

NOTICE OF FILING

Details of Filing

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Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Federal Court of Australia

District Registry: Western Australia

Division: General

BIJ23 AND ANOTHER NAMED IN THE SCHEDULE

Applicants

STATE OF WESTERN AUSTRALIA

Respondent

The Respondent's Schedule of Particulars for BIK23

PART 1

Incidents at Banksia Hill between 11 July 2022 and 20 July 2022

1. In relation to 11 July 2022:

- (1) BIK23 was allocated observation cell B06 in the Intensive Support Unit (**ISU**) at Banksia Hill; whilst allocated to this cell:
 - (a) at approximately 8.05am, BIK23 was provided with breakfast in his cell;
 - (b) at approximately 10.35am, BIK23 was placed in the B wing of the ISU interview room with a psychologist and returned to his cell at approximately 11.05am;
 - (c) at approximately 11.15am, BIK23 had a shower and returned to his cell at approximately 11.35am;
 - (d) at approximately 12.10pm, BIK23 was provided with lunch in his cell;

- (e) at approximately 1.00pm, BIK23 was observed to have been kicking at his toilet; when asked why he was doing it, he stated he wanted a pillow; staff had explained to BIK23 that they were looking for a pillow;
- (f) at approximately 2.03pm, BIK23 had a phone call and returned to his cell at approximately 2.19pm;
- (g) at approximately 3.15pm, a code red out of bounds was called;
- (h) at approximately 3.25pm, there was an incident (incident ID I122214035) where BIK23 damaged the ceiling in his cell;
- (i) at approximately 3.45pm, BIK23 started to damage his cell with a piece of pipe;
- (j) at approximately 4.05pm, BIK23 removed the cell call button from his cell wall and was threatening to self-harm with it;
- (k) at approximately 4.18pm, officers entered the cell and BIK23 threw urine over the officers; he was subsequently placed in a three-point restraint; this incident is expanded on in paragraph 2 below;
- (l) at approximately 4.30pm, BIK23 was attended by a nurse;
- (m) at approximately 6.00pm, the restraints were removed and BIK23 was provided dinner in his cell;
- (n) at approximately 6.08pm, BIK23 was attended by a nurse;
- (o) between approximately 7.55pm and 10.00pm, BIK23 was involved in an incident whereby he escaped his cell through a ceiling vent, assisted another detainee to escape, and caused damage to the roof of the ISU; following this incident BIK23 was placed in a three-point restraint; this incident is expanded on in paragraph 3 below;
- (p) at approximately 10.00pm, BIK23 was attended by a nurse; and
- (q) at approximately 11.53pm, the restraints were removed and BIK23 was allocated a standard cell in the ISU.

2. As noted above, on 11 July 2022, there was an incident (incident ID I122214426) which involved the following events:
 - (1) whilst in observation cell B06 in the ISU, BIK23 was causing damage to the cell including creating a hole in the roof and a hole in the wall, and was attempting to breach his cell through the ceiling vent;
 - (2) BIK23 was counselled multiple times by officers to stop his behaviour but he did not comply;
 - (3) at approximately 4.00pm, an order was made that BIK23 was to be placed in restraints;
 - (4) BIK23 was observed to have two cups full of liquid, which officers believed was either urine or toilet water, and was threatening staff with them;
 - (5) at approximately 4.18pm, officers entered the cell with a hard shield and BIK23 threw both cups of liquid at them, splashing the officers' legs and hard shield;
 - (6) BIK23 was then restrained on the ground as he was actively struggling with the officers; the officers eventually managed to apply a three-point restraint and exited the cell without further incident;
 - (7) at approximately 4.30pm, a nurse conducted an injury assessment after the use of force incident and the use of restraints; the nurse did not observe any obvious signs of injury and no indication for treatment was noted;
 - (8) at approximately 5.45pm, the three-point restraint was removed; and
 - (9) at approximately 6.15pm, the nurse conducted a further medical assessment of BIK23's ankles and wrists with nil injury noted.
3. As noted above, on 11 July 2022, there was a second incident (incident ID I122219287) which included the following events:
 - (1) at approximately 7.55pm, an officer attempted to confirm a visual sighting of BIK23 and noticed a hole in the ceiling of the cell near where the vent was located; the officer

heard BIK23 say words to the effect of “I’m in the roof”; the officer immediately called a code red (out of bounds) over his radio;

- (2) BIK23 had breached the ceiling vent of his cell and moved into the roof space of the ISU B wing area;
- (3) the Special Operations Group (**SOG**) was called to assist in de-escalating the incident and attempted to counsel BIK23 to come down from the roof space but BIK23 did not comply;
- (4) an officer gave a warning that he would use a chemical agent but BIK23 still did not comply;
- (5) an officer sprayed the chemical agent into the roof space; officers recorded that BIK23 did not appear very affected by the chemical agent; however, BIK23 did say some of it had got on him;
- (6) at approximately 8.10pm, BIK23 breached the roof space, moved onto the roof of the ISU and caused damage to the roof;
- (7) at approximately 8.45pm, BIK23 re-entered the roof space and proceeded to break another detainee out of their cell;
- (8) BIK23 and the other detainee were damaging aerials and various items on the roof of the ISU;
- (9) BIK23 and the other detainee re-entered the roof space in an attempt to free more detainees from their cells; more chemical agent was deployed into the roof space;
- (10) BIK23 and the other detainee then moved out of the roof cavity and scaled the roof, climbing over cowlings, the admissions building, D wing and the regional transport cells;
- (11) officers continued to counsel BIK23 and the other detainee to come down from the roof and retrieved ladders to assist them;
- (12) while sitting on the roof, BIK23 armed himself with a piece of pipe or a TV antenna and held it in a way that suggested he may throw it;

- (13) at approximately 9.40pm, the other detainee came down the ladder and was secured in his cell; and
 - (14) at approximately 9.45pm, BIK23 came down the ladder, where the officers restrained him with handcuffs and escorted him to the A wing of the ISU where he was placed into a three-point restraint.
4. Following the above incident:
- (1) once in the A wing of the ISU, BIK23 had a decontamination shower;
 - (2) at approximately 10.00pm, BIK23 was assessed by the nurse; the nurse noted that no injuries were seen and none were reported, and that BIK23 stated he had no ill effects from the chemical spray; the nurse also recorded that BIK23's skin and eyes did not appear affected; no treatment was given;
 - (3) following the decontamination process, BIK23 was placed in a three-point restraint, which was authorised by the Superintendent, before he was secured in his cell (A03) in the ISU; and
 - (4) at approximately 11.30pm, the three-point restraint was removed from BIK23.

Incidents at Unit 18 between 20 July 2022 and 10 August 2022

5. In relation to the period between 23 and 27 July 2022:
- (1) on 24 July 2022:
 - (a) at approximately 2.27pm, BIK23 first discussed a boil on his right side above his pelvis with a nurse in Unit 18; the nurse administered paracetamol and ibuprofen for inflammation and pain management and requested an e-consult from the on-call doctor; and
 - (b) at approximately 2.32pm the on-call doctor prescribed BIK23 with oral antibiotics;
 - (2) on 26 July 2022 at 2.29pm, a different nurse onsite at Unit 18 requested an e-consult to change BIK23's antibiotic prescription;

- (3) on 26 July 2022 at 6.36pm, the nurse manager assessed BIK23 and requested an urgent medical officer review the following day; and
 - (4) on 27 July 2022:
 - (a) at 10.09am, a doctor assessed BIK23 in his cell at Unit 18; the doctor assessed that the abscess was not improving with antibiotics, BIK23's symptoms were worsening with evidence of sepsis, and that BIK23 would benefit from an x-ray, intravenous antibiotics and further assessment in the Emergency Department (**ED**);
 - (b) at 11.05am a nurse manager noted BIK23 was to be transferred to ED for management and intervention; and
 - (c) at 12.00pm, BIK23 was transferred to Fiona Stanley Hospital for treatment.
6. In relation to the period between 30 July and 4 August 2022:
- (1) between 28 July 2022 and 31 July 2022 at 12.12am, BIK23 was allocated to cell A16 in Unit 18;
 - (2) between 12.12am on 31 July 2022 and 10 August 2022, BIK23 was allocated to cell A06 in Unit 18;
 - (3) on 1 August 2022, BIK23 was medically assessed for a superficial wound to his left forearm, comprising several small self-harm cuts;
 - (4) on 3 August 2022:
 - (a) at approximately 4.43pm, BIK23 requested to see a medic regarding the ingestion of safety glass; BIK23 stated that he wanted the glass cleaned and therefore swallowed it; BIK23 was observed to be swallowing glass while being assessed by a nurse; BIK23 handed the nurse two cups of various glass shards;
 - (b) at approximately 4.50pm, the nurse informed a doctor through an e-consultation of the incident; and

- (c) at approximately 6.04pm, BIK23 was transferred to the Fiona Stanley Hospital Emergency Department;
 - (5) at approximately 9.45pm there was an incident (Incident ID I123359704) which involved the following events:
 - (a) BIK23 became verbally abusive to officers, including threatening to spit at officers and to “king hit” officers; and
 - (b) BIK23 attempted to break the wheelchair he was restrained in; and
 - (6) on 4 August 2022 at approximately 12.09am, BIK23 was discharged from Fiona Stanley Hospital and was transferred back to Unit 18.
7. On 30 July 2022, there was an incident (incident ID I123146085) which involved the following events:
- (1) at approximately 5.30pm, BIK23 was escorted to his cell by an officer because he was fighting with other detainees;
 - (2) shortly afterwards, several other detainees started rioting in C wing; at that time, staff were instructed to exit those wings for their safety, and a code red was called; the riot also spread to the A wing; BIK23 was not involved in the riot;
 - (3) at approximately 6.04pm, the SOG was called to Unit 18 on account of the riot; the SOG arrived at approximately 6.50pm; when the SOG arrived, detainees had erected a barricade on the stairs to the C wing, they were armed with brooms and mops, and were throwing toilets and other objects at the control room from the C wing;
 - (4) at approximately 7.40pm, the SOG was informed that there were three detainees in the roof space of Unit 18; those detainees had barricaded the manhole with wood and metal objects and were poking a metal pole at staff who were trying to make access; chemical agent was deployed to push the detainees back;
 - (5) the SOG managed to get the riot under control, and by approximately 8.25pm, all detainees had surrendered;

- (6) at a time between 6.50pm and 8.30pm, BIK23 was escorted by the SOG to a different cell; during his escort, BIK23 was handcuffed;
- (7) at approximately 9.00pm, BIK23 was assessed by a nurse; the nurse assessed that BIK23 had a rash on his back and BIK23 was provided with soap skin wipes to remove the chemical agent from the infected areas including his face (which occurred as a consequence of the chemical agent being deployed on other detainees as detailed in sub-paragraph (4) above); after being treated, the nurse also checked BIK23's vitals which were normal; BIK23 had no complaints; and
- (8) BIK23 then returned to his cell and was provided with fresh bedding.

