Australian Capital Territory

Public Sector Management (Crimes (Sentence Administration)) Delegation 2022 (No 1)\*

**Notifiable instrument NI2022–502**

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 2022 (No 1)*.

1. **Commencement**

This instrument commences on the day after notification.

1. **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.
2. **Revocation**

This instrument revokes NI2019-629.

Jo Wood

A/g Director General

Community Services Directorate

05 October 2022

**Schedule 1**

**TABLE OF DELEGATIONS**

**Child and Youth Protection Services (CYPS)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Column 1** | | **Column 2** | |
| **Code** | | **Positions** | |
| A | | Deputy Director-General | |
| Executive Group Manager, Children, Youth and Families | |
| Executive Group Manager (Deputy), Children, Youth and Families | |
| B | | Executive Branch Manager, Child and Youth Protection Services | |
| Executive Branch Manager, Bimberi Residential Services | |
| C | | Deputy Centre Manager, Bimberi Residential Services | |
| Senior Director, Practice | |
| Senior Director, Performance | |
| Senior Director, Legal Services | |
| Senior Director, North/South | |
| Senior Director, CYRIS Business System | |
| Senior Director, Cultural Services | |
| D | | Operations Manager Intake/North/South/CMT | |
| Director, Practice | |
| Director, Practice Development | |
| Director, Performance | |
| Director, Relationships Management | |
| Director, Placement | |
| Director, Assessment and Support | |
| Principal Therapist, Therapeutic Services | |
| Principal Practitioner, Cultural Services | |
| Senior Legal Officer | |
| Legal Officer | |
| Court Officer | |
| Principal Practitioner, North/South | |
| Operations Manager, Bimberi Residential Services | |
| Programs and Services Manager, Bimberi Residential Services | |
| Intelligence and Classifications Officer, Bimberi Residential Services | |
| Manager, Bimberi Community Residential Services | |
| Principal Practitioner, Bimberi Residential Services | |
| E | | Team Leader, Intake/South/North/CMT | |
| Team Leader, Operational Policy, Audit and Compliance | |
| Team leader, Case Analysis | |
| Team Leader, Therapeutic Assessment and Planning | |
| Team Leader, Cultural Services | |
| Team Leader, Assessment and Support | |
| Practice Leader | |
| Relationship Coordinator | |
| Operational Compliance Officer | |
| **Column 1** | | **Column 2** | |
| **Code** | | **Positions** | |
|  | | Senior Practitioner, Cultural Services | |
| Senior Practitioner, Melaleuca Place | |
| Executive Officer | |
| Senior Operational Policy, Audit and Compliance Officer | |
| Independent Case Conferencing Chair | |
| IMPACT Program/Prenatal Liaison Officer | |
| Family Law Court Liaison Officer | |
| Disability Liaison Officer | |
| CYPS Health Liaison Officer | |
| Senior Practitioner, North/South/CMT | |
| Assistant Director, Reportable Conduct | |
| Assistant Director, Compliance | |
| Unit Manager, Bimberi Residential Services | |
| F | | Social Worker | |
| Psychologist | |
| Interstate Liaison Officer | |
| Operational Policy, Audit and Compliance Officer | |
| Policy Officer | |
| Project Officer, IMS and Knowledge Portal | |
| Family Finding, Cultural Services Officer | |
| Case Manager | |
| Intake Officer | |
| Cultural Services Officer | |
| Family Finding, Cultural Services Officer | |
| Case Analysis Officer | |
| OneLink Liaison Officer | |
| Family Group Conference Facilitator | |
| Therapeutic Assessor | |
| Team Leader, Bimberi Residential Services | |
| Project Officer | |
| Reportable Conduct Officer | |
| Business Manager, Bimberi Residential Services | |
| Family Engagement Officer, Bimberi Residential Services | |
| Paraprofessional | |
| G | | Director, Operational Support | |
| Manager, Operational Support | |
| Assistant Manager, Operational Support | |
| Executive Assistant | |
| Team Leader, Operational Support | |
| Operational Compliance Support Officer | |
| Operational Support Officer, Melaleuca Place | |
| Case Aid | |
| **Column 1** | | **Column 2** | |
| **Code** | | **Positions** | |
|  | | Practice Development Administration Officer | |
| Operational Policy, Audit and Compliance Support Officer | |
| Team Leader, Contract, Data and Reporting | |
| Contract, Data and Reporting Officer | |
| Legal Services Administration Officer | |
| Youth Worker, Bimberi Residential Services | |
| Sports and Recreation Officer, Bimberi Residential Services | |
| Business Support Officer, Bimberi Residential Services | |
| Operational Support Officer, Melaleuca Place | |
| Administrative Support Officer, Bimberi Residential Services | |
| Assistant Director, Aboriginal and Torres Strait Islander Training and Development Officer | |
| Administrative Support Officer | |
| Assessment Coordinator | |
| Operational Support Officer | |
| Reportable Conduct and Compliance Administration Officer | |
| H | | Assistant Director, CYRIS Governance and Business Process | |
| Assistant Director, CYRIS Release Quality | |
| Assistant Director, CYRIS Data Quality and Training | |
| Facilities and Services Manager, Bimberi Residential Services | |
| Facilities and Services Officer, Bimberi Residential Services | |
| Health and Safety Officer, Bimberi Residential Services | |
| Training Officer, Bimberi Residential Services | |
| I | | CYRIS Business System Officer | |
| CYRIS Project Officer | |
| Senior Technical Specialist | |
| CYRIS Project Officer | |
| J | | Student | |
| Graduate Administrative Assistant, Bimberi Residential Services | |

