allocating responsibility across the executive for implementation of these initiatives, and I'm coordinating that.

40 **MR SELLER:** Now, Assistant Commissioner, could I just come back to the questions - or some questions arising from the meeting at Dillwynia on 19 September and what happened thereafter concerning the suspension. You've given some evidence, obviously, of your participation in the meetings and, in particular, that meeting of the smaller group. Do you recall that there was a union meeting
45 before the smaller group had its meeting?

MS SNELL: I do. I was not present at the union meeting. But, yes, I do recall that the union meeting happened after the big meeting with all staff and before the smaller meeting.

5 **MR SHELLER:** Do you recall whether you had any - at the time of the union meeting, you had any expectation as to what that union meeting may result in?

MS SNELL: No, I actually didn't even know the union meeting was going to occur. But, no, I definitely didn't know what it was going to result in.

10

MR SHELLER: Then you've given some evidence of what happened after the meetings, that is, the return from Dillwynia?

MS SNELL: Yes.

15

MR SHELLER: And I think this is right: that you were in a vehicle with the Commissioner coming back from Dillwynia to the CBD?

20

MS SNELL: That's correct. And - and my executive officer who was driving the vehicle.

MR SHELLER: Right. And you've given some evidence of something said to you by the Commissioner concerning what he would like - or what he was considering; is that right?

25

MS SNELL: That's correct.

MR SHELLER: Do you have a recollection of whether he asked you to speak to Ms Zekanovic or whether you offered to do that?

30

MS SNELL: I - I can't remember which, but obviously I took responsibility for speaking to her with regards to the next steps.

35

MR SHELLER: We've had some evidence from Ms Zekanovic and also the Commissioner concerning what had changed by this time concerning the officers, in particular Mr Holman and Mr Paddison. And one thing that each of those witnesses seems to have accepted is that whereas there'd been a PSC and PSI involvement up until the 31 July 2023 report, that thereafter the matter was progressively taken out of the hands of the PSI. Is that your recollection?

40

MS SNELL: Yes. So the decision-maker for Dillwynia was escalated to the Commissioner as a result of the sensitivities that were being presented to the organisation.

45

MR SHELLER: And for a time, the decision-maker were people acting up or Acting Commissioners - is that right - while Mr Corcoran was away?

MS SNELL: That's correct.

MR SHELLER: And that was originally Dr Martin?

5 **MS SNELL:** Yes, it was Dr Martin, followed by Leon Taylor.

MR SHELLER: And do you have a recollection now - there's some emails, I think, to which you were a participant in late August 2023 concerning the fact that Mr Taylor was meeting the Secretary?

10

MS SNELL: Yes, I do.

MR SHELLER: And is it right, then, that Mr Corcoran came back from his leave and took over the matter from Mr Taylor? Is that right?

15

MS SNELL: He came back from his leave and essentially took over the - the decision-making role, absolutely.

MR SHELLER: And your evidence is that from your observations at Dillwynia that there were officers who were upset?

20

MS SNELL: Yes, absolutely.

MR SHELLER: Do you have a recollection whether you were aware at the time that you were at Dillwynia that some officers had been on workers' compensation?

25

MS SNELL: Yes, I was.

MR SHELLER: And that the basis for going on that workers' compensation was an assertion of psychological harm as a result of the way in which Dillwynia had been managed?

30

MS SNELL: Yes.

MR SHELLER: And were you aware that Corrective Services, as the employer and responsible for the workers' compensation insurance, had accepted the claims?

35

MS SNELL: I don't know whether we'd accepted the claims. But if they had been on workers' comp for a while, then obviously the claims would have been being case managed by - by the Department.

40

MR SHELLER: Has there been, in your experience, a case similar to this: that is, where there's been a heavy PSI and PSC involvement in a matter, but it has then been taken out of those bodies' hands to be managed at the top level of management within Corrective Services?

45

MS SNELL: I can't say in my - my time in this role that I'm aware of another circumstance.

5 **MR SHELLER:** You described in your evidence before in answer to a question from Mr Lloyd as to what you perceived to be the circumstances which had changed between the time of the 31 July report and the 19 September meeting at Dillwynia. You made mentions of such things as including this very Commission. Do you remember that evidence?

10 **MS SNELL:** Yes, I do.

MR SHELLER: And you identified some other factors. Could you just repeat what those factors were?

15 **MS SNELL:** Essentially, heightened sensitivity and risk in - in the Centre; potential for retributive action that we were trying to mitigate and avoid; wanting to ensure that there were a minimal number of allegations that could arise; and also protecting staff who had allegations towards them.

20 **MR SHELLER:** There has been a number of questions asked of you and of other witnesses concerning proper process. Is it the case that those sorts of matters that you've described - would they ordinarily be matters for consideration by PSI or PSC if it had some involvement in questions of suspension?

25 **MS SNELL:** Ordinarily they would, yes.

MR SHELLER: But, equally, do you accept that they would be management decisions?

30 **MS SNELL:** I'm sorry, I didn't hear that point.

MR SHELLER: Equally, you would agree that those sorts of factors would be relevant for decisions by management?

35 **MS SNELL:** Yes.

MR SHELLER: And you understand that there's a Premier's memorandum that relates to suspensions?

40 **MS SNELL:** I do, yes.

MR SHELLER: And you also understand that the Commissioner, or someone with the relevant delegation, has broad-based powers concerning good governance and peace and tranquillity as such within Corrective Services?

45

MS SNELL: I do, yes.

MR SHELLER: Now, you've given evidence, I think, to the effect that based on what you understood to be the position of the Commissioner as at 19 September 2023, this decision concerning Mr Paddison and Mr Holman would be under review by him?

5

MS SNELL: Yes.

MR SHELLER: And you've described - or you've agreed with the text message that you sent to Ms Zekanovic about what she was required to do?

10

MS SNELL: That's correct.

MR SHELLER: And I think you made mention of some - may have made mention of some telephone calls as well. Is this right: that late into the night on 19 September, you were dealing with Ms Zekanovic?

15

MS SNELL: Yes, that's right. We sometimes have calls in the evening after we've dealt with respective other commitments.

MR SHELLER: And then you understand that she passed on the role to one of her officers to prepare the report?

20

MS SNELL: That's correct.

MR SHELLER: And then, as I understand it, you didn't sight that report yourself?

25

MS SNELL: That's correct.

MR SHELLER: Do you recall that the Commissioner saw the report in your office on the next day, that's 20 September?

30

MS SNELL: Yes.

MR SHELLER: You have an office at the Strawberry Hills headquarters; that's right?

