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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO, QC, COMMISSIONER

PUBLIC HEARING

OPERATION CICERO

Reference: Operation E09/1235

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 27 APRIL 2010

AT 2.11PM

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

MR PIKE: Mr Commissioner, I understand before Mr XXXX comes back into the box, Mr Russell who appears for Mr Wade, wishes to say something to you.

THE COMMISSIONER: Yes.

MR RUSSELL: Thank you, Mr Commissioner. Thank you, counsel. Mr Commissioner, at the luncheon break both myself, my instructing solicitor and Mr Wade were chased into the food hall by several of the
10 media groups. I can't really say how many, maybe three, maybe four different groups with cameras in hand and microphones whilst we were trying to order some food and other members of the public were nearby, shoving cameras and microphones in our faces, shouting questions over the top of each other sometimes. Totally aggressive, offensive, undignified manner in which this occurred just really shouldn't happen. I mean, the press have got a job to do and a story to tell here, no doubt, but they can do it in the right way. And that was the wrong way, in my view, and I would really urge you, Mr Commissioner, to say something to ask them to behave in a dignified manner. Mr Wade deserves to be approached in a dignified
20 manner. Counsel and his instructing solicitor don't deserve to be attacked in the manner in which we were attacked at lunch so it shouldn't happen again. That's what I wish to say.

THE COMMISSIONER: Yes, Mr Russell, I regret that this has happened. I agreed entirely with the sentiments you've expressed and I hope that the press will respect the position both of counsel solicitor and Mr (not transcribable) and deal with them in a proper way.

MR PIKE: Yes, I think I have a few more questions for Mr XXXXX,
30 Commissioner. Might he come back into the witness box.

THE COMMISSIONER: Mr XXXXX, you're still under your oath?---Yep, yep.

MR PIKE: Mr XXXXX, just a couple of more questions if I might. Did you ever threaten Ned with any personal harm?---No, I didn't.

10 Have you ever had any discussions with Ned in relation to Ned obtaining a firearm?---Pardon?

Have you ever had any discussions with Ned in relation to Ned obtaining a firearm to be taken into a prison?---No.

What about not just in relation to taking a firearm into a prison, have you ever had any discussions with Ned in relation to Ned obtaining a firearm? ---Yeah.

20 All right. Can you tell the Commission what your recollection is of that conversation?---Something to do with a snake problem or something on his property or something and he wanted a shotgun or something or other to shoot snakes.

When did that discussion occur?---The morning of the surveillance, I think.

The surveillance that I showed you earlier before lunch?---Yeah, something like that.

30 So in the discussion that you've had with Ned out the front of your house? ---Yeah, I'm pretty sure it happened out the front there, yeah, it was something like that.

So it was to get a shotgun because of some snake problem at Ned's house? ---Yeah. Oh, well, slug gun or gun yeah, to shoot snakes, something to do with shooting snakes.

40 It had nothing to do with Ned wanting to take a firearm into a correctional centre?---No, there was never no talk of that.

Thank you, Mr Commissioner.

THE COMMISSIONER: Mr Russell, do you have any - - -

MR RUSSELL: Yes, I do, Commissioner.

MR RUSSELL: Mr XXXXX, I just want to ask you one or two questions.

THE COMMISSIONER: Perhaps before you ask any questions, I think I should just find out if there, I think it would be in everyone's interests if you go last.

MR RUSSELL: Thank you.

THE COMMISSIONER: Does any other counsel wish to cross-examine or wish to question Mr XXXXX? Mr Russell?

10 MR RUSSELL: Thank you.

Sir, as I say, I just want to ask you a couple of questions in relation to your dealings that you say you had with Mr Sebastian Wade, the person who identified as Ned, okay. Now, you were taken to a video which is now Exhibit 17 showing yourself speaking with Mr Wade or Ned as you know him on 25 January, 2010. Are you aware of that?---If that's the one I watched, yeah.

20 That's the one you watched yes, correct. Now, would it be fair to say that the bottle that you gave him which was a bottle containing vodka, was not something that you had arranged with Ned, that was a spur of the moment thing, a last minute thing that you arranged through your associates in the prison. Would that be fair to say?

THE COMMISSIONER: The question is not clear to my - - -?---I don't think he ever knew what I was giving him.

Mr Russell, I'm not sure - - -

30 MR RUSSELL: I'll ask it again. I think just in fairness your answer a moment ago you said you don't really know what you were giving him?---Yeah.

He didn't know what you were giving him?---No.

Is that right?---Oh, I said he wouldn't have known what I was giving him. I didn't know what I was getting so how would he know what he was getting.

40 THE COMMISSIONER: Are you talking about what's in the canisters?
---Yeah.

But you knew what you were giving him with a bottle of - - -?---Oh, the vodka, yeah.

The vodka?---But it wasn't, I don't know, what are you trying to say, it was (not transcribable) or not all - - -

MR RUSSELL: Well, I think, I think, I think you knew what was in the canisters, because you've told us that you, didn't you prepare the canisters yourself by putting the marijuana in them - - -?---Yeah, but it's not coming from me. I, like I said, I've, someone's dropping it off to me so I don't know what they're going to drop off to me so how does he know what I'm going to give him?

10 All right. Are you sure that there was no understanding that you were giving him cannabis?---In what way? You're losing me.

Did you ever have any, did you have any discussions with him whilst you were there for that 11 minutes about what was contained in those canisters? ---Not in the canisters. I think there was talk of what was in the bottle.

You think there was or you're sure?---Oh, well no, I think.

Okay. You've got the vodka and put it in the bottle, is that correct?---Yeah.

20 Okay. That came as a bit of a surprise to him, receiving the bottle, is that correct?---I don't remember the exact conversation, no.

And are you saying that you have, that there was no discussion about there being marijuana in the canisters or you think that there may have been some discussion about there being marijuana in the canisters?---I don't think there was any discussion of what was in the canister. I think the discussion what, what was in the bottle.

30 Okay, but you can't be a hundred per cent sure about that, can you?---No, not really.

All right. I'll take you to the incident that you mentioned about a meeting at your place similar time but about two weeks earlier?---Oh, it was prior to it, yeah, whether it was two weeks, two months, two days.

Well, around about two weeks earlier?---It was something like, yeah.

Do you say it was longer now? Did you mention two weeks?---No, I don't know. It was, was prior before it. Could've been - - -

40 THE COMMISSIONER: Couldn't remember precisely?---Yeah, I don't know.

MR RUSSELL: All right?---Two days, two weeks or something like that. It was prior before it, that's all I remember.

Now, what I'm going to suggest to you is that you gave him nothing on that occasion, nothing at all?---What occasion, the first time or second time?

No, the first occasion you met him which was some time, maybe two weeks before 25 January, you didn't give him anything at all?---I thought I might've given him something little. I might've, I can't be a hundred per cent sure but I think I did.

10 But you can't be a hundred per cent sure?---No, well, in pulling up, like, I was surprised that he pulled up because I didn't know he was coming and there was nothing dropped off there for him to pick up so why he pulled up I didn't know so there was, yeah, so there was nothing there for me to give him I suppose, yeah.

It's highly likely that you gave him nothing?---I could've, I don't know recall back then, so I suppose I'm just trying to cover me arse in case I did. I don't want to say the wrong question or give the wrong answer. I don't know.

Yes, thank you, sir.

20 THE COMMISSIONER: Is there (not transcribable) examination?

MR PIKE: Yes, there is Mr Commissioner. I just wish to play, in light of the evidence given, I wish to play one more telephone intercept.

THE COMMISSIONER: Yes.

MR PIKE: So if you'll just pardon me one moment, Commissioner, I'll just look up my notes to get the appropriate one. Yes, pardon me one moment, Mr Commissioner.

30 THE COMMISSIONER: Just take your time, Mr Pike.

MR PIKE: Now Mr XXXXX, I want you to listen if you could please to this audio that I'm going to play, which is of a telephone intercept, if you could, please.

TELEPHONE RECORDING PLAYED

[2.22pm]

40 MR PIKE: I just want to stop the phone call there. Do you agree that your voice can be heard on that telephone call?---No, not really.

All right. Do you agree that the, that the other, the other person's voice on the phone call was that of XXXXX?---I've been asked this before, the same phone call, I think, but no, the voices, I can't really pick the voices.

All right. We might just play a bit further of it and I'll ask you again if you can - - -?---Can you turn it down just a little fraction, I might understand it a bit better.

THE COMMISSIONER: Yes. And I, I agree with that. It's difficult to actually hear and listen to it because it's so loud?---Yeah.

Perhaps you should start again and play it softer.

10 MR PIKE: We will do that Mr Commissioner, yes.

TELEPHONE RECORDING REPLAYED [2.24pm]

MR PIKE: Sorry, stop it. I think it's still too loud.

THE COMMISSIONER: It really would be helpful, I think, if we could have the transcript to follow it.

20

MR PIKE: We can do that.

THE COMMISSIONER: Can we show the transcript on the screen at the same time as listen to the telephone call?

MR PIKE: Yes, we can.

THE COMMISSIONER: And I suggest you make it a bit softer, even softer than the last attempt.

30

TELEPHONE RECORDING REPLAYED [2.24pm]

THE COMMISSIONER: Sorry, Mr Pike it might be helpful if you told Mr XXXXX what telephone, is this a phone call, I see, this is a phone call made by Mr XXXXX.

40 MR PIKE: This is, this is, this is a phone call we say made from within John Morony to Mr XXXXX's mobile telephone number on - - -

THE COMMISSIONER: And do we know the time?

MR PIKE: On 19 January, 2010 at 4.22pm.

THE COMMISSIONER: All right. That's our, that's your evidence?

MR PIKE: Yes.

THE COMMISSIONER: All right. Now, we'll play it and Mr XXXXX can follow this on the transcript.

TELEPHONE RECORDING PLAYED

[2.25pm]

10 THE COMMISSIONER: I can't see this on the screen, you'll have to start again.

MR PIKE: We'll start the entire call again, Commissioner. Mr XXXXX, I'm sorry, Mr XXXXX, we'll start the entire call again.

