



AUSTRALIAN CAPITAL TERRITORY

Remand Centres (Amendment) Act (No. 2) 1996

No. 81 of 1996

An Act to amend the *Remand Centres Act 1976* and for related purposes

[Notified in ACT Gazette S328: 20 December 1996]

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

Short title

1. This Act may be cited as the *Remand Centres (Amendment) Act (No. 2) 1996*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If the provisions referred to in subsection (2) have not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, those provisions, by force of this subsection, commence on the first day after the end of that period.

Principal Act

3. In this Act, “Principal Act” means the *Remand Centres Act 1976*.¹

Powers and duties of Administrator

4. Section 7 of the Principal Act is amended by adding at the end the following subsection:

“(2) The Administrator may, if he or she considers it appropriate to do so, arrange for the transfer of a person remanded into the Administrator’s custody from a remand centre or other institution to another remand centre or institution, whether within or outside the Territory.”.

Insertion

5. After section 7 of the Principal Act the following section is inserted:

Authorisation by Administrator

“7A. (1) The Administrator may, in writing, authorise the Superintendent of a remand centre to perform the Administrator’s functions in relation to—

- (a) the custody of a person remanded into the custody of the Administrator under the *Magistrates Court Act 1930*; and
- (b) arranging for such a person to be transferred from a remand centre or other institution within the Territory to another remand centre or institution within the Territory.

“(2) A person authorised under subsection (1) has all the powers and duties of the Administrator in relation to the person remanded, including a duty to comply with the terms of any relevant warrant.

“(3) The performance of the Administrator’s functions by a person pursuant to an authorisation under subsection (1) shall, for all purposes, be taken to be performance by the Administrator of those functions.”.

Insertion

6. Before section 15 of the Principal Act the following section is inserted in Part IV:

Recommendations by court

“14A. Where the Supreme Court or the Magistrates Court makes a recommendation in relation to the detention of a person in a remand centre, the Superintendent shall have regard to the recommendation.”.

Amendments—*Bail Act 1992*

7. After section 57 of the *Bail Act 1992* the following section is inserted:

Abolition of inherent power of bail

“57AA. Any inherent power of the Supreme Court to grant bail is abolished.”.

Amendments—*Removal of Prisoners Act 1968*

8. Section 5 of the *Removal of Prisoners Act 1968* is amended by inserting after subsection (4) the following subsection:

“(4A) A reference in subsection (1) to a person liable to undergo imprisonment or other detention in custody shall be taken to include a reference to a person remanded into the custody of the Administrator within the meaning of the *Remand Centres Act 1976*.”.

NOTE

Principal Act

1. Reprinted as at 28 February 1995. See also Acts Nos. 3 and 40, 1995; No. 14, 1996.

[Presentation speech made in Assembly on 21 November 1996]