Incidents at Banksia Hill between 10 and 16 August 2022

8. In relation to the period between 12 and 14 August 2022:
 - (1) lockdowns and rolling lockdowns were used for various reasons, including as a result of staff shortages and following code red incidents;
 - (2) on or around 10 August 2022, BIK23 was transferred from Unit 18 to Banksia Hill;
 - (3) on 12 August 2022:
 - (a) at approximately 9.57am, BIK23 was seen by a psychologist and presented in an upbeat and talkative mood noting how pleased he was to have returned to Banksia Hill; BIK23 denied any current or recent thoughts, intent or attempts regarding NSSI (non-suicidal self-injury) or suicide and rated his current level of stress at a 2/10;
 - (b) at approximately 11.13am, BIK23 spent time out his cell in the gym with his mentor; it was recorded that BIK23 had been in a good mood all morning, being respectful and courteous to staff cleaning D wing;
 - (c) at approximately 11.58am, BIK23 attended a medical appointment at the centre's health clinic for care of his boil;

- (d) at approximately 2.30pm, BIK23 was observed to have been enjoying his time out of his cell that afternoon and was mixing well with his peers and staff; it was recorded that BIK23 requested to clean his cell and the wing;
 - (e) at approximately 3.58pm, BIK23 was in his cell for a code red, and was observed to be calm, lying on bed watching television;
 - (f) at approximately 9.17pm, BIK23 was observed to be settled, watching television; and
 - (g) at approximately midnight, BIK23 was observed to be asleep;
- (4) on 13 August 2022:
- (a) at approximately 9.00am, BIK23 was informed that the centre would be on rolling lockdowns, and he appeared to take the information well;
 - (b) at approximately 10.30am, BIK23 attended a medical appointment at the centre's health clinic outside his cell for care of his boil;
 - (c) at approximately 3.00pm, BIK23 had had time out of his cell, and had a video link visit in the visits room; BIK23 appeared to interact well with staff and he appeared happy to be back at Banksia Hill;
 - (d) at approximately 6.00pm, BIK23 appeared to be settled, had coped well with the rolling lockdowns, and there were no concerns or issues that day; and
 - (e) at approximately 8.54pm, BIK23 appeared to be settled and was talking to other detainees in the wing; and
- (5) on 14 August 2022:
- (a) at approximately 9.54am, BIK23 assisted staff with cooking breakfast and appeared to enjoy the extra responsibilities;
 - (b) at approximately 10.55am, BIK23 attended a medical appointment at the centre's health clinic to have his boil treated;
 - (c) at approximately 11.56am, BIK23 appeared to be happy and settled;

- (d) between approximately 12.45pm and 1.45pm, BIK23 had a contact visit with his mother and his father;
- (e) there was an incident (incident ID I123860258) which involved the following events: at approximately 3.45pm, BIK23 was involved in a code red out of bounds, where he climbed up the air conditioning vent on the external wall of the Urquhart Unit; BIK23 stood on a window sill / ledge halfway up the front of the building and smashed windows in the B wing; BIK23 surrendered to staff at approximately 3.53pm, at which time he was secured in handcuffs and escorted back to cell D3 in D wing; BIK23 was seen by a nurse, and was observed to have a small cut on his finger and a band aid applied; BIK23 denied having any other injuries;
- (f) there was a further incident (incident ID I123863656) which involved the following events: at approximately 6.30pm, officers heard loud banging coming from D wing; officers observed a hole in the wall in cell D2, which had been caused from cell D3; BIK23 was detained in cell D3 at the time; officers entered cell D3 and observed the sink had been removed from the wall and was lying on the floor; BIK23 was escorted to the ISU at approximately 6.45pm; and
- (g) at approximately 7.14pm, BIK23 was allocated to cell D11 in the ISU as a standard cell allocation.

9. On 15 August 2022:

- (1) at approximately 7.45am, BIK23 was moved to cell D06 in the ISU under basic supervision;
- (2) at approximately 8.00am, BIK23 was provided with breakfast in his cell;
- (3) at approximately 8.37am, BIK23 had a shower; he was secured back in his cell at approximately 8.52am;
- (4) at approximately 9.15am, BIK23 attended a medical appointment for his boil; he was secured back in his cell at approximately 9.46am;
- (5) at approximately 10.45am, BIK23 was provided with morning tea;

- (6) at approximately 11.00am, BIK23 tied a pillow around his foot with a jumper and began to kick at the cell door with force;
- (7) at approximately 11.16am, BIK23 was moved to observation cell B05 in the ISU; the reason for the move was for medical observation;
- (8) at approximately 11.20am, BIK23 appeared to have settled; he was provided with reading material at approximately 11.32am;
- (9) there was an incident (incident ID I123898923) which involved the following events:
 - (a) at approximately 12.16pm, BIK23 made veiled threats to self-harm, covered his main observation window and was heard yelling out to another detainee that he was “going to smash this cell up” and that he was “going to get through the roof”; and
 - (b) at approximately 12.20pm, BIK23 was observed smashing the grill in the ceiling space of his cell with force; he was instructed to refrain from these actions, but refused staff instructions;
- (10) at approximately 12.33pm, BIK23 was provided with lunch in his cell;
- (11) at approximately 12.58pm, BIK23 presented as settled;
- (12) at approximately 1.16pm, BIK23 had an appointment with a mental health nurse via telehealth; BIK23 stated that the previous night a detainee had climbed onto the roof and snapped an antenna; BIK23 had become frustrated and smashed a sink and was consequently moved to the ISU; BIK23 was remorseful for his impulsive acting out; he presented as disappointed but not agitated or distressed;
- (13) at approximately 3.00pm, a code red out of bounds was called;
- (14) at approximately 3.40pm, BIK23 was heard shouting to another detainee explaining how to get into the ISU roof space from his cell;
- (15) at approximately 5.14pm, dinner was provided to all ISU detainees;
- (16) at approximately 6.00pm, BIK23 saw a nurse; and

- (17) at approximately 6.30pm, officers removed a mattress cover from the observation cell which had been damaged by BIK23 at some point earlier in the day.
10. On 16 August 2022:
- (1) BIK23 was allocated to observation cell B05 in the ISU;
 - (2) at approximately 8.50am, BIK23 was provided with breakfast in his cell;
 - (3) at approximately 8.55am, BIK23 was seen by a nurse for medication;
 - (4) at approximately 9.30am, there was an incident (incident ID I123951194) which involved the following events:
 - (a) BIK23 incited another detainee to smash their toilet off the wall;
 - (b) BIK23 covered his window and camera to obscure officers' ability to view him in cell; and
 - (c) BIK23 also made threats to hang himself;
 - (5) at approximately 10.15am, BIK23 was observed to be settled in his cell;
 - (6) at approximately 11.26am, there was an incident (incident ID I123961764) which involved the following events:
 - (a) BIK23 tied a ligature to the ceiling and was making threats to hang himself;
 - (b) BIK23 also covered his cell window with a blanket; and
 - (c) BIK23 stated words to the effect "I want a shower now or I'm hanging myself";
 - (7) at approximately 11.30am, BIK23 was counselled by officers;
 - (8) at approximately 11.45am, BIK23 placed his blanket back up to cover his cell window with a ligature around his neck;
 - (9) at approximately 11.50am, BIK23 was observed to have settled down;
 - (10) at approximately 12.06pm, BIK23 was provided with lunch in his cell;

- (11) at approximately 12.17pm, there was an incident (incident ID I123964937) which involved the following events: BIK23 made superficial cuts on his left arm with a small metal piece; BIK23 demonstrated a slicing motion to his neck and stated words to the effect of “miss, I’m going to slice my neck open”; an officer attempted to counsel BIK23 however he was not compliant and would not hand over the piece of metal; blood was visible; both the unit manager and nurse were informed; BIK23 was subsequently seen by a nurse and treated in the medical centre at 3.30pm;
- (12) at approximately 12.40pm, there was an incident (incident ID I23966378) which involved the following events:
- (a) BIK23 covered the viewing window of his cell (B5) with a blanket, and covered his cell camera;
 - (b) BIK23 refused any instructions to remove the blanket from the window, and demanded a shower;
 - (c) BIK23 threatened that “well let’s see what happens when I don’t get one, I’ll kill myself in this cell”;
 - (d) an officer counselled BIK23 explaining that he can have a shower once he uncovers his cell, to which BIK23 took down the blanket and laid on his bed; and
 - (e) the officer noticed a ligature on the cell floor and asked BIK23 to hand it over, but he refused;
- (13) at approximately 1.30pm, BIK23 was kicking his cell window continuously, and was not complying with instructions to stop;
- (14) at approximately 1.50pm, BIK23 again covered his cell window with a blanket;
- (15) at approximately 2.15pm, BIK23 was still kicking his cell window;
- (16) at approximately 3.12pm, BIK23 was out of his cell to use the B07 toilet; he was back in his cell at 3.20pm;

- (17) at approximately 3.45pm, there was an incident (incident ID I123985628) which involved the following events:
- (a) while in the ISU D wing shower, BIK23 repeatedly kicked the locked door until the lock broke and the door opened slightly; and
 - (b) BIK23 was instructed to finish his shower and was then escorted to the Admissions Building;
- (18) at approximately 4.00pm, there was an incident (incident ID I123983658) which involved the following events:
- (a) BIK23 was escorted to the Admissions Building where he was informed that he was being transferred to Unit 18 as he had been involved in a rooftop protest and cell damage in recent days and that these actions were in contravention of the expected standards of behaviour previously outlined to him when he returned from Unit 18;
 - (b) BIK23 immediately became argumentative, and ignored instructions to enter the van situated in the admissions sally port;
 - (c) BIK23 dropped his weight and actively resisted staff who were attempting to move him to the van; handcuffs were applied to BIK23, with his hands behind his back;
 - (d) multiple staff were counselling BIK23, to which he continued to disobey orders, abuse and threaten staff and resist being moved into the vehicle; BIK23 was violently lashing out at staff, kicking and attempting to trip officers as they escorted him towards the sally port;
 - (e) BIK23 kicked the door of the van and threw staff off balance; staff and BIK23 ended up on the ground; staff attempted to counsel BIK23 but were unsuccessful;
 - (f) staff removed the handcuffs from behind BIK23, and reapplied them to the front position to enable him to safely enter the vehicle pod;

- (g) BIK23 continued to violently resist against staff, drop his weight and kick the side door of the vehicle; BIK23 kicked a fire extinguisher off the wall nearby the vehicle; BIK23 was also spitting at staff; and
 - (h) eventually staff managed to secure BIK23 in the rear pod of the vehicle; once secured in the vehicle, BIK23's handcuffs were removed and the hatch to the vehicle was secured; BIK23 continued to spit at officers while the handcuffs were being removed;
- (19) at approximately 4.18pm, BIK23 was transported to Unit 18;
- (20) during the escort, BIK23 caused damage to the seatbelts, tying them around his wrists; he kicked the walls of the pod and threatened to bash and kill staff involved in the escort;
- (21) on arrival at Unit 18, BIK23 was counselled to remove the seatbelts which he had tied around his wrists; BIK23 was then restrained in handcuffs;
- (22) at approximately 6.04pm, BIK23 was allocated cell C16 in Unit 18; and
- (23) once in his allocated cell, a nurse performed a post-use of force review on BIK23 and recorded red marks to both wrists, a small cut to his finger; BIK23 denied any pain.

Incidents at Unit 18 between 16 August 2022 and 8 September 2022

11. In relation to the period between 18 August 2022 and 21 August 2022:
- (1) between 1.19pm on 18 August 2022 and 6.14pm on 22 August 2022, BIK23 was allocated to cell C16 at Unit 18;
 - (2) on 21 August 2022, an incident occurred (incident ID I124188881) which involved the following events:
 - (a) at approximately 9.34am, BIK23 used a large metal object to attempt to smash the cell camera;
 - (b) an officer counselled and cautioned BIK23, telling him to "stop"; BIK23 told the officer to "fuck off", or words to that effect;

- (c) at approximately 2.00pm, officers attended BIK23's cell to take photos of the cell damage; officers photographed the damage to the rear window and the cell camera;
 - (d) BIK23 did not use fragments of glass to cut his arm and did not tie a ligature around his neck; and
 - (e) BIK23 was not transferred to an MPU cell;
- (3) on 22 August 2022:
- (a) at approximately 2.30am on 22 August 2022, there was an incident (incident ID I124202198), which involved the following events:
 - (i) BIK23 kicked in his toilet and sink; and
 - (ii) at approximately 3.10am, the decision was made to isolate the power and lighting to both A and C wing cells as to stem the flow of damage and to encourage the detainees to sleep; and
 - (b) at approximately 9.40am, there was an incident (incident ID I124230971) which involved the following events:
 - (i) officers observed superficial cuts and fresh bleeding on BIK23's neck;
 - (ii) BIK23 threatened to hurt staff if they entered his cell;
 - (iii) BIK23 was relocated to another cell where he could be better observed; and
 - (iv) at around 11.30am, BIK23 was attended to by the nurse;
- (4) on 23 August 2022, at approximately 4.30am, there was an incident (incident ID I124202356), which involved the following events:
- (a) BIK23 demanded officers bring him an apple;
 - (b) BIK23 stated words to the effect, "I will kill myself then, I'd rather die than starve";

- (c) when officers brought BIK23 two apples, they observed him with an aerial cord tied around his neck pulled tight; and
 - (d) when offered the apples, BIK23 removed the cord from his neck; and
- (5) on 24 August 2022:
- (a) at approximately 4.00am, there was an incident (incident ID I124323750) which involved the following events:
 - (i) BIK23 demanded officers provide him with food;
 - (ii) when officers did not immediately provide BIK23 with food, he made threats to self-harm;
 - (iii) BIK23 tied a ligature around his neck loosely; and
 - (iv) BIK23 threw food and containers at attending officers; and
 - (b) at approximately 5.15pm, there was an incident (incident ID I124370984) which involved the following events:
 - (i) the fire sprinkler in BIK23's cell was set off causing water to rain into his cell; and
 - (ii) BIK23 was moved to another cell and given dry bedding and clothing.

