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CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

ACTING COMMISSIONER SCOTT ELLIS

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON TUESDAY, 17 NOVEMBER 2020, AT 12.15 PM

COUNSEL:

MS JESSICA TOWER

WITNESS: STUART JOHN YOUNG

1 **THE ACTING COMMISSIONER:** Please be seated.
2
3 **YOUNG, STUART JOHN CALLED AT 12.15 PM:**
4
5 **THE ASSOCIATE:** The Commission is conducting a number of
6 examinations for the purposes of an investigation under the
7 Corruption, Crime and Misconduct Act 2003. The scope and
8 purpose of the Commission investigation is to enable the
9 Commission how culture contributes to serious misconduct in
10 Hakea and other prisons in Western Australia. Before your
11 examination begins, it is necessary for you to take an
12 affirmation. Please stand. Take the card in your right
13 hand and read the affirmation out loud.
14
15 **YOUNG, STUART JOHN AFFIRMED AT 12.15 PM:**
16
17 **THE ASSOCIATE:** Thank you. You may be seated.
18
19 **THE ACTING COMMISSIONER:** Mr Young, I've appointed Ms Tower
20 as counsel assisting the Commission. She will ask questions
21 on my behalf. I note that you've received the notice to
22 witnesses?---Yes.
23
24 And that you've signed it?---Yes.
25
26 Thank you.
27
28 Yes, Ms Tower?
29
30 **TOWER, MS:** What is your full name?---Stuart John Young.
31
32 And what's your current job title?---Deputy Superintendent,
33 Hakea Prison.
34
35 Mr Young, how long have you been a prison officer?---In a
36 couple of weeks, 30 years.
37
38 And in that time, which prisons have you worked at?---South
39 to north, Albany, Bunbury, Easter Goldfields, Karnet, Hakea,
40 Casuarina, Greenough and Broome, multiple times.
41
42 And in that time, how long have you worked at Hakea Prison?--
43 --About 10 years.
44
45 And you've been at Hakea for the last - how long?---Six
46 months.
47
48 When did you start at Hakea for this last stint?---April or
49 May, I'm not sure.
50

1 And what role were you holding then?---Deputy
2 Superintendent, security and operational practises.

3
4 Mr Young, part of the reason you've been called to give
5 evidence is because of your considerable experience, and
6 because of the role you held at Hakea. The Commission is
7 interested in your insights and experience into prison
8 culture, being a conduit between the officers on the ground
9 and the upper management and executive of the department.
10 If a prison officer observes misconduct, what are their
11 options for reporting it?---They can do an online form
12 unrecorded, directed to misconduct, or basically, discuss it
13 with any part of the senior management team, or I would
14 guess, go to their local delegate.

15
16 **THE ACTING COMMISSIONER:** Sorry, go to the?---Local
17 delegate.

18
19 Okay.

20
21 **TOWER, MS:** And by that, do you mean a union delegate?---
22 Yeah.

23
24 And in your experience, what's the most common report?---
25 What, how it's reported?

26
27 Yes?---Usually, one of the senior management or the principal
28 officers are advised - generally.

29
30 Mr Young, I want to show you an exhibit.

31
32 Madam Associate, can we have exhibit number 36^?

33
34 36^

35
36 Mr Young, this will come up on the screen in front of you,
37 and then I'll ask you questions about it. It's the Code of
38 Conduct from the Department of Justice?---Mm hmm.

39
40 And if we could go to page 9.

41
42 I'll read this section to you at the top:

43
44 Reporting suspected breaches of the Code. This means that
45 all public sector employees need to understand and contribute
46 to the integrity of the department by ensuring that breaches
47 of this Code of Conduct are reported and managed -

48
49 - and it continues:

50

1 Reporting suspected breaches of the Code or other conduct.
2 We report any actual or potentially fraudulent, corrupt or
3 illegal activities and any suspected breaches of the Code of
4 which we become aware and discuss with our manager or
5 relevant officer of the department.

