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PUBLIC INQUIRY

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC INQUIRY

OPERATION DRAKE

Reference: Operation E11/1802

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY, 9 OCTOBER 2012

AT 10.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

The transcript has been prepared in accordance with conventions used in the Supreme Court.

MS WILLIAMS: Thank you, Commissioner. Mr Watson has raised one matter with me this morning concerning the suppression orders made yesterday. As I understand it, Mr Watson wishes to apply for those orders to be broadened slightly to preclude media publishing photographs of either Prisoner X's sister or Prisoner X's mother, who did not attend the hearing yesterday but are here today. I will let Mr Watson speak to that further.

10 THE ASSISTANT COMMISSIONER: Actually, I did intend the order to cover that. I directed that no identifying information should be published in respect of any issue. That extends, of course, to photographs that allow people to identify them.

MR WATSON: It was just for more abundant caution that I raised it with my friend.

20 THE ASSISTANT COMMISSIONER: I am happy to clarify that the suppression order I have made directing that identifying information should not be published in respect of the Prisoner X's family includes publishing any photographic image of them at this inquiry.

MR WATSON: If it please you, Commissioner. Perhaps while I am on my feet, before Prisoner X's mother is called, I provided my learned friend with some material this morning, and a copy for you, Commissioner. She has a serious heart condition. I just raised with my friend
30 that if at any stage she feels that she has any health issues, she should raise that with you immediately, because she does have a very serious heart condition.

THE ASSISTANT COMMISSIONER: Yes, I have read the certificate. Thank you.

MR WATSON: There is a medical certificate that I have provided to my friend, and a copy for you.

40 MS WILLIAMS: Yes, I have received that. Commissioner, I understand that has been passed on to you. I don't propose to tender it.

THE ASSISTANT COMMISSIONER: No, I don't think it needs to be tendered.

MS WILLIAMS: I call Mr George Karamoschos.

MR CHAMAS: Just for the record, I appear for Mr Karamoschos. He will be seeking a declaration and he will be taking an oath.

THE ASSISTANT COMMISSIONER: Thank you for that.

10 Mr Karamoschos, the effect of the order I am about to make is that nothing you say can be used against you at any future criminal, civil or disciplinary proceeding. The only exception to that is if it is found you have breached the Act by providing false or misleading evidence or in some other way. Do you understand that?

THE WITNESS: Yes.

20 THE ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

SECTION 38 ORDER TO APPLY

<GEORGE PATRICK KARAMOSCHOS, sworn [10.10am]

30 <EXAMINATION BY MS WILLIAMS

MS WILLIAMS: Q. Could you state your full name, please?

A. George Patrick Karamoschos.

Q. You have previously provided your address to the Commission, Mr Karamoschos?

A. Yes, I have.

40 Q. You are the owner of a black Mercedes vehicle, registration number CGC-94G; is that correct?

A. Yes.

Q. Does anybody apart from yourself drive that vehicle?

A. People do drive it, yes, but me mainly.

Q. I'm sorry, but you mainly?

A. Myself mainly, yes.

Q. You are employed with a company called Hitech Support Pty Limited; is that right?

A. Correct.

Q. You have a mobile phone that you use for that employment, do you?

A. Correct.

10 Q. The phone number is 0487977362?

A. Yes.

Q. You also have a mobile phone that you use for your personal use?

A. Yes.

Q. And the mobile number for that is 0416550550?

A. Correct.

20 Q. Does anybody else use that second mobile phone I just referred to?

A. Once again, some people do use it. I lend it to people to use sometimes, but me mainly.

Q. It wouldn't ever be out of your physical possession?

A. No, not really, no, not normally.

Q. You have other mobile numbers that you use for non-work purposes from time to time?

30 A. Not really.

Q. Do you use the mobile number 0416509498 from time to time?

A. I'm not familiar with that number.

Q. It is not a number that you have used since about 13 June this year?

40 A. I did use another number, and I'm pretty sure that was it because of the evidence that I've seen yesterday and the evidence that's in your brief as well.

Q. So just to confirm, you did use another number from 13 June this year?

A. Possibly that period of time, yes.

Q. And you are pretty sure that it was the number I have mentioned to you, 0416509498; is that correct?

A. Yes.

Q. Have you also used a number since about 21 June, which is 0450456209?

A. I'm not sure about that.

Q. You are not sure about whether you --

A. About the number or - yes.

10 Q. So do I understand your evidence correctly, you agree that you have used a further number, but you are not sure whether that is the one?

A. Correct, yes.

Q. You are not unsure about the fact that you have used two numbers, at least, other than your work mobile phone and your personal mobile number, 0416550550, since June this year?

20 A. I know I used one, the first number that you mentioned, but I'm not sure about the second one.

Q. Thank you for that. Now, you know a man by the name of Prisoner X, also known as Prisoner X?

A. Yes.

Q. And he is currently on remand in Long Bay Gaol; is that correct?

A. Yes.

30 Q. How long have you known Prisoner X?

A. I've known him for over five years.

Q. And what is the nature of your relationship - a business relationship or a friendship?

A. Friendship.

Q. Do you know Prisoner X's mother, XXXXX?

A. Yes, I do.

40 Q. How long have you known Prisoner X's mother for?

A. Probably about three to four years.

Q. Is it the case that you came to know her through knowing Prisoner X; is that right?

A. Yes, of course.

Q. Would it be fair to describe your relationship with

Prisoner X's mother as a friendship as well?

A. Correct.

Q. How frequently do you have contact with Prisoner X's mother in person?

A. Probably weekly or fortnightly.

Q. Does that involve meeting somewhere or you dropping in to see her? How does that happen?

10 A. Mostly just dropping in to see her.

Q. How frequently would you have contact with Prisoner X's mother by telephone?

A. Once again, probably fortnightly or something along those lines.

Q. Do you also know Prisoner X's sister, XXXXX?

A. Yes, I do.

20 Q. How long have you known XXXXX?

A. The same period of time as I have known Prisoner X's mother.

Q. Is it fair to describe your relationship with her as a friend also?

A. Yes.

Q. How often would you have contact with Prisoner X's sister in person?

A. Whenever I would go around to visit Prisoner X's mother, if she was there, then I would see her as well.

30

Q. So you wouldn't have contact with Prisoner X's sister in person separately from your contact with Prisoner X's mother; is that right?

A. Not normally, no.

Q. You wouldn't, for example, go out together on social occasions?

A. No, not really.

40

Q. How frequently would you have contact with Prisoner X's sister by telephone?

A. Not very often. Not as often as I have contact with Prisoner X's mother.

Q. Is it the case that Prisoner X's sister and mother refer to you as "Little George"; are you familiar with that?

A. Yes.

Q. I want to ask you some questions about a meeting at the Camperdown Hotel on 21 June.

A. Yes.

Q. Did you go to that hotel on that evening together with Prisoner X's sister?

10 A. Correct.

Q. Who asked you to attend that meeting?

A. Prisoner X.

Q. Prisoner X?

A. Prisoner X and - or Prisoner X's sister; I can't remember exactly who it was.

Q. Do you remember receiving a telephone call or a text message from Prisoner X's sister about two days before the meeting?

20 A. Vaguely, yes.

Q. Can you remember whether that was the first contact you had about going to the meeting or whether Prisoner X had spoken to you about it before?

A. He mentioned it to me before.

Q. What did he say when he mentioned it?

30 A. That he was going to arrange for me to meet up with a mate and to go with his sister.

Q. Did he tell you who the mate was?

A. No.

Q. Did he tell you why he wanted you to meet up with this mate?

40 A. Well, basically, he wanted me to go along with his sister. I think it was as some form of, I don't know, protection of her, so to say, and probably just to make sure everything was okay.

Q. What was your understanding about why Prisoner X's sister might need protection at this meeting?

A. It was just a - I think it was a thing to do that a brother would do, if he was around to do it.

Q. Why did you understand Prisoner X's sister was meeting this mate?

A. Sorry, I don't know what you mean?

Q. Well, at the moment, you have said that Prisoner X asked you to go to a meeting with his mate, together with his sister XXXXX?

A. From what I can recall, yes.

Q. And you thought he was asking you to go to provide protection for Prisoner X's sister?

A. In a way.

10

Q. Why did you think Prisoner X's sister had to meet this mate?

A. To give him something.

Q. What was it that Prisoner X's sister had to give him, as far as you understood?

A. From what I know, it was a - I think there was a black plastic bag.

Q. What did you understand to be inside the black plastic bag?

20

A. I'm not sure, but I - I knew it was something dodgy, but I don't know what.

Q. I'm just asking you about the period before you actually went to the meeting.

A. Yes.

Q. Did you have any understanding, before you went there, about what Prisoner X's sister would be giving to Prisoner X's mate at the meeting?

30

A. I thought it could be a mobile phone.

Q. Why did you think it could be a mobile phone?

A. Because Prisoner X told me that he might be able to get one in there somehow, and that was it, so I assumed it was that.

Q. Did Prisoner X tell you that at the same time as asking you to meet the mate?

40

A. Yes.

Q. I want to suggest to you that Prisoner X's sister contacted you on the afternoon of 19 June and gave you a telephone number for this mate of Prisoner X's that you both needed to meet. Do you recall that?

A. Vaguely, yes.

Q. I want to suggest that the telephone number she gave you was a number that had been given to her, 0406489233. Do you recall that number?

A. I don't recall the number.

Q. Do you have any recollection of Prisoner X's sister passing that number on to you, or passing a number on to you, for you to call in connection with this meeting?

10 A. I remember receiving a number to arrange a meeting, but I can't say how or when it was given to me. I don't remember.

Q. Had you had any contact with this mate of Prisoner X's that you were to meet before you got this number?

A. No.

Q. Did you know anything about the mate you were to meet before you got the number?

20 A. No.

Q. After you got the number, did you have a conversation with Prisoner X's mother on the telephone before you contacted this mate?

A. Possibly. I don't remember.

Q. Could we have page 24 of exhibit 3 on the screen, please. Mr Karamoschos, is that a message sent by you on 19 June to the number you had been given for Prisoner X's mate?

30 A. Possibly. I'm not sure if that was me that wrote that.

Q. What are you not sure about?

A. I'm not sure if it was me that wrote that.

Q. Why are you unsure about that?

A. Because it says "Hi, its Prisoner X's mum".

40 Q. The number the message was sent from, 0416509498, is the number you accepted earlier in your evidence this morning that you were using; is that correct?

A. Correct, correct.

Q. You were using that number as at 19 June; that's correct, isn't it?

A. From what you said, yes.

Q. You don't have any reason to think that anybody other than you sent this message, do you?

A. No, not that I can think of, no.

Q. I'm suggesting to you that you sent it, but you sent it saying "its Prisoner X's mum" because you wanted to tread carefully in making contact with this man you knew nothing about.

10 A. I'm not sure if that's the right answer, but - yes.

Q. Did Prisoner X's mother have access to the phone associated with this number, 0416509498, at this time?

A. I don't remember.

Q. Does that mean it's possible that she did?

A. Could be possible. I'm not sure.

Q. Do you remember giving the phone to Prisoner X's mother for the purpose of her making contact with this mate?

20 A. I don't remember that.

Q. Could we go to page 25 of exhibit 3, please.

Mr Karamoschos, do you remember seeing that text message in response to the one at page 24 that I just showed you?

A. I don't recall the exact text messages.

Q. Do you remember exchanging a series of text messages, you using the number 0416509498, with the number that's printed on the top of this page, 0415990213, to arrange the meeting on 21 June?

30 A. I remember sending texts to arrange a meeting, as I mentioned in the previous time I was here. From what numbers to what numbers I'm not sure of, but it looks like those are the two numbers that you just mentioned.

Q. I suggest that you had two numbers for this mate of Prisoner X's: one is the number to which you sent this message at page 25, 0415990213; and the other is the number that you had contacted him on earlier at page 24, 0406789233?

40 A. I don't recall.

Q. But does it accord with your recollection that you had two different numbers for this mate of Prisoner X's that you contacted him on at this time?

A. I can't remember.

Q. Could we go to page 26 of exhibit 3, please. Did you send that message to the number 0415990213?

A. Possibly. As I mentioned, I don't recall the exact texts that were exchanged, but I recall exchanging texts to arrange meetings, yes.

Q. So far as you understood, that was up to you to arrange the meeting; Prisoner X's sister and Prisoner X's mother were relying on you to do that - is that right?

10 A. I think so at that point. I can't really remember.

Q. Just to be clear, your earlier evidence was that the phone number from which this message was sent, 0416509498, is the number that, having heard the evidence yesterday, you accept you were using at this time?

A. Yes.

Q. Could we have page 27 of exhibit 3, please. Mr Karamoschos, do you recall receiving that text message?

20 A. No.

Q. Do you remember whether, around that time, you did go to court and see Prisoner X?

A. I haven't been in the courtroom to see Prisoner X.

Q. I'm sorry, you haven't?

A. I haven't, no.

Q. On the following day, on 20 June, did you have several telephone calls with Prisoner X's mother?

30 A. Possibly. I can't remember.

Q. Well, according to your evidence earlier, you normally only had telephone contact with her weekly or fortnightly. Do you remember whether or not, on 20 June, that changed, in that you had several telephone calls with her - the day before the Camperdown Hotel meeting?

40 A. I don't remember. I didn't necessarily mean I had to contact her once a fortnight or once a week. There could have been - there could be times when we talk to each other during the week. But I'm saying normally it's fortnightly contact or weekly contact.

Q. After the arrangements for the meeting on 21 June had been made through this exchange of text messages on the 19th, did you have a discussion with Prisoner X's mother about the arrangements that had been made?

A. No, not to my recollection.

Q. Did you have a discussion with Prisoner X's sister about the arrangements that had been made?

A. Possibly. But she came with me, so I'm pretty sure I might have discussed that with her.

Q. What was your understanding, at that stage, about what had to be taken to the meeting?

10 A. My understanding was there was going to be a bag left at Prisoner X's house to take to this meeting.

Q. Who did you understand had to arrange the bag and whatever was in the bag?

A. No idea.

Q. So as far as you understood it, that wasn't up to you --

20 A. No.

Q. -- is that your evidence did you think Prisoner X's sister was arranging what was in the bag?

A. I don't know. I didn't think that, no.

Q. So you have agreed to go to a meeting with a man you don't know, for the purpose, you understand, of taking some things in a bag, likely to be a mobile phone that Prisoner X wants in prison; correct?

30 A. Yes.

Q. That's your understanding as at 19 June?

A. Yes.

Q. But you have made no inquiries as to how the things to be delivered are to be arranged; is that right?

A. Yes, that's right.

Q. So for all you knew, you might end up turning up to the meeting, and the things the man is expecting aren't there?

40 A. Possibly.

Q. Weren't you, in fact, a bit anxious to ensure that everything that needed to happen was going to happen?

A. Not really, because I didn't organise it.

Q. But you were going there to protect Prisoner X's sister. How

could you protect her adequately if she turned up without the mobile phone or whatever other things this man was expecting?

A. I don't know that she knew what she had to take with her.

Q. And you didn't make sure that she knew?

A. What do you mean, I didn't make sure that she knew?

10 Q. Well, weren't you worried about how you would protect her if you couldn't ensure that the meeting went smoothly and everything that had to be handed over was, in fact, handed over?

A. I don't know. I was with her. I think that's all that really mattered.

Q. 21 June was a Thursday, a work day for you?

A. Mmm-hmm.

20 Q. Do you recall anything about that day?

A. No. I had a look at your evidence as well, once again, and I did have a meeting that day.

Q. Where was the meeting?

A. In Ryde.

Q. And what time was the meeting?

A. It would have been lunchtime, I guess.

30 Q. Whereabouts in Ryde?

A. In the shopping centre.

Q. Is that the Top Ryde Shopping Centre?

A. Correct.

Q. Did you go to a shop at the Top Ryde Shopping Centre called Mo's Mobiles at about half past 1 and make a purchase?

40 A. I did go there. I'm not sure what time. It could have been that time - around there.

Q. And you bought something there?

A. Two mobile phones.

Q. Could we have exhibit 1, page 230, please. Did you pay cash or card for the mobile phones?

A. I think it was cash.

Q. Have you seen this document before?

A. In your evidence I have, yes.

Q. Apart from having seen it in the exhibit yesterday, had you seen it before?

A. No, I don't recall it.

10 Q. I want to suggest to you that this is the receipt given to you for a cash purchase of, in fact, three HTC Explorer mobile phones, together with pre-paid SIM cards; do you agree with that?

A. Yes.

Q. Does that help you to recall that it was three mobile phones, rather than two, that you bought?

A. Well, yes, according to this, it is.

20 Q. The identifying numbers of the mobile phones are those listed under the heading "Tracking", in the last three lines?

A. Yes.

Q. At the same time, did you purchase four SIM cards --

A. I think so. I can't remember.

Q. -- at Mo's Mobiles, on 21 June?

A. Maybe.

30 Q. Could we go to page 193 of exhibit 1, please. Mr Karamoschos, I'm suggesting to you that this page shows the details of the first of the SIM cards that you purchased on 21 June at Mo's Mobiles, which is identified, using the last six digits, by the numbers 722845, and it is for a phone number 0450451062 in the name of Mr John Smith, with an address at Bourke. Is that one of the SIM cards that you purchased at Mo's Mobiles on 21 June?

A. I don't know. Could be.

40 Q. Do you remember giving names for each of the SIM cards that you purchased?

A. No, I didn't give them any names.

Q. You didn't give them any names?

A. Not that I can recall.

Q. Don't you have to fill out a form with the details of

the person subscribing for the SIM card?

A. I don't know. Never done that before.

Q. You weren't asked to fill out any forms; is that right?

A. No.

10 Q. I am sorry, I have just realised I was looking at the incorrect page, Commissioner. I just need to put those details to you again, Mr Karamoschos. The page shown on the screen, page 193 of exhibit 1, shows the SIM card purchased with the last six numbers 723496, mobile phone number 0450430107, in the name of Judge John Smith. That's one of the SIM cards that you purchased at Mo's Mobiles on 21 June, isn't it?

A. I'm not sure.

20 Q. Can we go to page 194, please, of exhibit 1. Just take a moment, please, to look at the SIM card number, the mobile phone number and the name of the subscriber, Mr John Smith, with a Bourke address. Is that one of the SIM cards that you purchased at Mo's Mobiles on 21 June?

A. I'm not sure. I don't know.

30 Q. Page 195 of exhibit 1, please. I suggest to you, Mr Karamoschos, that this is the third SIM card that you purchased at Mo's Mobiles on that occasion, number 574476, for mobile phone number 0450443169, in the name of The Honourable John Smith, again with a Bourke address?