12. In relation to 25 August 2022:

- (1) between 6.14pm on 22 August 2022 and 3.50pm on 25 August 2022, BIK23 was allocated to cell A04 in Unit 18;
- (2) between 3.50pm on 25 August 2022 and 12.23pm on 1 September 2022, BIK23 was allocated to cell A16 in Unit 18;
- (3) on 25 August 2022, BIK23 had access to a shower in his cell, as well as a television, a functioning toilet and access to any items he may have purchased at the canteen during this time;

- (4) on 25 August 2022, there was an incident (incident ID I124390455) which involved the following events:
 - (a) at approximately 9.45am, BIK23 was observed to rip a piece of his doona and begin tampering with the cell light switch;
 - (b) an officer asked BIK23 to stop and what his reason was for the cell damage. BIK23 responded with words to the effect of “I don’t want to be in this cell”;
 - (c) at approximately 9.50am, BIK23 was observed to remove the light switch from the wall and remove the wires exposing live power; BIK23 was then observed to attempt to touch the exposed wires; and
 - (d) BIK23 was counselled by officers; and
- (5) on 25 August 2022, there was a second incident (incident ID I124414042) which involved the following events:
 - (a) at approximately 3.32pm, a fight broke out between BIK23 and another detainee; the detainees punched each other with closed fists; both were asked to cease, but ignored this directive;
 - (b) staff proceeded to break up the fight, and separate BIK23 and the other detainee;
 - (c) handcuffs were applied to BIK23, and he was escorted back to his cell;
 - (d) at approximately 3.50pm, BIK23 was moved from cell A04 to A16; and
 - (e) at approximately 4.09pm, BIK23 was assessed by a nurse in his cell and was cleared of any injuries.

13. In relation to the period between 25 August 2022 and 30 August 2022:

- (1) for the period between 22 and 25 August 2022, BIK23 received a loss of privilege of social telephone calls due to his poor behaviour in intentionally damaging his in-cell camera on 21 August 2022;

- (2) on 24 August 2022 at approximately 5:17pm, officers attended BIK23's cell following a fire suppression sprinkler being triggered by BIK23 breaking the sprinkler head;
 - (3) on 25 August 2022 between 1.00pm and 1.30pm, BIK23 had an e-visit with a counsellor/educator from the Mental Health Commission;
 - (4) on 26 August 2022 between 3.30pm and 4.30pm, BIK23 had an e-visit from his mother and father;
 - (5) on 28 August 2022 between 2.00pm and 3.00pm, BIK23 had an e-visit with his mother and father;
 - (6) on 29 August 2022 between 3.30pm and 4.30pm, BIK23 had an e-visit from his mother and father; and
 - (7) on 30 August 2022 between 8.45am and 9.45am, BIK23 had a visit from the Acting Senior Youth Justice Officer (South East Metro Youth Justice Services | Corrective Services) and his father.
14. In the period between 30 August 2022 and 8 September 2022, BIK23 was not dispensed with any medication; in relation to that period:
- (1) on 30 August 2022:
 - (a) there was an incident (incident ID I124629614) where BIK23 used a piece of unknown metal to strike and damage his cell viewing camera;
 - (b) there was another incident (incident ID I124652867) where BIK23 cracked his cell window;
 - (c) there was a further incident (incident ID I124634306) where BIK23 swallowed unidentified medication pills in his cell. In particular:
 - (i) at approximately 12.52pm, BIK23 rang through to control and said that he had a lot of tablets and was going to overdose; BIK23 said he had nine tablets, and that he had been taking them for weeks but was not taking them anymore;

- (ii) at approximately 1.15pm, the Assistant Superintendent attended BIK23's cell; BIK23 was sitting on his bed and advised the Assistant Superintendent that he had secreted medication; BIK23 proceeded to show the Assistant Superintendent a handful of pills, and immediately swallowed them;
- (iii) BIK23 told the Assistant Superintendent that the pills comprised four of another detainee's tablets, three white tablets and one red tablet;
- (iv) the Assistant Superintendent immediately requested a nurse conduct medical observations on BIK23;
- (v) at approximately 1.20pm, the nurse on site assessed BIK23; at this time BIK23 was compliant with care and answered all questions; BIK23 told the nurse he had bought some tablets from another detainee; the nurse recommended the doctor be notified, and a consultation was arranged;
- (vi) at approximately 1.49pm, a doctor conducted an acute consult; at this time BIK23 was reporting mild sedation and nausea; the doctor advised that no ambulance was necessary but that the nurse should conduct 30-minute visual observations, and hourly vitals observations for four hours; the doctor further recommended an ECG at 4 hours and 8 hours to monitor for "QTc abnormalities";
- (vii) the on-call doctor noted "medication to be ceased until psychiatric review";
- (viii) at approximately 1.50pm, the nurse observed BIK23 to be lying on his side, sleeping; BIK23 was easily rousable and responded to questions; at the nurse's request an officer was sitting at BIK23's door observing him; this was because BIK23's cell was darkened by a curtain, the overhead light was broken and the camera damaged, making observation of BIK23 difficult;
- (ix) at approximately 2.20pm, the nurse took BIK23's vitals; BIK23 was groggy but answering questions; BIK23 stated he felt nauseous;

- (x) at approximately 2:50pm, the nurse observed BIK23 to be alert, lying down, covered by a blanket watching television; BIK23 stated that he had a headache and felt a little unwell;
- (xi) at approximately 3.00pm, BIK23 attempted to ligate; a youth justice officer intervened; BIK23 was seen by the nurse and had no marks;
- (xii) at approximately 3.30pm, the nurse took BIK23's vitals;
- (xiii) at approximately 4.20pm, the nurse again took BIK23's vitals; at this time BIK23 was moving around his cell, denied any pain or nausea and had nil concerns; BIK23 stated he was hungry, but understood that he had to wait until he was all cleared;
- (xiv) at 4.55pm, staff at Banksia Hill were advised by a consultant psychiatrist to cease dispensing medication to BIK23;
- (xv) at approximately 6.44pm, an ECG was performed and observations taken;
- (xvi) at approximately 7.15pm, there was a further incident (incident ID I124655183) where BIK23 threatened self-harm unless staff provided him with toilet paper;
- (xvii) at approximately 7.43pm, officers performed a welfare check on BIK23; BIK23 was reported to be fine, eating and drinking; and
- (xviii) BIK23's evening medications were withheld;

(2) on 1 September 2022:

- (a) at approximately 8.35am, there was an incident (incident ID I124727999) where BIK23 attempted self-harm and then attempted to throw liquid suspected to be his own urine on officers;
- (b) at approximately 9.10am, officers re-entered BIK23's cell when he attempted to self-harm with a sharp object; BIK23 bit at officers and resisted their attempts to place him in rip-proof clothing;

- (c) at approximately 4.39pm, BIK23 was assessed by a nurse to conduct an ARMS review; BIK23 stated that he begun self-harming as he feels the officers are not listening to him; he stated that that morning he was given two slices of toast and was requesting more food but was not being heard; he stated that he started stressing and this escalated to self-harm; BIK23 also stated that he was sleeping terribly since his medication was ceased, and was awake all night hearing voices telling him to kill himself; he stated that he was able to distinguish between the voices in his mind and reality, and denied any current suicidal or self-harm ideation; the nurse did not see any red marks or other injuries, and did not make any recommendations regarding BIK23's medication; and
 - (d) at approximately 9.00pm, there was an incident (incident ID I124764572) where BIK23 caused damage to his cell with a light fitting he had pulled out of the cell wall;
- (3) on 2 September 2022, BIK23 was initially unable to be reviewed for operational reasons (including staffing issues and ongoing incidents); however, later that day BIK23 was seen in the Unit 18 Psych Office and during that meeting:
- (a) BIK23 acknowledged making threats to kill himself with the hope that staff would respond to his needs, given previous experience;
 - (b) BIK23 advised that he had no intent to engage in risk-to-self by means of NSSI or suicide; he was largely focussed on the visit with his mother that day and his upcoming Supervised Release Review Board (SRRB) meeting next week where he anticipated a release; BIK23 identified placement in cell with a TV and access to his standard clothing as helpful factors in managing his mood; he also identified contact with family and food at night as helpful stress management strategies; and
 - (c) given BIK23's current denial of acute risk-to-self, the psychologist reported no intent to engage in risk-to-self behaviour when the threat was made on the previous day and [REDACTED] was recommended; and
- (4) on 5 September 2022, the on-call doctor noted that BIK23 was unable to be seen via telehealth and that no mental health review was able to be completed as all nurses

were in COVID isolation; however, later that day BIK23 was seen in the Unit 18 Psych Office and during that meeting:

- (a) BIK23 presented as calm and polite; he denied any current thoughts of NSSI or suicide;
 - (b) BIK23 noted that despite restricted out of cell time, he made efforts to cope as he was hopeful for release on 8 September 2022; and
 - (c) the psychologist recommended [REDACTED] given BIK23's denial of acute risk-to-self, his strong focus on his upcoming Early Release Date (ERD) that week and his plans in the community;
- (5) on 6 September 2022, BIK23 was transferred to Banksia Hill; it was recorded that no medication was received by Banksia Hill as medication scripting was stopped due to secreting/stockpiling;
- (6) on 7 September 2022, BIK23 was discharged to freedom and a discharge letter was sent to his GP in the community; and
- (7) on 9 September 2022, the nurse received an email from the clinical psychologist registrar outlining BIK23's mother's concerns that BIK23 would reoffend if he was not provided with his usual medication; the nurse noted that the discharge letter had already been sent to BIK23's GP.

15. In relation to 1 September 2022:

- (1) at approximately 8:35am, officers were informed that BIK23 had threatened to self-harm in his cell (A16); officers attended the cell, and noted that BIK23 was standing on the toilet attaching cloth around a broken vent, appearing to be trying to use it as a ligature mount; officers sought to counsel BIK23 from engaging in self-harm, but he did not comply;
- (2) officers entered BIK23's cell, at which time BIK23 set off the sprinkler system;
- (3) officers lowered BIK23 into a prone position on the bed frame and restraints were applied; BIK23 was resisting heavily at this time;

- (4) BIK23 was then moved to cell B14, during which period he continued to resist and tried to headbutt staff; officers were preparing to clothe BIK23 in rip-proof clothing, but were called to another incident of self-harm of another detainee before being able to do so; consequently, BIK23 was left in cell B14 wearing shorts and in restraints while officers attended to the other detainee;
- (5) officers subsequently noticed BIK23 had slipped out of his right ankle restraint; officers re-entered the cell to reapply this restraint; BIK23 was then clothed in rip-proof clothing; at this time BIK23 was compliant; and
- (6) BIK23 was seen by a nurse who observed that he had red marks to both wrists, but no other marks, cuts or bruises were noted.

Incidents at Unit 18: 8 November 2022 to 13 January 2023

16. In relation to 3 December 2022:

- (1) at approximately 1.35pm, there was an incident (incident ID I129298775) where staff were advised by an unknown detainee through the cell call system that BIK23 had smashed something in his cell; when staff attended BIK23's cell, BIK23 informed staff that he had damaged his radio because he was sick of being in cell, and because he was part of the breakfast club (privileged detainees), he should be able to stay out of his cell all day; staff informed BIK23 that breakfast club allowed detainees to have more time out of cell due to good behaviour and assist staff in preparing meals for detainees, but they aren't entitled to be out of cell all day; staff also informed BIK23 that if he continued with this behaviour, he could be removed from breakfast club; BIK23 responded "I don't give a fuck, take me off the breakfast club";
- (2) BIK23 then became non-compliant and started throwing objects around his cell;
- (3) at approximately 1.50pm, there was an incident (incident ID I129302486) where staff were informed that BIK23 was attempting to start a fire in his cell using live wires and batteries;
- (4) officers attended cell A04 and noticed BIK23 had covered the viewing window; officers instructed BIK23 to uncover his viewing window and camera but BIK23 did not comply with these instructions;

- (5) BIK23 was counselled by staff but was not receptive and continued to play with the wires and batteries;
- (6) power in the A wing was switched off to prevent BIK23 from self-harming;
- (7) BIK23 informed staff that he had swallowed two batteries; he then uncovered his viewing window and swallowed another battery in front of an officer;
- (8) BIK23 proceeded to tie a ligature around his neck and stated words to the effect of "I'm going to kill myself now" before covering his viewing window;
- (9) officers attempted to get a verbal response from BIK23 to no avail;
- (10) an officer opened the hatch and witnessed BIK23 lying on the floor with a ligature around his neck;
- (11) officers entered the cell and cut the ligature from BIK23's neck and escorted him out of the cell;
- (12) BIK23 was assessed by a nurse. BIK23 was responsive, however he was unable to talk and was holding his stomach in pain;
- (13) BIK23 was then moved to the common area where he was further assessed by a nurse;
- (14) the nurse contacted the on-call doctor and arranged for BIK23 be transported to hospital for further assessment;
- (15) an ambulance was contacted at approximately 2.57pm and arrived at 3.40pm; during this period, staff continuously monitored BIK23;
- (16) BIK23 was transferred to Fiona Stanley Hospital via ambulance at approximately 3.55pm;
- (17) scans were performed on BIK23 at Fiona Stanley Hospital and no abnormalities were seen on the CT abdomen, with nil foreign objects seen; and
- (18) BIK23 was admitted to Fiona Stanley Hospital overnight.