**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.**

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| --- | --- | --- | --- | --- | --- |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
|  | | **Chapter 3 – Imprisonment and remand** | | | |
| A B C D | | Subject: | | Effect of committal order | |
| Power and/or function: | | The committal order—   1. authorises the director-general to have custody of the offender under the order; and 2. requires the director-general to—    1. take the offender into custody; and    2. keep the offender imprisoned under full-time detention until released under this Act or another territory law. | |
| Reference: | | Section 11 | |
| A B C D | | Subject: | | Warrant for imprisonment | |
| Power and/or function: | | 1. The committing authority must issue a warrant for the imprisonment of the offender in the director-general’s custody. 2. The warrant—    1. must be addressed to the director-general; and    2. may be signed by a person authorised by the committing authority. | |
| Reference: | | Section 12 | |
| A B C D | | Subject: | | Custody of sentenced offender | |
| Power and/or function: | | 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. | |
|  | | 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) | |
| Reference: | | Section 13 | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D E F | | Subject: | | Effect of remand order | |
| Power and/or function: | | The remanding authority’s order for remand—   1. authorises the director-general to have custody of the remandee under the order; and 2. requires the director-general to—    1. take the remandee into custody; and    2. keep the remandee in custody under full-time detention under the order; and    3. return the remandee to the remanding authority as required by the order. | |
| Reference: | | Section 16 | |
| A B C D E F | | Subject: | | Warrant for remand | |
| Power and/or function: | | 1. The remanding authority must issue a warrant for the remand of the remandee in the director- general’s custody. 2. The warrant—    1. must be addressed to the director-general; and    2. may be signed by a person authorised by the remanding authority.   (3) The warrant—   1. may state any considerations about the remand to which the director-general must have regard; and 2. 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: | | Custody of remandee | |
| Power and/or function: | | 1. The director-general must—    1. keep the remandee in custody under full-time detention under this Act and the Corrections Management Act 2007 under the order for remand; and    2. return the remandee to the remanding authority as ordered by the remanding authority. 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. 3. For subsection (2)—    1. the director-general must have regard to the following:       1. the remanding authority’s order for remand;       2. any considerations about the remand stated in the warrant by the remanding authority;       3. whether the remandee is also a sentenced offender;       4. the availability of suitable places of custody;       5. 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. | |
|  | | 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) | |
| Reference: | | Section 18 | |
| A B C D E F | | Subject: | | Directions to escort officers | |
| Power and/or function: | | (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. | |
| Reference: | | Section 20(1) | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D E F | | Subject: | | Orders to bring offender or remandee before  court etc | |
| Power  and/or function: | | (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. | |
| Reference: | | Section 21(2) | |
|  | | **Chapter 4 Full-time detention** | | | |
| A B C D E F | | Subject: | | Application – ch 4 | |
| Power and/or function: | | 1. This chapter applies to a person (a full-time detainee) if the person is—    1. an offender in the director-general’s custody because of section 11 (Effect of committal order); or    2. a remandee in the director-general’s custody   because of section 16 (Effect of remand order). | |
| Reference: | | Section 22(1) | |
| A B C D E F G | | Subject: | | Full-time detention – director-general directions | |
| Power and/or function: | | 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). | |
| Reference: | | Section 25 | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Full-time detention in ACT or NSW   1. The director-general must arrange for a full- time detainee to be kept in full-time detention at—    1. an ACT correctional centre; or    2. a NSW correctional centre.   (2) For this section, the director-general may, in writing, direct that a full-time detainee—   1. be detained at the ACT correctional centre stated in the direction; or 2. be removed to a NSW correctional centre stated in the direction.   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)  Section 26 | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Work and activities by full-time detainee   1. The director-general may direct an offender, orally or in writing—    1. to participate in an activity that the director- general considers desirable for the offender’s welfare or training; or    2. 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)  Section 28(1), (3) | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D E F | | Subject:  Power and/or function:  Reference: | | Custody of full-time detainee – lawful absence from correctional centre  While lawfully absent from a correctional centre, a full-time detainee—   1. remains in the director-general’s custody; and 2. if under escort by an escort officer—is also   taken to be in the escort’s custody.  Examples of lawful absence from correctional centre   * 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.   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).  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)  Section 29 | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Early release of offender   1. This section applies if the term of an offender’s sentence of imprisonment is longer than 6 months. 2. The director-general may, in writing, direct that the offender be released from imprisonment—    1. 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    2. 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.   (3) For subsection (2), the director-general may have regard to any of the following:   1. the offender’s conduct while serving the   sentence;   1. any compassionate, health or employment- related circumstances applying to the offender; 2. the management of the correctional centre where the offender is detained; 3. anything else that the director-general considers appropriate.   (4) If the director-general gives a direction under subsection (2)—   1. the offender may be released from imprisonment at any time on the day stated in the direction; and 2. the offender’s sentence is taken to have ended when the offender is released under the direction.   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)  Section 31(1),(2), (3), (4) | |
| **Column 1** | | **Column 2** | | | |
| **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:   1. the offender; 2. a surety under the order; 3. the director-general; 4. 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   1. 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; 2. 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; 3. 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) | |