A. Once again, I'm not sure.

Q. Finally, page 196 of exhibit 1, please. Mr Karamoschos, I am suggesting this is the fourth SIM card you purchased on that occasion, with the number 552523, mobile phone number 0450456405, in the name of Father John Smith, with a Bourke address?

A. Not sure.

40 THE ASSISTANT COMMISSIONER: Q. Well, do you remember nominating addresses in Bourke for these cards?

A. No. No, like I said to Miss before, I don't remember any details - giving any details at all.

Q. So you say you didn't give these address details and these name details?

A. No.

MS WILLIAMS: Q. What did you do with the three mobile phones and the four SIM cards?

A. I took them with me.

Q. What did you do after you took them with you?

A. Activated them.

Q. And then what did you do after you activated them?

A. Left them in my car.

10

Q. And they stayed in your car, did they?

A. Until the second meeting.

Q. The second meeting you are referring to - was that a meeting on about 28 June?

A. I think so, yes.

Q. Just going back to the 21 June meeting for a moment, do you recall exchanging some text messages with the man you were to meet on 21 June to finalise the time and the place of the meeting?

20

A. I don't recall the exact messages, but, yes, there were messages to arrange that meeting.

Q. Can we go to page 35 of exhibit 3, please. Having seen that, Mr Karamoschos, do you recall sending that message to the number you had for the man you needed to meet, the 0406 number?

30

A. No, I don't recall sending - I don't recall the exact context of these text messages, but I'm sure that that's what they were.

Q. You do accept that you exchanged a number of messages with him --

A. Yes.

Q. -- to arrange the time and place of the meeting?

A. Yes.

40

Q. Ultimately, it was agreed to meet at the Camperdown Hotel, and you were expected there at about 9pm; is that right?

A. From memory, yes.

Q. Did you go to Prisoner X's sister's home so that you could go to the meeting together?

A. Yes.

Q. You travelled separately, though, didn't you - you in your car and she in her car?

A. Correct.

Q. You were driving your black Mercedes?

A. Yes.

10 Q. She was driving a silver Prius; is that right?

A. Yes.

Q. You arrived at the hotel at about or close to the same time?

A. Yes.

Q. Were you sitting in the hearing room yesterday when the surveillance footage of the Camperdown Hotel on 21 June was played?

20 A. Yes, I was.

Q. Do you recall that footage well?

A. Oh, not too well, but, yes, I recall it.

MS WILLIAMS: Could we play the 21 June footage, please.

(Video played)

MS WILLIAMS: Q. Just pause there, please.

30 Mr Karamoschos, have we just seen, at 29 seconds into the footage, you and Prisoner X's sister walking around the corner and entering the hotel?

A. I believe so, yes.

MS WILLIAMS: Thank you. Continue, thanks.

(Video played)

40 MS WILLIAMS: Q. I'm sorry, just pause for a moment again. Prisoner X's sister is carrying a black plastic bag; is that right?

A. Yes.

MS WILLIAMS: Thanks, keep going.

(Video played)

MS WILLIAMS: Q. Just pause there for a moment. Is that

Prisoner X's coming down the stairs in the hotel without the plastic bag?

A. Yes, it looks like it.

Q. At this stage, you are still upstairs in the hotel; is that right?

A. Yes.

MS WILLIAMS: Thank you. Please continue.

10

(Video played)

MS WILLIAMS: Q. Pause there, please. Mr Karamoschos, at 1 minute 46 into the tape, we have seen you coming down the stairs from the hotel, also without the black plastic bag; is that right?

A. Yes.

MS WILLIAMS: Please continue.

20

(Video played)

MS WILLIAMS: Q. Just pause there. Thank you. Mr Karamoschos, at 3 minutes and 12 seconds into the footage, is the man sitting at the table the man to whom the plastic bag was given upstairs in the hotel?

A. Yes, it looks like him.

Q. You gave it to him, or Prisoner X's sister gave it to him?

30

A. I can't recall exactly. Possibly me. Maybe Prisoner X's sister.

I'm not sure.

Q. After the meeting on 21 June, did you know this man's name?

A. No, I don't recall.

Q. Did you see this man giving evidence immediately after the opening address yesterday?

A. Yes.

40

Q. And that man who gave yesterday is the same man you met at the hotel; is that correct?

A. Yes.

Q. You now know the man is Mr Te-Hira?

A. I do know him now as that, yes.

Q. I'm going to ask you again, what was in the black plastic bag that was given to Mr Te-Hira on 21 June at the Camperdown Hotel?

A. I'm not sure.

Q. I want to suggest to you it was two of the HTC phones that you had purchased at Mo's Mobiles earlier that day, together with the four SIM cards and the chargers for the two phones.

10 A. No, I don't think so.

Q. Were there any steroids in the bag, or other drugs?

A. I don't know.

Q. Any other phones in the bag?

A. I don't know.

Q. You didn't look at what was in the bag?

20 A. No.

Q. Was any cash given to Mr Te-Hira on that occasion by you or by Prisoner X's sister, to your knowledge?

A. No.

Q. I'm sorry?

A. No.

Q. You didn't see any cash handed over; is that right?

30 A. No.

Q. But you don't know whether there was any in the bag; is that correct?

A. Correct.

Q. Did you understand at this stage who Mr Te-Hira was?

A. A mate of Prisoner X.

Q. Did you know whether or not he was a prison officer?

40 A. No.

Q. It was your understanding, was it, that whatever was in the bag, Mr Te-Hira was to deliver to Prisoner X?

A. Not necessarily. I mean, I'm not sure if it was going to Prisoner X or someone else, or whoever it was going to. I had an assumption that there was something that was going to Prisoner X.

Q. That was because Prisoner X had asked you to attend the meeting in the first place; correct?

A. Correct.

Q. And at the time he had asked you to do that, he had mentioned that he may be able to get a mobile phone inside; correct?

A. Correct.

10 Q. Did you have a discussion upstairs in the hotel with Mr Te-Hira after Prisoner X's sister left?

A. After Prisoner X's sister left? Not that I can recall.

Q. Any discussion with him while Prisoner X's sister was there?

A. No, just a general discussion, "Hello", and that was it.

20 Q. After the meeting at the Camperdown Hotel that evening, you used your mobile phone number, 0416509498, to send a test message, didn't you, to two of the mobile phones that you'd purchased at Mo's Mobiles earlier that day?

A. Don't recall.

Q. Can we have exhibit 1, page 166, please.

30 Mr Karamoschos, this is an extraction report prepared by the Commission for an HTC phone with the identifying number that appears next to the letters "IMEI" in the white section shown at the back of the phone. Can you see the first line of numbers there ending with the numbers 7955?

A. Yes.

Q. That's one of the HTC mobile phones that you have acknowledged purchasing at Mo's Mobiles for cash on 21 June; do you accept that?

A. Yes.

40 Q. The extraction report itself commences at page 167. Could we see that on the screen, please. The second page of it appears at page 168. Could we see that, please. The third page, at page 169 - if we can have page 169, please. Mr Karamoschos, could you look at the SMS inbox entries for this phone, item 4, the second-last item on the page?

A. Mmm-hmm.

Q. I want to suggest to you that is a test message, the text of which is just a full stop, from your number,

0416509498, sent to this phone on 21 June at 9.38 in the evening, after you had left the Camperdown Hotel.

A. From what it looks like, yes.

Q. Do you have any recollection of sending that message?

A. No.

Q. I want to suggest to you that you did send it and sent it to test that the phone was working correctly?

10 A. Possibly. I still had the phone with me.

Q. I'm suggesting to you that in fact you didn't have that phone with you at that stage, that it was in the black plastic bag that had been handed to Mr Te-Hira?

A. No, not that I know of.

THE ASSISTANT COMMISSIONER: Q. I'm sorry, what did you say - not that you know of?

20 A. No, not that I - like, I'm saying no, I didn't know what was in the bag that was handed to Mr Te-Hira that evening. But as mentioned earlier, I did hand over a HTC phone on the next meeting.

Q. But do you have any reason to think that two of the phones you purchased at Top Ryde weren't in the black plastic bag?

A. No, no.

Q. So they could have been?

30 A. No, I mean no.

Q. You are saying you don't think they were?

A. No.

Q. But why don't you think they were?

A. Because I had them with me.

Q. In your car?

40 A. I'm pretty sure they were in my car, from memory.

Q. Well, do you remember them being in your car?

A. I don't know if they were in my car or at my house. I just can't remember. They were at one of - either of --

Q. If you don't know where they were, how do you know they didn't end up in the black plastic bag?

A. Because I'm - I said I handed two of them over to him

on the next meeting, which was, I think, a week later or --

Q. What about the other one?

A. I never handed that over to anyone.

MS WILLIAMS: Q. We will come to that next meeting shortly, Mr Karamoschos. On 22 June, did you send Mr Te-Hira the message which appears at page 50 of exhibit 3? If we could have that on the screen, please.

10

A. I can't recall, but it's shown here that I did.

Q. So you don't deny that you did; you just have no specific recollection of it?

A. Of the text, yes, that's right.

Q. Do you see the text says, "I need to come see you as per our discussion last night"? What discussion had you had with Mr Te-Hira on the evening of 21 June that you needed to see him about the next day?

20

A. There was not really much discussion. There was a meeting. This simply means, "I need to see you again", pretty much.

Q. So you think it was some kind of code language for just, "I need to see you again"?

A. Yes, I guess.

30

Q. Why did you need to see him again after the meeting on 21 June?

A. I received a phone call the following day.

Q. Who was the phone call from?

A. I'm not sure who it was from.

Q. Was it a male or a female voice?

A. It was a male.

40

Q. Do you have the number that called you?

A. No.

Q. What did the male voice say in the phone call?

A. That I needed to get something back.

Q. You didn't recognise the male voice?

A. No, I didn't.

Q. Was the voice any more specific about what it was you needed to get back?

A. I needed to get back a bottle.

Q. How did you understand who it was you needed to get back the bottle from?

A. "From the guy you met last night".

10 Q. So the male voice rang you and said, "You need to get back a bottle from the guy you met last night"?

A. Roughly, yes, along those lines. I can't recall the exact conversation.

Q. Could we go to page 53 of exhibit 3, please. Is that a further message that you sent to Mr Te-Hira on 24 June in relation to getting this thing back?

A. It looks like it, yes.

20 Q. Did you have any understanding at this stage about what you refer to as "the extra"?

A. Sorry, what do you mean - what?

Q. You say in that message you need to finalise and "take back the extra".

A. Mmm-hmm.

Q. The extra what?

A. Was the bottle.

30

Q. Did you know what was in the bottle, what the contents of the bottle were?

A. No, not at the time.

Q. Is it the case that Mr Te-Hira didn't reply to this message for a couple of days; do you remember that?

A. I can't recall.

40 Q. Could we go to page 55 of exhibit 3. Is that a further message, Mr Karamoschos, that you sent to Mr Te-Hira trying to arrange this meeting to take back the extra?

A. It appears so.

Q. Had you received any further communications from the male person or anybody else about this in the meantime?

A. I can't recall.

Q. You don't recall whether or not you were under any pressure to arrange this quickly?

A. No.

Q. Could we go to page 57 of exhibit 3, please. Did you receive that message from Mr Te-Hira arranging a meeting that ultimately occurred at the Sydney University number 1 oval on Thursday, 28 June in the evening?

10 A. It looks like it, yes.

Q. Page 61 of exhibit 3, please. Is that a further message from you to Mr Te-Hira about the details of what had to be exchanged at this meeting on 28 June?

A. It looks like it.

Q. Do you recall sending that message?

A. No, I don't recall the exact text message, no.

20 Q. But you don't deny sending it?

A. No.

Q. You told him in this message that he needed - or asked would he bring the two bottles and one of the other things. What were the other things referred to?

A. I think it was a mobile phone, but I can't be sure.

Q. And at this stage, there are two bottles that he needs to bring back, not just one; is that right?

30 A. From the looks of this message, yes.

Q. But you don't recall having any further instructions from anybody about exactly what it was that he was to bring after the initial phone call you have mentioned?

A. No.

Q. You then go on to say:

40 I need to swap them out with you for different ones.

What were you going to give to Te-Hira in return for the things he was to give to you?

A. The two mobiles.

Q. And then you go on to say:

And will fix up the rest outstanding ...

What was outstanding?

A. That simply just meant the mobiles.

THE ASSISTANT COMMISSIONER: Q. Well, it is obviously something different. It says "as well", "and will fix up the rest outstanding as well", so it's not the mobiles?

10 A. Yes, I don't recall the exact, like, event, the exact text message, but I do recall taking some phones back, which I didn't give the first time that I met up with Mr Te-Hira.

Q. Well, you wrote this message.

A. Yes, but I write 50 to 100 text messages a day. I can't recall.

Q. Well, what does "and will fix up the rest outstanding as well" mean?

20 A. To me, that simply means just giving him the other phones that I was supposed to.

THE ASSISTANT COMMISSIONER: That makes no sense. But, anyway, go on, Ms Williams.

MS WILLIAMS: Q. Who told you that you had to give Mr Te-Hira some other phones at this meeting?

A. George.

30 Q. Prisoner X?

A. Yes.

Q. So you have had a phone call from the male person you don't know --

A. Yes.

Q. -- who says "you need to get back one of the bottles from the man last night"; correct?

40 A. Correct, yes.

Q. And you have also had some instruction from Prisoner X to take back some mobiles and give some other mobiles; is that right?

A. Yes.

Q. When did Prisoner X give you that instruction?

A. I had a phone call.

Q. When did that happen? Between 21 and 28 June, roughly when did that happen?

A. It was in your previous text message that you showed. It would have been the day prior to that.

Q. The day before you contacted Mr Te-Hira and talked about fixing up the "rest outstanding"; is that right?

10 A. I think that was right, yes. There was a message that said I spoke to my mate.

Q. And that "mate" you are referring to is Prisoner X; is that right?

A. Correct.

Q. How was Prisoner X able to contact you with this message?

A. A phone call.

20 Q. Was it a call that he made that had a recording at the beginning of it informing you that you were receiving a call from an inmate at the Metropolitan Special Programs Centre?

A. No, it wasn't.

Q. Did you understand he was calling you from a mobile phone?

A. I do.

30 Q. So at that stage, he had a mobile phone inside gaol that he was able to use to contact you on?

A. Whether or not it was his, I'm not sure. I don't know who it was, as the gentleman --

Q. He had access to a mobile phone?

A. Yes.

40 Q. You did ultimately meet Mr Te-Hira at about 8.30 at night at the changing rooms at the Sydney Uni number 1 oval grandstand on 28 June?

A. I think so, yes.

Q. On that occasion, you have already told us you gave him two of the HTC mobile phones that you had purchased back on 21 June at Mo's Mobiles?

A. From memory, yes.

Q. Together with the chargers for those phones?

A. I think so.

Q. The four SIM cards that you had purchased at Mo's Mobiles on the same date?

A. Possibly, yes. They would have been all together, yes.

Q. Anything else?

10 A. No, not that I can recall.

Q. A Samsung mobile phone?

A. I don't recall that.

Q. A Nokia mobile phone?

A. I don't recall that, either.

Q. What was it that you took back from Mr Te-Hira on that occasion?

20 A. Well, according to the messages, it's saying I took two bottles back, but I don't remember taking anything back. I just can't remember if I did take something back at that point in time. I could have taken one or two bottles back; I'm not sure. I can't remember the exact --

Q. Well, you had received a message from a man you didn't know, saying you had to get a bottle back?

A. Correct.

30 Q. You subsequently understood that it was two bottles you had to get back; correct?

A. Possibly. I don't remember if it was one or two. Looking at that text, it's saying two.

Q. It is not likely, is it, that you went to the meeting and didn't bother to get the two bottles back?

A. No, not likely, no, but I just can't remember if I did take them back or not.

40 Q. Did you have anything with you after that meeting that you then had to give to somebody else?

A. No.

Q. Did you have anything after that meeting that Mr Te-Hira had given you that you kept yourself?

A. I don't recall.

Q. Is that seriously your evidence, Mr Karamoschos?

A. Yes. I don't remember the exact meeting. I remember going there, I remember going with phones, but I don't remember taking anything back.

10 Q. This is only a couple of months ago. I'm assuming it is an unusual thing for you to do, to go meeting people you don't know, or you barely know, late at night to collect things that other people who you don't know have asked you to collect; is that a fair assumption?

A. It's a fair assumption. It's not out of the ordinary, though.

Q. Not out of the ordinary?

A. I'm saying these things do happen, but, yes, not - occasionally, not often.

Q. What I'm suggesting to you is that it is something you would remember?

20 A. I don't remember.

Q. You remember what you gave to Mr Te-Hira?

A. Yes.

Q. But you don't remember whether or not you took back the bottles that the unidentified man had asked you to take back?

A. I don't recall. I honestly don't recall.

30 Q. You agree with me that it is likely that you did take those bottles back, isn't it?

A. Yes, I do.

Q. If you hadn't taken them back, you would have, no doubt, been contacted afterwards; correct?

A. Maybe.

Q. Were you contacted afterwards by anybody saying, "Where are my two bottles"?

40 A. No, not that I can recall.

Q. So what did you do with the two bottles that you were supposed to take back from Mr Te-Hira on 28 June?

A. I don't remember. I don't remember taking them back.

Q. I have to suggest to you that you are just not telling the truth about that, Mr Karamoschos, because you had been

asked to take the bottles back. That was the purpose for which you had arranged the meeting. And now you say you can't remember whether or not you took them back?

A. That's right. I haven't disagreed with you on arranging this meeting and going back to get those two bottles. I just can't remember whether or not I did take the two bottles back.

10 In my private examination, I mentioned I went with Prisoner X's sister as well to this meeting, but I don't even recall going with her. I'm pretty sure I was on my own this time.

20 Since the private examination, I've been thinking about all these series of events that have happened and questioning myself whether or not - did this happen or did this not happen? Looking at your evidence, I've seen a lot of texts and things which have triggered me to remember certain events. But the exact details of every little event, I just can't remember every detail.

20 Q. Did you give Mr Te-Hira any cash at this meeting on 28 June?

A. No, not that I can recall, no.

Q. When you say not that you can recall, do you think you would remember if you had given him cash?

A. Yes, I think I would have.

30 Q. What did you understand Mr Te-Hira would do with the mobile phones and SIM cards and chargers that you gave him at the meeting on 28 June?

