

Australian Capital Territory

# Crimes (Restorative Justice) Functions Delegation 2005 (No 1)

Notifiable instrument NI2005– 146

made under the

**Public Sector Management Act 1994, s 36 (4) (a) (Delegation by commissioner or chief executives)**

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## **1 Name of instrument**

This instrument is the *Crimes (Restorative Justice) Functions Delegation 2005 (No 1)*.

## **2 Commencement**

This instrument commences on the day after the day it is made.

## **3 Delegation**

I delegate to the public sector officer occupying from time to time the position of Manager, Restorative Justice Unit, Department of Justice and Community Safety, my functions under the provisions of the *Crimes (Restorative Justice) Act 2004* as set out in the attached schedule.

Tim Keady  
Chief Executive  
Department of Justice  
and Community Safety  
22 February 2005

## SCHEDULE

### Crimes (Restorative Justice) Act 2004 – delegated functions

<b>Title</b>	<b>Section</b>	<b>Description of functions</b>
chief executive (restorative justice)	22 (1), table 22 item 1	refer an offence for restorative justice: (a) after the offender is cautioned or apprehended; and (b) before a prosecution referral is made for the offender
chief executive (restorative justice)	22 (1), table 22 item 5	refer an offence for restorative justice: (a) after a court has made a sentence-related order in relation to the offender; and (b) before the end of the term of the sentence-related order or the sentence (if any) of which it forms part (whichever is later)
chief executive (restorative justice)	23 (1)	receive referral from referring entity
chief executive (restorative justice)	25	ensure that reasonable steps are taken to explain to the people mentioned in section 25 the matters mentioned in the section
chief executive	27 (3) (d)	receive court referral order
chief executive	28 (2)	if a court makes a court referral order for section 27 in relation to a proceeding for an offence, give the court a written report about the outcome of restorative justice for the offence within the period for which the proceeding is adjourned under the order
chief executive	28 (5)	give a copy of the report mentioned in section 28 to the people mentioned in section 27 (5)
chief executive	30	decide whether an offence is suitable for restorative justice
chief executive	32 (1)	decide whether restorative justice is suitable for an offence
chief executive	32 (3)	ask the people mentioned in section 32 (3) for written consent for a restorative justice conference to be called
chief executive	39 (1)	require a restorative justice conference to be called for an offence
chief executive	39 (2)	assign a convenor to a conference called under section 39
chief executive (restorative justice)	57 (1)	check whether the restorative justice agreement is being complied with
chief executive (restorative justice)	57 (2)	report noncompliance with restorative justice agreement to the referring entity

<b>Title</b>	<b>Section</b>	<b>Description of functions</b>
chief executive (restorative justice)	57 (3)	report compliance with restorative justice agreement to the referring entity
chief executive (restorative justice)	58 (2)	Receive report about noncompliance from the referring entity
chief executive (restorative justice)	58 (3)	receive report about noncompliance from the referring entity
chief executive	63 (1)	ask a referring entity for information about the people mentioned in section 63 (1)
chief executive (restorative justice)	68 (2)	report to the referring entity as mentioned in section 68
chief executive	70 (1)	keep records of matters mentioned in section 70 (1)
chief executive	71 (1)	keep database