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**TRANSCRIPT OF PROCEEDINGS**

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**COMMISSION OF INQUIRY INTO THE TASMANIAN GOVERNMENT'S  
RESPONSES TO CHILD SEXUAL ABUSE IN INSTITUTIONAL SETTINGS**

**At Kannenner Room, Mövenpick Hotel  
28 Elizabeth Street, Hobart**

**BEFORE:**

**The Honourable M. Neave AO (President and Commissioner)  
Professor L. Bromfield (Commissioner)  
The Honourable R. Benjamin AM (Commissioner)**

**On 23 August 2022 at 10.04am**

**(Day 28)**

1 MS ELLYARD: Good morning, Commissioners. The first  
2 witness is Max. I ask that the live stream be turned off  
3 at his request for the duration of his evidence.

4  
5 COMMISSIONER BROMFIELD: Yes, turn off the live stream.

6  
7 MS ELLYARD: Thank you, Commissioners. I understand the  
8 live stream has now been turned off.

9  
10 Max, can you see and hear me?

11  
12 MAX: Yeah.

13  
14 MS ELLYARD: So it's Rachel, one of the Counsel Assisting  
15 here. You're going to hear someone else's voice now who's  
16 going to take you through the affirmation, which is your  
17 promise to tell the truth.

18  
19 MAX: Yep.

20  
21 <MAX, affirmed: [10.05am]

22  
23 <EXAMINATION BY MS ELLYARD:

24  
25 MS ELLYARD: Q. Max, you've made a statement with the  
26 Commissioner's investigator describing some of your  
27 experiences when you were at Ashley Youth Detention Centre;  
28 is that right?

29 A. Yep.

30  
31 Q. And in that statement you've given details of some of  
32 the experiences that you had while you were there?

33 A. Yep.

34  
35 Q. I'm going to ask you some questions now about the  
36 things that are in your statement.

37 A. Yep.

38  
39 Q. You say in your statement that the first time you went  
40 to Ashley you were 12 and a half and that you were put into  
41 the Franklin Unit. Can you tell us about that first time  
42 that you went into Ashley and what happened to you?

43 A. Well, I was put in Franklin Unit, which housed all the  
44 17 and 18-year-olds, like, some of the worst ones at Ashley  
45 there for bad behaviour. And, like, I'd come in and they  
46 said that was the only place I could go. So, I was there  
47 for about an hour and a bit, and then I started getting

1 picked on by all the older boys; like, nothing major,  
2 they'd just, like, come up, pinch me, hit me and stuff, and  
3 then - like, I went up told staff and they said, "It's your  
4 own fault, shouldn't come to Ashley. At the end of the  
5 day, if you don't like it, don't come here". After that I  
6 went back and sat there and tried to play the PlayStation.  
7 I wasn't allowed to do anything while I was in the unit,  
8 and then I ended up locking myself down because I got sick  
9 of being picked on, so I locked myself down for two days  
10 and then I got bail.

11

12 Q. So, when you say you locked yourself down, you mean  
13 you went into your room and stayed there for as much as you  
14 could?

15 A. Yeah, well, I got all my tea and everything brought to  
16 me and I just stayed in my room; I wasn't coming out.

17

18 Q. And that's because you tried to say to the staff that  
19 you didn't feel safe and they said --

20 A. Yep.

21

22 Q. -- tough?

23 A. Yeah, they just told me I've gotta put up with it; "If  
24 I didn't like it, I shouldn't have come there".

25

26 Q. And so they said to you, I think you say in your  
27 statement, "You're the one that did the crime. If you  
28 don't feel like coming here, don't do the crime"; is that  
29 what they said?

30 A. Yeah, it was along them lines, yep.

31

32 Q. So, you were 12-and-a-half then, and you said that you  
33 got bail but within a couple of weeks of getting bail you  
34 broke it so that you were taken back to Ashley for  
35 two months and you started off in the Liffey Unit. What  
36 was the Liffey Unit like?

37 A. That was a good unit; they put me in there with one  
38 other person that just come in, so that was the admission  
39 unit. That's what they're supposed to do every time you  
40 come in, they're supposed to put you in the admission unit  
41 for a week and then they assess where you can go, that's  
42 where you go when you come in off the street. So, I was  
43 there with one person, I can't remember his name, I was  
44 getting along fine, kicking along. Then they told me that,  
45 after a week being in there they told me I had to move to  
46 Bronte North.

47

1 Q. And, we don't need to use names, but as I understand  
2 from your statement, when you heard the names of the people  
3 who were in the Bronte North Unit, you knew one of them and  
4 it made you concerned for your safety. Tell us about that?  
5 A. Yeah, well, because I asked who was in the unit, and  
6 they told me, and I knew one of the people from the  
7 outside. And I tried telling the staff, like, "I can't go  
8 there", and they said, "You have to go where we tell you,  
9 you have to go". So, then I ended up going down there --

10  
11 Q. Did you tell the staff why you felt you wouldn't be  
12 safe? What you thought that the other person might do?  
13 A. Yep, and they just, they said, "It'll be fine", just  
14 like told me - pretty much told me I have to go, it was the  
15 only place I could go. So, then I got moved to Bronte  
16 North. I walked in, put my stuff in my room, was playing  
17 PlayStation. Then the three people come back from  
18 programs, so they come back in, and one of the people said  
19 to me, he said - said that, what am I doing there, that I  
20 gave someone up in the past, so I can't - that he's gonna  
21 bash me and all this, like, just stuck on their minds.  
22 Like, told me I can't be there and I'm gonna be bashed.  
23 And, the youth worker was standing right there when he said  
24 it and then he just laughed about it, he laughed and said,  
25 "No, I'm only joking", and that was only because the staff  
26 member was there. And, like, I'd already told them, so  
27 that should have been enough, like, I'd already told the  
28 staff earlier, and then he comes and says that straight  
29 away. Like, that should've been straight away, I should  
30 have been moved, but I didn't.

31  
32 So then he told - they come and sat on the bench near  
33 the TV and so they were like, "Come sit over here", and I  
34 was scared, so I went over and sat there, and I was sitting  
35 there and then he ... [screen frozen].

36  
37 Q. I'm sorry, Max --  
38 A. (Inaudible words) whipped out his dick and said, "Are  
39 gonna suck on this?" - what's that?

40  
41 Q. Sorry, there was a bit of an internet glitch, and I'm  
42 really sorry, Max, but you were describing how you sat down  
43 on the couch and the guy who you were worried about came  
44 and sat down next to you, and we just heard you say that  
45 "he whipped out his dick", and what did he say after that?  
46 A. He said, "You're gonna be sucking this", and I said,  
47 "No, I'm not". Then the other person that was sitting -

1 because the person that whipped out his dick was sitting on  
2 that side, on the right side of me, and the other person  
3 sat on the left and there was one behind me. And he said,  
4 "You're gonna be", and then I said, "I'm not", so then he  
5 slapped me a few times in the face, and then I jumped up  
6 and hit him once, and then he just hit me and then just,  
7 like, I dropped to the ground and he started just jumping  
8 on my head.

9  
10 Q. Where was the youth worker while this was happening?

11 A. In the office standing right there as soon as he -  
12 like, when he seen it he's come out and he just said, told  
13 him to stop. Like, obviously they're not gonna listen,  
14 they've already done all this, like, why are they gonna  
15 listen to the youth worker? So, he was just saying "stop",  
16 and after about a minute he called a Code Black and it took  
17 them about a minute, minute and a half, two minutes to get  
18 there, so by that time I'd already been, like, pretty badly  
19 bashed. Then they come in and they restrained me and him,  
20 and like, I didn't see why they restrained me, I was the  
21 one that - I was the one that's had all this happen to me  
22 and they come in and restrain me. Then, as I was walking  
23 to my room, I said, "I told youse this would happen", and  
24 kept saying that to them. Then half an hour later they  
25 come back in and told me that I was moving units.

26  
27 Q. Just to be clear, Max, you were still 12 when this was  
28 happening to you?

29 A. Yep.

30  
31 Q. After that, did some youth workers talk to you about  
32 that assault and what had happened to you?

33 A. Yeah, like, they just kept bringing it up, like,  
34 saying, "Oh, that shit what happened to you". And then  
35 they, like, I'm pretty sure they know I don't need people  
36 sitting there keep reminding me of something I don't need  
37 reminding of.

38  
39 Q. Did you get offered counselling or any help?

40 A. Not until last year - oh well, yeah, it's been a year  
41 and a half ago now. Like, when I was 16 - like, it  
42 happened when I was 12, 12-and-a-half, and they offered me  
43 counselling a couple of years later; like, how is that  
44 gonna help? I should have been offered counselling after  
45 it happened.

46  
47 Q. And, did anything happen to the two other guys who had

1 assaulted you?

2 A. They asked me if I wanted to charge them and I didn't  
3 want to charge them because that's just gonna bring a lot  
4 worse stuff for me; like, they all knew where I lived and  
5 stuff. And like, I was always - I've always been told  
6 never to give anyone up and stuff, so I didn't want to  
7 press any charges.

8

9 And the centre didn't press charges either which is,  
10 like, that's wrong, because they've pressed charges against  
11 me for assaulting on someone, which is like, yeah, still  
12 serious, but not as serious as sexual assault. So, they've  
13 pressed charges on me for assaulting another resident for,  
14 and then that happens and they don't press charges, so I  
15 don't see how that works.

16

17 Q. You say in your statement that you packed up your cell  
18 and that you were moved to the other side of the Bronte  
19 Unit into Bronte West and there were two other guys in that  
20 unit already who were older and bigger than you. What  
21 happened to you once you were in that unit?

22 A. Oh, it was pretty much same stuff: just getting picked  
23 on, like, just, like, pretty much the same stuff as in  
24 Franklin really, just kept getting picked on, and it just  
25 seemed that everywhere I went there was just something  
26 happening to me, and I kept trying to talk to staff about  
27 it and everything but they just wouldn't listen.

28

29 Q. In your statement you said that the detainees in that  
30 unit saw you as a dog because you had got the boys from  
31 your first unit into trouble and they'd been dropped to  
32 red.

33 A. Yep.

34

35 Q. And so, then you say in your statement you described  
36 what happened to you after you'd been in Bronte West for  
37 about a week and you were near the ping pong table; can you  
38 tell us about what happened to you then?

39 A. I was near the ping pong table and they tried - they  
40 tried to, um, put a ping pong bat up my arse, like.

41

42 Q. And, did anyone see it happen or take any action to  
43 help you?

44 A. No. No, no-one helped me.

45

46 Q. Did the youth workers move you to another unit after  
47 that had happened to you?

1 A. Yeah, I'm pretty sure I got moved to Huon, if I  
2 remember correctly.

3

4 Q. I think you say in your statement that you stayed  
5 there for a while but the other kids had been dropped to  
6 red and they were angry at you because they had been  
7 dropped to red?

8 A. Yep.

9

10 Q. And they kept you up at night, they wouldn't let you  
11 go to bed; is that right?

12 A. Yeah, it was just stuff like that, just stuff just  
13 kept happening to me all the time.

14

15 Q. You go on in your statement to say, Max, that on the  
16 next time - that you got out of Ashley after that but you  
17 were locked up again soon afterwards and you went into the  
18 Franklin Unit and then you were put back into Bronte West  
19 and the person who was there was the same person who had  
20 sexually assaulted you on your first time in Ashley. Tell  
21 us about what you tried to do when you heard that you were  
22 going to be placed with that person again?

23 A. Well, I walked - they told me it wouldn't be - it  
24 would be someone I wouldn't know. So, they told me I  
25 wouldn't know him, the person that was in that unit, so  
26 then I thought, well, I'll just go down there. So, I went  
27 down there, I walked into the unit, and then I seen the  
28 person that tried to sexually assault me, he was in that  
29 unit. And I turned around to the staff member and I went,  
30 like, I said, "What the fuck did you put me back in here  
31 for? After everything that's happened, why did you put me  
32 back in here with him?" And, I'm pretty sure I tried to  
33 attack a staff member, or I tried to attack him, it was one  
34 of the two, but I know I got a Code Black as soon as I  
35 walked in.

36

37 Q. You say in your statement that you were screaming,  
38 "What's going on here?", and that you said, "Why the fuck  
39 are you putting me back in here when he tried to rape me?  
40 And they said I was exaggerating and, if I didn't calm  
41 down, I'd get put in isolation". Is that what happened?

42 A. Yep.

43

44 Q. And then they told you that there wasn't anywhere else  
45 for you to go so you had to stay in Bronte West with the  
46 boy who tried to assault you?

47 A. Yep.

- 1  
2 Q. After that, what happened between you and him? Did it  
3 get sorted out?  
4 A. Well, it kind of did, but like, I stayed in the unit  
5 with him for that - for that, like, for those - I think it  
6 was like a week or something like that, then I tried to  
7 smash out my ceiling because I knew they wouldn't have me  
8 in that - I knew they - because it was kind of a, like,  
9 security unit, like, because the roof was plaster, so I  
10 tried to break the roof to get out of there.  
11  
12 Q. And is that because, even though that young man had  
13 apologised to you, you still felt unsafe being with him?  
14 A. Yeah, well, after what happened, like, I didn't wanna  
15 be in the unit with him, like, it was only a matter of time  
16 before it happened again, that's the way I seen it.  
17  
18 Q. And so, you broke into the roof to kind of force the  
19 staff to move you?  
20 A. Yep.  
21  
22 Q. And, did it work?  
23 A. Yep.  
24  
25 Q. And how old do you reckon you were around that time?  
26 Would you have been 13 perhaps?  
27 A. Yep, I think I would have been about, yep, 13.  
28  
29 Q. Did stuff like this happen to you pretty much every  
30 time you were in Ashley?  
31 A. Yeah, pretty much; it's like the same sort of stuff,  
32 and then as I've gotten older it stopped happening, the  
33 residents stopped doing that; then it was, it turned to  
34 staff just, just abusing me and that, like.  
35  
36 Q. You describe something happening which you say in your  
37 statement was the next big thing that happened which was in  
38 2019, so I think by this time you would have been about 14  
39 or 15, about a standoff that happened at the pool; do you  
40 remember that?  
41 A. Yep.  
42  
43 Q. And you gave in after a standoff for a few hours and  
44 you threw your weapons in the pool and you were restrained  
45 by four or five workers. Can you tell us about what  
46 happened to you after they took hold of you?  
47 A. Yeah, well, I agreed to - I said don't send off the



1 (indistinct words) I think it was a Zoom call or something  
2 like that, so then they agreed on that, so then I - so then  
3 I chucked the weapons in, they restrained me and they took  
4 me back to Huon. They took me in and they were like, "Oh,  
5 you're gonna be strip-searching ya", they said they have to  
6 strip-search me for any weapons or anything. Then, like,  
7 because that was in one of the cells, they come in the cell  
8 and said, "We're gonna have to strip-search ya". And then  
9 I said, "No, like, I don't have any weapons", then they've  
10 took all my clothes off me, and they took all my clothes  
11 off me, then they told me to bend over, and I said, "no".  
12 So, then they put the finger up my arse trying to look  
13 for - they reckoned they were trying to look for, like,  
14 weapons or something that I was hiding.

15  
16 Q. And I think you say in your statement that that was  
17 the first time you'd been strip-searched except for when  
18 you had your admissions?

19 A. Yep.

20

21 Q. And the other kids who'd been involved in that  
22 standoff by the pool, they weren't strip-searched?

23 A. No, they weren't strip-searched.

24

25 Q. You said in your statement you said they couldn't do  
26 that and they said, "We can do whatever the fuck we want".

27 A. Yep.

28

29 Q. After that search had happened you told the workers  
30 that you were going to call the Commissioner for Children  
31 and Young People?

32 A. Yep.

33

34 Q. And, what did they say when you said that you were  
35 going to call the Commissioner?

36 A. They just said, like, "That's a dog thing to do", that  
37 I shouldn't do that because they were, like, making -  
38 "No-One's going to believe - no-one's going to believe you  
39 over four - like, over us, there's four of us here", and  
40 then I just --

41

42 Q. Sorry, Max, keep going.

43 A. And then the way I seen that, after that, I just  
44 thought, well, he's right, like, they've - they're not  
45 gonna believe me over four other people, because they're  
46 all gonna have each other's back.

47

1 Q. And Max, it sounds from your statement like a lot of  
2 the things that happened to you from staff happened in  
3 parts of Ashley where there weren't any cameras; is that  
4 right?

5 A. Yeah, 100 per cent.

6  
7 Q. Do you think the staff knew that the places that they  
8 were hitting you were places where there weren't cameras?

9 A. They knew that for a fact, because they used to  
10 threaten us with, like, the breezeway and stuff, where  
11 there's no cameras. Like, they know exactly where there's  
12 no cameras.

13  
14 Q. Still in 2019 you've described an event occurring  
15 where one of your mates got a package with some tobacco and  
16 marijuana and things in it and he gave some of it to you,  
17 and workers came in to try and search you because of what  
18 they thought you had. And you describe them handcuffing  
19 you and someone else and taking you up to the breezeway;  
20 what happened to you there?

21 A. They took us up to the breezeway and they laid us  
22 against the wall and they said, "Hand it over now". They  
23 said, "This is your last chance to hand it over". Then we  
24 said, "We're not handing them over", so they ripped our  
25 clothes off and, like, we couldn't do nothing, we was in  
26 handcuffs. So, there was two staff there that pinned me  
27 against the wall. One staff member, I think there was,  
28 like, two or three staff that had me against the wall and  
29 the other one was ripping all my clothes off looking for  
30 the package.

31  
32 Q. And you were completely naked?

33 A. Yeah, completely naked.

34  
35 Q. What did they say to you as they were doing it?

36 A. They said, "We warned you about this", and just stuff  
37 like that, like, told us that, "We gave you a chance", and  
38 like, said that we can't tell, like, we're not going to be  
39 able to tell no-one because no-one's going to believe it.

40  
41 Q. You said in your statement that one of the workers  
42 said to you:

43  
44 *There's no cameras up here, don't think*  
45 *that you're tough. Trust me, I've bashed a*  
46 *lot bigger than you.*

47

1 A. Yep.

2

3 Q. And again, like, you didn't make a complaint about  
4 that to anybody?

5 A. No, well, the way I seen it as, they're just gonna say  
6 that they were taking us up through there to get us up to  
7 admissions to try and get it off us, like, they're not  
8 gonna - no-one's gonna believe us, like. Yeah, even if me  
9 and my mate had have made a complaint, still, that's only  
10 two criminals against, like, four or five or, like, five or  
11 six staff members that have all got good records and that,  
12 and they're youth workers, they're not - the way we seen it  
13 as, there's nothing we can do, no-one's gonna believe us.

14

15 Q. And so, the breezeway where there were no cameras,  
16 Max, that's on the way to the fish bowl admissions area  
17 where there are cameras; is that right?

18

19

20 Q. So were you worried that the workers would just say  
21 that they had a proper reason for taking you to the fish  
22 bowl and no-one would believe you?

23

24

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47

Q. Sorry, in your statement you say even you felt like  
sometimes the things you told your Youth Justice worker or

1 your lawyer Ashley would still find out about?

2 A. Yeah, because it just seemed that way, that everything  
3 I'd tell people would just somehow get back to staff, and  
4 like ...

5

6 Q. You say in your statement that at one point you did  
7 decide to speak to the Commissioner for Children and Young  
8 People because you saw that other people were doing it?

9 A. Yep.

10

11 Q. How did staff treat you after they found out that you  
12 had spoken to the Commissioner?

13 A. They treated me like shit. They weren't giving me  
14 any, like, toasties, they'd only give me drinks when I was  
15 allocated drinks. Like, before that they'd give us drinks  
16 sort of whenever, like toasties whenever, and then they  
17 just started just restricting everything. They tried to do  
18 it all by the rules, but like, they were just being real -  
19 they were just being real, like, real strict about  
20 everything, when they hadn't been like that, then after  
21 that they just started doing it.

22

23 Q. So, it sounds like they were punishing you because  
24 they knew you had spoken to the Commissioner; is that how  
25 it felt to you?

26 A. Yeah, yeah, it was obvious what they were doing.

27

28 Q. You go on in your statement to describe the next  
29 incident that you remember which was between 2020 and 2021  
30 after a Code Black at the school. Can you tell us what  
31 happened on that day?

32 A. There was a Code Black in the school and I got  
33 restrained and taken back to Franklin - yeah, I think, I  
34 was in Franklin I'm pretty sure. So, I got taken to  
35 Franklin, got put in my cell, and as they've got me in my  
36 cell I think I went to - I think I assaulted one of the  
37 staff members, and then they just started hitting me; they  
38 just, like, hit me heaps of times and kneed me. I think  
39 there was about three or four staff members, they'd left.  
40 The nurse come up and, like, they got the nurse to come and  
41 see me, so the nurse come up, and I told her what happened  
42 and she just said, like, saying "That never happened",  
43 like.