6
7 We will ensure that we are familiar with and will comply and
8 facilitate compliance with the department's policies,
9 processes and procedures for reporting any misconduct.

10
11 In your view, are prison officers aware that they're obliged
12 to report misconduct?---Probably not, and most people should
13 understand that anything that may or may not be construed as
14 misconduct must be reported immediately, or it used to be
15 within a day, or whatever, but I'm not sure that every one
16 of them would be aware of it.

17
18 Are you aware of what kind of training staff get about
19 misconduct?---No, because that comes through the academy.

20
21 And what is your view, looking around the prisons? Do you
22 think that where misconduct occurs it is generally reported?--
23 --By and large - however, if it's not reported I don't know
24 about it - I'm not sure how much is going on, to be quite
25 honest, but it does occur. People do come forward. I've
26 been involved in a number of issues that staff have brought
27 to our attention, yeah.

28
29 And what are some barriers to reporting? Why might a
30 prison officer not report something they're aware of?---
31 Culture would have to be one of them, and unwillingness.

32
33 And when you say culture, what do you mean?---Look, I suppose
34 the prison staff - if somebody provides information to
35 others, they're basically on the outer, if you like, can be
36 placed on the outer, and then they'll be targeted with that
37 for quite some time, I would think.

38
39 And in your experience, what kind of steps could be taken on
40 an organisational level to make it more likely that
41 prison officers would come forward?---There's got to be
42 ramifications or outcomes for their actions. If we don't
43 have any outcomes for our actions, or outcomes for
44 infractions, then we've pretty much lost, basically.

45
46 The next question I have relates to the management and the
47 executive. What are the key messages that prison officers
48 receive from upper management about correct use of force and
49 use of force reporting?---I'm not sure, actually. Yeah, I
50 couldn't give you the answer.

51

1 What about experienced officers? You know, is there - is
2 there a strong culture of leading by example in terms of
3 ethical decision making?---In some areas, yeah. There's
4 going to be areas that don't do that. How do we identify
5 them? I'm not really sure.

6
7 Do you believe that there is an important role to be played
8 by senior, experienced officers modelling appropriate
9 behaviour?---Absolutely.

10
11 Beyond your entry-level prison officers, as people progress
12 up the ranks, are you aware of any training as they progress
13 in ethical decision making, how to deal with misconduct
14 risks?---It can be done online, as far as I'm aware.

15
16 What about the training that you've received as you've gone
17 up the ranks? Do you consider it to be appropriate?---No.

18
19 In your role as a - are you a deputy superintendent? Am I
20 getting your title correct?---At the moment, yeah.

21
22 And before that, what was the role - - -?---Security
23 manager, acting.

24
25 In both of those roles, would part of them - would those
26 roles involve assessing use of force reports?---When I
27 initially came to Hakea, part of my role was to assess the
28 backlog and current reporting that was done at the time,
29 until we dealt with the backlog.

30
31 And can you explain, what's the backlog you're referring
32 to?---The backlog was - essentially, when use of force
33 occurs, as per policy directive 5, there's a review process
34 takes place. For whatever reasons - I wasn't there at the
35 time, I can't give you an answer as to why it occurred, no
36 reviews were being done whatsoever. I think a review by the
37 CCC came up with 240-odd outstanding reports. Once we had
38 taken out what was the responsibility of broad spectrum, we
39 got that down to 180, but that only went back to May last
40 year. So 12 months from when we started, we went back and we
41 got 180 reports. There were still further - still more
42 reports further back, but we didn't get to them.

43
44 Can you describe to the Commission the steps of what's meant
45 to occur from use of force incident to when it's resolved,
46 or finished being looked at?---Okay. So one the use of force
47 occurs, then reports must be submitted, when it's taken
48 place, appendix 2, medical report, a superintendent's review
49 is conducted, along with the committee - a review of all the
50 incident reports, and then the committee sits and discusses
51 what we can and can't do - not we can and can't do, what

1 should and shouldn't happen, and whether it gets escalated
2 up or whether it's justifiable and proportionate and
3 reasonable. Once that's done, it goes to Assistant
4 Superintendent Operations, AMP - sorry, Superintendent
5 Operations, AMP, and the reviewed at that level as well.