17. On 4 December 2022, there was an incident (incident ID I129346905) which involved the following events:
- (1) BIK23 was transported from Fiona Stanley Hospital to Unit 18, arriving at approximately 3.25pm;
 - (2) on arrival at Unit 18, there was an incident (incident ID I129350596) where BIK23 was informed by the unit manager that he would be placed in an MPU cell in the B wing of Unit 18 due to his significant self-harm attempts; he was also advised he would be required to wear rip-proof garments;
 - (3) upon hearing he was being placed in the B wing, BIK23 became agitated and frustrated and refused to exit the vehicle; BIK23 started to damage the pod of the vehicle by breaking the seatbelts off, and was threatening to assault staff;
 - (4) officers instructed and counselled BIK23 to exit the vehicle but he did not comply;
 - (5) BIK23 tied the seatbelt around his arms so he could not leave the vehicle and verbally abused and threatened to assault the officers if they came into the vehicle;
 - (6) at approximately 3.35pm, permission was given to officers to use chemical spray if required;
 - (7) at approximately 3.41pm, an officer issued a use of force warning to BIK23, and advised that chemical agent would be used if BIK23 became a threat to staff; the officer then opened the door to the pod to allow an opportunity for BIK23 to comply. BIK23 had a seatbelt tied around his right wrist, which officers were required to cut with a Hoffman knife;
 - (8) at approximately 3.44pm, officers took control of BIK23 and removed him from the pod by taking control of his legs and arms; upon exiting the vehicle BIK23 attempted to grab a fire extinguisher, and kick and bite the officers who were holding him; BIK23 also attempted to assault multiple Officers by swinging his arms;
 - (9) in response, officers deployed a chemical agent on BIK23; once BIK23 was restrained on the ground, mechanical restraints were applied;

- (10) at approximately 3.45pm, BIK23 was escorted to cell B14 for a decontamination shower; the nurse on site attended;
- (11) the nurse assisted BIK23 to wash his eyes with the shower running and with eye baths; the nurse observed BIK23 to have a green object in his mouth, which he refused to surrender; officers determined this object was a ligature;
- (12) at approximately 3.58pm, BIK23 was allocated cell B16;
- (13) at approximately 4.00pm, BIK23 was informed that he had to wear rip-proof clothing; BIK23 refused to do so, and a use of force warning was issued by officers;
- (14) BIK23 was then placed on his mattress in the prone position and rip-proof clothing was placed over him before his clothing was removed; BIK23 continued to refuse to surrender the ligature in his mouth;
- (15) at approximately 4.04pm, BIK23 was placed in a figure four hold before officers performed a hot exit (a hot exit is a technique used by officers to safely exit a cell by placing the detainee on a mattress in the cell; once the team leader has confirmed that control of the detainee has been achieved and that the officers are correctly positioned, the team leader notifies the detainee that any restraints will be removed; one officer will take control of the detainee's wrists; the team leader will position themselves behind that officer's feet and hold onto their belt; the team leader will then direct the other officers in cell to exit; once they have exited and tapped the team leader on the shoulder on their way out of the cell safely, the team leader will assist the officer controlling the detainee's wrists safely out of the cell by stabilising them, pulling them backwards on the belt and shoulder);
- (16) while the hot exit was being conducted, officers noticed BIK23 had gained control of an item of personal protective equipment (**PPE**) from one of the team; BIK23 then commenced to damage the cell with that item of PPE; officers re-entered the cell to retrieve the item; BIK23 again became non-compliant, and the figure four hold was reapplied; once the item of PPE was retrieved, officers again performed a hot exit;
- (17) at approximately 4.06pm, BIK23 was secured in the cell;

- (18) at approximately 4.08pm, BIK23 tied a ligature around his neck and covered his viewing hatch using his mattress;
 - (19) at approximately 4.11pm, officers entered the cell to remove the mattress;
 - (20) at approximately 5.27pm, there was an incident (incident ID I129351531) where BIK23 tied a ligature around his neck; officers entered the cell on multiple occasions due to the ligature around BIK23's neck, but each time officers entered, BIK23 removed the ligature and placed it in his mouth;
 - (21) during counselling, BIK23 continued to make self-harm threats by saying "I'm hanging myself tonight";
 - (22) sometime after 5.30pm, BIK23 became compliant and surrendered the ligature; and
 - (23) BIK23 remained in cell B16 until 1.01pm on 5 December 2022, after which he was moved to cell A16 where he stayed until 12.24pm on 6 December 2022; BIK23 was then moved from cell A16 to cell A08 where he remained until 6.52pm on 28 December 2022.
18. On 28 December 2022:
- (1) BIK23 was allocated to cell A08;
 - (2) at approximately 8.09am, while staff were giving BIK23 breakfast, BIK23 barged out of his cell demanding to speak to the unit manager; staff attempted to counsel BIK23 to return to his cell; when BIK23 refused, a code amber was called;
 - (3) when staff directed BIK23 to return to his cell, BIK23 became threatening towards staff; staff directed BIK23 to the ground, and took control of his arms; BIK23 was resisting, and was verbally abusing staff;
 - (4) BIK23 was secured in handcuffs, before complying and was moved back to his cell; BIK23 sat down on his bed and the handcuffs were removed; and

- (5) subsequently, there was an incident (incident ID I130492459) which involved the following events:
- (a) at approximately 9.10am, staff became aware that BIK23 started a fire in his cell using electrical wires, paper and his doona;
 - (b) upon becoming aware of the fire, officers immediately attended BIK23's cell;
 - (c) officers instructed BIK23 to move away from the door and to move to the back of the cell for his safety;
 - (d) officers deployed a fire extinguisher and extinguished the fire;
 - (e) after the fire was extinguished, officers instructed BIK23 to place his hands through the hatch for handcuffs to be placed on him; BIK23 complied with this instruction;
 - (f) once handcuffs were placed on BIK23, he was immediately removed from the cell and moved to the hallway;
 - (g) staff then tried to move BIK23 to the A/C wing day room, but he was non-compliant and resisted by kicking out at staff;
 - (h) officers were authorised to then place BIK23 in leg irons to ensure staff and his own safety before he was escorted to the A/C wing day room;
 - (i) BIK23 was then assessed by a nurse for smoke inhalation; the nurse observed that BIK23 had an obvious wheeze on both sides and his throat appeared red; BIK23 was administered oxygen, however then stated he felt worse with oxygen on and it was immediately removed;
 - (j) an ambulance was called to take BIK23 to the hospital for more tests due to his condition; and
 - (k) BIK23 was transported to the Fiona Stanley Hospital and returned to Unit 18 at approximately 1.30pm.

19. Following the above incident, there was a further incident (incident ID I130513844) involving the following events:
- (1) BIK23 was transported back to Unit 18 from the Fiona Stanley Hospital at approximately 1.35pm;
 - (2) BIK23 was to be moved from the secure pod to the MPU cells; however, BIK23 refused to come out of the transport vehicle because he did not want to go to a MPU cell;
 - (3) officers attempted to counsel BIK23 to come out of the vehicle but were unsuccessful;
 - (4) officers issued a use of force warning and BIK23 wrapped his hand in the pod seatbelt;
 - (5) an officer removed the seatbelt with a Hoffman knife and once BIK23 was moved out of the pod, officers were authorised to use handcuffs on him;
 - (6) BIK23 was escorted back to cell B03 at Unit 18 by officers; as he was being escorted, BIK23 was aggressive and began to try to kick and trip officers escorting him;
 - (7) once they arrived at the cell, officers lowered BIK23 onto his mattress and did a wand search;
 - (8) BIK23 struggled against the officers and continued to threaten the officers, saying words to the effect of "I'm going to kill you cunts!";
 - (9) officers decided to remove his handcuffs through the hatch;
 - (10) BIK23 was then seen by officers holding a metal seat belt buckle and began causing damage to the cell and self-harming; BIK23 attempted to damage the lock by breaking pieces off his mattress and stuffing them into the Judas-hatch locking mechanism; he also ripped up his shirt into strips, tied them together with a piece of metal and began trying to break the lights and cell call system in the cell;
 - (11) BIK23 was also observed to have placed the metal seat belt buckle in his mouth;
 - (12) while officers were still in their PPE, they decided to enter the cell and place BIK23 into rip-proof clothing and remove the metal item that was in his mouth;

- (13) officers instructed BIK23 to stay at the back of the cell, which he complied with;
- (14) officers then entered the cell and placed BIK23 on the mattress to place handcuffs on him as he was threatening to kill himself and the officers involved;
- (15) the nurse then examined BIK23 and did not identify any medical concerns with his wrists or ankles, and asked if he would give her the item in his mouth, which he did not comply with;
- (16) BIK23 was compliant through the process of cutting off his clothes and placing him in rip-proof clothing, but when asked to spit out the buckle he refused;
- (17) an officer removed the metal item from BIK23's mouth; officers then removed BIK23's handcuffs through the hatch and secured the hatch door; and
- (18) following the incident above, there was another incident (incident ID I130514302) whereby at approximately 3.15pm, BIK23 set off the fire sprinkler system in his cell.

Incidents at Banksia Hill: 13 January 2023 to 27 January 2023

20. In the period between approximately 5.24pm on 13 January 2023 and 3.25pm on 27 January 2023:

- (1) BIK23 was allocated the following cells in Banksia Hill:
 - (a) in the Urquhart Unit, cell A02 from 5.24pm on 13 January 2023 to 11.16am on 14 January 2023;
 - (b) in the Urquhart Unit, cell A03 from 11.16am to 9.56pm on 14 January 2023;
 - (c) in the Urquhart Unit, cell A08 from 9.56pm on 14 January 2023 to 6.50pm on 16 January 2023;
 - (d) in the Urquhart Unit, cell A06 from 6.50pm on 16 January 2023 to 6.49pm on 17 January 2023;
 - (e) in the Urquhart Unit, cell B02 from 6.49pm on 17 January 2023 to 4.14pm on 19 January 2023;

- (f) in the Urquhart Unit, cell B06 from 4.14pm to 11.29pm on 19 January 2023;
 - (g) in the ISU, cell D12 from 11.29pm on 19 January 2023 to 5.29pm on 24 January 2023;
 - (h) in the ISU, cell D02 from 5.29pm to 6.22pm on 24 January 2023; and
 - (i) in the ISU, cell D11 from 6.22pm on 24 January 2023 to 3.25pm on 27 January 2023, at which point he was transferred to Unit 18;
- (2) in addition to the overnight lockdown from 6.45pm to 7.45am (**Overnight Lockdown**) and the two daily routine lockdowns for staff breaks (of 40 minutes) and a routine lockdown for training (approximately 3 hours each week), BIK23 was in lockdown for the following hours on the following days:
- (a) for 2 hours 26 mins on 13 January 2023;
 - (b) for 8 hours 33 mins on 14 January 2023;
 - (c) for 7 hours 20 mins on 15 January 2023;
 - (d) for 2 hours 20 mins on 16 January 2023;
 - (e) for 4 hours 30 mins on 17 January 2023;
 - (f) for 9 hours 20 mins on 18 January 2023; and
 - (g) for 8 hours 35 mins on 19 January 2023;
- (3) BIK23 attended education on the following days:
- (a) for one hour on 13 January 2023;
 - (b) nil hours on 14 and 15 January 2023 as that was a Saturday and Sunday respectively, so no education was provided;
 - (c) for 3 hours on 16 January 2023; and
 - (d) for 2 hours on 17 January 2023;

- (4) BIK23 had visits on the following days:
- (a) on 15 January 2023, BIK23 had a visit between 12.45pm and 1.45pm with his mother and father;
 - (b) on 16 January 2023, BIK23 had a visit between 3.45pm and 4.45pm with his mother;
 - (c) on 17 January 2023, BIK23 had a visit between 3.45pm and 4.45pm with his mother;
 - (d) on 19 January 2023, BIK had a case planning visit between 11.15am and 11.30am and a visit in the interview room from 1.00pm and 1.30pm with a counsellor from the Community Alcohol and Drug Service;
 - (e) on 21 January 2023, BIK23 had a visit between 3.45pm and 4.45pm with his mother and father;
 - (f) on 22 January 2023, BIK23 had a visit between 12.45pm and 1.45pm with his mother and father;
 - (g) on 23 January 2023, BIK23 had a case planning visit between 9.00am and 9.30am; and
 - (h) on 25 January 2023, BIK had a visit between 3.45pm and 4.45pm with his mother and father; and
- (5) in relation to 14 January 2023, there was an incident (incident ID I131393417) which involved the following events:
- (a) at approximately 8.47pm, a code amber was called;
 - (b) attending officers were informed by BIK23 that he had been kicking the metal shutter part of his window due to feelings of stress;
 - (c) BIK23 also disclosed he had entered the roof space through the light fitting in his cell; and

- (d) BIK23 was attended to by the nurse for minor cuts and grazes to his hands and feet.