44

45 Q. In your statement, Max, you describe that before that  
46 assault on the staff worker happened you'd been put in your  
47 room and the youth worker was talking to you and you said,

1 "I don't want to talk to you, leave the room or I'm gonna  
2 hit you", but he didn't leave?  
3 A. Yep.  
4  
5 Q. And it was after that, that you got off your bed and  
6 hit him and then everyone else came in?  
7 A. Yeah.  
8  
9 Q. So, it feels like there would have been a way for that  
10 to have been avoided if the worker had listened to you when  
11 you first asked him to leave?  
12 A. Yeah, well, the way it - like, the way they always  
13 say, like, if you've got something, they say talk about it  
14 with case management; they say "Talk about stuff before you  
15 do something, like, just try and talk about it, talk before  
16 you use actions", so I tried it and it just didn't work,  
17 like. So, there was nothing else for me to do.  
18  
19 Like, yeah, I shouldn't have, I shouldn't have got up  
20 and hit him, that was the wrong thing to do. But still,  
21 they're trained for, if you hit them, then they don't know  
22 how to restrain you and stuff. What's all their training  
23 for? That's what they're trained for. They don't get  
24 trained to just sit there and bash a 16 or 17-year-old,  
25 it's just wrong.  
26  
27 Q. You said in your statement that one of the things they  
28 said to you after they were hitting you was, "You're not a  
29 little kid anymore, it's not like the old days when you  
30 were a kid"?  
31 A. Yep.  
32  
33 Q. Just to be clear, by this time you would have been 16?  
34 A. Yep, 16.  
35  
36 Q. Then you describe something that happened last year  
37 when the reconstruction of Bronte Unit was happening?  
38 A. Yeah.  
39  
40 Q. And you and a mate got into the construction site  
41 which was open and got some tools, and you made a deal with  
42 the operations coordinator that, if no-one touched you and  
43 you were able to walk back to your cell, you would drop  
44 your weapons and the operations coordinator agreed, but  
45 then that wasn't what happened, was it?  
46 A. No.  
47

1 Q. Tell us what happened?  
2 A. As soon as I dropped the weapons they just all jumped  
3 on me, and restrained me and started hitting me, and then  
4 they took me back up through the construction site out  
5 through the yard. So, in the yard there'd be camera  
6 footage so you'd be able to see my face bleeding, and they  
7 would have just said that I fell over, or something like  
8 that, or it's the way they dropped me or something like  
9 that, they'd use excuses. So, yeah, they took me back up  
10 to Franklin.  
11  
12 Q. And I think you say in your statement that in the  
13 construction area where they assaulted you there weren't  
14 any cameras because it was under construction?  
15 A. Yeah, there'd been reconstruction.  
16  
17 Q. Then they came after you and took you to your Franklin  
18 Unit but then they left you there, they didn't send the  
19 nurse; is that right?  
20 A. Yeah, no, they didn't send the nurse.  
21  
22 Q. And, were you bleeding?  
23 A. Yeah.  
24  
25 Q. And then you go on to say that, I mean, while you were  
26 in your cell a youth worker that you got on with told you  
27 that you should let the other workers search you and that,  
28 if you didn't let them search you, it would go badly for  
29 you?  
30 A. Yep.  
31  
32 Q. And then you describe four or five workers coming up  
33 towards the cell to search you; what happened after they  
34 got to your cell?  
35 A. Yeah, well, they come in and they, like, they were  
36 going to search me. I'm pretty sure, I think I agreed to  
37 the search - yeah, I think I might have agreed to let them  
38 search me ...  
39  
40 Q. Let me remind you about what you said in your  
41 statement to help you remember. What you said in your  
42 statement was that two of them stood out the front on the  
43 camera and three came into your cell. They asked if you  
44 were going to comply, and you said, "No", and as they  
45 approached you jumped up and hit one of them because you  
46 knew you were "about to get fucked up"?  
47 A. Yeah.

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Q. And then they threw you onto the bed; what happened after that?

A. Yeah, then they threw me onto the bed and, like, they've ripped all my clothes off. Like, they bashed me a little bit and they ripped all my clothes off, and then they had gloves on and they put their finger up my arse trying to, like, look for stuff, and like lifted up my balls and that and just stuff like that. They reckon that's how they search, but they're not allowed to do that, they're not even allowed to strip-search you, like, so ...

Q. But they did?

A. Yeah.

Q. And they did that to you often?

A. Yeah. Yeah, nine times out of 10 - sometimes they'd just, like, strip-search you, like. Because normally, if you complied, they'd just strip-search you, let you take your clothes off and some - some ones would let you and not touch you at all. Because, like, even strip-search and that, that's like borderline of what they're allowed to do, they're not even really allowed to do that; they're not actually allowed to put their hands on you at all.

Q. But it sounds like they did often?

A. Yeah, exactly. Like, we knew that, if we didn't comply, that was gonna happen, still like - it's just, it's shit, like, no-one really wants to comply with a strip-search. Like, yes, I'm not saying that we didn't have stuff when they wanted to strip-search us, but still, like, we don't wanna get strip-searched. It's pretty weird sitting there with three or four people there while you're naked, like, it just feels uncomfortable.

Q. And again, it happens in an area where there weren't any cameras?

A. Yeah.

Q. And so, you didn't complain because you didn't feel anybody would believe you?

A. Yeah, well, no, I didn't think anyone would believe me.

Q. What you say in your statement is that after that you just - sounds like you kept acting out and getting Code Blacks called as much as you could because you wanted to

1 get moved somewhere else; is that right?

2 A. Yep.

3

4 Q. And, I mean, people might think that's pretty weird  
5 for someone who's allowed to be in a youth prison to kind  
6 of chose to try and get moved to an adult prison. What was  
7 your reason?

8 A. Well, I had - as there'd be paperwork of me trying to  
9 request to move out of there, I put in request forms, and  
10 that's what the CST's there for, and they just kept coming  
11 back saying, "No, you're not going to be able to move no  
12 matter what you do". So then that made it even worse for  
13 me, because like, I felt I had the - I should be allowed to  
14 go to an adult prison, not sit in Ashley after everything  
15 that's happened to me.

16

17 I don't get treated like a kid up there, so why should  
18 I be there when just - like, I've had so much trauma and  
19 that there I just didn't feel like - like, it wasn't good  
20 for me, it wasn't good for my headspace, so I just kept  
21 releasing all my anger on all - everyone. And, like, half  
22 of the people didn't deserve it, but the only people that I  
23 see that didn't deserve it was the other inmates, like,  
24 copped a little bit of stuff off me, but the youth workers  
25 still some of them didn't deserve it, because not all of  
26 them are bad. Like, the new ones, the new ones that  
27 they've brought, like, what I seen is, like, I don't know  
28 what they're like now, but after being there a year and  
29 that, they normally turn into the same as the other ones.

30

31 Q. So, even new ones who would start off nicer, over time  
32 they'd change?

33 A. Yeah, it was the best thing when a new one started  
34 because they were actually nice and they never used to do  
35 any of that, and the youth workers would gradually ease  
36 them into it, like, they'd sort of ease them into showing  
37 them all this stuff. They wouldn't, like, fully lay hands  
38 on you, like, really bad if there was a new staff member  
39 there because they'd be thinking, we don't want him to  
40 complain or her to complain. Then after a while they  
41 wouldn't care, they'd just, 'cos like, they must - I don't  
42 know what happened, I don't know what they talked about,  
43 but I assume they talked about it and just, yeah.

44

45 Q. And so eventually you did get ██████ out of Ashley ██████  
46 ██████; is that right?

47 A. Yep.



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Q. But before you left, while you were still at Ashley you heard that the Commission of Inquiry had started up?

A. Yep.

Q. What did you think when you heard that the Commission had been opened and that Ashley might get shut down?

A. I was happy as, I thought it was the best thing. And then I thought it was - I thought about an opportunity to tell my story, and then I - because I organised with the Commissioner at the time to organise a meeting so I could speak and tell my story.

Q. Yeah.

A. So, I was gonna tell my story, and then Stuart Watson, like, the Manager, he found out what was going on and then he come down and talked to me. And he was - he said, asked me why I'm doing it and that, and I said, "Like, I'm telling exactly what happens here, like how shit it is and that". Then he, he pretty much tried to bribe me - well, not "pretty much", he did; he said that he'd give us MA+ games, let - like the other person, he'd let the other person that done it as well with me go off-site, he'd let me go off-site, like, he'd let us move to the new unit. Like, he's giving us all these things, and straight away we're thinking, we can't get any of them; yep, we'll definitely do that.

Q. And so, what, he was offering you those things if you said nice things?

A. If we said nice things about Ashley and not go there and say bad things, like, say that, you know, the school does good things for us, the staff are all good, like, just all stuff like that.

Q. In your statement you say that he said to you:

*They don't need to hear all that bullshit,  
they've got enough going on with fake  
allegations as it is.*

Is that part of what he said?

A. Yep, those were his exact words what he said.

Q. And so, after he'd said that to you and made those offers to you, when you had your session with one of the Commissioners of Inquiry, did you tell the story that

1 you've been telling us today about your experiences?

2 A. No.

3

4 Q. What did you say?

5 A. I said, like, I went there and I - I shouldn't have, I  
6 shouldn't have went there and said it, but I did, which  
7 was - but at the time I just said that everything was fine  
8 there, it was the best place you could be, like, it's  
9 helped me with heaps of stuff. Which, half of it, like,  
10 the little tiny bit of that was true, which was about the  
11 school, because the school's probably the only one good  
12 place in that whole thing, because I learned how [REDACTED]  
13 and everything from there, but other than that, I was  
14 just - like, I mean me and another resident just went in  
15 there and said that, how good Ashley was, which was a load  
16 of shit.

17

18 Q. And then after you'd done that you went back and  
19 talked to Stuart Watson again, and what was that  
20 conversation that you and he had after you'd spoken to the  
21 Commission?

22 A. He told us that we wasn't gonna get any of that, that  
23 we had to be good and all this. Like, just, we went there  
24 and said all that, and he knew that we couldn't take back  
25 what we said, so he just acted as if nothing happened, he  
26 acted like the conversation never happened.

27

28 Q. Mr Watson's going to give evidence to this Commission,  
29 and he's going to say that the conversation never happened,  
30 that he never told you what to say to the Commission?

31 A. Yep.

32

33 Q. But I guess you're saying he did?

34 A. Yeah, 100 per cent he did. And then, like, what he  
35 says, like, it doesn't faze me because I know the honest  
36 truth, I know exactly what he said. There's another  
37 resident as well, like, so ...

38

39 Q. Mr Watson's going to say that he did have discussions  
40 with you about how you could get access to the step-down  
41 unit and have the opportunity to go off-site, and that he  
42 did have that discussion with you but that it wasn't  
43 anything to do with you giving evidence to the Commission;  
44 do you agree with that or disagree with it?

45 A. No, disagree with that.

46

47 Q. When you had your session with one of the

1 Commissioners from this inquiry, is it right that Leanne,  
2 the Commissioner for Children and Young People, sat in with  
3 you in the meeting that you had with the retired judge?  
4 Can you remember?  
5 A. Yeah, yeah. Yeah, I'm pretty sure she did.  
6  
7 Q. Because she had helped you organise to have the  
8 session; is that right?  
9 A. Yep. Yeah, yeah, she helped.  
10  
11 Q. And so, after you had learned from Mr Watson that he  
12 wasn't going to go through with the deal that you felt he'd  
13 made with you, did you talk to Leanne about that?  
14 A. Yep.  
15  
16 Q. And tell us about that conversation that you had with  
17 her?  
18 A. Well, I - I told Leanne about what - what got said,  
19 and she just, straight away she was, like, to me, "You  
20 should have told me what was going on, like, that's not  
21 right, he's not allowed to do that, like, that's wrong",  
22 and she was gonna make enquiries about it. So, she made  
23 enquiries with Stuart, and he come back and said that that  
24 never happened, so like, it's just, like, he fully denied  
25 it so ...  
26  
27 Q. And so, did you tell Leanne that you wanted to speak  
28 to the Commission again?  
29 A. Yep.  
30  
31 Q. But from your statement it sounds like she told you  
32 that you would have to wait and do it once you finished  
33 your sentence?  
34 A. Yep. Yep, that it'll take time.  
35  
36 Q. But in the end you did come forward and speak to the  
37 Commission again while you had still been inside?  
38 A. Yep.  
39  
40 Q. Just to be clear, Max, the things that you've been  
41 telling us today, that's the truth about your experiences  
42 in Ashley?  
43 A. Yeah. Yep, 100 per cent truth.  
44  
45 Q. You probably know that the government has said that  
46 Ashley's going to be closed down and there's going to be  
47 two new centres in its place in different locations.

1 A. Yep.

2

3 Q. In your statement you've given some thoughts about  
4 what the new centres should be like, and one of the things  
5 you've said is that there should be cameras everywhere.  
6 Why do there need to be cameras everywhere?

7 A. Because, if there's no cameras in some spots, then new  
8 staff - like, I can't say 100 per cent that new staff are  
9 gonna be like the old staff, if that's how it's going to be  
10 run, but like, from my experience that's where everything  
11 bad happens. They don't like to do stuff in camera  
12 because, if a complaint gets made, there's all the evidence  
13 right there, so they'll do stuff where there's no cameras.

14

15 Q. And you've also said that you don't think that any of  
16 the old staff should work at the new centres; why is that?

17 A. Because, like, what's the point in making all these  
18 new centres, when it's not the centre that does the stuff,  
19 it's actually the staff. So, if there's even some of the  
20 new staff - like, some of the old staff, I mean, then I'm -  
21 like, they could do the same thing; get everyone, all the  
22 new staff involved in it. Like, it's not 100 per cent, but  
23 that's what happens at Ashley right there, so it's not the  
24 centre that does it, it's the staff. So, if you have the  
25 same staff, then it's gonna be the same outcome; that's the  
26 way I see it.

27

28 Q. The other thing you said, Max, is you feel like  
29 complaints need to be taken more seriously?

30 A. Yep.

31

32 Q. Not just by Ashley but by the Ombudsman and by other  
33 organisations; tell us why you feel that?

34 A. Because I've made a few complaints over my time being  
35 there, so has other people, and they haven't been taken  
36 serious, like. Even though it might only be little things,  
37 they still need to be looked at because there's most likely  
38 a lot more going on than what gets written down on a bit of  
39 paper; they need to actually have conversations and let  
40 people explain exactly what happens.

41

42 Q. Thanks, Max. Is there anything else? The  
43 Commissioners are here and they've been listening very  
44 carefully to everything that you've said and we've gone  
45 through a lot of things in your statement which I know  
46 they've also read very carefully. Is there anything else  
47 you would like to say to them to help them decide what they

1 should find about Ashley or what they should tell the  
2 government about the new centres?

3 A. No, just - yeah, just about, my big thing is the new  
4 staff and cameras everywhere and complaints.

5

6 MS ELLYARD: Thank you, Max. Those are the questions that  
7 I have, Commissioners.

8

9 PRESIDENT NEAVE: Max, thank you very, very much indeed,  
10 both for your statement, for having the courage to come  
11 back and say, "I didn't tell the truth the first time  
12 round", to telling us about your experiences. We hope that  
13 what you've told us will contribute to a better system in  
14 the future, and thank you very much for your courage in  
15 speaking to us.

16 A. Yep.

17

18 COMMISSIONER BENJAMIN: Thank you, Max.

19

20 COMMISSIONER BROMFIELD: Thank you.

21

22 MS ELLYARD: Thank you very much, Max.

23

24 Commissioners, I'm going to invite you to take a short  
25 break but I gather, once the live stream is back on, my  
26 learned friend, Mr Gunson, has a matter to raise, I  
27 understand a short matter --

28

29 MR GUNSON: A very short matter.

30

31 MS ELLYARD: -- before we take a break.

32

33 PRESIDENT NEAVE: Is the live stream back?

34

35 MR GUNSON: Is the live stream either back up or at least  
36 the witness is ...

37

38 PRESIDENT NEAVE: Is the live stream still back on?  
39 Sorry, Mr Gunson.

40

41 COMMISSIONER BENJAMIN: We've got a thumbs up, I'm told.

42

43 MR GUNSON: May it please the Commissioners, some brief  
44 matters in regards to some allegations that were made  
45 towards the end of the last witness's evidence that relate  
46 to potentially the next witness's evidence that on one  
47 level is of limited interest to me because he is separately

1 represented but, acting for the State, I do feel duty bound  
2 just to draw the Commission's attention to section 28 of  
3 the COI Act and the allegations, if established, would, in  
4 my submission, potentially fall within subsection (c) of  
5 that Act, and I draw the Commission's attention to  
6 section 29 of the COI Act, noting that it's a very  
7 discretionary procedure but I just do flag that as an  
8 issue.

9  
10 PRESIDENT NEAVE: Could you just remind us? I don't have  
11 an Act with me, I should have.

12  
13 MR GUNSON: I was trying to be oblique. It's contempt of  
14 the Commission.

15  
16 COMMISSIONER BROMFIELD: We're aware.

17  
18 PRESIDENT NEAVE: Yes, thank you.

19  
20 MS ELLYARD: Commissioners, having regard to the nature of  
21 that evidence, and there's a lot of evidence to deal with  
22 with the next witness, can I invite the Commissioners to  
23 perhaps take a break a bit early, but to take a break for  
24 perhaps at least 10 minutes and then we'll resume with  
25 Mr Watson.

26  
27 PRESIDENT NEAVE: Yes.

28  
29 MS ELLYARD: Can I indicate that today is going to be a  
30 short day of evidence. It had originally been my intention  
31 to call, not just Mr Watson, but also Mr Ryan today. The  
32 Commission has received information indicating that Mr Ryan  
33 is medically unfit to give evidence today, so I'm not  
34 calling him.

35  
36 I am proposing to call Mr Watson, who I understand is  
37 also attending in the context of some ill-health, but if we  
38 could take a break now we'll then resume with Mr Watson's  
39 evidence. I anticipate that the evidence will only go  
40 until lunchtime today in any event.

41  
42 PRESIDENT NEAVE: Thank you, Ms Ellyard.

43  
44 **SHORT ADJOURNMENT**

45  
46 MS ELLYARD: Thank you, Commissioners, and our apologies  
47 for that delay, there's been some discussions occurring.

1  
2           Before I call the next witness, there's an appearance  
3 to be announced for that witness and a submission to be  
4 made. May I call on my learned friend to make his  
5 appearance and his submission.  
6

7 MR GATES: Thank you. May it please Commissioners, Simon  
8 Gates, I appear for Mr Watson.  
9

10 PRESIDENT NEAVE: Thank you, Mr Gates.  
11

12 MR GATES: Commissioners, there's a couple of issues I'd  
13 just like to quickly raise in relation to the previous  
14 session before the break, and particularly the allegations  
15 that were made about my client by the young person who gave  
16 evidence before the break.  
17

18           My client was issued with a, what purports to be a  
19 section 18 notice under the Commissions of Inquiry Act.  
20 Now, that notice does not contain particulars of what it is  
21 that is alleged to amount to potential misconduct which  
22 could arise in evidence before this Commission.  
23

24           Can you hear me, sorry, I think I'm missing the  
25 microphone? Is that better?  
26

27           The first issue I wanted to raise is that, as you're  
28 aware, Commissioners, under section 18 a person who is  
29 issued with a section 18 notice has a number of statutory  
30 rights under, I think it's subsection (3); one of those  
31 rights is the right to cross-examine a witness.  
32

33 PRESIDENT NEAVE: Yes.  
34

35 MR GATES: So far with my involvement with the Commission  
36 I've been actively discouraged from doing so, I think I  
37 understand the policy perspective that sits behind the  
38 perspective of the Commission in relation to that.  
39

40           My acquiescence to that position has been on the  
41 understanding that questions that I might want to ask to  
42 witnesses would be put to them through Counsel Assisting.  
43 Today I availed myself of that and drafted questions I  
44 wanted to put to that witness. They weren't conveyed or  
45 put in the way that they were worded in what I had provided  
46 to Counsel Assisting, and the departure from that, I would  
47 say, potentially would affect the way in which that witness

1 responded because the question that I put, or was to put or  
2 asked to be put, actually contained an alternative  
3 explanation for why it was that the young person was  
4 offered certain potential privileges and, apart from  
5 actually putting an alternative explanation for it, it also  
6 may have served to jog his memory about why it was in fact  
7 that he was offered those things.

8  
9 I won't, from the Bar table, purport to give that  
10 evidence, but just highlight the fact that that is the  
11 purpose for which they were included in the question, and  
12 they weren't asked.

13  
14 There is also an issue which I would like to reserve  
15 the right to make submissions about as to the way in which  
16 one question in particular was put by Counsel Assisting  
17 during that questioning which I feel was highly prejudicial  
18 to my client. I would like to have the opportunity to  
19 consider the transcript of the evidence before making any  
20 submissions with respect to that.

