Australian Capital Territory

**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)*.

1. **Commencement**

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

1. **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.

1. **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

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 |
| 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 |
| 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 |

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) |
| **Chapter 5 - Imprisonment** | | | |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Imprisonment – official notice of sentence  (1) As soon as practicable after (but no later than 10 working days after the day) the court makes the order sentencing the offender to imprisonment, the court must ensure that written notice of the order, together with a 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.  section 84(1)(b), (5) |
| **Chapter 6 – Good behaviour orders** | | | |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Good behaviour orders – official notice of order  (1) As soon as practicable after the court makes the good behaviour order, the court must ensure that written notice of the order, together with a copy of the order, is given to—  (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.  Section 103(1)(b), (4) |
| **Chapter 8 – Deferred sentence orders** | | | |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Deferred sentence orders – review  (3) The sentencing court may review the deferred sentence order—  (a) on its own initiative; or  (b) on application by—  (i) the offender; or  (ii) the director-general; or  (iii) the director of public prosecutions.  (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) |
| 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) |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Meaning of a supervision condition – Act  (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.  Section 133U(1)(2) |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Meaning of accommodation order – Act  (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.  Section 133Y |
| A  B  C  D  E  F  G |  | Subject:  Power and/or function:  Reference: | Accommodation orders – suitability  (1) In deciding whether to make an accommodation order for a young  offender, the court must consider the following:  (d) any evidence given by the CYP director-general about the young offender.  (3) The Court may make, or decline to make, an accommodation order,  for a young offender despite—  (c) any evidence given by the CYP director-general about the young offender.  133ZB(1)(d), (3)(c) |
| **Chapter 9 - Miscellaneous** | | | |
| A  B  C  D  E  F  G | C  D  E | Subject:  Power and/or function:  Reference: | Information exchanges between criminal justice agencies  (4) In this section:  criminal justice entity means any of the following:  (a) the Supreme Court;  (b) the Magistrates Court;  (c) the director-general responsible for this Act;  (d) the CYP director-general;  (e) the sentence administration board;  (f) the director of public prosecutions;  (g) the chief police officer;  (h) the victims of crime coordinator under the Victims of Crime  Act 1994;  (i) any other entity prescribed by regulation.  Section 136(4) |