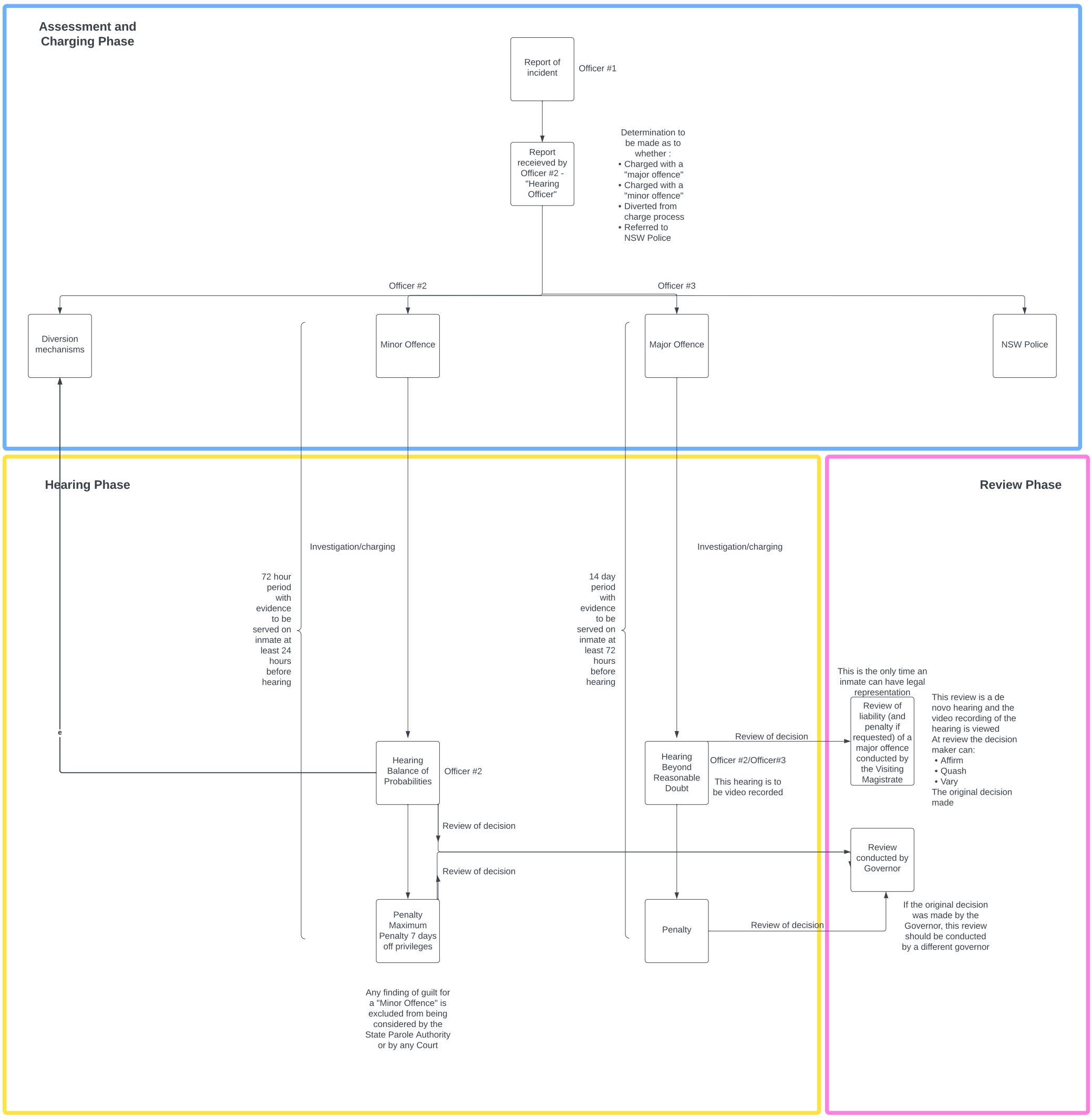
ANNEXURE A


Assessment and Charging Phase
Report of incident
Officer #1
Report receieved by Officer #2 - "Hearing Officer"
Determination to be made as to whether :
• Charged with a "major offence"
• Charged with a "minor offence"
• Diverted from charge process
• Referred to NSW Police
Officer #2
Officer #3
Diversion mechanisms
Minor Offence
Major Offence
NSW Police
Hearing Phase
Review Phase
Investigation/charging
Investigation/charging
72 hour period with evidence to be served on inmate at least 24 hours before hearing
14 day period with evidence to be served on inmate at least 72 hours before hearing
This is the only time an inmate can have legal representation
Review of liability (and penalty if requested) of a major offence conducted by the Visiting Magistrate
This review is a de novo hearing and the video recording of the hearing is viewed
At review the decision maker can:
• Affirm
• Quash
• Vary
The original decision made
Review of decision
Hearing Balance of Probabilities
Officer #2
Hearing Beyond Reasonable Doubt
Officer #2/Officer#3
This hearing is to be video recorded
Review of decision
Review of decision
Review conducted by Governor
Penalty Maximum Penalty 7 days off privileges
Penalty
Review of decision
If the original decision was made by the Governor, this review should be conducted by a different governor
Any finding of guilt for a "Minor Offence" is excluded from being considered by the State Parole Authority or by any Court