21  
22 What I'm asking for on behalf of my client at this  
23 stage is I'm asking that a further section 18 notice or a  
24 particularised section 18 notice be issued actually  
25 particularising precisely what it is or what the  
26 allegations are to which the notice relates.

27  
28 I ask that the Commission grant leave to my client to  
29 reserve his position with respect to his section 18(3)  
30 rights in order that he may avail himself of those to the  
31 extent that that can be accommodated by the Commission.

32  
33 He would like, nonetheless, to proceed with giving his  
34 evidence today. As has been noticed, he is currently  
35 suffering from a medical condition, but nonetheless he has  
36 come along today because he would like to assist the  
37 Commission in the investigation of these matters and  
38 provide evidence to the Commission, but he is unwell, and  
39 he would like to go ahead with that today but I would ask  
40 that his rights be - I ask that he reserve his rights in  
41 relation to exercise those powers under section 18(3) if he  
42 chooses to do so.

43  
44 I'd just like to deal finally with one specific issue.  
45 In evidence the Commission heard prior to the break there  
46 was reference to statements that were made, I think to  
47 Commissioner Benjamin, by the young person in a private



1 session. I have been informed that, as a private session,  
2 it's likely that that information isn't available or can't  
3 be released.

4  
5 PRESIDENT NEAVE: Yes.

6  
7 MR GATES: It seems to me that in fact there is, probably  
8 given the nature of the way which it was referred to by  
9 that witness, there is a real issue or question as to  
10 whether or not it is disclosable under section 19A(5). As  
11 to whether it is or not, I would like to have the  
12 opportunity to give that further consideration and having  
13 regard to the transcript of evidence that he gave, but  
14 again, I would like to reserve the right to make  
15 submissions with respect to that issue and, depending on  
16 the Commission's position that it reaches in relation to  
17 that, potentially given that material which the Commission  
18 has, because it seems to me that that could potentially go  
19 to the veracity of the allegations that are made and the  
20 credibility of the evidence that the young person gave in  
21 relation to matters adverse to my client.

22  
23 PRESIDENT NEAVE: Thank you, Mr Gates. So, just to  
24 clarify, you're seeking to reserve your client's rights in  
25 relation to both section 18 and also, for the purposes of  
26 doing so, considering the operation of section 19, and you  
27 may wish to make submissions to us at the end of  
28 Mr Watson's evidence?

29  
30 MR GATES: That's right, Chief Commissioner.

31  
32 PRESIDENT NEAVE: Have I understood that correctly?

33  
34 MR GATES: Yes, and in fact the right to make submissions  
35 to the Commission is of course one of the rights that  
36 arises under section 18(3) in any event, yes, that's right.

37  
38 PRESIDENT NEAVE: Of course, but you will defer your  
39 exercise of that right --

40  
41 MR GATES: That's right.

42  
43 PRESIDENT NEAVE: -- until Mr Watson has given his  
44 evidence?

45  
46 MR GATES: Yes, that's right. Thank you.

47

1           PRESIDENT NEAVE:    Yes.

2

3           MR GUNSON:    May it please the Commission if I may be very  
4           quick and just address the Commission in relation to the  
5           position the State is likely to adopt in relation to the  
6           matters that my learned friend has raised.

7

8                        In respect of witnesses before the Commission who are  
9           State servants but independently represented from the  
10          State, the State will reserve its position to make  
11          submissions at a high level of abstraction in the sense of,  
12          to assist the Commission in the proper construction of the  
13          Act and how it ought operate, but will not delve down into  
14          the issues relating to the individual witness.

15

16                        So, if the State can be of assistance to the  
17          Commission, we will provide that assistance where we can.

18

19          PRESIDENT NEAVE:    So, presumably, the submissions that the  
20          State might make relate to the effect of section 19A?

21

22          MR GUNSON:    And the proper construction of it, yes.

23

24          PRESIDENT NEAVE:    Thank you very much.

25

26          MS ELLYARD:    Thank you, Commissioners. I call Mr Stuart  
27          Watson to give evidence. And I'm conscious he needs to go  
28          out one door and come in the other because of the way the  
29          room's set up, Commissioners.

30

31          <STUART WILLIAM JARDINE WATSON, sworn:                        [12.01pm]

32

33          <EXAMINATION BY MS ELLYARD:

34

35          MS ELLYARD:    Q.    Thank you, Mr Watson, you can take a  
36          seat and feel free to take off your mask now that you're in  
37          the witness. Can you tell the Commission your full name?

38

39          A.    Stuart William Jardine Watson.

40

41          Q.    And what's your present occupation?

42

43          A.    My present occupation is the Manager of Custodial  
44          Youth Justice.

45

46          Q.    In practical terms that means you're the senior person  
47          on-site at the Ashley Youth Detention Centre?

48

49          A.    Correct.

50

1 Q. You made a statement to assist the work of the  
2 Commission in response to questions that were posed to you.  
3 The original version of that statement was signed by you  
4 and dated 16 August 2022?

5 A. Correct.

6  
7 Q. As I understand it, in more recent times you've  
8 produced an amended version of that statement which  
9 reflects some matters that have come to your attention or  
10 where you've refreshed your memory having looked at some  
11 documents?

12 A. Correct.

13  
14 Q. And so, the updated version of that statement, it's  
15 still dated the 16th but there are some sections in red  
16 which reflect the amendments that you've made because of  
17 matters that have come to your attention or where you've  
18 refreshed your memory?

19 A. When I was supplied with some further information it  
20 did jog my memory on certain events and I felt that I had  
21 to add extra information to that.

22  
23 Q. Thank you, Mr Watson. So, the Commission can proceed  
24 on the basis that the amended version of your statement  
25 with the red insertions reflects the evidence that you'd  
26 like to give in response to the questions that the  
27 Commission posed to you?

28 A. Correct.

29  
30 Q. And that statement's true and correct?  
31 A. Yes, it is.

32  
33 Q. For the purposes of preparing your statement you had  
34 regard to a number of documents that the Commission drew to  
35 your attention?

36 A. I did.

37  
38 Q. And, in preparing your statement, you've produced a  
39 number of documents too which you've attached which you  
40 wish the Commission to consider as part of your evidence?

41 A. I have.

42  
43 Q. Thank you. You indicated that you're the present  
44 Manager of Custodial Youth Justice; how long have you had  
45 that role?

46 A. Since February 2021.

47

1 Q. And, prior to taking up that role in a formal  
2 capacity, you acted in the role for a period of time as  
3 well; is that right?

4 A. I did.

5

6 Q. And you were able to act in the role because you  
7 already held a role as the Assistant Manager; is that  
8 right?

9 A. I was the Assistant Manager, yes.

10

11 Q. So, when did you first start at Ashley?

12 A. I started on 13 January 2020.

13

14 Q. And that was in the role of Assistant Manager?

15 A. Correct.

16

17 Q. Who was then the Manager, the role that you now have?

18 A. Patrick Ryan.

19

20 Q. Prior to taking up the position as Assistant Manager  
21 at Ashley, had you previously worked in any custodial or  
22 Youth Justice setting?

23 A. Yes, I had come from the Tasmanian Prison Service.

24

25 Q. What were the roles that you had performed there?

26 A. I had performed a variety of roles. I started as a  
27 correctional officer, I became a correctional supervisor,  
28 and towards the end of my time there I held a few roles to  
29 do with planning and engagement and training, and my final  
30 role was as a Manager of Training and Development.

31

32 Q. What was it that caused you to seek and ultimately  
33 obtain the role of Assistant Manager at Ashley?

34 A. I'd been looking for a change. I had 20 years'  
35 experience with the Prison Service and the Prison Service  
36 during the time that I had been there, I felt in a lot of  
37 ways had gone backwards.

38

39 When I first started with the Prison Service all the -  
40 the prisoners would be out most of the day, at work, uni,  
41 TAFE, bus loads would go out. At the end of my time there  
42 the prisoners really were just being warehoused and I felt  
43 that it was not the type of environment that I really  
44 wanted to be in anymore, and I felt that the position at  
45 Ashley would give me an opportunity to make a positive  
46 difference and a positive change.

47

1 Q. The Commission has heard a lot of evidence about the  
2 reputation that Ashley had and what might have been known  
3 in the broader community or perhaps in the correctional  
4 sector about Ashley. Prior to taking up your role, what  
5 was your understanding, if you had one, about the way  
6 Ashley was working and what its culture was?

7 A. My understanding was really what I'd heard through the  
8 news. There had been quite a few incidents, there had been  
9 escapes; it had been problematic for many, many years, and  
10 I knew that it was a difficult place, I knew it was a  
11 difficult job, and I knew that there were very complex  
12 problems.

13

14 Q. You indicated that at the time you started in your  
15 original role of Assistant Manager, the Manager was Patrick  
16 Ryan. As I understand it, there were a number of other  
17 people working at the centre, a number of whom we're  
18 referring to by pseudonyms, and there's a pseudonym list in  
19 front of you if you need it, but one of the people who had  
20 as I understand it been previously acting in the role of  
21 Assistant Manager was a person we're calling Lester.  
22 You're aware of that person?

23 A. Correct, yes, I am.

24

25 Q. And there was another person who held a role of I  
26 think Operations [REDACTED] or Operations [REDACTED] who  
27 we're calling Maude?

28 A. Yes.

29

30 Q. And a number of other people who held various roles in  
31 the hierarchy of the centre?

32 A. Yes.

33

34 Q. Can I ask you this question: at the time you first  
35 took up your role as Assistant Manager, what was the -  
36 perhaps I'll say, the welcome you received from your new  
37 colleagues? How did they respond to you?

38 A. The youth workers were quite excited when I first  
39 started; they made me feel quite welcome. Unfortunately, I  
40 didn't feel so welcome. Lester was occupying the office  
41 that I was supposed to go into as he'd been the acting  
42 Assistant Manager at that time, and my appointment had  
43 displaced him to the position of Operations [REDACTED].

44

45 He didn't vacate the office for, I think it was four  
46 days, and when he did vacate the office he left it really  
47 dirty and grotty, and a voodoo doll hanging from the

1 monitor with pins through the heart of the voodoo doll. I  
2 was also informed by staff up there that it was Lester's  
3 belief that he could drive me out and then he could assume  
4 the position of Assistant Manager, and that that was his  
5 intention.  
6

7 Q. And as I understand paragraph 22 of your statement,  
8 Mr Watson, you observed when you arrived that there was  
9 distrust for the management group which comprised Lester  
10 and Maude and Patrick Ryan and others, and that there  
11 seemed to be a fear of retribution if issues were raised;  
12 can you tell us about that?

13 A. Absolutely, it was more than distrust, it was a  
14 dislike, it was a fear, people felt oppressed, people felt  
15 that they were being bullied, people felt that they were  
16 unsafe. It was a really big divide through the centre  
17 where people were scared to speak up or say anything to  
18 that management group at the time.  
19

20 COMMISSIONER BROMFIELD: Q. Sorry, I just missed. That  
21 was Patrick Ryan, Lester and Maude specifically?

22 A. Correct.  
23

24 Q. Thank you. While I've interrupted: did Lester move  
25 back to an Operations [REDACTED] or a Substantive Project  
26 Officer position?

27 A. So, when I first started, as I said, it was four days,  
28 and there was a bit of a transfer. Maude was displaced  
29 back to being an Operations [REDACTED], and Mr Ryan asked  
30 Lester to be the Operations [REDACTED] for a period of time.  
31

32 COMMISSIONER BROMFIELD: Thank you, that's helpful.  
33

34 MS ELLYARD: Q. You also describe in paragraph 22 of  
35 your statement, Mr Watson, observing a divide between  
36 Professional Services on the one hand and Operations on the  
37 other hand. The Commission's heard that observation made  
38 by other witnesses, but you saw that in action as well; is  
39 that right?

40 A. Correct. There was a large divide, there was a lack  
41 of trust on both sides, there was dislike for the people  
42 that were in some of the roles, and a disdain more  
43 generally for youth workers from a couple of the occupants  
44 in the Professionals Team at the time.  
45

46 PRESIDENT NEAVE: Q. Could I just interrupt. Was that  
47 something that went both ways?

1 A. Operations staff didn't like the Professional Services  
2 staff. There wasn't any commonality between them, and  
3 there wasn't any productive work between them. The  
4 Professional Services staff felt that the Operations staff  
5 were belligerent and - well, some of them, not all of them,  
6 and were not accepting of their support or their advice and  
7 their professional skills.

8  
9 MS ELLYARD: Q. We've heard some evidence of a culture  
10 of bullying in the centre, particularly bullying from  
11 management downwards. May I ask you, in your initial weeks  
12 at the centre, Mr Watson, what was your own experience in  
13 relation to any bullying coming to you or that you observed  
14 others experiencing?

15 A. I was made aware of some bullying allegations that had  
16 primarily happened before my time; I started on 13 January  
17 2020. These were predominantly before my time. I was also  
18 the subject of bullying myself by Lester and I really felt  
19 quite unsafe at that time and I was concerned. I was in a  
20 new position, I'd moved up to Deloraine from Hobart, and I  
21 really felt like I was a bit of a mouse caught in a trap,  
22 and I had people that I couldn't trust, and staff are  
23 telling me some pretty terrible stories about what had  
24 happened previously, and I did not know anybody on site,  
25 and it was a very trying time when I first started.

26  
27 PRESIDENT NEAVE: Q. Can I just ask you for any examples  
28 of the bullying that you experienced from the senior -  
29 well, from Mr Lester, for example?

30 A. Okay. Lester, as I said, refused to move out of the  
31 office for four days. The voodoo doll, and then I also  
32 received a phone call from a senior manager in the  
33 Department of Communities who worked outside of Ashley and  
34 she rang me and said, "I don't know you, however I have  
35 been told this by Lester", and what she described to me was  
36 white-anting and that Lester had been telling other senior  
37 managers that I was not suitable for the position or should  
38 be ignored, that was - yeah, and I felt really, really  
39 concerned.

40  
41 MS ELLYARD: Q. Did you raise any of those matters with  
42 Mr Ryan? Thinking about that first period of time when he  
43 was obviously your supervisor?

44 A. No, I didn't. Part of the reason for that was, at the  
45 end of my first week Mr Ryan advised me that he was going  
46 on two weeks' leave and that I would have to act in his  
47 position. I spoke to Mr Ryan about that and I said, "Do

1 you mind if I contact you by telephone?" And he said to  
2 me, "I'm gonna be on a beach, I won't have a telephone with  
3 me, there's nothing I can do". I did raise it with my  
4 director, Pam Honan.

5  
6 Q. And so, just to make sure I understand that,  
7 Mr Watson, you'd been in the role a week, the assistant  
8 role a week, and you were then required to assume the role  
9 of Manager of the centre?

10 A. Yes; I believe I was set up to fail.

11  
12 Q. Can I ask you: you've given some evidence in what  
13 you've just said and in your statement about what you  
14 observed in terms of relationships between staff and  
15 amongst different groups of staff. When you first got to  
16 the centre what did you observe to be the attitude of staff  
17 towards the children and perhaps different groups had  
18 different attitudes, feel free to make that distinction in  
19 your answer?

20 A. Largely I felt that the staff that were there at the  
21 time were there for the young people and were supportive of  
22 the young people. There were some concerns around their  
23 ability to support the young people. I know that literacy  
24 was raised with a few of the staff members.

25  
26 Q. So, to the extent that the Commission's heard evidence  
27 from other witnesses about what they perceived as a very  
28 dismissive or negative attitude on behalf of some staff  
29 towards children regarding them as "shit kids who needed to  
30 be punished", things of that kind; did you observe that  
31 attitude amongst staff?

32 A. No, I did not.

33  
34 Q. To what extent, Mr Watson, have you been able to  
35 follow the evidence that's been given over the last few  
36 days in relation to Ashley? Have you seen some of it?

37 A. I have seen some of it; I have not seen all of it.

38  
39 Q. Have you been aware of the evidence that's been given  
40 largely in camera from former detainees about their  
41 experiences?

42 A. Yes, I have seen some of it.

43  
44 Q. Were you able to see or become familiar with the  
45 evidence that was given by two current Ashley workers last  
46 week?

47 A. Yes, I was.



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Q. You saw that evidence?

A. Yes.

Q. Did you see Ms Honan's evidence?

A. Yes, I did.

Q. Can I ask you firstly about the evidence that was given by Ms Spencer and Ms Ray, and there was a lot in that, but can I just ask this general question: were you surprised by their evidence?

A. Very surprised.

Q. Can I ask you perhaps to summarise what it was about their evidence that surprised you?

A. Ms Spencer said that she had not received support, and I believe that I have supported her incredibly well in my time that I was there. On one occasion when she suffered a workplace injury I drove her personally to the emergency room. When she required some specialist treatment that she needed to have approved, I always approved it as I could. I negotiated different roles during the period of time when she was working, some light duties.

I had always supported Ms Ray as well, even when COVID hit and she had some very serious health concerns; we looked at other roles for her and that's when she went into the training role for a short period of time, and that was a negotiation with her because she really felt that she was at risk due to COVID.

I should also say that I've since received several messages from Ms Spencer saying that, when she made that statement, that she did not mean me, she just used management as a catch-all and that she was very apologetic to me and that she was happy to speak to the Commission of Inquiry, and I'm more than happy to provide those messages if the Commissioners would like.

Q. So, Mr Watson, I take from your answer that you were surprised by the evidence to the extent that there was a suggestion that you personally hadn't acted in an appropriately supportive way towards them?

A. Correct, yes.

Q. And I take it from what you've said that you've since received reassurance from at least one of those witnesses

1 that you weren't the person that she was talking about?

2 A. Yes.

3  
4 Q. Taking it back more generally, and reflecting on the  
5 evidence that those two workers gave, that evidence  
6 suggested a workplace under considerable strain; would you  
7 agree with that?

8 A. Absolutely, it was under considerable strain.

9  
10 Q. And at that level did the evidence describe for you  
11 the workplace and some of the difficulties of staffing  
12 shortages and so forth that they described?

13 A. They did describe the staff shortages, and they  
14 described some of the stressors, but I would also say that  
15 Ms Ray has not been on site for a period of probably  
16 nine months, and Ms Spencer has only had short periods  
17 where she has been on site in a non-youth worker role.

18  
19 Q. And I don't want to put words in your mouth,  
20 Mr Watson, so reject these words and offer your own if you  
21 want, but would you say in response to their evidence that  
22 you wouldn't regard them as representative of the current  
23 state of affairs at Ashley?

24 A. I believe they both raised some valid points about  
25 some of the staff concerns, and I agree with those  
26 concerns: we are short-staffed. However, I believe that  
27 from my position as Manager I have supported staff  
28 everywhere I possibly can and I've done the best for the  
29 residents and the staff.

30  
31 I went to Ashley to do a good job and make a  
32 difference and make it better, and I worked really, really  
33 hard to do that, and I'm still working hard to do it today.

34  
35 Q. The Commission asked for and has received statements  
36 from a considerable number, but no means all, of current  
37 Ashley staff members and one of the questions that was  
38 posed to them was whether or not they'd ever felt unsafe at  
39 work. It would be fair to say that nearly all of them  
40 said, yes, that from time to time they had felt unsafe at  
41 work and they gave various reasons which included a  
42 perception of risk posed to them by young people, risks  
43 posed by inadequate staffing, risks posed by inadequate  
44 training and support. You probably haven't had the chance  
45 to look at those statements, but would it surprise you to  
46 hear that those were themes that came through in the  
47 workers' evidence to the Commission?

1 A. No, it would not.

2

3 Q. I take it in part that's because working in Youth  
4 Justice can be an inherently dangerous role having regard  
5 to the cohort of young people who are in detention?

6 A. Whenever you're working with people there can be a  
7 lack of predicability and there can be a lack of safety,  
8 and people can be hard. It's a difficult environment and a  
9 lot of threats can be made, and there can be a lot of  
10 aggression. I think that the staff, it is fair to say,  
11 that probably every staff member on site at some stage has  
12 felt fearful due to what's been happening in the centre at  
13 the time, and I would say that I have as well.

14

15 When a person is aggressive toward you it's very hard  
16 to feel safe. Not that that happens all the time, but on  
17 occasion it can happen and, while we have some very young  
18 people at the centre, we also have some older people that  
19 are often larger than the staff they're dealing with, and  
20 they have often used their size and intimidation levels in  
21 the past, and often they will apply that to staff and they  
22 will try to intimidate or threaten staff through their  
23 size. It can be quite a dangerous place at times and it's  
24 the good work that the youth workers do de-escalating these  
25 young people and trying to manage these behaviours, but  
26 it's not always possible.

27

28 Q. And, I take from the evidence that the Commission has  
29 received from a number of these staffers, that they  
30 identify difficulties associated with staff shortages and  
31 overtime and the stress of overtime and so forth as a  
32 contributing factor to them currently feeling unsafe.