6
7 Coming back to yourself - - -

8
9 **THE ACTING COMMISSIONER:** Sorry to interrupt.

10
11 Just before you move on, you said that you got down to a
12 number of 180 reports that hadn't been reviewed, and that
13 there were more reports going further back?---Correct.

14
15 Can you give the Commission an estimate of how many
16 unreviewed reports there were in total?---No.

17
18 Okay?---I'm sorry, I can't. I can work out - - -

19
20 Ballpark?---We were given three months to do the 180 reports,
21 or thereabouts.

22
23 Right?---When we got to May, we went back to - got some
24 figures for January, back to January, and we were looking at
25 another 60 at least - I think it was 60, somewhere between
26 40 and 60 anyway. We were advised that was it.

27
28 Okay.

29
30 **TOWER, MS:** And Mr Young, when you were referring to
31 reports, do you mean incidents or if there are 10 reports on
32 the same - - -?---Incidents.

33
34 **THE ACTING COMMISSIONER:** Yes, thank you.

35
36 **TOWER, MS:** In your career, how do you guide inexperienced
37 officers to have strong ethical attitudes and behaviours at
38 work?---Say it again - sorry.

39
40 Yes. How do you guide inexperienced officers to make good
41 ethical choices?---If they ask you the question, you provide
42 the answer. It should be based on the Code of Conduct.

43
44 I'm probably a bad example though.

45
46 Why is that?---As I swear a bit.

47
48 So you would encourage them to be truthful in their reports?--
49 --Yes, absolutely.

50
51 To comply with any investigation?---Yes.

1
2 To report things they've seen from others?---Yes.
3
4 Mr Young, the Commission has heard evidence that there's a
5 very strong culture of solidarity between prison officers.
6 Is that something that you would agree with?---Yes, by and
7 large, yeah.
8
9 Can you give us an insight about why prison officers would
10 be so staunch about solidarity?---It's probably to do with
11 experiences they've all had, similar experiences. It's not
12 everyone's cup of tea to be working in a maximum-security
13 prison, or a minimum-security prison, so yeah.
14
15 So the difficult environment is part of what's bonding?---
16 Mm.
17
18 Is it your opinion that that attitude - does that come from
19 upper management down, or is that spirit of solidarity
20 something that's fostered on the ground?---I think it's
21 always been there, particularly between the uniformed staff,
22 senior officer to prison officer.
23
24 And in terms of the impact that that culture of solidarity
25 can have, that can be problematic for serious misconduct
26 reporting, couldn't it?---Correct, yeah.
27
28 The Commission has heard evidence to suggest that that
29 solidarity at times extends to protecting fellow officers
30 that have been accused of serious misconduct, or even
31 crimes?---Mm hmm.
32
33 The Commission has also heard evidence to suggest that the
34 culture could extend to actively working against, or
35 belittling investigation processes?---Possible.
36
37 Is that something you hear happening?---Not generally, no.
38
39 What is the environment you do hear if an investigation is
40 happening into a prison officer?---Quite often, they will
41 come and say (indistinct), not always though. People - they
42 understand that someone's (indistinct) crossed the line, or
43 engaged in misconduct, quite often, depending on the type of
44 misconduct, there's a lot of support for what's going on.
45
46 **THE ACTING COMMISSIONER:** What types of misconduct
47 investigation is there support for?---Anyone that's
48 trafficking - - -
49
50 Right?---Generally.
51

1 **TOWER, MS:** What about excessive use of force?---I'm not
2 sure. The difficulty that I've got is it's hard to gauge
3 when excessive use of force has been done because I can only
4 base it on the reports that I have. Does it happen? I would
5 have to think so. Can I prove it? We're not - that's the
6 difficulty of reviewing these use of forces with
7 documentation only.