35

MS SNELL: That's right, yes.

MR SHELLER: And so does the Commissioner?

40

MS SNELL: Yes.

MR SHELLER: And is it right that some arrangements have been made for the papers to be - relevant papers to be printed off for his consideration -

45

MS SNELL: That's right.

MR SHELLER: - at Strawberry Hills?

MS SNELL: Yes.

5

MR SHELLER: And they were available in your office for that purpose?

MS SNELL: That's correct.

10 **MR SHELLER:** And the Commissioner attended upon your office?

MS SNELL: That's correct.

15 **MR SHELLER:** I think your office has a - besides your own desk, has a circular meeting table; is that right?

MS SNELL: It does.

20 **MR SHELLER:** And to the best you can, can you recall what the Commissioner did when he came to your office?

MS SNELL: Came and sat down at that round table and reviewed the papers and signed -

25 **MR SHELLER:** Do you recall what the papers were?

MS SNELL: I believe it to be the papers related to the - the options that were presented to him around the suspension or otherwise of Holman and Paddison.

30 **MR SHELLER:** And were you present at the table when the Commissioner was undertaking -

MS SNELL: I was - I was at my -

35 **MR SHELLER:** - whatever he was doing?

MS SNELL: I was at my desk, working on my computer.

40 **MR SHELLER:** And if you can recall, how long did it appear that the Commissioner was reviewing documents before he signed papers?

MS SNELL: I don't recall exactly, but I - I could imagine it would be about 15 minutes or so.

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

COMMISSIONER: Sorry. When you say, Mr Sheller - you refer to reviewing documents before he signed papers. I don't presently understand there to be other than the submission to the Commissioner, and he signed the bottom of it. That's the beginning and the end of it, isn't it?

5

MR SHELLER: Well, I'll ask this witness to see whether she has a recollection of whether there were any other documents. Assistant Commissioner, are you aware of what documents were on the desk in front of the Commissioner that he was reviewing?

10

MS SNELL: I - I saw a bundle of papers. I don't know what documents they were, I'm sorry. I just know that they were for his attention.

MR SHELLER: All right. If it was otherwise demonstrated that he had in front of him the work of Ms Zekanovic, that is, a document prepared on that day, 20 September -

15

MS SNELL: Yes.

MR SHELLER: - and draft letters to go to the officers?

20

MS SNELL: I don't know whether it would have included draft letters. I don't - don't - I don't know for sure, but it's not normal practice for draft letters to be included at that point until after a decision has been made.

25

MR SHELLER: And attached to the 20 September document, at least one of the earlier reports prepared by PSI?

MS SNELL: Yes, I believe the attachments would have been attached to the report.

30

MR SHELLER: Do you recall whether these materials were actually printed off in your office or nearby?

MS SNELL: Normally for Professional Standards and Investigations documents, they are printed in the secure area of PSI, which has got, like, a utility area with a printer in it. It's not in my office. It's kind of in the middle of - of everyone's seating areas.

35

MR SHELLER: Do you have a recollection of who was responsible for printing off these materials?

40

MS SNELL: Stefan, I believe, was responsible.

MR SHELLER: Stefan - surname?

45

MS SNELL: Skopelja.

MR SHELLER: So Mr - and Mr Skopelja had been - you understand his name appears on the 20 September document?

5 **MS SNELL:** Yes, he was assisting Angela Zekanovic to prepare those papers.

MR SHELLER: And his name also appeared on the 31 July 2023 document, which you obviously had received earlier?

10 **MS SNELL:** Yes.

MR SHELLER: And that earlier document being the document in which Mr Skopelja had worked through the prosecution brief -

15 **MS SNELL:** Correct.

MR SHELLER: - concerning Mr Astill?

20 **MS SNELL:** Yes.

MR SHELLER: Just a couple of other - sorry - questions I should have asked. You were asked some questions about these changes to law concerning protected disclosures?

25 **MS SNELL:** Yes.

MR SHELLER: Is that right, that that responsibility for that, to the effect it impacts upon Corrective Services - sorry, is with the DCJ?

30 **MS SNELL:** They've - DCJ People Branch have taken the lead in terms of coordinating that with us, and we've participated in working groups and conversations with them to date, yes.

35 **MR SHELLER:** And I think the DCJ has recently issued - published a document in relation to changes in the law?

MS SNELL: Yes. And that's been placed on the intranet.

40 **MR SHELLER:** You mentioned earlier a working group in which you've been involved?

MS SNELL: Well, my - some of the staff have been involved. I haven't directly been involved.

45 **MR SHELLER:** Is it right that there's been working groups dealing with all these various matters the subject of your statement, going back to March this year?

MS SNELL: Yes.

5 **MR SHELLER:** Then just coming up - just again addressing some of the recommendations and some questions asked. The MATT team, it's proposed, will make recommendations to decision-makers?

10 **MS SNELL:** The MATT team will make decisions and advise the decision-makers - will advise the Deputy Commissioners and Assistant Commissioners.

MR SHELLER: You've talked about the CSIU and the way it works with the commander who has a line of reporting within New South Wales Police?

15 **MS SNELL:** Correct.

MR SHELLER: Is it also the case that the Commander reports to the head of the PSI, at least in terms of workflow and what work is being completed?

20 **MS SNELL:** Yeah, they collaborate very regularly in terms of matters around joint interest.

MR SHELLER: Those are my questions. Thank you.

25 **COMMISSIONER:** Mr Lloyd?

MR LLOYD: Nothing from me, Commissioner.

30 **COMMISSIONER:** Very well. Thank you, Ms Snell. That concludes your evidence. You're excused.

MS SNELL: Thanks very much.

<THE WITNESS WAS RELEASED

35 **COMMISSIONER:** Mr Lloyd.

40 **MR LLOYD:** Commissioner, as you would be aware, as of this morning, it was proposed that Ms Snell would be the final witness to be called to give evidence. It's become necessary, for reasons that I'll explain, to recall Michael Hovey to deal with some material that we've obtained in the latter part of yesterday. But before we call him, I just - I wish to tender a small bundle of the documents that we've been -

45 **COMMISSIONER:** Is he here now to give evidence?

MR LLOYD: He's available on the audio-visual link, but I just will explain to you, and for the benefit of others, the circumstances before calling him. And

I should hasten to add, Commissioner, it won't take very long to raise with Mr Hovey the additional matter, for me anyway.

COMMISSIONER: Yes.

5

MR LLOYD: But could I first - I propose to tender that bundle.

COMMISSIONER: I will make it Exhibit 56.

