

Public Sector Management (Crimes (Sentence Administration)) Delegation 2019 (No 1)

Notifiable instrument NI2019–629

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 (Sentence Administration)) Delegation 2019 (No 1)*.

2 Commencement

This instrument commences on the day after it is made.

3 Delegation

- (1) I delegate my functions under the *Crimes (Sentence Administration) 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

This instrument revokes the instrument of delegation pursuant to the provisions of the *Crimes (Sentence Administration) Act 2005* signed by the Director-General on 20 May 2016.

Rebecca Cross
Director General
Community Services Directorate
20 August 2019

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 | Positions |
| 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 |
| | Operational Compliance Officer |
| Legal Officer | |

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| Column 1 | Column 2 |
|-----------------|--|
| Code | Positions |
| | 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 |
| | Aboriginal and Torres Strait Islander Training and Development Officer |
| | Manager, Training and Workforce Development |

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| Column 1 | Column 2 |
|-----------------|---|
| Code | Positions |
| 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) |

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SCHEDULE 2

Crimes (Sentence Administration) Act 2005

Note: The code mentioned in column 1 means the people occupying the positions identified in column 2 of schedule 1.

| Column 1 | Column 2 | |
|-------------|--|--|
| Code | Delegated Provisions | |
| | Chapter 3 – Imprisonment and remand | |
| A B C | Subject: Power and/or function: | Effect of committal order The committal order— (a)authorises the director-general to have custody of the offender under the order; and (b)requires the director-general to— (i) take the offender into custody; and (ii) keep the offender imprisoned under full-time detention until released under this Act or another territory law. |
| | Reference: | Section 11 |
| A B C | Subject: Power and/or function: | Warrant for imprisonment (1) The committing authority must issue a warrant for the imprisonment of the offender in the director-general’s custody. (2) The warrant— (a) must be addressed to the director-general; and (b) may be signed by a person authorised by the committing authority. |
| | Reference: | Section 12 |
| A B C | Subject: Power and/or function: | Custody of sentenced offender The director-general must keep the offender imprisoned under full-time detention under this Act and the Corrections Management Act 2007 until released under this Act or another territory law. |
| | Reference: | Section 13 Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008) |

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| Column 1 | Column 2 | |
|----------------------------|--|--|
| Code | Delegated Provisions | |
| A B C D E F | Subject: Power and/or function: | Effect of remand order The remanding authority's order for remand— (a) authorises the director-general to have custody of the remandee under the order; and (b) requires the director-general to— (i) take the remandee into custody; and (ii) keep the remandee in custody under full-time detention under the order; and (iii) return the remandee to the remanding authority as required by the order. |
| | Reference: | Section 16 |
| A B C D E F | Subject: Power and/or function: | Warrant for remand (1) The remanding authority must issue a warrant for the remand of the remandee in the director-general's custody. (2) The warrant— (a) must be addressed to the director-general; and (b) may be signed by a person authorised by the remanding authority. (3) The warrant— (a) may state any considerations about the remand to which the director-general must have regard; and (b) must state when and where the remanding authority orders the return of the remandee to the remanding authority. |
| | Reference: | Section 17 |

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| Column 1 | Column 2 | |
|----------------------------|--|---|
| Code | Delegated Provisions | |
| A B C D E F | Subject: Power and/or function: | <p>Custody of remandee</p> <p>(1) The director-general must— (a) keep the remandee in custody under full-time detention under this Act and the Corrections Management Act 2007 under the order for remand; and (b) return the remandee to the remanding authority as ordered by the remanding authority.</p> <p>(2) The director-general must ensure that the remandee is held in custody in the place that the director-general decides is the most appropriate.</p> <p>(3) For subsection (2)— (a) the director-general must have regard to the following: (i) the remanding authority’s order for remand; (ii) any considerations about the remand stated in the warrant by the remanding authority; (iii) whether the remandee is also a sentenced offender; (iv) the availability of suitable places of custody; (v) the practicality of moving the remandee to and from the place of custody to satisfy the remanding authority’s order for the return of the remandee; and (b) the director-general may have regard to anything else the director-general considers relevant.</p> <p>Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008)</p> |
| | Reference: | Section 18 |
| A B C D E F | Subject: Power and/or function: | <p>Directions to escort officers</p> <p>(1) For this chapter, the director-general may give directions to an escort officer in relation to an offender or remandee, including directions to take the offender or remandee into custody or to a place stated in the direction.</p> |
| | Reference: | Section 20(1) |

