



AUSTRALIAN CAPITAL TERRITORY

Remand Centres (Amendment) Act 1995

No. 40 of 1995

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

[Notified in ACT Gazette S274: 7 November 1995]

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 1995*.

Commencement

2. (1) Section 1 and this section 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 a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences 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

Persons who may be detained

4. Section 15 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (d) “, 181 or 202” and substituting “or 181”;
- (b) by inserting after paragraph (1) (d) the following paragraph:
 - “(da) a person committed under subsection 547 (2) of the *Crimes Act 1900*.”;
- (c) by omitting paragraphs (1) (g) and (h) and substituting the following paragraph:
 - “(g) a person lawfully detained by an immigration officer and held in immigration detention under the *Migration Act 1958* of the Commonwealth.”;
- (d) by adding at the end of subsection (1) the following paragraphs:
 - “(k) a person convicted by a court in the Territory, or ordered to be detained in custody under Part XIA of the *Crimes Act 1900*, who the court is satisfied by reason of his or her mental condition should be detained in a remand centre pending—
 - (i) receipt by the remand centre of any medical, psychiatric or other relevant report in respect of the person; and
 - (ii) the making of suitable arrangements for the person’s removal to, and custody at a prison in, New South Wales pursuant to the *Removal of Prisoners Act 1968*;
 - (m) a person convicted by a court in the Territory and sentenced to a period of imprisonment who is not granted bail or liable to be detained for any other cause, against which conviction a notice of appeal has been filed;
 - (n) a person whose removal under section 5 of the *Removal of Prisoners Act 1968* is delayed;
 - (o) a person transferred to the Territory under the *Prisoners (Interstate Transfer) Act 1993* or the *Transfer of Prisoners Act 1983* of the Commonwealth.”;
- (e) by omitting from subsection (2) “referred to in paragraph (1) (c) or (1) (d) shall not be detained in a remand centre” and substituting “detained in a remand centre pursuant to paragraph (1) (c) or (d) shall not be detained”; and
- (f) by omitting subsections (5) and (6).

Further amendments

5. The Principal Act is further amended as set out in the Schedule.

Amendment of *Removal of Prisoners Act 1968*

6. Section 6 of the *Removal of Prisoners Act 1968* is amended—

- (a) by omitting from subsection (1) all the words after “Territory” (first occurring);
- (b) by inserting after subsection (1) the following subsection:

“(1A) A person returned to the Territory pursuant to a warrant referred to in subsection (1), shall be held in custody by the constable, some other constable or in a remand centre until released, or returned to the State, in accordance with law.”; and
- (c) by omitting from subsection (2) “or any other constable may keep the person in custody in the Territory and may return him” and substituting “, any other constable or the person in charge of the remand centre, as the case requires, may keep the person in custody in the Territory, and that constable or person in charge may return the person”.

SCHEDULE

Section 5

FURTHER AMENDMENTS

Subsection 5 (5)—

Insert “or she” after “he”.

Paragraph 9 (a)—

Insert “or she” after “he”.

Subsection 10 (1)—

- (a) Omit “him”, substitute “the Superintendent”.
- (b) Insert “or her” after “his”.

Paragraph 13 (3) (a)—

Insert “or she” after “he”.

Paragraph 13 (3) (b)—

Insert “or her” after “his”.

Subsection 13 (4)—

- (a) Omit “connexion”, substitute “connection”.

SCHEDULE—continued

(b) Insert “or her” after “his”.

Subsection 14 (1)—

Insert “or she” after “he”.

Paragraphs 16 (a) and (b)—

Insert “or she” after “he”.

Paragraph 17 (d)—

Insert “or her” after “his”.

Section 19—

Insert “or herself” after “himself”.

Paragraphs 20 (d) and (f)—

Insert “or her” after “his”.

Subsection 21 (1)—

- (a) Omit “he”, substitute “the Superintendent”.
- (b) Omit “his” (first occurring), substitute “the detainee’s”.
- (c) Omit “one”, substitute “1”.
- (d) Insert “or her” after “his” (last occurring).

Subsection 21A (1) (definition of “work”)—

Insert “or her” after “his”.

Paragraph 21A (3) (a)—

Insert “or she” after “he” (first occurring).

Subparagraph 21A (3) (a) (i)—

Insert “or her” after “his”.

Subparagraph 21A (3) (a) (ii)—

- (a) Insert “or her” after “his” (wherever occurring).
- (b) Insert “or she” after “he”.

Paragraph 21A (3) (a)—

Insert “or she” after “he” (last occurring).

Paragraphs 21A (3) (b) and (c)—

Insert “or she” after “he”.

Paragraph 21A (4) (c)—

- (a) Omit “him”, substitute “the detainee”.

SCHEDULE—continued

(b) Insert “or her” after “his”.

Paragraph 23 (b)—

Insert “or she” after “he”.

Subsection 24 (3)—

Insert “or she” after “he”.

Subsection 25 (1)—

Insert “or her” after “his”.

Paragraph 25 (3) (b)—

Insert “or she” after “he”.

Subsection 28 (1)—

Insert “or she” after “he”.

Paragraph 28 (2) (b)—

Insert “or she” after “he”.

Section 28A—

Insert “or she” after “he”.

NOTE**Principal Act**

1. Reprinted as at 28 February 1995. See also Act No. 3, 1995.

[Presentation speech made in Assembly on 21 September 1995]