10 <**EXHIBIT 56 TENDERED AND MARKED**

MR LLOYD: And could I explain this: The bundle contains some emails, including emails between Ms Sarah Casey and Ms Deborah Wilson, Ms - page 1, that is. Page 2, Ms Casey and Mr Hovey. And then most relevantly - I'll go
15 through this with Mr Hovey but just draw to attention for present purposes, most relevantly, the email on page 6 from Ms Wilson to Ms Casey of Sunday, 19 August at 11.53 am, which, on the material that's provided to us, and I accept, contains as attachments the document at page 7, being a summary document, and
20 a document at page 8 through 41, which is a document that you have seen and which is already in evidence elsewhere, being the diary created by a number of the inmates recording various things about Astill.

Now, the relevance of drawing attention particularly to that email and its attachments is to make it plain that the proposition that I advanced to Ms Wilson
25 when she gave evidence on 7 November - the propositions included me putting - I withdraw that. Ms Wilson said her recollection was with respect to the diary that I've just drawn to your attention that she scanned it, and it went into the report that she submitted to CIG or CSIU. In response to that evidence, I put a proposition to her:

30

"I want to suggest you're mistaken about making an electronic copy or record of that diary."

And Ms Wilson, as it turns out, to her credit, maintained her belief that she did.
35 The proposition that I put to her about being mistaken about making an electronic copy or record of the diary was wrong, and I withdraw it and apologise to Ms Wilson. Plainly, what I'm saying to you, Commissioner, it was made on the mistaken belief by me about the state of the evidence that we had before us at the time, which did not include any submission of the electronic copy or record of that
40 diary to CIG or SIU. As we now know, Ms Wilson was absolutely correct to maintain her position that she had not only made a copy but had submitted it to the Investigations Branch.

COMMISSIONER: Yes.

45

MR LLOYD: Nothing, may I say, turns on whether or not, as a matter of formality, the electronic diary went into the report submitted or whether it was

submitted, as it turns, by email. As a matter of substance, Ms Wilson was correct in the evidence that she gave, as is supported by the contemporaneous documents.

5 What I wish to do now, though - and I should say, because of us only obtaining it recently, physical copies have been distributed to the parties. I hope to be able to deal with it shortly with Mr Hovey in a way which is fair to the other parties, and to Mr Hovey, by just showing him this material and then putting some additional propositions, not entirely dissimilar to things that I've already put to him and which he's already accepted, about problems within Investigations. But that's the
10 purpose of recalling him, Commissioner.

COMMISSIONER: Very well.

15 **MR LLOYD:** And so I call - or recall Michael Hovey. I'm not sure about the logistics in terms of getting the link.

MR WHITE: If I could indicate, Commissioner, that it's appreciated that (indistinct) on the part of my client.

20 **MR LLOYD:** We'll just find out about the logistics, Commissioner.

COMMISSIONER: Have we established a link previously today or not?

25 **MR LLOYD:** No, but inquiries are being made with Mr Hovey, including by me, that he's got a link, and he - it's been sent to him, and we're just waiting for him to join. I think the logistics were that he was waiting to be told when to click on the link, and he has now been told. I think they're on the phone to him right now, Commissioner.

30 While that's happening, Commissioner - I can use the time, if it's convenient to you, to deal with some other more administrative tasks. I said yesterday that I hoped to be able to make a statement about some of the officers, I think I said yesterday who had given evidence, who I was able to indicate that it was not the intention of Ms Davidson or me to make a submission adverse to their interests.
35 And I think, Commissioner, you said not without discussing it with you first.

I now wish to say this: the officers who I'm about to identify are those officers not limited to those who have given evidence, but what we have concentrated on is the officers who are legally represented. And the reason we've done that for the
40 purposes of this exercise is they are obviously the ones who are most likely to be taxed with reading our submissions and responding in writing. That's not to say other ones may not wish to do it themselves. But the - and so we've focused on those who have legal representation.

45 The following, amongst those officers, are officers who we will not make a submission contrary to their interests: Stephen Virgo, Mark Wilson, Ronald

Brown, Davey Jeanes, Patricia Peek, Sury Hariharan, Kelly Austin and Marilyn Wright.

5 **COMMISSIONER:** I assume that means that you won't necessarily make an adverse submission about others? That's a matter for you to assess.

10 **MR LLOYD:** Precisely. And so anyone whose name I haven't read out should not assume there will be an adverse submission. They should not be concerned. We have identified - and we've been conservative about it - those people who we have reached a state of satisfaction today that that will not occur.

I could also move on to - apparently he's connecting, but I may as well try and keep going. I hope you have before you, Commissioner, a document titled Documents That Still Need to be Tendered.

15

COMMISSIONER: I don't have it here presently, but it may be -

20 **MR LLOYD:** If you don't, I can hand up my copy. It's been circulated. I'll hand this up. This document, I am instructed, has been circulated, but prior to that notice has been given in writing to the parties about the proposal to tender this material, and objections were invited - not encouraged but invited. And so obviously any party who wishes to object to any of this material right now is able to do so, but it is my proposal to tender the documents which appear on this list.

25 As to the form in which I do that, Commissioner, if it's convenient, I can ask you to mark as exhibits the tender bundle - the documents within the tender bundle references, that is, I could ask you to mark as a further exhibit those documents identified here as being within tender bundle 2, as opposed to -

30 **COMMISSIONER:** Mark them separately as an exhibit?

MR LLOYD: As in - well, you could, Commissioner, mark each of those Tabs separately as an exhibit or, alternatively, all of those Tabs forming tender bundle 2, as recorded here, as the one exhibit.

35 **COMMISSIONER:** Well - you mean tender bundle 2 becomes an exhibit -

MR LLOYD: Correct.

40 **COMMISSIONER:** - and tender bundle 3 becomes an exhibit?

MR LLOYD: Correct. And -

45 **COMMISSIONER:** That's probably sensible.

MR LLOYD: Yes.

COMMISSIONER: Before I do that, does anyone want to say anything about this document?

MR SELLER: Not from us.

5

COMMISSIONER: Very well. Well, I think we're up to 57. So tender bundle 2 becomes Exhibit 57.

<**EXHIBIT 57 TENDERED AND MARKED**

10

COMMISSIONER: 3, Exhibit 58.

<**EXHIBIT 58 TENDERED AND MARKED**

15

COMMISSIONER: 4, Exhibit 59.

<**EXHIBIT 59 TENDERED AND MARKED**

COMMISSIONER: And then there's a miscellaneous documents category. I guess that becomes Exhibit 60; is that right?