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| Column 1 | Column 2 | |
|--------------------------------------|--|---|
| Code | Delegated Provisions | |
| A B C D E F | Subject: Power and/or function: Reference: | Orders to bring offender or remandee before court etc (2) Without limiting subsection (1), the director-general must arrange for an offender, remandee or other person in the director-general's custody to be brought before a court or other entity in accordance with any order or direction (however described) of the court or entity. Section 21(2) |
| Chapter 4 Full-time detention | | |
| A B C D E F | Subject: Power and/or function: Reference: | Application – ch 4 (1) This chapter applies to a person (a full-time detainee) if the person is— (a) an offender in the director-general's custody because of section 11 (Effect of committal order); or (b) a remandee in the director-general's custody because of section 16 (Effect of remand order). Section 22(1) |
| A B C D E F G | Subject: Power and/or function: Reference: | Full-time detention – director-general directions (1) For this chapter, the director-general may give directions, orally or in writing, to a full-time detainee. (2) To remove any doubt, this section does not limit section 321 (Director-general directions—general). Section 25 |

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| Column 1 | Column 2 | |
|-----------------|--|---|
| Code | Delegated Provisions | |
| A B C | Subject: Power and/or function: | <p>Full-time detention in ACT or NSW</p> <p>(1) The director-general must arrange for a full-time detainee to be kept in full-time detention at—</p> <p>(a) an ACT correctional centre; or</p> <p>(b) a NSW correctional centre.</p> <p>(2) For this section, the director-general may, in writing, direct that a full-time detainee—</p> <p>(a) be detained at the ACT correctional centre stated in the direction; or</p> <p>(b) be removed to a NSW correctional centre stated in the direction.</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p> |
| | Reference: | Section 26 |

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| Column 1 | Column 2 | |
|-----------------|--|---|
| Code | Delegated Provisions | |
| A B C | Subject: Power and/or function: | Work and activities by full-time detainee (1) The director-general may direct an offender, orally or in writing— (a) to participate in an activity that the director-general considers desirable for the offender’s welfare or training; or (b) to do work at a correctional centre, or community service work outside a correctional centre, that the director-general considers suitable for the offender. (3) The director-general may allow a remandee to do work at a correctional centre, or community service work outside a correctional centre, that the director-general considers suitable for the remandee. Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008) |
| | Reference: | Section 28(1), (3) |

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| Column 1 | Column 2 | |
|----------------------------|--|--|
| Code | Delegated Provisions | |
| A B C D E F | Subject: Power and/or function: | <p>Custody of full-time detainee – lawful absence from correctional centre</p> <p>While lawfully absent from a correctional centre, a full-time detainee—</p> <p>(a) remains in the director-general’s custody; and (b) if under escort by an escort officer—is also taken to be in the escort’s custody.</p> <p>Examples of lawful absence from correctional centre</p> <p>1) while doing community service work 2) while being moved to a correctional centre, court, hospital or other place under direction by the director-general.</p> <p>Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p> |
| | Reference: | Section 29 |

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|----------------------|---|--|
| Code | Delegated Provisions | |
| <p>A B C</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Early release of offender</p> <p>(1) This section applies if the term of an offender’s sentence of imprisonment is longer than 6 months.</p> <p>(2) The director-general may, in writing, direct that the offender be released from imprisonment—</p> <p>(a) if the term of the sentence is less than 1 year—on any day within the 7-day period before the offender’s release date; or</p> <p>(b) if the term of the sentence is 1 year or longer—on any day within the 14-day period before the offender’s release date.</p> <p>(3) For subsection (2), the director-general may have regard to any of the following:</p> <p>(a) the offender’s conduct while serving the sentence;</p> <p>(b) any compassionate, health or employment-related circumstances applying to the offender;</p> <p>(c) the management of the correctional centre where the offender is detained;</p> <p>(d) anything else that the director-general considers appropriate.</p> <p>(4) If the director-general gives a direction under subsection (2)—</p> <p>(a) the offender may be released from imprisonment at any time on the day stated in the direction; and</p> <p>(b) the offender’s sentence is taken to have ended when the offender is released under the direction.</p> <p>Amendment - (s320C(1) – a reference in part 4.2 (Serving full-time detention) to a correctional centre or an ACT correctional centre is, in relation to a CYP young offender, a reference to a detention place under the Children and Young People Act 2008)</p> <p>Section 31(1),(2), (3), (4)</p> |

