



PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES

General Secretary Stewart Little
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In reply please quote: SL:MG

The Hon. Gareth Ward
Minister for Families and Communities
52 Martin Place
Sydney NSW 2000

BY EMAIL : office@ward.minister.nsw.gov.au

Dear Minister,

Re: Frank Baxter Juvenile Justice Centre Riot

I write to express the Association's support for your decision to appoint former Police Assistant Commissioner Lee Shearer to investigate and review the causes of the riot on 21-22 July 2019 at Frank Baxter Juvenile Justice Centre.

I do, however, hold grave reservations about the scope and procedure of the proposed review and wish to offer some additional suggestions to ensure that the review is thorough and far reaching.

The review should not be limited to examining the incident at Frank Baxter on 21-22 July 2019. The PSA recognises that there is a historical and organisational context the riot occurred within. A series of preceding and escalating events have occurred at centres throughout the State since 2015.

The riot at Frank Baxter is directly attributable to, and inter-related with, the deteriorating disciplinary and structural responses applied by the Department. We would therefore be ill-advised to consider this riot an aberration.

These recent events include:

- a major incident at Frank Baxter on 9 June 2019 where detainees accessed the roof of the centre, caused significant damage and remained there overnight;
- a unit destroyed by inmates at the Orana Centre in May 2019;
- detainees gaining access to and destroying a unit at Riverina Centre on 13 July 2019; and
- a number of serious recent assaults on staff including to one officer at Cobham on 8 June 2019, another at Orana on 18 June 2019, and another at Cobham on 29 June 2019, all of which have required staff to be treated in hospital for injuries.

The review must examine all processes and policies across Juvenile Justice. It is these failed processes and policies that have been a cause of concern to the Association for a significant time. The PSA has repeatedly raised this with the Department and we have been in dispute before the NSW Industrial Relations Commission since February 2017. It is our firm belief that the Department has contributed towards the perception among the detainees of a complete lack of any disciplinary consequence for violent and unacceptable behaviour.

The review should examine current case management practices, Detainee Risk Management Plans (DRMPs), classification and placement of detainees and the use of isolated therapeutic-based programs.

I have discussed my concerns with a number of colleagues in other jurisdictions and believe it is imperative that any review should include a discussion with the relevant New Zealand agencies including the Department of Justice and Department of Correctives. The New Zealand system has undergone significant reform over the last 15 years.

The Association seeks the ability for not only its industrial staff and its delegates from the Frank Baxter Centre to participate in the review as would be reasonably expected, but Ms Shearer be authorised to make a broad invitation for its delegates across the State to provide their valuable insights to the aforementioned issues.

As a matter of urgency the Association seeks an independent and thorough audit of all security measures in all centres across the State. This audit needs to be conducted by a suitably qualified practitioner in risk assessment in custodial environments. I would recommend you seek the expertise of senior officers that work within Corrective Services NSW emergency units. Two significant issues that have arisen through the events of the weekend:

1. The adequacy and fitness-for-purpose of the centres themselves, including roof access, keys and security systems internally within a centre, and the proximity and access to areas supposed to be in protective custody, and
2. The access and control of all tools, equipment and chattels within a centre, that could be potentially used as weapons. The Frank Baxter riot was aided by gardening tools obtained from a maintenance shed; the Association believes this is symptomatic and not an isolated or extreme incident. A member was recently assaulted with a hammer and in 2017 another member was assaulted with a fire extinguisher.

The Association seeks a judicial review of all relevant legislation and in particular the powers of officers and the placement of detainees over 16 years of age and the placement of detainees over eighteen years of age.

The Association shares your stated concerns regarding the events of last weekend and believes there is a mutual interest in which we should work collaboratively towards providing a safe and secure custodial environment for detainees and the workforce in Juvenile Justice. Our immediate experience over the past three years has not instilled any confidence in the department or its senior management.

Yours faithfully



Stewart Little
General Secretary

25 July 2019