21. In relation to 19 January 2023, there was an incident (incident ID I131662995) which involved the following events:

- (1) BIK23 was initially allocated to cell B02 in the Urquhart Unit; however at approximately 4.14pm, he was moved to cell B06 (also in the Urquhart Unit), and at approximately 11.29pm was moved to cell D12 in the ISU;
- (2) at approximately 8.55pm, there was an incident (incident ID I131662995) where a code red was called as BIK23 had broken out of his cell and was out of bounds;
- (3) BIK23 then used a fridge door to smash several glass windows;
- (4) officers then observed BIK23 escape through one of the broken glass windows;
- (5) officers talked BIK23 down from a window ledge;
- (6) BIK23 was attended to by a nurse, as he had a significant cut to his ankle; and
- (7) at approximately 10.13pm, BIK23 was assessed by a nurse, who observed BIK23 had wounds to the inner aspect of his right ankle (comprising 3 superficial cuts) and back heel (a small gouge of skin approximately 4mm across); all areas were cleaned with saline and chlorhexidine; betadine was applied and the areas covered with Band-Aids.

22. In relation to the period between 15 and 22 January 2023:

- (1) BIK23 received medication:
 - (a) on 15 January 2023 with his dinner;
 - (b) on 16 January 2023 with his dinner;
 - (c) on 17 January 2023 with his dinner;
 - (d) on 18 January 2023 with his dinner;

- (e) on 19 January 2023 with his dinner;
 - (f) on 20 January 2023 at 5.40pm; and
 - (g) on 21 January 2023 at 5.30pm;
- (2) BIK23 showered:
- (a) on 21 January 2023 from 8.15am to 8.45am; and
 - (b) on 22 January 2023 from 10.45am to 11.15am; and
- (3) BIK23 occupied cell A06 from 6.50pm on 16 January to 6.49pm on 17 January 2023; during this time, the tap in cell A06 was broken; this is the only instance of interruption to BIK23's access to running water between 15 and 22 January 2023.

Incidents at Unit 18 between 27 January 2023 and 7 August 2023

23. On 15 February 2023, there was an incident involving the following events:

- (1) a detainee (not BIK23) removed a weapon from his pants, being a metal object made from roofing material that measured between 120 and 150mm in diameter, was sharp at one end and was wrapped in torn fabric; that detainee threatened another detainee (also not BIK23);
- (2) staff called a code red;
- (3) staff conducted interviews with the two detainees involved; the detainee who produced the weapon stated he had acquired the "shank" from BIK23;
- (4) BIK23 denied any connection to the detainee and the improvised weapon; however, on 14 February 2023 an improvised weapon was located in BIK23's cell during a routine search;
- (5) at approximately 3.30pm, two officers conducted a cell search of BIK23 and found some metal that appeared to be moulded into a "shiv";
- (6) staff conducted a half-and-half search of BIK23 for probable cause, but did not locate any objects; and

- (7) at approximately 6.10pm, a nurse attended BIK23's cell to provide medication; BIK23 was compliant and took his medications, however the nurse noted multiple superficial lacerations to BIK23's chest, with nil active bleeding; the lacerations were cleaned, and BIK23 surrendered a weapon to officers.

24. In relation to 5 March 2023:

- (1) BIK23 was initially allocated to cell A04 in Unit 18;
- (2) there was an incident (incident ID I133887997) which involved the following events:
 - (a) at approximately 9.30am, detainees were out of cell in the front yard for recreation; a five-minute warning was given for all detainees to return to cell, however BIK23 and another detainee did not comply and were evading staff by running around the yard;
 - (b) a code amber was called, and staff instructed BIK23 to return to his cell;
 - (c) BIK23 was non-compliant with the officers' instructions and stated words to the effect of "this is fucked I didn't get a phone call";
 - (d) officers told BIK23 that he had one hour out of cell and needed to manage his time more appropriately and that he could call later that day;
 - (e) BIK23 was unreceptive to counselling and continued to argue with officers;
 - (f) officers instructed BIK23 to place his hands behind his back to be placed in mechanical restraints (handcuffs);
 - (g) BIK23 did not comply and baulked an officer with the basketball;
 - (h) staff secured BIK23's arms and lowered him to the ground so handcuffs could be applied;
 - (i) BIK23 refused to comply with instructions to walk back to his cell, physically resisted the officers, and attempted to assault them by kicking out at them;
 - (j) two officers escorted BIK23 back to his cell, while BIK23 continued to resist; BIK23 scratched an officer's thumb, causing a cut and bleeding;

- (k) once BIK23 was returned to his cell, staff attempted to perform a hot exit; BIK23 tried to jump up and lunge at staff during this time; BIK23 was secured on the mattress and counselled; staff then performed another hot exit and staff exited the cell safely; BIK23 was secured in his cell; and
 - (l) soon after he was secured in his cell, BIK23 commenced damaging his cell; staff heard a metal object strike BIK23's cell door multiple times with great force; control office notified staff that BIK23 had removed the metal plate from his cell call system and had armed himself;
- (3) there was a second incident (incident ID I133889280) which involved the following events:
- (a) at approximately 9.55am, staff were notified that BIK23 obtained a metal plate from the cell call system, tied his t-shirt around it and used it to hit the cell walls and window;
 - (b) BIK23 was then observed to be hitting his CCTV camera, causing it to break;
 - (c) an officer attended BIK23's cell to counsel him and ask him if he would be compliant to hand over the item and move to a B wing cell due to staff not being able to sight him; BIK23 indicated he had no intention of being compliant;
 - (d) a use of force warning was given to BIK23, however BIK23 was still non-compliant;
 - (e) staff opened the door, using a hard shield to cover staff and a chemical agent was deployed;
 - (f) BIK23 threw the metal plate at staff, striking an officer's hand, following which the door to the cell was closed again;
 - (g) shortly after BIK23 became compliant and placed his hands out of the hatch; he was secured in handcuffs and relocated to cell B12 in the B wing, where he was decontaminated and new clothes were issued; and
 - (h) at approximately 10.30am, BIK23 was assessed by a nurse after the use of force and use of the chemical agent and no injuries were recorded; and

- (4) there was a third incident (incident ID I133894873) which involved the following events:
- (a) at approximately 12.45pm, an officer heard BIK23 banging in his cell; he had removed his cell call system and was causing damage to his cell; he also had a small item that he was using to scratch the cell call system;
 - (b) at approximately 3.00pm, BIK23 was seen via his in-cell camera, with a magnet from a radio scratching the camera; he proceeded to further scratch the camera with the cell call system plate (which was approximately 12 inches wide and 4 inches long);
 - (c) at approximately 5.53pm, BIK23 was transferred to cell C14 in the C wing of Unit 18;
 - (d) he was moved to C wing due to no cells being available in A or B wing and due to damage caused to the cell he was in as described sub-paragraphs (a) and (b) above; and
 - (e) he was handcuffed and escorted by two officers; he was searched with a wand and a pat search was conducted before he was secured in cell.

25. In relation to 7 March 2023:

- (1) BIK23 did not move cells; he breached multiple cells and was moved twice on 5 March 2023 as detailed in paragraph 24 above;
- (2) BIK23 remained in cell C14 at Unit 18 (until 12.30pm on 9 March 2023 when he was allocated to another cell following damage caused to the cell by him); and
- (3) on 10 March 2023, BIK23 complained to his psychologist that he did not have access to a towel to have a shower and that it had been two days since his last shower.

26. In relation to 9 March 2023:

- (1) at approximately 9.05am, BIK23 was provided with his morning medication during the breakfast round and he took his medication with no issues;

- (2) at approximately 9.35am, BIK23 was observed to be damaging the camera in his cell with what appeared to be part of the cell call system;
- (3) at approximately 12.40pm, there was an incident (incident ID I134097787) which involved the following events:
 - (a) BIK23 broke the Judas hatch to his cell and handed the broken locking mechanism to staff;
 - (b) BIK23 was advised he would have to move cells due to the extensive damage he had caused;
 - (c) BIK23 also handed staff a metal cell call plate through the hatch;
 - (d) the cell door was unlocked, and a nurse attended to view injuries on BIK23's hand and arm;
 - (e) the nurse noted that BIK23 refused any analgesia;
 - (f) staff located a large metal plate approximately 35cm by 50cm in BIK23's bed, which he had dislodged from the wall; and
 - (g) BIK23 was then relocated to cell C01;
- (4) at approximately 3.05pm, there was a second incident (incident ID I134127506) which involved the following events:
 - (a) BIK23 informed staff he had been kicking the cell call system; and
 - (b) the cell call system was continuously calling the control centre due to the damage;
- (5) at approximately 8.55pm, there was a third incident (incident ID I134139943) which involved the following events:
 - (a) staff observed that BIK23 had broken open the hatch to his cell;
 - (b) BIK23 stated he had metal in his cell; and

- (c) the hatch was unable to be secured; and
 - (6) due to incidents with other detainees, the administration of BIK23's evening medication was delayed; BIK23 responded by trashing his cell and attempting to gain weapons from pieces of his cell; BIK23 smashed on the cell door yelling that he wanted his medication; BIK23 would not comply with instructions, and medication was not given.
27. In relation to 12 March 2023, there was an incident (incident ID I134220793) which involved the following events:
- (1) at approximately 7.50am, officers put on PPE to prepare to enter BIK23's cell B16 at Unit 18 and another detainee's cell;
 - (2) overnight, both BIK23 and the other detainee had extensively damaged their cells, including breaking open the hatches to their cell; the two were passing projectiles between each other;
 - (3) due to limited cells being available, it was decided the two detainees would remain in their cells; however, due to the risk to staff and the detainees on account of the debris in the cells and hatches being unsecured, it was determined that the detainees (including BIK23) would be temporarily removed from their cells so the debris and potential self-harm objects could be removed;
 - (4) BIK23's cell hatch was broken and open and officers requested that he place his hands through the hatch, which he complied with; handcuffs were applied;
 - (5) BIK23 was then escorted to a bench where he sat down while his cell was being cleaned and checked;
 - (6) BIK23 started to become agitated when he was informed that he would not be allowed a pillow in his cell and only a mattress, and when it was time to return to his cell, BIK23 was not compliant;
 - (7) officers issued BIK23 with a clear use of force warning and BIK23 remained non-compliant and dropped his weight to the floor;

- (8) officers lifted up BIK23 and escorted him to his cell where he was placed on a mattress;
 - (9) during this time, BIK23 fought against the officers, including kicking one of the officers;
 - (10) officers then removed the handcuffs from BIK23 and exited the cell at approximately 8.30am;
 - (11) as officers exited the cell, BIK23 threw toilet water and spat on them; and
 - (12) at approximately 1.20pm, BIK23 was assessed by a nurse and no injuries were reported or observed.
28. In relation to 29 March 2023 and 30 March 2023:
- (1) on 29 March 2023, BIK23 had an e-visit with his parents; and
 - (2) on 30 March 2023:
 - (a) BIK23 had an e-visit with his parents and Case Planning at 8.45am; and
 - (b) two subsequent visits that were scheduled were cancelled by the facility, being a visit from a counsellor at 1.00pm, and a visit with BIK23's parents at 3.00pm.
29. In relation to 31 March 2023:
- (1) there was an incident (incident ID I135245222) which involved the following events:
 - (a) at approximately 2.00pm, there was a code red out of bounds called in the yard because BIK23 had climbed onto a railing on the left side of the yard and refused to come inside;
 - (b) BIK23 was standing out of bounds on the pathway, hanging from the railing in the left side of the yard and was unreceptive to counsel to return to cell;
 - (c) BIK23 said he didn't want to go back to his cell because he had no power (this was due to a critical incident earlier in the day which resulted in no power and the wing flooding due to detainees causing damage to the fire system);