TELEPHONE RECORDING PLAYED

[2.26pm]

20 MR PIKE: Can you just stop it there, stop it there.

Now, Mr XXXXX, does hearing some more of that call assist you in identifying that it's you as one of the participants in that call?---Oh, still with the voices but obviously it's to my phone so it's, it's got to be me, I suppose but no, I wouldn't say that was me if I was to listen to myself.

30 Right. But if, if the telephone intercept showed that it was a phone call made to your - - -?---Well, if it's to my phone it's got to be me but I wouldn't pick my voice in there but they say you sound different on the phone like I said before.

Right. But at this time you had control of your mobile phone, correct?
---Yeah.

And if people rang that mobile phone it would be you that answered it?
---Yeah.

All right. Now, do you recognise one of the voices on that as being that of Mr XXXXX?---By the sounds of it, it is.

40 All right. Now, I just want to play you then another extract from this call. Now, do you recall, before I do that do you recall a telephone call that, where Mr XXXXX rang you first of all and then during the course of that call Mr XXXXXXX got on the phone and spoke to you?---Only from the phone call I heard here the other week.

Yes, okay, all right. So I just want you to listen now to another part of this call and the transcript should come up on the screen as well.

TELEPHONE CALL PLAYED

[2.29pm]

MR PIKE: I just want to stop it there Mr XXXXX. What I would suggest to you is that the other voice apart from yours on this part of the call is that of Mr XXXXX. Do you agree with that?---Still by the voices, I'd say no, but saying mum and different stuff, yeah, it's a possibility.

10 By the content it's obvious isn't it that it's Mr XXXXX that's speaking to you?---A possibility, yeah.

All right. Now one of the voices in the course of that conversation said, now you got that other little one I sent him? Do you recall that? Hearing that on the audio?---Yeah.

That was a reference was it not to some drugs that you'd arranged to be sent into the prison?---Yeah.

20 And then you said, well then another, the same voice said, oh, he turned up and that was half of what I had, so - - -?---Yeah.

Now does that assist you in your recollection that - - -?---Yeah.

- - - Ned turned up and you just gave him half of what you had?---Yeah. I think so, yeah.

And he turned up unexpectedly. Is that correct?---One time he did.

30 Yes. And if I ask you to assume that this conversation occurred, this recording was on 19 January, some six day before the footage that we've shown before. Does that assist you in your recollection that it was on the second occasion - - -?---No, dates, no, I wouldn't know.

All right. But, oh, he just turned up and that was half of what I had?---Yeah.

He just turned up must mean a reference to him turning up at your place. Correct?---Yeah. (not transcribable)

40 All right. Okay. Well, I tender the - - -

THE COMMISSIONER: Well, there are, I think you've got two to tender. Thank you. Exhibit 20 is the telephone intercept dated 19 January, 2010 at 16.22.51 between Messrs XXXXX and XXXXX and speaking to Mr XXXXX.

MR PIKE: Yes.

**#EXHIBIT 20 - TELEPHONE INTERCEPT PLAYED DATED
EXTRACT 1- 19/1/10 AT 16:22:51 BETWEEN XXXXX AND XXXXX
TO XXXXX**

10 THE COMMISSIONER: And that's Exhibit 20. And Exhibit 21, well,
what about the transcript? Are you tendering those?

MR PIKE: I did tender the transcript, yes.

THE COMMISSIONER: Yes. Exhibit 21 is the transcript or the relevant
parts of the transcript of that intercept.

**#EXHIBIT 21 - TRANSCRIPT OF TELEPHONE INTERCEPT
DATED EXTRACT 1- 19/1/10 AT 16:22:51 BETWEEN XXXXX AND
XXXXX TO XXXXX**

20

THE COMMISSIONER: And Exhibit 22 is a telephone call from, an audio
recording of a telephone call from Messrs XXXXX and XXXXX to Mr
XXXXX of 19 January, 2010.

**#EXHIBIT 22 - TELEPHONE INTERCEPT PLAYED EXTRACT 3
DATED 19/1/10 AT 16:22:51 BETWEEN XXXXX AND XXXXX TO
XXXXX**

30

MR PIKE: Thank you, Mr Commissioner.

THE COMMISSIONER: And Exhibit 22 is the copy of that. 23 is it? All
right.

**#EXHIBIT 23 - TRANSCRIPT OF TELEPHONE INTERCEPT OF
EXTRACT 3 DATED 19/1/10 AT 16:22:51 BETWEEN XXXXX AND
XXXXX TO XXXXX**

40

THE COMMISSIONER: Yes, thank you.

MR PIKE: That's all I have for Mr XXXXX. Might he be excused.

THE COMMISSIONER: All right. Mr Russell, any questions?

MR RUSSELL: Sir, leaving aside what you've just heard there on the tape, okay, which you say may or may not refresh your memory in relation to what you may have given to somebody to take into the prison. Your recollection still is it not what you told me earlier, and that is that when he turned up on the first occasion no one had brought anything around for you to give to him?---That's correct.

10 So it's highly likely you didn't give him anything?---Well, it's, I don't know, I'm going off the tape things. It's just like (not transcribable) is that, well, I'm a (not transcribable) drug user everyday too and I'm flat out remembering two days ago let alone two months ago, but I'm just trying to go with what I can remember and what I can't remember.

All right. Look I appreciate that and I'm not going to press you too hard on that. But you only did meet him on two occasions you've told us. Is that correct?---At my house, yeah.

And they were within a very short space of each other, it appears?---Yeah.

20 And what I'm going to suggest to you is that really your best memory that you can give us at the moment is that you really only gave him drugs on one occasion, which was the occasion of 25 January?---I don't know. Dates never got me, mate, I don't know.

That's the occasion I'm referring to where you also gave him the bottle of vodka?---Oh, yeah. Yeah, so what about it?

30 I'm suggesting to you that's the only occasion that, that occasion when you gave him the bottle of vodka in a Mount Franklin bottle - - -?---Yeah.

- - - disguised as it was, and, and the drugs in the containers wrapped up in electrical tape - - -?---Mmm.

- - - that's the only occasion you've ever given him drugs?---I know, meeting him the first time, I don't really, I can't remember if I give him anything or not, so - - -

All right.

40 THE COMMISSIONER: Any re-examination?

MR PIKE: Nothing further.

THE COMMISSIONER: Thank you, Mr XXXXX, you may be excused.

THE WITNESS EXCUSED

[2.35pm]

MR PIKE: Just in respect of Exhibit 21, Mr Commissioner, I'll be seeking a suppression order to cover the words - - -

THE COMMISSIONER: That's all right, Mr Pike. There's no reason - - -

MR PIKE: The words, XXXXXX appear on the transcript - - -

THE COMMISSIONER: Yes.

10 MR PIKE: I ask that that be suppressed.

THE COMMISSIONER: Yes.

MR PIKE: Thank you, Mr Commissioner.

THE COMMISSIONER: That part, where those words appear on, from the passage immediately prior to those words onwards, the transcript is not part of the Exhibit.

20 MR PIKE: Thank you, Mr Commissioner.

THE COMMISSIONER: So you don't need any, you don't need a suppression order because that part of the transcript will simply not be part of the record.

MR PIKE: Thank you.

THE COMMISSIONER: Yes, Mr Pike.

30 MR PIKE: The next witness is Mr Wade, Mr Commissioner. So I call Sebastian Wade.

THE COMMISSIONER: Mr Russell, I presume you'd like me to make a section 38 order?

MR RUSSELL: Thank you, yes, Commissioner.

40 THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Wade and all documents and things produced by him during the course of today's hearing are to be regarded as having been given or produced on objection and accordingly there is no need for him to make objection in respect of any particular answer given or document or thing produced. The order is for the duration of Mr Wade's evidence today. If he gives evidence at a later date and wishes to avail himself of the protection afforded by the order, he'll have to apply again.

Mr Wade, do you wish to give your evidence on oath or do you wish to affirm?

MR WADE: On oath. On oath.

THE COMMISSIONER: Yes, Mr Pike.

MR PIKE: Sir, would you please tell the Commission your name?
---Sebastian Wade.

10 Your date of birth, please?---11/1/'75.

And you've, your occupation?---Correction officer.

Right. You previously supplied your address to the Commission. Is that correct?---That's correct.

Do you hold any educational qualifications, sir?---Yeah.

Tertiary qualifications, after school?---Pastry chef.

20 Right. When did you qualify as a pastry chef?---'95.

And did you work for some period of time thereafter as a pastry chef?
---Yes.

For how long?---About two or three years, I think.

Now do you currently own a mobile telephone, Mr Wade?---Yes.

30 What's the number of that mobile phone?---0-4-8-8-2-1-5-0-4-1.

And how long have you had that number?---I think about, it might be longer now, probably, maybe June last year, I think, July.

All right. Prior to that what was your mobile phone number?---0-4-8-8-5-5-9-1-1-9.

Right. How long did you have that number prior to June last year?
---Twelve months, maybe longer.

40 All right. Now dealing with the phone that you've got and that you've had since June, is that signed up to a particular carrier?---It's pre-paid.

It's a pre-paid phone?---With Telstra, sorry.

Okay. And the other phone that you had was that also a pre-paid phone?
---No, it wasn't, it was on contract with Telstra.

Right. Okay. Now are you familiar with the number 0-4-4-9-2-2-3-9-1-2?

---No, I'm not.

All right. You're aware are you not that when your mobile or you're aware are you not that your mobile phone was seized when you were arrested on 25 January, 2010?---My phone was, yes.

Yes, you remember that. And you're aware are you not that the number 0-4-4-9-2-2-3-9-1-2 was saved in your phone as Me, M-E. Do you recall that?---No.

10

All right. So do you deny do you that that number was saved as Me in your mobile phone?---I don't remember seeing it in there.

All right. If it was there do you have any explanation for it being there as Me?---No, I don't.

Do you agree that saving something as "Me" in your mobile phone suggests that the number with which it's associated is associated with you?---It could have been anyone that put it in there.

20

All right.---If that was in there, I don't recall doing it.

Anybody else ever have access to your mobile phone, Mr Wade?---Everyone.

