

ESTRYPVT00258
06/03/2018

ESTRY
pp 00258-00287

COMPULSORY
EXAMINATION

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PATRICIA McDONALD SC
COMMISSIONER

COMPULSORY EXAMINATION

OPERATION ESTRY

Reference: Operation Estry E17/0345

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 6 MARCH, 2018

AT 11.30AM

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.

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

THE COMMISSIONER: Good morning, Mr [REDACTED]

MR [REDACTED] Good morning.

THE COMMISSIONER: Now, this is a compulsory examination of [REDACTED]
[REDACTED] It's being conducted for the purposes of an investigation of an
allegation or complaint that, since February 2014, Corrective Services NSW
employees have dishonestly exercised their official functions in relation to
the assault of an inmate, [REDACTED] the recovery of a prohibited substance
10 from his cell, and the related investigations. Now, can I take appearances?

MS CLIFTON: Yes, thank you, Commissioner. Clifton for the
Commission.

THE COMMISSIONER: Thanks, Ms Clifton.

MS CLIFTON: Mr [REDACTED] is not represented today.

THE COMMISSIONER: Now, Mr [REDACTED] I'm going to explain a couple of
20 things to you. The first thing is you've got a glass of water in front of you.
Big, deep breath. I understand it's been a bit of a hectic morning. That's all
right. You're not in trouble. I still get lost in Sydney as well, so there's no
difficulty with that. The first couple of things I wanted to mention to you is
that you received a notice that said that you had to come here today and
answer some questions.

MR [REDACTED] Yes.

THE COMMISSIONER: Now, I'm going to make some orders that mean
30 that what you say within this room remains confidential.

MR [REDACTED] Yeah.

THE COMMISSIONER: There are only certain people who will find out
what you say within these four walls. So the first thing I direct is that the
following persons may be present at this compulsory examination –
Commission officers, including our transcription staff; the witness, you.
And then the next direction I'm going to make is under section 112 of the
Independent Commission Against Corruption Act 1988, and it restricts the
40 publication of any information with respect to the compulsory examination
today, and it will prevent those present today – other than the Commission
officers – from publishing or communicating information relevant to this
compulsory examination, and the Commission officers are only allowed to
publish or communicate the information for statutory purposes or pursuant
to any further order made by the Commission. And the Commission can
vary or lift that order without notification if it considers it's in the public
interest to do so, and it's a criminal offence for anybody to contravene that
direction under section 112. Now, do you understand that?

MR [REDACTED] Most of it.

THE COMMISSIONER: All right. What it basically means is, as I said to you, within these four walls what you say will just be kept within the people here and other officers of the Commission. So, being satisfied that it is necessary and desirable in the public interest to do so, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified, and the fact that the witness has given evidence today shall not be published or otherwise communicated to anyone except by the Commission officers for statutory purposes or pursuant to further order of the Commission.

BEING SATISFIED THAT IT IS NECESSARY AND DESIRABLE IN THE PUBLIC INTEREST TO DO SO, I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED, AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY THE COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION.

THE COMMISSIONER: Now, the next matter's important, and I think Ms Clifton might have explained this to you already. Now, outside these four walls, if you were asked by – for example, a police officer or somebody else asked a question and you sat back and thought, "I don't want to answer that because it might get me in trouble," you have a right, generally, to say, "No, I'm not going to answer that." It's called the right to silence.

MR [REDACTED] Yeah.

THE COMMISSIONER: Within these four walls, because you've been compelled to come here and answer questions, you can't say, "I'm not going to answer those questions."

MR [REDACTED] All right.

THE COMMISSIONER: But what I can do is make an order which protects the answers that you have given. That with one exception – which I'll come back to – the answers that you give today can't be used against you

in any subsequent proceedings or criminal proceedings or anything like that. And that's important because you might be asked some questions today and you might sit back and think, "Oh, if I answer that, I might be getting into trouble." Again, with one exception, which I'm just coming to, you're not going to be in trouble.

MR [REDACTED] Yeah.

10 THE COMMISSIONER: The important thing today is that you answer Ms Clifton's questions truthfully, even though it might indicate that you might not have done something correct.

MR [REDACTED] Yeah, yeah, I understand. Yeah.

THE COMMISSIONER: Now, this is the exception. In a minute we're going to give you, I think, an affirmation.

MR [REDACTED] Yeah.

20 THE COMMISSIONER: Whereby you're going to promise to tell the truth. The exception is this. If you give an answer and it's not truthful, the Commission can take proceedings which are like a perjury proceeding.

MR [REDACTED] Yeah (not transcribable)

30 THE COMMISSIONER: That is, you haven't told the truth in your answers during this hearing, and that's a very serious offence. So can I emphasise you're being protected. Please answer everything truthfully so that ultimately there aren't proceedings for perjury or not telling the truth here.

MR [REDACTED] Fair enough, yeah.

THE COMMISSIONER: So as I said, you've got to answer all questions truthfully. I assume that you would object to answering questions that might get you in trouble or incriminate you, and for that reason I'm going to give you a protection under section 38 of the Act. Now, does that all make sense?

40 MR [REDACTED] Yeah, yeah. Perfect.

THE COMMISSIONER: All right. 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 this witness during the course of your evidence at this compulsory examination 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.

10 **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 THIS WITNESS
DURING THE COURSE OF YOUR EVIDENCE AT THIS
COMPULSORY EXAMINATION 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.**

THE COMMISSIONER: Are you okay with that?

MR [REDACTED] Yes.

20 THE COMMISSIONER: All right. Now the next thing we're going to do, I
think you indicated you'd take an affirmation to tell the truth?

MR [REDACTED] Yes.

THE COMMISSIONER: All right.

◀ [REDACTED] [REDACTED] [REDACTED] affirmed

[11.51am]

THE COMMISSIONER: All right. Mr [REDACTED] now we're going to move to the stage of the examination where Ms Clifton's going to ask you a series of questions.---Yes.

10 MS CLIFTON: Thank you Commissioner. Mr [REDACTED] this a little bit like court so I'll just ask you a few questions at the beginning. If you could tell us your full name?---[REDACTED] [REDACTED] [REDACTED]

And what's your date of birth?---[REDACTED] [REDACTED].

Great. Now this might sound a little bit odd, but do you suffer from Asthma?---Yes, I do.

You do.---Yes.

20 And how's your asthma treated?---With Ventolin, puffer.

You get a Ventolin puffer. How long have you suffered from Asthma?
---All my life.

