



Commissioner's Instruction

No: 1/2013

To: *Executive Committee
Regional Executive Directors
General Managers/Superintendents
Directors, Area & District Managers Community Offender Services
Director Community Compliance & Monitoring Group
Director Offender Policy
Director Corporate Strategy*

For the information of all staff

Subject: **Changes to Operational Delegations**

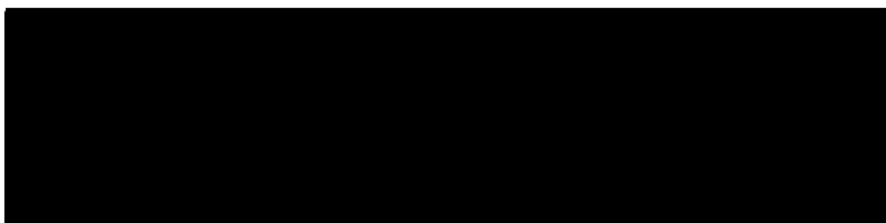
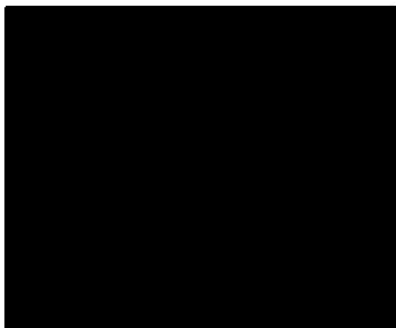
The CSNSW restructure has resulted in the establishment of new Divisions and the appointment of new Assistant Commissioners.

As a consequence of these reforms, I have established a working group, oversighted by the restructure project team, to review all Operational, Administrative and Financial Delegations. The group is tasked to provide me with advice on what specific delegation changes are required to align delegations with the new structure and to support the Let the Leaders Lead initiative. These changes will be incorporated into the Delegations Manual as soon as practicable.

In the interim, I have approved a number of amendments to existing delegations (as attached) to ensure business continuity during the transition period.

As of 1 February 2013, General Managers are to forward requests that require level A approval to the office of Assistant Commissioner Custodial Corrections. Once the Directors Custodial Operations take up duty, General Managers will forward approval requests to these office holders. I will provide formal advice when this will take effect.

As with all of the reforms, I encourage staff to continue to provide feedback on the delegations to the Project Implementation Team via the Staff Feedback icon on the Restructure page on the CSNSW Intranet.



CORRECTIVE SERVICES NEW SOUTH WALES
CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999
INSTRUMENT OF DELEGATION

I, **PETER SEVERIN, Commissioner of Corrective Services**, having power to delegate under Section 232 of the *Crimes (Administration of Sentences) Act 1999*, do hereby delegate to the officers who hold, or occupy from time to time, the positions specified in the document headed Operations Delegations Level A, as amended below, the exercise and performance of those powers, functions and duties specified in the attached Schedule which are conferred on me by the *Crimes (Administration of Sentences) Act 1999*.

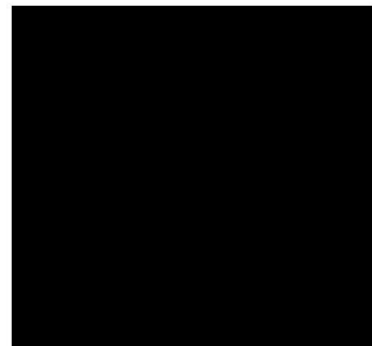
LEVEL A

Delete: Deputy Commissioner, Offender Management and Operations
Assistant Commissioner, Offender Services and Programs

Insert: Assistant Commissioner Custodial Corrections
Assistant Commissioner, Community Corrections
Assistant Commissioner, Security & Intelligence
Assistant Commissioner, Offender Management & Policy
Director, Security and Intelligence
Directors, Custodial Operations
Superintendents Operations, Custodial Corrections

All previous Instruments of Delegations executed by the Commissioner relating to Operations Delegations Level A are hereby revoked.

This instrument is to take effect on and from this date.