A. I thought somehow one of those phones was going to get to Prisoner X. How exactly I don't know.

Q. At this stage, on 28 June, did you know anything about what means Mr Te-Hira had to get those things to Prisoner X?

A. No.

40 Q. Did you know he was a prison officer?

A. No. I thought maybe he had a friend or something that could do it, but exactly how I'm not sure.

Q. You understood, didn't you, that there were strict rules about inmates possessing mobile phones?

A. Yes, I do.

Q. And you knew that what you were doing, directly or

indirectly, would result in those rules being broken; correct?

A. Possibly, yes.

Q. And that you were facilitating that; correct?

A. Possibly.

Q. Were you given any reward by Prisoner X, directly or indirectly, for making this happen?

10 A. No.

Q. Did you understand that Mr Te-Hira was getting any kind of reward for his part in it?

A. No.

Q. Did you have any meeting with Mr Te-Hira after 28 June?

20 A. No, not that I can recall. I don't think I ever seen him again until yesterday.

Q. Could we go to exhibit 1, page 150, please. Mr Karamoschos, do you recognise that phone?

A. No, I don't.

Q. Can I ask you just to note the identifying number on the second SIM card at the bottom of that picture - 64962?

A. Yes.

30 Q. Then could we go to page 161 of exhibit 1, please. Mr Karamoschos, this is an examination report for that SIM card. The number of the SIM card you will see in the third line of the table at the top of the page. Do you see the numbers at the end 64962; do you see that?

A. Yes.

Q. If we turn to page 164 of exhibit 1, please, do you see there, under the heading "SIM/USIM SMS-text messages", an incoming message on 30 June from your number, 0416509498; do you see that?

40 A. Yes.

Q. Do you accept that you sent that text message from that number to this phone?

A. I must have, if I had the phone.

Q. Do you remember why you did that?

A. No, I don't recall. I don't even recall seeing this

phone.

Q. I want you to assume that this phone was found as a contraband phone inside the Metropolitan Special Programs Centre at Long Bay on 3 July. Had you played any role in delivering this phone or the SIM card ending with the numbers 64962 to Mr Te-Hira or to any person with a view to having it get inside Long Bay?

10 A. I don't recall seeing this phone. I'm not sure.

Q. I want to suggest to you that the fact that you sent this message means that it's likely that you did provide this SIM card to Mr Te-Hira on either 21 or 28 June for the purpose of him taking it into Long Bay, and you were involved in testing it by sending this text message consisting only of a full stop?

20 A. I don't know. I mean, like I said, I hadn't seen the phone. Possibly the SIM card could have been one of the SIM cards that I purchased from Mo's Mobiles if it had the same number on it, same IMEI number or identifying number, and I could have sent a text. But I don't know if it was in that phone. I don't recall seeing that phone. It could have been one of the other SIM cards.

Q. Did you go back to Mo's Mobiles at Top Ryde Shopping Centre on about 28 June and buy some more SIM cards?

A. I don't think so, not that I can recall.

30 Q. Could we go to page 197 of exhibit 1, please. This is the subscriber check, Mr Karamoschos, for that SIM card ending with the numbers 64962. Do you see it is for the phone number 0420479316 in the name of a Dr John Edwards, and it was sold at Mo's Mobiles at Top Ryde. Do you have any recollection of purchasing that SIM card?

A. No.

40 Q. Could we go to page 198 of exhibit 1, please. Would you just take a moment, please, to look at the SIM card, phone and subscriber details there and tell me whether you have any recollection of purchasing that SIM card at Mo's Mobiles at Top Ryde on about 28 June?

A. No, I don't recall.

Q. Prior to coming to the hearing yesterday, were you aware that there had been a raid at the Long Bay Metropolitan Special Programs Centre on about 3 July?

A. I can't remember. I think so.

Q. Do you know that some mobile phones and SIM cards, amongst other things, had been found during that raid?

A. I knew some contraband was found. I don't know exactly what it was, though.

Q. You knew that mobile phones were contraband, didn't you?

A. Yes.

10

Q. Did you know that drugs and other materials had been found also?

A. No, I don't remember. I don't remember how I even found out about that.

Q. Could we go to page 83 of exhibit 3, please. Is that a text message that you received from Mr Te-Hira on the evening of 3 July?

A. Looks like it, yes.

20

Q. What did you understand that message to mean at the time?

A. That things aren't good.

Q. I'm sorry?

A. Things aren't good.

Q. And "change cards"?

A. Change the SIM card, I guess.

30

Q. Did you then do that?

A. I don't recall.

Q. If we go to page 41 of exhibit 1, please, I want to suggest to you, Mr Karamoschos, that what you did when you got that message was put into the phone which you were using with the number 0416509498 - you took the SIM card for that phone number out of that phone and you put into it a new SIM card, which is associated with the mobile phone number 0450456209. Do you remember changing SIM cards in that phone?

40

A. I can't remember.

Q. Page 41 is the start of an examination report into a Nokia mobile phone that was found in Mr Te-Hira's car when it was searched on 16 August. If we could turn to page 42 of exhibit 1, please, that's the part of the

examination report which lists the text messages. I would like you to look, please, at incoming message number 6, a message from 0450456209 to this phone, simply a capital "X". You sent that message, didn't you?

A. I can't recall.

10 Q. And then the next message, numbered 7, from the same mobile phone number, "Let me know when you plug this one in and how things are going". You sent that message too, didn't you?

A. I don't recall. I don't recall the number and I don't recall sending text messages like that, either.

Q. Could we go to page 374 of exhibit 1, please. This is the subscriber record, Mr Karamoschos, for the phone number I have mentioned to you, 0450456209. Do you see that it is registered in the name of a Father John Smith, who has a Bourke address?

20 A. I can see that.

Q. And was activated on 21 June 2012. Do you recall that John Smith was also the name attributed to the other four SIM cards purchased at Mo's Mobiles on 21 June?

A. From what you have shown me, yes.

Q. Those John Smiths also had Bourke addresses, did they not?

A. I can't remember, but if you say they did.

30 Q. I want to suggest to you that you purchased the SIM card for this number, 0450456209, on 21 June or thereabouts at Mo's Mobiles and that you used that number from 3 July when you received the message from Mr Te-Hira to change cards.

A. Possibly.

40 Q. And you sent him the text message, if we can go back to page 42 of exhibit 1, "X", on 3 July, just a couple of minutes after you had received his message to change cards, to identify yourself by that new number?

A. Possibly. I don't recall the text or that number.

Q. And I'm suggesting to you that you sent him the message numbered 7, "Let me know when you plug this one in ...", because you had in fact provided him with either the Nokia phone or the SIM card for it prior to 3 July?

A. I don't recall.

Q. I'm sorry?
A. I don't recall.

Q. You don't recall one way or the other whether you gave Mr Te-Hira a phone for him to use or a SIM card for him to use?

10 A. I don't think I ever gave him a phone to use. I gave him phones when I met up with him on that occasion, but I don't know if he used it himself or what they were both for. I assumed one of them was to go into the gaol, but I'm not sure what the other one was for.

Q. I'm suggesting to you that at some stage you had given him this SIM card and you therefore knew that he would be able to change to this SIM card when it was necessary to change cards?

A. I could have, yes. I could have.

20 Q. And after these messages numbered 6 and 7 were sent at 36 and 38 minutes past 8 on 3 July 2012, you, using this number, and Mr Te-Hira on his new number, 0420525062, had a long telephone conversation using those phones, did you not?

A. I don't recall.

Q. You don't recall any details about a telephone conversation with Mr Te-Hira on that evening?

30 A. No.

MS WILLIAMS: Commissioner, I have no further questions for Mr Karamoschos.

THE ASSISTANT COMMISSIONER: Yes. Does anybody seek to question Mr Karamoschos?

MR CHAMAS: I do have some questions, Commissioner, if I may?

40 THE ASSISTANT COMMISSIONER: Yes, Mr Chamas.

<EXAMINATION BY MR CHAMAS:

MR CHAMAS: Q. Mr Karamoschos, you observed some footage today in relation to Camperdown?

A. Yes.

Q. You also observed Prisoner X's sister walking out. Do you have an idea of how long after you left?

A. It would have been within a minute, I guess.

Q. Did you have a long discussion with Mr Te-Hira?

A. No, not at all.

10 Q. You also have been shown some exhibits in relation to messages between the phone number that you say was yours and Mr Te-Hira. Perhaps my friend can assist me here, if we can go to exhibit 3 in relation to the telephone intercept, the messages, and there should be a message that reads "From Te-Hira to mobile number 0416509498", and it says, "Hey X, how do I turn the HTC phone off?", and that was dated 28 June 2012.

MS WILLIAMS: Just to interrupt, Commissioner, that is page 74 of exhibit 3.

20 MR CHAMAS: Thank you.

Q. There was a message by Mr Te-Hira, in relation to that mobile phone, asking how to turn off the HTC mobile. Do you remember that message at all?

A. Briefly, yes.

Q. The next message that you returned was, from that number, you have explained how to turn off that mobile phone?

30 A. Yes.

Q. Could it have been, to your understanding, that Mr Te-Hira had the mobile at that time?

A. Correct.

MR CHAMAS: No further questions, Commissioner.

THE ASSISTANT COMMISSIONER: Thank you, Mr Chamas. Does anybody else wish to ask this witness any questions?

40

Thank you, Mr Karamoschos. You are now excused from further attendance.

<THE WITNESS WITHDREW

[11.23am]

MS WILLIAMS: Commissioner, the next witness I am proposing to call is Prisoner X's sister. Would you like me

to commence that now or would you prefer to take the morning adjournment?

THE ASSISTANT COMMISSIONER: I think we will take the morning adjournment.

SHORT ADJOURNMENT

10 THE ASSISTANT COMMISSIONER: Yes, you are Prisoner X's sister?

MS R RICHARDSON: Commissioner, if it pleases, I seek leave to appear on behalf of Prisoner X's sister.

Commissioner, I seek a declaration under section 38, given Prisoner X's sister evidence is given under objection today.

THE ASSISTANT COMMISSIONER: Yes, thank you. You are given leave to appear, Ms Richardson.

20 MS RICHARDSON: Thank you, Commissioner.

THE ASSISTANT COMMISSIONER: Prisoner X's sister, the declaration that I am about to make means that none of the evidence you give here can be used against you in any civil, criminal or disciplinary proceedings, and the only exception to that is if it is found you have breached the Act by providing false or misleading evidence. Do you understand that?

30 THE WITNESS: Yes.

THE ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection, and, accordingly, there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

40

SECTION 38 ORDER TO APPLY

THE ASSISTANT COMMISSIONER: Prisoner X's sister, you are required to take an oath on the Bible or make an affirmation to tell the truth.

THE WITNESS: Bible.

<Prisoner X's sister sworn

[11.47am]

<EXAMINATION BY MS WILLIAMS

Q. Prisoner X's sister, could you tell the Commission your full name, please?

A. Prisoner X's sister.

10 Q. You have previously provided your address to the Commission; is that correct?

A. Yes.

Q. You are the sister of Prisoner X, also known as Prisoner X?

A. Yes.

20 Q. Your brother, Prisoner X, is currently an inmate at the Metropolitan Special Programs Centre?

A. Yes.

Q. You drive, from time to time, a silver Prius, which is registered in your mother's name; is that correct?

A. Yes.

Q. And you have a mobile phone, do you?

A. Yes.

30 Q. The number for that phone is XXXXXX?

A. No.

Q. Do you say that is not your mobile phone number?

A. No. I have a new mobile phone number.

Q. All right. In June 2012, was your mobile phone number the number that I have read out?

A. Yes, probably. I only had one.

40 Q. When did you get your new mobile phone?

A. A few months - oh, probably about two months ago.

Q. Do you know a man by the name of Karaha Pene Te-Hira, also known as Pene Te-Hira?

A. No - well, now I do, because I have been in court, but, no, I didn't.

Q. And the man you have seen in court - you know him as

Mr Te-Hira because you have heard him referred to by that name in court; is that right?

A. Yes.

Q. And do you recognise him as a man you have previously met in connection with your brother?

A. Yes.

10 Q. Did you meet Mr Te-Hira in about April 2012 at a car wash near the South Sydney Juniors club?

A. Yes.

Q. How was that meeting arranged?

A. Text message.

Q. Text message from whom?

A. Me.

20 Q. From you?

A. Yes.

Q. To a number that you had for Mr Te-Hira; is that right?

A. Yes.

Q. Why did you arrange the meeting? Did someone ask you to?

A. Yes, my brother.

30 Q. How did he ask you this?

A. He told me that I had to meet someone.

Q. Did he tell you in person or by telephone?

A. In person.

Q. What did he say to you when he told you that you had to meet someone?

A. He just told me that someone would message my phone to go and meet them at a time and place.

40

Q. So Mr Te-Hira then sent you a message; is that what happened next?

A. (Witness nods).

Q. You knew, from what your brother had told you, that this would be the person you would have to meet?

A. Yes.

Q. What, if anything, were you asked to take to the meeting?

A. Like, it was at home, just shoes and tweezers in a box.

Q. Who told you to take that box to the meeting?

A. My brother.

10 Q. You mentioned shoes and tweezers. Was there anything else?

A. And a razor.

Q. A razor?

A. A shaving razor.

Q. So you looked inside the box, and those were the things you saw there?

20 A. Mmm-hmm.

Q. Did you check inside the shoes to see whether there was anything hidden inside the shoes?

A. No. No.

Q. And you took this box to the meeting in April with Mr Te-Hira?

A. Yes.

30 Q. Was there also in the box, or together with the box, some cash in an envelope?

A. Yes.

Q. Had you put the cash there?

A. No.

Q. Was the envelope with the cash inside the same box?

A. I didn't look in it. I just seen an envelope, in the box.

40 Q. Where did you see the envelope - on the inside of the box?

A. Yes.

Q. And there was cash in the envelope?

A. I'm assuming.

Q. Why are you assuming?

A. Well, an envelope - it was just sitting in the box.

Q. Do you say you didn't see what was inside the envelope?

A. No.

Q. When you met with Mr Te-Hira on the occasion in April, how did you recognise each other at the meeting point?

10 A. He - I didn't - I had never seen him before. He just - he come in a car, and I was sitting at the car wash. He approached me.

Q. And you handed him the box?

A. Yes.

Q. Did you have a conversation at that stage?

A. Not really, no. I can't really remember. I just gave him the box and left.

20 Q. You understood, did you, that he was going to take the box in to Prisoner X in prison?

A. I didn't know what he was doing with it. I just got told to give him the box, and that was it.

Q. So you had no information about what he was going to do with it?

A. No.

30 Q. Did you know that he was a corrections officer at the prison?

A. No.

Q. I'm going to show you exhibit 3, page 16.

A. Yes.

Q. I'm sorry, before I do ask you about that document, did you have any other meeting with Mr Te-Hira after the April meeting and before a later meeting at the Camperdown Hotel on 21 June?

40 A. Sorry, I don't know what you mean. I met him --

Q. Just think about the period of time between when you met him in April and 21 June this year. Did you meet Mr Te-Hira on another occasion during that time period?

A. I can't remember. I don't - I can't recall. I don't remember, yes.

Q. Exhibit 3, page 16. Do you recall receiving that text message on 19 June?

A. Looking at it now, I can't really - I don't really remember, but probably, yes.

Q. I'm going to show you the next few messages that appear to be part of the same chain, and that may help your memory. If we go to page 17 of exhibit 3, please, I'm suggesting that is your reply to the message at page 16.

10 A. Yes.

Q. Do you remember that?

A. Yes.

Q. Page 18 of exhibit 3. Mr Te-Hira's reply to your question, "Who's this" - do you remember receiving that reply?

A. Yes.

20 Q. That enabled you to identify that the man you were communicating with is the same man you met in April; is that right?

A. (Witness nods).

Q. Then at page 19, having verified that, you asked where he wanted to meet and what time; correct?

A. (Witness nods).

30 Q. At this stage, had you received any indication from Prisoner X that you would need to go to another meeting or did you just --

A. I can't remember. Yes, I can't remember talking to him.

Q. You assumed that this other meeting that the man had contacted you about was for the same purpose, to provide some things for Prisoner X; is that right?

A. Yes, probably, yes.

40 Q. Exhibit 3, page 20. Do you recall receiving that message from the man verifying your identity?

A. Yes.

Q. And then your response at exhibit 3, page 21?

A. Yes.

Q. Exhibit 3, page 22. Do you recall receiving that

message from the man?

A. No, not really. I can't remember.

Q. Do you recall making contact with a friend of Prisoner X's known to you as "Little George", to attend the meeting with you?

A. I never went to there, so I don't remember going there, to Sydney Uni.

10 Q. You don't remember going to Sydney Uni number 1 oval?

A. No, I don't remember going there, yes, meeting him there. I don't know - I never seen that text.

Q. You did attend a meeting on 21 June at the Camperdown Hotel in the evening --

A. Yes.

Q. -- with the same man, didn't you?

20

A. (Witness nods).

Q. And George Kamoschos, who I think you know as "Little George" --

A. Yes.

Q. -- accompanied you to that meeting; correct?

A. Correct.

30

Q. Between receiving the text messages that we have looked at from the man on 19 June and attending that meeting, did you speak to your mother about going to that meeting?

A. At Camperdown?

Q. Yes.

A. I messaged - yes, I think I spoke - I was waiting at home and we were waiting for him to come, so, yes, I probably spoke to her about it. She knew.

40

Q. When you say you were waiting at home, that was on the evening of the meeting, 21 June, was it?

A. Yes.

Q. You were waiting at home for Mr Kamoschos to arrive; correct?

A. Mmm.

Q. And you were then going to travel to the Camperdown

Hotel together?

A. Yes.

Q. Do you say that you spoke to your mother about what you were going to do?

A. No, I just said Little George was coming there to pick me up, probably.

10 Q. Did you say anything else to her about where you and Little George were going or what you were going to do?

A. No, I don't tell my mum.

Q. Prior to that day - so on 19 and 20 June - had you had any telephone conversations with your mum where you had told her --

A. No, probably not. I don't talk to her - I didn't - no, I don't let my mum know about it.

20 Q. You don't talk to your mum generally, or you don't talk to her about this meeting?

A. About this meeting.

Q. Why don't you talk to her about this meeting?

A. Try to not let her know about it, so she doesn't - I just - I keep it from her. She doesn't - my mum doesn't need to know.

Q. Had your mum spoken to you about whether you were meeting anybody for Prisoner X?

30 A. I can't remember.

Q. You can't remember whether she had asked you about anything --

A. Well, I can't remember, like, how it - if - how it happened, like, how - who spoke to who.

Q. I think you were in court this morning when the footage of the meeting at the Camperdown Hotel was played?

40 A. Yes.

Q. Do you have a good recollection of that film?

A. Yes.

Q. You agree that it shows you arriving at the Camperdown Hotel, together with George Karamoschos?

A. Yes.

Q. And you are carrying a black plastic bag?

A. Yes.

Q. What happened was that you then went upstairs with Mr Karamoschos inside the hotel? I'm sorry, you need to say "yes" or "no" for the transcript.