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| Code | Delegated Provisions | |
| | Chapter 6 – Good Behaviour Orders | |
| A B C D E F G | Subject: Power and/or function: Reference: | Definitions - ch 6 interested person, for an offender’s good behaviour order, means any of the following: (a) the offender; (b) a surety under the order; (c) the director-general; (d) the director of public prosecutions. Section 84 |
| A B C D E F G | Subject: Power and/or function: Reference: | Good Behaviour Orders – core conditions (b) if the offender is charged with an offence against a law in force in Australia or elsewhere—the offender must tell the chief executive about the charge as soon as possible, but within 2 days after the day the offender becomes aware of the charge; (c) if the offender’s contact details change—the offender must tell the director-general about the change as soon as possible, but within 2 days after the day the offender knows the changed details; (d) the offender must comply with any direction given to the offender by the director-general under this Act or the Corrections Management Act 2007 in relation to the good behaviour order; (f) if the good behaviour order is subject to a probation condition or supervision condition—the offender must not leave the ACT for more than the defined period without the director-general’s approval. Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008) Section 86(1)(b), (c), (d), (f) |

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| Column 1 | Column 2 | |
|---------------------------------|--|--|
| Code | Delegated Provisions | |
| A B C D E F G | Subject: Power and/or function: Reference: | Good behaviour – director-general directions (1) For this chapter, the director-general may give directions, orally or in writing, to an offender. (2) To remove any doubt, this section does not limit section 321 (Director-general directions—general). Section 87 |
| A B C D E F G | Subject: Power and/or function: Reference: | Community service work – director-general directions (1) The director-general may direct an offender, orally or in writing, to do community service work that the director-general considers suitable for the offender. (2) The direction must include details of the following: (a) the community service work the offender must do; (b) the place to which the offender must report for the work (the reporting place); (c) the time when the offender must report; (d) the person (if any) to whom the offender must report (the work supervisor); (e) the person the offender must tell if subsection (6) applies (the corrections supervisor). (8) If the offender cannot comply with the director-general’s direction under this section, the offender must— (a) tell the corrections supervisor as soon as possible; and (b) comply with the corrections supervisor’s directions. Section 91(1), (8) |
| A B C D E F G | Subject: Power and/or function: Reference: | Community service work – failure to report etc (2) The director-general may direct the offender, orally or in writing, not to do the community service work and to leave the place where it was to be done. Section 92(2) |

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| Column 1 | Column 2 | |
|---------------------------------|--|--|
| Code | Delegated Provisions | |
| A B C D E F G | Subject: Power and/or function: Reference: | Community service work – health disclosures An offender must tell the director-general as soon as possible about any change of which the offender is aware in the offender’s physical or mental condition that affects the offender’s ability to do community service work safely. Section 94 |
| A B C D E F G | Subject: Power and/or function: Reference: | Community service work – reports by entities (2) The director-general must ensure that the agreement requires the entity, on the director-general’s request, to give the director-general written reports about the offender’s participation in the community service work. Section 97(2) |
| A B C D E F G | Subject: Power and/or function: Reference: | Rehabilitation programs – director-general directions (1) The director-general may give an offender directions, orally or in writing, in relation to a rehabilitation program condition to which the offender’s good behaviour order is subject. (2) Without limiting subsection (1), a direction may include details of the following; (a) the program the offender must attend; (b) the place to which the offender must report for the program; (c) the time when the offender must report; (d) the person (if any) to whom the offender must report. Section 100(1) |
| A B C D E F G | Subject: Power and/or function: Reference: | Rehabilitation program providers – reports by providers (2) The director-general must ensure that the agreement requires the entity, on the director-general’s request, to give the director-general written reports about the offender’s participation in the rehabilitation program. Section 101(2) |

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| Column 1 | Column 2 | |
|----------|---|--|
| Code | Delegated Provisions | |
| | Chapter 10 – Victim and offender information | |
| A | Subject: | Victim’s register – young offenders |
| B | | |
| C | Power | (1) The director-general must maintain a register |
| D | and/or function: | of victims of young offenders. (2) The director-general must enter in the register information about a victim of a young offender that the victim, or someone acting for the victim, asks the director-general to enter in the register. (3) As soon as practicable after entering the victim’s information in the register, the director-general must give the victim information, orally or in writing, about the rights of registered victims under section 216A to information about young offenders who are sentenced. (4) If the victim is a child under 15 years old, the director-general may give the information to a person who has parental responsibility for the victim under the Children and Young People Act 2008. (5) Subsection (4) does not limit the cases in which the director-general may give information to a person acting for a victim. (6) In this section: director-general means the director-general responsible for the Children and Young People Act 2008. |
| | Reference: | Section 215A |

