

**1998**

**THE LEGISLATIVE ASSEMBLY OF  
THE AUSTRALIAN CAPITAL TERRITORY**

**REMAND CENTRES (AMENDMENT) BILL 1998**

**EXPLANATORY MEMORANDUM**

**Circulated by the authority of the Attorney General**

**Gary Humphries MLA**

## **Remand Centres (Amendment) Bill (No. 2) 1997**

### **Explanatory Memorandum**

#### **Outline**

The Remand Centres (Amendment) Bill 1998 (the Bill) amends the *Remand Centres Act 1976* (the Act) to enable fine defaulters to serve out their period of imprisonment in respect of fine default at a remand centre.

#### **Financial Implications**

Nil

#### **Details of clauses**

**Clauses 1, 2 and 3** are formal clauses setting out the short title of the Act, providing for the commencement of its provisions and providing that references in the Act to "the Principal Act" are references to the *Remand Centres Act 1976*.

#### ***Commencement***

**Subclause 2(2)** is to the effect that the substantive provisions the Bill will commence when the substantive provisions of the Magistrates Court (Amendment) Act 1998 commence.

#### ***Persons who may be detained***

**Clause 4** amends section 15 of the Principal Act which sets out the categories of persons who may be detained in a remand centre. It enables persons committed to imprisonment on default of payment of a fine, under the new scheme, to serve that period of imprisonment at a Remand Centre.

This provision is intended to provide some flexibility to corrective services authorities when determining where a fine defaulter will serve the period of imprisonment required under the new legislation.

### **Application**

**Clause 5** is to the effect that the amended provisions of the Act do not apply to a person who was committed to a remand centre pursuant to section 150 of the *Magistrates Court Act 1930*, before the commencement of the new provisions. This is to retain the operation of the provisions of subsection 15(2) of the *Remand Centres Act 1976* as presently in force in relation to those committed before the new scheme commences.