33

34 You've said in your statement as well that there are  
35 issues at the moment to do with staffing because of people  
36 who have either been stood down or who are on leave of  
37 various kinds; is that right?

38 A. Correct. There is about 40 full-time youth workers  
39 and we've had, I think, about 14 staff members suspended.

40

41 Q. Stood down?

42 A. Stood down, yes, for a variety of reasons. That's  
43 caused a shortage in staff. And, when I first went to the  
44 centre it was already short-staffed; there had been a lack  
45 of recruitment previously and there was also short  
46 staffing. Losing extra people definitely made this  
47 position worse and it made it harder to staff the centre.

1  
2           The centre was operating on the cooperation of youth  
3 workers working overtime and most youth workers were  
4 working quite a bit of overtime. We exhausted our casual  
5 pool of youth workers during that time, and also as time  
6 went on with the announcement that the centre would close,  
7 I guess we became a slightly less attractive employment  
8 option for people, and we found it difficult to recruit.  
9

10           What I can say is that we've tried to recruit  
11 constantly the entire time that I've been there, to the  
12 point where five people started, I think two weeks ago, and  
13 another five were recommended for appointment yesterday.  
14 So, the recruitment cycles are just rolling on and on and  
15 on  
16

17           COMMISSIONER BENJAMIN:   Q.   I think you mentioned that in  
18 your statement, didn't you, that five were going through at  
19 the beginning of August?

20           A.   Yes.

21  
22           Q.   And so, there's another five on top of that; is that  
23 what you're saying?

24           A.   Yes, there's another five starting very soon, yep.  
25

26           MS ELLYARD:   Q.   And thinking about the difficulties  
27 associated with recruitment, you've mentioned that one of  
28 the issues is that it's not a long-term option perhaps now  
29 that people are aware that the centre's going to close.  
30 Are there other factors that you've observed that have made  
31 it hard to recruit to Ashley in the recent past?

32           A.   I think that Ashley has had a very poor reputation for  
33 a very long time and that history has possibly made it  
34 harder to recruit. The announcement of the closure has  
35 taken away some of the job security and a few of the people  
36 that were employed have now considered and taken other  
37 options: that hasn't helped. It's been a very difficult  
38 time with regard to staffing at the centre, even though we  
39 have continually recruited throughout the entire time.  
40

41           Q.   What about the location - I'm sorry, Commissioner.  
42

43           PRESIDENT NEAVE:   Q.   Can I ask you to comment on the  
44 effects of COVID on Ashley during that particular period,  
45 or since you've been there, since you've been there really.  
46 What effect has that had on the children and young people  
47 who are in Ashley?

1 A. COVID has had an impact. The impact that has been on  
2 the young people at Ashley meant that for periods of time  
3 we weren't able to have visitors come into the centre, we  
4 weren't able to have service providers come into the  
5 centre. It certainly made it difficult.  
6

7 At one stage very early on in COVID we had staff that  
8 were believed close contacts and we actually had to get  
9 accommodation for them to stay in because they felt unsafe  
10 to go home to their families at that time. COVID has had  
11 a - as well as, with COVID there's been the threat of  
12 COVID, but then there's also been the work that goes behind  
13 COVID, and we had to go from zero to 100 building a COVID  
14 outbreak plan, building a business continuity plan, and  
15 that made COVID and that whole period of time - it was  
16 just, there's a huge amount of work on top of the normal  
17 running of the centre at a time when Mr Ryan left on  
18 11 March and didn't return, and I had Lester who I didn't  
19 feel was supporting me - in fact, I felt that he was  
20 actively - actively trying to bring me unstuck as the third  
21 person in charge.  
22

23 It made it a very difficult time. I was finding my  
24 feet, I'd only been in the centre for a number of weeks at  
25 that stage, and it was hard.  
26

27 MS BENNETT: Q. Do you think the location of Ashley at  
28 Deloraine is another factor that has made it harder to  
29 recruit people?

30 A. Yes. Deloraine is a rural location, it's probably  
31 about 30 kilometres from Launceston, it definitely does not  
32 attract a lot of interest from the southern end of the  
33 state; it does attract some interest from Launceston, and  
34 it's 65 kilometres to Devonport, so you get some interest  
35 from there as well. It does make it harder to recruit  
36 staff.  
37

38 Q. Some of the evidence that the Commission has received  
39 suggest that historically a lot of the staff drawn  
40 particularly to the youth worker positions have been drawn  
41 through common sporting or social associations, so that,  
42 people come and get a job at Ashley having already formed  
43 connections with other Ashley workers in other contexts,  
44 whether it's the football club or bowls or something like  
45 that. Have you observed that to be the case?

46 A. A lot of the staff at Ashley are Deloraine local and  
47 share similar interests. The staff that we've recruited

1 during the time that I've been there, I cannot think of any  
2 really that have come in linked to other staff in the time  
3 that I've been there, but they're definitely people that  
4 often live in Launceston or around the area.  
5

6 Q. Has it been your observation that there's a lot of  
7 connections? So, for example, we've had evidence about a  
8 lot of cases where both halves of a couple work at Ashley,  
9 or that there are other kinds of family connections amongst  
10 the staff: does that continue to be the case in your  
11 observation?

12 A. I have seen, I think, about three or four couples that  
13 have both worked there. I - sorry, what was the second  
14 part of that question?  
15

16 Q. Whether that was still your observation, that there  
17 were many family connections amongst the staff.

18 A. Yes, there were some family connections. Mr Ryan's  
19 wife worked at the centre, as did his sister-in-law who  
20 I believe has given evidence here already. There's a few  
21 other couples. Sorry, do you mind repeating again?  
22

23 Q. No, that's right, you've answered the question,  
24 Mr Watson, thank you. Tell me about --  
25

26 COMMISSIONER BROMFIELD: Sorry.  
27

28 Q. Mr Watson, do take a glass of water or a breath at any  
29 time, I know it is very stressful.

30 A. It is. Thank you.  
31

32 MS ELLYARD: Q. While you're pouring your water I'll ask  
33 my next question, Mr Watson. You've described five staff  
34 who have just started and five more about to start. What's  
35 the induction and training process that those new staff are  
36 going to receive having regard to what you've said in your  
37 statement about policies and practices in Ashley?

38 A. Yes. They will receive between four and five weeks of  
39 full-time training. We have always had difficulties with a  
40 training officer. That position has been advertised  
41 probably five or six times in the time that I've been  
42 there. We successfully recruited once and within a couple  
43 of months that person had been successful in another  
44 position elsewhere and left.  
45

46 The training is classroom-based, but it does have a  
47 physical side as well, and it does have buddy shifts within

1 the centre. We get subject matter experts in from across  
2 the department and externally to help facilitate this  
3 training, but it is overseen by somebody at the centre, and  
4 in the case at the moment it's a Practice Manager that has  
5 been running the training.  
6

7 Q. At paragraph 113 of your statement you make some  
8 comments about the impact of the new practice framework and  
9 learning development framework that you've described on  
10 staff, and you say this:

11  
12 *In a perfect world all staff would be*  
13 *highly trained. However, they are band 4*  
14 *State Servants who complete a five-week*  
15 *induction program.*  
16

17 Now, I know you're not saying that to be dismissive of  
18 the five-week program that you've described, but we've had  
19 some evidence from other witnesses about the complex nature  
20 of the work that needs to be done at Ashley and the level  
21 of skill and qualification that's required to do that work  
22 well. Can I invite you to offer your reflections on  
23 whether five-week training for a band 4 State Servant is  
24 likely to get the people who are best suited for this  
25 complex work?

26 A. So, it is complex work, very complex work, and five  
27 weeks of training is not long, and it is training that is  
28 basic, it's what they need to get on the job.  
29

30 Where I guess the extra supports come from is from  
31 Ashley Team Support, which has been the replacement for the  
32 old Professional Services, and the idea is that, with a  
33 good Practice Manager, the right Practice Manager which we  
34 have now, and the right people in Ashley Team Support,  
35 which during the time that I have been there we have had,  
36 they can then share their wisdom, share their knowledge and  
37 their professional experience with the youth workers to  
38 upskill them.  
39

40 The youth workers I have found to be really, really  
41 able, most of them really able, to de-escalate, to speak to  
42 young people, and the role of the youth worker is as much  
43 about being a support for the young person as well as  
44 someone to guide them. And so, they're out there kicking a  
45 football with them, playing basketball with them, going off  
46 property with them. We've had young people going  
47 go-karting, we've had young people going fishing, and it's

1 the youth worker's job to support that and make it a  
2 pro-social, positive experience, have those conversations,  
3 sit and read a newspaper with them, talk to them about  
4 current events, and when the right opportunity arises, try  
5 to hear what they're saying so that they can then get  
6 further advice so that they can then work with Ashley Team  
7 Support with the Practice Manager to provide a better  
8 outcome for the young person.

9  
10 PRESIDENT NEAVE: Q. Can I just ask you about the  
11 background of the Practice Manager who runs this training -  
12 probably it's in one of the documents that I have but I  
13 don't recall it. So, the background of the Practice  
14 Manager who runs training, what is their sort of, what  
15 discipline do they come out of, what's their experience?  
16 A. So, they come out of a social services type  
17 discipline. Professional qualifications: they work at an  
18 AHP Level 4 position, which is fairly high level, and in  
19 the case of the current Practice Manager who joined, I  
20 think at the beginning of this year, she came from Child  
21 Safety Services where she had a lot of experience.

22  
23 PRESIDENT NEAVE: Thank you.

24  
25 MS ELLYARD: Q. What you're describing, Mr Watson, is  
26 really an expectation that all of the interactions that  
27 youth workers have with the young people will really be in  
28 the nature of a therapeutic engagement and a therapeutic  
29 interaction, where they're working with the young person  
30 and supporting them; is that the ideal?

31 A. There's an expectation that youth workers are to work  
32 to the principles of the practice framework and that they  
33 are able to access the Practice Manager for supervision  
34 and, as well as the Operations Manager, and that they're  
35 supported by the staff of Ashley Team Support to do their  
36 work.

37  
38 Q. The Commission has received evidence from a number of  
39 people that expressed the views of those people that  
40 really, although they're called youth workers, a better  
41 word to describe the way in which many people at Ashley  
42 carry out their jobs is "prison guard" and/or much more of  
43 a custodial approach rather than a youth worker approach.  
44 Is that a criticism that you've heard made about the way in  
45 which youth workers carry out their duties?

46 A. No, it's not something I've heard and it's not an  
47 observation that I've made. Youth workers engage



1 constantly with the young people: they're talking to them,  
2 working with them, playing PlayStation with them,  
3 table tennis, it's about engagement.  
4

5 A prison officer, and I do have experience in this, is  
6 more about guarding and making safe, and there is a  
7 distinct difference between the youth workers at Ashley and  
8 prison officers, and I think that you would be doing the  
9 youth workers at Ashley a disservice to suggest that they  
10 were guards, or prison guards, or work in that vein. They  
11 do have a security function, but it's very, very minor  
12 compared to the work that they do with the young people.  
13

14 Q. And so, the Commission has heard evidence from a  
15 number of detainees, for example, recognising that some of  
16 their evidence relates to a period prior to your role at  
17 Ashley. In fact, we had one witness who gave evidence that  
18 he chose to go to Risdon and found the guards at Risdon to  
19 be much better than the youth workers he'd experienced when  
20 he was at Ashley. Are you aware of that evidence?

21 A. No, I'm not.  
22

23 Q. And, as I said, that evidence was from a time prior to  
24 your role, but would you accept, Mr Watson, having regard  
25 to the evidence that you've become aware of or heard, that  
26 there have been practices in the past at Ashley that don't  
27 match the description that you've given of the way youth  
28 workers operate?

29 A. Absolutely.  
30

31 Q. And that it would appear, regrettably, that those  
32 practices have been consistent amongst a portion - not  
33 all - but a portion of the staff engaged to work at Ashley?

34 A. It certainly seems like that has happened in the past,  
35 yes.  
36

37 Q. But I take it you're saying that you haven't ever seen  
38 it in the time that you've been there?

39 A. What - sorry, can you?  
40

41 Q. So, have you ever seen youth workers acting like  
42 prison guards in the sense of being enforcers and security  
43 guards as opposed to working therapeutically in the way  
44 you've described?

45 A. I have seen youth workers not meeting the principles  
46 of the practice framework, where they might make a comment  
47 or a statement, or they're not at their best. I have also

1 seen some amazing work. Whenever you've got a large group  
2 of people, and I'll say the same for prison officers, I'm  
3 not surprised to hear that there's reports that some prison  
4 officers have been very, very good to the young people that  
5 have transitioned to the Prison Service. There are a lot  
6 of excellent prison officers there as well. I guess that,  
7 whenever you have a group of people, you're going to have a  
8 spectrum of the good, the bad and the different.

9  
10 Q. But the evidence that the Commission has received has  
11 suggested, not just, you know, good, bad and indifferent  
12 people, but a prevailing culture of the use of violence and  
13 intimidation towards young people. Now, I take it you're  
14 aware of that evidence from the contact that you've had  
15 with the work of the Commission?

16 A. Yes, I am aware of that, and I believe that there has  
17 been a culture that fits that description. I have not seen  
18 for myself those actions.

19  
20 Q. Are you confident that they're not occurring at Ashley  
21 at the present time?

22 A. The way Ashley works is, in my role as a Manager, I  
23 have an Assistant Manager and there's an Operations  
24 Manager, and then each Operational Team has an Operations  
25 Coordinator, and the Operations Coordinators at the moment  
26 are, I think, all in acting positions because of the  
27 removal of other people. I believe that at this time at  
28 Ashley that culture isn't as it's been suggested.  
29 I believe that it has been in the past, but the staff  
30 changes over the last two years that I've been there have  
31 been incredible. There's very few of the staff that were  
32 there when I started now.

33  
34 PRESIDENT NEAVE: Q. Can I just understand that? You  
35 referred to 14 people who have been stood down. You've  
36 referred to a new five - five new workers who have been  
37 recruited and five who are about to start, I think --

38 A. Yes.

39  
40 Q. -- in recent years. So, do you have at your  
41 fingertips the answer to the question, how many of the  
42 original, I think you said 40, are people who have been  
43 there for a long time?

44 A. I couldn't give you an accurate answer right now.

45  
46 Q. But you could give us an answer about that?

47 A. That is something I could find out, for sure.

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Q. If we asked you to give us that information?

A. Yes.

PRESIDENT NEAVE: Thank you.

MS ELLYARD: Q. Do I take from what you've said, Mr Watson, that thinking not just about the workforce more generally but about people who might have been in more senior positions, Operations, Supervisors and Coordinators, a number of those roles are presently vacant and being staffed by acting people because those people have been stood down?

A. Correct.

Q. So that, in addition to the change over of you taking the place of Mr Ryan and Ms Atkins I think taking your former role, a lot of the people at the level below you are new as well?

A. Correct.

Q. And, would the Commission be right in understanding that you attribute at least part of the change in culture and practice that you observe at Ashley to that change in leadership?

A. Correct. When I started at Ashley I was new in my role, Ms Atkins was new in her role. We had an acting person who is still in the - or he came into the role shortly after, of the Operations Manager. We also had at the time a new school principal in the Ashley School. We had a new psychologist shortly after I started, and there was a real change in the dynamic of the centre in that first six months.

Q. But it follows, I take it from what you've said though, that the 14 people who were stood down, you said for a variety of reasons - I think the Commission might understand that some of those stand downs may well relate to allegations that have been made about them through this Commission or through other processes?

A. Correct.

Q. There's obviously the possibility that, subject to the outcome of those processes, those people will return to their positions?

A. Yes, they're still being paid, they are suspended, they're in active investigations looking into the

1 allegations that have been made against them, and there is  
2 every opportunity, if they were to be cleared of those  
3 allegations, that they would return to their substantive  
4 position.

5  
6 Q. What role, if any, do you have, Mr Watson, in the  
7 investigation of the allegations into those people who have  
8 been stood down?

9 A. No role.

10  
11 Q. What visibility do you have of what the allegations  
12 are in relation to those people?

13 A. Extremely little. The way that it has been working in  
14 recent times, I might get an urgent phone call, that  
15 happened on weekends, you name it, from the Executive  
16 Director of People & Culture, and she has advised me that  
17 there has been a claim made through state redress or a  
18 complaint that needs to be actioned and that we will need  
19 to find out when a person is on shift next and we will need  
20 to ask them not to come to work and they will be provided  
21 with paperwork beyond that.

22  
23 Q. And, as I understand it from material that the  
24 Commission has received, there are a number of people who  
25 were stood down quite some time ago?

26 A. Correct.

27  
28 Q. But who are still in the process of having the matters  
29 raised or alleged against them investigated; is that your  
30 understanding?

31 A. Correct.

32  
33 Q. May I ask you for any reflections you have on the  
34 implications for you and your workforce of what appears to  
35 be a very long time being taken to investigate these  
36 matters?

37 A. The impact in the workplace is, obviously it has a  
38 negative impact on the staff; it means that we can't fill  
39 those positions, it's very hard to fill those positions, so  
40 that's where we were bringing our casual staff in to  
41 helping to cover. We also, a lot of these positions were  
42 the Operations Coordinator positions, so they're team  
43 leaders. Now, that left a real deficit when it comes to  
44 that level of experience around the centre, and these  
45 people were - so, we had to have people that were newer  
46 acting in those positions earlier and that has placed a  
47 strain on them. It's also meant that we've had to bring

1 other people through quicker.

2  
3 So, we were running a program to upskill people to  
4 Ops Co level. What we found did happen is that some of the  
5 people that were on that program ended up having to  
6 backfill Ops Co roles, and even some of those have since  
7 now gone and we've had to bring other people through who  
8 weren't even on that program. It's made it very difficult  
9 to have that experience level that the centre's always had.

10  
11 The positive side of that is that these people have  
12 been enthusiastic, they've been new, they've had a good  
13 understanding of the therapeutic framework and they've been  
14 committed to doing a good job and supporting their teams.  
15 They've been supported by the Practice Manager and we have  
16 a very good Operations Manager, and these people have  
17 really helped and supported where they need to, as well as  
18 Ashley Team Support.

19  
20 I think when evidence had been given previously about  
21 the factions within the centre, they really have been  
22 brought together now, and I think in evidence that's been  
23 brought to this Commission earlier, that that's been  
24 pre-2020, and the centre has a very different landscape  
25 now - it's not perfect by a long shot. We are on a slow  
26 road to improvement and we've been battered by the notice  
27 to close, the move to education. We've had quite a few  
28 hits along the way and that's made it hard, but we have  
29 been doing our best to run the centre with the right people  
30 and get the job done well, and that job is providing the  
31 best care and support to the young people and making sure  
32 they're safe, and that's been my goal since day one, to  
33 make sure they're safe and that's what I'm still doing  
34 today.

35  
36 PRESIDENT NEAVE: Q. Can I ask: is there any mechanism  
37 in place at Ashley to measure the improvements that you say  
38 are occurring and, if not, how would you go about doing  
39 that? I mean, how would you ensure that the impression  
40 that you have is actually --

41 A. Correct.

42  
43 Q. -- correct in reality?

44  
45 COMMISSIONER BROMFIELD: For the children.

46  
47 PRESIDENT NEAVE: Q. For the children.

1 A. Okay, I would cite a recent Custodial Inspector's  
2 report that noted changes. The Commissioner for Children  
3 and Young People has made comments publicly about  
4 improvements at the centre. There has been - even my own  
5 performance appraisal noted the changes and the  
6 improvements that I've made when it measured my performance  
7 in the first year of my role.

8  
9 I think that the school staff can see changes. We've  
10 done things like electronic reporting we've created, so  
11 every report's now electronic. When I got there it was  
12 paper based, it was really not that great.

13  
14 Q. Are these incident reports or what are these reports?

15 A. Incident reports. We've also got electronic  
16 intelligence reports and these are something that I  
17 introduced from my experience in the Prison Service, and it  
18 gives everybody the opportunity to make a report about  
19 something that just doesn't seem right. And it might be,  
20 this person was in an area where they shouldn't have been;  
21 they were talking to a person that they didn't have a need  
22 to talk to. It could be anything, so it gave staff within  
23 the centre an opportunity to air something confidentially,  
24 it only went to the Assistant Manager and the Operations  
25 Manager, and we could build a spider web of information  
26 through this intelligence reporting.

27  
28 And something that we introduced some time ago, it's  
29 been really good, I think it's an excellent safety valve  
30 for things that aren't right. Beyond this, the  
31 Commissioner for Children and Young People is on site, I  
32 think every two or three weeks. Her Advocate is on site  
33 every week for, generally, I'd suggest three days and up to  
34 five hours each day.

35  
36 The Advocate doesn't tell me when she's coming. She  
37 goes to the centre when she wants. She has her own key,  
38 she lets herself in. Both the Advocate and the  
39 Commissioner walk around unescorted: they talk to young  
40 people, they talk to staff. They have absolute freedom to  
41 go anywhere they want, talk to who they want. I often meet  
42 with the Commissioner on her - when she's leaving the  
43 centre and we have a discussion about things that have been  
44 brought to her attention, particularly things that I can  
45 fix.