Commissioner's Instruction

No: 2/2013

To: *Executive Committee*
General Managers / Superintendents
Directors, Area & District Managers Community Offender Services
Management
Director, Custodial Policy
Director, Corporate Strategy

For the information of all staff

Subject: Amended approval process for Section 6.2 ON/OFF orders

PREAMBLE

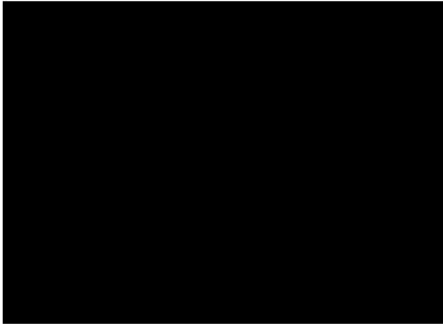
This instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Employment & Management Act 2002*.

INSTRUCTION

This instruction details amended approval processes for orders made under section 6 of the *Crimes (Administration of Sentences) Act 1999* for convicted inmates to carry out work on and off a correctional centre complex.

- General Managers are responsible for approving all Section 6.2 ON/OFF complex property orders with the exception of serious offenders.
- General Managers are no longer required to make a recommendation for Section 6.2 ON/OFF orders to the Commissioner through the Pre Release Leave Committee for public interest inmates, including unlawful non citizens.
- General Managers in accordance with existing policy must ensure that the inmate does not pose a security risk and that their behaviour and attitude justify issuing a Section 6.2 ON/OFF order.
- General Managers are no longer required to obtain approval from the Assistant Commissioner (or delegate) to:
 - approve a work activity or program outside the correctional centre;
 - approve the issuing of a Section 6.2 order.

Section 19.1 of the Offender Classification and Case Management Policy and Procedures Manual and related forms are being updated to reflect these changes. In the interim period current forms must be utilised in conjunction with this instruction until these updates have been made.





Commissioner's Instruction

No: 3/2013

To: *Executive Committee
Directors Custodial Operations / Security & Intelligence
General Managers
Directors, Area & District Managers Community
Corrections
Director Custodial Policy
Director Corporate Strategy*

For the information of all staff

Subject: **Inmates of Interest to Immigration**

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

This instruction now replaces '**Classification Protocols**' contained within Commissioner's Instruction No: 2009 / 02

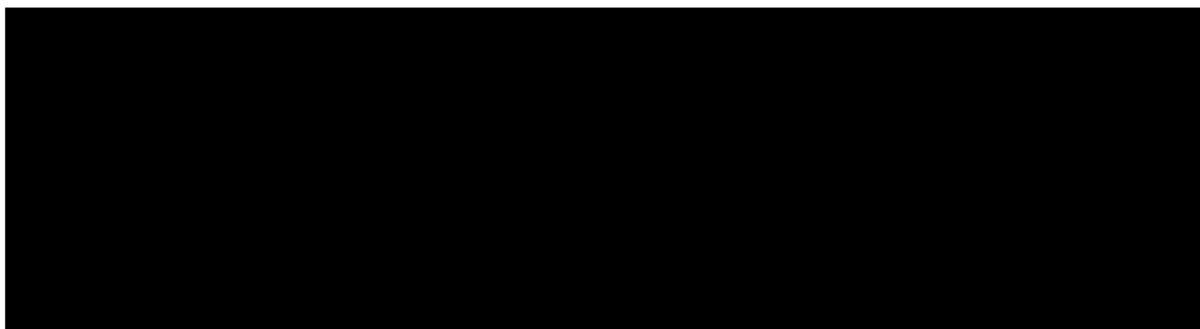
Inmates who were previously assigned a C2D / Category 2D and who were managed by way of approval by the Public Interest Leave Committee (PRLC) are now to be managed as follows:

It is no longer a requirement that inmates that are currently assigned the symbol 'D' (DIAC) along side their security classification rating be referred to the PRLC.

As per Commissioner's Instruction No: 2013 / 02, it is no longer a requirement for General Managers to make a recommendation for Section 6.2 ON/OFF orders to the Commissioner through the Pre Release Leave Committee for public interest inmates, **including unlawful non citizens**.