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|----------------------|---|--|
| Code | Delegated Provisions | |
| <p>A B C</p> | <p>Subject:</p> <p>Power and/or function:</p> <p>Reference:</p> | <p>Disclosure to registered victims – young offenders</p> <p>(1) If a young offender has been sentenced, the director-general may disclose information about the young offender to a registered victim of the young offender if satisfied the disclosure is appropriate in the circumstances.</p> <p>(2) However, the director-general must not disclose identifying information for the young offender unless the offence was a personal violence offence and the director-general believes that the victim, or a family member of the victim, may come into contact with the young offender.</p> <p>(3) If the victim is a child under 15 years old, the director-general may give the information to a person who has parental responsibility for the victim under the Children and Young People Act 2008.</p> <p>(4) Subsection (3) does not limit the cases in which the director-general may give information to a person acting for a victim.</p> <p>(5) In this section: director-general means the director-general responsible for the Children and Young People Act 2008.</p> <p>Section 216A</p> |

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|---------------------------------|--|--|
| Code | Delegated Provisions | |
| | Chapter 14 – Community service work – general | |
| A B C D E F G | Subject: Power and/or function: | <p>Protection from liability for people involved in the community service work</p> <p>(1) A person involved in community service work is not civilly liable to someone (other than the offender doing the work) for conduct engaged in by the offender in doing the work.</p> <p>(2) A person involved in community service work is not civilly liable to the offender for conduct engaged in by the person in relation to the work.</p> <p>(3) Any civil liability that would, apart from this section, attach to the person involved attaches instead to the Territory.</p> <p>(4) However, subsections (1) and (2) do not apply if—</p> <p>(a) the community service work was not approved by the director-general; or</p> <p>(b) the conduct was intended (whether by itself or with other conduct) to cause injury, loss or damage.</p> |
| | Reference: | Section 317(4)(a) |
| A B C D E F G | Subject: Power and/or function: | <p>Community service work not to displace employees</p> <p>The director-general must not direct or allow an offender to do community service work if the director-general believes, on reasonable grounds, that, in doing the work, the offender would take the place of someone who would otherwise be employed to do the work.</p> |
| | Reference: | Section 318 |

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| Code | Delegated Provisions | |
| A B C D E F G | Subject: Power and/or function: | Community service work – occupational health and safety (1) The director-general must ensure, as far as practicable, that the conditions for doing community service work comply with requirements under the Occupational Health and Safety Act 1989 in relation to the doing of the work by employees. (2) In particular, the director-general must ensure that arrangements for an offender do to community service work take account, as far as practicable, of the need— (a) to secure the health, safety and welfare of the offender; and (b) to protect people at or near community service work workplaces from risks to health or safety arising out of the activities of the offender. |
| | Reference: | Section 320(1), (2) |
| Chapter 14A – Sentence administration – young offenders | | |
| A B C D E F G | Subject: Power and/or function: | Youth justice principles to be considered (2) In this section, CYP young offender means – (a) a young offender serving a sentence of imprisonment at a detention place; or (b) a young offender serving a sentence (other than a sentence of imprisonment) – (i) who is under 18 years old; or (ii) who is over 18 years old but for whom the director-general (CYP) is responsible in accordance with a decision under section 320F (Young offenders – administration of sentences other than imprisonment). |
| | Reference: | Section 320B(2) |

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| Column 1 | Column 2 | |
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| A B C D E F G | Subject: Power and/or function: Reference: | Young offenders and remandees – references to director-general (1) A reference in this Act to the director-general is, in relation to a function to be exercised in relation to a CYP young offender or a young remandee, a reference to the director-general responsible for the Children and Young People Act 2008. Section 320D(1) |
| A B C D E F | Subject: Power and/or function: Reference: | Young offenders and remandees – references to director-general (2) In this section, CYP young offender means – (a) a young offender serving a sentence of imprisonment at a detention place; or (b) a young offender serving a sentence (other than a sentence of imprisonment) – (i) who is under 18 years old; or (ii) who is over 18 years old but for whom the director-general (CYP) is responsible in accordance with a decision under section 320F (Young offenders – administration of sentences other than imprisonment). Section 320D(2)(b)(ii) |
| A B C D E F | Subject: Power and/or function: Reference: | Young remandees – remand to be at detention place (2) The director-general must— (a) keep the young remandee in custody under full time detention under this Act and the Children and Young People Act 2008 under the order for remand; and (b) return the young remandee to the remanding authority as ordered by the remanding authority. Section 320E(2) |