So when you were in gaol in 2014, would you have had a Ventolin puffer then?---Yes.

30 Yes. Do you get the symptoms or do you suffer from it regularly and have to use the puffer?---No, not regularly just when needed like, it usually comes around summer time but I don't, it's not real bad.

Yes. So when you were in gaol in 2014, you had a Ventolin puffer at that stage?---Yes.

How was that issued to you, did the nurse at the gaol give it to you?---Yes.

So when you ran out of the puffer, did you then have to go to the nurse or how did you get a new one if you ran out?---I was supposed to swap them there, like give her an empty one and get a full one.

40 All right. So when you were in gaol would only ever have one puffer or could you sometimes have two?---Oh you could have, you could bring them other gaols I suppose, yeah, you could have more than one.

All right. Do you remember, I know I'm asking a lot, when you were in the cell with [REDACTED] did you have one or more than one?---I can't say, I know I had one, I could have had more, I'm not a hundred per cent.

Now we know that when you were at Lithgow Gaol in February, 2014 you were in segregation for a short period.---Yes.

You were sharing a cell with [REDACTED] Do you remember that?---Yeah, I do.

Do you remember when you went into Lithgow Gaol, the day?---No, not.

10 Do you remember when you went to share the cell with [REDACTED] had you been in Lithgow, was that the day that you arrived or had you been held elsewhere in the gaol?---I'd been in another wing, another part of the gaol for a couple of months may be.

All right. So do you know why they moved you into segregation in with [REDACTED] They needed space, they put me in like, in segregation on the side by myself and then told me that they needed the room for, like gang members, [REDACTED] and they put all them on that side so I had to go on the other side and moved in with [REDACTED]

20 Before you went and joined [REDACTED] did you have a TV in your cell?---No.

No. So in segregation there's not much for entertainment?---Not really, yeah.

So you'd been in there for a couple of months before you went and joined [REDACTED] Did you notice that [REDACTED] also suffered from Asthma?---Yeah.

30 And he had Ventolin as well?---Yeah, he was frequent, he was using it all the time, I think, I don't know if he was a real bad asthmatic or not but you very rarely see me use my puffer.

Right. But you saw him with it?---He'd always, yeah.

This sounds like a bit of an odd question as well, so you guys were sharing bunk beds, that's right?---Yes.

You were on the top I think?---Yes.

40 [REDACTED] was the bottom.---Yes.

Did you have a little, where did you keep, where would you keep your asthma puffer at night?---I used to just keep mine like in the, like in the shelves where me clothes were with everything else, like I said, I don't really need it, I just have it there just in case.

Do you know where [REDACTED] kept his?---Beside his bed I assume, he'd always have it there all the time.

Yes, okay. Now I understand there's a system when you're inside your cell called a knock up system, do you know what I'm talking about?---Yes, yes.

Can you just explain to The Commissioner, what the knock up system is used for?---It's supposed to, it's for emergencies only, like you're not supposed to push that button unless you're getting bashed or you're having a heart attack or - - -

10 THE COMMISSIONER: So it's a button in your cell is it?---Yes.

MS CLIFTON: And where - - -?---It goes through to the officers intercom I suppose, yes.

So you know that it's largely for emergencies?---Yes.

It goes to someone who works for Corrective Services and they'll come and help you or find out what's going on?---Yes.

20 All right. Now we've talked about the day that [REDACTED] got some injuries and that's what I want to talk to you about today.---Yes.

Do you remember that day that the gaol was in lock down and it was being searched?---Yes, oh, yeah, I find that out later, yeah.

You found that out later.---Yeah.

I understand that that morning, somebody got on the knock up system from your cell.---Yes.

30 Either you or [REDACTED] do you know who that - - -?---It was me.

It was you?---Yes, it was me, yeah.

40 Can you tell me what I said?---I asked the officers like where we were being segregated because people kicking doors and they arguing with each other like all hours in the night and me and [REDACTED] we were quiet like, we didn't ask the officers for anything, basically and um, I asked [REDACTED] how long he'd been in that cell and um, I can't remember the exact amount of time but he did like, it was a fair while he was being segregated and he didn't have a tele and I rung the intercom and I said to the officer, I said, um, Chief, I said, my cell mate's been in the cell for a while, I said I've been here for a couple of months, I've been here for a couple of weeks, I said we haven't got a tele, I said, we don't carry on, we're not dickheads, we don't carry on and kick doors like the rest of, the rest of the inmates. I said, all I'm asking is can I have a tele and that was it.

Do you remember who answered or who you spoke to on the other side?---No, no, it was male officer I know that and he was pretty pissed off.

THE COMMISSIONER: You just said something like, I said chief?---Yes, that's what we call officers, chief.

So any officer you could call chief would you?---Yes.

Okay.

10 MS CLIFTON: So when you say he was pretty pissed off, do you remember what the person said to you, the man said to you when he answered back?---No, I don't know, not correctly, no.

Well, did he tell you to shut up, did he tell you he'd come and bring a TV, how did you know he was pissed off?---He said um, like he was, the tone of his voice was like it was aggravated and he didn't, I think, he said something like the it's the pippa, which is a senior officer and he just hung up.

20 THE COMMISSIONER: Sorry, say that it again, it's the - - -?---The pippa, like the senior officer.

MS CLIFTON: So you've got the normal Corrective Services Officers who you see every day who are in the meal room.---Yes.

Take you out for exercises but a pippa refers to the - - -?---The star.

- - - the stars on their shoulder pads. They're the ones like that are in charge, is that right?---Yes, that's right.

30 So you think this person who answered said, it's the pippa?---Yes, no, you're speaking to the pippa or like - - -

That's kind of like gaol slang.---He didn't like the fact that I said like that, we're not dickheads, we are treating youse officers like, we're aren't kicking the doors like the rest of them and you know, I've been here three months and got nothing, couple of months and got nothing.

40 Yes. Do you remember if the pippa that you spoke to did he swear at all? ---Yes, yes, he, I can't remember the exact words but it was get fucked and something, it might have been a fucken lock in, I don't know, something like that.

Sorry, was that "It's a fucking lock-in"?---"Effing lock-in day" or something, yeah.

You're allowed to say the actual word, don't worry.---Oh, okay.

So you said, "It's a fucking lock-in."---And hung up or something, yeah.

And did you say anything to [REDACTED] or did [REDACTED] say anything to you after they'd hung up?---No, like, we didn't really get time to say anything, really. The door just came open.