Inmates, who are identified as of interest to DIAC, should not be precluded from participation in an approved external leave activity / program, subject to compliance with existing policy and procedures. The 'D' (DIAC) symbol is no longer available on OIMS.

Any inquiries relating to this instruction should be referred to the relevant Manager Classification or to the Offender Classification and Case Management Branch.





Commissioner's Instruction

No: 4/2013

To: *Executive Committee
Directors Custodial Operations / Security & Intelligence
General Managers
Directors, Area & District Managers Community
Corrections
Director Custodial Policy
Director Corporate Strategy*

For the information of all staff

Subject: **Changes to section 23 of the Operations Procedures Manual**

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

In line with the recent changes to the Operational Delegations (*Commissioner's Instruction 2013 / 1*), a review is currently being undertaken in regard to Section 23 "AA & Category 5 Inmates: Management Regime".

Whilst the review of Section 23 is being undertaken, the following changes have been approved:

- General Managers can now approve visits to AA or Category 5 inmates.
 - The General Manager must keep a record of all decisions to 'not approve' a visitor including the rationale for the decision. The approval process will be completed in a timely fashion, noting it will vary on a case by case basis as determined by inquiries. The General Manager will send a letter notifying the applicant of their decision.

- The General Manager is no longer required to obtain approval from the Commissioner to:
 - allow telephone numbers to be placed on the inmate telephone account, for these category of inmates, after the necessary checks have been completed;
 - allow Inter-centre telephone calls for these categories of inmates in the use of teleconferencing equipment in circumstances of welfare or family crisis.

In the interim period current forms must be utilised in conjunction with this instruction until these updates have been made.

The amendments to this policy will be included in the revised edition.





Commissioner's Instruction

No: 2013 / 5

To: *Executive Committee
Directors Custodial Operations / Security & Intelligence
General Managers / Superintendents
Directors, Area & District Managers Community Corrections
Director Custodial Policy
Director Corporate Strategy*

For the information of all staff

Subject: **Approving Initial Section 26 (1 - 5) Local Leave Permits**

PREAMBLE

This Instruction is issued in accordance with the provisions of *section 235B of the Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

In line with the recent changes to the Operational Delegations (*Commissioner's Instruction no. 2013 / 1*), a review is currently being undertaken in regards to the *Delegations Manual*.

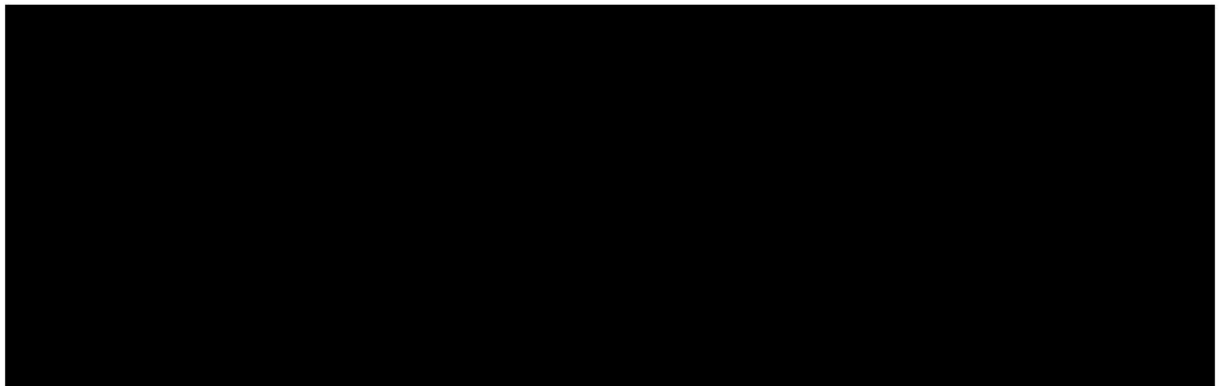
Whilst the review of the *Delegations Manual* is being undertaken, the following changes have been approved and in accordance with the provisions of *Section 26 (1 - 5) of the Crimes (Administration of Sentences) Act 1999*;

- General Managers can now approve the initial issuing of a Section 26 (1 - 5) local leave permit. They may also under this delegation revoke a Section 26 (1 - 5) local leave permit.