46  
47 The Advocate writes me an email at the end of each

1 week with matters that she has observed - she'll generally  
2 raise those matters with me on the day as well, and we'll  
3 work towards rectifying those. There's spreadsheets for  
4 those actions since we started doing that at the centre and  
5 it's recorded. So, there's a high level of people that  
6 come into the centre that have access and can speak to the  
7 young people, and they're an option.

8  
9 I mean, I think staff as well. My director takes a  
10 lot of phone calls from staff, sometimes to my frustration,  
11 only because it might be something I'm not aware of, but  
12 she'll listen to them, people will hear them. My office  
13 door is always open. I've got a policy that, if somebody  
14 comes by and says, "Can I have a minute?", if I say "no"  
15 they will never come by again. So, every single time, no  
16 matter what I'm doing, I'll stop and I'll say, "Yes, come  
17 on in", or, "Can you give me two or three minutes and I'll  
18 be right with you?"

19  
20 Trying to provide the right support is something that  
21 I've been really, really keen to do. Trying to engage  
22 staff in where we're headed and what we're doing is  
23 something that I've really promoted, and I believe that we  
24 have made a lot of - a lot of growth in that area

25  
26 MS ELLYARD: Q. Mr Watson, you say at paragraph 130 of  
27 your statement, and this is in the context of measuring the  
28 outcomes of the new performance framework or practice  
29 framework that you have, that assaults, detention offences  
30 and the use of force are at record lows, so I take it that  
31 those are measures that you keep account of; is that right?

32 A. Correct, they're measures that we record on the  
33 spreadsheet, every occasion of isolation and use of force,  
34 that information is provided monthly to the Commissioner.  
35 My Director's Executive Assistant has been in her role for  
36 25 years and I can recall her saying to me on two months in  
37 a row, "This is the first time in her 25 years that she can  
38 recollect no use of force and no isolation for the centre".

39  
40 That's something that, you know, when I first started  
41 use of force and isolation were reasonably common and it's  
42 something that I'm - I believe is far less common today,  
43 however, it's still too high; we're still working to reduce  
44 it further.

45  
46 Q. And what gives you confidence that all uses of force  
47 are recorded, Mr Watson? And I ask that in the context of

1 some evidence that the Commission heard this morning from a  
2 relatively recent detainee about a number of uses of force  
3 which, if his evidence was to be believed, would perhaps be  
4 excessive?

5 A. Yes, absolutely. I believe that the CCTV during the  
6 rebuild of the centre, we increased cameras by about  
7 30 per cent. We also increased the hard drive capacity to  
8 record footage for, I think it's about five times as long  
9 as it used to save that footage. We get staff to work  
10 together, and these are people that are generally, except  
11 for work, not known to each other. We have Operations  
12 Coordinators supervising. All use of force should go  
13 through an Operations Coordinator, and I believe does, and  
14 all use of force would be recorded on that spreadsheet.

15  
16 When there is a use of force I will review it, the  
17 CCTV, and I'll have a look at that and it will be put on a  
18 drive so that my Director can see that in Hobart, and often  
19 that footage, I believe, also goes to the Commissioner for  
20 Children and Young People as well.

21  
22 COMMISSIONER BROMFIELD: Q. I'm sure it's reassuring for  
23 many of the past residents who have repeatedly recommended  
24 more cameras in the facility to hear that. I just wanted  
25 to check though: for the evidence we heard this morning, is  
26 that evidence, you know, conceivable or at least  
27 technically possible, in that there were no cameras in the  
28 breezeway during that period of time and no cameras on the  
29 construction site in that period of time?

30 A. Correct. There's still no camera in the breezeway.  
31 The breezeway is not an area that's commonly used. It's  
32 outside of the centre but within the fence. I identified a  
33 number of places where cameras still aren't available, and  
34 in a perfect world there would be cameras everywhere.  
35 20 years ago there wasn't one camera at AYDC. We've now  
36 got, I think, about 111 or something like that.

37  
38 MS ELLYARD: Q. But would you accept, Mr Watson, again  
39 as Commissioner Bromfield has said, it's been a consistent  
40 message from a number former detainees, including detainees  
41 well before your time, that it was their experience that  
42 youth workers who they say targeted them did so conscious  
43 of where there weren't going to be cameras and where there  
44 wasn't going to be any record of what happened. No doubt,  
45 that would concern you if that was behaviour youth workers  
46 were engaging in?

47 A. Oh, yes, absolutely, that would concern me, yes.



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Q. And it would tend to suggest the desirability, I think as you've said, of there being cameras anywhere where a young person might be within the centre?

A. Absolutely. In my early days at the centre I had a conversation with my Director and Professional Services at the time around the possibility of using body cameras for staff.

PRESIDENT NEAVE: I was about to ask about that, yes.

MR WATSON: Which I thought was a really good thing. The feedback I received at the time was, that was not therapeutic by nature and that that established a barrier between people. But, you know, it could be a really good thing. CCTV doesn't lie and it would be good.

MS ELLYARD: Commissioners, I'm conscious of the time and we are going to continue with Mr Watson after lunch, but I'll just do one short topic - well, I think it's a short topic before we go on just to round off the impact of staff absences due to stand downs, Mr Watson.

A number of the statements that we've received from current workers at Ashley have commented on what they perceive as a risk of false allegations being made or a concern that there's a climate now where young people can make "false allegations at any time", and they've identified that as part of the risk that they feel they face in their current workplace.

Are you familiar with that concern being expressed to you?

A. Yes, I am. The concern comes about from the position of staff who have been at the centre that believe a person who may have been at the centre in the past could make a claim through state redress where they will access money for that without having to provide evidence and the net impact on that staff member is that they will be suspended and, therefore, they don't feel that they are safe at work because they are exposed to the possibility of an allegation that could lead to their suspension and, as we've seen, two years off work.

While the staff are suspended, if they are cleared, you would expect they could resume their normal duties. For most of them I believe so much damage will be done that

1 they would never be able to return to their normal duties  
2 even if they were cleared and, if they were to return to  
3 their duties, there is a heightened risk that they would be  
4 or could be targeted and could be in another dangerous  
5 position.  
6

7 Q. So, can I ask you this, Mr Watson, and at the moment  
8 I'm asking you for your perception of the view of staff,  
9 not your personal view, although I am going to ask you  
10 about your personal view: would it be fair to say that  
11 there's a general view amongst Ashley staff that the  
12 allegations being made by former detainees are false?

13 A. I think largely that is the belief of a lot of staff.  
14 The staff have not been made aware of any of the  
15 allegations, they don't know the circumstances around them.  
16 Often these people have worked with each other for a long  
17 period of time, and I guess, you know, it is the example  
18 of, do you really know your neighbour and do you really  
19 know what they do?  
20

21 As I said, I haven't been a part of any of the  
22 investigations, but I do feel strongly that as people that  
23 have had an allegation made against them, that they deserve  
24 a solid, robust investigation and an outcome in a timely  
25 manner to clear them of that.  
26

27 I completely agree and accept with, a person that has  
28 an allegation cannot be at the centre, an allegation  
29 against them cannot be at the centre and I am committed to  
30 that.  
31

32 Q. The Commission's received evidence throughout,  
33 particularly in the first week, about what's come to be  
34 understood through the literature internationally that the  
35 rates of false allegations of sexual abuse are quite low;  
36 are you aware of that evidence or is it perhaps something  
37 you've come to know through your own learning and  
38 professional development?

39 A. No, I'm not aware of that evidence.  
40

41 Q. So, accepting from me that the evidence is that the  
42 rate of false complaints of sexual abuse is low, and  
43 perhaps accepting also from me the well-established  
44 evidence that it can take many years before victims of  
45 sexual abuse disclose, do you think that there might be  
46 some benefit in the staff at the centre being given some  
47 information about that to help them understand why it might

1 be that someone they know well is being accused of things  
2 well after the fact?

3 A. What sort of information are you suggesting?  
4

5 Q. Information about the well-established practice of  
6 children not complaining about sexual abuse, genuine sexual  
7 abuse, until many years after it had happened?

8 A. Oh, absolutely, and I am aware of that. I mean, in  
9 the past obviously there's been a lot of barriers to people  
10 reporting, and the social barriers, and possibly also  
11 barriers around not knowing where to report and those sorts  
12 of things, and I think that we're moving to a better time  
13 where people feel more comfortable and safer to report and  
14 that's a good thing.  
15

16 PRESIDENT NEAVE: Q. Can I just pick up on that? We've  
17 also heard, I think, from a number of our witnesses that  
18 there's a culture that you don't complain whilst - at least  
19 while you're in the centre because, if you do, there may be  
20 repercussions; and there may also be, I think, an attitude  
21 about not wanting to be a "dog" and I'm talking about some  
22 of the children and young people have come from backgrounds  
23 where that has been deeply inculcated in them, so that  
24 would be a factor that would predispose people not to  
25 complain.

26 A. Oh, absolutely.  
27

28 Q. Do you agree with that?

29 A. Absolutely, and there has been a culture at the  
30 centre; I mean, it's plainly obvious that the - the centre  
31 has a poor history and there's been a lot of things that  
32 have happened and we can't escape that, and it's something  
33 that, you know, hopefully this Commission will be able to  
34 identify and will be able to make some really good  
35 recommendations that are taken up by the government.  
36

37 I agree that the centre needs to be better resourced.  
38 I agree that more training, better training would help, but  
39 there are limitations to what's provided to the centre as  
40 well. And when you're, you know, as I said in my  
41 statement, youth workers are a band 4 public servant, which  
42 is a good income, but it's not a high income and, you know,  
43 trying to get the right people is not always easy. Hence  
44 we recruit constantly, we lose a lot of staff because they  
45 go to other opportunities, and to have people that have a -  
46 you know, if we could start the centre with social workers,  
47 speech pathologists, psychologists, professional people

1 that could really apply that level of support to the young  
2 people, it would be wonderful, but the centre's going to  
3 cost probably five or 10 times more to run per year than it  
4 currently does now.

5  
6 MS ELLYARD: Just to come back and to finalise this point,  
7 Mr Watson, about the historical allegations and the  
8 attitudes towards staff. You mentioned an acknowledgment  
9 that Ashley has a dark past?

10 A. Yes.

11  
12 Q. I mean, to be clear, that dark past is a dark past of  
13 practices engaged in by staff towards children: yes?

14 A. I agree that there is a dark past, yes.

15  
16 Q. And so, that necessarily involves a recognition that  
17 there have been staff who have engaged in sexually and  
18 physically abusive practices?

19 A. I have never seen direct evidence of this, but I have  
20 seen allegations towards staff, and I have heard the  
21 statements of the young people and I believe that there  
22 definitely has been. I believe that in the past in a lot  
23 of institutions there have been gross misconduct of a  
24 physical and sexual nature. I believe that the times have  
25 changed. I think one of the key turning points for the  
26 centre was around 2000 when cameras were first introduced,  
27 they had a rebuild at that time and cameras were first  
28 introduced.

29  
30 The centre has been siloed off in the middle of  
31 Tasmania; it's been on its own and left to its own devices.  
32 I think in my statement I talk about, you know, being able  
33 to share with the department and having that support; that  
34 comes from email and the phone communications that we've  
35 got at the moment, but to be fair, we still don't have  
36 mobile phone reception throughout the centre. The  
37 environment or the location does make a lot of things  
38 difficult when it comes to communication, when it comes to  
39 being part of a broader department, and I think that in the  
40 past Ashley really was forgotten about.

41  
42 Q. And so, we have to accept, I'm putting this to you  
43 now, Mr Watson, that although it's clear that, as I think  
44 you've said, there's a general attitude amongst the current  
45 staff at Ashley that the various historical allegations  
46 being raised against their colleagues are false; if we  
47 accept that Ashley has "a dark past" we have to acknowledge

1 that at least some of those allegations are not false: they  
2 are true?

3 A. That is quite likely but that will be up to the  
4 investigations and obviously the Secretary of the  
5 Department to make a determination on, and it's not  
6 something that I should be speculating.

7  
8 Q. No, and it's not for you and indeed it's not for the  
9 Commission to make a finding in any particular case, but I  
10 guess I'm inviting you to agree that we can't have it both  
11 case ways: we can't agree that there's a dark past but not  
12 be willing to accept that there was wrongdoing by staff;  
13 the two go together, don't they?

14 A. Oh, absolutely, and I think what the department has  
15 done with having staff that have allegations against them  
16 off-site has been an excellent move; it's also been  
17 something that's been a bit of a learning process and  
18 something that I think my Director said in her evidence,  
19 they didn't get right straight away, it's taken a bit of  
20 time to get to where we are now. But as I described  
21 earlier, the removal of somebody now starts with a phone  
22 call to myself and they don't come on work for the next  
23 shift, they go home mid-shift if required.

24  
25 Q. I've asked you about the attitude of staff generally,  
26 Mr Watson, and you said that you would accept that  
27 generally the view of the staff is that historical  
28 allegations made against their colleagues are false. Do  
29 you have your own view?

30 A. I believe that the staff that are there would  
31 absolutely agree that anybody that has done the wrong thing  
32 to a young person should not be on site.

33  
34 Q. No, I'm sorry, Mr Watson, I didn't make my question  
35 clear.

36 A. Sorry.

37  
38 Q. You said that the attitude of staff currently on site  
39 is that the allegations young people or former detainees  
40 have made are false allegations. You said that you think  
41 that is the general attitude that current staff have?

42  
43 COMMISSIONER BROMFIELD: Q. Essentially that all of the  
44 allegations are false allegations.

45 A. No, I don't believe that at all. I believe --

46  
47 MS ELLYARD: Q. You've talked about the view that other

1 staff have. I'm now asking you for your personal view. Of  
2 course you can't know the rights and wrongs, but do you  
3 have a general view that allegations of an historical  
4 nature being made against staff are likely to be false?

5 A. I think that some staff would be very defensive about  
6 staff that have been suspended and have a very strong view  
7 that they are not being treated fairly. I think some staff  
8 would think that this is timely and that it's really,  
9 really good.

10  
11 I believe, from the little that I know, that there are  
12 excellent grounds to suspend these staff and that they need  
13 to be off-site. I think there's also a large number of new  
14 staff that are pretty much ambivalent about it because they  
15 didn't know these people and they don't have an opinion on  
16 those people, however they would also strongly believe that  
17 anybody that does the wrong thing in this way should not be  
18 on site.

19  
20 MS ELLYARD: Thank you, Mr Watson. Perhaps that's a  
21 convenient time, Commissioners, unless there was a  
22 question, Commissioner Bromfield, on that topic?

23  
24 COMMISSIONER BENJAMIN: Not at the moment.

25  
26 MS ELLYARD: Sorry, Mr Watson, I was ambitious thinking we  
27 might get you done before lunch, so I'll ask you to come  
28 back after the lunch break to continue your evidence.  
29 A. Okay, thank you.

30  
31 LUNCHEON ADJOURNMENT

32  
33 MS ELLYARD: Thank you, Commissioners, thank you  
34 Mr Watson. Mr Watson, we spoke earlier today about the  
35 induction practices for staff, and it's clear from your  
36 statement that there have been a large number of changes  
37 over the course of the two and a bit years that you've been  
38 at the centre that have been relevant to how the staff are  
39 trained to approach their work and how they're expected to  
40 approach their work in terms of practice frameworks and so  
41 forth?

42 A. Correct.

43  
44 Q. I want to now ask you now about what the experience of  
45 a detainee at Ashley might be and how they might be able to  
46 observe the effect of those changes, so can I start by  
47 asking you this question. Save for the sake of argument

1 that there's a child who's been remanded to Ashley today; a  
2 child who, let's say, is 15 years old and has at least one  
3 medical diagnosis requiring the ongoing taking of  
4 prescription medication. Once that child reaches the front  
5 door of Ashley, what's the process that they would be taken  
6 through? Who would be involved?

7 A. Okay. A young person would arrive at Ashley, they  
8 would normally come via a private security company that we  
9 have a contract with. They would come into the centre and  
10 we would have to manage it in a COVID-friendly way, because  
11 it's unknown, of course. They would be met by an  
12 Operations Coordinator and one or two youth workers. They  
13 would come into the centre, they would have a discussion  
14 with the young person, a conversation, make sure everything  
15 was okay from the transport and - on the way up.

16  
17 COMMISSIONER BROMFIELD: Q. Are they restrained during  
18 transport?

19 A. They may well be, yes.

20  
21 MS ELLYARD: Q. Who makes the decision about whether or  
22 not they are restrained in the journey to the centre?

23 A. With handcuffs?

24  
25 Q. M'mm?

26 A. That decision would be made by the security company  
27 and we would also provide advice if they were going out of  
28 the centre if we felt they needed to be handcuffed, yes.

29  
30 Q. But once they come in as part of that discussion,  
31 would they still be handcuffed - if they'd been handcuffed  
32 on the journey, would they still be handcuffed in that  
33 discussion?

34 A. No, the handcuffs would be taken off straight away,  
35 they'd get something to eat and drink no doubt. They would  
36 then do basically an assessment that's done with the  
37 Operations Coordinator.

38  
39 If the nurse was there, they'd be seen by the nurse,  
40 and they'd be - they'd have an opportunity to change their  
41 clothes and be provided with the hygiene things that they  
42 might need, toothbrush, toothpaste, et cetera, et cetera.  
43 They'd receive a bit of an induction into the unit and they  
44 would go into the Liffey Unit where everybody goes, or  
45 nearly everybody; most of the time we try to use that as  
46 our induction unit, so it's only when the unit's already  
47 full we may not be able to use it - into the Liffey Unit

1 for a period of seven days' induction. And that induction  
2 would include meeting with the school principal, meeting  
3 with staff from Ashley Team Support, meeting with various  
4 stakeholders.

5  
6 Bear in mind that a lot of the young people that might  
7 come in could well go back to court the next day and be  
8 released, so it's only the longer-term ones that would stay  
9 there. So, it's a bit of a - we find often that the first  
10 few days that somebody comes in all they'll do is sleep,  
11 and they're allowed to do that, and it's when they are  
12 ready to engage with the school principal and Ashley Team  
13 Support, have a conversation and they're supported  
14 through that at that point --

15  
16 Q. Mr Watson, I'm sorry to interrupt you, but during that  
17 initial discussion and assessment, would there have been a  
18 search of the young person?

19 A. Ah, yes, yes.

20  
21 Q. We've heard a lot about searches taking different  
22 forms over different periods of time. What's the current  
23 expectation that you have of the kind of search that will  
24 be conducted?

25 A. Sorry, I should have touched on that. So, searching  
26 is something that is evidence-based or information-based,  
27 or there's got to be a reason. Searching is not mandatory,  
28 it's something that is not routine.

29  
30 PRESIDENT NEAVE: Q. So most of them will be coming from  
31 either a remand centre or from a court, won't they?

32 A. Correct, yes.

33  
34 Q. So, you wouldn't think they would have the opportunity  
35 to conceal things on them in those circumstances; is that  
36 right?

37 A. Well, no, not necessarily. It's often the case that  
38 they're not searched by police, or they're certainly not  
39 searched beyond emptying their pockets, that type of thing,  
40 and the same with the remand centres, where it's my  
41 understanding that the staff are very reluctant to search a  
42 young person, and so, we don't receive any information when  
43 they arrive about whether they have been searched or not by  
44 the police or by the remand centre. So, it's risk assessed  
45 by the Operations Coordinator at the time, and it could be  
46 as simple as just, when they're changing their clothing  
47 over, that that's it. It could be as simple as just a



1 metal detector wand, like we had when we came into the  
2 Commission today, or it could also be a partially clothed  
3 search, which has, it should be done in a very complete and  
4 correct way.

5  
6 Q. And have you considered the possibility of using an  
7 x-ray process?

8 A. Yes, so there is currently --

9  
10 Q. You don't do that now, do you, or do you?

11 A. We have an x-ray machine that we've recently  
12 installed, and that's only been since the redevelopment,  
13 and it's essentially a - sorry, it's not an x-ray machine,  
14 I'm giving you the wrong information; it's a metal  
15 detector, walk-through metal detector like you would use at  
16 the airport where you walk through and if there's a  
17 metallic object, it will beep. We don't have an x-ray  
18 machine but there is a government tender running at the  
19 moment, I believe, to get a machine that will do a full  
20 body scan and that picks up items that are non-metallic as  
21 well.

22  
23 Q. And that would remove the necessity for physical  
24 touching, wouldn't it? Am I right?

25 A. There's no physical touching with a partially clothed  
26 search, you don't touch the person, but it would remove the  
27 need to have to ask a young person to take their clothing  
28 off, yes, and it's a brilliant thing. The machines are  
29 also going into the Tasmanian prison, I believe, and our  
30 machine is part of that tender process.