Who's everyone, Mr Wade?---All friends of mine. I used to drink at a pub every night of the week.

And all your friends had access to your phone. Is that what you're saying?--
-Oh, we just used to leave them on the table there.

30

All right. Do you have any knowledge how the number, or do you accept that the number 0-4-4-9-2-2-3-9-1-2 was saved in your phone? Yes or no?
---No.

If it was in there, do you have any explanation for it being in there and saved under the name "Me?"---No.

Now, when did you commence with the Department of Corrective Services?---2002.

40

Right. In about June. Is that correct?---Yep.

Prior to then, what was your employment history, please?---I was a, I worked for Independent Liquor Group stacking shelves. Prior to that I was at Woolworths.

Yes. All right. And prior to that?---Windsor Big Fresh, Windsor Cakes.

Working as a pastry chef?---Yep.

Right. Now, I just want to ask you some questions about your employment history with the Department of Corrective Services. You've told us you began in June 2002. Can you just give me a potted history of the positions you've held since then up to the present date.---Yeah. I started down at Long Bay. I left Long Bay in the January '03, started at Parklea and I was there till '06.

10

Right.---And then- - -

And from '06 onwards?---and then at JM2.

That's John Morony 2?---John Morony 2.

Yes.---And then I don't know when I started, would have gone to John Morony 1 I guess, might be '08.

20 Is that when John Morony 2 closed down you went across to John Morony 1?---No, I actually closed John Morony 2 down, I stayed there for six months on my own as a caretaker, mowing lawns and then so when it closed in the October, I think the following January or February I started in John Morony 1.

Right. And when you started at John Morony 1, what was your position?
---Just a correctional officer.

30 All right. And you remained employed as a correctional officer and still remain employed as such today. Is that correct?---Yes.

And on the 25th of January this year, you were arrested entering the centre. That's correct?---Yes.

And since then you've been suspended but with pay. Is that correct?
---That's correct.

40 Right. Now, at some stage did you become a senior correctional officer?
---Yes. I transferred into the industries area- - -

Yes.- - -which you get paid as a rank above.

And when did that occur?---I think the start of January, the 4th maybe.

Of this year?---Yes.

And prior to that time you were just what, where were you working within the prison?---All over.

Right. Now, prior to, prior to working in the industries section, did you have normal work hours, what hours did you normally work at John Morony 1?---6.00 till 2.00 or 10.00 till 6.00 or 10.30 till 6.30, sorry.

So you weren't rostered on any particular shift?---I was up until about, I think it was the start of December.

Yes.---And then from the start of December I was 6.00 till 2.00.

10

Right. So prior to the start of December you were on the other shift, 10.30-- --?---10.30 to 6.30.

All right. Okay. And was that change from 6.00 in the morning till 2.00 in the afternoon at your request?---Yes. Well, both myself and the governor.

Right. And what was the reason for that change as far as you're aware?
---They needed someone in the industries area.

20 Right.---She told me ground maintenance and I - - -

And when you worked in the industries section from January, what, were your normal work hours 6.00 till 2.00 in that area?---Yes.

All right. And what did you do in that area?---I was in the metal shop.

All right. And what did you do in the metal shop?---Just oversee and help the inmates out with any job that they need doing.

30 Right. So the metal shop is where inmates perform metalwork. Is that correct?---Yes.

How many other correctional officers were rostered in at any particular time in that area?---In the metal shop?

Yes.---Well, there's two side-by-sides, so usually about six, seven at a rough guess.

40 Can you explain what two side-by-side means, Mr Wade?---There's a metal shop on each side of a wall- - -

Yes.- - -that share the same office- - -

Yes.- - -and you can go from one to the other through the office.

And so there were either six or seven correctional officers rostered on at any particular time.---Yep.

Now, at the time that you became a correctional officer, you received training, did you not, in relation to a code of conduct that applied to you as a prison officer?---Yes, I did.

And you were aware that you signed a declaration I think in about June 2002 to the effect that you'd read the code of conduct and understood it. Correct?---Yes, I did.

10 Right. And you were aware, weren't you, from 2002 onwards that as a prison officer that there were certain things that you could not and should not do. Correct?---That's correct.

You were aware, were you not, that it was not appropriate for you as a prison officer to have a personal relationship with an inmate or members of their family or friends?---That's correct.

20 You were aware that it was inappropriate to have contact or communications with inmates or family and friends which was unrelated to work?---That's correct.

You were aware that there were a number of items that were prohibited in gaols. Correct?---That's correct.

Mobile phones. Correct?---Yes.

Drugs?---Yes.

Certain compact discs?---Yes.

30 Namely compact discs which weren't originals in their packet. Is that correct?---Yes.

So you couldn't bring in from outside a CD that had been burnt, had something burnt on it by somebody else. Correct?---Correct.

Right. Mobile phone chargers?---Correct.

40 Right. And you understood, didn't you, at all times from 2002 onwards that it would be quite wrong for you to be involved in bringing any such items into a correctional centre?---Yes.

And it would also be wrong for you to receive any payment for doing so? ---Yes.

Now, I want to ask you some questions now about your involvement in bringing prohibited items into the John Morony Correctional Centre. Do you understand that?---Yes.

I just want to remind you that you're under oath and you have an obligation to tell the truth. Do you understand that?---Yes.

THE COMMISSIONER: It's more than that, Mr Pike. If you do not tell the truth in this, to this inquiry, you may be guilty of an offence, a criminal offence.

MR PIKE: Do you understand that, Mr Wade?---Yes.

10 All right. Now, you have been involved, you've also been, I'll start again. You've also been present, have you not, Mr Wade, at this hearing this morning?---Yes.

And you have seen firstly Ms XXXXXXXX give evidence?---Yes.

Ms XXXXXX give evidence?---Yes.

And Mr XXXXXXXXXXXX give evidence. Correct?---Yes.

20 And you're aware, are you not, that each of them has given evidence about meeting with you whereby they gave prohibited items for you to take into the prison. Do you understand that?---Yes.

And everything that they have said, Mr Wade, is true, isn't it?---Not entirely.

Right. Well, do you agree, firstly taking Ms XXXXXXXX evidence, that you were involved at the request of her brother, XXXXXXXX, in bringing prohibited items into the John Morony Correctional Centre? Do you agree with that?---I took in CDs, sunglasses and a T-shirt.

30

Right. What about drugs?---Not to my knowledge.

Right. What about a mobile phone charger?---No.

Right. Now, in relation to drugs, when you said, "not to my knowledge", were there any items that you took into the correctional centre, I'm sorry, I'll start again. You've agreed that you took certain items into the correctional centre at the request of XXXXXXXXXXXX. Correct?

40

---Correct.

On how many occasions did you do that?---Three.

Right. When were those occasions, as best you can recall?---I would not know.

All right. You've seen video surveillance footage of one occasion, haven't you?---Yes.

Which was in the last week of November, 2009. Is that correct?---Yes.

Of the three, well, is that the first, middle or last of the three occasions that you say you brought items in at the request of XXXXXXXX?---The last.

All right. So you say there were two times prior to then. Is that correct?
---Yes.

10 Right. How far prior to the surveillance that we've seen, how far prior to that was the second occasion on which you took items in?---At a guess, probably in August.

Right.---Maybe, yeah, August/September.

Do you recall now what those items were that you took in on the second occasion?---Sunglasses.

20 And that was all?---And CDs.

All right. What about the first occasion, how far prior to or before the second occasion did the first occasion occur?---I'm only guessing, probably June.

Right. And what's your recollection as to what you took in that- -?---CDs and a T-shirt.

30 Right. So your evidence is, and again I remind you you're under oath, the first occasion is CDs and a T-shirt. Correct?---Yes.

The second occasion is sunglasses and CDs?---Yes.

And the third occasion is what, a T-shirt, CDs?---Yep, that's it.

And that's it.---There's no four kilos of meat or- - -

40 Right. Do you agree that on each of the occasions that you brought items into the John Morony Correctional Centre at the request of XXXXX, you were paid for doing that?---Yes.

All right. And you were paid up to \$1,000 for doing that?---\$300 each time.

All right. So you deny, do you, that on any occasion you were paid, on any individual occasion you were paid as much as \$1,000?---Yes.

You say it was \$300 each time, is that correct?---Yes.

All right. You're aware, were you not, on each of the occasions - - -?---Are we just talking about the occasions of Ms XXXXXXXX now?

Yes. I'm just asking you questions at the moment in relation to - - -?---Yes.

- - - the three occasions that you say that occurred. You're aware or sorry, I'll start again. It was XXXXXXXX that asked you to bring the items in?
---Contact his sister, yes.

10 Now, do you say that he asked you to contact his sister?---Yes.

All right. I want to suggest to you that it was in fact you that approached XXXXXXXX and asked him whether there were any items that he wanted brought in. What do you say to that?---No.

All right. So XXXXXXXX asked you to contact his sister, is that correct?---Yes.

20 All right. And would he give you his sister's number or how did it occur?
---Yeah, he gave me her number.

All right. And let's take the first occasion. You were aware, were you not, that it was quite wrong for you to be receiving payment - - -?---Yes.

- - - to bring those items in, correct?---Yes.

But you did it?---Yes.

30 The second time you were also aware it was wrong to be taking money to bring those items in, correct?---Yes.

Well, it was wrong to bring them in in the first place, correct?---Yes.

And it was also wrong to be taking money?---Yes.

And the same on the third occasion, correct?---Yes.

Yet on each occasion you did it, correct?---(NO AUDIBLE REPLY)

40 Why is that?---Just working close with him. He was our, our XXXXXX in the unit. I worked with XXXXX, with Mr XXXXXXXX every day. We got a rapport. I guess I made, made a mistake, fundamental error. I got talking to him and talking to him and was talking to him every day and yeah.

This is three separate occasions over probably a six month period isn't it, Mr Wade?---Yes.

No threat was made to you by XXXXXXXX in order to bring - - -?---No.

- - - that equipment in, was it?---No.

Now, why did you take the money to bring it in, Mr Wade?---I don't know.