8
9 In the course of its investigations, the Commission has also
10 heard evidence of prison officers referring to prisoners in
11 highly derogatory language. In other contexts, such as in
12 the armed forces, the term "othering" has been used to refer
13 to the process by which soldiers might view others, the
14 inhabitants of the place where they are, as not like them
15 and, sometimes, as less than them. And there's a hypothesis
16 that this mental process might be part of what creates an
17 environment where armed forces commit acts they would
18 otherwise not contemplate. Could a similar process be
19 happening in WA prisons?---Anything's possible, I suppose.
20 I mean, most staff I know refer to prisoners as "crims" but
21 whether that extends to desensitising basically over the use
22 of that derogatory term, if you like, I don't know that you
23 could draw that line.

24
25 Even beyond the use of language and to the general attitudes
26 displayed towards prisoners, is that something you think
27 could lead to concerning behaviour?---Sometimes, yeah. I
28 mean you get good staff and you get bad staff, good
29 communicators and bad communicators. Some people put on the
30 uniform and think everything's done their way or the highway,
31 basically. Others will manage prisoners effectively and
32 talk to them and get the best out of them.

33
34 Is it a problem within some prisons that prisoners are seen
35 as "less than"?---I'm not really sure. Look, I - there's a
36 few prisons that have their problems for sure and probably
37 the temperature is higher than what generally are, yeah.

38
39 What about in your experience of reviewing use of force
40 reports? Is that a trend you see coming through that there
41 is a - you know, a systemic negative attitude towards
42 prisoners that's contributing, or not?---Towards prisoners?

43
44 Yes?---Not always, no. Overcrowding certainly hasn't helped
45 and the temperature rising and frustrations with prisoners
46 in their inability to move about, exercise, if you like,
47 that hasn't helped. At times staff attitudes haven't helped.

48
49 What do you think could assist staff attitudes?---Reduce the
50 muster for a start. That would help. When you get two
51 hundred and - 256 prisoners locked into a unit with 10 staff,

1 not much bigger than twice the size of this room, there's
2 not a lot of room to move. As a department we need to make
3 - make - well, we have now basically. We've started to make
4 inroads which has allowed the muster to reduce at Hakea
5 Prison which has dropped the temperature, which has also
6 seen a reduction in the numbers of use-of-forces in the
7 period since our muster's dropped from 1170 down to 850.

8
9 Other than the muster, are there any other - any other things
10 within staffing that you think could help use of force
11 numbers go down?---Yeah, probably people have to be - people
12 have to be responsible for their actions. At the moment I
13 think by - particularly at Hakea, writing reports is up to
14 the individual how they write it. I can't sit from half a
15 mile away and see what's happened, I can only base it on
16 reports. There has to be an understanding if you get this
17 wrong, or you take a shortcut or you lie, there's got to be
18 a ramification. How do we fix this? Personally, I'd like
19 to see lapel cameras brought in. I've watched - I worked at
20 Banksia Hill where we had a lot of lapel cameras, we had a
21 lot of uses of force. But it actually provided justification
22 for staff and gave a whole new slant on it. If you - if you
23 watch a use of force none of them ever look good, ever. When
24 three to four people jump on one other or two people jump on
25 another or you spray someone or, worse still, two or three
26 staff jump on a juvenile it looks bad. It never looks good.
27 However, when you can hear what's being said and the staff
28 are trying to calm the person down, that puts a whole new
29 context on what's occurring. That we don't have at the
30 moment. Perversely, if they're out of line that also shows
31 up and you're able to review that almost straightaway.

32
33 You talked about incidents being dealt with well. What
34 impact do you see if there are thorough, comprehensive
35 investigations and the impact that has on an excessive use
36 of force culture?---People would understand if they cross
37 the line they're going to be accountable. That's - I mean,
38 you could argue - I would argue part of the problem with the
39 backlog was nobody was - nobody was policing. You had what,
40 180 reports outstanding for a 12-month period. Nobody was
41 questioned over what were your actions and were they
42 justified, lawful and proportionate: no one. So where do
43 we know - as the staff there how do they know when they're
44 doing it wrong? If staff want to complain is anything going
45 to happen, cos nobody's reviewing them in the first place.

