

Public Sector Management (Crimes (Sentencing)) Delegation 2019 (No 1)*

Notifiable Instrument NI2019-628

made under the

Public Sector Management Act 1994, section 20 (Delegation by Director-General)

1 Name of Instrument

This Instrument is the *Public Sector Management (Crimes (Sentencing)) Delegation 2019 (No 1)*.

2 Commencement

This Instrument of Delegation commences on the day after it is approved by the Director-General.

3 Delegation

- (1) I delegate my functions under the *Crimes (Sentencing) Act 2005* mentioned in schedule 2, column 2 to the people identified by the corresponding code mentioned in column 1.
- (2) A person identified by a code in schedule 2, column 1 is the person occupying the position mentioned in schedule 1, column 2 in relation to the code.

4 Revocation

The Instrument of Delegation revokes the Instruments of Delegation pursuant to the provisions of the *Crimes (Sentencing) Act 2005* signed by the Director-General on 3 October 2019.

Rebecca Cross
Director-General
Community Services Directorate
15 October 2019

*Name amended under Legislation Act, s 60

Application of a delegation must be in consideration of policies, procedures or guidelines
Refer to the legislation for the complete details of the legislative provision outlined

Schedule 1
TABLE OF DELEGATIONS
Child and Youth Protection Services

Column 1	Column 2
Code	Position
A	Deputy Director-General
	Executive Group Manager, Children, Youth and Families
	Executive Senior Branch Manager, Children, Youth and Families
B	Executive Branch Manager, Child and Youth Protection Services
	Executive Branch Manager, Bimberi Residential Services
C	Deputy Senior Manager, Bimberi Residential Services
	Senior Manager, Practice and Performance
	Senior Manager, Legal Services
	Senior Manager, North/South
	Senior Manager Client Management System (CYRIS)
D	Manager, Operations/Intake
	Manager, Operational Compliance and Support
	Manager, Practice
	Manager, Performance
	Manager, Relationships Management
	Manager, Therapeutic Assessment
	Placements Coordinator
	Principal Practitioner
	Principal Therapist
	Senior Legal Officer
	Narrabundah House Manager
	Operations Manager, Bimberi Residential Services
	Programs and Services Manager, Bimberi Residential Services
	Family Engagement Officer, Bimberi Residential Services
E	Team Leader
	Team Leader, Operational Policy, Audit and Compliance
	Team leader, Case Analysis
	Team Leader, Therapeutic Assessment
	Team Leader, Cultural Services
	Practice Leader
	Relationship Coordinator
	Senior Project Officer
	Senior Practitioner
	Executive Officer
	Social Worker, Melaleuca Place
	Psychologist, Melaleuca Place
	Allocations and Quality Assurance

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Column 1	Column 2
Code	Position
	Operational Compliance Officer
	Legal Officer
	Case Conferencing Chair
	IMPACT Program/Prenatal Liaison Officer
	Liaison Officer – Child and Youth Protection Services
	Reportable Conduct Investigator
	Unit Manager, Bimberi Residential Services
F	Interstate Liaison Officer
	Audit and Compliance and Operational Policy Officer
	Case Manager
	Cultural Services Officer
	Case Analysis Officers
	OneLink Liaison Officer
	Family Group Conference Facilitator
	Intake Officer and Intake Coordinator
	Therapeutic Assessor
	Team Leader, Bimberi Residential Services
	Project Officer
	Sports and Recreation Officer, Bimberi Residential Services
	Facilities and Services Manager, Bimberi Residential Services
	Business Manager, Bimberi Residential Services
	Graduate Administrative Assistant
G	Manager, Operational Support
	Assistant Manager, Operational Support
	Executive Assistant
	Integrated Management System and Projects Officer
	Client Management System Project Officer
	Team Leader, Operational Support
	Operational Support Officer
	Case Aid
	Training and Development Administration Officer
	Operational Compliance Support Officer
	Allocations and Quality Assurance Officer
	Contract Data and Reporting Officer
	Legal Services Administration Officer
	Youth Workers, Bimberi Residential Services
	Youth Worker, Narrabundah House
	Business Support Officer, Bimberi Residential Services
	Administration Officer, Melaleuca Place
	Administrative Support, Bimberi Residential Services
	Training and Development Officer

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Column 1	Column 2
Code	Position
	Aboriginal and Torres Strait Islander Training and Development Officer
	Manager, Training and Workforce Development
H	Facilities and Services Officer, Bimberi Residential Services
I	Business Intelligence Officer
	Senior Technical Specialist (CYRIS)
	Senior Project Officer (CYRIS)
	Business Analyst (CYRIS)
	Project Officer (CYRIS)