Because you wanted to make money out of it, wasn't it?---Well, I wasn't really making a lot of money.

10 You made at least \$1,000. That was (not transcribable) in this year, is that correct?---Yes.

Well, to be fair to you, I think it's probably three lots of 300 which is \$900, is that correct?---Yes.

I do want, I want to suggest to you that it was in fact considerably more than that that you were paid by Ms XXXXX. What do you say to that?---No.

And indeed that it was on one occasion as much as \$1,000?---No.

20 All right. Now, in answer to an earlier question that I asked you in relation to whether you had ever taken drugs into the John Morony Correctional Centre at the request of XXXXX, you said, "Not to my knowledge". Do you recall that?---Yes.

Why did you say, "Not to my knowledge," Mr Wade?---Well, there was never any drugs in any bag that I took in there.

30 All right. So you are - - -?---That I could see. They were always in a white, white bag. Was never drugs that I could see in there.

Did you have a look on each occasion at the items you were being asked to bring in?---Yes.

So you are sure, are you, that there never was any package that you didn't know what it was?---Yep.

You certain of that?---Yes.

40 All right. Are you certain there was no small package about the size, about 10 centimetres high that would fit within the palm of your hand?---No.

You're categorical about that, are you?---Yes.

A hundred per cent sure?---(NO AUDIBLE REPLY)

THE COMMISSIONER: You never saw a red package (not transcribable) Mr Wade?---Yeah. So the red - - -

MR PIKE: The red, I don't suggest the red packet in relation to Ms XXXXX, Mr Commissioner. We'll come to the red packet in relation to Ms XXXXX. I'm asking you, and that's as I think you understand, in relation to meetings with XXXXX at the request of XXXXX?---Yes.

Do you understand that?---Yes.

10 Are you saying quite categorically that you do not recall any packages being handed over which would be a small container able to be fitted into the palm of your hand?---No, no.

A container that would be taped up so you don't know what was in there?
---No.

Are you sure of that?---Yes.

I just want to show you some video surveillance now, Mr Wade.

20 Sorry, Mr Wade, before I do, I'll just ask you this question. On each of the occasions that you met with XXXXX, you did so at the Shell Service Station at Windsor, is that correct?---Yes.

And on these of the occasions that you met with her, it was to obtain from her items to be taken into the prison at the request of XXXXX, correct?
---Yes.

You didn't otherwise meet with her, did you?---No.

30 You otherwise had no reason to, it's correct, isn't it?---That's correct.

Can I then just show you this footage.

VIDEO RECORDING PLAYED

[2.56pm]

MR PIKE: Now, you've watched that surveillance video, Mr Wade?---Yep.

40 You accept, don't you, that it shows you getting out of your vehicle firstly, do you agree with that?---Yep.

And the number plate of your vehicle was what, N-E-D-8-8-U, is that correct?---Yes.

Shows you going around and speaking to XXXXX XXXXX, do you agree with that?---Yes.

Shows you obtaining from Ms XXXXX a small package, do you agree with that?---I didn't see that.

All right. What I want to suggest to you is that, sorry, I'll start again.

THE COMMISSIONER: Well, I didn't see that either.

MR PIKE: I'll come back to it. Do you agree that there was no plastic bag handed over or clear bag handed over by Ms XXXXX to you?---I agree.

10

There was no CD, no sunglasses and the like?---No.

Now, what I want to suggest to you is that an item was given to you by Ms XXXXX and you were holding it in your right hand. Do you agree with that or not?---No, I didn't see.

Do you say you didn't get anything from Ms XXXXX on this occasion?
---No, obviously not.

20

All right. So do we take it from that that there were four occasions on which you met with Ms XXXXX, is that what you're saying?---No.

What are you saying, Mr Wade?---Well, I didn't see anything in my hand and I don't recall getting any, any small package.

I think you agreed with me earlier that on each of the occasions that you met with Ms XXXXX was for the purposes of being given items by her to be taken into the prison for XXXXX, do you recall that?---Ah hmm.

30

And on each of those occasions you were given items?---Yes.

You said that, didn't you, and you gave an account of what you say you were given on each of those occasions, correct?---Yep.

And you were quite clear that the only occasions, the only occasions on which you met with Ms XXXXX was to obtain items from her. Correct?
---Yeah.

40

So can we take it that on, having regard to your earlier evidence, that on this occasion you should have got either CDs, T-shirts or sunglasses. Correct?
---Correct.

All right. Did you see any CDs, T-shirts or sunglasses being handed over?
---It could have been sunglasses, I don't know.

Well, do you - - -?---Do you see anything getting handed over?

Well, we'll come back to it in a moment. I'm just asking you, Mr Wade, given you're under oath, to give me an honest answer as to whether on this occasion you received a small package from Ms XXXXX?---No, I didn't see a thing.

I'm asking you not what you saw I'm asking you what you recall - - -

MR RUSSELL: I object. I object to the fairness - - -

10 THE COMMISSIONER: The question is fair, Mr Russell.

MR RUSSELL: Well, no, the question may be fair, it's the procedure now. What my friend is suggesting is that he showed a video and there's something that's contained in there - - -

THE COMMISSIONER: Well, he's not asking that. He's asking - - -

MR RUSSELL: - - - and he's, he's prompting him by showing him a video but he's got something else he want, he has to, he wants to show him and
20 he, he hasn't shown him the, the full picture so - - -

THE COMMISSIONER: The question that Mr Ward is being asked is whether as a fact he received something, a packet that he could hold in his hand irrespective of what he saw on the video. That is a perfectly fair question.

MR RUSSELL: Well, Commissioner - - -

30 THE COMMISSIONER: That's what I hold and that's it.

MR PIKE: You understood that's what I was asking you, Mr Wade, didn't you?---Mmm.

But on this occasion what I'm suggesting to you is you were given an item by Ms XXXXX, being the small package you could hold in the palm of your hand, you were given that, weren't you?---No.

You deny that?---Yes.

40 All right. Can we go to the part of the video where we say, I just want to slow the video down and I accept it gets pretty grainy but I just want to show you, I just want to show you the bit again that I want you to focus on please, Mr Wade, and then I'll show you a still photograph.

VIDEO RECORDING PLAYED

[3.02pm]

MR PIKE: Stop. Now, you agree that that shows you pulling your right hand from out of the, an area near the steering wheel?---Yes.

Do you agree to that? What I want to suggest to you that in your right hand there is a package. What do you say to that?---No.

I just want to see if it's possible to go back and play it again, Mr Commissioner, it's just a very small - - -

10 THE COMMISSIONER: That's all right. Take your time.

MR PIKE: Watch again, please. There. What I'm suggesting to you is there is a item in your hand that has been given to you by Ms XXXXX, what do you say to that?---Probably money.

So you are agreeing with me, are you, that there is an item in your hand, it's obvious, isn't it?---Yes.

And what do you say that item is?---Money.

20

All right.

THE COMMISSIONER: What, you were being paid money?---Yes.

MR PIKE: All right. Can you answer me this, you haven't been given any other items by Ms XXXXX on this occasion, have you?---No.

All right. What would she be giving you money for then in those circumstances?---For taking stuff in.

30

But you, you haven't taken any stuff in straight after this, have you?---No.

Right. So what, again, is the money for, Mr Wade?---To take stuff in for her brother.

All right. Are you saying what, there was another occasion at or about this time where you received the stuff. Is that what you're saying?---Yes, probably.

40 All right. And is that, so can I ask you again, is this the fourth occasion on which you met with Ms XXXXX or what?---No.

This is part of the three occasions, is it?---Yes.

All right. So where are the sunglasses, where are the CDs, where are the T-shirts?---I don't know.

You're well aware aren't you, Mr Wade, that what you're being handed here is a package which you knew to contain drugs?---No, I did not.

Right. You've been a package that at the very least you did not know what was in there. That's correct, isn't it?---I was given money.

What, so you deny that you were given a package on this occasion, is that what you say?---Yes.

10 THE COMMISSIONER: How much money were you given?---\$300.

How, in, in, in what form?---\$50 notes.

Six \$50 notes and how were they packed together?---Just folded up.

Folded, folded so that there were creases in them?---Just folded together.

Yes, I know but with one side on top of the other?---Yes.

20 Not in a roll?---No.

What I see in the photograph is you holding a roll?---A roll?

Yes, something that's cylindrical.

Mr Pike, is it possible to enhance that?

30 MR PIKE: What I'm now going to show, ask the witness be shown is a still photograph taken, albeit from the digital image, of what was just shown or where the video where just paused.

THE COMMISSIONER: Yes.

MR PIKE: So can you look on the screen now, Mr Wade, do you see that? ---Yes.

You see there's a yellow circle around your hand, correct?---Yes.

40 And do you agree that it is clearly shown that you are holding something in your hand?---Yes.

And it is something that you agree protrudes below your hand, do you agree with that?

THE COMMISSIONER: If you put a, can you put a pen on that or some marker on it so that it can be seen on the screen?

MR PIKE: I'm not sure if - - -

THE COMMISSIONER: Yes, there it is.

MR PIKE: Yes, so do you see where the pointer is?---Well, I don't know what that is.

Well, do you agree that, do you agree though that the item that is in your hand, well, firstly, do you agree there's an item in your hand?---Yes.

10 Do you agree that that item, the bottom of it protrudes or goes below what, what is your pinkie on your right hand?---Yeah, it could do.

Right. And it appears to come up where the, where the cursor is now to at or slightly above your hand. Do you agree with that?---No, I'd say it's above it.

Sorry, Mr Wade?---I wouldn't say it's above it.

All right.

20

THE COMMISSIONER: It seems below it?---It seems below it, yeah.

MR PIKE: Well, it's certainly below but what I'm also suggesting to the witness is that it also is slightly above as well.

Do you agree with that or not?---No, it seems below it.

THE COMMISSIONER: It's above the thumb.

30 MR PIKE: Yes, it's certainly above the thumb?---Well, I had my thumbs like that, yeah, I was holding it.

Can I ask Mr Wade to hold a \$50 note?

Can I ask you, Mr Wade, to - - -

THE COMMISSIONER: It was \$300, you better give him some more.