31  
32 MS ELLYARD: Q. So, Mr Watson, at this time would there  
33 ever be any circumstances where, as part of an initial  
34 search on coming into the centre, a young person would be  
35 required to take all their clothes off?

36 A. No.

37  
38 Q. Would there ever be a situation where a young person  
39 was coming in for their initial search, that they'd be  
40 subject to a search for anything that they were concealing  
41 inside their body?

42 A. If there was a concern that they were concealing  
43 something inside their body, that would be a conversation  
44 that would be had with the nursing staff and medical staff.  
45 We don't touch people during a search. If a person refuses  
46 a search, there is a waiting or holding room there. We  
47 will wait until they are ready to pass their clothes over.

1 We would never go hands on and physically - should never go  
2 hands on and physically touch a young person and I would be  
3 extremely disappointed if any of the staff at the centre  
4 were to do that today.

5  
6 Q. And not just about - perhaps continuing with this  
7 theme of the searching in other contexts, you said in your  
8 statement that searches should effectively be  
9 evidence-based and risk-based and should only occur where  
10 there's a proper basis in intelligence or information  
11 that's come to staff attention that would make a search  
12 necessary?

13 A. Correct.

14  
15 Q. Even then too, would the search ordinarily be a search  
16 which permits the child to keep at least some of their  
17 clothes on at all times?

18 A. At all times the young person should be able to keep  
19 the top half or the bottom half of their clothes on and  
20 they should be provided with a modesty gown.

21  
22 PRESIDENT NEAVE: Q. Can I ask a question about modesty  
23 gowns because I have read, and I don't recall now, a  
24 suggestion that there were not sufficient modesty gowns in  
25 the centre for people to do that. Is that still the case?

26 A. I don't believe so, I believe they are all there and  
27 they are used and they are laundered between each person,  
28 and yes.

29  
30 MS ELLYARD: Commissioner Bromfield.

31  
32 COMMISSIONER BROMFIELD: Q. I understand from other  
33 Youth Detention centres that I have visited that there are  
34 cameras for searches, not directed at the young person, but  
35 directed at the location where staff are expected to stand  
36 to watch the search. Is the same the case for Ashley?

37 A. Yes, it should be. So, essentially what would happen  
38 is, there may be a room that a young person is in. There  
39 would be a person conducting the search from outside of  
40 that room and they would be under a hallway camera, and  
41 there would be a second person observing the first person  
42 to make sure that the instructions - and it's, the staff  
43 are supposed to and should always explain it to the young  
44 person, "I'm going to need to do this, these are the  
45 reasons why, it's for your safety and it's for mine, we're  
46 gonna do it at your pace, we're gonna do it at your time",  
47 and make it as comfortable and dignified for the young

1 person as it can be.

2

3 PRESIDENT NEAVE: Q. I think when we went to Ashley,  
4 which was some time ago now, we were shown a room in which  
5 searches were said to occur and I got the impression from  
6 that visit - and as I said it may have changed since - that  
7 the searcher was in the room with the child and that the  
8 other person who was meant to observe the search might have  
9 been outside. Now, has that process changed?

10 A. It should - well, it may have been around the room,  
11 but it would definitely be both people should be in the  
12 view of the camera, so you should be able to see the staff  
13 members on the CCTV.

14

15 Q. So, there's a camera in the --

16 A. No, there's not a camera in the room where the young  
17 person --

18

19 Q. A camera outside?

20 A. Yeah, and you should be able to see both staff  
21 members.

22

23 MS ELLYARD: Q. I take it from what you've said,  
24 Mr Watson, at least in the period of time that you've been  
25 in charge at the centre, you would be very disappointed if  
26 there was ever an occasion where a young person had all of  
27 their clothes removed for the purposes of a search?

28 A. Correct.

29

30 Q. And you wouldn't be able to think, as you sit here, of  
31 a circumstance where that would be the appropriate way for  
32 a search of a young person to be conducted?

33 A. It wouldn't be an appropriate way. The only thing  
34 that I could say, and this comes from my own experience  
35 previously, many years ago, and that is that when I was  
36 with the Prison Service, sometimes you would have a  
37 discussion with a person that they would have to be  
38 searched, and it was the same sort of process with two  
39 staff there, and they would essentially, by the time you'd  
40 told them that you needed to do the search, they had ripped  
41 all their gear off. So, there could be that occasion.

42

43 Now, I shouldn't have said "ripped all their gear  
44 off", by that I mean the young person's disrobed.

45

46 PRESIDENT NEAVE: Q. Got undressed, yes.

47 A. And they've done it really quickly, they want it over

1 and done with as quickly as possible; that may have  
2 occurred, but certainly not - it should be slow, it should  
3 be at the searcher's pace, it should be very calm, very  
4 relaxed, and if the person doesn't want to be searched, we  
5 don't search.

6  
7 MS ELLYARD: Q. You were present, I think, in the  
8 hearing room this morning to hear the evidence that Max  
9 gave?

10 A. Yes.

11  
12 Q. And you know who Max is?

13 A. I do.

14  
15 Q. And you would have heard him give evidence about a  
16 search which he says was conducted on him at a time when  
17 you would have been at the centre, although of course he  
18 wasn't suggesting at all that you were involved in the  
19 search, and he described a number of youth workers coming  
20 into his room to search him and what he said in his  
21 statement, which might not be quite how he said it out loud  
22 was:

23  
24 *They ripped my clothes off and started*  
25 *searching me. They lifted up my balls and*  
26 *spread my cheeks looking for weapons.*  
27 *After they did this they threw me on the*  
28 *ground and left the cell.*

29  
30 A. I would be horrified if that had occurred and would  
31 have reported immediately. I have no - beyond Max's  
32 statement this morning - I have no information about that  
33 at all. However, that is an incredibly serious allegation  
34 and it's very concerning.

35  
36 Q. And, if it's true, it would suggest that perhaps it's  
37 a search that won't have been recorded in the search  
38 register which you refer to in your statement and which is  
39 reviewed at a higher level?

40 A. If that was to occur, it would not be part of any  
41 normal search process, and gross misconduct.

42  
43 Q. And so, I'm interested in your reflections, Mr Watson,  
44 on the safeguards that exist. Let's assume for the sake of  
45 these questions that what Max described happened to him.  
46 It's clear from your statement that you take comfort from  
47 the fact both that there's a clear search policy, that

1 there's training on it, and there's a register which is  
2 reviewed: all of those things give you comfort, I take it,  
3 that searches are appropriately conducted in the centre  
4 right now.

5  
6 What guard do you have against unauthorised searches  
7 that are done off the books, as it were, and which are not  
8 recorded for review?

9 A. The guards that we would have at the moment would be  
10 the fact that staff work together and that there would be  
11 more than one person there at a time, and that means people  
12 would have to be working toward that misconduct together.  
13 There's CCTV in all of the unit corridors and it would be  
14 quite easy to view multiple staff going into a room if a  
15 young person was in there, and I think that the complaint  
16 processes through the Commissioner for Children and Young  
17 People or her Advocate are available as well. They can  
18 pick up the phone pretty much at any time and ring the  
19 Commissioner directly. Those phones - phone calls aren't  
20 recorded or listened to. We've just recently installed new  
21 lines into the units where the handset should be totally,  
22 dial 1 for the Commissioner, so to speak.

23  
24 Q. So, Mr Watson, I think the answer to my question is,  
25 the safeguard is that you feel that, if children are  
26 subjected to a search like that, they'll complain and that  
27 there's a better mechanism than there might have been  
28 previously to help them complain. Would that be a fair  
29 summary?

30 A. I think that that's part of it, but I think also staff  
31 can complain, and if staff see something that's not  
32 appropriate, they can complain.

33  
34 Q. I mean, I'm sorry to interrupt you, but if what Max  
35 described is correct, there were five staff who were all in  
36 on it, suggesting that perhaps the hope that staff would  
37 keep each other honest was, at least on that case, if it's  
38 true, not a hope that was felt?

39 A. I would be very surprised if there were five staff  
40 rostered on on the one day at the one time from such a  
41 small staffing group that would all believe that that  
42 behaviour was appropriate or something they could do; in  
43 fact, I'd be completely horrified.

44  
45 Q. Going back to the induction process, you recall that  
46 in my hypothetical young person being remanded I referred  
47 to the fact that this would be a young person who was

1 coming into Ashley with an ongoing need for prescription  
2 medication.

3 A. Yes.

4  
5 Q. We've heard various things in evidence that we've  
6 received about the experiences of some detainees being  
7 given or not given access to medication. What would  
8 someone expect right now? Say they come in with an ongoing  
9 need for Ritalin or insulin, what arrangements will be in  
10 place to help them get their medication?

11 A. So, medication is dispensed by the nursing staff, they  
12 are contracted, or part of the Department of Health, they  
13 work on site. There's medication times where they either  
14 have the young person come to the health corridor and they  
15 have a dispensary there, or at times the medication can be  
16 given in the units by the nursing staff.

17  
18 For low level medications like Panadol, the operations  
19 coordinators have a medication endorsement and after-hours,  
20 because the nursing staff are only there 7 till 7, they can  
21 provide young people with Panadol, that's kept in a safe  
22 and recorded on a register.

23  
24 There has been occasions when a young person has been  
25 provided medication by a youth worker when it's been given  
26 to the youth worker - so, I'll give you the example. A  
27 young person had to attend court in Hobart, meant a long  
28 day. There was medication that needed to be provided to  
29 them before they travelled back up to the centre at 4 in  
30 the afternoon, and that medication was provided in what's  
31 known as a Webster-pak, and the youth worker was able to  
32 provide that medication to the young person because they  
33 had that medical endorsement. It was in a Webster-pak and  
34 the need was there because the nurse could not be there.

35  
36 Q. So, is it the nurse who gives that medical endorsement  
37 to permit the youth worker?

38 A. No. No, it's actually a course that they do where  
39 they actually have an endorsement to provide medication.

40  
41 Q. And so, if a child came into remand at Ashley without  
42 the medicine they needed, I take it there's a facility for  
43 that medicine to be obtained for them?

44 A. Only by the nursing staff, and I don't know what  
45 checks and parameters they would have to go through to get  
46 that. But if a young person came in and they were saying  
47 that they needed medication, and it was after-hours when a

1 nurse wasn't there, the Operations Coordinator would ring  
2 the on-call nurse and seek advice.

3  
4 Q. What about if a young person came in requiring medical  
5 care that might be beyond the scope of practice of a nurse?  
6 What's the availability of other kinds of medical  
7 assistance, like a doctor, or perhaps a psychiatrist to  
8 meet what might be the emerging and urgent needs of a young  
9 person who's just come into detention?

10 A. That question would probably be better directed to  
11 somebody from the Health staff at the centre. My best  
12 guess would be that a call would be made to a doctor or the  
13 young person's doctor by nursing staff, but that is an area  
14 that I don't have any --

15  
16 PRESIDENT NEAVE: Q. So, there's no practice of  
17 withdrawing children from medication when they go into  
18 Ashley until it can be established that the medication is  
19 appropriate? We heard, and I don't recall whether it was  
20 during your period, where a child --

21  
22 COMMISSIONER BROMFIELD: No, it wasn't.

23  
24 PRESIDENT NEAVE: Q. It was outside the time, where a  
25 child's mother actually drove to Ashley with bipolar  
26 medication that the child needed and it was turned away on  
27 the basis that that judgment would be made in the centre,  
28 and then I believe a letter was written by that child's GP  
29 and that was rejected too, and so, the child did not get  
30 access to their bipolar medication. I don't have the  
31 dates, I'm sorry, it may be well outside the period from  
32 the time you commenced your position, but that wouldn't  
33 happen now is what you're saying to us again?

34 A. I'm certainly not familiar with that particular  
35 example, so I'm assuming it was before my time, and I would  
36 hope --

37  
38 PRESIDENT NEAVE: Yes. Well, Commissioner Bromfield tells  
39 me it was.

40  
41 COMMISSIONER BENJAMIN: It was well before that.

42  
43 MR WATSON: I would hope that that would not happen today,  
44 I would hope that a young person would be provided any  
45 medication that they required. I would imagine there would  
46 have to be some health checks that the nursing staff would  
47 do before they provided that medication; but again, that's

1 their area.

2

3 PRESIDENT NEAVE: Yes, I understand.

4

5 COMMISSIONER BENJAMIN: Q. And there's no difficulty in  
6 a nurse, as far as you're aware, or other medical staff  
7 contacting the child's general practitioner or specialist  
8 to get that information?

9 A. Again, I don't know what the nursing staff might do,  
10 but I know that they have their own on-call arrangements  
11 through their line management, and I would imagine that, if  
12 it was a requirement for a particular medication, they  
13 would make those calls.

14

15 Q. Who is the child's guardian, I'm interested in this,  
16 as at, once they're going - sorry, I'm not speaking up.  
17 Who is the child's guardian once the child gets into Ashley  
18 Detention Centre? Is it still their parents or is it, if  
19 they're wards of the state, the Secretary; or is it you and  
20 the Operations staff at the centre?

21 A. The Secretary has the responsibility that's delegated  
22 down, yet the young people must still have a legal parent  
23 or guardian.

24

25 Q. So, who makes the decision? Presumably it must be the  
26 detention centre or the body of the detention centre who  
27 make the decision about when and how a child should engage  
28 with the medical system; is that right?

29 A. Ah, no. The young person can elect to see the nurse  
30 at any time and the nurse is on site seven days a week,  
31 12 hours a day, and the nurse will travel around the units  
32 and speak to the young people. So, there's access to  
33 nursing staff the whole time. If they feel unwell they'll  
34 ask a youth worker to call the nurse and they'll either go  
35 up to the health corridor or the nurse will come to them.

36

37 Q. I struggle with the, "who's in charge". I mean, in a  
38 family it's pretty easy, it's your parents jointly or one  
39 or other of them, depending on what Family Court orders may  
40 or may not be around. If the child is a ward of the state  
41 it's the Secretary, and the Secretary delegates down to  
42 various people. But in Ashley they're sent there by judges  
43 or magistrates, and they're solely in your care, aren't  
44 they? And when I talk about your care I talk about the  
45 centre's care?

46 A. Correct, and nursing staff are part of the centre.

47



1 MS ELLYARD: Q. Can I perhaps put it this way,  
2 Commissioner Benjamin, and see. The children are in your  
3 custody as the person on site as the head of the centre; do  
4 you accept that?  
5 A. Correct, yes.  
6  
7 Q. And I think what you're saying is, children continue  
8 to have autonomy within the centre to identify for  
9 themselves that they need medical care and to seek that  
10 care; that's what you're saying?  
11 A. Yes.  
12  
13 Q. But the practical reality is they'll often need the  
14 assistance of youth workers or other staff within the  
15 centre to give effect to their desire for healthcare?  
16 A. Yes, that can happen.  
17  
18 Q. And so, in practical terms then they can only do it if  
19 they are permitted or given access by your staff?  
20 A. It's perhaps --  
21  
22 Q. Say, for example, to give a concrete example. A  
23 child's in their unit at a time where, for whatever reason  
24 to do with staff shortages or otherwise, they're not free  
25 to move around the centre, they're not free to go across to  
26 the health corridor. If they identify that they are ill  
27 and need medical attention, they can't do anything about it  
28 unless their cell's unlocked and their access to the nurse  
29 is facilitated by one of your staff?  
30 A. That is correct.  
31  
32 Q. And so, to that extent at least their access to  
33 medical care is controlled by you and by your staff,  
34 because they're in detention?  
35 A. In part. For routine medication that the young person  
36 might have every day, if that young person hasn't already  
37 gone up to the health corridor the nurse will ring the unit  
38 and say, "Can you please bring up such and such for their  
39 medication at a time that's convenient to them".  
40  
41 Q. What about if the child looks like they might have a  
42 rupturing appendix or have some need for a decision to be  
43 made about being taken to hospital or consent to the  
44 administration of medication? I think the question  
45 sometimes arises then about who can consent on behalf of  
46 young people to treatment of that kind. What's the  
47 approach as far as you know that's taken to whether or not

1 young people consent themselves, whether their parents need  
2 to be contacted when they need, I guess, more intrusive  
3 medical care?

4 A. Yes. If a young person was to complain of symptoms  
5 like an appendicitis, or any symptoms, the youth working  
6 staff will ring the nurse and let them know and take  
7 instructions from the nurse. They can then either go to  
8 the health corridor or the nurse will go to them. If a  
9 young person was to require treatment or perhaps an  
10 ambulance, definitely the parent or the guardian along with  
11 the Youth Justice worker would be called and a variety of  
12 other things would happen.

13  
14 If a young person is in their bedroom and that bedroom  
15 door is locked, there is a caller, an intercom, where they  
16 can call straight through to youth workers, and if the  
17 youth workers don't respond to that call, it will go to  
18 another unit where other youth workers can and that  
19 system's recorded.

20  
21 COMMISSIONER BENJAMIN: Q. I'm not being critical of  
22 you, I'm genuinely interested in the line of authority. I  
23 imagine that a child with appendicitis who perhaps lapses  
24 into unconsciousness, they take the child to the Launceston  
25 General Hospital. The doctor says, "Okay, I think we need  
26 to operate, can I get someone to sign this authority to  
27 operate?"

28 A. Yes.

29  
30 Q. Who signs?

31 A. That can be difficult, but I believe that in an  
32 emergency situation where it was essential I believe that  
33 the centre would be able to, if it's life and death, life  
34 is the ultimate priority.

35  
36 COMMISSIONER BENJAMIN: Absolutely, yes. As I said, I  
37 wasn't - I'm genuinely interested in who was ultimately  
38 responsible and that - go on?

39 A. For any young person to leave the centre, if I wasn't  
40 at work I would be called, and if it was an emergency like  
41 that, I would also be calling my Director and letting her  
42 know as well.

43  
44 MS ELLYARD: Q. As you'll appreciate, Mr Watson, some of  
45 these questions arise in the context of evidence that the  
46 Commission has heard about what might be regarded as a lack  
47 of timely medical care being provided to detainees or a

1 lack of concern about what might be injuries that detainees  
2 have suffered.

3  
4 It's clear from your answers that there's some  
5 granular detail of how the Health Department works on site  
6 that you're not across, which is fine, but can I ask you,  
7 are you confident that children who are ill are identified  
8 as ill and are given appropriate medical care?

9 A. I am confident and we would always err on the side of  
10 caution. We have the on-call nurse available when the  
11 nurse isn't there. In a perfect world we would have  
12 24-hour, seven-day a week nursing on site. However, we  
13 don't; that's beyond my role as to what I can action. If  
14 there was an emergency, if someone was unwell and the staff  
15 there felt that this person needed an ambulance, we would  
16 always call an ambulance immediately and we would always  
17 err on the side of caution with that.

18  
19 Q. Can I go to a different topic, Mr Watson, partly  
20 conscious of the time. It's clear from your statement that  
21 you would say, and you have said in your evidence already,  
22 that since you took over as acting Manager and then as  
23 Manager there have been a number of very significant  
24 changes at the centre. We've discussed, for example,  
25 changes in personnel: yes?

26 A. Yes.

27  
28 Q. You've described in your statement the introduction of  
29 a new practice framework at the end of 2020?

30 A. Yes.

31  
32 Q. In which you say all staff have been trained: yes?

33 A. Yes.

34  
35 Q. And you've given evidence both in your statement and  
36 in what you've said to the Commission today that it's been  
37 your observation that the fruits of that new system and  
38 that training can be seen in the operation of the centre  
39 and then against various qualitative and quantitative  
40 measurements of how long things are going?

41 A. Yes, it's early days. To have a change process, I  
42 think I heard recently, can take, you know, five years,  
43 longer. I started on January 13, 2020. I've been working  
44 as hard as I can to implement an awful lot of change, to  
45 the point where I've had warnings about change fatigue and  
46 people - and that part of that is with the BDP, BDS colour  
47 system, where everyone agrees that colour systems aren't

1 good, but it was too much change for that period of time.  
2 So, we had to make the important changes that we could and  
3 then allow time to move forward a bit and then we could  
4 make that next change.  
5

6 Q. And so, building on that evidence that you've given,  
7 Mr Watson, it would appear that from your perspective one  
8 could talk almost about two Ashleys: the Ashley which was  
9 in place when you first arrived and which was subject to  
10 the range of issues that you've identified relating to  
11 culture and leadership and so forth; and the Ashley which  
12 you and others have been part of building since you  
13 started. Would you agree that you see that they're quite a  
14 sharp divide so that we can speak almost about a different  
15 Ashley now from the Ashley at the time you started?

