

POVB - Legislation/Management Plans

As members would be aware, on 15 March 2019 the POVB went on strike for two days after Goulburn sought state-wide support due to a legal decision that occurred after an officer had been assaulted. The decision found that sanctions imposed through the HRMU CC behavioural plans were punishment, which meant that the inmate received no sentence at court. This created an environment where further assaults took place on staff.

From that action the Government of the time, and Government now in parliament, stated they will change the legislation to ensure behavioural plans can still be used.

Today we met with Senior Executives of CSNSW to receive an update on the process of legislative and policy amendments.

The Commissioner will be putting out communication to all staff giving an overview of where CSNSW is currently at with the issue.

Points discussed were:

- » CSNSW is looking at three options, with option one being the preferred option for CSNSW:
 1. Withdraw items, etc. for the good order of the centre. Policy will be written to ensure this does not affect sentencing at court. The policy will make sure wording when withdrawing items is about the risk to the centre and the management of the behaviour, rather than a punishment. We stated we prefer this option.
 2. Similar to option one. However, the withdrawal of items, etc. for the period, only, whilst waiting for the legal case to be dealt with. Once the legal case has been dealt with the items/regime gets returned. We stated we do not like this option due to the risk to staff safety may not be negated at the completion of the legal case.
 3. Similar to the process in Victoria, where withdrawals or regression is determined by the Commissioner. This is not favourable due to the volume of work it would impose on the Commissioner to action. There is no delegation in this option.

- » CSNSW is looking back five years to all cases before the court relating to assaults on staff. They are looking at judicial comments and how they have interpreted the law. This is a favourable response to Goulburn delegates informing CSNSW the inconsistency in the outcomes.
- » It was discussed that communication by staff and managers need to be consistent around the state. Rather than staff being discouraged from taking Police action, staff should be supported and encouraged through the process.
- » Assault Committees were discussed and the fact that there is not a consistent approach to the committee meetings around the state. The State Executive will send Gayle Robinson a document outlining the position of the Executive on the committee and how they envision the committees should run.
- » The case that the strike concerned is being looked at by the DPP for a judicial review. CSNSW have had a briefing with the Crown advocate and have offered any support or assistance if it is needed for the review. They are currently in the preparation phase.

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