40 MR PIKE: Well, I'm not sure if my brief fee gets me to \$300. I can give \$250 in \$50 notes.

Would you agree that the \$50 notes, unless they're spread out, fit easily within the palm of your hand, you'd agree with that?---Yeah.

And so that neither side of the \$50 note protrudes either out the bottom or up the top. Do you agree with that?---(NO AUDIBLE REPLY)

Could the notes please be returned to me. I don't wish to tender them, Mr Commissioner.

THE COMMISSIONER: There's also a question of colour.

MR PIKE: Yes.

THE COMMISSIONER: Can we just look at that photo again, please.

10 MR PIKE: Can you bring the photo back up please.

THE COMMISSIONER: Now, can we see the digitally enhanced photo.

MR PIKE: Can you zoom in on that?

THE COMMISSIONER: Is that difficult? Right. It's the other one that I wanted to look at, the one that shows, that there's a lighter colour on the outside and the top is dark.

20 MR PIKE: Well, this, this - - -

It's not the - - -?---That doesn't protrude below my hand in that photo.

MR PIKE: Can we go back to the photograph that we just showed, Mr Wade.

THE COMMISSIONER: Mr Wade, I need to know firstly before I ask, Mr Wade any question, Mr Pike, how accurate is the colour in this photograph?

30 MR PIKE: Well, I think you - - -

THE COMMISSIONER: It's probably not accurate but the difference in shades is genuine.

MR PIKE: Yes.

40 THE COMMISSIONER: Right, now, Mr Wade, when I look at this photograph what's being held there is, is, is something which has a fairly light colour on the sides running as you, as a, as one looks at it running down from top to bottom. Do you see that?---Yeah.

And at the very top there is, it has a much darker colour like a dark green. I don't know if that's the correct colour, but that's what the colour is in the photograph. Do you see that?---Yeah.

What brings about that contrast in colours in what you were holding?
---I don't know.

Do you say that if you were holding six \$50 notes in such a form that the length and breadth of it was a light colour but the top was a much a darker colour?---(NO AUDIBLE REPLY)

Is that right? Do you say that that's what happened?---Yeah.

You're holding Australian \$50 notes, I take it?---(NO AUDIBLE REPLY)

10 MR PIKE: So again, Mr Wade, is it your evidence, does your evidence remain that you're holding \$50 notes?---Yes.

I would suggest to you that's false. What do you say to that?---What can I say to it?

Do you agree or disagree?---Disagree.

All right. And you're containing, sorry, what you're holding there is a canister which you knew contained drugs.---No.

20

I tender, Mr Commissioner, the- - -

THE COMMISSIONER: You'd just better be careful to identify the photographs that you're tendering.

MR PIKE: What I wish to tender first is the video surveillance, which is - - -

30 THE COMMISSIONER: All right. The video surveillance, this is exhibit 24.

#EXHIBIT 24 - VIDEO SURVEILLANCE FOOTAGE – MEETING BETWEEN MR WADE AND MS XXXXX ON 16 DEC 2009

MR PIKE: Yes.

40 THE COMMISSIONER: And that is- - -

MR PIKE: It is between- - -

THE COMMISSIONER: That is the video footage, how is that to be described, Mr Pike?

MR PIKE: It's of a meeting between Mr Wade and Ms XXXXX and the surveillance was taken on the 16th of September, 2009.

THE COMMISSIONER: Taken on, what date was that?

MR PIKE: 16 of September, Mr Commissioner.

THE COMMISSIONER: 16 September, 2009.

MR PIKE: Yes.

10 THE COMMISSIONER: So Exhibit 24 is video footage of a meeting
between Ms XXXXX and Mr Wade taken on the 16th of September, 2009.
Yes. Now, exhibit 25, would that be the still?

**#EXHIBIT 25 - STILL PHOTOGRAPH OF MR WADE
EXTRACTED FROM THE VIDEO SURVEILLANCE FOOTAGE
(EXHIBIT 24)**

20 MR PIKE: It is the still photograph with the yellow circle around Mr
Wade's hand.

THE COMMISSIONER: Is that digitally enhanced?

MR PIKE: No, it hasn't been digitally enhanced at all.

THE COMMISSIONER: So it's a still photo taken from the video footage,
extracted from the video footage.

30 MR PIKE: Yes, that's correct, Mr Commissioner.

THE COMMISSIONER: And does that have a yellow circle on it?

MR PIKE: Yes, it does.

THE COMMISSIONER: With yellow circle around an object in Mr
Wade's hand.

MR PIKE: Yes.

40 THE COMMISSIONER: That's exhibit 25. So we'd only be looking at
two exhibits in the last series of questions.

MR PIKE: We very briefly saw a third, sorry, saw a second photograph, a
second still photograph. I wish to now take Mr Wade to that before I tender
it- - -

THE COMMISSIONER: Yes.

MR PIKE: - - -so there is no confusion.

THE COMMISSIONER: Yes.

MR PIKE: What I want to show you now, Mr Wade, is another photograph, and, Mr Commissioner, this is probably best described as a still photograph without a yellow circle around Mr Wade's hand, so as to distinguish it from
- - -

10 THE COMMISSIONER: All right. We'll call it exhibit 26 is a still photo extracted from the video footage in exhibit 24 without the yellow circle.
Yes.

#EXHIBIT 26 - STILL PHOTOGRAPH EXTRACTED FROM VIDEO SURVEILLANCE FOOTAGE (EXHIBIT 24) WITHOUT YELLOW CIRCLE

20 MR PIKE: Now, do you agree, Mr Wade, that this photograph appears to be a photograph or another photograph of you standing next to Ms XXXXX's car? Do you see that?---Yes.

And do you agree that this photograph perhaps even more clearly shows you holding an object in your hand?---Yes.

And do you agree that that object is a light-coloured object as depicted on the photograph?---Yes.

30 And do you agree that it obviously is not a wad of \$50 notes?---Yes.

What I would suggest to you is it's perhaps something like a light-coloured balloon. What do you say to that?---No, I've never had a balloon.

Well, what do you, what do you say it looks like, Mr Wade?---I don't know, just something green. Could be anything.

What is your evidence now as to what you received from Ms XXXXX on this day?---I don't know.

40 THE COMMISSIONER: Do you recall having in your hand on that day something green?---I don't.

MR PIKE: Are you able to, or sorry, do you agree that it's not CDs? Do you agree with that?---Yes.

Do you agree it's not sunglasses?---Yes.

Do you agree it's not T-shirts?---Yes.

Right. So do you agree it's got to be something in addition to what you had previously said to me you received from Ms XXXXX?---Yes.

What I would suggest to you is that it is a container which on its face doesn't give up what its contents is, so it could be anything. Do you agree with that?---Yes.

10 What I would suggest to you is that you knew at the time you got this that the package likely contained drugs.---I don't know.

Is that an honest answer, Mr Wade?---Yes.

Do you recall taking this item into the prison to XXXXX?---I don't, no.

You don't?---No, I don't.

20 THE COMMISSIONER: What did you do with it?---I don't know. I don't recall this day.

MR PIKE: But you're quite, I think you agreed with me earlier, it's not \$50 notes. Correct?---Correct.

THE COMMISSIONER: Mr Wade, before this meeting you had Ms XXXXX, had you?---Yes. Well- - -

And you'd arranged to meet her at that car park.- - I'm pretty sure I had.

30 And you'd arranged to meet her at the car park?---Yes.

So when you went to the car, why didn't you wait for her to get out?
---Don't know.

Why did you sit at the front door and talk to her through the window while you were crouched down?---Don't know.

40 Is that the normal way you speak to someone who you meet in a car park?
---Yeah.

So you meet a friend in a car park, you don't want for the friend to get out of the car, you go up and talk to the person sitting in the car while you crouch down outside?---Yeah.

That's what you do?---Yeah.

That's your practice.---If I know it's going to be quick.

And how did you know it was going to be quick?---'Cause we'd organised to meet.

I beg your pardon?---'Cause we'd organised to meet there.

But how did you know it was going to be quick? You can meet, that's one thing, but to know whether it was going to be a quick meeting or a long meeting is a different matter. How did you know it was going to be quick? ---'Cause we're not exactly friends.

10

So what were you doing there?---Picking up stuff for XXXXX.

So what stuff for XXXXX could have been in that package?---I don't know.

You didn't look, it's hard to tell, but your conduct there to me doesn't suggest any surprise on your part at being given this green package. Do you agree with that?---Yes.

20

So it looks to me as if you were expecting a package like that. Is that wrong for me to think that?---I wasn't expecting a package like that.

So did you, why didn't you give it back to her?---I don't know.

Yes, Mr Pike.

MR PIKE: Now, on each of the occasions that you met XXXXX, it was because XXXXX had told you shortly prior to that meeting to go and meet with her. Is that correct?---Yes.

30

He would tell you, though, would he not, what it was that you were bringing in, didn't he?---No.

Well, how did you know, so you say, do you, that when you went to see XXXXX, you didn't know what it was that you were going to pick up? Is that correct?---Yeah, that's correct.

Right. So you would have no idea whether what she gave you was all that you were expected to bring in. Is that correct?---Yes.

40

Right. I tender, I should tender, Mr Commissioner, that second photograph.

THE COMMISSIONER: I think it is now tendered, exhibit 26. And when you received these things that you were given by Ms XXXXX, did you then take them into the prison?---Yes.

And you gave them to inmates?---Yes.

And you were paid for them?---Yes.

Did you do the same thing with this green package?---I don't recall getting that green package, to be honest.

Yes.

MR PIKE: Well, are you aware of any time, Mr Wade, when you got stuff from Ms XXXXX that you didn't take into the prison?---No.

10 So I think you've agreed with me earlier that each time you met her you were given stuff to take into the prison. Correct?---Yes.

And so it's likely, is it not, that you did take this package into the prison?
---Yes.

Right. And you were paid for doing so?---Yes.

And you appreciated, didn't you, that the item that you were taking in was some form of item that you couldn't ordinarily bring into a prison. Correct?
20 ---Probably, yes.