So once that happened, was this early in the morning or - - -?---Yeah, it was, yeah. It was about 9 o'clock. Me and [REDACTED] had just woken up.

You'd just woken up?---Mmm.

10

What time was breakfast normally? Do you remember?---(not transcribable) it was. Yeah, about 8.30.

And so had you had breakfast, do you remember?---Oh, no at Lithgow they give you the breakfast the night before, I'm pretty sure. Like, they give you your milk with dinner. So, yeah, because there's no morning musters.

So in segregation you have to eat it in your cell?---Yeah.

20

So you guys had just woken up and you'd gotten on the knock-up system and said, you know, "Fair play. We're pretty good prisoners."---Try, try to play the game, you know.

Yes, yes. And so after the piper had spoken to you, you said before, well, you didn't have time, really, to have a conversation. So what was the next thing that happened?---After the piper hung up, you mean?

Yes.---I've seen an officer by the name – we used to call her Miss Jane. She's just like a normal, a normal officer.

30

Miss Jane?---And she came to the door.

Yes?---And that's all, all I could see. And once the door opened, two officers ran in, said, "Mr [REDACTED] get off the top bunk." Grabbed me, and then two other officers ran in, three officers it might have, two or three other of the squad ran in to [REDACTED]

Can I just ask you, so you said Ms Jane.---Yeah.

40

You saw her at the door.---Yeah.

Did she say anything to you?---No. She just opened the door and stepped back.

So she was the one who opened the door?---Yeah.

And then you said two officers ran in. But before that could you see anyone else outside the door?---No, no.

So two officers came in and they said, "Get off the bunk, [REDACTED] Yeah. Basically, yeah. At the same time grabbing me, but, yeah.

So you were sitting on the top bunk?---Yeah, like, lying down, yeah.

You're lying down?---Yeah.

10 Do you remember what you were wearing?---Green. No.

Something green? Yes.---No, I was just in shorts, green shorts.

And so two officers come in and tell you to get down?---Yeah. Oh - - -

Can you remember what they looked like at all?---Short one (not transcribable) like short brown hair (not transcribable) two, three-day growth stubble, yeah, maybe 30-ish. And that's, and that was it, yeah.

20 Do you remember how tall they were or how – when I say heavy-set, I mean kind of wide.---The officers that got me off the bed?

The two, yes, the two that came in.---Yeah, they were pretty young, skinny. I reckon, I don't know, maybe average. I'm pretty short, so, like - - -

Yes. Yes, so am I. So everyone's tall. So I think you said before they were the squad? Is that - - -?---Yeah, no, no, no. The two officers were normal officers.

30 Two that - - -?---Grabbed me.

Yes.---And the squad ran in, like, literally ran past and through them. That's why I was in, like, mid-air, getting dragged out, taken out.

So two officers have got you and they're taking you down, and they were normal officers?---Yeah.

And then how many squad ran past?---Three. Always three squad.

40 Three squad.---Every gaol, three squad, yeah.

And how do you tell the difference between squad and normal?---They wear, like, a big vest. Like, a bulletproof vest, it looks like, with their bloody walkie-talkies and capsicum spray and whatnot.

Yes, yes. I've got you. All right. So three ran past as you were getting taken off the bunk out by two?---Yeah.

And where was [REDACTED] at this stage?---Up at the back of the cell, near the toilet. He, he was training. He, he used to train, like, do push-ups in the, like, in the morning in the cell.

So he was out of bed when Ms Jane opened the door?---Yeah, yeah.

And he was up the back doing some exercises and - - -?---Yeah.

10 So he was already at the back of the cell when they ran in?---Yeah.

Do you remember what he was wearing?---Green singlet and green shorts. He always used to train in a singlet.

And it was summertime, obviously, February, so - - -?---Yeah. He was, he was self-conscious about his weight, I think. He had no reason to be. Like, he was (not transcribable) but that's why he used to wear a singlet. Like, it was 40 degrees and you'd see him with a shirt on and, you know.

20 So he was up the back?---Yeah.

So, now this is going to be a little bit hard to describe, because you're getting pulled down. Three ran past you. What happened to you?---I got, like, literally, probably, I don't know, a distance maybe – say I'm like, say my top bunk is here and, like, the door's, the door's right here. I got - - -

So like arm length away?---I, yeah, like, I got off the top bunk and, like, and my hands are behind my head, on my knees, straight with my head up against the wall, and I was told not to move my head at all, my face.

30 So were you outside the cell when they did that?---Yeah, yeah.

And did you see, as you were getting taken out you saw the three run in. Did you see them do anything to [REDACTED] or were you taken out before you saw anything?---No, I was, I was taken out. And if, if, like, I, if I was halfway in between being out and in, like, my, I was facing the other way. Like, the officers had, had me.

40 And so whilst you were outside, how many officers were there who stayed with you?---One.

One.---One went back to the office.

So two took you out.---Yeah.

And one went down the corridor.---Once I was on my hands and knees, one of them went back to the office to, whatever. I don't know the reason why. But, and the other one just made sure that I didn't move my face from the wall and look in the cell.

Did you see anyone else outside the cell at that stage?---No.

And could you hear anything from inside the cell at that stage?---Yeah.

What could you hear?---I could hear [REDACTED] yelling, "It wasn't me. I didn't say it. I didn't do it. I didn't say it. I didn't say anything." And I could hear, like, thuds and thuds.

10 And you think there were three officers inside at that stage?---Yeah, yeah.

And when you say "thuds", could you hear more than one or was it - - -?---Oh, it was like a, it happened so fast.

I understand.---It's like a crash, bang, like, yeah, you, yeah, you could say there was more than one thud, yeah.

20 And could you hear any of the officers say anything or could you only hear [REDACTED] say, "I didn't do it"?---Oh, I can't, I can't recall any of the officers saying anything. I can only just [REDACTED] yeah.

And so if you were outside on your knees, did [REDACTED] come out or were you taken away somewhere? What was the next thing that happened?---The, the squad brought [REDACTED] out handcuffed, no shirt on.

His shirt was off now?---Yeah. And they took him, like, across and, like, that's when the other officer said, "Don't move your face off the wall."

30 So when you say the squad brought him out, was it all three of them or can you remember how many had [REDACTED] One had, had, like, his hands, hand, like, [REDACTED] had, was handcuffed, hands behind his back. And one of them, like, was on the right side and one of them was on the left side and they were holding his hands up, up, like, trying to push him right up. And the third, I don't know, the third officer, the squad member, was just (not transcribable) I suppose, like, yeah, just - - -

Yes. Coming along as well.---Yeah.