46
47 Mr Young, the next questions I have for you relate to an
48 incident that you were not directly a part of. To give
49 context, these questions relate to allegations from 2018.
50 The allegations are that excessive force was used against a
51 prisoner and that a number of prison officers had written

1 inaccurate incident description reports about what occurred.
2 The prison officers who were allegedly involved were stood
3 down in August 2020. Mr Young, you are aware of the incident
4 I'm referring to?---Vaguely. Only from what I saw yesterday.

5
6 Is this not a matter where you had spoken to the officers
7 stood down right after they had been stood down?---No, within
8 - I think I was on leave when they got stood down. I called
9 them probably in the last week of January - sorry, August
10 after a principal - I was the duty manager at the time. The
11 principal officer contacted me and said, "One of the staff
12 members dropped their ID off and basically berated me for
13 senior management not contacting them to show support," and
14 emailed me requesting that myself or someone from the senior
15 management team contact them and ask - ask if they're all
16 right basically. Up until probably - I'm not aware of what
17 occurred until I watched the podcast yesterday and I haven't
18 involved - well, I didn't think I involved myself anyway.

19
20 And at some point in those conversations that you had with
21 the stood-down officers, you came to appreciate that the
22 Commission was involved?---Correct.

23
24 For the sake of clarity, I'll also indicate that those
25 officers were stood down in mid-August?---Mm hmm.

26
27 I'm going to play a call for you. You'll see a transcript
28 come up on the screen in front of you and audio will be
29 played. It's a call from 22 August 2020 between yourself
30 and another man?---Mm hmm.

31
32 Madam Associate, can we please have exhibit 236-1?

33
34 236-1^

35
36 START TELEPHONE INTERCEPT:

37
38 Part conversation from 16:04:54 to 16:05:31

39
40 YOUNG: Are you talkin' to anyone [REDACTED]?

41
42 [REDACTED]: Ah yeah we've, it's, I don't know like, like I
43 obviously can't say a hell of a lot but

44
45 YOUNG: Yeah and I know very little so.

46
47 [REDACTED]: Okay so it's gone a little but further than the union
48 uhm

49
50 YOUNG: Yep.

51

1 [REDACTED]: so I've got a lawyer that I'm talkin' to.
2
3 YOUNG: Well done.
4
5 [REDACTED]: Which I'm goin', goin' to see him on Tuesday.
6
7 YOUNG: Okay.
8
9 [REDACTED]: Yeah so it's gone above the first thing it's gone,
10 yeah which you probably can
11
12 YOUNG: Okay.
13
14 [REDACTED]: you probably gonna work it out
15
16 YOUNG: Yep.
17
18 [REDACTED]: without me having to say it uhm.
19
20 YOUNG: Yep.
21
22 [REDACTED]: Yeah so.
23
24 YOUNG: Yeah and look just to caution ya, I'm on my work
25 phone.
26
27 END TELEPHONE INTERCEPT.
28
29 **TOWER, MS:** So this call, you recognise who the other man
30 is?---(No audible answer).
31
32 And at the time of this conversation you understood that man
33 to be one of the people who was allegedly involved - - -?--
34 -Yes.
35
36 - - - in this incident and I'll call it the 2018 incident
37 for simplicity?---Mm hmm.
38
39 And during this call you understand that there's a Commission
40 investigation?---Yep.
41
42 Did you already know that?---I'm not sure. By the end of it
43 I did, in any case.
44
45 And that's because of the way he's talking - - -?---Yep.
46
47 - - - it appears that he's trying to tell you the
48 Commission's involved without telling - - -?---Without
49 saying it, yeah.
50