A. Yes. Sorry. Yes.

10 Q. And there you met Mr Te-Hira?

A. Yes.

Q. And you gave him the black plastic bag; is that right?

A. Yes.

Q. What was inside the black plastic bag?

A. I don't know. I didn't see.

Q. Where did you get the black plastic bag from?

20 A. I got handed it to me.

Q. Who handed it to you?

A. George.

Q. When did he hand it to you?

A. Outside, when we got out of the car.

Q. When you got out of your car?

A. Yes.

30 Q. He was waiting for you on the footpath, was he?

A. He jumped out of his car and I jumped out of mine, and he handed it to me.

Q. So that black plastic bag had been in his car --

A. I don't know where it had been, but he had handed it to me when we jumped out of the cars.

Q. That was the first time that you saw the black plastic bag?

40 A. Yes.

Q. Did you ask him what was inside it?

A. No.

Q. You had no interest in knowing what was inside it?

A. No.

Q. What was your understanding as to why you even had to be at this meeting, if Mr Karamoschos had arranged the black plastic bag?

A. My brother had told me this is the last time I am going to meet this guy. That's why.

Q. Was it important to you that you didn't have to meet him any further?

A. Sorry?

10

Q. Was it important to you that it should be the last time?

A. Yes.

Q. Why?

A. Well, I didn't want to meet him any more.

Q. Why not?

20

A. I don't know, my brother just told me that I didn't have to meet him any more and that Little George was coming with me and to show him. That's it.

Q. Why did you not want to meet him any more?

A. Well, I didn't - my brother had told me that I'm not going to be meeting him any more.

Q. But you said a moment ago that you didn't want to meet him any more. I'm interested in why did you not want to meet him?

30

A. Well, I didn't - I don't know. My brother had told me, so I didn't have to go any more, and then I didn't meet him any more. That's it.

Q. What did you understand Mr Te-Hira was going to do with the black plastic bag?

A. I don't know. Didn't speak to him about it.

Q. You assumed, didn't you, that he was going to, one way or another, get the contents of the bag to Prisoner X in prison?

40

A. I don't know. I only had handed him the bag, and that is it. I left.

Q. You had no thoughts at all about why this was happening?

A. I don't. It's not - it's not - I don't know. It's not - it's not me. I just had got told to do this, and

that was it. I don't ask questions. I don't question my brother. He tells me to do something, I do it.

Q. I'm suggesting to you that because he had told you to do it, you must have assumed that these items - whatever was in the plastic bag was somehow going to be taken through to Prisoner X in prison; do you agree with that?

A. Yes.

10

Q. Was Mr Te-Hira given any cash when you met him on 21 June upstairs at the Camperdown Hotel?

A. I haven't - I don't know.

Q. I'm sorry?

A. I don't know. I haven't given him any.

Q. Did you see him being given any by Mr Karamoschos?

A. No, no.

20

Q. I think you have said that upstairs in the hotel, you just gave Mr Te-Hira the bag; there wasn't a conversation. Is that right?

A. Yes.

Q. Was there any conversation that you heard or saw between Mr Karamoschos and Mr Te-Hira?

A. No.

30

Q. You said earlier that this was the last time you had to meet the man?

A. Yes.

Q. Was it, in fact, the last time --

A. Yes.

Q. -- or did you have a further meeting with him?

A. No.

40

Q. Did you buy a Samsung mobile phone at some stage after this meeting on 21 June?

A. No.

Q. Could we have exhibit 1, page 150, please. Do you recognise the phone shown in the photograph there, Prisoner X's sister?

A. No.

Q. That's not a phone that you purchased?

A. No.

Q. Did you purchase two SIM cards at some stage between the meeting on 21 June and about 28 June?

A. No.

10 Q. Did you ever go to a shop at Top Ryde Shopping Centre called Mo's Mobiles?

A. No.

Q. Prisoner X's sister, I just want to ask you again about the envelope that was inside the box that you took to the meeting with Mr Te-Hira in April 2012.

A. Yes.

Q. You saw some cash in that envelope, didn't you?

20 A. I only seen, like, a \$50 note, and that's it.
I didn't - I don't --

Q. Sorry, you saw?

A. A \$50 note.

Q. One \$50 note or more than one?

A. Oh, I don't know. I can't say how many.

Q. You looked inside the envelope, to some extent, to see that there was a \$50 note?

30 A. Yes.

Q. Did there appear, from the thickness of the envelope, to be more than one?

A. Yes.

Q. How thick was it, roughly?

40 A. Oh, just like a normal envelope. It wasn't really thick. I don't know, it was just like a white envelope, that's all. How do you say the thickness?

Q. So there was more than one \$50 note in there; correct?

A. Yes.

Q. The other items in the box - you had purchased those yourself, hadn't you?

A. Yes, the shoes.

Q. But you hadn't put the envelope inside the box?

A. No.

Q. And you didn't know who put the envelope inside the box?

A. No.

Q. Where was the box kept after you bought the items in it and before you took it to the meeting with Mr Te-Hira?

10 A. It was just a shoebox and it was at my house.

Q. At your house. Is that the house that you share with your mother or elsewhere?

A. And my brother.

Q. Do you know whether your mother or the brother who lives there with you put the money in the envelope?

A. I don't know.

20 Q. You never asked them about it?

A. No.

MS WILLIAMS: Commissioner, I have no further questions for Prisoner X's sister.

THE ASSISTANT COMMISSIONER: Yes, does anyone seek to question this witness?

30 MS RICHARDSON: A couple of questions, Commissioner, if I may?

<EXAMINATION BY MS RICHARDSON

MS RICHARDSON: Q. If exhibit 3, page 22 could be put on the screen, Prisoner X's sister, you can read that text message there from 19 June this year. Is it your evidence that you don't recall the text message, you don't recall receiving the text message, or that you did not see the text message?

40 A. I don't recall.

Q. With regard to the plastic bag that was handed to you when you walked into the Camperdown Hotel, what was your understanding of what was to be done with that plastic bag?

A. Just hand it to the guy upstairs.

Q. Did you have any understanding as to the purpose of why that plastic bag was being delivered?

A. No.

MS RICHARDSON: Thank you.

MR CHAMAS: Commissioner, would you excuse my back just to get some instructions from my client in relation to this?

THE ASSISTANT COMMISSIONER: Yes, Mr Chamas.

10 MR CHAMAS: Thank you, Commissioner. I have no questions.

MR McILWAINE: There is one matter I think I should just canvass with the witness.

THE ASSISTANT COMMISSIONER: Yes, Mr McIlwaine.

<EXAMINATION BY MR McILWAINE

20 MR McILWAINE: Q. Going back to the first meeting in the South Sydney Juniors Leagues Club car wash, you were asked some questions by counsel assisting about an envelope and examining that, to some extent, and seeing a \$50 note; is that correct?

A. Yes.

Q. I think you said there were other notes in that envelope?

A. Yes.

30 Q. But is it your evidence that you only saw one \$50 note and you are not aware of the denomination of the other notes?

A. Yes.

Q. Is that correct?

A. Yes.

MR McILWAINE: Nothing further.

40 MS WILLIAMS: I have one matter arising from Ms Richardson's questions, or the witness's evidence in answer to them.

<EXAMINATION BY MS WILLIAMS

MS WILLIAMS: Q. You were asked by your solicitor, Ms Richardson, whether you knew what would happen to the

black plastic bag that you handed over at the 21 June meeting, and you said you didn't know. However, earlier in your evidence, I asked you - and I think you agreed with me - that you assumed that the black plastic bag, or its contents, would be delivered by Mr Te-Hira, directly or indirectly, to Prisoner X in prison?

10 A. I don't know if it was going straight to my brother. I don't know - I don't know where it's going. I'm giving - my brother is just telling me to meet this guy. He's not telling me anything else. I don't know what's happening to it.

Q. But you knew that you were delivering the items to Mr Te-Hira at your brother Prisoner X's request; correct?

A. Exactly, yes.

20 Q. And I will put it to you again: you must have assumed that the items would make their way to Prisoner X in prison; correct?

A. Yes.

Q. And you knew, didn't you, that there were strict rules about what prisoners could have in prison?

30 A. Yes, but how am I - I don't know that it's going straight to my brother. My brother has just told me to meet this guy. I don't know what's happening to the bag, I don't know where - what's in the bag. I don't know anything.

Q. Just come back to my question: you knew that there were rules with what prisoners could have in prison, didn't you?

A. Yes. Yes.

Q. And you knew that, effectively, anything that they obtained from outside the gaol was considered contraband, didn't you?

40 A. Yes.

Q. And you knew that if the items in the black plastic bag made their way to Prisoner X in prison, they would be contraband, didn't you?

A. Yes, but I didn't know what was in the bag.

Q. But you assumed whatever it was was in the bag was going to make its way to Prisoner X in prison?

A. Yes.

MS WILLIAMS: Thank you. I have nothing further, Commissioner.

THE ASSISTANT COMMISSIONER: Yes, that concludes your examination and you are now free to go.

THE WITNESS: Thanks.

10

<THE WITNESS WITHDREW [12.10pm]

MS WILLIAMS: I call Prisoner X's mother.

THE ASSISTANT COMMISSIONER: Yes. Is Prisoner X's mother here?

Take a seat there, Prisoner X's mother.

20

MR WATSON: Prisoner X's mother will also seek a declaration under section 38, if your Honour please.

MS RICHARDSON: Excuse me, Commissioner, might I be excused?

THE ASSISTANT COMMISSIONER: Yes, you are excused, Ms Richardson.

30

Prisoner X's mother, I am going to make a declaration, the effect of which is that nothing you say here can be used against you in any criminal, civil or disciplinary proceedings, and the only exception to that protection is if it is found you have breached the Act by providing false or misleading evidence or in some other way. Do you understand the effect of that?

THE WITNESS: Yes.

40

THE ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

SECTION 38 ORDER TO APPLY

THE ASSISTANT COMMISSIONER: Prisoner X's mother, you are required to take an oath on the Bible or make an affirmation to tell the truth.

THE WITNESS: I will make an affirmation.

<PRISONER X's MOTHER, affirmed [12.11pm]

10 <EXAMINATION BY MS WILLIAMS

MS WILLIAMS: Q. Could you please state your full name for the record, Prisoner X's mother?

A. Prisoner X's mother.

Q. Your address is known to the Commission, I think. You have provided it previously?

A. Yes.

20 Q. You are the mother of Prisoner X, who is also known as XXXXX?

A. Yes.

Q. He is currently in the Metropolitan Special Programs Centre at Long Bay; is that correct?

A. Yes.

Q. You are the mother of Prisoner X's sister, who has just given evidence today; is that correct?

30 A. Yes.

Q. Now, you have a silver Prius, which is registered in your name; is that right?

A. Yes.

Q. And that is driven by Prisoner X's sister from time to time?

A. Yes.

40 Q. In June 2012, you had a mobile phone with the number XXXXXX; is that right?

A. Yes, probably, yes.

Q. You have a friend by the name of George Karamoschos, known to you also as "Little George"; is that right?

A. Yes.

Q. I think you were in court this morning when

Mr Karamoschos gave evidence; is that right?

A. Yes.

Q. Your relationship with him is in the nature of a friendship?

A. Yes.

Q. How often would you say you would have contact with Mr Karamoschos by telephone?

10 A. Not often, not with the - ringing each other. We don't ring. I text him if I need to see him or anything, but otherwise, he will just pop in, after work, yes.

Q. How often would you see him in person?

A. Probably - it depends. It may be a fortnight or it might be three weeks. It's not every week.

Q. And you said you would text him if you need to see him?

20 A. Yes.

Q. What are the reasons why you might need to see him?

A. Oh, if he wants to visit Prisoner X, with XXXX, or I will ask him about something with the car - just things like that.

Q. And XXXX you have referred to - that's Prisoner X's partner or girlfriend; is that right?

30 A. Yes, yes.

Q. You have visited your son XXX in prison previously, haven't you?

A. Yes.

Q. And you have seen the signs about rules prohibiting --

A. Yes.

Q. -- things being brought into the prison for inmates?

40 A. Yes.

Q. Effectively, anything from outside the gaol is considered contraband if a prisoner possesses it?

A. Yes.

Q. You understand the strict rules about that, don't you?

A. Yes, I've had an incident.

Q. What's the incident you mean?

10 A. Oh, I went into Long Bay gaol - not Long Bay, sorry, Goulburn, to visit XXXXX. I work in child care, so I always have my mobile phone in my bra. And I went in and I got through the first buzzer, and then I went into the second one and the lights came on, and I checked everywhere, and then as I - I went like that to the guard, and then I had my mobile phone on me. But it was on, had my kids' pictures on it, and I went to go outside - the old
guy goes, "Just put it in your locker", and I went to go outside, and the lady at the desk goes, "You're not allowed back in here. You're going to get a letter." So I was banned for 12 months, but I wrote to my local MP and I wrote to the gaol, because their statement was different to mine, and I had witnesses, so we corresponded and I got back in six months, because it was my phone, yes.

20 Q. And the "XXXX" you referred to visiting on that occasion - he's your other son; is that correct?

A. Yes.

Q. Mr Bourke might want to ask you some questions about that first buzzer later.

A. Anyway, yes, that's what happened. That's why I know about mobile phones.

30 Q. Thank you for that. You have heard Prisoner X's sister, I think, give some evidence this morning about meeting a man in April 2012 and giving him some things to deliver to Prisoner X in prison?

A. Yes.

Q. Did you hear that evidence?

A. Yes.

Q. Were you aware at the time that Prisoner X's sister was going to that meeting?

A. No.

40 Q. She didn't tell you about it?

A. No.

Q. Had Prisoner X told you that he had asked Prisoner X's sister to meet anybody?

A. No.

Q. Did you, at any stage, provide cash to be paid to

anybody in return for delivering goods to prison for Prisoner X?

A. No, no.

Q. Did you put cash in an envelope that was inside a box containing shoes and some personal items that was in your home?

A. No.

10 Q. I'm going to play, Prisoner X's mother, a recording of an intercepted telephone conversation between you and Prisoner X on 16 June.

A. Yes.

MS WILLIAMS: I should say, this is an extract rather than the entire conversation.

(Recording played)

20 MS WILLIAMS: Q. Prisoner X's mother, do you remember having that telephone conversation with your son XXX?

A. Yes, I remember the long johns and everything, but I don't know what he asked me to do.

Q. Well, he had asked you to do something at court the previous day; you have no recollection of what that was?

30 A. I don't know if it was go to - there was a witness they wanted me to go and speak with, right - he owns a restaurant; his name's XXXXXX - to be a witness for us. But we couldn't - I couldn't keep going there because the detectives had told him not to speak with me, and my lawyer told me that I was getting followed, so - it's either that --

Q. Prisoner X says in the telephone conversation that whatever it is he has asked you to do, it's more important than anything he's ever asked for?

40 A. Yes, he was a big - he was very important for our case, but he never ended up coming.

Q. But you had spoken to this man previously, had you?

A. Yes. I went there a couple of times to try and get him to come. Even another inmate's mum tried to get him to come.

Q. That had all happened before 15 June; is that right?

A. I don't know what - well, our case has been going on

for a while. So either you ask Prisoner X or I can go and ask XXX, but I don't - all I know is he was one of the main people that we really wanted to go there. And I actually went - XXX was here when I drove to that restaurant in the morning before court, and June, my niece, drove me there, before 10 o'clock.

10 Q. Didn't the thing that Prisoner X asked you to do in court on 15 June, and again in this telephone conversation on 16 June, have something to do with paying money?

A. No, no. He's only ever asked me to pay money when I told the lady in the last court - the last thing, the \$1,000, to give to a lady, in a bank account.

Q. He refers in this telephone conversation to it being a loan?

A. No. Where is it written? And I did send him long johns; I know that.

20 Q. At page 458, do you see on the screen there now, at the top of the screen, "For like a loan"? And you say, "Oh, yeah", and Prisoner X says, "All right".

A. Yes, "For like a loan"? "For like a loan"?

Q. So this thing that Prisoner X asked you to do on 16 June in this telephone conversation - it had something to do, didn't it, with money or something that was going to cost money?

30 A. I don't know where I would have went and got money from.

Q. That doesn't indicate to you that what he was asking for was something other than you making contact with this reluctant witness again?

A. No, no. I don't - never asked him for money, no-one for money, but I don't know - "For like a loan", I can't - you got me there. I don't know.

40 Q. Do you see just above that, you say three lines above that, "I think but it's too late now I think"? Does that help you remember what it was he was asking you to do?

A. "I think but it's too late now I think" - no. No, I don't - I don't recall. I don't - no, I'm blank on that. All I know is I had to do that for Prisoner X, and, no, that doesn't ring a bell.

Q. Do you see further down that page 458, about half

a dozen lines from the bottom, Prisoner X says to you, "Can you go today or tomorrow"?

A. Yes.

Q. And you say, "Oh, okay, well I have to find out tonight." What was it you had to find out "tonight"?

A. I don't know.

10 Q. So this thing that your son had asked you to do in court on 15 June and was telling you on the 16th was more important to him that anything he had ever asked for - you have no recollection what that was?

A. No. I thought it might have been for the witness, but - nothing else, nothing that I can recall.

Q. Was there anything you can remember that you did for Prisoner X in the days after 16 June?

A. No, it was just mainly XXX I went and seen.

20 Q. So you say you went and saw Mr XXX, the witness, or potential witness --

A. Yes, yes.

Q. -- again after 16 June?

A. Well, I don't know dates. Like, I've been - it's just me, I'm hopeless with dates, anything. You can ask me the date a week away - I wouldn't know. But all I know is, since the case has been going, I've only been chasing XXXXX to be our witness. But he refuses.

30

Q. Did chasing - Mr XXXX is his surname, is it?

A. XXXXX. I think that's his name. We call him XXX.

Q. Did chasing XXXX to be a witness involve offering or paying him any money?

40 A. I didn't have money to give him. He's very wealthy, his family. All I wanted was for him to come to court. He said he would, but then he didn't, in the end, because the police were harassing him.

Q. Although you can't remember dates, you think, do you, that you made further contact with him about this after this telephone conversation?

A. Well, the only reason why I know is because XXX came. XXX came down a couple of times from the Gold Coast. That's the only reason why I think it's -

I know it's, like, to do with XXX, because she came with me one morning. She doesn't live here. So that's the only reason why I'm thinking that's when this was on. I don't know a date or a month, you know - yes.