- (d) officers unsuccessfully counselled BIK23 for approximately 20 to 30 minutes;
- (e) BIK23 was complaining about a range of issues and he refused to come down from the railing;
- (f) officers issued multiple use of force warnings to BIK23, and informed him that if the instruction to get down was ignored, then staff would remove him from the railings and secure him in the cell;
- (g) BIK23 was not responsive to counselling and spat and kicked at the officers;
- (h) the Superintendent authorised the use of force;
- (i) officers used force to remove BIK23 from the railing; during this process BIK23 resisted heavily and attempted to assault staff;
- (j) BIK23 was then lowered to the ground and secured in handcuffs;
- (k) BIK23 was assisted to his feet, however he continually kicked staff forcibly; consequently, staff lowered BIK23 to the ground again;
- (l) BIK23 was escorted to cell A05 by the officers;
- (m) BIK23 continued to resist the officers by biting, spitting and kicking them;
- (n) an officer informed BIK23 that a chemical agent would be used if he did not comply with staff instructions;
- (o) BIK23's mechanical restraints were removed and officers conducted a hot exit; and
- (p) at approximately 2:45pm, BIK23 was observed causing damage to the cell call system which triggered the tamper alarm; and
- (q) BIK23 was assessed by a nurse at approximately 3.20pm and no injuries were identified; and

- (2) there was a further incident (ID I135258555) which involved the following events:
- (a) at approximately 6.00pm, while food was being delivered, detainees were advised to receive their food and move away from the hatch; BIK23 and other detainees refused to move away from the hatch, and placed their arms outside the hatch so they couldn't be secured closed;
 - (b) BIK23 was throwing toilet paper towards officers through the hatch;
 - (c) the detainees began using lengths of fabric to fish items back and forth to one another and threatened to assault staff; some detainees threw unknown liquids towards staff; other detainees had metal plates tied to lengths of fabric, which could be used to injure staff; consequently, all staff were advised to no longer enter the wing due to the risk of assault; and
 - (d) all of the detainees (including BIK23) were inciting each other to break their hatches so that they could not be secured shut, compromising the safety of staff in the wing;
 - (e) at approximately 6.30pm, BIK23's hatch appeared to be "bashed open";
 - (f) all of the detainees began using lengths of fabric to fish items back and forth to one another and threatened to assault staff; and
 - (g) multiple detainees had metal plates tied to lengths of fabric, which could cause injury to staff.

30. On 31 March 2023:

- (1) there was an incident (incident ID I135245222) as described in 29(1) above; and
- (2) there was a second incident (incident ID I13528555) as described in paragraph 29(2) above.

31. In relation to 1 April 2023:

- (1) BIK23 was allocated to cell A15 at approximately 2.35pm on 31 March 2023, and remained in that cell on 1 April 2023; and

- (2) while, as noted above, BIK23 was observed to be causing damage to the cell call system at approximately 2.35pm on 31 March 2023, BIK23 proceeded to make 48 cell calls from cell A15 between that time and 2.54am on 1 April 2023; there were no issues with the cell call system in cell A15 recorded between 31 March 2023 and 11 April 2023, at which time cell A15 was logged as having a broken call system;
- (3) there was an incident (incident ID I135283109) which involved the following events:
 - (a) at approximately 3.47pm, BIK23 lit a fire in his cell A15; although the cell call system in A15 was operational on 1 April 2023, other detainees raised the alarm using their cell call systems;
 - (b) officers witnessed BIK23 put a sheet that was alight through his cell door hatch;
 - (c) officers attended and extinguished the fire;
 - (d) BIK23 was handcuffed and removed from the cell and escorted to the yard for fresh air and a medical assessment;
 - (e) at approximately 3.55pm, BIK23 was medically assessed by a nurse who determined that hospitalisation was required as he had difficulty breathing and had burned his fingers, and contacted an ambulance for BIK23;
 - (f) at approximately 4.00pm, an ambulance was called and arrived at approximately 4.12pm; once on-site, paramedics performed observations on BIK23;
 - (g) at approximately 4.30pm, BIK23 was transported to Fiona Stanley Hospital via ambulance;
 - (h) BIK23 was discharged from Fiona Stanley Hospital and returned to Unit 18 at approximately 1.00am on 2 April 2023; and
 - (i) medical staff assessed BIK23 and provided him with clean bedding and food before securing him in a cell;
- (4) on 2 April 2023, BIK23 was seen by a nurse in his cell; the nurse recorded "nil concerns";

- (5) on 3 April 2023, BIK23 was again seen by a nurse who recorded:
 - (a) nil audible wheeze;
 - (b) nil issues with breathing, swallowing or speech;
 - (c) blisters on fingers are dry and clean and detainee states nil issues;
 - (d) he was advised to keep them clean and should he become concerned to let the nurse know; and
 - (e) nil dressing required at this time;
 - (6) on 4 April 2023, BIK23 was assessed by a nurse after eating honey (which he is allergic to); BIK23 had no issues with breathing, swallowing or speech, no nausea or vomiting, no stomach pain and stated he was feeling well; BIK23 was encouraged to contact staff should he deteriorate or become concerned; and
 - (7) on each of 5, 6 and 7 April 2023, BIK23 was assessed by a nurse who reviewed the blisters on his fingers (which on each occasion appeared clean and dry); no dressings were required; BIK23 was advised to keep the blisters clean and dry, and to notify staff should he become concerned.
32. On 1 April 2023, BIK23's in-person social visit with his mother was scheduled for 8.00am to 9.00am, but was cancelled by the facility.
33. On 2 April 2023, BIK23 had an e-visit with his mother and father from 2.00pm to 3.00pm. The medical assessments of BIK23 on 31 March 2023 and 1 April 2023 outlined above did not record any bruising to BIK23's face at this time.
34. In relation to 16 April 2023:
- (1) the day prior, on 15 April 2023, there was an incident (incident ID I135950583) which involved a detainee obtaining possession of staff keys and causing a major disturbance in Unit 18; and all Unit 18 detainees, including BIK23, participating in riotous behaviour, including climbing onto the roof;

- (2) on 16 April 2023, there was an incident (incident ID I135959887) which involved the following events:
- (a) at approximately 9.34am, following the disturbance on 15 April 2023, detainees (including BIK23) were required to have their cells searched; officers attended BIK23's cell to conduct the search;
 - (b) in order to conduct the cell searches, handcuffs were authorised and BIK23 was placed in handcuffs and removed from his cell;
 - (c) as part of the search, items including a television were removed from BIK23's cell;
 - (d) BIK23 became abusive towards officers whilst his cell was being searched, saying words to the effect of "I want my fucking TV back, I was promised my fucking TV";
 - (e) officers attempted to counsel BIK23 to stop yelling out abuse towards staff, but he did not comply;
 - (f) upon completion of the cell search, officers attempted to escort BIK23 back into his cell but BIK23 dropped to his knees and became highly aggressive, knocking one officer to the ground;
 - (g) officers then took control of BIK23's arms while he resisted and placed him on the mattress in his cell in a hook and pike;
 - (h) meanwhile, BIK23 attempted to bite and scratch the officers, and spat at staff;
 - (i) BIK23 continued to make multiple threats towards the officers, with words to the effect of "I'll kill you motherfuckers";
 - (j) an officer issued a use of force warning including that if BIK23 got up and turned towards the door as the officers left, that this would be considered a threat and that the officers would deploy a chemical agent in response;
 - (k) BIK23 did not comply with the officer's instructions and lunged towards the officers as they were exiting the cell;

- (l) an officer then deployed chemical agent; and
 - (m) the cell door was then secured, and the officer who had deployed the chemical agent remained at the door and talked BIK23 through the decontamination process which BIK23 followed;
- (3) at approximately 11.30am on 16 April 2023, there was a second incident (incident ID I135964937) which involved BIK23 damaging the switch in his cell and ripping out lights; staff were concerned BIK23 was attempting to start a fire; BIK23 was counselled and subsequently settled; and
- (4) at approximately 12.29pm, a nurse assessed BIK23 through his cell window; it was recorded that he had nil audible wheeze, nil issues with breathing, swallowing or speech, and some redness to the eyes but no vision issues.
35. Between 17 April 2023 and 23 April 2023:
- (1) detainees were subject to confinement orders on the following dates due to operational limitations that would not allow for the safe facilitation of the full program and would undermine the good-order, security and management of the unit:
 - (a) on 18 April 2023, between 7.45am and 3.05pm;
 - (b) on 18 April 2023, between 4.20pm and 7.00pm;
 - (c) on 19 April 2023, between 7.45am and 7.00pm;
 - (d) on 20 April 2023, between 7.45am and 1.00pm;
 - (e) on 20 April 2023, between 4.45pm and 6.45pm;
 - (f) on 21 April 2023, between 7.45am and 2.45pm;
 - (g) on 21 April 2023, between 3.00pm and 6.45pm;
 - (h) on 22 April 2023, between 7.45am to 8.10am and 9.15am to 7.00pm; and
 - (i) on 23 April 2023, between 7.45am to 7.00pm;

- (2) BIK23 had an e-visit with his family on 18 April 2023, between 3.00pm and 4.00pm;
 - (3) planned visits between 19 April 2023 and 21 April 2023 were cancelled due to incidents occurring on those days;
 - (4) BIK23 had no access to education because:
 - (a) 17 to 21 April 2023 occurred during school holidays; and
 - (b) 22 and 23 April 2023 occurred over a weekend;
 - (5) on 20 April 2023, BIK23 did not have a shower as he removed the shower head from his shower (during incident ID I136206637);
 - (6) on 22 April 2023 at approximately 10.25pm, there was an incident (incident ID I136294741) which resulted in water to BIK23's cell being turned off due to ongoing issues with BIK23 flooding his cell; he also made threats to harm himself; and
 - (7) on 23 April 2023 at approximately 10.00am, there was an incident (incident ID I136309058) in which BIK23 caused damage to his cell and officers entered his cell to search the cell; following the incident at approximately 11.05am, BIK23 complained to officers that his cell smelt of OC spray.
36. On 26 April 2023, BIK23 was unable to be reviewed by a psychologist due to insufficient operational staffing and lack of access to a confidential space; however, BIK23 had a consultation with a mental health worker on 28 April 2023 at approximately 1.25pm.
37. In relation to 2 May 2023:
- (1) at approximately 10.56am, BIK23 had a dental check-up; it was recorded that BIK23 presented with intermittent biting pain that he said had been going on for some time;
 - (2) the dentist found there was evidence that BIK23 was clenching his teeth, and suspected he had a grinding habit; the dentist informed BIK23 about the use of a night splint to prevent clenching, however it was explained to BIK23 this can't be made while he was in Banksia Hill and needed a dentist outside to make it; in the meantime, the dentist sealed off the worn enamel to reduce sensitivity; and

- (3) between 14 April 2023 and 2 May 2023, BIK23 attended health appointments every day except 29 and 30 April 2023; BIK23 did not raise the issue about a toothache at any of those health appointments.
38. In relation to the allegation at paragraph 38 of the Applicants' Statement of Particulars – BIK23, BIK23 had family visits on the following days:
 - (1) on 29 March 2023, between 3.00pm and 4.00pm;
 - (2) on 30 March 2023, between 8.45am and 9.45am; and
 - (3) on 13 May 2023, between 8.00am and 9.00am.
39. In the period between 17 October 2022 to 10 June 2023:
 - (1) there are no records of BIK23 requesting implements to cut toenails; while officers are required to supervise the use of nail clippers by detainees, requests for use of nail clippers are made verbally to officers, and not documented;
 - (2) on 7 June 2023:
 - (a) BIK23 was assessed by a nurse for "toe pain" after he had slipped in his cell;
 - (b) the nurse observed that his left big toe was bleeding and the nail was 'bent upwards at a 90 degree angle'; and
 - (c) "toe nail trimmed down to be flush with skin"; and
 - (3) on 10 June 2023, BIK23 was assessed by a nurse who reviewed the wound on his left big toe. It was reported that the 'nail bed healing' and 'other nails on feet and hands trimmed'.
40. In relation to the period between December 2022 and 2 June 2023:
 - (1) BIK23 was seen by a clinical psychologist on 9 December 2022, 15 December 2022, 30 December 2022, 6 January 2023, 12 January 2023, 31 January 2023, 8 February 2023, 10 February 2023, 17 February 2023, 17 March 2023, 12 May 2023, 31 May 2023 and 2 June 2023;

- (2) on 31 January 2023, BIK23 was seen by a psychologist; BIK23 stated that he had been finding his evening medication very helpful at managing his ADHD symptoms, and was hoping to have it during the day also; the psychologist then advised the mental health nurses that BIK23 had requested a psychiatric review regarding his medication;
- (3) on 6 February 2023, BIK23 was seen by a psychiatrist for 60 minutes for the purposes of preparing a psychiatric report for Court;
- (4) on 8 February 2023, BIK23's various prescriptions were requested to be renewed by a doctor on call and subsequently approved by the Acting Director of Medical Services for Corrective Services;
- (5) on 10 February 2023, a different psychologist sent a further email to the Banksia Hill medical team stating that BIK23 had requested a psychiatric review regarding his current treatment regime;
- (6) on 10 February 2023, a nurse informed the clinical psychologist that the mental health nurse is the first point of contact for review in regards to seeing a psychiatrist and that the nurse believed that the mental health team had already had discussions with BIK23 regarding his medications; the nurse copied a mental health nurse to the email; and
- (7) on 24 May 2023, BIK23's lawyer contacted the senior case manager at Banksia Hill, including with respect to BIK23 wanting to see a psychiatrist to discuss his medication; the senior case manager responded the same day, stating that:
 - (a) BIK23 was required to consult his psychiatrist once every three months;
 - (b) the psychiatrist would consult with BIK23 the next time they attended Unit 18 and BIK23 can discuss his medication then; and
 - (c) BIK23 was seen by the mental health team daily, had discussed medication with them on four occasions and that they had made changes to his medication.