40 And you remember he had no shirt on at that stage?---Yeah, because I got, I got just like a, a sneaky glance, like, yeah. But I could only see the back of him, just, yeah.

I know you could only see the back of him. Could you see if there were any cuts or anything from the back?---No, not, no. Not at that stage.

And so [REDACTED] went off across the hallway.---Yeah.

You don't know where to?---No, I don't know.

And what did they do with you then?---Put me, locked me in the, the phone cage. Locked me in the phone cage for about three hours.

Three hours?---Like, oh, well, yeah, about two hours while they smashed the cell, smashed the cell.

10 And at any time were you told what they were doing or why you were being held in the phone cell?---Oh, they told me they were, I'm being hold, hold in the phone while they search the cell. That was it. Like, they didn't say why they were searching the cell or they got reason to believe this or that.

And so how do you know that they searched the cell?---I seen them dragging our stuff out and - - -

All right. So you saw them bringing out - - -?---Our clothes, our food and everything in the cell, yes.

20 All right. So if I said it looked like it was thoroughly searched.---Oh yeah.

Would you agree with that?---Oh yeah, it was torn apart like yeah, literally, like everything was everywhere, on the floor, like our family photos like there was just no respect like.

So when you went back in after the two or three hours in the phone box, were you taken back to your cell then?---Yes.

All right. All of your personal stuff - - -?---Everything was everywhere.

30 All right. And - - -

THE COMMISSIONER: Sorry, can I just ask, where you were in the phone cell, could you see the entrance to your cell?---I could see the door open, yes, but I couldn't see in.

You could see the door opened and taking your stuff out while they were searching it?---No, they were searching in the cell.

40 In the cell.---Bringing it out.

You were able to see that from the phone cell?---Yes.

MS CLIFTON: I'll come back to that day, that was the day that the squad and everyone ran in. Do you remember the next day that the cell was searched and I think you were strip searched and so was [REDACTED] Yes, I remember that day.

So I'm just asking what you remember, do you remember that it was searched both days then or - - -?---No, actually, I'm sorry, I'm confused.

It was a long time ago.---It was searched the next day. I can't remember what happened to me after.

I know it was a long time ago and two days - - -?---Put me back in the cell when they took [REDACTED] I can't really recall. I thought we got searched that day, but no, you're right, it was the next day, I remember.

10

Yes. So I think the next day, we know, I think I told you before outside, we've seen lots of documents that they have to fill out so we know that on the 19th they came and you were both taken out and the 20th of February, they came back and I think they took you both separately and I think you were both stripped searched and your cell was searched then. Do you think now you might have got a bit confused when we were talking then?---Yes, yes. The next day was when I was locked in the phone cage.

Right. Good.---Sorry.

20

No, no, it was a long time ago, so, I just because we know stuff I'm trying to help you but I don't want to make it look like I'm telling you what to tell me.---Yes.

So if now that we've kind of cleared that up, can you remember if it was the next day that you were locked in the phone cell. If we can go back to the 19th and you're on your knees. You've seen [REDACTED] out of the corner of your eye get dragged off by the squad. Do you remember what they did with you then?---No, that's the thing, I thought they put me in the phone cage but they might have put me back in the cell once [REDACTED] was gone, I'm pretty sure that they did, I had nowhere else to go but, they didn't put me in, I know for a fact they didn't put me in with like, anyone else for a couple of hours or any other cell.

30

You went back to your cell.---I went back to my cell, that's right and I remember about 7.30, about 7 o'clock that night [REDACTED] came back and that's when I seen the bruises and half an hour after he got back he dropped the tele off.

40 THE COMMISSIONER: You got a tele.

MS CLIFTON: If I can just go back and get a little bit more detail on what you said. So you're back in the cell and, I think, it's probably about 9 o'clock when the whole thing started. So it wasn't until about 7.30 that night that [REDACTED] came back.---Yes.

You say you can see that he had bruises.---Yes, he had a black eye.

He had a black eye. Could you see any other injuries?---Something, yeah, there was, I can't recall something about his shoulder may be. I'm not a hundred per cent, there was other injuries but there was one that he was really complaining about, I think it was his shoulder or his or something.

Yes. Now this again might sound a bit silly, but you said it was then that you saw the bruises. Did he have any bruises in the morning on his face?
---No.

- 10 I think you said to him, what happened or he told you what happened?
---Yes.

What did he tell you?---The officers bashed him over me saying that over the tele thing on (not transcribable)

Was he a bit angry with you?---He was, I couldn't blame him, he was, he said, he was like he was okay with me but yeah, you couldn't blame him, you know.


- 20 Yes. So he - - -?---But at the same time he knew that I didn't just come on chief give us a tele, I was talking politely like - - -

Well, no one expects anyone to get bashed from asking for a tele.---Yes.

He told you that he thought it was because you'd asked for a tele?---Yes.

Yes. Did he tell you how he knew it was that, that it was because of that that they bashed him?---No.

- 30 He just bashed me and it was because of that?---Yeah.

Do you remember anything else that he said to you?---

Yes.---No, I don't understand what, sorry, I don't understand - - -

I'm just wondering if you remember anything else that he said to you, he's told you that he was bashed by the officers. Did he say it was the squad or did he say who it was?---Oh yeah, it was the squad, it was the squad.

- 40 Did he tell you where he was bashed, was it your cell was it elsewhere?
---Yeah, in his cell, I was there.

So you - - -?---I physically didn't see any punches get thrown.

But you heard what sounded like thuds.---At the end of the day, everyone knows what went on in that cell, like you can't, you know.

When you say [REDACTED] come out with the 3 Squad and I know you were facing the wall, do you know where they took him, did they take him to the phone cell or to another cell or you don't know?---They took him to the other side of the unit like where we were, the segregated unit, it's got like, two officers here, where the officers are, and there's cell on either side, it's like a square, like this room and cells that side and cells that side.

Okay. Then down the middle.---We can't see the other side and that, but.

10 Okay. So the officers are down the middle are they, divided?---Yes, there's a big hallway there.

So [REDACTED] went past the officers and then to the other side, is that right, when they took him away?---Oh through the office, yes.

Through the office, that's like an office - - -?---That's the only way to get through, yes to the other units.