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| Code | Delegated Provisions | |
| A B C D | Subject: Power and/or function: Reference: | Young offenders – administration of sentences other than imprisonment (2) The director-general responsible for this Act and the director-general responsible for the Children and Young People Act 2008 must decide which of them is to be the administering director-general for the person. Section 320F(2) |
| Chapter 15 - Miscellaneous | | |
| A B C D E F G | Subject: Power and/or function: Reference: | Director-general directions – general (1) For this Act, the director-general may give a direction to a person who is in the director-general’s custody under this Act. (2) Without limiting subsection (1), the director-general may give a direction that the director-general considers necessary for any of the following: (a) the welfare or safe custody of the person or anyone else; (b) the security or good order of a correctional centre; (c) ensuring compliance with any requirement under this Act or any other territory law. Section 321(1), (2) |

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| Code | Delegated Provisions | |
| A B C D | Subject: Power and/or function: | <p>Evidentiary certificates</p> <p>(1) A certificate that appears to be signed by or for the director-general and states any matter relevant to anything done or not done under this Act in relation to person, is evidence of the matter.</p> <p>(2) Without limiting subsection (1), a certificate under subsection (1) may state any of the following:</p> <p>(b) that a stated person was or was not in the director-general’s custody on a stated day;</p> <p>(i) that the director-general gave a stated direction to a stated person on a stated day;</p> <p>(j) that a stated person did not comply with a stated direction by the director-general on a stated day;</p> <p>(3) A certificate that appears to be signed by or for the director-general, and states any matter prescribed by regulation for this section, is evidence of the stated matter.</p> <p>(8) The director-general may appoint analysts for this Act.</p> <p>Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.</p> <p>Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).</p> |
| | Reference: | Section 321(A), (1), (2)(b), (2)(i), (2)(j), (3), (8) |
| A | Subject: Power and/or function: | <p>Criminology or penology research</p> <p>(1) In this section: approved researcher—a person is an approved researcher if the director-general approves the conduct of research by the person under this section.</p> <p>divulge includes communicate. Protected information means information about a person (the protected person) that—</p> <p>(a) is disclosed to, or obtained by, an approved researcher because the director-general approves</p> |

**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**

| Column 1 | Column 2 | |
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| | | <p>the conduct of research by the person under this section; and</p> <p>(b) identifies the protected person or would allow the identity of the protected person to be worked out.</p> <p>research means research in relation to criminology or penology, including—</p> <p>(a) the administration (including the operation and management) of correctional centres; and</p> <p>(b) services provided to a person in the director-general’s custody under this Act or the Corrections Management Act 2007.</p> <p>(2) A person may apply to the director-general for approval to conduct research that involves the person obtaining access to—</p> <p>(a) information or facilities administered by the director-general; or</p> <p>(b) a person exercising a function under this Act; or</p> <p>(c) a person in custody, or being supervised, under this Act or the Corrections Management Act 2007.</p> <p>(3) In deciding whether to approve the conduct of research by the person, the director-general may have regard to any recommendation made by an ethics committee established by the director-general.</p> <p>(4) If the director-general approves the conduct of research by the person, the director-general may—</p> <p>(a) give the approval subject to conditions (including conditions about the purposes for which the research may be used); and</p> <p>(b) give access to information, facilities or people in any way the director-general considers appropriate.</p> <p>(5) A person who is or has been an approved researcher commits an offence if the person contravenes a condition of the person’s approval under this section.</p> <p>Maximum penalty: 50 penalty units.</p> <p>(6) A person who is or has been an approved researcher commits an offence if the person—</p> <p>(a) does something that divulges protected information about someone else; and</p> <p>(b) is reckless about whether—</p> |

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| | Reference: | <p>(i) the information is protected information about someone else; and (ii) doing the thing would result in the information being disclosed. Maximum penalty: 50 penalty units, imprisonment for 6 months or both. (7) Subsection (6) does not apply to the divulging of protected information with the person’s consent.</p> <p>Amendment - (320C(2) – a reference in this Act to the Corrections Management Act 2007 is, in relation to a young offender in detention under the Children and Young People Act 2008 or a young remandee, a reference to the Children and Young People Act 2008)</p> <p>Section 322</p> |