- General Managers can now approve a Section 26 2 (j) local leave permit and any revocation of a Section 26 2 (j) local leave permit. When the inmate is designated as a serious offender, a request for transfer or recommendation for removal is to be referred to the Serious Offenders Review Council for consideration and recommendation(s) to the Commissioner.
- General Managers are to continue to comply with *Section 20.2 and 20.3 - Offender Classification & Case Management & Procedures Manual*.

The amendments to this policy will be included in the revised edition.

In the interim period current forms must be utilised in conjunction with this instruction until these updates have been made.





Commissioner's Instruction

No: 6 / 2013

To: *Executive Committee
Directors Custodial Operations / Security & Intelligence
General Managers
Directors, Area & District Managers Community
Corrections
Director Custodial Policy
Director Corporate Strategy*

For the information of all staff

Subject: Amendment to clause 33 (Accommodation) of the Crimes
(Administration of Sentences) Regulation 2008

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

An amendment has been made to clause 33 of the *The Crimes (Administration of Sentences) Regulation 2008* which provides that a decision in respect of an inmate's cell placement will be made by the General Manager or an authorised officer.

Where previously the Regulation read:

33. Accommodation

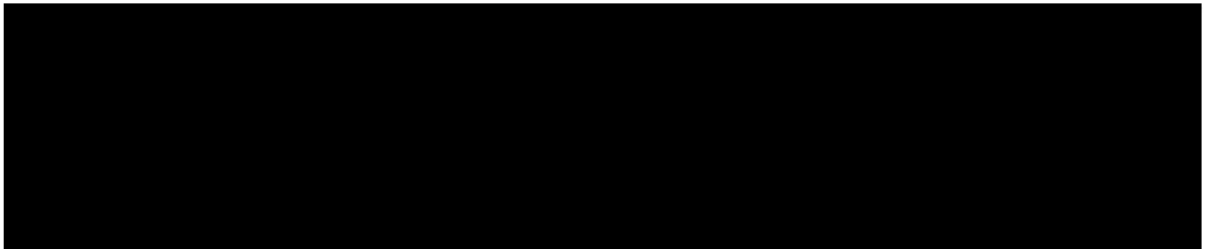
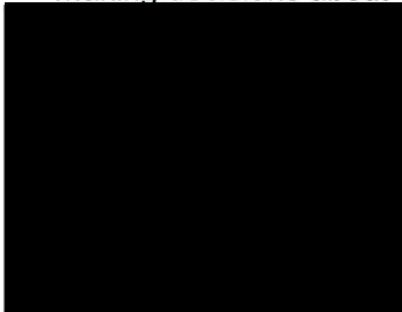
- (1) Each inmate must be housed in and occupy a cell by himself or herself, unless for medical or other sufficient reason it is necessary for inmates to be associated.*
- (2) If it is necessary for inmates to be associated, the inmates required to be associated (whether in a cell or in dormitory accommodation) must be carefully selected.*

(3) Each inmate must be provided with a separate bed and sufficient clean bedding to suit the climatic conditions.

The amendment will omit (1) and (2) and insert:

(1) Each inmate of a correctional centre is to be housed in a cell or dormitory, by himself or herself or with one or more other inmates, as the General Manager or an authorised officer considers appropriate.

In preparation for the publication of this amendment on 17 May 2013 all General Managers are to implement local operating procedures which nominate correctional officers as "authorised officers" for the purposes of making decisions about cell placement pursuant to clause 33.