20 Yes. But you don't know where he went once he went through the office?
---No.

Do you know if [REDACTED] was assaulted when he was over on the other side?
---No, I don't.

Okay, thanks. Now I know that you spoke some Corrective Services Investigators about this matter on 4th of March, 2015, I gave you a copy of that interview, I think it's ten pages, just on ten.---Yes.

30 You've got that? I will ultimately tender the copy that the witness had but Commissioner, do you need a copy?

THE COMMISSIONER: I've got a copy, thanks great.

40 MS CLIFTON: I just want to save us going over completely everything you've given me lots of good information so far but I just wanted to go through what you told the Corrective Services because there's one or two details I wasn't sure of. Now you read this morning, you're happy that that was all true and correct?---Yes, yes, the wording is a bit confusing to me. There's one or two answers that I can't see myself saying like.

Yes.---Like did I hear, I think there's a question where I asked me, like did I hear anything in the cell and I said, No. But I heard the crash and banging.

Yes, I think may be later on they may be - - -?---And I would have answered that.

Later on you do say that you heard some thuds, I think I've written it down somewhere so we can get to that. You'll see it's got on page two, we've got

Q3 at the top, what is your date of birth and then, A, obviously that's the question and then the answer. So if I ask you about a question I'll try and identify which number it is. Now you've already given me some so if you can wait some sec while I tick off some questions. Over on page seven, and I'm sorry we're going to have to jump backwards and forwards a bit. If you can go to page seven. It's answer 47. So they were saying, just to help put it in context. This is where you were asked, "What did you hear?" You said, "Mainly it was shouting off [REDACTED] saying I didn't do it, I didn't say nothing." That's over on six. Then the investigator asked you at the top at 10 47. "Do you remember any other officers coming besides the three that you mentioned that you said earlier?" And you said, "There was four." And you'll see there, you said, "Yeah, there were two uniform officers."---Yes, that confused me at first, like they all wear uniforms.

So I'm wondering if by that you meant - - -?---The, that's the two that dragged me off the bed.

And so then we go on.

20 THE COMMISSIONER: And you described them earlier as normal officers.---Yeah, not pippers or squad.

Not squad.---They weren't squad, yes.

MS CLIFTON: So then it goes on and says, "Yeah, they're the ones that opened the door and dragged me off the top bunk." And then you're asked at 50, "Where were the other two officers?" and you've said, "They were on the left side of the door. No, the right side of the door, and the squad were on the right side of the door." So we've got three squad outside - - -? 30 ---That's, yeah - - -

- - - just as you're getting dragged off. And do we have pippers standing outside? Is that what - - -?---No. No, not that I could see. Like, the, the squad were, like, as I was, as I was getting off the top bunk and going out, they were, like, running through like a - they were outside and as the door, once the door got opened and the two officers came in normal to get me off the bunk, it was like run through then. Like, it was all happening at once, you know what I mean?

40 So it sounds like the two who were coming in to you must have had a conversation outside that they were going to get the guy off the top bunk. ---Yeah.

And the squad ran straight to [REDACTED] did they?---Yeah. It's like, like the officer Ms Jane. She opened up the door and jumped back, took a step back, like - - -

So Ms Jane knew what - - -?---Yeah, they all knew.

- - - that they were going to come running in?---Yeah, it was planned.

So if we can go back to page 3. I'm sorry, I'm just trying to keep it all in order so we all remember. You'll see at answer 13, which is right at the top. There's no number next to it.---Yeah.

10 And this is right at the beginning we're talking about. And you said, "I was bedded on the top bunk. My cellmate [REDACTED] was up near the toilet. I got dragged off the top bunk, put outside on my hands and knees." And then you say, "That's what I seen, that, and heard officers running."---Yeah, that's, that confused me that bit.

So, I mean, that's - - -?---That's like I said, it happened all at once.

All at once.---Yeah, so, yeah.

Yes, I know. It's hard to explain - - -?---Yeah.

20 - - - things in writing when they happen all at once. All right. So that's not anything additional to what you've already told us?---No.

You're on your knees and you see them – well, as you're getting dragged out, you see them running in. And over on page 5, so this is the bit that I just wanted to make you feel comfortable that you did say. So at question 36 – or 35 we're talking about "Could you hear anything?" and you said, "Yeah, just screaming and yelling." And I think you've already told us that the only person you could hear saying anything was [REDACTED] Yeah.

30 Were the other prisoners in segregation, were they yelling out? Did they know something was happening? Or there was always noise so you can't tell?---Yeah, the two, the, the neighbours, like, once it was all over, like, the next-door neighbour banged up and said, "What happened?" But, like, the people across from us and that, they weren't yelling.

And then down at 36 you can say, you're asked, "Is there anyone you could hear? Could you hear any slaps or anything like that?" And you said, "No, like, I could hear screaming, yelling, 'I didn't do it. I didn't do it,' and just like walls being hit."---Yeah.

40

So that was the thuds that - - -?---The, yeah, thuds and - - -

Yes, I just wanted to make you feel comfortable that you had actually said that. Now, did you see, did any of the officers, any of them at all – Ms Jane, the squad or the two normal officers that took you out – did any of them have a camera at all? You know, a video camera to record what was happening.---Not, no, no, not that day. The next day when they come back and searched the cell, they did.

And is it usual if they're coming to do a search, do they film it, do you know? Or from your experience, I'm just asking.---Not, no, not, not, not if they're just going to do a regular search cell. But, like, if they've got, like, if they get word that there's a knife getting around or, or two nationalities are going to go to war and they'll lock the whole gaol down and they'll search. They'll say, but, "We're here for, for knives," or, you know, and they'll record it. Or if they've got suspicion that you got drugs on a visit or whatever, then they record it. But just for a normal cell search, no, they
10 don't, not - - -

Was what happened on this day that we're talking about, was that normal?
---No.

And when you were outside the cell, did you see a dog handler at all? Or anyone with a dog?---Yeah, there was. I thought – is this the next day in the search?

No, no. We're still on the 19th.---Yeah, I do remember a dog but I thought it
20 was the next day with the search.

You thought it was, yes. I got more information out of you than I expected, so I'm just jumping around.---You just brought that back to, like, to me, but, too, about the dog handler. Like - - -

Yes. That was the next day, you think, though, the dog handler?---Yeah, like, yeah, like, I didn't (not transcribable) like, I just remembered then as you said that.

30 And the officers that ran in, any of them, the five that came in – because you've already told us about Ms Jane. She's the sixth. Did you know any of the five of them, any of their names?---Walker, Mr Walker.