20

MR LLOYD: Yes, Commissioner.

COMMISSIONER: What does "TBC" mean?

25

MR LLOYD: I think that - it says "to be confirmed", I think it's intended. And so Exhibit TBC really just -

COMMISSIONER: Why do I need that document anyway?

30

MR LLOYD: Because there's been some evidence given that is not - would otherwise not be admissible about Edward Scott. Mr Foster gave evidence about things that Mr Scott told him that assume some relevance, and Mr Scott is deceased.

35

COMMISSIONER: Well, I think I can accept that, can't I, without worrying about a document?

MR LLOYD: If it's a matter that no one wishes to put in dispute -

40

COMMISSIONER: No one wants to dispute he's dead, I assume. Well, we won't mark that document. We'll exclude that one.

MR LLOYD: Thank you, Commissioner.

45

COMMISSIONER: Mr Hovey is there, I think.

MR LLOYD: Mr Hovey is here.

COMMISSIONER: Yes. I think he needs to be resworn.

5 **MR LLOYD:** Would you like me to just test the link first, Commissioner?
Mr Hovey, can you hear me?

MR HOVEY: I can, indeed.

10 **MR LLOYD:** And see me?

MR HOVEY: I can see you, yes.

MR LLOYD: It's necessary for you to be resworn to give further evidence.
15

MR HOVEY: Yes, I understand.

MR LLOYD: Will you take an oath or an affirmation?

20 **MR HOVEY:** Affirmation, please.

<MICHAEL HOVEY, AFFIRMED

<EXAMINATION BY MR LLOYD:
25

MR LLOYD: Mr Hovey, can I first ask you whether you've been sent, just this morning, some additional documents in a bundle that starts with an email from Sarah Casey to Deborah Wilson, 16 August 2018?

30 **MR HOVEY:** I have, yes.

MR LLOYD: Have you had a chance to look at those?

MR HOVEY: I have.
35

MR LLOYD: And it's right, isn't it, that that contains some material that you had not had a chance to review in the period before you gave your evidence on the last occasion?

40 **MR HOVEY:** That's correct.

MR LLOYD: And is it right that when you gave your evidence on the last occasion, you had not remembered - the extent to which you're a recipient of any of the emails, you had not remembered the fact of that?
45

MR HOVEY: Yes. This was from a period of five-plus years ago and I - I hadn't recalled it, no.

5 **MR LLOYD:** Your process in terms of emails as at 2018 when you were doing that job, it is fair to describe that you'd get an email that would not ordinarily respond in writing to the email; it would generally be followed up with a discussion?

MR HOVEY: Certainly with - with people working in the same building, it would generally generate a - a discussion or a meeting, yes.

10 **MR LLOYD:** Could I just ask you - I'll give you some things of context and sequence to see if your memory can be jogged. I asked you on the last occasion about an intelligence report which, on its face, was submitted to the Investigations Branch on 15 August by Deborah Wilson. Do you remember that?

15 **MR HOVEY:** I recall that from my evidence, yes.

MR LLOYD: It's the one which it refers back to an incident date recorded as February of that year. Do you remember that?

20 **MR HOVEY:** Yes, I do.

MR LLOYD: And there's a whole range of allegations in there from a number of different inmates, all of which involved Astill and allegations of misconduct by him. Do you remember that?

25 **MR HOVEY:** I recall that from my appearance at the Inquiry, yes.

MR LLOYD: And, in effect, your evidence, when I asked you about it, was that you could not recall that intelligence report coming to your attention until a period after Astill was arrested?

30 **MR HOVEY:** That was my recollection. That's correct.

MR LLOYD: And, in effect, you also told us that no action was taken by the Investigations Branch to respond to that intelligence report at a time until after his arrest. Do you remember that?

MR HOVEY: I do, yes.

40 **MR LLOYD:** And, further, tell me if you remember this: that one of the propositions that I put to you was that that fact that no steps were taken by Investigations to respond to that intelligence report represented a failure by the agency or branch?

45 **MR HOVEY:** Yes, I do recall that. I - I've got to say that I'm surprised that I hadn't provided a - a verbal briefing to the Assistant Commissioner, Mr Koulouris, at the time. However, I have no recollection of doing so. And if

I - if I did, that would be contained in my journals, which are still retained, hopefully, at the Investigations Branch.

5 **MR LLOYD:** What you're saying is in the circumstances, you - if you're following your usual or proper practice, you would have given that briefing?

MR HOVEY: I believe I would, but I - I cannot stand here before the Inquiry and say that I did.

10 **MR LLOYD:** Thank you. Can you have a look at the documents, just starting with the one from Ms Casey to Ms Wilson, 16 August.

MR HOVEY: Yes, I see it.

15 **MR LLOYD:** Do you see there - you're not on the distribution list, but it's:

"Good afternoon, Deborah. Call me on..."

A number:

20

"...to discuss IR18-1983."

MR HOVEY: Yes, I can see that.

25 **MR LLOYD:** Take it from me, that's a reference to that intelligence report bearing the 15 August date.

MR HOVEY: Yep. I accept that.

30 **MR LLOYD:** As a matter of process, this is entirely regular at this stage, isn't it, that is, an intel analyst receiving a report and then immediately - or almost immediately making contact with the author of the report within the particular Correctional Centre?

35 **MR HOVEY:** Yes, that would be the usual procedure to - I'd suggest that the intelligence analyst is certainly seeking further information to fill intelligence gaps in - in the initial report, yes.

40 **MR LLOYD:** And that happens all the time. We've seen it in multiple of those reports, where they record having spoken to people locally?

MR HOVEY: Yes, that's correct.

45 **MR LLOYD:** Just have a look at page 2.

MR HOVEY: Yes.

MR LLOYD: Sarah Casey to you.

MR HOVEY: Yes.

5 **MR LLOYD:** 16 August, that is, the same day, about 34 minutes later. And it's, again, about IR-18-1938?

MR HOVEY: Yes.

10 **MR LLOYD:** And the importance is said to be high. Do you see that?

MR HOVEY: Yes, I do.

15 **MR LLOYD:** And without going through - you've had a look at this this morning?

MR HOVEY: I have.

20 **MR LLOYD:** Do you see Ms Casey is recording in summary in the email some things that are recorded in the intelligence report?

MR HOVEY: Yes, I can see that.

25 **MR LLOYD:** And information - for example, after the two dashes, Ms Wilson saying:

"Astill's name keeps coming up, but unable to provide dates, incidents, et cetera. Many of the incident reports are held in the Governor's office instead of the intel office."