Commissioner's Instruction

No: 7 / 2013

For the information of all CSNSW staff

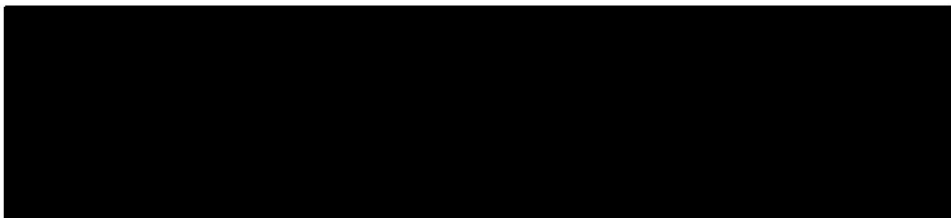
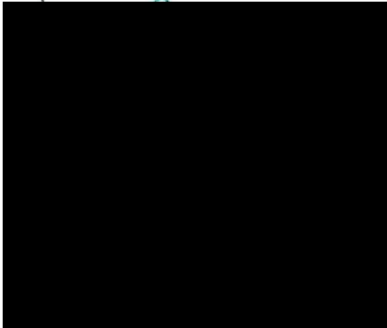
Subject: Subject: Designation of Community Corrections Managers as "District Managers" for the purposes of clause 229 of the *Crimes (Administration of Sentence) Regulation 2008*

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

I designate all Community Corrections Managers to be "District Managers" for the purposes of exercising functions under clause 229 of the *Crimes (Administration of Sentences) Regulation 2008*.





Commissioner's Instruction

No: 8 / 2013

For the information of all CSNSW staff

Subject: EXPENDITURE ON HOSPITALITY
AND ENTERTAINMENT

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

Principle – As stated in the Department's *Code of Conduct and Ethics*, we, as public servants, "are expected to be efficient, economical and principled in our use of resources". Department resources are only to be used for official departmental purposes, not for private and non-official purposes. This includes expenditure on hospitality and entertainment.

Official Functions - Sometimes a work-related function is clearly official. Examples include:

- Passing out ceremonies on completion of officer training courses
- Medal and other presentations honouring exemplary conduct, services etc
- Opening and commissioning ceremonies
- Meals which are a formal part of official training programs, seminars, conferences etc
- A 'working lunch' including people from outside the department who are involved in departmental work, for instance light refreshments supplied to a full day selection panel.

Purchase of Alcohol – Alcohol may only be purchased with departmental funds for important official functions and with the written permission of Assistant Commissioners or the Commissioner ONLY.

Non-official functions and meetings, including gatherings on work premises are not to be paid for with departmental funds. The following are examples where employees are expected to pay their own expenses:

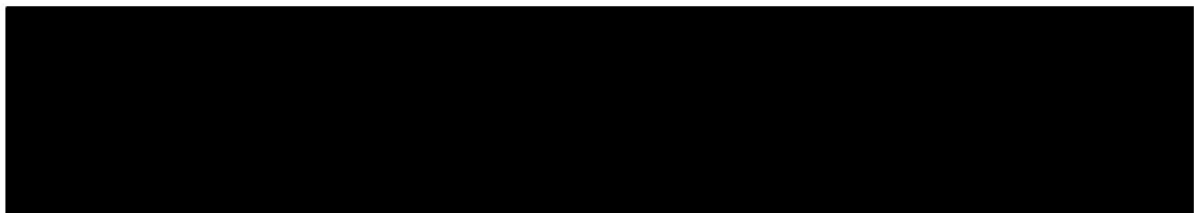
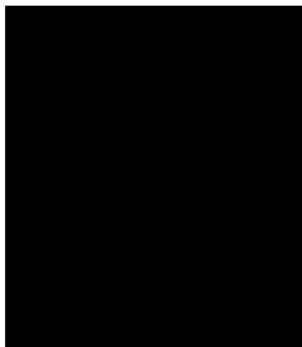
- Christmas parties – *See Premier's Memorandum No 2003-16*
- Staff BBQs and other staff gatherings which are not part of formal work processes
- Floral presentations & gifts (unless the flowers or gifts come from CSNSW in the name of the Commissioner and with prior formal approval)

Approval Required – Where it is considered necessary to expend departmental funds (up to \$100) to provide entertainment or hospitality, the approval in writing of a Senior Officer 1/ General Manager or above is required. It is essential that detailed receipts and approvals support such expenditure. Expenditure is to be met by the cost centre of the approving officer. The submission for approval must identify the nature of the function and details of departmental and non-departmental staff attending.

SES Officers are reminded that *Premiers memorandum No 2003-16* stipulates that their remuneration package includes work-related hospitality and entertainment expenses of a minor nature.

Subsistence and meal allowance must be claimed in accordance with the Department's Accounting Manual, Personnel handbook and the relevant Crown Employee's Award.