41. On 2 June 2023, there was an incident (incident ID I138168130) which involved the following events:

- (1) at approximately 8.47am, officers were alerted to threats of self-harm made by BIK23; staff attended the cell, and found BIK23 to have a ligature tied around his neck; staff removed the ligature with a Hoffman knife; BIK23 also had superficial cuts to his forearms and a cut to his forehead; a nurse was in attendance and dressed the wounds;
- (2) following this incident, BIK23 was taken to an e-visit consultation with a doctor regarding his medication; during this time, BIK23's cell was cleared of debris, and staff determined to provide rip-proof clothing for BIK23's safety;
- (3) at approximately 11.20am, BIK23 refused to go to his cell after completing an appointment with the unit psychologist;
- (4) BIK23 was counselled by officers and given clear instructions to go to his cell but BIK23 refused;
- (5) officers issued a use of force warning before attempting to escort BIK23 to his cell;
- (6) BIK23 dropped his weight and started physically resisting the officers including wrapping his legs around the officers' legs to prevent them from moving;
- (7) officers placed BIK23 on the floor and applied ankle chains to prevent BIK23 from kicking and tripping the officers;
- (8) officers removed BIK23's handcuffs, placed his hands behind his back and re-handcuffed BIK23 to the rear;
- (9) BIK23 continued to shout that the officers were hurting him;
- (10) when officers reduced their restraint of BIK23, he kicked out at the officers;
- (11) BIK23 refused to walk to his cell so the officers picked him up and carried him into his cell;
- (12) officers placed BIK23 on a mattress on the floor of his cell;

- (13) officers then placed BIK23 in rip-proof clothing whilst ensuring BIK23's bottom half was covered at all times;
 - (14) officers instructed BIK23 to remain on the mattress until the cell door was secured and a use of force warning was issued if he did not comply;
 - (15) after several attempts, officers removed the handcuffs from BIK23 and officers exited the cell;
 - (16) not long afterwards, officers saw a ligature tied around BIK23's neck before BIK23 covered his viewing window with his mattress, stopping any visual on BIK23's welfare;
 - (17) officers re-entered the cell to remove the mattress and retrieve the ligature;
 - (18) one of the officers had a soft shield and restrained BIK23 against the back wall while a search of the cell was conducted for any items BIK23 may harm himself with;
 - (19) once cleared, officers attempted to exit the cell; on two occasions, BIK23 grabbed the soft shield, preventing officers from exiting the cell safely;
 - (20) officers restrained BIK23 using the soft shield on the third attempt before exiting the cell and securing the cell door;
 - (21) at approximately 1.30pm, BIK23 damaged the fire suppressant sprinkler in his cell resulting in isolated flooding;
 - (22) BIK23 was removed from his cell for the sprinkler to be repaired; and
 - (23) officers conducted a visual check of BIK23 at approximately 9.30pm and recorded that BIK23 appeared to be asleep, well and settled.
42. In relation to the change in BIK23's medication prescription in the period around 26 June 2023:
- (1) on 16 June 2023 at approximately 10.49am, BIK23 had a consult with a GP; the doctor noted that BIK23 had weight gain of 19.2kg in 12 months; this was despite 30-90 minutes average exercise per day, BIK23 being on a restricted diet and no overnight meal packs;

- (2) the doctor also noted that BIK23 was managing his insomnia with medication which have a metabolic impact;
 - (3) BIK23 was anxious about the potential for lost sleep with a medication cessation, however the document noted that sleep and anxiety management was being discussed with psychology;
 - (4) the doctor altered BIK23's medication dosage and regime for insomnia and anxiety; and
 - (5) on 23 June 2023, BIK23 had a consult with a mental health worker; BIK23 expressed that he was not happy the doctor had adjusted his medication; the mental health worker's notes record that BIK23 had notable weight gain which was being managed by the GP.
43. In relation to 12 July 2023:
- (1) BIK23 met with his psychiatrist at approximately 11.38am;
 - (2) the psychiatrist reported on BIK23's current medication including that one prescription had been recently ceased by the doctor due to significant weight gain;
 - (3) the psychiatrist made the following assessment of BIK23:
 - (a) not depressed or particularly anxious at present; subjectively anxious with triggers related to chronic insomnia and apprehension about adult custodial settings; behavioural disturbances in this context related to emotional dysregulation (putatively related to ADHD), maladaptive coping (avoidance, escalation to have needs met, aggression); and
 - (b) acute risk-to-self appears low at present, but chronically elevated risk of impulsive and reactive self-harm; and
 - (4) the psychiatrist reported the following treatment:
 - (a) change his medication regime (dosage and schedule) dosing to minimise impact on sleep;

- (b) no change to other medications;
- (c) GP follow up post-release (being BIK23's usual GP); and
- (d) in longer term, would benefit from ADHD coaching or OT/clin psych for emotion regulation work.

44. In relation to 6 August 2023:

- (1) BIK23 was allocated to cell A09;
- (2) at approximately 9.30am, there was an incident (incident ID I141360676) in which an officer noticed damage to BIK23's cell, including that the TV aerial point had been smashed and the mortar was dug out of the right-hand corner of the cell;
- (3) there was a second incident (incident ID I141369056) which involved the following events:
 - (a) at approximately 12.20pm, a detainee (not BIK23) stole keys from an officer in A wing and unlocked other detainees' cells, including BIK23's cell; those detainees then engaged in riotous behaviour, causing extensive damage to the wing and throwing projectiles at staff; a code red was called; staff were evacuated from A wing for their safety;
 - (b) BIK23 and another detainee also lit a fire in cell A09;
 - (c) a SOG team attended Unit 18 at approximately 1.00pm; at that time, six detainees were out of bounds in A wing, causing damage and in possession of weapons;
 - (d) at approximately 1.25pm, officers performed a wing clearance; officers directed the detainees to drop their weapons, lay face down on the ground and surrender; a use of force warning was given that if detainees did not follow the instructions, force including chemical agent would be used; the detainees did not follow instructions, but were throwing projectiles (including debris and buckets of water) towards the officers entering A wing;

- (e) when officers entered A wing there was extensive damage, with water flooding the area and debris and broken objects all over the floor; the ceiling was also damaged;
- (f) as officers approached the end of the wing, two detainees entered one cell and the other four entered another cell; those cells were secured, and the remaining unsecured cells in the wing were locked;
- (g) BIK23 was in the cell that contained four detainees; two of those detainees were observed to be holding what appeared to be makeshift weapons (shivs), and were threatening staff;
- (h) at approximately 1.55pm, the SOG team together with other officers positioned themselves at the first cell containing two detainees; those detainees followed instructions and lay down on the beds and placed their hands behind their backs; they were restrained and instructed to walk to B wing; the detainees did not follow instruction to walk to B wing, and were consequently carried;
- (i) the SOG and other officers then moved to the cell containing four detainees; those detainees did not comply with instructions to surrender, and chemical agent was deployed in the cell; approximately 15 seconds later, the detainees surrendered and officers entered the cell to apply restraints; the detainees were escorted to B wing where they went through a decontamination process and were checked by a clinical nurse; none of the detainees were injured;
- (j) BIK23 underwent a “wanding” search where he was scanned with a metal detector before being provided clean clothing and placed in a clean cell to shower and be decontaminated;
- (k) BIK23 was assessed by a nurse who confirmed no injuries were seen or claimed; and
- (l) as a result of this incident, BIK23 lost television and radio privileges for deliberate destruction of the televisions and radios, loss of canteen privileges for non-compliance, and the riotous behaviour and damage to infrastructure were referred to police for formal charges;

- (4) at approximately 8.20pm, there was another incident (incident ID I14138679) in which officers received intelligence that BIK23 had a metal weapon in his cell; officers were advised to search BIK23's cell the following morning with extreme caution; and
- (5) on 7 August 2023, officers conducted a half-and-half search on BIK23.

PART 2

45. During the time that BIK23 was detained at Unit 18, he was subject to a lockdown or a rolling lockdown as follows due to staff shortages, staff breaks, operational reasons and/or good order:

Date	Minutes of Lockdown
21 July 2022	230 minutes
29 July 2022	325 minutes
31 July 2022	575 minutes
1 August 2022	600 minutes
3 August 2022	275 minutes
4 August 2022	415 minutes
5 August 2022	405 minutes
7 August 2022	465 minutes
8 August 2022	550 minutes
9 August 2022	465 minutes
10 August 2022	495 minutes
17 August 2022	330 minutes
18 August 2022	810 minutes
19 August 2022	415 minutes
20 August 2022	400 minutes
21 August 2022	323 minutes
22 August 2022	585 minutes
23 August 2022	510 minutes
24 August 2022	385 minutes
25 August 2022	492 minutes
26 August 2022	444 minutes
27 August 2022	540 minutes
28 August 2022	382 minutes
29 August 2022	265 minutes
30 August 2022	110 minutes
31 August 2022	149 minutes
1 September 2022	651 minutes
2 September 2022	391 minutes

Date	Minutes of Lockdown
3 September 2022	489 minutes
4 September 2022	277 minutes
5 September 2022	465 minutes
6 September 2022	215 minutes
9 November 2022	387 minutes
10 November 2022	288 minutes
11 November 2022	267 minutes
12 November 2022	438 minutes
13 November 2022	437 minutes
14 November 2022	420 minutes
15 November 2022	300 minutes
16 November 2022	315 minutes
17 November 2022	110 minutes
18 November 2022	30 minutes
19 November 2022	101 minutes
20 November 2022	95 minutes
21 November 2022	335 minutes
22 November 2022	15 minutes
23 November 2022	110 minutes
24 November 2022	30 minutes
25 November 2022	102 minutes
26 November 2022	200 minutes
27 November 2022	90 minutes
28 November 2022	110 minutes
29 November 2022	46 minutes
30 November 2022	75 minutes
1 December 2022	20 minutes
2 December 2022	205 minutes
3 December 2022	105 minutes
5 December 2022	19 minutes
6 December 2022	401 minutes
7 December 2022	590 minutes

Date	Minutes of Lockdown
8 December 2022	460 minutes
9 December 2022	481 minutes
10 December 2022	465 minutes
11 December 2022	480 minutes
12 December 2022	465 minutes
13 December 2022	415 minutes
14 December 2022	435 minutes
15 December 2022	10 minutes
16 December 2022	195 minutes
17 December 2022	590 minutes
18 December 2022	610 minutes
19 December 2022	410 minutes
20 December 2022	160 minutes
21 December 2022	110 minutes
22 December 2022	180 minutes
23 December 2022	60 minutes
24 December 2022	95 minutes
25 December 2022	205 minutes
26 December 2022	265 minutes
27 December 2022	450 minutes
29 December 2022	200 minutes
30 December 2022	369 minutes
31 December 2022	330 minutes
1 January 2023	525 minutes
2 January 2023	415 minutes
3 January 2023	488 minutes
4 January 2023	465 minutes
5 January 2023	340 minutes
6 January 2023	445 minutes
7 January 2023	412 minutes
8 January 2023	430 minutes
9 January 2023	455 minutes