Q. The recording shows that XXXX was in your home at the time of this call?

A. Yes.

10 Q. That's what you're referring to?

A. Yes.

Q. About three days after this telephone call, did you become aware that a man had contacted Prisoner X's sister asking to meet with her and Little George?

A. No. Only that night.

Q. I'm sorry, which night?

20 A. I didn't know that she was meeting whoever. All I knew was she was meeting with Little George that night - a night.

Q. When did you know that - on the night of the meeting or some time before that?

A. No, she came home and said that she was waiting for Little George, because XXX was with me at home.

30 Q. That occasion you are referring to is the same occasion where she went with Little George, or George Kamoschos?

A. Yes, she was waiting at home. It was like 9. She was getting agitated. So she said, "I want to go, I want to go", so - and that's the night. That's the only night I know that she went with Little George.

Q. Could we go to exhibit 3, page 24, please. Have you ever used a mobile phone with the number 0416509498?

A. No.

40 Q. Is that a message that you can recall sending to anybody at any time?

A. No. No.

Q. I want to suggest to you that you had several telephone conversations and exchanged several SMS messages with Mr Kamoschos, known to you as "Little George", on 19 and 20 June, being the two days before Prisoner X's sister and

Mr Kamoschos went to the meeting at the Camperdown Hotel. Do you remember having frequent contact with Mr Kamoschos on those two days?

A. I'm not sure.

Q. You're not sure?

A. No. If it's from my mobile phone --

10 Q. Did Mr Kamoschos tell you anything about the meeting that was to occur at the Camperdown Hotel on 21 June?

A. No, no.

Q. Was it unusual for Prisoner X's sister and Mr Kamoschos to go out anywhere together?

A. Yes, they never did it before.

Q. I'm sorry, they never did it before?

A. They've never - I've never seen them go out, or Prisoner X's sister go anywhere with him.

20

Q. Why did you think that they were going out on the evening of what I will put to you was 21 June? Why were they leaving together from your home?

A. I don't know. Prisoner X's sister just said, "Don't worry about it, mum. You don't need to worry about it."

Q. But you had frequent telephone contact with Prisoner X's sister also during the period leading up to the meeting on 19 and 20 June. Did Prisoner X's sister tell you anything about the meeting?

30

A. No.

Q. I want to suggest to you that you had several text messages to and from Mr Kamoschos after he left your home with Prisoner X's sister on the evening of 21 June. Do you remember receiving messages from him or sending messages to him at that time?

A. No.

40

Q. It is your evidence that you had no knowledge of where your daughter was going with Mr Kamoschos or what they were doing?

A. No.

MS WILLIAMS: Commissioner, I have no further questions for Prisoner X's mother.

THE ASSISTANT COMMISSIONER: Yes, thank you. Does anybody

wish to question this witness?

MR WATSON: Just by way of clarification.

<EXAMINATION BY MR WATSON>

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

MR WATSON: Nothing further.

30 THE ASSISTANT COMMISSIONER: Yes, that concludes your examination now, Prisoner X's mother, and you are free to go.

<THE WITNESS WITHDREW [12.32pm]

40 MS WILLIAMS: The next witness to be called is Ms Tracey Mannix, the general manager of MSPC, and she will be here at 2 o'clock. Regrettably, we were not able to arrange for her to be here earlier. There is Ms Mannix and three other witnesses from Corrective Services. I am confident that we will finish them all this afternoon. However, we can't do anything further until 2pm at this stage.

MR WATSON: Just out of interest, before you adjourn, Commissioner, I understand that there will be no further evidence which will touch directly upon Prisoner X's mother. In that case, I would seek that she and I be excused from further attendance at the hearing?

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E11/1802

PRISONER X's MOTHER
(MR WATSON)

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THE ASSISTANT COMMISSIONER: Yes, she is excused.

MR WATSON: There would seem to be no point in my being here to hear the other matters.

THE ASSISTANT COMMISSIONER: Yes, thank you.

10 MR CHAMAS: Commissioner, I am also seeking the same, to be excused from further attendance at the hearing.

THE ASSISTANT COMMISSIONER: Yes, Mr Chamas, you are excused. We will resume at 2 o'clock.

LUNCHEON ADJOURNMENT

20

30

40

UPON RESUMPTION

MS WILLIAMS: Commissioner, just before I formally call Ms Mannix, who is seated in the witness box, it has been drawn to my attention that the suppression order made yesterday morning should, in view of the substance of Prisoner X's mother's evidence, be extended to the name of her other son, XXX, and to the name of the witness she mentioned during the course of her evidence, XXXXX, and, in my submission, should also be extended to the whole of Mr Watson's questions to Prisoner X's mother and her evidence in answer to those questions.

The information that I have mentioned may enable somebody to indirectly identify the accused currently on trial.

THE ASSISTANT COMMISSIONER: Yes. As I understand it, XXXX hasn't been called as a witness in that trial, but it might be known that he was a potential witness, so I think as a matter of caution, that is a good idea.

I am satisfied that it is necessary and desirable in the public interest to direct that any information that would identify XXXXX or XXXX, any reference to their names or other information that would identify them as having been referred to here, shall not be published or otherwise communicated by anybody.

I also suppress all of the evidence given in answer to questions from Mr Watson about the relevance of XXXX evidence to the current criminal proceedings.

MS WILLIAMS: Thank you, Commissioner. You mentioned xxxx. Might that be amended as XXXXX?

THE ASSISTANT COMMISSIONER: XXXX, yes. She did mention a XXXX, did she not, who I thought was another son, who was present at some stage?

MS WILLIAMS: I think you have in mind, Commissioner, the name XXXX, who was --

THE ASSISTANT COMMISSIONER: No, no, later on she said XXXX was at home, but it may not be another son. I think she did mention a XXXXX when they were going out.

Out of an abundance of caution, I direct that the names of any of the XXXXXX shall not be published, any of the siblings - there seem to be quite a few - or any relatives or anybody related to them.

MS WILLIAMS: Thank you, Commissioner. I formally, then, call Ms Tracey Mannix.

10 THE ASSISTANT COMMISSIONER: Ms Mannix, you have been called, as I understand it, to give evidence about some corruption-prevention issues. I don't know that a section 38 declaration would be necessary, but you are welcome to seek one, if you would like. Do you understand that is a declaration you can seek under our Act that none of the evidence you give could be used against you in any civil, criminal or disciplinary proceedings?

THE WITNESS: Yes, Commissioner.

20 THE ASSISTANT COMMISSIONER: You do wish to seek that order.

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection, and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

30

SECTION 38 ORDER TO APPLY

THE ASSISTANT COMMISSIONER: Ms Mannix, do you wish to take an oath on the Bible or make an affirmation?

THE WITNESS: I'll take an oath, thanks, Commissioner.

40 <TRACEY MANNIX, sworn [2.07pm]

MS McGLINCHEY: Commissioner, I seek leave to appear for Ms Mannix.

THE ASSISTANT COMMISSIONER: Thank you, Ms McGlinchey. You are given leave to appear.

<EXAMINATION BY MS WILLIAMS

MS WILLIAMS: Q. Ms Mannix, you are the General Manager of the Metropolitan Special Programs Centre at the Long Bay Correctional Complex?

A. That's correct.

Q. You have made a statement to the Commission in connection with this matter on 26 September this year?

10 A. That's correct.

Q. Do you have a copy of the statement with you today?

A. No.

Q. All right, I'll have a copy located and handed to you.

MS WILLIAMS: Commissioner, the statement is found in the statements volume, commencing at page 309. I tender that statement at pages 309 to 320 and suggest that that might be included as part of exhibit 2, exhibit 2 being other pages extracted from the statements volume, Commissioner.

20

THE ASSISTANT COMMISSIONER: Yes, all right. Pages 309 to 320 will be included in exhibit 2.

EXHIBIT #2 ADDITION OF STATEMENT OF TRACEY MANNIX,
PAGES 309-320 OF STATEMENTS VOLUME

MS WILLIAMS: Q. A copy of that is just being brought to you now, Ms Mannix.

30

A. Thank you.

Q. I want to ask you, first, please, some questions about what you say in paragraph 26 of your statement, which is at page 318, using the page numbers in the top right-hand corner. You refer there to officers being "high risk". Is an officer high risk if there is a risk that their conduct could compromise the security and operation of the MSPC?

40

A. Yes, it would be.

Q. Are there other circumstances in which an officer might be considered high risk, or that is effectively what you're referring to there?

A. It could also relate to, say, if they've known an offender, and depending on who the offender is.

Q. Is that because if an officer has a particular

relationship or engages in particular conduct with an offender that is considered inappropriate, that might, in turn, lead to a high risk for the security of the facility itself?

A. If it's proven, yes.

10 Q. You say in paragraph 26 that you form a view about whether or not an officer is high risk based on your local assessment. What do you look for in officers in your local assessment to determine whether or not they might be high risk?

A. Local assessment can come from a number of things - by listening to what the other staff are saying, certainly what inmates are saying, and you've got to look at each of the officers on their own merit, so that's basically how I make my own assessment if somebody is behaving untoward or certainly against the Guide of Conduct and Ethics.

20 Q. What sort of behaviour that you might hear about would you consider as untoward and as warranting closer attention on your part?

A. Certainly if I was informed by other staff or inmates that there was a possibility of somebody trafficking contraband into the centre, the depositing of money into TAB accounts, and, again, anything that's against the Guide to Conduct and Ethics.

30 Q. Is there any sort of behaviour between officers and inmates within the facility itself that you would look for as signs indicating that an officer might be high risk - for example, an overfamiliarity with an inmate, that kind of thing?

40 A. Again, you'd have to look at each case on its own merit. To give you an example back, if we look at the inmate sweepers that the staff have working for them, there is a rapport built up, but then there is that line that we know we don't cross, because we are bound by the Guide to Conduct and Ethics. Certainly if there was that familiarity happening, then the inmate would be rotated from his work employment.

Q. The Commission has heard evidence to the effect that on several occasions - the witness did not specify how many occasions but said that it was more than once or twice - Mr Te-Hira would sit down with inmates and eat a meal together with them. Would you consider that behaviour overly familiar and as warranting closer attention by you,

or not necessarily so?

A. My personal opinion is, yes, that's getting too familiar.

Q. Did you ever hear reports of that behaviour occurring in relation to Mr Te-Hira?

A. Not sitting down and having meals with inmates, no.

10 Q. When you say in paragraph 26 that if you form a view that an officer is high risk, the primary response is close monitoring by you and by the security manager, what sorts of steps do you take as part of that close monitoring?

A. Within the centre itself, I discuss what's coming back to myself with the security manager, certainly nobody else within the centre, and then I quite often speak to another officer at the Corrections Intelligence Group.

20 Q. What assistance do you obtain, if any, from the Corrections Intelligence Group when you provide this information to them about an officer that you consider high risk?

A. Well, nothing initially because nothing's quite proven in the early stages. Information is just passed on. Because I don't know if that area of the department would have any other information that they're collating at the time. So it's just a matter of feeding as much information that I can in the early stages. There has been times when I've received an email back to try and find out, could I, you know, find out if there's TAB accounts involved or any other inmates' names and stuff like that, so it's not until 30 it starts to progress through that I might get asked to provide more information.

Q. When you feed information through to the intelligence group, do they ever provide you with information back about the particular inmate to assist you form your assessment and to assist you in your monitoring?

A. There's been an occasion, but, no, not normally. It's more about me sending the information through. 40

Q. From your perspective as the general manager, in a situation where you have formed a view that an officer is high risk, you provide that information to the intelligence group. Would it assist you for them to be able to inform you whether or not they are currently looking at reports concerning that officer, so that you have some information about the officer that you may not otherwise have?

A. Yes, again, I'd have to say not in the early stages because, really, it's more fact-finding. But, again, once we progress, yes, the information that they could pass back would be relevant.

Q. And do they pass information back to you, or that doesn't presently happen?

A. In another matter, it has. Not necessarily this one.

10 Q. Are you aware of the risk assessment committee?

A. Very familiar with that.

Q. Is it an option to you to refer officers to that committee if you form the view that they are high risk?

A. It is, and I've used the risk assessment committee numerous times, but usually you have to have, I guess, your evidence substantiated before you can actually - before it actually progresses through the risk assessment committee. I mean, I couldn't relay information just on gut feeling.
20 For the risk assessment to take any further action, they need more solid evidence.

Q. And is that a requirement imposed by the risk assessment committee itself or a matter that you think is necessary before a referral to the committee is warranted?

A. No, it's from the risk assessment committee.

Q. So do I understand correctly, then, that the risk assessment committee is only becoming involved in cases
30 where there is some substantiated evidence of something that is either misconduct or approaching misconduct; is that right?

A. Yes, an example of that would be if an officer is breath tested and they've returned a positive, then that goes to the risk assessment because it is actually factual.

Q. So is it fair to say, then, that it's very difficult to refer things like suspected inappropriate relationships with inmates and inappropriate grooming of officers to the
40 risk assessment committee?

A. Initially, yes.

Q. So an officer doesn't get any assistance or have the risk assessment committee work with them when they're perceived to be heading down a path that might ultimately lead to misconduct; they have to have got to the misconduct point first - is that right?

A. No, I'd have to say no to that, because we have all been issued the Guide to Conduct and Ethics. To me, that would be our initial point for any staff member; that would be your first line for assistance. And then certainly if they're getting in too deep, then they can always come and speak to either the security manager or myself.

10 Q. Do you have a performance management system within the centre for officers, that would allow conduct that is not misconduct, but might be considered inappropriate or heading towards that direction, to be managed effectively at an early stage?

A. Yes, look, we have staff on performance management plans for all types of reasons.

Q. There are plans in place, but how are those plans actually implemented? Are officers given feedback, mentoring, guidance - actively?

20 A. Absolutely. The last person I had on a performance management plan was mentored with weekly meetings with that mentor, and I was getting fortnightly reports back, so, yes, if somebody's put on a performance management plan, it's not just they're put on it and forgotten about.

Q. Is it only officers who are perceived to be in need of some additional guidance who are put on a performance management plan?

A. That's correct.

30 Q. Was Mr Te-Hira on a performance management plan?

A. No.

Q. You did make a report to the intelligence group about Mr Te-Hira; that's right, isn't it?

A. An informal report through an email, yes.

Q. What particular conduct or incident led you to make that report?

40 A. I'm not your typical general manager that is desk bound. I'm not a desk jockey. I get out and about and talk to the staff and to the inmates. And it was through walking around that I was starting to pick up, not only from staff - and I'm not talking about just necessarily always the custodial staff - and the inmates, and I was getting information that I thought, this is out of my league, so that's when I started to write to my contact at the CIG.

Q. So it was not conduct of his directly that you observed but information that you were receiving from inmates and other staff?

A. Yes, in the initial stages.

10 Q. Could I just refer you to paragraph 30 of your statement, on the final page, page 320. Do you see there you talk about the risk of manipulation by inmates and say that it is either in you to resist manipulation or not.

A. Yes.

Q. And then in the final sentence you say that you formed the view that Mr Te-Hira was a person with low self-esteem and who was vulnerable because of his need to be liked by fellow officers and by inmates. Does that mean you formed a view that he was at risk of manipulation?

20 A. Yes, I formed a personal view that, yes, he could be - he could be - manipulated.

Q. And when did you form that view, roughly?

A. Probably when I first worked with Mr Te-Hira back in 2001.

Q. Did you continue to hold that view whilst he was the activities officer and you were the general manager of the MSPC?

30 A. Not initially, no. But as time started to move on, yes.

Q. How long ago, roughly, did you reform or confirm that view, if I can put it that way, about Mr Te-Hira?

A. Probably about 18 months.

Q. What, if anything, did you do about that at that time?

A. Watched, observed and listened to what was being said around the centre.

40 Q. If I understood your earlier evidence correctly, forming a view like that wasn't enough to refer Mr Te-Hira to the risk assessment committee; is that right?

A. No, because I didn't have anything concrete.

Q. You say also in paragraph 30 that you are not aware of formal programs or education packages within CS New South Wales to help guard against grooming by prisoners. Are you aware of a Professional Standards Branch document, which is

Called "Manipulation By Offenders"? Perhaps if I can show it to you on the screen. Could we have page 444 of exhibit 1 on the screen, please. Is that a document you're familiar with, Ms Mannix?

A. Yes, it is.

Q. Is there training in relation to this document that can be provided by Corrective Services New South Wales?

10 A. I'm not sure about through the Brush Farm Academy, so I'd have to say I don't know.

Q. Has Corrective Services New South Wales ever offered to organise training in relation to the subject of manipulation by offenders at MSPC? Have they ever made that offer to you as general manager?

A. No.

Q. Is it something that you were aware that you could request training sessions about?

20 A. No, certainly not on the subject of manipulation by offenders. However, in saying that, though, I have had the ethics officer come out and speak at our staff meetings re the Guide to Conduct and Ethics, and that usually happens a number of times during the year.

Q. Do those sessions cover the subject of manipulation by offenders or not?

A. No.

30 Q. So is it fair to say those sessions are to reinforce the rules and the principles that govern the way in which officers should deal with inmates but don't address the practical aspects of the interaction between them that may result in manipulation?

A. Pretty much so.

40 Q. Can I ask you, please, to go back to paragraph 12 of your statement on page 315. I just want to ask you some questions about the practical security screening arrangements at MSPC. Do you see in paragraph 12 you refer to the entry to MSPC 1. Is MSPC 1 where the activities complex is?

A. It's actually at the back of MSPC 1 and MSPC 1 sector 2.

Q. Just so that the Commission and I can understand, MSPC 1 comprises what parts of MSPC, or is the number 1

simply referring to an entry point?

A. MSPC 1 is basically the maximum security part of the MSPC. The MSPC consists of four areas. So we've got MSPC 1, and then it goes to MSPC 1 sector 2, which is another maximum security; MSPC 2, medium to minimum; and then MSPC 3 is minimum security.

Q. The activities centre is at the back of MSPC 1; is that correct?

10 A. Yes, that's correct.

Q. Inmates of all security levels within the MSPC use the activities centre according to a roster; is that right?

A. That's right.

Q. The staff at the gatehouse - are they rotated?

A. There is no such rotation at the MSPC, so the answer to that would be no.

20 Q. I think you refer to the lack of rotation in your statement as being pursuant to a decision made by the assistant commissioner; is that right?

A. That's right. The rotation for the POVB was meant to happen in February of this year. Certainly with the implementation of the new management plan, the merger of sector 2 from under Long Bay Prison Hospital across to MSPC, there's been variables throughout the year that have prevented that rotation from happening.