Mr Walker. And had you dealt with Mr Walker before?---Yeah, he's, he's, he was the one on the squad. He's one on the squad, like - - -

And he was one of the people that ran in?---Yeah.

40 Do you remember, was he first, second or third?---Oh, I can't say.

Can't remember?---No, I don't remember.

Was there anyone else's name who you knew?---No.

So a few different people have told us what happened in that cell, and everyone's got a slightly different story. So I'd like to ask you about a few of the other stories and if you could tell me if you saw any of it or - - -?
---Yeah.

So one of the people tells us that Mr Walker came in and that they just walked in, they didn't run in, and that [REDACTED] backed up to the back of the cell and raised his hands as if he was going to punch Mr Walker. Did you see that happen at all?---No, no.

And you say that [REDACTED] was already at the back of the cell just doing his workout.---Yeah. Yeah.

10 And that the squad ran in. Would you have seen if [REDACTED] had put his hands up to punch Mr Walker?---No, because I was getting dragged off the top bunk. No, I don't, no. But I, like, just know [REDACTED] He wouldn't have, like, he, we were shocked why, like, why they came, come in, like, do you know what I mean? It was like a surprise. Like, why, why are they doing this? Like, you know what I mean? Like, why am I getting dragged off, like, why am I getting dragged off the top bunk? Like, we just buzzed up and asked for a TV and, yeah.

20 And I know you'd only been in the cell for a short period of time with [REDACTED] Was he the type that would fight Corrective Services?---That's, no, that's, that's, that's what I was just about to say next. No, he's, he's placid. He's, he wouldn't, he wouldn't bloody just attack someone, like, for nothing.

Now, another version that we've been told is that as Mr Walker came into the cell, [REDACTED] jumped up off his bunk and he ran towards the toilet to throw something into the toilet.---No, that's rubbish.

Rubbish? Didn't happen?---No.

30 Because [REDACTED] was already at the back, at the toilet doing – back of the cell, near the toilet, yes?---Yeah.

And was there a plastic chair?---Yeah, there's a plastic chair in the cell but it's not – oh, it's, it's a small cell. It's a very, very small cell in Lithgow segro. It's not up the back, but. Like, it's, I'd probably say, like, the bunks are here and the toilet's where that computer screen is. The chair's probably where the clock is.

40 So you're pointing to the nearest computer.---Yeah. Yeah, like the desk anyway, yeah.

So what's that? Maybe three metres?---Yeah, maybe, yeah, I suppose so.

And did you see [REDACTED] at any time trip and fall over the chair?---No.

I won't be a moment. Now later that day whilst [REDACTED] was gone, did you remember prison officers coming and asking you for [REDACTED] puffer?---Yes.

Yes. So, do you remember what time they came and asked you for his puffer?---No, when they were probably may be anywhere between half an hour and a hour may be.

After - - ?---After the incident.

Do you remember was it piper's squad, ordinary officers?---I can't remember.

10 Can't remember, no worries. What did you tell them when they came and asked for his puffer?---I gave them the puffer.

Was that, were they male officers, female officers, do you remember?---I can't recall.

So about an hour later you handed over [REDACTED] puffer?---Yes.

20 Yes. So then the only puffer left in the cell was yours obviously, yes. All right. Did anyone else after that come and ask for the puffer again?---Not that I can recall.

Okay. Now I'm going to move on to the next day but is there anything else on the 19th that you remember that you want to tell us about?---No, I just remember him coming back from the hospital with the bruises and I'm pretty sure it was his shoulder he kept complaining about.

30 All right. One moment, I'll make sure I've covered everything from that day before I move on. All right. So the next day and again, when I've told you that we've got documents and I know I've seen the footage that your cell was searched and so were you and so were [REDACTED]. So, do you remember what time they came to your sell to get you to search you?---The next day this is now?

Yes.---I know it was morning time, I don't remember the exact time.

Yes. Did they tell you why they were going to search the cell?---No.

Did they tell you why they were searching you?---No.

40 So who gets taken out of the cell first?---I can't recall.

Do you remember how many officers came - - ?---Actually [REDACTED] was a visit, I'm pretty sure.

Sorry, [REDACTED] was - - ?---[REDACTED] was at a visit.

Oh, he was at a visit?---Yes, or he, yeah, he was at the visit when the cell got searched because I was put in the phone box.

So you were both in the cell in the morning.---Yes.

Do you remember how many officers came to the door that day?---The one, one of them was the one that drove me off the bed. I think it was two or three, I can't recall honestly.

Yes. But one of them was the one that was there the day before, was it?
---Yes, yes.

10

Okay. Was he, he was just an ordinary officer, you say.---Yes.

Was he in the blue overalls or just the pale blue shirt?---Just a pale blue shirt.

Okay. So he came in and they took you out?---Yes.

Put you in the phone box?---Yes.

20

You said before that that was the day you could see from the phone box, you could see your cell could you?---I could see the, I can't see in, I could, because the door open outwards but I could see like the open door.

You could see them pulling things out?---They're pulling stuff out, yeah, bags and - - -

30

Plastic bags?---Black garbage bags, lined bin bags like with [REDACTED] stuff, my stuff. Because [REDACTED] had a lot of stuff, you can get in gaol, like the clothes they give you in gaol, that's, you can get that but if your parents and your money, you can buy like proper jumpers, it's all green obviously but like, woolly jumpers and long like fleecy tracksuit pants and stuff like that like activity buy ups and [REDACTED] come from another gaol and like I said, [REDACTED] don't smoke cigarettes and trained so he didn't buy smokes. He just bought heaps of food like you know.

Yes. So he - - -?---He had a lot of stuff.

40

Yes. So he stored his stuff in like bin bags, did he?---Yeah, under the, like you could see there, we had no shelves like, it had nothing. It's supposed to, they're supposed to give every inmate two big um, I think they're ten litre tubs, twenty litre tubs but they don't do that so we just tie them in bags and put them under the, stash them under the bed.

THE COMMISSIONER: Can I just ask you, you said where you were you didn't have shelves?---Yes, like, we, shelves for our clothes like, like every other gaol they've usually got, every other, even Lithgow other units they've got, when you go in the cells like the end of the beds there's like

three pigeon holes kind of thing where you keep your stuff like your clothes folded up.

Because when you were asked about where [REDACTED] kept his puffer, I had a note that you said that he kept the puffer with his clothes on a shelf.---No, that's where I kept mine.