Date	Minutes of Lockdown
10 January 2023	205 minutes
11 January 2023	390 minutes
12 January 2023	165 minutes
13 January 2023	146 minutes
27 January 2023	27 minutes
28 January 2023	571 minutes
29 January 2023	461 minutes
30 January 2023	530 minutes
31 January 2023	435 minutes
1 February 2023	260 minutes
2 February 2023	530 minutes
3 February 2023	495 minutes
4 February 2023	440 minutes
5 February 2023	582 minutes
6 February 2023	491 minutes
7 February 2023	280 minutes
8 February 2023	490 minutes
9 February 2023	510 minutes
10 February 2023	520 minutes
11 February 2023	520 minutes
12 February 2023	495 minutes
13 February 2023	389 minutes
14 February 2023	495 minutes
15 February 2023	340 minutes
16 February 2023	555 minutes
17 February 2023	304 minutes
18 February 2023	417 minutes
19 February 2023	487 minutes
20 February 2023	310 minutes
21 February 2023	400 minutes
22 February 2023	585 minutes
23 February 2023	450 minutes

Date	Minutes of Lockdown
24 February 2023	149 minutes
25 February 2023	513 minutes
26 February 2023	265 minutes
27 February 2023	490 minutes
28 February 2023	405 minutes
1 March 2023	525 minutes
2 March 2023	420 minutes
3 March 2023	380 minutes
4 March 2023	460 minutes
5 March 2023	250 minutes
6 March 2023	505 minutes
7 March 2023	510 minutes
8 March 2023	383 minutes
9 March 2023	285 minutes
10 March 2023	475 minutes
11 March 2023	396 minutes
12 March 2023	375 minutes
13 March 2023	540 minutes
14 March 2023	495 minutes
15 March 2023	510 minutes
16 March 2023	485 minutes
17 March 2023	534 minutes
18 March 2023	514 minutes
19 March 2023	485 minutes
20 March 2023	415 minutes
21 March 2023	530 minutes
22 March 2023	271 minutes
23 March 2023	390 minutes
24 March 2023	385 minutes
25 March 2023	545 minutes
26 March 2023	610 minutes
27 March 2023	365 minutes

Date	Minutes of Lockdown
28 March 2023	425 minutes
29 March 2023	546 minutes
30 March 2023	450 minutes
31 March 2023	565 minutes
1 April 2023	460 minutes
2 April 2023	490 minutes
3 April 2023	593 minutes
4 April 2023	615 minutes
5 April 2023	535 minutes
6 April 2023	430 minutes
7 April 2023	375 minutes
8 April 2023	540 minutes
9 April 2023	535 minutes
10 April 2023	410 minutes
11 April 2023	445 minutes
12 April 2023	200 minutes
13 April 2023	431 minutes
14 April 2023	341 minutes
15 April 2023	310 minutes
16 April 2023	565 minutes
17 April 2023	595 minutes
18 April 2023	560 minutes
19 April 2023	595 minutes
20 April 2023	435 minutes
21 April 2023	565 minutes
22 April 2023	530 minutes
23 April 2023	595 minutes
24 April 2023	556 minutes
25 April 2023	510 minutes
26 April 2023	446 minutes
27 April 2023	480 minutes
28 April 2023	570 minutes

Date	Minutes of Lockdown
29 April 2023	530 minutes
30 April 2023	505 minutes
1 May 2023	555 minutes
2 May 2023	238 minutes
3 May 2023	534 minutes
4 May 2023	595 minutes
5 May 2023	490 minutes
6 May 2023	520 minutes
7 May 2023	525 minutes
8 May 2023	595 minutes
9 May 2023	495 minutes
10 May 2023	595 minutes
11 May 2023	525 minutes
12 May 2023	565 minutes
13 May 2023	570 minutes
14 May 2023	520 minutes
15 May 2023	560 minutes
16 May 2023	575 minutes
17 May 2023	555 minutes
18 May 2023	575 minutes
19 May 2023	454 minutes
20 May 2023	580 minutes
21 May 2023	595 minutes
22 May 2023	510 minutes
23 May 2023	551 minutes
24 May 2023	570 minutes
25 May 2023	545 minutes
26 May 2023	595 minutes
27 May 2023	405 minutes
28 May 2023	445 minutes
29 May 2023	555 minutes
30 May 2023	310 minutes

Date	Minutes of Lockdown
31 May 2023	525 minutes
1 June 2023	490 minutes
2 June 2023	520 minutes
3 June 2023	535 minutes
4 June 2023	440 minutes
5 June 2023	350 minutes
6 June 2023	499 minutes
7 June 2023	472 minutes
8 June 2023	470 minutes
9 June 2023	560 minutes
10 June 2023	435 minutes
11 June 2023	489 minutes
12 June 2023	518 minutes
13 June 2023	364 minutes
14 June 2023	475 minutes
15 June 2023	475 minutes
16 June 2023	215 minutes
17 June 2023	440 minutes
18 June 2023	495 minutes
19 June 2023	465 minutes
20 June 2023	321 minutes
21 June 2023	520 minutes
22 June 2023	220 minutes
23 June 2023	395 minutes
24 June 2023	400 minutes
25 June 2023	380 minutes
26 June 2023	520 minutes
27 June 2023	229 minutes
28 June 2023	470 minutes
29 June 2023	495 minutes
30 June 2023	490 minutes
1 July 2023	175 minutes

Date	Minutes of Lockdown
2 July 2023	580 minutes
3 July 2023	465 minutes
4 July 2023	540 minutes
5 July 2023	525 minutes
6 July 2023	490 minutes
7 July 2023	450 minutes
8 July 2023	525 minutes
9 July 2023	535 minutes
10 July 2023	378 minutes
11 July 2023	532 minutes
12 July 2023	500 minutes
13 July 2023	505 minutes
14 July 2023	550 minutes
15 July 2023	485 minutes
16 July 2023	480 minutes
17 July 2023	580 minutes
18 July 2023	495 minutes
19 July 2023	515 minutes
20 July 2023	380 minutes
21 July 2023	535 minutes
22 July 2023	440 minutes
23 July 2023	455 minutes
24 July 2023	405 minutes
25 July 2023	465 minutes
26 July 2023	505 minutes
27 July 2023	225 minutes
28 July 2023	445 minutes
29 July 2023	480 minutes
30 July 2023	435 minutes
31 July 2023	515 minutes
1 August 2023	335 minutes
2 August 2023	460 minutes

Date	Minutes of Lockdown
3 August 2023	448 minutes
4 August 2023	535 minutes
5 August 2023	407 minutes
6 August 2023	487 minutes
7 August 2023	380 minutes

PART 3

46. Particulars to paragraph 138(b) of the Defence:

- (1) Until on or about 18 November 2022, such orders were made by the Superintendent or their delegate and the reason(s) for the lockdown were then usually recorded (rather than by the recording of a “confinement order”, which was a procedure implemented from on or about 18 November 2022);
- (2) confinement order dated 6 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 9.20am to approximately 12pm to conduct COVID-19 testing on staff and detainees;
- (3) confinement order dated 7 December 2022 was issued by Superintendent [REDACTED] at approximately 2.52pm, authorising the confinement from 10.20am to 12.30pm due to the facilitation of SRRB, incidents, court and official visits in red and amber zones as required;
- (4) confinement order dated 8 December 2022 was issued by Superintendents [REDACTED] [REDACTED], authorising the confinement from 10.45am to 12.55pm due to the facilitation of SRRB, incidents, court and official visits in red and amber zones as required;
- (5) confinement order dated 9 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 11.55am to 12.30pm due to the facilitation of SRRB, incidents, court and official visits in red and amber zones as required;
- (6) confinement order dated 9 December 2022 was issued by Superintendent [REDACTED], authorising the confinement from 1.30pm to 4pm due to an incident I129617108;
- (7) confinement order dated 10 December 2022 was issued by Assistant Commissioner [REDACTED] at approximately 8.05pm, authorising the confinement from 3.45pm to 7pm for the good order and management of the facility;
- (8) confinement order dated 11 December 2022 was issued by Assistant Commissioner [REDACTED], authorising the confinement from 9.55am to 11.30am for the good

order, safety, and security of the facility, staffing levels and individual management of detainees due to Incidents on the preceding day and COVID;

- (9) confinement order dated 12 December 2022 was issued by A/Deputy Commissioner ██████████ at approximately 5.56pm, authorising the confinement from 9.25am to 11.50am for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day (Incident I29711094) and COVID, staff breaks within this time;
- (10) confinement order dated 12 December 2022 was issued by A/Deputy Commissioner ██████████ at approximately 1.43pm, authorising the confinement from 12pm to 3.45pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to incidents on the preceding day and COVID Staff breaks within this time;
- (11) confinement order dated 13 December 2022 was issued by A/Deputy Commissioner ██████████, authorising the confinement from 11.10am to 3.30pm for the good order, safety, and security of the facility, staffing levels and individual management of detainees due to Incidents the preceding day and COVID;
- (12) confinement order dated 17 December 2022 was issued by A/Assistant Commissioner ██████████ on 16 December 2022 at approximately 4.20pm, authorising the confinement of all detainees from 7.45am to 6.45pm for the good order, management and security of the unit;
- (13) confinement order dated 18 December 2022 was issued by A/Assistant Commissioner ██████████ on 17 December 2022 at approximately 7.07pm, authorising the confinement of all detainees from 7.45am to 6.45pm for the good order, management and security of the unit;
- (14) confinement order dated 19 December 2022 was issued by Superintendent ██████████ at approximately 9.03am, authorising the confinement of all detainees from 9am to the Overnight Lockdown;
- (15) confinement order dated 31 December 2022 was issued by Superintendent ██████████, authorising the confinement of all detainees from 12.30pm to 18.45pm due

to ongoing risks presented and destabilisation of the Unit and to preserve the good-order, management and security of the Unit;

- (16) confinement order dated 18 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.49am, authorising the confinement of all detainees from 7.49am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (17) confinement order dated 19 July 2023 was issued by Deputy Superintendent [REDACTED] at approximately 10.28am, authorising the confinement of all detainees from 8.27am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (18) confinement order dated 20 July 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 10.05am, authorising the confinement of all detainees from 8.10am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (19) confinement order dated 21 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.15am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (20) confinement order dated 22 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.30am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (21) confinement order dated 23 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.38am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full

program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (22) confinement order dated 24 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.10am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (23) confinement order dated 25 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.47am, authorising the confinement of all detainees from 7.48am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (24) confinement order dated 26 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.10am, authorising the confinement of all detainees from 8.10am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (25) confinement order dated 27 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 9.27am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (26) confinement order dated 28 July 2023 was issued by Deputy Superintendent [REDACTED] [REDACTED] at approximately 10.23am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (27) confinement order dated 29 July 2023 was issued by Assistant Superintendent [REDACTED] [REDACTED] at approximately 9.39am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full

program, and in order to maintain the good order, security and management of the Unit and the wider facility;

- (28) confinement order dated 30 July 2023 was issued by Assistant Superintendent [REDACTED] at approximately 9.32am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (29) confinement order dated 31 July 2023 was issued by Assistant Superintendent [REDACTED] at approximately 9.15am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (30) confinement order dated 2 August 2023 was issued by Assistant Superintendent [REDACTED] at approximately 8.17am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (31) confinement order dated 3 August 2023 was issued by Assistant Superintendent [REDACTED] at approximately 8.28am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (32) confinement order dated 4 August 2023 was issued by Assistant Superintendent [REDACTED] at approximately 8.15am, authorising the confinement of all detainees from 7.45am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility;
- (33) confinement order dated 5 August 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 9.50am, authorising the confinement of all detainees from 7.40am to 7pm due to operational limitations affecting the safe

facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility; and

- (34) confinement order dated 6 August 2023 was issued by Assistant Superintendent Operations [REDACTED] at approximately 8.55am, authorising the confinement of all detainees from 7am to 7pm due to operational limitations affecting the safe facilitation of a full program, and in order to maintain the good order, security and management of the Unit and the wider facility.

Schedule of Parties

No. WAD109 of 2023

Federal Court of Australia

District Registry: Western Australia

Division: General

BIJ23 and another named in the Schedule

Applicants

State of Western Australia

Respondent

First Applicant: BIJ23

Second Applicant: BIK23

Respondent: State of Western Australia