30 Q. So there are practical operational reasons why that rotation is not yet happening; is that right?

A. That's correct.

Q. Do you have any understanding about when the rotation system will be introduced?

A. No, but since this matter has come up, I have asked for it to be actioned as soon as we can.

40 Q. Would it assist you, as the general manager, at least as an interim measure, to have the staff that work in the gatehouse rotated?

A. Yes, it would.

Q. Is there any practical impediment that you're aware of that would prevent that from happening as an interim measure?

A. Maybe action from the POVB, the prison officers

vocational sub-branch. It probably - well, it could be an industrial issue.

Q. But if there's no industrial issue, there's no management or operational issue affecting MSPC that would preclude the rotation of staff through the gatehouse security positions?

A. No, none whatsoever.

10 Q. In paragraph 15 of your statement on page 316, you say:

Officers are allowed to carry into the gaol
a clear plastic bag ...

Can I just show you - is that the kind of clear plastic bag they're allowed to carry?

A. Yes, similar.

20 MS WILLIAMS: Commissioner, I tender that.

THE ASSISTANT COMMISSIONER: That will be exhibit 7.

EXHIBIT #7 CLEAR PLASTIC BAG ALLOWED TO BE CARRIED BY
PRISON OFFICERS

30 MS WILLIAMS: Q. You refer in paragraph 15 to the items that are permitted into that bag. Are officers allowed to take books and papers in those clear plastic bags into the gaol?

A. No, they're not.

Q. The Commission has heard evidence that on some of the occasions when Mr Te-Hira brought in contraband shoes through the screening point, he was able to conceal them in the clear plastic bag by putting books or papers on either side. Are you aware of any reason why that should not have been picked up by the security staff at the gatehouse?

40 A. No, none whatsoever. There is a commissioner's instruction out to say that books and newspapers are not permitted to come into a correctional centre.

Q. In paragraph 16 you refer to the handheld wands that are used to scan officers for metal items. Does that scanning take place as a matter of course on every officer or only randomly on selected officers as they pass through the screening point?

A. As it stands now, every member of staff that goes through that point is done with a handheld metal detector. It was my instruction previous to this matter that that was to happen, and I'd like to think that it did happen.

Q. You're unsure to some extent whether it happened prior to this matter?

10 A. I couldn't give a hundred per cent guarantee that it was happening with every staff member that went through that gate, no.

Q. But you're confident it's happening now as a result of the CCTV installed; is that right?

A. Absolutely, and if it's not happening, and I'm actually watching what's happening, I go downstairs and get the member of staff recalled back to the gate and searched correctly in accordance with policy.

20 Q. Similarly, the bags being searched - does that happen with every officer or only randomly as officers come through the checkpoint?

A. Every staff member that carries in the clear plastic bag is a visual search. Under the policy and procedure, the staff are required to do a minimum of six bags and staff per day, so it would be a matter of instead of just having a visual look at the bag, wand and then straight through the gate, that particular member of staff would be pulled aside and then it's, "Empty your pockets"; the contents of the bag would then be put out on to the table.

30 Q. So that's done six times a day for officers or six times a day for officers and visitors combined?

A. No, for staff, so that would involve custodial, OS&P and Justice Health.

Q. In your view as the general manager, is six times a day enough or should that be increased?

40 A. No, it should be increased because we're talking about three different shifts with probably over 100 staff coming through that gate.

Q. In your view, what would be the reasonable number of bag searches to be done every day on staff?

A. I don't think you could actually put a minimum number on it, to be quite honest. I think you'd have to have a look, and if somebody's coming in with a bag that's bulging at the sides, then maybe that would be a bag that

you would actually search more than just a visual that would go through the gate.

Q. Certainly officers have the discretion to conduct a search in that instance, in any event; is that correct?

A. Absolutely.

10 Q. But if one were to impose a minimum level of bag searches each day to ensure that there was a sufficient level of random searching going on, what, in your view, would be the appropriate minimum level?

A. I don't know, maybe 10, 20 per cent of the staff per shift that was to come through, and that would be including the OS&P and Justice Health.

Q. And so would that equate to - I think you said there were about 100 people coming through across those three shifts; is that right?

20 A. It would be more than 100, just on the daywork. Maybe 20 on the afternoon shift and, I don't know, probably a dozen on the B watch.

Q. So that would equate to maybe about 30 or 40 searches a day; is that right?

A. Yes.

30 Q. Just going back to the wands for a moment, do you know whether or not, if a metal-detecting wand produces an alarm, is the alarm fully investigated or are there occasions where it's assumed that there has been a false positive alarm once all visible metal items have been removed from the person?

A. No, usually if the alarm's sounded or if it's not on alarm noise and it's on vibrate, the officer will actually ask, "Do you have anything in your pocket" or "It just went off because we've just gone over your keys."

40 Q. If the answer to the question, "Do you have anything in your pocket?" is "No", what happens next? Is the person required to turn out their pockets, or how is that addressed?

A. Well, the occasions I've been there, the staff have turned out their pockets. Otherwise, it's done on face value.

Q. So it really is up to the particular security officer conducting the metal wand at the time to determine how

far to push the issue?

A. Absolutely.

Q. You refer in paragraph 18 to the planned installation of a metal detector and X-ray equipment not proceeding because of heritage considerations. If those measures were able to be installed in the gatehouse, how would that assist your security staff in ensuring that contraband doesn't get into the prison?

10 A. MSPC 1 was commissioned in the early 1900s, and the gatehouse really hasn't changed much since that time. It's very antiquated and we really need to have the equipment to bring us into modern-day correctional management with the screening and detection of our staff.

When it came back about the heritage restrictions, I actually suggested that we try a different avenue or get another opinion in relation to the heritage restrictions that are actually preventing us from putting these
20 mechanisms into place. Certainly, if we had the X-ray machine and maybe a TARDIS, that would solve a lot of our issues at the end of the day.

Q. By a TARDIS, you're referring to a walk-through metal detector, in effect?

A. That's correct.

Q. That would allow you, in your view, to pick up a far greater proportion of metal and other contraband items that
30 might be brought in --

A. Absolutely.

Q. Would it pick up, so far as you understand it, very small metal items?

A. A TARDIS can actually pick up the underwire of a bra.

Q. Would it pick up SIM cards?

A. SIM cards are changing, you know, from where there used to be a lot of metal to where they're near plastic
40 these days, so it would be very hard to say.

THE ASSISTANT COMMISSIONER: Q. A mobile phone wouldn't normally be picked up by a metal detector, would it?

A. The older-style ones, yes, but not so much the newer ones, because they've turned into being a lot of plastic, Commissioner.

Q. But the X-ray machine - if somebody had shoes hidden behind books and maybe a mobile phone hidden in the shoes, what would an X-ray machine show in that circumstance if the bag was put through?

A. Exactly that - a pair of shoes and the mobile phone.

Q. It would show the shoes; would it show the phone?

A. Yes, the same as we do when we go through the airport.

10 MS WILLIAMS: Q. You mentioned that you suggested that another avenue be tried or another opinion be obtained about the heritage restrictions so that the metal detector and X-ray equipment could be installed. Has that suggestion been taken up, as far as you're aware?

A. Yes, it has. But where it's at I'm not sure at the moment.

20 Q. So as you understand things, the option of installing that equipment is still being pursued or considered by Corrective Services?

A. I'm still pushing for that to happen, yes.

Q. In paragraph 21 of your statement, you mention - and you mentioned in your evidence earlier today - that since the CCTV has been installed, you have witnessed occasions of officers not being searched at the screening point. How frequently has this happened - how many times a day would you say that that has occurred?

30 A. I wouldn't say it's a daily occurrence. I've had cause to go downstairs and speak to staff, maybe three or four occasions, since the CCTV has been installed.

Q. So that's three or four occasions since about the middle or the end of August; is that right?

A. Yes, towards the mid of August.

40 Q. In paragraph 22, you mention that there is a review of the CCTV images to detect non-compliance. What's the extent of any non-compliance that has been picked up in those reviews?

A. Sorry, where did you say we were?

Q. Sorry, paragraph 22 of your statement.

A. Yes, okay.

Q. In those reviews by the systems administration manager, what is the extent of non-compliance that has been

picked up, if any?

A. Some staff are let through without their bags being searched, or they're not being - their bodies not being scanned by the handheld metal detector.

10 Q. You refer in paragraph 25, in connection with the need to create a reasonable threat of detection, to the passive alert dog visits as having a high deterrent value. Would it assist you if those visits occurred far more frequently than twice in the last two and a half years?

A. I think, as any general manager, we'd like to see the PAD dogs in our centres more often than not, but with the resources that they have and the area that they have to cover across New South Wales to get to all of our goals, I don't think it would be that practical to do so.

20 Q. When the passive alert dog teams arrive, do they park their vehicles in an area which can be readily seen by staff arriving for work?

A. No.

Q. So does that mean staff arriving for work see what is happening and might have the ability to turn around or turn away if they have anything on them that would give them concern?

A. Well, I'd like to think not.

Q. But theoretically, there's an opportunity?

30 A. Well, I mean, of course. If we see an RB team on the side of the road, we could duck up a side street, too. I mean, the possibility is there for that to happen, yes.

Q. Is there a way in which the passive alert dog teams could arrive at the facility in a less obvious fashion that doesn't provide that level of warning, or is that not practical?

40 A. No, no. And, look, even if they were to come in a different vehicle and, I don't know, had a muzzle on the dog so the dog wouldn't bark - I mean, people pick up a phone and ring each other, anyway.

THE ASSISTANT COMMISSIONER: Q. Can I just ask you what are the passive alert dogs trained to pick up? What sorts of things would they --

A. Mainly drugs.

Q. Any particular - like, would they pick up steroids,

for example?

A. I'm not sure about steroids, no.

Q. More like the illicit type of drugs?

A. More like your powders and your pills, marijuana.

MS WILLIAMS: Q. As an activities officer, Mr Te-Hira was able to come and go from the MSPC during the day if that's what his duties required; is that correct?

10 A. That's correct.

Q. And so far as you understand it, would he be searched each time he went in and out of MSPC or only the once when he came in to start his shift in the morning?

A. The policy and procedure is that every time you go back into the centre, you're meant to be re-searched.

Q. And do you have any knowledge about whether or not that happened as a matter of practice, or you're not sure about that level of detail?

20

A. Yes, no, not sure.

MS WILLIAMS: Thank you. Ms Mannix. I have no further questions for Ms Mannix, Commissioner.

THE ASSISTANT COMMISSIONER: Does anybody wish to ask Ms Mannix some questions?

MR McILWAINE: I have some questions, Commissioner.

30

<EXAMINATION BY MR McILWAINE

MR McILWAINE: Q. I want to ask you some questions about paragraph 30, about which you were earlier asked some questions by counsel assisting. I am acting for Mr Te-Hira, you may or may not be aware. You say about Mr Te-Hira that you formed a view that he was a person of low self-esteem; is that correct?

40

A. That's correct.

Q. I think you've given evidence today that you formed that view as long ago, I think, as 2002; is that correct?

A. 2001.

Q. 2001, and you reconfirmed that view in the last 18 months or so?

A. That's correct.

Q. Can you tell the Commission what were the characteristics or symptoms that you observed that led you to the conclusion that he had a low self-esteem? Can you understand that question?

10 A. Yes, absolutely. Because I'm a people person, I watch people for a considerable part of my day, whether I'm at work or outside of the workplace. Mr Te-Hira was a bit of a loner, pretty much done things by himself, and that's how I formed my opinion of having a low self-esteem. He had the need to be liked.

Q. Was he a fairly quiet person in his nature?

A. Yes.

Q. I take it from the nature of his role in the last few years at the activities centre, he's actually involved in sporting activities at the prison, is that correct, in fitness activities?

20 A. That's correct.

Q. So there would obviously be some pretty close contact on a day-to-day basis with the inmates that he's dealing with; is that true?

A. Depending on what activity they're doing, yes.

Q. And there has been some evidence before the Commission about three sweepers who have been involved in this matter, and there was some evidence that, prior to being appointed a sweeper, that inmate had to go through an intelligence assessment; is that your understanding?

30 A. That's correct.

Q. There had to be a check done that there wasn't intelligence they were a risk to the internal good governance of the gaol; correct?

A. That's correct.

Q. In regard to the three prisoners we seem to be talking about mainly in this investigation, Prisoner X - do you know that inmate?

40 A. I do.

Q. Mr Omar Zahed?

A. I do.

Q. And Mr Alfred Fonua?

A. I do.

Q. You know all those three inmates?

A. I do.

Q. Do you know, from your own knowledge, that intelligence checks were done in regard to those three persons before they were appointed sweepers?

10 A. No, I don't know if they were done.

Q. But you assume they were done; is that fair?

A. I'd like to think they were done, yes.

Q. In regard to those three persons, you've had dealings with them from time to time?

A. Yes.

Q. Are they what you would describe - one or all of them - as strong personalities?

20 A. Oh, I probably wouldn't say the words "strong personalities", no.

Q. We've seen Mr Zahed, and the Commissioner can make her own assessment of that. But say in regard to Prisoner X in particular, is he a person who is quite a strong personality?

A. Again, I wouldn't say a strong personality. I'd say he would be one to hold his own.

30 MR McILWAIN: Nothing further, Commissioner.

THE ASSISTANT COMMISSIONER: Thank you, Mr McIlwaine.

MR BOURKE: I have a couple of questions, but Ms McGlinchey might want to go last.

THE ASSISTANT COMMISSIONER: Yes.

<EXAMINATION BY MR BOURKE

40

MR BOURKE: Q. Ms Mannix, I appear for Corrective Services in this matter. Just in relation to paragraph 21 of your statement, which deals with your procedure since the CCTV has been put in, whereby you actually watch the process yourself, could I just try to understand that a bit better. Is this correct: are there three shifts that apply each day at the MSPC? Three starting times, I should

say?

A. No there are actually - at MSPC 1 there would be considered five, but three prominent starting times.

Q. What are your hours? What times do you work during the day?

A. That varies usually from anywhere between 4.30am and 4 o'clock in the afternoon.

10 Q. So your evidence really is that the ones that you watch - the CCTV footage that you watch live is --

A. Predominantly the day-shift.

Q. So that would be the early morning, is that 6am or something like that?

A. Yes, 7 o'clock time starts and up until probably 10.30.

20 Q. So is there any process in place whereby someone views the footage when you're not around?

A. Yes, the systems admin manager will do that.

Q. Secondly, you said in paragraph 22 of your statement that the CCTV images are reviewed by the systems administration manager weekly, so that's a recording, isn't it, that's looked at?

A. It's on the hard drive, yes.

30 Q. You said that there have been some occasions where non-compliant procedure has been observed from those footages; is that correct?

A. That's right.

Q. Has there been action taken about that when it has been detected?

A. Oh, absolutely. I've spoken to the staff and diarised it in my journal.

40 MR BOURKE: The final matter is not really a question. It's just an observation for the Commission.

There has been reference in this witness's evidence and in other evidence to the Guide to Conduct and Ethics. I don't think has been tendered, but it's a document on the website of the Corrective Services, in any event. I am just noting it. I don't think it needs to be tendered, given that it is a public document, in any event.

THE ASSISTANT COMMISSIONER: Yes.

MS WILLIAMS: I think it probably should be tendered for completeness, Commissioner, and I am happy to tender it.

THE ASSISTANT COMMISSIONER: Yes.

10 MR BOURKE: I have one here that I can provide right now, if that is convenient.

MS WILLIAMS: Thank you.

THE ASSISTANT COMMISSIONER: Yes, that guide will be exhibit 8.

EXHIBIT #8 GUIDE TO CONDUCT AND ETHICS

20 THE ASSISTANT COMMISSIONER: Q. Can I ask you, Ms Mannix, is there anything in the guides for the officers about socialising with relatives or friends of inmates outside the facility? Are there any restrictions on that or?

A. Yes, there is, Commissioner.

Q. And where is that found?

A. I couldn't tell you off the top of my head exactly which page.

30 Q. But in that guide?

A. Absolutely, yes. And then there's an obligation by the member of staff to then do the declaration form.

Q. If they have been socialising with relatives, for example, of inmates or --

A. I think - hang on a minute. Sorry, I'm just trying to visualise it in my head.

40 Q. We have the document, so I think we can probably have a look at what it says about that rather than testing your memory. But you think the issue is covered about mixing with --

A. Absolutely, Commissioner.

Q. -- the relatives and friends of inmates.

A. Yes.

<EXAMINATION BY MS McGLINCHEY

MS McGLINCHEY: Q. Ms Mannix, you are aware, aren't you, that as a result of a previous investigation by this Commission, a recommendation was made in a Commission report that the Public Sector Management Act be amended to provide the Commissioner of Corrective Services with the power, similar to the power that the Police Commissioner has under section 181D to remove an officer on the basis of lack of competence. Are you aware that that recommendation was made?

A. Yes, I am.

Q. I think you've said in your statement that you believe that, on the basis of your experience, that would be a very useful tool; that you would support the implementation of that recommendation?

A. Absolutely.

Q. Are you aware of any moves within Corrective Services to investigate the possibility of implementing that recommendation?

A. Not that I'm aware of, no, but that would be at a more high level than myself to do so.

Q. Can you outline your reasons to the Commissioner why, on the ground, at your level, that would be a useful tool for the Commissioner to have, how it would affect your work?

A. Certainly to a point, my personal opinion would be that it would expediate the process, instead of these processes being so long and drawn out. Yes, we do have the risk assessment and professional standards, but sometimes we need to go a little bit further than that.

Q. Is it your opinion that there have been times when there are officers who, perhaps falling short of any formal disciplinary process would certainly be officers that you think do enter into conduct which endangers their fellow workers?

A. Oh, absolutely.

Q. In that case, such a power, if the Commissioner had that power, may be useful?

A. Yes, it would be.

MS McGLINCHEY: Thank you.

THE ASSISTANT COMMISSIONER: Thank you, Ms McGlinchey.
There is nothing else, so thank you for your attendance and
you are now excused, Ms Mannix.

<THE WITNESS WITHDREW [2.50pm]

MS WILLIAMS: Commissioner, I call Cathryn Hellams.

10 THE ASSISTANT COMMISSIONER: Yes, is Ms Hellams here?
Ms Hellams, you are not legally represented?

THE WITNESS: No, Commissioner.

THE ASSISTANT COMMISSIONER: Do you wish to seek
a section 38 declaration?

THE WITNESS: No, Commissioner.

20 THE ASSISTANT COMMISSIONER: Do you want to take an oath
on the Bible or make an affirmation?

THE WITNESS: An oath, please.