16 A. Yes, I would say that. With the change of Director  
17 who started, I think, in October 19, myself, the Assistant  
18 Manager, the Operations Manager, the school principal,  
19 there have been - and then an awful lot of youth workers  
20 have changed over, I think we have made really significant  
21 changes and we're on a change journey. Unfortunately,  
22 we're also on a closure journey, but that doesn't mean that  
23 we stop trying to build the centre to be the best that it  
24 possibly can for the young people that are there at the  
25 moment and that's what we've been doing.  
26

27 Q. Mr Watson, I want to put to you that there's another  
28 way to think about the two Ashleys, because in one sense  
29 there's two Ashleys being described right now in the  
30 evidence that the Commission's receiving. There's the  
31 description that you have given of the very considerable  
32 work that you and some of your colleagues are doing, which  
33 you are justly proud of, but at the same time the  
34 Commission's heard from people like Max this morning and  
35 from the youth workers last week and from a range of other  
36 current and former detainees and staffers which would paint  
37 a picture of an Ashley right now that doesn't look like the  
38 Ashley you're describing, an Ashley where there is still an  
39 excessive use of punitive practices, where there is still a  
40 lack of support for staff and a lack of appropriate  
41 training, and I'm interested in your reflections on what  
42 the Commission is to make of what seem to be these two  
43 different ways in which people are looking at the same  
44 institution at the same time.

45 A. I think I'd like to break that down a little bit  
46 further. I don't believe that the punitive ways that  
47 you're speaking about are occurring at the moment. I do

1 believe that since the announcement of closure the staffing  
2 levels have brought a whole lot of new challenges. I think  
3 that the restrictive practices that we've had to go to have  
4 been really terrible. It has been a very hard time since  
5 the announcement to close the centre because it's put a  
6 timeline on everything.

7  
8 We were on a terrific trajectory prior to the  
9 announcement of the closure. It came out of the blue. I  
10 was in my office and I received a phone call from my  
11 Director who was having a haircut at the time and she said,  
12 "Be on the phone in 10 minutes for an important  
13 announcement" and that was the first that I knew. So, I  
14 was there waiting for the phone call; I took the phone call  
15 and as it was live on television, the announcement to  
16 close, I was told by my Deputy Secretary and my director  
17 that the centre would close. By the time I got off the  
18 phone I had seven people outside my office door saying,  
19 "Hey, what's going on? What's happened?" Because they'd  
20 heard it over radios and different things around the centre  
21 at the time.

22  
23 It was terribly, terribly done and it was really,  
24 really unfortunate and I think that our department  
25 acknowledges that too. However, I don't believe they had  
26 any real notice of it either.

27  
28 Q. I heard the whole answer, but the part of it that I  
29 want to pick up on is, you've said that you don't believe  
30 there's violence occurring or punitive practices at the  
31 centre now?

32 A. There are two things: violence is separate to punitive  
33 practices. We will, wherever you have people together,  
34 particularly young people, on occasion there will be  
35 violence and that's incredibly unfortunate and we do our  
36 absolutely utmost to stop and to make safe.

37  
38 Punitive practices: I do not believe that there are  
39 punitive practices occurring at Ashley today.

40  
41 Q. What follows then that, if they are, and going back of  
42 course to the example, which I accept is just one example  
43 of the evidence that Max gave this morning about his  
44 experiences, if that occurred, that would be inappropriate,  
45 the things that he's described in his statement?

46 A. Absolutely inappropriate; horrific, yes.

47

1 Q. And that would be conduct which, if it's occurring,  
2 you would be concerned to bring a stop to as soon as  
3 possible?

4 A. Absolutely, yes.

5

6 Q. And if it's occurring and you're not aware of it, that  
7 would tend to suggest people are quite actively avoiding  
8 letting you find out about it?

9 A. Yes, that would be correct.

10

11 Q. Can I ask you a couple of specific questions touching  
12 on matters that are in your statement. The Commission's  
13 heard some evidence about the use over time of something  
14 called the Blue Program or the use of unit bound practices.  
15 You've made it plain that that's not a practice that's in  
16 place at the moment and hasn't been since you took charge;  
17 is that right?

18 A. Correct, yes.

19

20 Q. But at the same time you have made it plain that, for  
21 a variety of reasons, whether it's related to COVID or more  
22 recently in relation to staffing shortages, there are times  
23 where it's been necessary not as a discipline consequence  
24 but because of realities to use restrictive practices?

25 A. Correct.

26

27 Q. By which I understand you mean increasing the  
28 percentage of time when young people are in their unit  
29 and/or in their room as opposed to being free to move  
30 around the centre?

31 A. Yes, correct.

32

33 Q. And so can I ask you, in a perfect world when there  
34 are enough staff and no restrictions, how many hours a day  
35 would a young person spend being free to leave their room  
36 and their unit?

37 A. Generally they would be in their room from 9.30  
38 onwards; some might be earlier than that. They would then  
39 be out of their room probably around 7.30 to 8 in the  
40 morning.

41

42 Q. And so, they might choose to come and go, but what  
43 you're suggesting is that they would, if they wished, be  
44 able to leave their room and their unit between 7.30 in the  
45 morning and 9.30 at night; is that what you're saying?

46 A. Yes, perhaps not as late at 9.30 at night,  
47 particularly with the weather and the darkness and, you

1 know, the other factors that are at Ashley, but generally  
2 they would, yes, be outside attending the school, attending  
3 different programs around the centre, kicking the football  
4 outside, off property, yes.

5  
6 Q. Now, of course, that's in the perfect world where  
7 there's enough staff and no restrictions. Commissioner?

8  
9 COMMISSIONER BROMFIELD: Q. Some of the children, you  
10 said, would be going to bed at 9.30 at night; I assume  
11 that's the kids who are on the green?

12 A. Yes.

13  
14 Q. What about if you're on red?

15 A. I think it might be 7.30.

16  
17 Q. Could you see how, from a young person's perspective,  
18 that being sent to bed two hours earlier would seem like a  
19 punishment or a consequence?

20 A. Yes, I can see that, yep.

21  
22 Q. So, the system as it is now is largely incentivised,  
23 but there are still some elements of consequences within  
24 there; is that a fair understanding of the system as it is  
25 now then?

26 A. Yes.

27  
28 COMMISSIONER BROMFIELD: Thank you.

29  
30 MS ELLYARD: Q. Can I ask you a couple of other topics,  
31 moving through quite quickly and recognising that you've  
32 dealt with in your statement with some of these, Mr Watson.

33  
34 The Commission's heard evidence of a view amongst some  
35 staff, and indeed a view amongst some detainees, that  
36 placement decisions, and in particular decisions to place  
37 children in the Franklin Unit, were made sometimes with a  
38 view to using older detainees in Franklin to control the  
39 behaviour of younger detainees or that the threat of  
40 Franklin placement was used to control the behaviour of a  
41 child. Are you aware that that evidence has been given?

42 A. Yes, I am.

43  
44 Q. And indeed, it was something that was revealed in the  
45 SERT Review report into the experiences of a child who  
46 we're calling Henry, which was commissioned before you went  
47 to Ashley, but arrived after you'd started?

1 A. Yes.

2

3 Q. It doesn't appear that there was ever any documented  
4 policy to that effect, but it does seem quite clear that  
5 from time to time decisions about Franklin placements were  
6 made for purposes that weren't therapeutic purposes; do you  
7 accept that?

8 A. Before my time, I'm not sure. What I can say is that  
9 Franklin was the only unit that had an attached secure  
10 courtyard, and if a person presented a greater risk it  
11 would be a better accommodation choice at that time. Part  
12 of the infrastructure rebuild is that we've actually built  
13 secure courtyards onto all of the units so that each unit  
14 has that option and flexibility.

15

16 Historically Bronte was a softer unit; as I think was  
17 said in the evidence this morning, the ceilings were  
18 plaster. In Franklin and the old Huon which has now become  
19 Meander and Esk, those buildings were far stronger with  
20 concrete strength in the ceilings, et cetera; taller  
21 ceilings and they are much safer buildings.

22

23 Q. But right now, you say in your statement, that I think  
24 it's the weekly meeting that makes decisions about where  
25 children will be placed?

26

27

28 Q. Has any part of the decision-making process involved  
29 concerning the use of older detainees to police or  
30 influence the behaviour of younger detainees?

31

32

33 Q. It would be completely inappropriate were that to  
34 occur?

35

36

37 COMMISSIONER BROMFIELD: Q. Are children grouped by age  
38 at present? When I read your statement I didn't see age as  
39 a specific consideration for unit placement?

40

41

42

43

44

45

46

47



1 COMMISSIONER BROMFIELD: Thank you.

2

3 MS ELLYARD: Q. My learned junior has reminded me that I  
4 didn't follow through a previous line of questioning, I'm  
5 sorry, Mr Watson, I'm going back to ask you about hours of  
6 daylight or hours away from cells.

7

8 It's clear from your statement that during periods  
9 where there was a need to use restrictive practices because  
10 of staffing shortages in particular, that's reduced the  
11 period of time where young people are free to move around  
12 the centre?

13 A. Correct.

14

15 Q. As I understand it, it's also impacted whether they  
16 can go to school?

17 A. Yes.

18

19 Q. And we've had some evidence that suggests that at  
20 least sometimes in the recent past there's been very  
21 limited actual time for the young people to go and be  
22 physically at school; they've perhaps had work delivered to  
23 them in the limited time that they've been able to be out  
24 of their room; is that right?

25 A. During the periods of restrictive practice, yes, that  
26 has happened.

27

28 Q. Are those periods - I'm conscious you're not at work  
29 right now, but are those restricted practices at an end or  
30 are young people still being subjected to those  
31 restrictions on their capacity to leave the unit and go to  
32 school?

33 A. No, as I understand it there are still short staffing  
34 concerns happening and restrictive practices are still  
35 being employed on occasion.

36

37 Q. Can I ask you about record-keeping. At paragraphs 97  
38 and onwards of your statement you give some very detailed  
39 evidence about the kinds of records that are kept and  
40 you've made it plain that there's now been a full  
41 transition to the use of an electronic note keeping system  
42 which previously wasn't in place.

43

44 One of the pieces of evidence that the Commission has  
45 heard from the two youth workers who gave evidence last  
46 week was about the lack of any time in which they could  
47 make their notes and the reality that, if they were going

1 to make notes as they were expected to do, they'd have to  
2 do them after-hours because they had long shifts with  
3 almost no time for themselves to even take a toilet break.  
4

5 Can I ask you, did you recognise that evidence as  
6 being a reality for staff at the moment?

7 A. No, I did not recognise that as a reality. I know  
8 that it can be very busy and there are days where it can be  
9 very hard. Most days I believe there is time and there's  
10 proven to be time for youth workers to write case notes and  
11 reports. If there wasn't, we would definitely pay overtime  
12 for them to do that and support them with that because the  
13 reports are vital. But on nearly all occasions there is  
14 time, and if a youth worker was to ask their Ops  
15 Coordinator, their Operations Coordinator for time to write  
16 a report, my expectation would be, in the same way that it  
17 is with breaks, that if that can't be facilitated by that  
18 Operations Coordinator, that the Operations Manager, or a  
19 member of Ashley Team Support or the Assistant Manager, or  
20 even myself, would go down and backfill that youth worker  
21 while they needed to do - take the break they needed or  
22 write the report they needed to report.  
23

24 PRESIDENT NEAVE: Q. Can I ask a very practical  
25 question. Where do they actually do that? If they're in a  
26 unit, a youth worker, they leave the unit and go somewhere  
27 else to write the report? Where are the computers into  
28 which they enter the information?

29 A. So, every unit has a unit office that the staff work  
30 from. Every unit office has at least one or two computers  
31 in that office, with printers, the computers are networked.  
32 They also have coffee-making facilities and they have a  
33 toilet. Every unit has a kitchen with fridges and  
34 obviously food: that's in each unit, yeah.  
35

36 PRESIDENT NEAVE: Thank you.  
37

38 MS ELLYARD: Q. I want to ask you some questions now,  
39 Mr Watson, about an incident that the Commission's aware of  
40 that occurred on 6 March 2020, an incident where ultimately  
41 six young people, first four and then six, got into the  
42 roof of one of the buildings. You deal with this at  
43 paragraph 107 and following of your statement. And, as I  
44 understand it, this occurred when you'd been at the centre  
45 about six weeks?

46 A. Yes, I'd only just arrived at the centre.  
47

1 Q. You explain in your statement that you were tasked by  
2 Mr Ryan, inappropriately, you felt, to be the person in  
3 charge of managing the incident, but that you also give  
4 evidence that you feel that the incident could have been  
5 prevented and that it arose because of the way the centre  
6 was set up at the time. Can you explain that to us,  
7 please?

8 A. Yes, I can. That incident occurred - we had team  
9 sport where the young people were all out, they were  
10 playing cricket that day and they're out in the open area  
11 between the units and the administration block, and the  
12 staff were watching, and I noted this when I reviewed CCTV  
13 footage, from the front of the Huon Unit. And the way the  
14 centre was at the time, there was a Cyclone Wire fence  
15 which was about 6 feet tall and that was all that stopped  
16 people from gaining access behind the back of the units  
17 from behind Bronte and going around. This was a pretty  
18 clear sort of failure, really.

19  
20 If the staff had been spread out better, we would have  
21 had far better security and the residents may not have run.  
22 As what happened, the residents ran to that Cyclone Wire  
23 fence, which they were immediately straight over the top  
24 of.

25  
26 PRESIDENT NEAVE: Q. It was a shipping container, or  
27 something, wasn't it, that they could hope onto; have I got  
28 that right?

29 A. They ran around the back of the centre between the  
30 parameter fence and the back side of the units at the  
31 school, and at the back of the school were two shipping  
32 containers and they got on top of one of the shipping  
33 containers. Now, I understand that these shipping  
34 containers had been there for some time and they'd been  
35 used previously in a roof incident in 2019, and the remedy  
36 at the time was to get a tractor and drag them away, and I  
37 could see the marks in the ground, about three feet, where  
38 they'd been dragged away from the building.

39  
40 The young people were on top of it and at that point  
41 we thought, well, they're on top of it, they'll come down,  
42 and it's just a - you know, make sure they're safe, make  
43 sure they're okay. I can remember, there was talk around -  
44 it was quite hot - talk around getting water for them and  
45 different things, but what did happen is, unfortunately  
46 there was a vent in the roof of the container and they were  
47 able to smash their way into the container or break in

1 through that vent, and then they were able to access a  
2 variety of weapons that included a trolley jack handle  
3 about so long (indicates) and about that round (indicates),  
4 and missiles that they threw at staff; a large torque  
5 wrench, all sorts of equipment that was in the container,  
6 so they were dragging it up through this vent and at that  
7 point they were threatening staff and it became quite  
8 dangerous

9  
10 MS ELLYARD: Q. What was your concern about you being  
11 the person who was put in charge of responding to the  
12 incident having regard to the skillsets and experience that  
13 you had and that other people at the centre had?

14 A. I'd been at the centre, as you said, about six weeks.  
15 I didn't know the centre well, I was still finding my feet.  
16 There were people there that had a lot more experience of  
17 the centre than I did. I didn't know where different  
18 things were, for example, so the first I knew of shipping  
19 containers being around there was when they were on top of  
20 them, I didn't know they were there. I had no idea and  
21 there was no information about what was in the shipping  
22 containers. We just didn't know what was there.

23  
24 The Manager at the time, Mr Ryan, had been there for  
25 about three years, I believe, and had managed several  
26 events that had unfolded like this one did and he had  
27 experience and I didn't have experience at that time.

28  
29 Q. I think you made the point that Lester and a couple of  
30 the other operations people between them had decades of  
31 experience at the centre, but you were the one put in  
32 charge?

33 A. Yes, correct.

34  
35 Q. Now, we've heard from other evidence and from the  
36 materials that ultimately the young people were got off the  
37 roof and there are a couple of lines of enquiry I want to  
38 pursue with you. Firstly, we've heard some evidence and  
39 this emerges partly through the evidence of Ms Honan last  
40 week and from materials we've seen from Mr Ryan and from  
41 other people, that there was a dispute between Ms Honan and  
42 senior management about what should be the consequences, if  
43 any, the next day for the young people who'd been up on the  
44 shipping containers. Are you aware of that?

45 A. Yes, I am. Lester had put together a plan for Mr Ryan  
46 for the weekend, and that plan was around the management of  
47 the young people, and it was a rolling series of lockdowns

1 basically for them, which wasn't graduated, it was just a -  
2 a solution for - it was a long weekend, that weekend; it  
3 was a three-day solution that would require no further  
4 attention and it wasn't appropriate and Ms Honan was very,  
5 very strong in vocalising this, suggesting that that wasn't  
6 appropriate, and that an appropriate plan needed to be  
7 created.

8  
9 Q. And, did you have a view yourself at the time of  
10 whether the plan that Lester was putting forward was the  
11 appropriate plan for the management of these young people?

12 A. I didn't agree with the plan, I hadn't had a lot of  
13 involvement with it. As I said, I was still finding my own  
14 feet in the centre. It wasn't a good plan, so no, I  
15 wouldn't have agreed.

16  
17 PRESIDENT NEAVE: Q. So, the idea was that children who  
18 were on the top of the shipping container should be, what,  
19 locked down for three days; is that right?

20 A. I don't think it was locked down for three days, but  
21 it was a very - a very stringent plan around how they would  
22 be managed over that weekend, and it wasn't appropriate.

23  
24 Q. Right, so they were all put on red; is that right?

25 A. They were, they were placed on red, and - but it was  
26 about - the plan that was originally put forward basically  
27 was a set plan for each day, and each day followed the next  
28 day.

29  
30 Now, the correct way to do it is to have a start point  
31 where, if a person is not violent or aggressive and  
32 threatening, if they're okay and they're happy to talk,  
33 well then, you want them out of their rooms and you - every  
34 situation, every incident, the best way to recover from it  
35 is to have that rehabilitation as soon as possible and to  
36 move forward. This plan would have left the young people  
37 involved in a holding pattern for three days and that's not  
38 productive and it's not right.

39  
40 MS ELLYARD: Q. Now, the other aspect of the aftermath  
41 of that incident is a matter that you've dealt with in your  
42 statement and it's part of the statement that you've added  
43 to in recent days after you refreshing your memory from  
44 documents.

45 A. Yes.

46  
47 Q. And that's about the extent to which you became aware

1 at any stage of a suggestion that one of the young people  
2 who'd been pulled into the incident had been the victim of  
3 a sexual assault?

4 A. Yes.

5  
6 Q. As I understand, you I think would be aware that some  
7 evidence was given by Alysha yesterday about her  
8 recollection of becoming aware of that allegation and of  
9 raising it with you.

10 A. Yes.

11  
12 Q. Now, can I ask you, and by all means look to your  
13 statement it if you wish, and it's paragraph 111 onwards,  
14 what's your recollection of when, if and when, you became  
15 aware of a suggestion about a young person who we're  
16 calling Chris being the victim of a sexual assault and  
17 what, if anything, you did?

18 A. Okay. My memory of this event is not good, I don't  
19 have a recollection and I am very concerned about it. I  
20 can clearly see that I received an email from Alysha saying  
21 that something may have occurred. I had a recollection  
22 that perhaps [REDACTED] had spoken to me at some point  
23 about something. Unfortunately, and very regrettably, I  
24 didn't pick up on that email, I didn't respond to that  
25 email, and I was horrified when I saw it.

26  
27 PRESIDENT NEAVE: Q. This is the Alysha email?

28 A. Yeah, yeah. I was under a huge amount of work stress  
29 at the time and I think I've said in my statement, we still  
30 had the two units down. That was the day that Mr Ryan  
31 called me to his office, 11 March, the same day I received  
32 the email, and said, "I need to go home", he was suffering  
33 from the events of the Friday night before, and I think  
34 that I made an error and I didn't follow that through.

35  
36 The only thing that I can suggest is that that email  
37 went to a couple of other people and perhaps at the time I  
38 thought they were managing it, I don't know, I can't  
39 recall, but I am extremely concerned and troubled by the  
40 fact that I didn't pick up on it, and I can recognise that  
41 as a failing.

42  
43 MS ELLYARD: Q. Mr Watson, there's two more topics, the  
44 first of them is, it seems from your statement, and I'm  
45 looking at paragraphs 20 and 21, that one of the first  
46 things that happened to you in the very early days of you  
47 being at the centre was that you were approached by Alysha

1 who drew your attention to a number of concerns that she  
2 had, relevantly for my question, including concerns that  
3 she had received an allegation about Lester being the  
4 perpetrator potentially of an historical sex offence. Do  
5 you recall being told that by Alysha in the very early days  
6 of your time at the centre?

7 A. Yes, it was on the Friday, the first Friday that I was  
8 at the centre, and it was something that I reported to my  
9 Director. I don't think Alysha or I had left the centre  
10 that night until about - well, after 6, and I called my  
11 Director at about 7.45, I think, on the Monday morning and  
12 ran through all of the concerns that Alysha had raised  
13 then; they were very concerning, and I think this is also  
14 evidence of my - my - the fact that I do report and I  
15 always report, which is - yeah.