30

Do you see that?

MR HOVEY: Yes, I do.

35 **MR LLOYD:** And:

"Wilson also stated that IR was previously submitted about information re a member of staff bringing in tobacco."

40 Do you see that?

MR HOVEY: I do.

45 **MR LLOYD:** And:

"A number of people interlinked and that Astill appears to be at the centre of it."

Do you see that?

MR HOVEY: Yes.

5

MR LLOYD: And the proposed action:

"In speaking with Wilson, she believes that issues involving Astill and possible conduct have been occurring for a while."

10

See that?

MR HOVEY: Yes, I do.

15 **MR LLOYD:**

"As such, I would propose that further information be collected and assessed to determine nature of the matter. At this point in time, without collecting further information, all I have is an incident that occurred in December/February involving Astill and JJ..."

20

Do you see that?

MR HOVEY: Yes. Yes, I do.

25

MR LLOYD:

"...Reported to IB by way of the intelligence report 15 August and very general non-specific hearsay from Wilson regarding the scale and the seriousness of the matter."

30

Do you see that?

MR HOVEY: Yes, I do.

35

MR LLOYD: So there's a few things that I'll ask you about in a minute, but just go with the chronology for the minute. Page 4, Ms Casey goes to Mary Louise Anderson the following day to ask for the P file for Astill?

40

MR HOVEY: Yes. Yes.

MR LLOYD: And then she goes back - the next page - to Deborah Wilson, asking her to call?

45

MR HOVEY: Yes, I can see that.

MR LLOYD: And then page 6, Deborah Wilson to Sarah Casey sends what she can find in the matter, which is a summary - the next page - and then diary extracts. Do you see that?

5 **MR HOVEY:** Yes, I do.

MR LLOYD: Now, on the information that we have, it appears that nothing further happens at Investigations in relation to this until after Astill's arrest. First, is that your understanding?

10

MR HOVEY: If there's no documentation, that would be how it would appear. I would suggest that further analysis has been undertaken and the matter referred to police two to three months afterwards.

15 **MR LLOYD:** You know - the period we're talking about - you told us last time, it was by, I think, 10 October -

MR HOVEY: Yes.

20 **MR LLOYD:** - that you became aware of the serious complaint about Astill?

MR HOVEY: Yes.

25 **MR LLOYD:** And whilst it might have taken time to process the intelligence reports which have been received, you were effectively asked by the police to hold back while they conducted their investigations?

MR HOVEY: That's correct, from - from that date in October. That's correct.

30 **MR LLOYD:** In the period between when this information comes to the Investigations Branch in the middle part of August '18 until that period when the police became involved in October, there should have been steps taken by the Investigations Branch to refer this particular information to the police?

35 **MR HOVEY:** Yeah. Look, I would suggest that - based on this evidence which I've seen for the first time this morning, I would suggest that we're in an information-gathering phase. But I acknowledge that any information gathered should have - should have been referred to police.

40 **MR LLOYD:** It also should have been referred - at least for the information, to allow on the then system a referral back from Professional Standards?

MR HOVEY: It - it could have been, yes. I don't know what extent we had of the information. But, yes, it could have been.

45

MR LLOYD: One other thing I want to put to you for your response is a proposition of something which appears to have gone wrong here. If you go back to page 2. At the bottom, Ms Casey refers there:

5 "At this point in time, without collecting further information, all I have is an incident that occurred in December/February involving Astill and JJ..."

With a reference, it would appear, to the intelligence report 18-1983?

10 **MR HOVEY:** Yes, I can see that.

MR LLOYD: You know from the things that I asked you about last time that there'd been other intelligence reports received by Investigations about Astill prior to this date involving very serious allegations which, if true, involved criminal
15 conduct?

MR HOVEY: Yes.

MR LLOYD: This here - the analysis at the end:

20 "All I have is the information recorded in the 15 August 2018..."

But that was, to start with, as it turns out, incorrect. That's not what - that's not all that Investigations had?

25 **MR HOVEY:** There would have been further information, that's correct.

MR LLOYD: And if the agency was working properly at that time, it would have been identified within the agency that, in fact, there were allegations known to
30 Investigations about Astill that were extremely serious?

MR HOVEY: Yes, that's correct.

MR LLOYD: And that earlier information, if the process was working properly,
35 ought to have been taken into account in terms of what steps Investigations ought to have taken at this time?

MR HOVEY: Yes.

40 **MR LLOYD:** And you agree the failure for that information to have been taken into account in terms of working out what to do was a serious one?

MR HOVEY: As it transpired, yes.

45 **MR LLOYD:** Just pardon me. Those are my questions.

COMMISSIONER: Anybody else have any questions?

MR WHITE: I do, just very briefly, Commissioner.

<EXAMINATION BY MR WHITE:

5

MR WHITE: Mr Hovey, my name is White. I appear on behalf of Deborah Wilson. Do you understand?

MR HOVEY: Yes.

10

MR WHITE: You've referred in your evidence to Exhibit 56.

MR HOVEY: I have no idea what Exhibit 56 is, but -

15

MR WHITE: To the emails that you've just been questioned about.

MR HOVEY: Right. Yes.

20

MR WHITE: And you agree that these emails include a period between 16 August and 19 August 2018?

MR HOVEY: Yes.

25

MR WHITE: And do you agree that the level of cooperation with Ms Wilson appears to be of a high order?

MR HOVEY: Yes. Yes.

30

MR WHITE: All relevant documents that have been requested have been provided by her; correct?

MR HOVEY: Yes.

35

MR WHITE: And that, of course, includes the copy of the notes that you were asked about on the last occasion. Do you agree with that?

MR HOVEY: Yes.

40

MR WHITE: And you recall on the last occasion you were questioned about the footprint and you suggesting that Ms Wilson was mistaken about that?

45

MR HOVEY: I - my recollection wasn't that it was Ms Wilson that was mistaken about that. The question I was asked was about the footprint about an officer who had put in - I think that officer stated that they'd put in four reports and only three could be located. That was the response that I provided with regards to I believe that person was mistaken. I was then asked a general question, that if a report is not in IIS and there's no footprint of it, is that person mistaken? The answer is, yes,

I believe they are mistaken. But my recollection was that was not specific about Ms Wilson.

5 **MR WHITE:** Well, regardless of what you said on the last occasion, it's quite clear that Ms Wilson did send a copy of these notes to the Investigation Unit.

MR HOVEY: Well, it's evident because (crosstalk) -

10 **MR WHITE:** Based on these emails?

MR HOVEY: Yes.

MR WHITE: Yes. Thank you.