<CATHRYN HELLAMS, sworn [2.52pm]

<EXAMINATION BY MS WILLIAMS

30 MS WILLIAMS: Q. Your full name is Cathryn Hellams; is
that correct?

A. It is.

Q. And you are the Acting Executive Director of
Professional Standards with Corrective Services New South
Wales?

A. I am.

40 Q. And you've made a statement to the Commission,
Ms Hellams, on 4 October in connection with this matter; is
that right?

A. I have.

Q. Do you have your statement with you?

A. I do.

MS WILLIAMS: Commissioner, Ms Hellams' statement is at
pages 321 to 328A of the statements volume, and I tender

those pages and ask that they be included in exhibit 2.

THE ASSISTANT COMMISSIONER: Yes, those pages will be included in exhibit 2.

EXHIBIT #2 ADDITION OF STATEMENT OF CATHRYN HELLAMS,
PAGES 321-328A OF STATEMENTS VOLUME

10 MS WILLIAMS: Q. Ms Hellams, I want to ask you first
about paragraph 9 of your statement on page 323. You refer
there to the lack of a formal rotation policy for
Corrective Services and indicate that, whilst rotation of
posts does occur in some facilities, it hasn't been
embraced industrially by employee associations. Are the
industrial issues that you refer to there the only reasons
why there is no across-the-board rotation policy in
Corrective Services?

20 A. I understand that it's one of the principal reasons.
There is a Commissioner's instruction about gatepost
rotations, and there is also the inference that I refer to
in my statement in our rostering guidelines that it's
certainly encouraged.

Q. What is the direction you referred to about gatepost
rotations?

30 A. There's a Commissioner's instruction - I can't tell
you exactly the number off the top of my head, but it arose
from the last inquiry; I think the paperwork has been
provided to ICAC - which says that officers on the
gatehouse post should be rotated, I think it's two years;
they shouldn't spend more than two years on a regular
roster in that post.

Q. But there is certainly no provision for the officers,
or direction indicating that the officers in those posts
should be rotated on a basis more frequently than that; is
that right?

A. No, that's correct.

40 Q. You say in paragraph 9 that rotation has staff
development as well as corruption prevention benefits. In
view of that, what, if anything, is being done to overcome
the industrial issues that are currently the principal
reason preventing across-the-board rotation?

A. We have talked to the PSA - and when I say "we",
Corrective Services, through the usual union consultation
processes have talked to the union executive on numerous

occasions about more formal rotation practices and building those into our rostering guidelines. It has been resisted both from the membership as well as the executive, who reflect their membership's views. We continue to talk. Next year - well, it's actually due now - we have some award negotiations, and it will certainly be one of the things on the agenda to talk about.

10 Q. Do you have any understanding as to the basis of the resistance from the membership and executive of the union?

A. Not a great deal. I've only been in the organisation for a couple of years, but my understanding is that people quite like turning up, they get very comfortable doing the jobs; they believe that they become quite skilled and their expertise is best used in those positions. They become experienced.

20 Q. I want to ask you next, please, about paragraph 11 of your statement. You say there that Corrective Services New South Wales does not have a performance management policy in place. Why is there no performance management policy in place, as you understand it?

A. As I understand it, again it has been through the union resistance to the implementation of performance management policy more broadly across the organisation.

Q. Do you understand the reasons for that resistance?

30 A. I understand that the reasons are that performance management policies generally have a negative connotation and that they're purely punitive or disciplinary in nature rather than of a benefit for managers and staff to have a conversation about their performance, to identify areas of development, of improvement, give feedback about what they're doing well and what they can work with. And that's fairly consistent, I think, across all workplaces. That has been the principal reason in Corrective Services, as I understand it.

40 Q. Do you agree that having a performance management policy in place and facilitating those conversations you referred to would enable inappropriate conduct of officers towards inmates to be addressed before it becomes misconduct?

A. It's certainly a tool available to managers, and the New South Wales Government has recently changed the Public Sector Employment and Management Act to require all agencies to have a performance management policy and system

in place, and the Public Service Commission is doing quite a lot of work for the sector in that regard. So within the next period of time, I'm quite sure Corrective Services, within the new principal department, will be embarking on that journey.

Q. And that statutory requirement will result in a policy being introduced, notwithstanding the industrial resistance; is that right?

10 A. Well, the Act says that we have to have one, so the unions can resist all they like, so to speak.

Q. I want to ask you next about the early intervention strategies that you refer to in paragraph 13.

A. Yes.

Q. What are the early intervention strategies that are currently in place, as you refer to at the beginning of paragraph 13?

20 A. Some of the early intervention strategies we have are our employee alcohol and other drugs policy, which, under the regulations, staff are not required to have over 0.02, so we have random breath testing and urine analysis of staff for drugs and alcohol. For the first tests, as Ms Mannix said, for the first test of a positive test, it's dealt with in a more supportive or remedial way rather than in a disciplinary way. But if it's recognised or identified that this is the second instance in a period of time, then we start to dig a little bit deeper as to what
30 may or may not else be occurring in that place.

Q. Are there any early intervention strategies in place directed at intervening in manipulation of officers by inmates or other conduct that might subsequently result in officers trafficking contraband into gaols?

40 A. Not that I'm aware of. The only policy would be the contact with offenders policy where they're required to identify offenders, but correctional officers are dealing with offenders every day, so that's more about in the external world.

Q. If an officer is having inappropriate contact with an inmate or members of an inmate's family and they know that it's inappropriate, they're not likely to fill in the declaration, are they?

A. No.

Q. The declaration provides limited assistance, doesn't it, in intervening early and effectively in situations where an officer may be heading down a path of misconduct; do you agree with that?

A. It relies on the officer being honest and filling it in when their circumstances change or they come in contact with an offender.

10 Q. You refer in paragraph 13 to an early intervention system being developed. What's the current status of that system?

A. It's part of the integrity management system. The database has been developed by the programmer. As I understand it, it has been tested - I've only been in this role for four weeks, so I've had to rely on the file notes to provide this information. It has been tested. The policy and the procedures are in draft format. The training modules that support it are in draft format. It's just very unfortunate that the project officer who was undertaking that project fell over and broke her ankle and was pregnant at the time, and a whole range of things happened and it's just been unfortunate that it stopped or stagnated in about May this year.

Q. So it has been stagnated since May. Do you have any understanding of when it's likely to start making progress again?

A. I have been attempting to fill the vacant positions, as has my predecessor, Ms Ball. But within the current government policy and restrictions or challenges around staff numbers and budgets, it's challenging to fill some positions in the organisation. At the moment, that's one of them. Although I've been speaking to the Commissioner recently and we're again trying to progress that position.

Q. So the early intervention system is a database, effectively; is that correct?

A. Yes.

40 Q. With associated training manuals and policies and procedures. So can you just explain to the Commission, in plain terms, what sorts of information will find its way into this database once it's up and running?

A. The objective of the database is for managers to be able to input information about behaviours that they're identifying or observing with staff that could be a concern. So it could be repeated absenteeism. It could

10 be behaviours around always wanting to work in particular areas. There's a whole spectrum of things where managers can do that. Identifying - keeping a record or bringing together records of the breath testing and the random searches, if people are being identified or picked up for bringing contraband into the system and they, in the first instance, say, "I forgot my phone was in my pocket", so managers will be able to report or identify those sorts of patterns of behaviour and will be able to hopefully capture information.

Q. The system will be implemented, together with the training program, which informs managers, does it, what sorts of information they need to be actively gathering and putting into the system?

20 A. I haven't seen the training module, so I'm not sure what its content would be, but I would imagine it would be not only how to use the database from a technological point of view, but also the sorts of information and the definitions of different terms, to include the appropriate information in the system.

Q. Once the information is in the database, what will happen to it then?

30 A. The database is part of the professional standards integrity system, so that branch will then be able to run reports on areas where we might, depending on the different fields, be able to run reports as to have we got regular employees' names cropping up all the time? Is there a pattern at a particular site? Say there's been a large number of random breath test positive tests at a particular site. It will depend on how you cut the data as to the sorts of information that you'll be able to use it for.

40 Q. For example, will reports be provided back to the general manager of a particular facility to say, "Based on the information you've put into the system, we've identified a high level of absenteeism amongst your officers working in this particular area" - will that kind of information be fed back to the general managers to assist their management?

A. I'm not sure, but it's certainly something that we can consider in terms of enhancing the use of information from the systems to help managers.

Q. Will general managers have the ability to interrogate the system themselves to find information and look for

patterns, or only to put information into the system?

A. I'm not sure.

Q. Could I ask you some questions about the risk assessment committee that you mentioned in paragraph 15.

A. Yes.

10 Q. I think you've heard Ms Mannix's evidence about the circumstances in which an officer would be referred to the risk assessment committee. Do you agree that it's when their conduct reaches the stage of misconduct or something very close to that that they would be referred to the committee?

20 A. I've only sat on one risk assessment committee, because I've only been in the professional standards position for four weeks. There certainly - if I could refer to a document that was put out a number of years ago, in 2006, that talks about what the role of the risk assessment committee is and how matters are referred to that committee --

Q. I'll just ask you to pause there. Could we have on screen, please, exhibit 1, page 416. I'll just bring that up, Ms Hellams, and then I'll ask you if this is the document you're referring to.

A. Yes, it is.

Q. Sorry, please continue.

30 A. That document sets out sort of the parameters of the committee and what its objectives are. I'd certainly agree with Ms Mannix when she says that matters require more than the gut feel to be referred to that committee. The one that I sat on, the committee would ask questions of the manager, "Well, what are the behaviours, what things have you done, what are you noticing about that employee that is of a concern to you?" It could be, "Well, we've noticed that there's three occasions since they've brought the wrong bag in or three occasions that they've forgot their mobile phone is in their pocket", or those sorts of small things.

40

The emphasis is on encouraging managers to deal with minor matters at the local level as much as possible, and then the risk assessment committee to provide strategies and support when those local interventions have been unsuccessful.

Q. So at the point when someone is in front of the risk assessment committee, it's not at that stage been elevated to a disciplinary matter?

A. No.

Q. It's a management issue; is that correct?

A. It's still management strategies or remedial strategies. Disciplinary matters then go to the professional standards committee.

10

Q. Would it be fair to say that based on Ms Mannix's evidence that, as general manager, she would need some hard evidence about an officer to refer the matter to the risk assessment committee, there may be a perception amongst general managers that matters need to progress to a further stage before they're referred to the risk assessment committee than the stage you've just described?

A. Yes, quite possible.

20

Q. Is there scope for more proactive promotion, if I can use that word, of the risk assessment committee and the services it can perform amongst general managers?

A. I'm sure there is.

Q. You refer in paragraph 15 to the number of new matters that have been referred to the risk assessment committee during 2011 and 2012. Is that a two-year period or are you adopting financial year --

A. Financial year. Our reporting system is on financial years.

30

Q. So the 12-month period from 30 June 2011 to 30 June 2012?

A. That's correct.

Q. Twenty-three new matters. Can I suggest to you there are 3,047 custodial officers employed in Corrective Services New South Wales. Does that number of referrals indicate, from your perspective, that the risk assessment committee is not widely used by general managers?

40

A. No, I wouldn't necessarily agree with that because that's only new matters. That doesn't include the existing matters, because it's very difficult to get that data, because of a changeover in systems. So there would have been a number of existing matters prior to that that carried over.

I think most managers are certainly aware of the risk assessment committee and do refer matters that they believe are appropriate to be referred to that committee to that committee. But there's certainly more - I agree with you, I think that there is more marketing, publication, information that we can put out there to assist managers in utilising that committee.

10 Q. Is there a level of training that's provided only for officers of the general manager rank about the risk assessment committee and other strategies that they may engage in their management of the officers reporting to them, to intervene early in inappropriate behaviour?

A. No, not at this point in time.

Q. Is that something that, in your view, should be introduced?

20 A. Yes, and we're certainly embarking on a major reform in the organisation and looking at enhanced training and information and education for our general managers, and it's certainly something that we can feed back into that process and make sure that those policies are properly reflected in that suite of information for managers.

30 Q. Could I ask you about paragraph 20 on page 326, please. You say there that there is no Corrective Services New South Wales wide strategy to create a reasonable threat of detection to prevent officers from bringing contraband into the gaol other than the threat of disciplinary action. Do you accept that if there is no perception amongst officers of a real risk of detection, then the threat of disciplinary action, if they're caught, is watered down considerably?

A. Yes, if --

Q. And isn't it the case that there needs to be a strategy in place to create that reasonable threat of detection?

40 A. Yes, and we do have some strategies, but, again, I'm sure that they can be enhanced.

Q. What are the strategies that you have that you're referring to?

A. There's the searching at the gates - the random staff searching at the gates. There's the requirement that every staff member does have to walk through the metal detector to get in and out of the centre, as opposed to the random

searching. There's the clear plastic bags, where people are only required to use those to carry their things in and out. There's the passive dogs that will go through parades, check cars in car parks. So there's a range of strategies in place that are aimed at detecting staff attempting to bring contraband into the centres.

10 Q. It seems from Ms Mannix's evidence that the resources are not there for the passive alert dogs to attend any facility more frequently than about once a year. Is that your understanding of the position, or is that outside your area of focus?

A. That's not really my area of expertise in the organisation.

20 Q. Just going back, Ms Hellams, to the early intervention system that I was asking you about earlier, will information that is presently reported to the intelligence group within Corrective Services also be input into the early intervention system database that's being developed?

A. I'm not sure.

MS WILLIAMS: Thank you. Commissioner, I have nothing further for Ms Hellams.

THE ASSISTANT COMMISSIONER: Thank you. Does anyone wish to question Ms Hellams on her evidence?

30 MR BOURKE: I have a brief couple of questions, Commissioner.

<EXAMINATION BY MR BOURKE

40 MR BOURKE: Q. Just on the topic of strategies that you were just being asked about, of other strategies that might be in place, would other strategies to protect against staff contraventions include methods such as those that Ms Mannix described of herself reviewing CCTV footage; is that another example?

A. Yes.

Q. And also the capacity under the Crimes (Administration of Sentences) Regulations for the general manager or the manager of security to require a staff member to submit to a search - are you aware of that function?

A. Yes.

Q. Just moving to a different topic, you gave some evidence earlier about rotation of gate staff and you made mention of a Commissioner's instruction in that regard.

A. Yes.

Q. Could I show you a document, please.

A. Thank you.

10 Q. Is that the Commissioner's instruction that you were referring to?

A. Yes, it is.

Q. Identified as number 6 of 2011?

A. Yes, it is.

MR BOURKE: I provide that. It is a matter for the Commissioner as to whether counsel assisting might want to tender it. That is a clean copy which has been handed to the witness.

20

THE ASSISTANT COMMISSIONER: Yes, I think that would be useful, if we don't have it in the record.

MS WILLIAMS: I haven't seen the document myself, but I'm happy to tender it, Commissioner.

THE ASSISTANT COMMISSIONER: Yes, that will be exhibit 9.

30 EXHIBIT #9 COMMISSIONER'S INSTRUCTION 6 OF 2011 REFERRED TO IN MS HELLAMS' EVIDENCE

MR BOURKE: Q. There are two further Commissioner's instructions that could be of relevance, also. Perhaps I'll show those to the witness first of all.

A. Thank you.

Q. The first one is number 5 of 2011?

A. Yes.

40 Q. And does it deal with the topic of introduction of personal drinks and bottles into correctional centres?

A. It does.

Q. Referring to staff as well as non-staff?

A. Yes.

Q. Is the other document Commissioner's instruction

number 4 of 2011, and does that deal with staff screening procedures at correctional centres?

A. It does.

MR BOURKE: I provide those two documents. Counsel assisting may wish to tender them.

MS WILLIAMS: Yes, Commissioner, I tender those two documents.

10

THE ASSISTANT COMMISSIONER: Yes, they will be made exhibit 10.

EXHIBIT #10 COMMISSIONER'S INSTRUCTION 4 OF 2011 AND COMMISSIONER'S INSTRUCTION 5 OF 2011, REFERRED TO IN MS HELLAMS' EVIDENCE

THE ASSISTANT COMMISSIONER: Nothing else, Mr Bourke?

20

MR BOURKE: Nothing further, thank you.

THE ASSISTANT COMMISSIONER: Thank you, Ms Hellams. That concludes your examination. You are now free to leave.

<THE WITNESS WITHDREW [3.18pm]

MS WILLIAMS: Commissioner, I call Lee Downes.

30

THE ASSISTANT COMMISSIONER: Ms Downes, you are not legally represented?

THE WITNESS: No, I'm not.

THE ASSISTANT COMMISSIONER: You've probably heard what I have said to other witnesses about a section 38 declaration. Do you wish to seek such a declaration?

THE WITNESS: No, I don't, thank you, Commissioner.

40

THE ASSISTANT COMMISSIONER: Will you take an oath on the Bible or make an affirmation?

THE WITNESS: I'd like to take an oath, please.

<EXAMINATION BY MS WILLIAMS

MS WILLIAMS: Q. Ms Downes, could you tell the Commission your full name, please?

A. Lee Sharon Downes.

10 Q. You are the Assistant Commissioner, Security and Intelligence with Corrective Services New South Wales; is that right?

A. That's correct.

Q. You've made a statement to the Commission in connection with this matter on 28 September this year?

A. That's correct.

Q. Do you have a copy of your statement with you, Ms Downes?

20 A. I do.

MS WILLIAMS: Commissioner, Ms Downes' statement is at pages 328 to 333 of the statements volume. I tender those pages and ask that they be included in exhibit 2.

THE ASSISTANT COMMISSIONER: Yes, those pages will be included in exhibit 2.

30 EXHIBIT #2 ADDITION OF STATEMENT OF LEE DOWNES, PAGES 328-333 OF STATEMENTS VOLUME

MS WILLIAMS: Q. Ms Downes, I want to ask you a little bit about paragraph 5 of your statement and, in particular, the information that the Corrections Intelligence Group and state emergency unit use in working together to identify search targets for correctional facilities. Does the information available to those two groups for that purpose include information that comes from the risk assessment committee?

40 A. No, it doesn't. The Corrections Intelligence Group isn't responsible for staff target development. It's purely related to offender intelligence. If there's any information that comes up through the intelligence system - for example, I notice that Ms Mannix intimated that she had spoken to someone in the Corrections Intelligence Group about her concerns about a staff member being engaged perhaps inappropriately with an offender - that should be

reported to the Corrective Services investigations unit because they are the people who are more appropriately tasked with following up on allegations of staff corruption.

Q. I see, so there's an investigations unit that should deal with any misconduct or alleged misconduct by officers; is that correct?

A. That's correct.

10

Q. And the intelligence unit's focus is solely on --

A. Offenders - inmates in custody and offenders in the community and their impact on the safety and security of the correctional environment and the staff who work within it, and also relating to crimes that might be being committed.