MS CLIFTON: Yes, I think you said he had it beside his bed.---He had it beside his bed.

10

THE COMMISSIONER: I'm sorry, you assumed he kept his next to his bed. So the shelf you were talking about then, where you kept your puffer, is that - - - ?---It's just like the end of the bench like. I shouldn't have said shelf sorry, like I - - -

That's all right.

MS CLIFTON: Okay. So when they came and took you out and put you in the phone box, did they tell you what they were searching for?---No, I think they might have said a weapon.

20

A weapon. Can you remember how many officers there were?---I think there was between three and four, may be five, between three and five I'd say, I'm not a hundred per cent.

I think you told me before that that day they did have a camera, a video camera?---Yes.

Yes. One of them was running the video camera while the others were searching?---Yes.

30

Do you know an officer called Mr McMurtrie?---No.

No. Okay. So you don't know, you think that [REDACTED] was on a visit but he wasn't there while the - - -?---No, he wasn't there no.

All right. I understand that they then searched you, they did a strip search? ---Yes.

40

Were you asked any questions other than, do you have anything on you? Did they ask you any questions about weapons or drugs or - - - ?---No, is there anything present in the cell, that's about it.

Okay. Did anyone ask you if you had an asthma puffer at that stage, did they ask you?---Yes, no, no, no, that's like, the officer's did just search the cell and ask me and ask if I've got an asthma puffer, that's a bit unusual, you know what I mean, when they haven't found anything yet.

Okay. I just want to show you a little bit of the video from the search and see if we can point out, if you can tell me who's things they are and this is part of Exhibit 4 but I've already got it lined up here, thank you Associate. I think we'll look at about from 4.30, if you can line that up. I think I said this is part of Exhibit 4 for the record. It will pop up on your screen in a moment Mr [REDACTED]. Sorry. If you could tell me and may be if you raise your hand if you want to talk so Mr Grainger knows when to stop. Sorry, I'll get back to the microphone. If you could tell me if you recognise any of these officers or if you want to tell us anything about the particular bit, if you just raise your hand Mr Grainger knows to stop and then we can may be co-ordinate it so that no one's talking over the top of. All right. Thank you. So do you remember this officer being there searching?---Yes.

VIDEO RECORDING PLAYED**[12.38pm]**

MS CLIFTON: Do you know his name at all?---No.

20 Just so it doesn't get make a bit of sense to you and everyone else. This is just outside of the cell I think.---Yes.

So you, I don't know if you could have seen this.---Yes, I'm like back towards where I am now back towards that way.

You're behind this officer?---At the side, basically, like side on but in the phone cage.

30 And see that black vest he's wearing.---Yes.

Is that what you call that squad?---Yeah, yeah, but he's not usually in this squad. He must have just been in that squad that day. Sometimes they fill in.

Yes, no, I understand. I think that was right. All right. So it's that black vest that you know is the squad members because we'll see in a little bit, I think that's got like you said, capsicum spray and a few other things around the waist.---Yes.

40 All right. So you were kind of off to the side of this fellow and I think this officer's name is Dippel, is that correct? Yes, this is Dippel or Troy, Mr Troy you might have known him as? All right. So he has just found something.---I remember him saying, find, find.

You remember him saying that or one of the others?---Yeah. No, him saying it. That's the other, other officers to my recollection, anyway. I might, could be wrong, but while I was in the phone box watching this happen, he was outside with a bag and the other officers were in the cell, I

think, I'm pretty sure. And that's, yeah, and then he goes, "Find, find, find."
And, yeah.

And when you said he had a bag, do you remember what colour it was?
Was, it was - - -?---Black. Black bin bag. I'm, oh, I'm pretty, actually, I
won't say a black bin bag hundred per cent. I'm, I think it was.

10 While this is playing, because there's no noise I can ask you, had you ever
seen what Mr Dippel is opening up before now?---What, that, that actual
thing?

Yes.---No.

20 Just takes him a while to open it because he's got the gloves on and it's - - -
?---I just remember, I don't know if, I remember even now, like, I remember
thinking it was weird, like, because they were in there searching the cell and
dragging stuff out, and then he come out by himself and searched this and
found that while I was still in there, and I was, I don't know, I found it, like,
I don't know, like, I found it weird. Like, I'm not saying that they planted it
or anything, but why would he bring it out in, while they're searching the
cell? I don't understand. Like, they'd been searching it, putting it out,
searching, putting it out. Now all of a sudden he just brings it out and
searches it out and finds that. Like - - -

THE COMMISSIONER: Sorry, Mr [REDACTED] - - -

MS CLIFTON: If we could just stop that. Sorry. Yes. Thanks.

30 THE COMMISSIONER: - - - you're saying that you found it unusual that
he brought one of the bags out.---Yeah, and, and started searching it outside.

Searching it. And found that.---Yeah, and, yeah.

MS CLIFTON: And because – just to finish off that – that was because they
seemed to be searching everything inside and then bring it out and leaving it
and going back in.---Like, yeah, yeah.

And so you saw Mr Dippel come out with a bag?---Yeah.

40 And he did a little bit of searching outside. All right. We'll just keep
playing, if we could. Sorry, one moment. Ah, yes. Mr Grainger has just
pointed out a bit of detail I need to ask you about. When did Mr Dippel call
out find? Was it inside the cell or - - -?---No, it was outside.

Once he had the plastic bag?---That's, that's, yeah, that's what I mean.
Like, he was on his hands and knees searching it, and I just remember him
yelling out, "Find, find, find."

And do you remember where the camera operator was?---No, I don't - - -

Or did the "Find, find, find" make the camera operator or other people come out of the cell?---It might have made the other, other officers come out but I can't recall this a hundred per cent. But every other search, the officer with the camera, they don't go in the cell unless they, like, another officer says, "Find, find, find," and they've got to move along with the camera. But they usually stay out the front of the cell so that they see everyone and everything, you know?

10

And so do you remember if this was different or you're just telling me what they normally do?---I don't, yeah, yeah, I'm just telling you what they normally do. I can't, don't recall what, where, like, the cameraman's whereabouts (not transcribable).

We might keep playing but tell me if there's anything you want to tell me about.

20 **VIDEO RECORDING PLAYED**

[12.44pm]

MS CLIFTON: And so do you know what that is?---Yeah, that's bupe.

It's bupe?---Buprenorphine.

And do you know it's bupe because you recognise the look of it? Or do you know that they found bupe?---I know they found bupe. They told me. But I also recognise the look of it.