15 **<EXAMINATION BY MR SHELLER:**

MR SHELLER: Mr Hovey, James Sheller for Corrective Services. Do you still have your statement available to you?

20 **MR HOVEY:** No, I don't. Not at the moment.

MR SHELLER: All right. I'll just ask you - I'll give you a bit of detail from your statement. Just see if this - that's sufficient. Just going back to the documents that are in front of you and the document at page 2. This is what we're calling is
25 Exhibit 56, the material sent to you today.

MR HOVEY: Yes.

30 **MR SHELLER:** You'd accept that the email received by you on 16 August from Ms Casey was a comprehensive-style email?

MR HOVEY: Yes, I'll accept that. Yes.

35 **MR SHELLER:** And you'd accept that Ms Casey, through sending an email in this form, would expect that you would read it?

MR HOVEY: Yes.

40 **MR SHELLER:** And is it your evidence that you may have responded to this email by telephoning her?

MR HOVEY: Either telephoning or meeting in person, yes.

45 **MR SHELLER:** Now, just by way of how things were meant to operate at the time, this matter, do you say, is one that the PSB would have known about?

MR HOVEY: I'm unsure. That - that would have to be tested against PSB records, I'd suggest.

5 **MR SHELLER:** I think the suggestion of the evidence we've received from those who were in the PSB at the time is that they don't have a record or a recollection of any of the intelligence reports generated in respect of Mr Astill, which you had received, being notified to them.

10 **MR HOVEY:** Look, I understand that, that they wouldn't have a copy of the intelligence reports. But you asked me if the matter had been referred. I don't know without a check of Professional Standards' records because it may have been referred locally.

15 **MR SHELLER:** But you understand the effect of the evidence of witnesses from the PSB that in this period that they were almost completely ignorant what was happening in terms of investigations into the behaviour of Mr Astill by the Investigation Branch?

20 **MR HOVEY:** Look, I'm unaware of the evidence of anyone from Professional Standards. I haven't listened to it. I haven't read it. I'm unaware of it. But can accept that they may not have been aware of the intelligence reports.

25 **MR SHELLER:** What you told us in your statement, which I appreciate is not in front of you, at paragraph 26 - this is from Volume 8, Tab 86 - is that in terms of your reporting obligations as Director of the Investigation Branch, that you would report to Assistant Commissioner Scasserra, appraising him of the progress of investigations and that you had a no-surprises policy?

30 **MR HOVEY:** Yep. That is correct. Once that AC had started, yes.

MR SHELLER: And that one of the reasons for keeping him appraised was because he also chaired the PSC Committee?

35 **MR HOVEY:** Yes, that's correct.

MR SHELLER: And my understanding is that the PSC Committee was meant to have an early involvement in dealing with matters that had recently arrived within the Investigation Branch?

40 **MR HOVEY:** I - I'm sorry, could you just say that question again? I - I didn't quite hear it.

45 **MR SHELLER:** My understanding was that the PSC was meant to have an early involvement in dealing with these matters at this time - this is back in 2018 - so that they could direct what was to occur, for example, sending the matter to the Investigation Branch?

MR HOVEY: Yes, that would have been part of the process. Yes.

5 **MR SHELLER:** Do you have any recollection of raising anything concerning the email received from Ms Casey on 16 August 2018 with the Assistant Commissioner?

MR HOVEY: That Assistant Commissioner at the time would have been the previous Assistant Commissioner. As I said to Mr -

10 **MR SHELLER:** That's Mr Koulouris, is it?

MR HOVEY: That's correct. As I said to Mr Lloyd, I'm surprised that I wouldn't have verbally apprised Mr Koulouris, but I - I have no recollection of doing so. And the only evidence that I did would be in my journals.

15 **MR SHELLER:** Well, one of the things that emerges from Ms Casey's email to you on 16 August is Ms Wilson's statement to her that Mr Astill's name keeps coming up.

20 **MR HOVEY:** Yes. Yes.

MR SHELLER: That's the sort of thing that would need to be passed on to either the PSB, the PSC or the Assistant Commissioner. Do you agree?

25 **MR HOVEY:** I would like some further detail with regards to "keeps coming up" before passing it on. But ultimately, armed with that information, yes.

MR SHELLER: And also - and this is in the text in the middle of page 2 underlined and emboldened - or, sorry, in bold:

30 "Astill relieves as backup intel."

MR HOVEY: Yes.

35 **MR SHELLER:** That would be something that would, you'd agree, have to be immediately shared with PSB, PSC or the Assistant Commissioner. Do you agree?

MR HOVEY: I don't particularly, no.

40 **MR SHELLER:** Why wouldn't that be an important matter to communicate to others within the disciplinary sphere, that someone's name keeps on coming up and that person relieves as backup intel?

45 **MR HOVEY:** While we're still testing that information, it may not be prudent to remove Mr Astill from that position, or it may not have been. But that's just a - that's just my view.

MR SHELLER: But what's prudent or not in terms of removing someone is a matter for other persons, not you. Do you agree?

MR HOVEY: It could be, yes.

5

MR SHELLER: At the bottom of the page, second-last paragraph - this is still page 2 -

MR HOVEY: Yes.

10

MR SHELLER: - there's reference to the substance of a conversation that in this case you'd with Ms Wilson?

MR HOVEY: Yes.

15

MR SHELLER: And the observation that possible misconduct had been occurring for a while?

MR HOVEY: Yes.

20

MR SHELLER: That's something you would have been aware of from the number of intelligence reports that had previously been received concerning Mr Astill. Do you agree?

25

MR HOVEY: Look, that information would have been available, yes.

MR SHELLER: Again, the fact that there's an observation from the intelligence officer at Dillwynia as to her belief concerning possible misconduct being perpetrated by an individual for a period of time suggests that that fact alone should have been passed on to the PSB, PSC and/or the Assistant Commissioner?

30

MR HOVEY: I think that I placed - my - my - looking at it now, I think I would have placed greater weight upon the next comment, being that at this point in time, without collecting further information. So I'd suggest that at that point that that's exactly what we did. We started to collate that further information before referring. The system - the process was backlogged and clogged, which I'm sure you've heard in evidence. You know, we attempted to not add to - to that backlog unnecessarily. So, from an intelligence point of view, we would have gathered further information to make a more accurate and more informed referral.

40

MR SHELLER: But you'd agree that the quality and quantity of what you're being told in this email from Ms Casey made this matter stand apart from the usual material being received by the Investigation Branch?