1 If we could please scroll up, we can see even just from
2 line 3 there is a comment from the man you're speaking to
3 that says:
4
5 I obviously can't say a hell of a lot
6
7 ?---Yep.
8
9 From that line and then the rest of the obtuse way he's
10 talking, did you understand he wasn't meant to be discussing
11 the incident?---Sort of. I wasn't sure what he could and
12 couldn't discuss, if that helps.
13
14 If we could go to line 20, over the page, you make the
15 comment - - -?---Yep.
16
17 Yeah. And, look, just to caution ya, I'm on my work phone.
18
19 Why did you say that?---So that he knows that anyone could
20 be listening to this phone call.
21
22 And was the purpose of that instruction to minimise
23 information in any investigation?---No.
24
25 What was the purpose?---To let him know I was on my work
26 phone, that it can be listened to at any time. I don't have
27 any control of my work phone.
28
29 Why were you giving that advice to someone under
30 investigation?---So he doesn't talk to me about it.
31
32 Can you appreciate that a different interpretation that that
33 officer might have got from that call was just don't talk on
34 the phone?---On my phone?
35
36 On any - on - well, on your phone?---No, not really. Not on
37 any phone. I've got no control over what they say. So my
38 role there was to ring up - well, what I thought I was doing
39 was ringing up from a welfare point of view. The email I
40 got said - have you seen the email? Yeah?
41
42 Describe the email for us?---The email from the principal
43 officer said that he had spent some time with one of the
44 officers handing in their ID and in his opinion if it wasn't
45 for the person's mother-in-law she probably would have
46 knocked herself and can't believe that anyone from the SMT
47 hadn't been in contact with her and Mr Hughes would expect
48 that someone would have contacted her, or contacted them.
49 So I contacted her. I was the duty manager and I was standing
50 at my front paddock, ringing them all. Because he sent me
51 the four phone numbers and that's who I called.

1
2 So your priority here was to check for welfare and not
3 discuss substance?---Correct.
4
5 Why is it important or why - or did you think it was important
6 to not discuss the incident with them?---If he can't discuss
7 it he can't discuss it. I don't want to know about it. It's
8 got nothing to do with me. But if he's going to discuss it,
9 well, like, yeah, or tries to, a good way of saying I'm
10 cautioning you, "I'm on my work phone," and then he can't
11 talk - well, I don't want him to talk to me about it.
12
13 So if others talk to you about it you'd tell them I don't
14 want to know?---Pretty much, I would think.
15
16 When Professional Standards who investigates these matters
17 and directs people to not discuss it - - -?---Mm hmm.
18
19 - - - what's the purpose behind that?---Maintain
20 confidentiality, I would think.
21
22 Is it also to maintain the integrity of the investigation,
23 so that people don't collude their stories?---Yes, that would
24 be one point. The day after this I called Jim August and
25 said can I speak to these guys and he went, "Well, yeah, you
26 can." What can they talk about? "They can talk about
27 anything, but not the incident." This was a cold call,
28 basically. I've got a call from my principal officer saying
29 why the hell hasn't anyone called them. I've called them
30 all. I can't call to ask who can help me at that time of
31 day cos no one's available basically on a Saturday afternoon,
32 but the following Monday I said I called Jim and said am I
33 able to talk with these people. "Yeah, you are." "All
34 right, what can they talk about?" And the other thing that
35 I asked was can they talk to other staff, as in two of the
36 people I had called said they were told they weren't allowed
37 to talk to anyone and - and I thought, well, that's a bit
38 rough. You can't talk to anyone about anything, as opposed
39 to can't talk about the incident.
40
41 But for this incident the staff had been directed you're not
42 allowed to talk about the incident. That's correct, isn't
43 it?---I know that now, yeah.
44
45 Did you know that at the time - - -?---No.
46
47 - - - when you spoke to Jim August?---No, I'd rang him saying
48 what can I talk to them about. When one of the staff - when
49 - when two of them said they're not allowed to talk to anyone
50 about anything, I got the picture that they were completely
51 isolated at home. In fact, I was - yeah.