30

Were you on a prescription for bupe at the time?---No.

Have you ever been prescribed bupe?---Yeah, I have, yeah.

You have, yes.---Not in gaol. Not, not whilst in gaol, no.

Do you know if [REDACTED] had been prescribed bupe?---No, he wasn't, no.

40 Do you know if he'd ever had a heroin addiction?---I don't know, no. I don't think he did, but - - -

Sorry, they move on and show some other items in a moment, and I just wonder if you can identify any of the other items. We've just focused on this for - - -

THE COMMISSIONER: Can I just ask, [REDACTED] wasn't present when any of this was happening. He was on a visit.---No, he was at a visit, yeah.

MS CLIFTON: And do you know whose asthma puffer that was? I know they all look the same, but I'm just wondering if you know if it was yours or if it was [REDACTED] Well, I, the, the, like, the officers, like I said, they, they were in the cell for a bit searching before he come out with that bag. And like I said, when they search they tip the place upside down. So it could have been mine, but I know that I didn't have any drugs, and as far as I was concerned [REDACTED] didn't have any drugs either. Like, because we were in a cell together and I had (not transcribable) [REDACTED] didn't, [REDACTED] didn't smoke the bupe. He didn't have a drug habit, where I did, you know? And - - -

10

And if [REDACTED] went to a visit, from what you saw, would he take his asthma puffer with him?---I can't recall. I don't think you're allowed, actually, to take stuff out on visits like that. Asthma puffer, I, I, you might be able to. I'm not sure. Never seen nobody with one on a visit.

Sorry? You've never - - -?---I've never seen no-one on a visit with an asthma puffer, but.

20

So if you have a look at kind of the top of the screen – as I'm looking at it, it's on the left – you'll see that they kind of pan over and you'll see a few items. If you recognise any of those – there we go. So that mail bag, was that yours or was that [REDACTED] No, that's, that's [REDACTED]

And behind that we've got some mouthwash and a specific - - -?---Yeah, that's [REDACTED] as well.

And see there there's another asthma puffer?---That's [REDACTED] as well.

30

So there's at least two asthma puffers in the - - -?---Yeah, this is, this is, these are the bags under the bed. See how he could have brought them from different gaols or, like - - -

THE COMMISSIONER: Can I just ask, you've got the white mail bag, and then immediately at the top of the screen there's like a black plastic bag. ---Yeah.

Is that one of the bags you were talking about that [REDACTED] would keep all his jumpers and other stuff in?---Yeah, yeah, yeah.

40

MS CLIFTON: So you'll see that they've got this find of the drug. Were you asked if that drug was yours?---I can't recall. I can't recall, honestly. I'm pretty sure it would have been, but.

I know you can't recall, but do you remember telling the officers that you smoke bupe or you smoke drugs?---No.

And is that something - - -?---Well, I wouldn't - - -

- - - that you would have just volunteered?---Yeah, no way.

No way. All right. Sorry. I know some of these questions seem a bit silly, but I have to ask.---Yeah, I, I understand.

And did you make any admissions that day to using drugs in gaol?---No, not to the officers, no.

10 And as a result of them finding that drug, were any internal gaol charges made against you? Do you know what I mean by internal - - -?---Yeah, I can't recall. I don't think there were. I'm honestly not too sure, but.

And that day I understand that you were strip-searched. Did they take a urine sample from you at all that day?---No, no, no.

And so that afternoon you were put back into your cell.---Yeah.

20 And I think you already said there was stuff everywhere. There was no respect about your belongings.---Yeah.

Did [REDACTED] come back that night to the cell?---He come back after his visit, yeah.

And how much longer was [REDACTED] your cellmate, do you remember?---Wasn't too, no, I can't recall exactly. I don't, I don't think it was, like, maybe a couple of days, even. I'm not too sure. Wasn't long.

30 And then he went or you went?---He went. They took him to the other side, the [REDACTED] side.

There was something that you said before that I forgot to ask about on the 19th, so the day that [REDACTED] got the injuries. You said when they brought him back they brought you a TV that night.---Yeah.

And did they tell you why you were getting a TV suddenly?---No. They found one. That was all.

While I remember, I should tender that transcript if I may, Commissioner.

40 THE COMMISSIONER: So that's the transcript of an interview between Mr [REDACTED] and it was some Corrective Service - - -?---Officers.

- - - officers, which occurred on 4 March, 2015. That will be Exhibit 29.

**#EXH-029 – TRANSCRIPT OF INTERVIEW BETWEEN
CORRECTIVE SERVICES NSW AND [REDACTED] [REDACTED] HELD ON 4
MARCH 2015**

MS CLIFTON: Thank you. Yes. No, we're finished with that. I've almost finished as well, Mr [REDACTED] So that bupe that we just saw on the screen, was that yours?---No, it wasn't.

10 And did [REDACTED] tell you it was his at any stage?---No, he, no, he didn't. He told me he hadn't, like, like I said, I used, I had drugs, so obviously when I went to segro I went through withdrawals. And, and I don't know if, like, [REDACTED] associated with bikies and whatever, and (not transcribable) I said he doesn't smoke cigarettes, he trains. And somebody like that in gaol to somebody like me, who uses, they get the drugs in just to make money. Like, and, and at the end of the day, if, whoever, his mates or family or cellmates, business is business. And, and I don't, like, if it was his, he probably forgot about it. I don't, I don't know. But you don't forget about that type of stuff, like, you know what I mean? But I just know it wasn't mine, and the whole time I was two-out with, with him, he told me he had no drugs.

20 And just when you say all of the officers were generally doing the searching inside the cell and then they'd bring out the items, would they just dump them there so you knew - - -?---Yeah, yeah.

- - - they weren't searching it? They'd go back in.---Yeah.

Yes, thank you. I've got no further questions. Thank you, Commissioner.

THE COMMISSIONER: Mr [REDACTED] thank you so much for coming today. ---That's all right.

30 Again can I stress that the fact that you came here today, you answered questions, that's all confidential.---Yeah.

So you're not to tell anybody - - -?---Yeah, no.

- - - and with the exception of the Commission officers, nobody else will know as well. All right? So thank you once again.---No, thank you.

And this compulsory examination is adjourned.

40 MS CLIFTON: Thank you, Commissioner.

THE WITNESS EXCUSED

[12.53pm]

AT 12.53PM THE MATTER WAS ADJOURNED ACCORDINGLY

[12.53pm]