Well, definitely yes, isn't it, Mr Wade?---(NO AUDIBLE REPLY)

You definitely knew that, didn't you, otherwise there would have been no reason why a visitor couldn't have taken it in themselves?---Yes.

All right. Now I just want to ask you about the third occasion, so that's, that is 16 September, that video footage and the photographs?
30 ---Yes.

Do you accept from the evidence that you've previously given that that probably is the second occasion that you met XXXXX. Is that correct?---I don't know.

All right. Well how certain are you that it was, having, you've seen that footage and you have no recollection of being given those items before. Is that correct?---Yes.

All right. You've previously given evidence that it was on three previous occasions that you'd met XXXXX?---I'm pretty sure it was three, yeah.
40

All right. Do we take it because you couldn't recall the surveillance that I've just shown you, that your evidence now is that it was on four occasions that you met XXXXX?---I'm not sure.

It could be four occasions. Is that correct?---I doubt it, but I said I can't be sure.

What I want to suggest to you is that it could be as many as six occasions.
What do you say to that?---I don't think it was that many.

But your recollection doesn't permit you to say categorically does it that it
wasn't as many as six?---No.

Right. Now I just want to ask you about the, the occasion in November,
which was the surveillance that we saw this morning?---Yes.

10 Now you were present - - -?---Yes.

- - - before this Commission when that evidence was given. Do you agree?
---Yes.

Right. And it showed, do you agree, Ms XXXXX going into the car park at
the Shell Service Station. Correct?---Yes.

You driving in behind her. Correct?---Yes.

20 And although you couldn't see it, there was some audio that was played that
suggests that Ms XXXXX got out of her car and gave you some items.
Correct?---Yes.

And there was a T-shirt. Correct?---Yes.

Some CDs?---Yes.

\$300?---Yes.

30 Right. What I'm also suggesting to you there were also some tablets she
gave you?---No.

You don't recall that?---No.

Are you denying that there were any tablets in there?---Yes.

All right. And are you sure of that?---Yes.

40 Now you heard evidence before of, well you were present weren't you while
we played a telephone call between XXXXX and his sister?---Yes.

Shortly prior to the meeting that you had with Ms XXXXX in November at
the Shell Service Station. Do you recall?---Yes.

And that in that telephone call he said that he was going to bring in a mobile
phone charger for XXXXX?---Yes.

And you agree that the he that was referred to in that phone call was most likely you? Correct?---I don't know.

Well, are you aware of anybody else who was bringing in stuff illegally for Mr XXXXX?---Not that I know of.

All right. I'll ask you this again, did you or did you not bring a mobile phone charger into the John Morony Correctional Centre at the request of XXXXX?---No.

10

So you did not?---I did not.

Are you sure about that?---Yes.

What about four kilograms of steak?---No, definitely not.

Did he ever ask you to bring him some steak?---No.

20

All right. Did XXXXX ever ask you to bring in a mobile phone charger? ---No.

You're aware are you not that XXXXX had the use of a mobile phone within the centre?---I am now, yes.

Well, you were aware at the time weren't you?---No.

You say you had no knowledge at all?---No.

30

Well - - -

THE COMMISSIONER: Did you bring any paprika for him?

MR PIKE: No, paprika I think relates to Mr XXXXX, Commissioner.

THE COMMISSIONER: Oh, I see. All right.

MR PIKE: Did you bring any paprika in for Mr XXXXX?---No, I didn't.

40

All right. Now on each of the occasions, again, I'm just dealing with the dealings in relation to XXXXX?---I'm just getting confused.

That's all right. Just so you're clear, I'm dealing at the moment with XXXXX and XXXXX. On each of the occasions that you were told by XXXXX or XXXXX said, go and meet my sister, it was apparent to you wasn't it that he had separately communicated with his sister or someone who'd got a message to her as to what was to be brought in. Correct?---Yes.

All right. So you knew that he, in addition to talking to you to tell her to go and talk to his sister, he was also communicating with her directly.
Correct?---Yes.

You're aware are you not that the normal telephone calls that are made out of a gaol are recorded, for inmates?---Yes.

And they generally have a, introductory words indicating it's in a correctional centre?---Yes.

10

And you're aware that those calls are monitored?---Yes.

So you'd agree wouldn't you that it would be unlikely that an inmate would be easily able to communicate with somebody using, on an official telephone call, be able to communicate regarding bringing illegal items in. Do you agree with that?---Yes.

And so therefore do you agree that there must have been some other means of communication between XXXXX and his sister?---Yes.

20

And you knew that at the time on each of the occasions that you were asked to bring stuff in. Correct?---Yes. They can talk on visits and things like that. I didn't - - -

Did you ever turn your mind to how it was that XXXXX was communicating with his sister?---I just thought they must have spoken on a visit.

30

So again you don't have any knowledge of a phone being used, a mobile phone being used by XXXXX whilst he's at John Morony?---No.

Do you ever have occasion to go past his cell on a regular basis?---I used to lock him in.

Right. Were you ever present when any searches were conducted of his cell?---Not of his cell, no.

40

So you have no knowledge you say about the mobile phone being used by XXXXX in the prison?---No.

And no knowledge you say about a phone charger being brought in?---No.

Right. What I want to suggest to you is that you did arrange to bring a phone charger in to the centre at the request of XXXXX. What do you say to that?---No, I didn't.

All right. And I want to suggest to you, if I haven't done already, that on the third occasion you met XXXXX, as shown this morning, you were given some tablets which you then took into the centre. What do you say to that?
---No, I didn't.

All right. I just want to ask you some questions now in relation to the dealings or the dealing that you had with XXXXX. Okay?---Yes.

10 Now, you again, you were present in the hearing this morning when Ms XXXXX gave evidence. Correct?---Yes.

And you saw some footage, surveillance footage of you meeting with Ms XXXXX at the Shell Service Station in November. Do you agree with that?---Yes.

And do you agree that during that meeting she gave you firstly a red canister, do you agree with that?---Yes.

20 Secondly some paprika, do you agree with that?---(NO AUDIBLE REPLY)

And thirdly \$300?---Yes.

And do you agree that she was giving you those items for you to take in to an inmate, XXXXX XXXXX?---Yes.

THE COMMISSIONER: Not the \$300 I take it?

MR PIKE: Sorry, I withdraw that.

30 Do you agree that, putting to one side the \$300, the rent canister and the paprika were being taken in by you to an inmate, XXXXX XXXXX?---Yes.

All right. And prior to, so you were aware when you picked the items up that you were then to take them into the prison for XXXXX XXXXX. Correct?---Yes.

Because you had previously had a discussion with him about bringing some items in, correct?---Yes.

40 Now what is your recollection of the discussion that you had or discussions you had with Mr XXXXX prior to that meeting with Ms XXXXX, what's your recollection?---We'd, we'd, because he was on my caseload, I was his case officer and we used to talk every day, we used to talk at work all the time, yeah, it just happened on a regular basis and he's an XXXXXX so he, he sort of tries to keep the gaol at rest which as you could probably say, keep it sort of tame.

So was that XXXXXX that you used there?---Yeah, XXXX I think they call it.

Yes?---And yeah, so I used to talk to XXXXX a lot, he was in XXXX where I regularly worked at the time.

Yeah?---And yeah, he just sort of said to me oh, you know, can you, can you do this it, it keeps the gaol quiet and mellow and - - -

10 So is it your evidence that he asked you to meet Ms XXXXX to bring the items in?---Yes.

And is it your evidence that he, the reason he gave for that when he asked you was that because it helped keep the gaol mellow, is that your evidence? ---Yes.

All right. But you were aware that what you were bringing in was some form of drugs, correct?---Yes.

20 And most likely marijuana?---Yes.

All right. And is it your evidence that he asked you to do it. Is that correct? ---Yes, yes.

You see, what I want to suggest to you is that you in fact approached him and asked him whether he wanted any items brought in. What do you say to that?---No, definitely not.

30 So your evidence is that he approached you?---Yes.

Did he ask you to get in contact with XXXXX or how did you come to get in contact with XXXXX?---Yes, he asked me to contact her, gave me her phone number.

All right. And you, you arranged to meet up with her, correct?---Yes.

40 And I think you saw earlier the text messaging that went back and forth between you and Ms XXXXX a couple of days prior to meeting up and then on the day you met up. Correct?---Yes.

Okay. All right. So you were in no doubt that the red canister contained drugs, correct?---Yes.

There was obviously paprika for some other reason for Mr XXXXX, is that correct?---Yes.

And that the \$300 that Ms XXXXX gave to you was your fee for bringing the items in, correct?---Yes.

All right. Now, you discussed with Mr XXXXX the fee of \$300 or how did that come about?---No. I never discussed money with him. It was just there.

THE COMMISSIONER: Is that a standard fee?---Must be.

Standard fee in the prison, is that right?---Must be.

10 So whenever prison officers bring contraband into the prison of this type, they get paid \$300, is that right?---I don't know about anyone else.

You don't know about anyone else. Is it your standard fee?---It wasn't a standard fee. It was just what kept - - -

I thought you said it was a standard fee?---It just kept popping up.

Popping up in your deals?---Mmm.

20 Do you know anyone else who does this?---No.

MR PIKE: Are you sure about that?---Yes.

All right. So do you say there was no discussion about a \$300 fee?---No.

THE COMMISSIONER: Sorry. You're alone amongst the prison officers in John Morony in doing this, are you?---Yes.

30 Not discussed amongst prison officers?---No.

Is there a rumour, are there rumours around that other prison officers do the same thing?---I, I haven't been at work since January.

Before January?---No.

Never heard of this before?---(NO AUDIBLE REPLY)

Never?---No.

40 MR PIKE: So you're not aware of any other officers being involved in bringing illegal items into prison?---No.

There's only you?---(NO AUDIBLE REPLY)

All right. So Ms XXXXX could've turned up and given you \$50, is that what you say?---Yes.

So you seriously suggest there was no discussion between you and Mr XXXXX as to the fee that you were to be paid?---Yeah.

What I suggest to you is that you told him the fee was \$300, didn't you?
---No, no.

Do you have any idea as to how Ms XXXXX knew to give you \$300?---No.