45

MR HOVEY: Look, sadly not. I think that that information was typical of a number of matters that were going on at the time, not necessarily as serious as this one, but certainly with regards to other allegations, of - of trafficking, of the

assault of inmates, et cetera, et cetera. So there was a high number of high profile and extremely serious allegations being dealt with at that particular time.

5 **MR SHELLER:** And let me just ask you - you're at a disadvantage because you don't have the relevant intelligence report, but would you expect that the composition of the intelligence report - sorry, I withdraw that - that the analysis by your office of the intelligence report would include all of the information contained in Ms Casey's email?

10 **MR HOVEY:** I - I - I'm unsure of what the question leads to, but what I'm saying is, is that it's very evident to me from that email that further information needs to be collected, intelligence gaps filled, to make sure that we send in an accurate referral.

15 **MR SHELLER:** You'd also agree that at the time there were immediate avenues available for you to keep people updated as to what was going on in relation to this matter?

20 **MR HOVEY:** There was a million avenues available. Despite the hyperbole of a million avenues, there were a number of avenues open, not only to me but to people locally at the Centre who could have referred this matter. But your focus appears to be solely directed against Investigations Branch. As I previously explained, what we were trying to do was to get a - an accurate and fully detailed set of information to send across in a formal referral.

25 **MR SHELLER:** Would it come as a surprise to you, Mr Hovey, that the intelligence report - sorry, I withdraw that. If you go back to the top of the email, you'll see a reference to "in relation to IR18-1983" on page 2?

30 **MR HOVEY:** Yes.

MR SHELLER: And you've attached the intelligence report to your statement. I can't tell you immediately what annexure it is to it -

35 **MR HOVEY:** Yes.

MR SHELLER: - for that document. Would it come as a surprise that none of what was said by Ms Wilson here to Ms Casey was inputted into the intelligence report as CI additional information?

40 **MR HOVEY:** Without the benefit of having the documents, I'll take your word for it.

45 **MR SHELLER:** But all that appears on the intelligence report in terms of your - in terms of the Investigation Branch is no information currently recorded in terms of CI additional information? Does that make sense?

MR HOVEY: And what date was that CI information completed?

MR SELLER: April 2019.

5 **MR HOVEY:** So after we'd notified and the police investigation was underway?

MR SELLER: Yes.

10 **MR HOVEY:** Then I'd suggest that all that information had been provided separately to police.

MR SELLER: Yes, those are my questions. Thank you.

MS GHABRIAL: (Indistinct).

15

<EXAMINATION BY MS GHABRIAL:

20 **MS GHABRIAL:** Mr Hovey, my name is Ms Ghabrial, you may remember from the last time. I appear for a group of correctional officers. In answer to some questions by Mr Sheller of Senior Counsel, you indicated - and this is about the avenues that were available to you in relation to this email chain and what you could have done in respect of that, and your response was this: There were a number of avenues available to the people at the Centre. You would have to accept that one of those avenues, which was a proper avenue to take, was to refer
25 this matter to your branch; correct?

MR HOVEY: I've never denied that.

30 **MS GHABRIAL:** And that the people from the Centre, in making that referral, were entitled to expect that your branch would take action; correct?

MR HOVEY: Yes.

35 **MS GHABRIAL:** So you're certainly not suggesting that by Ms Wilson, for example, not taking up any of the other avenues that you say were available to the people at the Centre - you're certainly not suggesting that they should have taken up other avenues outside of the proper process of referring it to your branch to take responsibility for handling it, are you?

40 **MR HOVEY:** I - I'm unsure what - whether you're trying to back me into a corner, trick me or whatever the case may be. But I note in the emails that it says quite clearly that all of these reports are held in the Governor's office. So what I'm saying to you is, is that obviously other avenues were utilised, as in, a report to the Governor. Why wasn't that report via the Director? Why wasn't that via the
45 Assistant Commissioner? That's - that was the answer to my question.

MS GHABRIAL: Well then, in seeing that information, what steps did you take to obtain that material that was referred to in that email?

5 **MR HOVEY:** That underwent, or was undergoing, an intelligence analysis process.

MS GHABRIAL: In that process of gathering intelligence, you can see on page 6 that there was an email sent by Deborah Wilson to Sarah Casey.

10 **MR HOVEY:** Yes.

MS GHABRIAL: And this is three days after that earlier email, so quite quick. Ms Wilson says this:

15 "I have attached what I could find in the matter, along with a summary, and I will email General Manager to send what she has if she has any more."

Do you see those words?

20 **MR HOVEY:** Yes. Yes, I do.

MS GHABRIAL: On the next page, page 7, you can see that the summary is attached in addition to the diary entries; correct?

25 **MR HOVEY:** Yes.

MS GHABRIAL: And it would be fair to say that that's the summary that Ms Wilson took the trouble of pulling together to advise your branch at that stage of all of the information that she was aware of; correct?

30

MR HOVEY: I - I - yes, I haven't disputed that.

35 **MS GHABRIAL:** And so my suggestion to you is that having regard to the contents of the email from 16 August 2018 and the further material that was made available to your unit on 19 August 2018, that it was incumbent on your branch and you to make that referral to PSB so they could direct a proper investigation by your branch into these matters that were listed by Ms Wilson in that summary and spoken about on 16 August. It was incumbent on you to do that.

40 **MR HOVEY:** I - I'm unsure that this information that's come through - this is the first time I've seen that information and the handwritten document, this morning. And I'm unsure that that didn't form part of information provided to police. But, yes, it would be incumbent on the branch to do so.

45 **MS GHABRIAL:** But I'm talking about - immediately. Because you can't conduct an investigation without the authorisation of the PSB and the PSC, can you?

MR HOVEY: Correct.

5 **MS GHABRIAL:** And this information, I'm going to suggest to you, was enough for you to seek that authorisation from them to start an investigation. And you didn't do that, did you?

MR HOVEY: I - I appreciate your opinion, but at the moment it is the formulation of an intelligence report, not an investigation.

10 **MS GHABRIAL:** I understand that, but what I'm suggesting to you is different. It is that there was enough information received by your branch on 16 August and 19 August sufficient for you to refer it to the PSB so that you could get the imprimatur of the PSC to start an investigation into these very serious matters. There was enough information for you to do that, wasn't there?

15 **MR HOVEY:** I understand your point of view. I'm saying that what I'd asked for, it is apparent, was further clarification around the information.

20 **MS GHABRIAL:** I don't think I can take it any further, Commissioner. Thank you.

MR LLOYD: Nothing from me, Commissioner.

25 **COMMISSIONER:** Very well. Mr Hovey, thank you again for giving evidence. You're now excused.