16  
17 Q. What you go on to say and describe in your statement  
18 is that you had concerns, and perhaps concerns as time  
19 passed, that the allegation against Lester and other  
20 allegations that you came to be aware of against other  
21 staff, including Ira, didn't seem to be going anywhere and  
22 people were still at work when they had these allegations  
23 against them. Can I ask you, why was it a concern for you  
24 that there were people with these allegations against them  
25 still at work?

26 A. As I've said earlier, anybody with an allegation on  
27 them, in my view, should not be on site at work, full stop.  
28 These people were there and I had reported it. The  
29 information that I'd received at the time is that they were  
30 looking up historical records to try to determine place,  
31 time and people, and then they would move from there.

32  
33 At the time Lester had been moved from the Operations  
34 [REDACTED] role back into the [REDACTED] role, which  
35 meant that he didn't have any direct responsibility for  
36 young people. Ira was in a maintenance-type role, and  
37 again, also had no direct supervisory responsibility for  
38 young people, and they should not have been around young  
39 people per se.

40  
41 This I didn't feel was good enough and I made my  
42 thoughts very clear regularly to - through my  
43 line management to People & Culture that we needed to act,  
44 we needed to get these people off-site.

45  
46 Q. Can I ask you perhaps to just go into a bit more  
47 detail. I mean, you said you made your concerns known

1 regularly; in what forum was that done? Was it in emails,  
2 was it in meetings?

3 A. Yeah, it was meetings. I had supervision with my  
4 Director fortnightly and I think every fortnight it was  
5 brought up. There were also a couple of other meetings  
6 that I was involved with, including one in the early days  
7 of it, where there was a legal representative, [REDACTED]  
8 [REDACTED] - sorry, I don't know if I can say her name - was  
9 included along with a couple of other people, and they were  
10 looking at moving it forward at that point in time as well.

11  
12 PRESIDENT NEAVE: Q. So, she was a legal representative  
13 for the State?

14 A. Of the department, yes.

15  
16 MS ELLYARD: Q. A legal officer, I think, in the  
17 Department of Communities.

18  
19 PRESIDENT NEAVE: In the department, not in the --

20  
21 MS ELLYARD: Not in the Solicitor-General's Office, no.

22  
23 Q. And so, what response were you getting, Mr Watson,  
24 from these repeated concerns that you were raising about  
25 people still being in the workplace when these allegations  
26 had been made?

27 A. The concerns that I was raising, the response to those  
28 was that matters were being looked into and that it was  
29 ongoing, and they couldn't move too soon, they had to find  
30 out that information first.

31  
32 Q. And so, in --

33  
34 COMMISSIONER BROMFIELD: Q. Sorry. When that was  
35 conveyed to you, what was your sense in terms of how people  
36 felt about that? I suppose, was there a sense of  
37 frustration, or a sense of urgency, or a sense of  
38 complacency? How did people feel when they said, "We're  
39 going through the process"?

40 A. I think everybody was frustrated, and this goes back  
41 to the poor record-keeping of the centre and the  
42 paper-based records, and that they couldn't just access  
43 that information. Now everything's on CM10 and would be so  
44 much easier to access and find and they'd be able to deal  
45 with it a lot faster - well, they do, it's been proven.  
46 But at that time it was really, the record-keeping was  
47 terrible. There was a room at the - there's a cottage at



1 the bottom of the driveway that you might be familiar with  
2 at Ashley, it's known locally as "Training Cottage". There  
3 was an entire room the size of a garage full of paper files  
4 that went back for years and years and years. There just  
5 wasn't easily accessible information and people didn't know  
6 where information was.

7  
8 PRESIDENT NEAVE: Q. Can I just ask, what has happened  
9 to those files now, are they still there or have they been  
10 entered electronically or what's happened?

11 A. So, they've all gone to the central archiving, they've  
12 all been entered electronically, and there was a huge job  
13 where we had people at the centre for quite some time going  
14 office to office pulling out files, pulling out old files,  
15 old paperwork. Even the office that I was in when I  
16 arrived had old paperwork and bits and pieces that had been  
17 there for, probably years, three or four occupants before  
18 myself, and all of that came out. We found boxes of  
19 photographs. There was so much information that came out  
20 of the centre over that time period and it was all - it's  
21 all now in CM10 and should be quite easy to find.

22  
23 MS ELLYARD: Q. So ultimately, as we understand it,  
24 Mr Watson, Lester was stood down many months later  
25 in November 2020 and I think Ira and another person who  
26 we're calling Stan around about the same time. That's far  
27 too long a time, isn't it, having regard to what you've  
28 said about the need for people who have had allegations  
29 made against them to be stood down?

30 A. Absolutely, it's way too long in my opinion. The  
31 allegations against Lester were known very early on, I  
32 can't really recall so much about the allegations against  
33 Stan, but there was an interview done with Ira at one point  
34 where a lot came to light with him, yep.

35  
36 Q. Before we go to the last point just perhaps a point of  
37 clarification about the issue that we talked a few moments  
38 ago about Chris and the email that on reflection you can  
39 see that you received from Alysha. In that email she  
40 referred to there having been a threat of sexual assault of  
41 Chris; that's right, isn't it?

42 A. Correct.

43  
44 Q. And your reflection is that you can't say now while  
45 you sit there why you didn't do anything more with that,  
46 and you've given some explanations about perhaps why you  
47 didn't do what you now wish you had done in relation to

1 that evidence of a threat?

2 A. Correct.

3

4 Q. Can I turn then to the final questions that I want to  
5 ask you, Mr Watson. And I'm conscious, Commissioners,  
6 we've been going a long time, and I'm in the Commissioner's  
7 and our transcriber's hands about whether we take  
8 five minutes and come back for what I hope won't be very  
9 long or whether we push through.

10

11 COMMISSIONER BROMLEY: And what's our transcriber's feel?

12

13 STENOGRAPHER: If it's not at a fast pace, I'm fine.

14

15 MS ELLYARD: I really shouldn't offer any warranty about  
16 how fast I'm going to speak.

17

18 PRESIDENT NEAVE: Q. And, Mr Watson, what's your feeling  
19 about that?

20 A. I'm happy to continue.

21

22 PRESIDENT NEAVE: Thank you.

23

24 MS ELLYARD: Q. Mr Watson, the last point I want to  
25 raise with you arises from some evidence that I know you  
26 heard Max give this morning in relation to two  
27 conversations that he says he had with you.

28 A. Yes.

29

30 Q. Relating to his plan to speak to the Commission. Now,  
31 you were present for his evidence; is that right?

32 A. Yes, I was.

33

34 Q. Have you also had the chance to see his written  
35 statement?

36 A. I may have seen part of it, yes.

37

38 Q. So, just to be absolutely clear, I know you heard his  
39 evidence but I'll summarise what he said and ask you for  
40 your response to his recollections. So, Max has described  
41 you coming to see him and another friend in the unit where  
42 they both were after you found out that he was going to  
43 speak to the Commission. So, pausing there. Do you recall  
44 being aware that Max and another detainee were going to be  
45 speaking to the Commission of Inquiry?

46 A. Yes, I think the Commissioner for Children and Young  
47 People told me that some residents were going to speak to

1 the Commission.

2  
3 Q. Max recalled you saying words to the effect of, "Why  
4 are you having a meeting with the Commission?" Do you  
5 recall having a conversation with Max at any stage where  
6 you asked him about his motivations or intentions with  
7 regard to the meeting?

8 A. No, I do not.

9  
10 Q. You don't recall that it might have happened or are  
11 you confident that it didn't happen?

12 A. I'm confident that I didn't bribe or incentivise Max  
13 to provide or not provide information to the Commission. I  
14 was actually pleased that residents were speaking to the  
15 Commission because it's their voice that needs to be heard  
16 and in any child-centred approach that's what should  
17 happen.

18  
19 PRESIDENT NEAVE: Q. Can I just clarify: do you recall  
20 having a conversation with them about the fact that they  
21 were going to be giving evidence to the Commission?

22 A. I can recall having a conversation with Max and  
23 another resident around the redevelopment of the Bronte  
24 Unit into a step-down unit. I can recall that Max had been  
25 on a - he'd been doing really, really well and he'd been  
26 going - he'd gone to [REDACTED] for work experience; his  
27 passion, as I think he said today, is [REDACTED] and he'd done  
28 work experience in a [REDACTED] and we were supporting  
29 that, and he was going to continue with the work  
30 experience. He was also going to do a TAFE course, a  
31 [REDACTED] course, and he was hoping that he could work and do  
32 the course when he got out. This was really supported.

33  
34 Max had a history of going really, really well for a  
35 period of time and then the Ashley Team Support staff  
36 described it as self-sabotaging. And, he actually was  
37 going really, really well, then he was involved in an  
38 incident that I think he spoke about where he broke into a  
39 building area, and then I went and saw him after that; I  
40 think it was around the same time that I had been speaking  
41 to the Commissioner for Children and Young People, and  
42 there was also a conversation around MA15+ video games, and  
43 they were the only two people in that unit at the time, and  
44 were MA15+, they were never allowed higher than that at the  
45 centre, but it was thought that perhaps as young people got  
46 older that was a good thing.

1 I had a conversation with Max and this other young  
2 person about - well, particularly Max - about what he  
3 needed to do to meet his goals, and his goals were to do  
4 the work experience and to move on, it was absolutely  
5 nothing to do with the Commission of Inquiry, and all I was  
6 trying to do was to provide Max a pathway.

7  
8 He felt that the BDP system was not going to allow for  
9 him to get to the point where he could then go into the  
10 step-down unit before he left, and he was very keen to  
11 experience the step-down unit, really, along with the other  
12 young person, and he was also very, very keen to be able to  
13 have the MA15+ video games.

14  
15 This was absolutely nothing to do with him meeting the  
16 Commissioner and I was really, really positive about the  
17 fact that young people were - as I said, young people were  
18 the centre of this, and the young people need to be heard,  
19 and the young people should be meeting with the  
20 Commissioner. And, if the Commission has only met with  
21 two: well, gee, I would hope that you would have met with  
22 more or heard from more.

23  
24 MS ELLYARD: Q. So, Mr Watson, I'm sorry to interrupt  
25 you but you haven't answered the specific question which  
26 you were asked, which is, do you recall having a specific  
27 conversation with Max about the fact that he was going to  
28 give evidence to the Commission?

29 A. No, I do not.

30  
31 Q. And, are you saying that you never had such a  
32 conversation?

33 A. I can't recall a conversation about that.

34  
35 Q. Now, as I know you heard, Max has quite a precise  
36 recollection of what he says the conversation was. He says  
37 that you asked him, "Why are you having a meeting?" You've  
38 said you're confident that that didn't happen. He says  
39 that he told you:

40  
41 *To tell them about things that happened in*  
42 *this shit hole, to just say what's going*  
43 *on.*

44  
45 And he recalled you saying words to the effect of:

46  
47 *They don't need to hear all that bullshit,*

1           *they've got enough going on with fake*  
2           *allegations as it is.*

3

4           Did you say that to him?

5       A.    No, I think those are his words and not mine.

6

7       Q.    He says that you then said to him that, if they, the  
8       two boys, said good things and didn't go telling lies you  
9       would make it worth their while. You said that they "would  
10      get to move to the step-down unit and get to go off  
11      property at least twice a week". Did you say those things  
12      to him?

13     A.    No.

14

15     Q.    He says in his statement that he and the other young  
16     person agreed to it because it was a great deal, in part,  
17     because the other young person was never allowed off  
18     property.

19     A.    No, I did not say that at all. There was talk with  
20     the other young person who was being held at the time on  
21     some quite serious charges and that young person hadn't  
22     been off property. His goal was to go off property and at  
23     or around that time there was an approval for him to start  
24     doing some work on the farm property outside of the  
25     perimeter, which he did.

26

27     Q.    Okay. So, Max is right in recalling that at this time  
28     the other young person was limited in his ability to go off  
29     centre?

30     A.    Yes, that's correct.

31

32     Q.    And Max is right in his recollection that around about  
33     this time there was discussions between him and you which  
34     included, as you've described, discussions about his  
35     potentially getting access to the step-down unit?

36     A.    It was around --

37

38     Q.    In the broader context that you have described?

39     A.    It was around his pathway forward and what he wanted  
40     to achieve and, as I said to him at the time, there was  
41     time available, but it needed him to not get into any more  
42     trouble. In the time previously before that he had  
43     destroyed a \$7,000 coffee machine, I think he'd broken two  
44     laptop computers, he'd broken into that building area,  
45     there had been quite a few incidents as part of his spiral  
46     sort of downwards, and we were trying to get him to come up  
47     from that.

1  
2 Max can be an amazing person. I can remember, he had  
3 his [REDACTED] come and visit him and, as he said, [REDACTED] was  
4 his thing and he [REDACTED]. He is  
5 very, very well spoken and he's quite articulate, and he  
6 can be really good value. And, I'm disappointed by what he  
7 has said, and all I can say is that at no time did I ever  
8 try to coerce Max into doing anything but provide his own  
9 evidence to the Commission.

10  
11 Q. Pardon me a moment. Do you recall having a  
12 conversation with Max, after he had been to see the  
13 Commission, in which he asked you whether he was going to  
14 be allowed to go off property and move to the step-down  
15 centre?

16 A. No, I don't.

17  
18 Q. He has given evidence that he recalls, and whether or  
19 not the Commission accept this evidence from him will be a  
20 matter for the Commission, of course, but I'm putting to  
21 you what he has said. He has said that he spoke to you and  
22 said that he had said things were good and that he asked  
23 you, when was he going to be moving and when was he going  
24 to go off property, and then you said, "Well, when your  
25 behaviour changes".

26 A. No, I don't recall that conversation.

27  
28 Q. He has also said to the Commission that after he, in  
29 his view, as he described it in his evidence, felt that you  
30 had backed out of a deal that he had said that he thought  
31 you had, he contacted the Children's Commissioner. Did you  
32 ever have any contact from Ms McLean or anyone from her  
33 office about an assertion by Max that there had been a deal  
34 between you and him?

35 A. Yes, I can recall. I believe I had a conversation  
36 with Ms McLean, and I think my Director spoke to me about  
37 that and I explained essentially, as I have done to you  
38 today, what occurred.

39  
40 Q. So, it's a very specific. I want to put to you, and  
41 again, recognising that this is what Max says occurred and  
42 whether or not the Commission accept his evidence will be a  
43 matter for the Commission. It's a very specific thing that  
44 Max says he recalls you saying:

45  
46 *They don't need to hear that bullshit,*  
47 *they've got enough going on with fake*

1           *allegations as it is.*

2

3           Can you think of any conversation that you and he  
4 might have had in which he could have heard you say those  
5 words, perhaps in a different context?

6           A. No, I can't, and even the term "fake allegations" is  
7 not something that I would say.

8

9           Q. I suppose it goes without saying, and respecting in  
10 full, Mr Watson, you've denied any conversation of this  
11 kind, such a conversation or such an attempt to influence  
12 Max or any child in the evidence they gave to the  
13 Commission would be quite an improper thing to do; you  
14 accept that?

15           A. My understanding is that the Commission has come about  
16 to find out the root causes of the problems that have been  
17 at Ashley Youth Detention Centre, to uncover the dark  
18 history, to expose those that have done wrongdoing, and  
19 I am totally fully supportive of that and that's why I am  
20 here today, and that's why I am so passionate about the  
21 voice of the young people: they need to be heard.

22

23           We're hearing an awful lot of terrible things about  
24 things that have happened at Ashley, or that may have  
25 happened, and I believe that a lot have. I am really  
26 saddened by that and, as the Manager of the centre now, I  
27 would be horrified to think that things have happened while  
28 I've been there, but I'm horrified to think that things  
29 have happened at any time, and sadly, we know that they -  
30 it's likely that they have.

31

32           The allegations that have been made against staff:  
33 there will be some that aren't true, but there will be some  
34 that are. And, if the allegations are true, these people  
35 need to be removed and they need to be dealt with by the  
36 Legal System. They should not be - it's incredible to  
37 think that young people might be placed at risk in an  
38 environment where people have power and control over them  
39 behind a fence that they can't leave, and then be  
40 mistreated, and I am horrified to think that has occurred  
41 but I am not naive enough to think that it hasn't.

42

43           Q. And indeed, leaving aside the part of Max's evidence  
44 that we've gone through, and you've given your explanation  
45 in response to what he has alleged: if the other things in  
46 Max's statement are true, then he has been a victim of  
47 repeated terrible practices at the hands of detainees and

1 some staff?

2 A. If Max's statement is true, he has been treated  
3 terribly, and it is an absolutely disgrace and I am really  
4 saddened for him and I don't know what to say, I just - it  
5 is horrific. I --

6

7 Q. I'm sorry, I don't want to cut you off, Mr Watson.

8 A. No, you're all right.

9

10 Q. But I'm putting this last thing just as a matter of  
11 pure fairness to you. Are you aware of other evidence  
12 that's been given to the Commission from people who worked  
13 with Max and who observed the way in which he was treated  
14 by staff and by detainees?

15 A. Yeah. Yes, I am aware of other evidence. As Max said  
16 in his statement he, I think, first went there when he was  
17 12-and-a-half. I don't think he had an easy run there. I  
18 think that there's probably a fair element of truth to a  
19 lot of the things that he was alleging before my time. I  
20 do not believe - at the time that this was happening when  
21 he would have met with the Commissioner he would have been  
22 17-and-a-half, or very close to it anyway, not 16 as was  
23 suggested earlier. I don't think that everything he said  
24 was truthful, but I do believe that, you know, five, six  
25 years ago the centre was a very different centre to the  
26 centre that it is today.

27

28 Q. Having regard to what you've just said and to the fact  
29 that - perhaps I'll put it this way, Mr Watson.

30 Ultimately, the Commissioners may feel it necessary to try  
31 and make a finding as to which version of events they  
32 prefer: the version that you've offered or the version that  
33 Max has given, and that will be a matter for the  
34 Commissioners. But, in doing so, no doubt they'll have  
35 regard to other evidence that tends to suggest that, at  
36 least a large part of what Max has described as being his  
37 experiences at the centre are supported by other evidence?

38 A. Yes.

39

40 Q. And, no doubt, they will also be concerned to try and  
41 understand any reason Max might have, out of all of the  
42 people he could name for bribing him in the way he asserts,  
43 he's asserted that it was you; and what reason he might  
44 have for making that assertion as it appears that he made  
45 shortly after he met with the Commissioners. And I want to  
46 give you the opportunity to say anything you wish to say  
47 about why Max might make it up, because clearly, on your



1 version of events, he is making that part of it up.  
2 A. The only thing that I can say is that, um, Max was  
3 motivated to move to the new step-down unit. That  
4 step-down unit is still not opened even today due to the  
5 lack of availability of some specialist work from a  
6 contractor that installs the security equipment.

7  
8 I don't know why Max has said that. As I said, I'm  
9 disappointed by it. I always spoke respectfully to Max and  
10 we got on reasonably well, we had some really good  
11 conversations. There were many occasions where Max - as I  
12 said, his [REDACTED] was his passion - would do a [REDACTED]  
13 program in the unit and I would get called down to [REDACTED]  
14 [REDACTED]  
15 [REDACTED], I should add; but no, I don't know why Max  
16 has made that allegation against me.

17  
18  
19 MS ELLYARD: Thank you, Mr Watson. Thank you,  
20 Commissioners.

21  
22 COMMISSIONER BROMFIELD: Q. I just had one. Was it your  
23 usual practice to go and talk to the detainees about things  
24 like, if their behaviour just seemed to be completely  
25 disregulated, to go and talk to them about their situation?  
26 A. If they asked me to and the Operations Manager felt  
27 that it was appropriate I would on occasion. On this  
28 occasion the conversation was around a conversation that  
29 I'd had with the Commissioner for Children and Young  
30 People, and that was around the availability of MA15+ video  
31 games.

32  
33 As she rightly pointed out, both the people in this  
34 unit were - one was 17, one was 18, and was it reasonable  
35 and normal for them not to be allowed to watch age  
36 appropriate or play age appropriate video games? And I'd  
37 thought about it over a weekend and my thoughts were that  
38 it's not normal; in normal life they would be able to  
39 access these games, why should they not be able to at the  
40 centre? And so, that was a big part of the conversation.

41  
42 COMMISSIONER BROMFIELD: Thank you.

43  
44 MS ELLYARD: I don't have any further questions for  
45 Mr Watson. I'm conscious we've kept him a long time and  
46 our transcriber, but I won't shut out the Commissioners.

1 COMMISSIONER BROMFIELD: I don't have any further  
2 questions, thank you.

3  
4 PRESIDENT NEAVE: Thank you very much, Mr Watson, for your  
5 evidence. And we will now --

6  
7 MS ELLYARD: Adjourn until tomorrow, if the Commission  
8 pleases.

9  
10 PRESIDENT NEAVE: Yes.

11  
12 **AT 3.31PM THE COMMISSION WAS ADJOURNED TO**  
13 **WEDNESDAY, 24 AUGUST 2022 AT 10.00AM**

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