1
2 But at the very least, the incident itself couldn't be
3 discussed?---Correct.
4
5 Now if we could please take that call down, I'm about to
6 play you a different call?---Mm hmm.
7
8 This call's from 24 August. It's between two people, neither
9 of whom are you. There's a male and a female voice. The
10 Commission has information that the male voice is a prison
11 officer who's allegedly involved in the 2018 incident and
12 the female voice works at Hakea but there's no allegation
13 she was involved.
14
15 Madam Associate, can we play exhibit 237-1?
16
17 237-1^
18
19 START TELEPHONE INTERCEPT:
20
21 Part conversation 16:37:30 to 16:39:08
22
23 BROWN: I went and spoke to Stuey and I was like hey like uhm
24 [REDACTED] just wanted to say thank you for the call uhm and
25 he was like oh I heard that you, you two and I was like yeah
26 and he was like how's he going like is he alright
27
28 [REDACTED]: Yep.
29
30 BROWN: and I was like oh he's doing as can be expected and
31 I was like and he was like this is just bullshit, he was
32 like Professional Standard wankers like he kept calling them
33 all this stuff and he was like just be careful what we say
34 he was like because anybody could be listening and he picked
35 up like his radio
36
37 [REDACTED]: Yeah.
38
39 BROWN: and pointed to his PDA and like the room and stuff
40 and I was like oh okay and he was like I called all of the
41 people involved and he was like can you clear one thing up
42 for me? He said they've been told they're not allowed to
43 talk to anyone, and I said about the like what they're being
44 investigated for, I said no they're not.
45
46 [REDACTED]: Yep.
47
48 BROWN: And he was like but they're allowed to speak to the
49 superintendent, WAPOU uhm the WAPOU union and like their
50 support person or People Sense and I said yes I said but
51 from what I've gathered it's Professional Standards

1 following their procedure it's gone to the next step and now
2 they're not allowed to talk to anyone about it and then

3

4 [REDACTED]: Anyone not even a support person.

5

6 BROWN: Hey?

7

8 [REDACTED]: Not even a support person.

9

10 BROWN: Yeah I said they're not allowed other (inaudible)
11 from what I can gather and he wrote on his, on his notepad
12 he was like lawyered up question mark (clears throat) so he
13 knew what I was talking about and I was like yeah.

14

15 [REDACTED]: Yeah.

16

17 END TELEPHONE INTERCEPT.

18

19 **TOWER, MS:** So, Mr Young, do you recall having a
20 conversation with this female?---Yep.

21

22 And for all that she's generalising what you're talking
23 about, is in substance her recollection of the conversation
24 accurate?---Yep.

25

26 And the female voice, we can hear she's a fairly junior staff
27 member at the prison?---Yep.

28

29 And at the time of speaking with her, you understood that
30 she wasn't alleged to be involved but someone she was very
31 close to was?---Correct.

32

33 If I can refer you to line 7, it continues:

34

35 He was like, 'This is just bullshit'. He was like,
36 'Professional Standards, wankers'. Like, he kept calling
37 them all this stuff.

38

39 Is that an accurate reflection of what you said to her?---I
40 don't recall that, no. Writing on the notepad, I definitely
41 recall that.

42

43 Can you see why she would have any reason to not recall this
44 accurately?---No.

45

46 What this - well, what this female staff member appears to
47 have gotten from that call was that you thought the - that
48 this was just bullshit and Professional Standards were
49 wankers. What impact do you think that could have had on
50 the investigation?---In hindsight, I probably shouldn't have
51 said anything. What impact would it have? I can't tell.