Inspections - payment of business related entertainment and hospitality expenses will be audited regularly.





Commissioner's Instruction

No: 9 / 2013

For the information of all CSNSW staff

Subject: Reviewing Use of Force Incidents

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

BACKGROUND

The Using Force on Inmates policy (refer section 13.7, Operations Procedures Manual) requires the Manager Security (MOS) or another delegated senior manager to review, as soon as practicable, all reports & video recordings as a consequence of a use of force incident.

INSTRUCTION

This Instruction replaces previous Commissioner's Instruction 10/2011.

After reports and available video evidence are reviewed, the reviewing officer must log on to the Incident Reporting Module (IRM) and complete the questions & responses contained within the Involved Parties section as the MOS or Delegate.

Once the questions & responses have been completed the MOS or delegate is required to change the incident status from Use of Force Pending Review to Reviewed Pending Closure.

The incident's Event Log is then completed by the MOS or Delegate stipulating;

1. No further action (NFA)
2. Further review required (FRR)

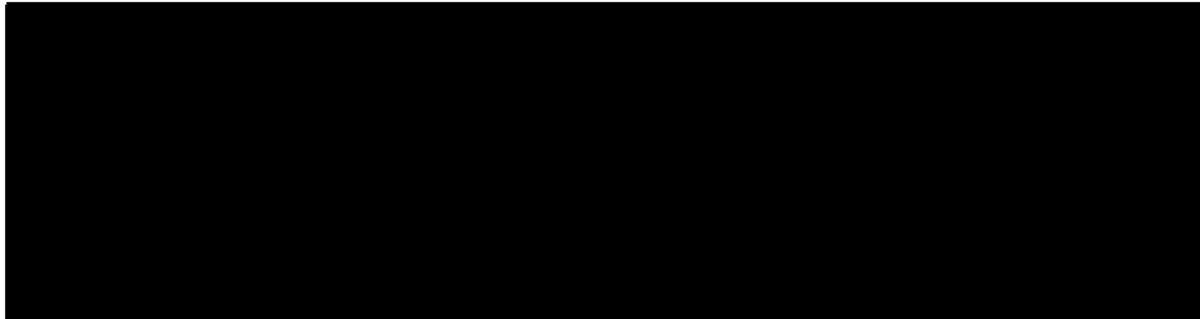
This review is intended to provide senior management with confidence that the use of force was warranted, reasonable and appropriate in the circumstances.

A recent review of the Use of Force Reporting documentation generated by Corrections Research, Evaluations & Statistics (CRES) has indicated a steady decline of reviews over the last 12 months.

As previously stated, Use of Force Compliance statistics can be located on the Intranet as follows;

- ✓ Organisation
- ✓ Governance & Continuous Improvement
- ✓ Corrections Research, Valuation & Statistics
- ✓ CRES Publications
- ✓ Use of Force Reports

All General Managers and Directors must ensure that Use of Force reviews are conducted as soon as practicable after every occurrence and the results recorded correctly in the Incident Reporting Module (IRM) event log.





Commissioner's Instruction

No: 10 / 2013

For the information of all CSNSW staff

Subject: **REPORTING CORRUPT CONDUCT**

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

Corrupt conduct¹ can take many forms including when a public official:

- Improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others;
- Acts dishonestly or unfairly, or breaches public trust;
- Allows a member of the public to influence, or try to influence, them to use their position in a way that is dishonest, biased or breaches public trust.

Employees have a duty to report suspected corrupt conduct and should do so promptly.

Employees are encouraged to report suspected corrupt conduct and will be supported by CSNSW if they do so.

Employees should report suspected corrupt conduct in writing to their supervisor, manager, Branch Head or Divisional Head, or to the Director, Professional Standards Branch, Assistant Commissioner, Governance and Continuous Improvement, or to the Commissioner.