MR HOVEY: Thank you, Commissioner.

30 **<THE WITNESS WAS RELEASED**

MR LLOYD: Commissioner, I'm conscious of the time. There are only administrative -

35 **COMMISSIONER:** Well, let's dispose of them and then everyone can have an early afternoon.

MR LLOYD: Thank you. The first -

40 **COMMISSIONER:** Or work on submissions, perhaps.

MR LLOYD: Yes, at least from our perspective. The first thing I wish to say - and I'll be told if I've got this wrong, no doubt, by someone at the bar tables. It may be thought unusual that Ms Casey has not been called as a witness. Commissioner, I do not wish to say in open court or otherwise -

45 **COMMISSIONER:** I understand why, and I did not propose to ask you to call her.

5 **MR LLOYD:** Thank you, Commissioner. And I should say - I have raised it with the parties to see whether any of the parties had a different view or opposed that course, and I understand - I'll be told if I'm wrong - that the parties, to their very great credit and their legal representatives, had agreed.

10 Could I next say that that now, with the tender of those additional materials, concludes the evidence. Next, there's two non-publication orders that I'll ask Ms Davidson to invite you to make, Commissioner, in one moment.

COMMISSIONER: Are they in writing?

MR LLOYD: They are. Perhaps we'll do that now.

15 **COMMISSIONER:** Does everyone else know what I'm being asked to do?

MS DAVIDSON: I'm sorry?

20 **COMMISSIONER:** Does everyone else know what I'm being asked to do?

MS DAVIDSON: The first relates to matters that were dealt with in private hearing - as you will see, that's the one I've just handed up, Commissioner - and has been the subject of discussion with the representatives of Corrective Services who were the others who were in respect of proposed order 3. I have indicated the names of those -

COMMISSIONER: Very well.

30 **MS DAVIDSON:** - who require access and otherwise adds only to the pseudonym list an additional two names.

COMMISSIONER: Well, is there any reason for me to ask anyone else whether they want to say anything about this?

35 **MS DAVIDSON:** I don't believe so, Commissioner. And Corrective Services are aware - that is, the representatives of Corrective Services, have seen this and, I understand, consent to it.

40 **COMMISSIONER:** Very well. I'll make the orders in the document which I've signed.

MS DAVIDSON: The next I will hand up relates to some material that was already the subject of an order you made on 7 November in relation to Exhibit 31. You will recall that's some medical evidence in 2016 that was supplied.

45 **COMMISSIONER:** Yes.

MS DAVIDSON: The form of order - it's effectively to regularise the form of order that was made on that occasion. There was a form of order made in respect of -

5 **COMMISSIONER:** It's nothing new, it is just putting it in order?

MS DAVIDSON: It's putting it in order, yes.

COMMISSIONER: Very well. I will make that order which I've signed.

10

MR LLOYD: There is the possibility of you being asked, Commissioner, to make an additional non-publication order. It comes from Mr Sheller and his team. I am told that discussions between those assisting you and Mr Sheller and his team about the form of any further order are ongoing. What I propose is that, when those discussions have concluded, hopefully with an agreement, we will invite you after the parties have been notified, to deal with that in chambers. Failing agreement, it will obviously be necessary to sit again to argue that.

15

COMMISSIONER: We will see what happens.

20

MR LLOYD: Next, and penultimately, I, yesterday, raised in open court, and this had been raised in writing with the parties earlier, a proposal for where we go from here. Could I -

25 **COMMISSIONER:** Have you reduce that to writing?

MR LLOYD: We haven't but we can, in line with what -

COMMISSIONER: Well, what are the orders that you propose that I make?

30

MR LLOYD: Simply that those assisting you provide submissions to you by 1 December at 4 pm. The parties provide submissions in response by 4 pm on 11 December, and that - I'm not sure whether you need to make an order - but, in effect, as I understand, well, we have not been told that anyone wants oral - an occasion or oral submissions, and so that, as I understand it, people are content for the report to be prepared on the basis of those submissions made in writing.

35

COMMISSIONER: Well, I will make orders in terms of the times that you have agreed between yourself and the other representatives. It should be formalised with a written document.

40

MR LLOYD: We will do that.

COMMISSIONER: Very well. And I note that no one requires an opportunity to make oral submissions.

45

5 **MR LLOYD:** Thank you, Commissioner. There's one final thing, if I can seek an indulgence to say this: that the task of assisting you in the oral hearing and all the events which have preceded it, and which have occurred on the weekends during the Inquiry to date, has been an onerous one, not for me asking the questions, are easy - those assisting you led by Ms Nash and also Ms Davidson at the bar table have provided an enormous amount of work and assistance, and they've done the hard work. And I would just wish to say in this forum that they deserve certainly my thanks and the thanks of the Commission. With that -

10 **COMMISSIONER:** Well, thank you. Thank you, Mr Lloyd. I wish to add to Mr Lloyd's remarks. This Inquiry has been framed under Terms of Reference which required, as everyone knows, a relatively short reporting timeframe. The documentary trail, if it can be called a trail as opposed to a mountain, is very large and a great deal of time and effort has been spent by those assisting counsel to
15 retrieve from the vast number of documents, documents which may found the significant events which we are examining.

It could not be said that I'm confident that we've managed to retrieve every document that might be relevant to the story. However, I am satisfied that,
20 together with the help of those appearing for Corrective Services, that the essential documents have been retrieved which will be sufficient for me to be able to tell the story.

If, in the meantime, when further work has been done particularly in the
25 preparation of submissions, any document emerges which should be identified and become part of the evidence, then I will take appropriate steps to do so, and anyone who may be affected by that prospect will be told with an opportunity say something, maybe in writing, about it.

30 In expressing my thanks to those assisting counsel, can I also express my great appreciation to counsel themselves. The burdens of conducting an Inquiry like this are always great, but when the timeframe is short and the period of time available for preparation limited, the burdens are greater. I'm particularly grateful.

35 I'm also grateful to all those who have represented the various parties. As much as those assisting counsel, and ultimately me, have shared burdens, so have all of you. And each one of you deserves my thanks for cooperating and ensuring that we're able to get through the evidence effectively and efficiently and hopefully meet the timeframes that were provided.

40 That hope, I'm afraid, is going to be dashed, and we will have to ask for some more time, but not much more time, in order to cope with the Christmas/New Year period and the necessity for people to have a bit of a holiday before the report is finalised. But to all of you, I express my deep appreciation. We'll now adjourn.
45

<THE HEARING ADJOURNED AT 1.37 PM