1
2 In hindsight, do you expect - do you accept that those words
3 could have belittled the process in their eyes?---Perhaps
4 I - - -
5
6 And that in turn do you accept that it may discourage prison
7 officers from being open and forthright in the
8 investigation?---I guess so in hindsight, yeah.
9
10 Do you also accept that if senior experienced prison staff
11 aren't supportive of the Professional Standards Division it
12 makes it difficult for them to do their job?---Yes.
13
14 Do you also accept that by saying this is all just bullshit
15 it - well, I'm paraphrasing?---Mm hmm.
16
17 It could have been seen as you condoning the behaviour that
18 was being alleged?---I guess so.
19
20 If I could take you now to line 21 it continues, about
21 halfway down:
22
23 From what I'd gathered it's a Professional Standards
24 following a procedure. It's gone to the next step. Now
25 they're not allowed to talk to anyone about it.
26
27 And then over the page - pardon me, no, on the same - yes,
28 over the page where it says:
29
30 He wrote on his notepad. He was like, 'Lawyered up?' So he
31 knew what I was talking about -
32
33 - and those are references to the Commission's involvement?--
34 --Yep.
35
36 Back on the previous page, at line 9, the female says:
37
38 He was, like, just be careful what we say. He was, like,
39 because anyone could be listening and he picked up, like,
40 his radio.
41
42 And then it continues:
43
44 And pointed to his PDA and like, the room and stuff. And I
45 was like, okay.
46
47 Did that happen?---Yep.
48
49 So what was your intention in communicating to an officer
50 with connections to the incident to watch out for
51 surveillance techniques?---I guess so, yeah.

1
2 Isn't your role to try to enhance what can be gained through
3 misconduct investigations?---Yes.
4
5 How does that fit in with this advice?---In hindsight, it
6 was bad advice.
7
8 At the time, did you appreciate that your words might have
9 an impact on this officer?---No, I didn't actually. My
10 concern was not so much the misconduct. My concern was the
11 welfare, given that they were told they couldn't talk to
12 anyone. I still didn't know what the incident was about.
13 Had no idea what sort of - I can see now, I - yeah, probably
14 shouldn't have done that.
15
16 Thank you, I'm done with that exhibit.
17
18 The Commission has heard evidence from a number of sources
19 about negative comments being made about the fact that the
20 allegations were made in the first place, about the
21 investigation, about Professional Standards, about the
22 Commission. The Commission has also heard evidence of a
23 number of people giving advice about how to avoid
24 surveillance and how to get through the investigation
25 unscathed. Do you see how that can make an impact on how
26 successful an investigation is at getting to the truth?---
27 What, my comments or the general comments?
28
29 General?---I can, yeah.
30
31 Can you see how by doing that, not just yourself but a number
32 of people doing that can reinforce a culture where misconduct
33 allegations are dismissed or minimised rather than being
34 taken seriously?---Yeah, I guess I can. Yeah.
35
36 Commissioner, I have no further questions for this witness.
37
38 **THE ACTING COMMISSIONER:** Thank you. Can the witness be
39 released?
40
41 **TOWER, MS:** Not at this stage.
42
43 **THE ACTING COMMISSIONER:** Thank you.
44
45 Mr Young, thank you for your evidence here today. This
46 examination is over. However, you're not released from your
47 summons nor are you excused from further attendance. You
48 are to present yourself to the Commission if and when called
49 upon to do so. Thank you.
50
51 We'll adjourn until 2 pm.

1
2
3
4

(THE WITNESS WITHDREW)

AT 12.55 PM THE MATTER WAS ADJOURNED ACCORDINGLY

**Certificate Made Under Section 50A of the
Evidence Act 1906**

The transcript of Stuart John Young heard on Tuesday,
17 November 2020

was made in good faith and, subject to any qualification referred to below, is correct, accurate and complete transcription of the contents of the recording;

was produced from recordings that were suitable for making an accurate and complete transcript except where otherwise stated in the body of the transcript. Any "indistinct" or "inaudible" or other notations indicating difficulty with the transcription contained within the transcript refers to those parts of the proceedings that could not be accurately transcribed due to speech clarity, recording quality or other factors impacting word intelligibility.

Certified on this 18th day of November 2020 by: Glenda Judge, Sheila Robbshaw, Joshua Stevenson

Full Name: Glenda Judge
Sheila Robbshaw
Joshua Stevenson

Occupation: Transcriber and officer of the Commission under the Corruption, Crime and Misconduct Act 2003 ss 182, 3 who has taken an oath before the Commissioner.

Signature: (Glenda Judge) (Sheila Robbshaw) (Joshua Stevenson)

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