10 And the \$300 you agree is the same figure that you say you were paid by XXXXX on each of the three occasions you met with her, correct?
---Maybe, yes. Maybe XXXXX and XXXXX talked and - - -

That's your presumption, is it?---Yes.

All right. Did you tell XXXXX or did you tell XXXXX that the fee was \$300?
---No.

20 Well, how did he or they know that the fee was \$300?---XXXXX asked me if that was, he told me the price.

So he told you the price?---Mmm.

And when was that?---Before I bet XXXXX the first time.

So he told you how much you were going to get paid for doing this?---He, yeah, he said, "Is that all right?"

30 And you agreed?---Yeah.

And thereafter it became your standard fee, is that correct?---Must be.

When you say must be, it is, isn't it, your standard fee?---Yes.

All right. Now, in relation to - - -

THE COMMISSIONER: Sorry, Mr Pike, can I just ask if - - -

40 MR PIKE: Yes.

THE COMMISSIONER: Is it easy to bring the stuff in?---Yes.

And just bring it in, no one checks?---Yes.

And do you have to go through a security apparatus?---Yes, walk through a scanner and you're supposed to get searched.

And what does the scanner pick up?---Metal objects.

Pick up telephones?---Yep.

So if you're going in with a telephone, you put it out?---Yep.

Is there any way of telling whether the telephone you're bring in belongs to you or someone else?---No.

10 So if you want to bring in a telephone for someone, you just walk through the scanner to clear it and pick it up?---You're not allowed through the scanner with your phone. There's a locker beside it.

Yes, but what do you do with - - -?---You put, you put your phone in the locker.

And then?---Walk through the scanner.

And then?---Go to work.

20 You leave your phone behind?---Yeah, in the locker and you've got the key.

And you can't take the phone through?---No.

And there are no searches I assume?---Yeah, you get pat down, they search through your bags, they wave a wand over you.

What does the wand do?---Picks up metal objects as well.

30 (Not transcribable). Are there ever any dogs, sniffer dogs there?---No.

If there were sniffer dogs trained to pick up the scent of drugs, would that make it difficult?---It would do.

Would it put a stop to it?---Well, yeah.

MR PIKE: Did the fee that you were paid differ depending on what you were taking in?---No.

40 So \$300 was the standard fee?---(NO AUDIBLE REPLY)

And you say that must've been known as between Mr XXXXX and Mr XXXXX?---Yes.

Now, you obviously appreciated again dealing with Mr XXXXX and Ms XXXXX occasionally that what you were doing was seriously wrong?---Yes.

You were taking drugs into a correctional centre, correct?---Yes.

And you were being paid for it?---(NO AUDIBLE REPLY).

Weren't you afraid of being caught?---Yes.

Why did you do it?---Well, like I said, it's just, you get that caught up in, in everything, becoming so close to these blokes 'cause you got to talk to 'em every day and work them every day and because they're like older, older blokes and you, you talk to them about what's going on in the gaol and you, you sort of help them out and then they'll help you out, what's going, what, they'll tell you what's going on in the gaol as well and - - -

THE COMMISSIONER: Do they become mates?---Try and keep a good, well, you wouldn't call them mates but yeah, that's, sometimes it's like that, you know, you just, you say hello and yeah, you get caught up in it all.

MR PIKE: So you were trying to do them a favour, is that what you say? ---Yeah, probably.

20 All right.

THE COMMISSIONER: So the means that the Department uses to detect contraband being brought in, really is only capable of ascertaining metal objects?---In a, in a mechanical sense, yes.

In any other sense? You see, by patting down they can pick - - - -? ---Yeah, but that's only as good as the person who's got to do the job, isn't it?

30 Yes.

MR PIKE: All right. Now we know from your evidence that there were three occasions on which you took items in at the request of XXXXX? ---Yes.

And there's at least one occasion on which you took items in at the request of Mr XXXXX, correct?---Yes.

40 So on none of those occasions obviously the items that you were taking in were detected, that's correct, isn't it?---That's correct.

So is it that you were not searched at all on any of those four occasions, is that your recollection?---That's correct.

And you'd agree with me that the canister that was given, can we just take the red canister to start with?---Yeah.

You heard earlier I think some evidence from Ms XXXXX that it was about 10 centimetres high, correct?---(NO AUDIBLE REPLY)

Did you take any particular precautions in terms of putting it anywhere as you went to work or where did you put it when you went in?---Just in my pocket, in my leg pocket.

10 And you were reasonably confident that you weren't going to get searched on that occasion, is that correct?---Yeah, you could pretty well say you wouldn't get searched any day.

All right. And then we know on the other occasions you've got CDs and sunglasses, both of which would be bulkier - - -?---Yep.

- - - than the red package, do you agree?---Yes.

What did you do with those?---Just put them in my bag.

20 All right.

THE COMMISSIONER: So why, I thought you said that people were searched?---Well, supposed to.

But it doesn't happen?---Well, it's pretty rare.

Does it happen more often on some days than others?---No, not really.

30 It just never happens, is that right?---You want them but supposed to search bags and, and everything. Just depends who's working in the gate at the time.

But I mean, I get the impression that you weren't nervous about bringing stuff in. You assumed that you wouldn't be searched, is that right?---Yes.

And in fact you were not searched?---No, I wasn't.

(Not transcribable)?---Never.

40 MR PIKE: And when you say your bag, we're talking here about searching of prison officers - - -?---Yes.

- - - rather than the general public that turns up to see the, you've got some CDs and a T-shirt and perhaps some sunglasses in your bag, correct?---Yep.

What sort of a bag was it that you had at that time?---It's a clear plastic one.

All right. And so anyone looking at the bag would be able to see what's contained in it?---Yes.

THE COMMISSIONER: (Not transcribable) wrapped up in it?---Yes.

And they wouldn't look at it?---(NO AUDIBLE REPLY)

Your answer is no?---No, sorry.

10 MR PIKE: So you did make some attempt to at least cover it over or wrap it up in some - - -?---I just wrapped it in the white bag that the shirt was in and it sat in the top of my bag. I didn't - - -

THE COMMISSIONER: Who works at the gates when you come in? What, is there a special group of prison officers who does that?---There's a senior - - -

Or do you all take turns?---Yeah, a senior and a, a first class that work there every day.

20 Is that part of the duties of a senior and a first class?---Yes.

Do they have shifts?---Yes.

So some, how long do they do this for? Say there's a pair of them. How long would they do that for?---The bag, the first class starts at 6.00, finishes at 2.00. And then they got another one that starts at 2.00 and finishes at 9.00 and the senior starts at 7.00 and finishes at 3.00

30 And do the, the same people do that for any particular length of time?---The senior is, yeah, allocated to there.

For how long?---Well, I think the bloke that there's now has been there years.

The same person is there for years. They don't rotate that position?---No.

40 And that applies to the senior. Does it apply to the first class?---The first class, if you're on early starts you can work a three or four, three, three or four different positions but usually if you're locked in there it's the same two people all the time.

Is that job done all the time by the same people?---Mmm. Yes.

Is it regarded as an easy job?---Yes, boring.

Boring but easy.---Yes.

Much easier than looking after prisoners and controlling them.---Yes.

Less dangerous?---Yes.

So is it a sought-after job?---For the seniors, yes.

Kind of semi-retirement?---Yes.

MR PIKE: I just want to ask you some questions, if I might, some further questions, Mr Wade, in relation to the mobile phone.---Yes.

10 I think you said earlier that you did not know at the time that Mr XXXXX had access to a mobile phone. Correct?---Yes.

In relation to your dealings with Mr XXXXX- -?---Yes.

- - -that led to your meeting with Ms XXXXX, you were aware at that time, were you not, that at the time that Mr XXXXX put you in contact with Ms XXXXX, he was also likely talking to Ms XXXXX. Correct?---Yes

20 And you were aware, were you not, that those communications that he was likely having with Ms XXXXX about bringing items in, were not discussions that you would ordinarily have over an official gaol phone?---That's correct.

And so it's likely that he was communicating with her in some other way. ---Yes.

Right. Did you turn your mind at that time to whether Mr XXXXX had access to a mobile phone?---That's correct.

30 Now, I think you heard, did you hear in opening earlier today that the Commission's investigations suggest that in a three-month period there were a thousand and twenty-three calls made from a mobile phone at the centre? Do you recall hearing that in opening?---Yes, I do.

Is it fair to say that from your workings at John Morony that inmates, whilst they are out during the day and working, are reasonably closely monitored by prison guards? Correct?---No.

40 All right. What about when they're locked in their cells at night, do guards routinely patrol the corridors?---Oh, they do two checks I think a night, one internally and all the rest are externally.

THE COMMISSIONER: What do you mean externally, externally down the corridors?---No, one internally to make sure all the doors are locked.

Yes.---That's usually at about 6 o'clock.

(not transcribable)---And then externally is round the outside of the fence. They do that probably two or three times a night.

MR PIKE: So if an inmate is talking loudly in his cell on a mobile phone, would you expect that a prison guard would be able to hear it?---Well, if they were walking past at the time.

10 THE COMMISSIONER: It doesn't sound like it.---But inmates yell and scream, I don't know if you've been inside a gaol, inmates yell and scream all night.

MR PIKE: Ah hmm. But if someone's having a conversation with someone on a mobile telephone, would you expect that a prison guard, if he's doing his job properly, would be able to, on one of the routine, or the routine walk-around, hear that?---Oh, yes.

20 But that would need to be if they were on the phone at the time that the guard's doing the walk-around, right, and which, as you understand it, was it well known amongst the inmates at what time the prison guard would do the walk around the cells?---They would be.

THE COMMISSIONER: The same time every night?---Pretty well. I didn't do many night shifts so, but as far as I know, yeah.

MR PIKE: Right. And was it your understanding, accepting the evidence you've just given, that inmates would likely know that no one's coming to check on them after that walk around has occurred?---Yes.

30 And that no one would be there eavesdropping on what was being said?
---Yes.

Right.

THE COMMISSIONER: So if someone was speaking quietly on a mobile phone it would be very difficult to hear, wouldn't it?---Yes.