Employees are entitled to report suspected corrupt conduct to the Independent Commissioner Against Corruption (ICAC). The ICAC can be contacted on [REDACTED] or www.icac.nsw.gov.au

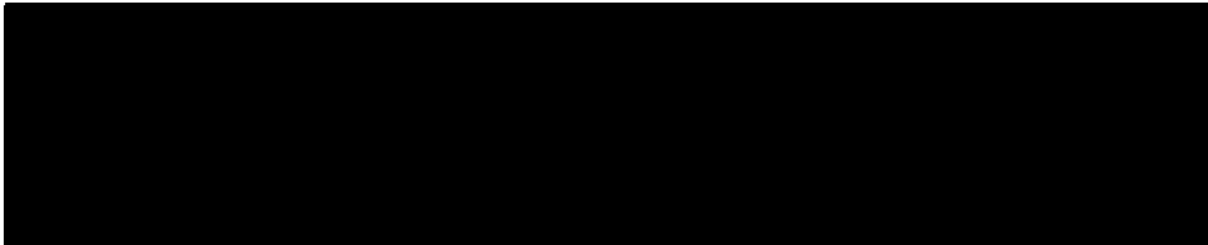
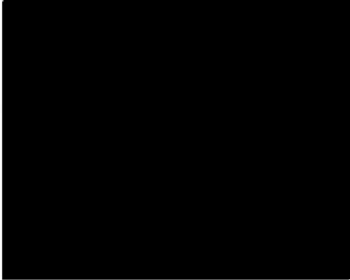
¹ Definition taken from the *Independent Commission Against Corruption Act 1988*

Supervisors and managers must ensure that all employees have appropriate information about CSNSW's internal procedures for reporting corrupt conduct.

Employees who knowingly make frivolous or vexatious allegations may be subject to disciplinary action.

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the CSNSW Intranet.





Commissioner's Instruction

No: 11 / 2013

For the information of all CSNSW staff

Subject: Tender for the Funded Partnership Initiative

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

INSTRUCTION

The Community Funding Program (CFP) is the key mechanism by which Corrective Services NSW (CSNSW) provides funding to non-government organisations (NGOs) to deliver services to inmates, offenders and offenders' children and families. The CFP has been comprehensively reviewed and a tender process will occur in September or early October 2013 to provide services.

CSNSW is committed to conducting a tender process which is fair and unbiased. Through this tender process it is expected that interested parties may contact CSNSW staff, both formally and informally, to obtain information regarding the process and service delivery options. Under **no circumstances** should any staff member provide information in response to any enquiries regarding the tender process including assisting in completing tender documents from any NGO.

To ensure that all stakeholders can have complete confidence in the integrity of any tender, staff must ensure that all processes associated with tendering are fair and transparent. Should a NGO seek information about when the tender will open, staff can advise the NGO to register with www.tenders.nsw.gov.au which enables email notifications of new business opportunities.

It is noted that when the tender opens, prospective tenderers will be advised that if they seek information from a CSNSW employee, or a person previously employed by CSNSW within the last six months, their tender may be culled. If a staff member is approached, either formally or informally by a prospective tenderer, you are required to notify Nicci Wilson A/Director Partnerships and Community Engagement via fpi@dcs.nsw.gov.au.





Commissioner's Instruction

No: 12 / 2013

For the information of all CSNSW staff

Subject: Inmate Mail Privileged to and from the Royal Commission into Institutional Response to Child Sexual Abuse

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Public Sector Employment & Management Act 2002*.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) has been established to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse. The Royal Commission plans to visit NSW Correctional Centres in 2014 and 2015 to enable inmates to participate in private sessions and provide information of their experiences to the Royal Commission.

As part of this process there may be mail between inmates and the Royal Commission.

INSTRUCTION – Royal Commission as an exempt body

I instruct that all inmate mail sent to, and received from, the Royal Commission is to be treated as privileged mail to, or from, an exempt body under clause 107 of the *Crimes (Administration of Sentences) Regulation 2008* (the Regulation). That is, incoming and outgoing mail should not be opened, inspected or read and should be posted or given to the inmate as soon as practicable. I refer you to sections 3.1.1.5 and 3.1.1.6 of the *Operations Procedures Manual* for policies and procedures about privileged mail.

This instruction excludes mail to and from Category AA male inmates and Category 5 female inmates and inmates designated extreme high risk restricted which must be dealt with in accordance with Part 2.4, Division 6 of the Regulation.