| **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:    1. the community service work the offender must do;    2. the place to which the offender must report for the work (the ***reporting place***);    3. the time when the offender must report;    4. the person (if any) to whom the offender must report (the ***work supervisor***);    5. 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—   1. tell the corrections supervisor as soon as possible; and 2. 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) | |
| **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;    1. the program the offender must attend;    2. the place to which the offender must report for the program;    3. the time when the offender must report;    4. the person (if any) to whom the offender must report.   Section 100(1)(2) | |
| 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) | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
|  | | **Chapter 10 – Victim and offender information** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Victim’s register – young offenders   1. The director-general must maintain a register 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.   1. 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. 2. Subsection (4) does not limit the cases in which the director-general may give information to a person acting for a victim.   Section 215A | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Disclosure to registered victims – young offenders   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.   1. 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.   1. 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. 2. Subsection (3) does not limit the cases in which the director-general may give information to a person acting for a victim.   Section 216A | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
|  | | **Chapter 14 – Community service work – general** | | | |
| A B C D E F G | | Subject:  Power and/or function:  Reference: | | Protection from liability for people involved in the community service work   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. 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. 3. Any civil liability that would, apart from this section, attach to the person involved attaches instead to the Territory. 4. However, subsections (1) and (2) do not apply if—    1. the community service work was not approved by the director-general; or    2. the conduct was intended (whether by itself or with other conduct) to cause injury, loss or damage.   Section 317(4)(a) | |
| A B C D E F G | | Subject:  Power and/or function:  Reference: | | Community service work not to displace employees  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.  Section 318 | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D E F G | | Subject:  Power and/or function:  Reference: | | 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.   1. 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—    1. to secure the health, safety and welfare of the offender; and    2. to protect people at or near community service work workplaces from risks to health or safety arising out of the activities of the offender.   Section 320(1), (2) | |
|  | | **Chapter 14A – Sentence administration – young offenders** | | | |
| A B C D E F G | | Subject:  Power and/or function:  Reference: | | Youth justice principles to be considered  (2) In this section, CYP young offender means –   1. a young offender serving a sentence of imprisonment at a detention place; or 2. a young offender serving a sentence (other than a sentence of imprisonment) –    1. who is under 18 years old; or    2. 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 320B(2) | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| 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—   1. 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   1. return the young remandee to the remanding authority as ordered by the remanding authority.   Section 320E(2) | |
| 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.   1. Without limiting subsection (1), the director- general may give a direction that the director- general considers necessary for any of the following:    1. the welfare or safe custody of the person or anyone else;    2. the security or good order of a correctional centre;    3. ensuring compliance with any requirement under this Act or any other territory law.   Section 321(1), (2) | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
| A B C D | | Subject:  Power and/or function:  Reference: | | Evidentiary certificates   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. 2. Without limiting subsection (1), a certificate under subsection (1) may state any of the following: 3. that a stated person was or was not in the director-general’s custody on a stated day;    1. that the director-general gave a stated direction to a stated person on a stated day;    2. that a stated person did not comply with a stated direction by the director-general on a stated day;   (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.  (8) The director-general may appoint analysts for this Act.  Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.  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).  Section 321(A), (1), (2)(b), (2)(i), (2)(j), (3), (8) | |
| A | | Subject:  Power and/or function: | | Criminology or penology research  (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.  divulge includes communicate. Protected information means information about a person (the protected person) that—  (a) is disclosed to, or obtained by, an approved researcher because the director-general approves | |
| **Column 1** | | **Column 2** | | | |
| **Code** | | **Delegated Provisions** | | | |
|  | |  | | the conduct of research by the person under this section; and  (b) identifies the protected person or would allow the identity of the protected person to be worked out.  research means research in relation to criminology or penology, including—  (a) the administration (including the operation and management) of correctional centres; and  (b) services provided to a person in the director- general’s custody under this Act or the Corrections Management Act 2007.  (2) A person may apply to the director-general for approval to conduct research that involves the person obtaining access to—   1. information or facilities administered by the director-general; or 2. a person exercising a function under this Act; or 3. a person in custody, or being supervised, under this Act or the Corrections Management Act 2007. 4. 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. 5. If the director-general approves the conduct of research by the person, the director-general may—    1. give the approval subject to conditions (including conditions about the purposes for which the research may be used); and    2. give access to information, facilities or people in any way the director-general considers appropriate. 6. 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.  Maximum penalty: 50 penalty units.   1. A person who is or has been an approved researcher commits an offence if the person—    1. does something that divulges protected information about someone else; and    2. is reckless about whether— | |
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|  | | Reference: | | 1. the information is protected information about someone else; and 2. 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.  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 322 | |