40 MR PIKE: And are you aware whether there was a rumour, at least amongst prison guards firstly, that there was at least one mobile phone doing the rounds in the John Morony Correctional Centre in the latter part of last year?---No.

Are you aware of there ever being random searches conducted to try and locate mobile phones?---Yes.

Are you aware whether they ever picked any up?---No.

THE COMMISSIONER: You're not aware or they didn't?---I don't know. I don't know whether they did or they didn't.

All right.---But the Emergency Unit came in two or three times but- - -

Isn't it common knowledge in the prison that there is a mobile phone usually available for some prisoners?---I don't, I don't understand.

Illegally, illegally, that there's, prisoners make arrangement for a mobile phone to be available for use of a few of them and they leave the phone at some particular place. Isn't that right?---Yes.

10

That's known.---Oh, sorry, no, I don't, I don't know what he's trying to ask me. Sorry, sir, I don't know.

All right. Let me try again. Isn't it the case that sometimes, well, not sometimes, usually a group of prisoners can get hold of a mobile phone and people who are part of the group, prisoners who are part of the group all use the same phone?---Yeah, in some cases, yeah.

20

And the phone is usually kept in a particular place so that a member of the group just has to go to the place and pick up the phone and use it?---Yeah.

That's known, isn't it?---Yeah, we used to have that when I was in the Emergency Unit.

All right.

MR PIKE: Is the phone that you are referring to some sort of an official phone?

30

THE COMMISSIONER: No, I'm talking about a mobile phone.---Now I am confused.

I'm talking about an illegal- - -?---Yeah.

- - -mobile phone.---Yeah.

MR PIKE: So you knew that- - -?---No, I didn't know. I didn't know they had one.

40

THE COMMISSIONER: Now, but I didn't ask you that you knew.---Oh.

I'm not suggesting you knew. I'm saying it's common knowledge that there is a practice in prisons for groups of prisoners to have their own illegal mobile phone and they keep it in a particular place and whenever anyone wants to use it, they go and use it.---Yeah, I guess they do.

MR PIKE: But you had no direct knowledge as to where that phone was at John Morony.---No. I didn't know there was one there.

All right. I'll come in a minute to, I'll just ask you this question. Apart from the one occasion on which you'd brought drugs into the prison for Mr XXXXX via Ms XXXXX, as shown on the surveillance footage earlier today, apart from that one occasion, were you otherwise involved in bringing any drugs in at the request of Mr XXXXX?---No.

So it was the one occasion only, according to your evidence.---Yes.

10 I want to ask you some questions now in relation to your dealings with Mr XXXXX.---Yes.

And again you were present- - -?---Yes.

- - -were you not, whilst Mr XXXXX gave evidence earlier today?---Yes.

You accept, do you not, that on the 25th of January, 2010, which is the day you were arrested, you went to Mr XXXXX's house at about 5.30am that morning? Correct?---Yes.

20

You picked up two canisters. Do you agree?---Yes.

A bottle of Mount Franklin water. Correct?---Yes.

And \$300.---Yes.

And you were aware when you did that that those items were to be taken in by you to inmates at the centre?---Yes.

30 And those inmates at least included XXXXX. Is that correct?---Yes.

As far as you're aware, were those or part of those items intended for any other inmate, as far as you were aware?---Not to my knowledge.

So the two canisters and the bottle were to go to XXXXX?---To the metal shop.

Right. Now, at the time you picked up the two canisters, as we've seen on the surveillance, you knew, did you not, that they contained drugs?---Yes.

40

Right. At the time that the Mount Franklin bottle was given to you, you knew, did you not, that it contained alcohol?---No, I did not.

Well, shortly thereafter it became apparent to you that it contained alcohol. Correct?---Yes.

Because you could smell it. Correct?---No, I couldn't smell the vodka, I could smell the pot.

You could smell the pot. Did you smell the bottle at all?---No, I didn't.

All right. But you knew, did you not, that it wasn't water contained in the bottle?---I had a rough idea.

That it wasn't water. Correct?---Yes.

10 And that it was some form of alcohol. Correct?---Yes.

Because there would be no - - -

THE COMMISSIONER: You'd assume that you wouldn't be asked to take a bottle of water into the prison.---Well, yeah.

MR PIKE: And you knew that the \$300 that was given to you by Mr XXXXX was your fee for taking those items in, correct?---Yes.

20 All right. You, and you were arrested were you not as you were attempting to take those items into the Correctional Centre?---Yes.

All right. And you've seen earlier I think, if you need to see them again please show me but the, please tell me sorry, that, that the, you've seen earlier the photograph of the two canisters, would you agree?---Yes.

And also a photograph of the Mt Franklin water bottle?---Yes.

30 Now, was it Mr XXXXX that asked you to go and see Mr XXXXX to obtain those items?---Yes.

You, you had met with him, Mr XXXXX that is, had you not, on two prior occasions before 25 January?---Yes.

Once at the shops at, those at North Richmond?---Yes.

And the second occasion at about 5.30am at Mr XXXXX's house?---Yes.

40 Now, on each of those two prior occasions you were given items or packages, were you not, to take into the prison?---No.

Right. Just dealing with the first one at the shops when you met Mr XXXXX at the shops, you were on that occasion given a package to take into the prison, weren't you?---No.

All right. Do you say you were given nothing by Mr XXXXX on that occasion?---Yes.

All right. For what purpose did you meet up with him on that occasion?

---Just to meet him.

Well, had someone told you to go and meet him?---Yes.

Who was that?---Mr XXXXX.

Right. What, this is the person you've got to meet to give some stuff to to take in or to get some stuff from to take in?---Just said yeah, to meet up with him, have a chat to him he said so we met up and we had a chat.

10

And what, what do you say was discussed between the two of you?---Not much really, just - - -

How long did the discussion last?---Oh, five minutes.

And how was it left that, what, at some stage do you say that what, he would get some items and ring you to bring it in?---No, we didn't even really talk about that, he just sort of said how you going, I said hey, good, how you going, he said oh, yeah, I've seen you around and, yeah, it was a nothing really conversation, it was just I guess to see each other for face value.

20

Was this, was this a, was it arranged this meeting, for you two to meet up?
---In the car park?

Yeah?---Yeah.

The two of you met up?---Yeah.

30

So that was arranged, who arranged it? Did you ring him or did he ring you, how was it arranged?---I don't remember really. I don't remember.

Again, why do you say you had to meet with him, for what purpose did you think you were meeting with him?---To bring things in.

Right. But did you know when you went and saw him that he wasn't going to give you anything at that time?---Yes.

40

But nonetheless it was, you thought it was, what, you were told it was a good idea that you'd meet up?---Yes.

And who told you that?---XXXXX.

All right. What I want to suggest to you is you were given at least one package to take in at that first visit?---No.

And that that package was known by you to be drugs. What do you say to that?---No.

All right. The second occasion, which is the 14th of, sorry, do you recall when the second occasion was which is when you went to Mr XXXXX's house, do you recall when that was?---It was a Thursday morning I think it was.

14 January is a Thursday morning, does that sound like it was the date?
---Yeah.

10 All right. And you went and saw him on your way to work at about 5.30am that morning. Correct?---Yes.

And you went there to pick up a package, didn't you?---I went down there to see him, yes.

To pick up a package, didn't you?---Well, I didn't know.

As you understood it, you were going there for the purposes of getting an item from him to bring into the prison, correct?---Yes.

20 And he gave you a package, didn't he, to take into the prison?---No. No, he didn't.

So you say again he gave you nothing on that occasion?---Yes.

I want to suggest to you is he did give you one item, didn't he?---No.

And you then did take into the prison and you gave it to Mr XXXXX?---No.

30 Are you quite sure about that?---Yeah.

All right, but then on the third occasion you accept, because we've seen it, that you did get some items, correct?---Yes.

And you were paid \$300 for taking them in?---Yes.

You were aware that what you were taking in included drugs, correct?
---Yes.

40 Or attempting to take in, I should say - - -?---Yes.

- - - included drugs and included a liquid substance which you thought to be alcohol?---Yes.

And you were aware, were you not, that doing that, whether you were paid for it or not, was wrong?---Yes.

And seriously wrong?---Yes.

And getting paid for it made it even wronger, didn't you?---Yes.

So why did you do it?---As I said, it just, yeah, you just become too involved in it, I guess.

So Mr XXXXX asked you to bring it in, is that what you say?---Yes.

And you agreed to do that, is that correct?---Yes.

10 THE COMMISSIONER: Did it perhaps seem to you that it was less objectionable because there are other prison officer who did the same? ---Not to my knowledge there isn't, sir.

MR PIKE: Just to be clear about this, Mr Wade. You don't say that you were in any way threatened by Mr XXXXX to bring those items in, do you? ---I wouldn't say he put a threat on me, no, but he knows a few people that I know and - - -

20 But you voluntarily agreed to bring the items in, correct?---Yes.

And to receive money for doing that?---Yes.

Now, are you aware that in relation to your dealings with Mr XXXXX, I think it's earlier this year - - -?---Yes.

- - - that it was also Mr XXXXXXXXXX that requested that you go and see Mr XXXXX, do you recall that?---No.

30 All right. You don't recall Mr, you're aware, are you not, of an inmate, Mr XXXX XXXXX?---Yes.

All right. You're aware that he was a friend of Mr XXXXX?---Yes.

And the two of them hung together in the prison?---Yes.

Do you recall ever being asked by Mr XXXXX to bring in some items through Mr XXXXX?---No.

40 Are you sure about that?---Yes.

All right. Are you aware of any other people by the name of XXXXXXX at the correctional centre being inmates?---No.

All right.

THE COMMISSIONER: Is this a convenient time?

MR PIKE: It probably is. I'll be a little while longer with Mr Wade but not too much longer.

THE COMMISSIONER: We will adjourn till 10.00am tomorrow.

<WITNESS STOOD DOWN **[3.57pm]**

10 **AT 3.57PM THE MATTER WAS ADJOURNED UNTIL**
10.00AM, WEDNESDAY, 28 APRIL, 2010 **[3.57pm]**