



AUSTRALIAN CAPITAL TERRITORY

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

No. 81 of 1996

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### 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*.<sup>1</sup>

### **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*.”.

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**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]*