**TABLE OF DELEGATIONS
Business Support to the Executive Group Manager, Children, Youth and Families (BS)**

Column 1	Column 2
Code	Position
A	Deputy Director-General
	Executive Group Manager, Children, Youth and Families
	Executive Senior Branch Manager, Children, Youth and Families
B	Executive Branch Manager, Child and Youth Protection Services
C	Senior Manager, Business Support
D	Manager, Community Engagement and Client Services
E	Senior Project Officer
	Complaints Officer
	Executive Officer
	Carer Liaison Officer
	Community Engagement and Client Services Officer
	Graduate Administrative Assistant
F	Risk and Compliance Officer
	Communications Officer
G	Ministerial Liaison and Coordination Officer
	Executive Assistant
H	Administrative Support Officer

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SCHEDULE 2

Note: When a single letter is used in Column 1, this applies to all positions within that group.

Column 1		Column 2 (provisions of Act)	
CYPS	BS	Chapter 4 – Sentencing procedures generally	
A B C D E F		Subject: Power and/or function: Reference:	Meaning of assessor – part 4.2 In this part: Assessor means- (a) a public servant whose functions include preparing pre-sentence reports; or (b) a person with similar functions under the law of a State. section 39A
A B C D E F G		Subject: Power and/or function: Reference	Pre-sentence reports - order (1) This section applies if- (a) the Magistrates Court- (i) finds an offender guilty of an offence in a proceeding before the court; or (ii) accepts an offender’s guilty plea for an offence; or (b) the Magistrates Court commits an offender to the Supreme Court for sentence; or (c) the Supreme Court- (i) finds an offender guilty of an offence in a proceeding before the court; or (ii) accepts an offender’s guilty plea for an offence. (2) If subsection (1) (b) applies – the Magistrates Court may – (a) order a pre-sentence report in relation to the offender; and (b) order the director-general to provide a copy of the report to the Supreme Court or any other person. (3) If subsection (1) (a) or (c) applies – the court may – (c) order the director-general to provide a copy of the report to the court or any other person. (4) However, the court must order the director-general to prepare a pre-sentence report before sentencing the offender to serve all or any part of a sentence. (5) The court order for the preparation of a pre-sentence report may state 1 or more pre-sentence report matters, or any other matter, that the report must address. (7) The director-general must arrange for an assessor to prepare a pre-sentence report ordered by the court. section 41 (1)(a)(i)(ii),(b),(c)(i)(ii),(2)(b),(3)(c),(4),(5),(7)

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Column 1		Column 2 (provisions of Act)	
Chapter 5 - Imprisonment			
A		Subject:	Imprisonment – official notice of sentence
B			
C		Power and/or	(1) As soon as practicable after (but no later than 10
D		function:	working days after the day) the court makes the order
E			sentencing the offender to imprisonment, the court must
F			ensure that written notice of the order, together with a
G			copy of the order, is given to—
			(b) the director-general
			(5) In this section:
			director-general means—
			(a) for an order made for a young offender—the CYP
			director-general; and
			(b) for any other order—the director-general responsible
			for this Act.
		Reference:	section 84(1)(b), (5)
Chapter 6 – Good behaviour orders			
A		Subject:	Good behaviour orders – official notice of order
B			
C		Power and/or	(1) As soon as practicable after the court makes the good
D		function:	behaviour order, the court must ensure that written notice
E			of the order, together with a copy of the order, is given
F			to—
G			(b) if the order includes a community service condition,
			probation condition or rehabilitation program condition—
			the director-general.
			(4) In this section: director-general means—
			(a) for an order made for a young offender—the CYP
			director-general; and
			(b) for any other order—the director-general responsible
			for this Act.
		Reference:	Section 103(1)(b), (4)
Chapter 8 – Deferred sentence orders			
A		Subject:	Deferred sentence orders – review
B			
C		Power and/or	(3) The sentencing court may review the deferred
D		function:	sentence order—
E			(a) on its own initiative; or
F			(b) on application by—
G			(i) the offender; or
			(ii) the director-general; or
			(iii) the director of public prosecutions.

