

1992
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Ms Szuty)

Remand Centres (Amendment) Bill 1992

**A BILL
FOR**

An Act to amend the *Remand Centres Act 1976*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Remand Centres (Amendment) Act 1992*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 3. In this Act, "Principal Act" means the *Remand Centres Act 1976*.¹

Insertion

4. After Part IV of the Principal Act the following Part is inserted:

Job No.: 1992/142

"PART IVA—AIDS AND STD KITS**Interpretation**

"28A. In this Part—

5 'AIDS and STD kit' means a kit containing condoms, household bleach, water based lubricant and information on acquired immune deficiency syndrome and sexually transmitted diseases;

'approved person' means a person approved under subsection 28B (1) or a person referred to in section 28C.

Approved persons

10 "28B. (1) On receiving a written application, the Minister may, in writing, approve a person for the purposes of this Part.

"(2) A person is not entitled to be approved under subsection (1) unless the Minister is satisfied that the person—

(a) has the requisite training or experience; and

15 (b) is otherwise a fit and proper person;

to assist detainees by—

(c) providing and replenishing AIDS and STD kits; and

(d) providing information concerning the use of AIDS and STD kits.

20 "(3) In considering an application for approval under subsection (1), the Minister shall have regard to whether the applicant, as a member of an organisation or community group or otherwise, is likely to receive financial assistance from any source to meet the cost of providing AIDS and STD kits.

Ex officio approved persons

25 "28C. A person for the time being occupying the position of—

(a) Executive Officer of the association incorporated as A.I.D.S. Action Council of the A.C.T. Incorporated; or

(b) Service Director of the association incorporated as Assisting Drug Dependents Incorporated;

30 shall be taken to be for all purposes an approved person.

Right of access

"28D. (1) On producing sufficient means of identification an approved person is entitled to a reasonable right of access to any detainee who wishes to have the assistance of the approved person.

"(2) The Superintendent of a remand centre shall give directions to ensure that when an approved person meets with a detainee for the purpose of providing assistance, they have reasonable privacy.

Availability of kits

- 5 "28E. The Superintendent of a remand centre shall give directions to ensure that, as far as practicable, AIDS and STD kits are made available to detainees on their admission and then at reasonable intervals.

Notification of decisions

- 10 "28F. (1) Where the Minister makes a decision refusing to approve a person under subsection 28B (1), the Minister shall, within 28 days after the date of the decision, give notice in writing of the decision to the applicant.

"(2) A notice under subsection (1) shall—

- 15 (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

- 20 "(3) The validity of a decision shall not be taken to be affected by a failure to comply with subsection (2).

Review of decisions

- 25 "28G. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Minister refusing to approve a person under subsection 28B (1)."

Person liable to be convicted only once

5. Section 28A of the Principal Act is renumbered as section 28H.

NOTE

1. Reprinted as at 31 August 1991. See also Act No. 106, 1991.