Q. What level of information exchange, if any, is there between the investigations unit and the intelligence or intel unit?

20

A. The intelligence group, the "CIG", which makes it easier to say - the CIG would relay information relating to allegations or information about staff corruption to the Corrective Services investigations unit. The investigations unit, if they required information, would ask CIG for any of their information that would help their inquiries.

Q. And as far as you're aware, does the state emergency unit work together with the investigations unit to determine search targets, or is the state emergency unit's focus also directed towards offender or inmates?

30

A. The state emergency unit's focus is, by and large, on inmates. That's really what their purview is. They wouldn't be necessarily tasked by the Corrective Services investigations unit to conduct a search of staff, because that's not their role. However, there may be some circumstances in which the investigations unit may ask for certain of the staff of the state emergency unit or, indeed, from security and intelligence more generally to assist, but we are really primarily focused on offenders and visitors.

40

Q. Is it the CIG or the state emergency unit that decides when and where the passive alert drug dog searches take place?

A. The state emergency unit general manager is

responsible for making sure that the manager of security who is tasked to undertake the staff searching program undertakes those staff searches. On top of that, the passive alert dogs and general purpose dogs generally are tasked with conducting ongoing searches of correctional centres; visitor interdictions and other operations that might be requested of them on an ad hoc basis to make sure that we either (a) prevent the contraband entering the correctional centre or detect it and remove it from within the correctional centre. So they undertake a full range of duties.

Q. But you say in paragraph 7 of your statement, if I can refer you to that, at page 330:

We aim to conduct staff searches at each facility twice each year.

A. That's correct.

Q. Now, that's a reference, isn't it, to the PAD dog searches?

A. Well, that's in relation to a program of searching which is conducted by a manager of security, another commissioned officer from the state emergency unit or security and intelligence, as well as a PAD dog.

Q. The staff searches are done at each facility twice a year with the dogs; is that correct?

A. That's correct.

Q. You've heard Ms Mannix's evidence to the effect that those searches have been done at MSPC only twice in the last two and a half years.

A. I have some records here that are different to the statement that Ms Mannix has made, if I can refer to them?

Q. Yes. Could you tell me, first of all, what those records are?

A. These records are staff search statistics that have been compiled by the state emergency unit on my behalf, and they relate to staff/authorised visitor searches conducted for 2012, 2011, 2010.

Q. How many searches do those records show having taken place at MSPC, that is, searches including or relating to staff?

A. Okay, well, this is only staff searches that I'm referring to. There was three staff search operations in MSPC areas 1, 2 and 3 - one in each area, sorry - on 16, 17 and 20 April; a further staff search operation conducted of MSPC area 2 on 31 August this year - so there has been four searches of the MSPC this year so far.

10 In 2011, we spent three days at the MSPC, so three occasions where we - no, sorry, MSPC 1, 2 and 3 were all done on the one day in 2011. And in 2010, they were searched on the 3rd of the 6th, 14th of the 9th and the 15th of the 9th 2010.

Q. And each of those searches you referred to - did they involve the use of the passive alert drug dogs?

A. That's correct.

Q. And those dogs sniff for illicit drugs; is that correct?

20 A. That's correct.

Q. Anything else that they can detect?

A. XXXXXXXXXXXXXXXXXXXX

Q. Is there any other way, from your perspective, that the trafficking of contraband mobile phones into gaols could be reduced or eradicated?

A. I have to say I don't think that the introduction of contraband into any correctional centre can be eradicated. I think that the people who want to introduce contraband

into correctional centres have far more time on their hands than any of us do to keep thinking of different ways. For us, it's like putting our fingers in the dyke and every time a new hole comes up, once we get one covered, we find another one. The ways that people get contraband introduced into correctional centres is that offenders come into custody, know they're coming into custody and have mobile phones, drugs or whatever secreted internally. We don't do internal searches. We don't do X-rays of offenders coming into custody. So there's a primary source of mobile phones or anything else being introduced into correctional centres.

Similarly with visitors, although it's a bit more hard for them nowadays given the amount of surveillance we have in our visiting sections and progressing through the metal detectors in the maximum security correctional centres and all the other screening that we do. But, again, if they really wanted to do it internally, I'm sure that there's some way that there's some way that they could get it out of their body, if you'll pardon the expression, and, you know, pass it over in a visiting section.

The other thing is that staff equally could do the same thing if they were that motivated. Your body cavities are a great way of smuggling things in. So to that end, it's very difficult to eradicate.

People are ingenious about throwing things over the fences in correctional centres, over into correctional centres. I've had potatoes hollowed out and thrown over into a correctional centre. Pretty much it involves and relies upon the vigilance of staff going about their normal duties in a vigilant and conscientious manner. So for contraband that comes over the fence, we expect that before the inmates are unlocked every morning, a staff member inspects the perimeter, or staff members inspect the perimeter to make sure nothing has been thrown over - if there is anything untoward on the perimeter fence line that's either a security breach or a contraband, that we detect it before the offenders are let go for the day.

So those are the sorts of strategies that we do use; all the other screening tools that we use. As a result of my conversations, as a result of this inquiry, there's other things that have come to mind subsequently that we can introduce that I think will help to make a bit of

a difference and will be a bit of a cross-over between what the state emergency unit really is supposed to be doing in terms of inmates with what we can do for staff.

10 So, for example, I was asked whether or not, if we had unusual finds of mobile phones in a particular centre, as there was in the MSPC, would we then direct a staff search operation? Back then, we didn't. Right now, I would. And that has been changed. So as a result of this, one of the strategies that I've implemented is that the permanently
20 tasked manager of security, who is tasked with the staff searching, now looks at the daily reports of contraband finds. He will come to our strategic targeted operations, planning and scheduling meetings which are held on a monthly basis, which collate all of the intelligence we have, and then from there, see if there's any areas where we think there should be heightened staff searching, as well as the routine ones that we're trying to do. So that's a direct result of this inquiry.

20 Q. Is it fair to say that, as a result of this inquiry, there's a more active focus on staff as a source of contraband in gaols than was previously the case?

30 A. I think we were always - with the staff searching, we were focused on the staff contraband - on the staff introducing contraband. However, from the state emergency unit side, our focus has been on inmates, because that really is their job. So I guess the answer is, yes, it is heightened as far as the state emergency unit is concerned,
30 and the intelligence group, in just as much as targeting the searches is concerned.

Q. Just going back to your evidence about the possibility of items being concealed in body cavities, would walk-through X-ray machines, the prospect of which is being considered for MSPC 1, prevent or make it far more difficult for contraband to be brought in in that way?

40 A. If we had walk-through X-ray machines where anything that was concealed either in your clothing that couldn't be removed or internally, I think that would be a great deterrent. Whether or not - the reaction of the Prison Officers Vocational Branch and other parts of the PSA would be interesting to note in relation to that. I think there would be howls in relation to their privacy.

THE ASSISTANT COMMISSIONER: Q. Ms Downes, could I just ask you, one of the witnesses here said that he was able to

get contraband in by visitors bringing it in in their shoes, and then they'd swap shoes during the visit. From what you know, is that likely to be able to happen or not?

10 A. Yes, it probably could happen if the staff weren't vigilant enough. That's one of the issues with the types of shoes that the offenders are allowed to buy on buy-ups, the types of shoes that the offenders' visitors wear into the visiting section, the number of staff and the number of visitors - that are on duty. It only takes someone not to
10 be watching for a couple of seconds, and that changeover can happen, particularly if they've got the same sorts of shoes.

I know that there's some correctional centres where the make or the brand of the inmates' running shoes are noted on a register as they go in and out of the visiting section, for just that purpose. Whether or not all correctional centres have that in place, I don't know, but that's certainly one way that people try to stop that.

20

Q. But that wouldn't work if it was the same shoe?

A. No.

Q. You wouldn't notice?

A. And, you know, I guess you'd have to be very vigilant as to what condition it was, so it would be a bit hard, and if there had been a change of staff, which quite often happens, between searching the inmates into the visiting section and searching them out again - because people may
30 have been rotated or relieved, or whatever - then it may not be the same person and they may not see the difference or be able to distinguish, so it's really quite difficult.

MS WILLIAMS: Q. Ms Downes, I want to ask you finally about paragraph 18 of your statement on the last page, page 333 of exhibit 2.

A. Yes.

40 Q. You say there that an integrated risk management approach would assist in managing the risk of staff corruption or inappropriate association. In what ways do you think the risk management approach should be integrated compared to the current approach?

A. At the moment, I think there's considerable disjunction, I guess, between the sources of information. The reasons for much of that disjunction - I'm trying to find the right words to say this. The reason it's not as

cohesive or integrated as it could be is perhaps because there has been pockets of information that people hold, and people don't reveal information, for various reasons, much of which could be associated with people's privacy and the need to maintain our staff's confidentiality, that we don't have allegations of corrupt conduct that are floating around the department, because people do talk in our department. They're very good and messages get around very quickly. So maintaining people's privacy is one thing.

10

I think that the way the organisation has operated up till now has probably been at odds with this integrated management system, because different people have different ways of doing business, and I think that the new systems that we're putting in place, which involve us working more - not within so many silos, but working together, will actually facilitate that sharing of information.

20

The other thing is that the early intervention system that Ms Hellams referred to previously - we were supposed to trial it in security and intelligence, and one of the things that I was really looking forward to with that was the fact that, from my understanding, my general managers would be able to scrutinise the records of their staff and see what was happening with them, but also that there would be a record or a pattern of behaviour that would be built up over a number of years of a staff member.

30

So, for example, the previous issue that happened at John Morony, there was a lot of warnings - hindsight is 20/20 vision, but had we had a system like that, we would have had a record of different things happening across a number of different correctional centres that might have said to somebody, or should have said to somebody, there's a problem here. And that's what would really help, because the integration of this system and the information that the general managers hold and anybody else who - a manager of security who counsels a staff member or who notices something about a staff member or realises that they're in financial debt and has a conversation with that staff member - that will all be recorded so that somebody, either in the Professional Standards Branch or in the Corrective Services investigation unit - their analysts could have a look at it and go, "You know, this person is at risk. This person is at risk."

40

I also think that if we had - you referred to it with

Ms Hellams in relation to greater training, in identifying the sorts of risk factors that there are for our staff and where to go when that happens, I think that would also help.

Q. You referred earlier to some documents that have been prepared indicating staff search statistics?

A. Yes.

10 Q. Would you be prepared to provide those to the Commission and they will be tendered as part of the evidence in this inquiry?

A. Yes, I'm happy to do so.

MS WILLIAMS: Thank you. Commissioner, there are four documents, all entitled "Staff/Authorised Visitors Searches Total" for the years 2010, 2011 and 2012, and I tender those documents.

20 THE ASSISTANT COMMISSIONER: Yes, they will be made exhibit 11.

EXHIBIT #11 FOUR DOCUMENTS, ALL ENTITLED "STAFF/AUTHORISED VISITORS SEARCHES TOTAL" FOR THE YEARS 2010, 2011 AND 2012

MS WILLIAMS: I have nothing further for Ms Downes.

THE ASSISTANT COMMISSIONER: Does anybody wish to ask Ms Downes any questions?

30 MR BOURKE: I don't have any questions as such, but two matters arise from Ms Downes' evidence. Could I seek a non-publication order, Commissioner, in relation to Ms Downes' evidence concerning XXXXXXXXXXXX

40 THE ASSISTANT COMMISSIONER: Yes, I agree, I think there is a public interest in that XXXXXX, so I do make a suppression order in respect of Ms Downes' evidence about XXXXXX.

MR BOURKE: Finally, there is a document that I would seek to show the witness in just a moment, but it is a draft document that deals with some of the matters which this

inquiry is touching upon that I frankly haven't read completely. It has only recently been provided to us. It may be a document that would be of relevance if it is tendered in the proceedings, but I would seek to have some restrictions upon the manner in which it is publicised, in other words, as to whether it might become some sort of confidential exhibit, given that it really does deal with internal procedures and things of that kind.

10 I haven't had a chance to discuss it with counsel assisting yet, but it certainly is relevant. It's a very fresh document. It's a draft of September 2012. I think I would be assisted if I could have a few words with counsel assisting.

THE ASSISTANT COMMISSIONER: Yes.

MR BOURKE: Before I do that, could I get the witness to identify it, at least?

20

THE ASSISTANT COMMISSIONER: Yes.

MR BOURKE: If I could show that to her?

<EXAMINATION BY MR BOURKE

MR BOURKE: Q. Now, Ms Downes, I don't think you're the author of that document, are you?

30 A. No, I'm not.

Q. But you're reasonably familiar with it?

A. I've been involved in the preparation of them from the beginning.

Q. And it's a set of draft operational standards that have been developed?

A. That's correct.

40 Q. Which deal with, amongst other things, security issues involving staff searches and things of that kind?

A. That's correct.

Q. Has it reached a stage where it is, as I've said, at a draft point only?

A. I think it's at the stage now where it's just about ready for publication, but it's still draft, which means it hasn't been approved by the Commissioner.

Q. Can you just tell us the title of it, at least?

A. The title is the "Public Correctional Centre Operating Standards - Security".

10 MR BOURKE: Thank you. Could that be retrieved from the witness? It is a document, in my submission, that is of relevance to the subject matter of the inquiry. But, as I say, Commissioner, in our submission, if it is to be admitted, then it should appropriately be done on a restricted basis.

THE ASSISTANT COMMISSIONER: Yes, it would be interesting to see what direction is being planned and I am happy to make it a confidential exhibit on that basis, so that we can have access to it.

20 THE WITNESS: May I provide some additional information in relation to that?

THE ASSISTANT COMMISSIONER: Yes.

30 THE WITNESS: Okay. The draft operating standards for correctional centres - there's a whole series of them, what used to be known as the Corrections Inspectorate and now is the Operational Performance Review Branch - and I've been working on them for some time, we had minimum standards for the operation of correctional centres in relation to the contracts that were awarded for the private correctional centres and, quite justifiably, we were criticised for not having similar standards for our own correctional centres. So that's the genesis of those standards.

40 After the issues that happened at John Morony Correctional Centre that were the subject of investigations by the ICAC, we started to work on the security standards for correctional centres to separate them out very clearly about what was required. So that document is a concise set of statements about what we require in each of our correctional centres to provide the requisite level of security.

It stipulates for medium- and maximum- and minimum-security correctional centres in relation to gate operations and perimeter security, because obviously there are differences between them, but it does talk about the installation of walk-through metal detectors, X-ray

machines and all of the security hardware that we started to install as a result of that last investigation. So that's where that comes from.

10 Because of the limitations of some of our infrastructure - and Ms Mannix was referring to the MSPC gate in particular - in some ways, they're not aspirational standards, but we're actually acknowledging in the standards that, in some instances, it might not be possible to meet them to the desired level, but all of our new facilities or new or refurbished gatehouses that can be
20 refurbished in a way that doesn't impinge on their heritage listings will be refurbished to the standard that's set in those documents.

20 The other thing it does talk about is the standards for searching people as they come and go through the correctional centre for the prevention of the introduction of contraband, and that's included in there, so it again talks about a number of staff and visitors who are to be searched discretely on a given day, what's required of them.

30 So in many ways, that is a distillation of the operations performance manual, all of the Commissioner's directions, and it's there in one very small, concise standard for the correctional centre managers to be able to implement and for staff to see very easily. Then they can refer back to the operations procedure manual, which is referenced in those documents.

So when those are signed off by the new Commissioner and introduced, they will be a very good guideline by which the correctional centres and correctional centre managers can be assessed in relation to their compliance with those standards and with the daily security reporting requirements that I think have been referred to, as well, as part of the evidence.

40 THE ASSISTANT COMMISSIONER: All right, thank you very much for that. At this stage, I will make them confidential exhibit 1.

EXHIBIT #1 (CONFIDENTIAL) "CORRECTIVE SERVICES NSW PUBLIC CORRECTIONAL CENTRE OPERATING STANDARDS - SECURITY" (DRAFT)

THE ASSISTANT COMMISSIONER: I don't think other people

will have much interest in them. It doesn't affect anybody's client. We can use it for corruption prevention purposes. Thank you.

MS WILLIAMS: Commissioner, that concludes the evidence for the public inquiry.

10 Before matters about submissions are raised, might I request that a suppression order also be made in relation to all written submissions that will be provided to the Commission as part of this inquiry. It may or may not become appropriate to revoke that order to some extent subsequently, but, in the first instance at least, on the assumption that submissions will refer to evidence about which there is a suppression order, an order would be appropriate for the submissions.

20 THE ASSISTANT COMMISSIONER: Yes, we will proceed in the normal way to have written submissions, and there will be a suppression order made in respect of all written submissions received.

MS WILLIAMS: Thank you, Commissioner.

MR BOURKE: Just before we conclude, there were two other statements that I think my learned friend was going to tender. That was Mr Hovey and Mr Cahill.

30 THE ASSISTANT COMMISSIONER: I might just excuse this witness before we get into that. Thank you, that concludes your examination, and you are excused. Thank you, Ms Downes.

<THE WITNESS WITHDREW [3.48pm]

40 MS WILLIAMS: I am grateful to Mr Bourke, I did forget to tender two statements. I tender the statement of Mr Cahill, which is at pages 35 to 63 of the statements volume, and I would ask that those pages be added to exhibit 2.

THE ASSISTANT COMMISSIONER: Yes, they will be added to exhibit 2.

EXHIBIT #2 ADDITION OF STATEMENT OF DAVID CAHILL,
PAGES 35-63 OF THE STATEMENTS VOLUME

MS WILLIAMS: Similarly, the statement of Michael Hovey at pages 301 to 308 of the statements volume, which might also be added to exhibit 2.

THE ASSISTANT COMMISSIONER: Yes, they will be added to exhibit 2.

EXHIBIT #2 ADDITION OF STATEMENT OF MICHAEL HOVEY,
PAGES 301-308 OF THE STATEMENTS VOLUME

10

MS WILLIAMS: Thank you, Commissioner.

THE ASSISTANT COMMISSIONER: In terms of your submissions, Ms Williams, would two weeks, three weeks, be sufficient - what do you think you will require to do your submissions?

MS WILLIAMS: Might I have until 26 October, which is about two and a half weeks, Commissioner?

20

THE ASSISTANT COMMISSIONER: Yes.

MS WILLIAMS: Thank you.

THE ASSISTANT COMMISSIONER: I think then any submissions in response should be received within two weeks of 26 October. Thank you for that. That concludes this inquiry, and we will now adjourn.

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AT 3.50PM THE COMMISSION WAS ADJOURNED ACCORDINGLY

40