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Column 1		Column 2 (provisions of Act)	
		Reference:	(5) In this section: director-general means— (a) if the offender is under 18 years old when the application is made—the CYP director-general; and (b) in any other case—the director-general responsible for this Act. Section 126(3)(b)(ii), (5)
A B C D E F G		Subject: Power and/or function: Reference:	Deferred sentence orders – notice of review (1) The sentencing court must give a written notice of a proposed review of the offender’s deferred sentence order to the offender, the director-general and the director of public prosecutions. (3) In this section: director-general means— (a) if the offender is under 18 years old when the notice is given— the CYP director-general; and (b) in any other case—the director-general responsible for this Act. Section 127(1), (3)
A B C D E F G		Subject: Power and/or function: Reference:	Deferred sentence orders – when amendments take effect (5) As soon as practicable after the sentencing court makes the amendment order, the court must ensure that written notice of the order, together with a copy of the order, is given to the offender, the director-general and the director of public prosecutions. (7) In this section: director-general means— (a) if the offender is under 18 years old when the amendment order is made—the CYJ director-general; and (b) in any other case—the director-general responsible for this Act. Section 129(5), (7)

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Column 1		Column 2 (provisions of Act)	
A B C D E F G		Subject: Power and/or function: Reference:	Deferred sentence orders – when cancellation takes effect (4) As soon as practicable after the sentencing court makes the cancellation order, the court must ensure that written notice of the order, together with a copy of the order, is given to the offender, the director-general and the director of public prosecutions. (6) In this section: director-general means— (a) if the offender is under 18 years old when the cancellation order is made—the CYP director-general; and (b) in any other case—the director-general responsible for this Act. Section 130(4), (6)
Chapter 8A – Sentencing young offenders			
A B C D E F G		Subject: Power and/or function: Reference:	Young offenders – director-general may give court information about availability of resources The CYP director-general may give the court information about the availability of resources that would be needed to give effect to an order the court may make in relation to a young offender under this Act. Section 133F
A B C D E F G		Subject: Power and/or function: Reference:	Education and training conditions – suitability (1) In deciding whether to include an education and training condition in the good behaviour order, the court must consider the following: (d) any evidence given by the CYP director-general about the young offender. (3) The court may include, or decline to include, an education and training condition in the good behaviour order for the young offender despite— (c) any evidence given by the CYP director-general about the young offender. Section 133R(1)(d), (3)

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Column 1		Column 2 (provisions of Act)	
A B C D E F G		<p>Subject: Meaning of a supervision condition – Act</p> <p>Power and/or function: (1) In this Act: supervision condition, of a good behaviour order for a young offender, means a condition included in the order that— (a) requires the young offender to comply with all reasonable directions given by the director-general; and (b) allows the director-general to require information from entities directly supervising the young offender. (2) In this section: director-general means— (a) if the offender is under 18 years old when the direction is given or the requirement is made—the CYP director-general; and (b) in any other case—the director-general responsible in accordance with a decision made under the Crimes (Sentence Administration) Act 2005, section 320F.</p> <p>Reference: Section 133U(1)(2)</p>	
A B C D E F G		<p>Subject: Meaning of accommodation order – Act</p> <p>Power and/or function: (1) In this Act: accommodation order, in relation to a young offender, means an order made by a court requiring the young offender to live at the place or with the person, whether within or outside the ACT— (a) stated in the order; or (b) that the director-general from time to time directs. (2) In this section: director-general means— (a) if the offender is under 18 years old when the direction is given—the CYP director-general; and (b) in any other case—the director-general responsible in accordance with a decision made under the Crimes (Sentence Administration) Act 2005, section 320F.</p> <p>Reference: Section 133Y</p>	
A B C D E F		<p>Subject: Accommodation orders – suitability</p> <p>Power and/or function: (1) In deciding whether to make an accommodation order for a young offender, the court must consider the following:</p>	

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Column 1		Column 2 (provisions of Act)	
G			<p>(d) any evidence given by the CYP director-general about the young offender.</p> <p>(3) The Court may make, or decline to make, an accommodation order, for a young offender despite—</p> <p>(c) any evidence given by the CYP director-general about the young offender.</p> <p>Reference: 133ZB(1)(d), (3)(c)</p>
Chapter 9 - Miscellaneous			
A B C D E F G	C D E	<p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p>	<p>Information exchanges between criminal justice agencies</p> <p>(4) In this section: criminal justice entity means any of the following:</p> <p>(a) the Supreme Court;</p> <p>(b) the Magistrates Court;</p> <p>(c) the director-general responsible for this Act;</p> <p>(d) the CYP director-general;</p> <p>(e) the sentence administration board;</p> <p>(f) the director of public prosecutions;</p> <p>(g) the chief police officer;</p> <p>(h) the victims of crime coordinator under the Victims of Crime Act 1994;</p> <p>(i) any other entity prescribed by regulation.</p> <p>Section 136(4)</p>