



Australian Capital Territory

Corrections Management Amendment Act 2008

A2008-49

An Act to amend the *Corrections Management Act 2007*

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

1 Name of Act

This Act is the *Corrections Management Amendment Act 2008*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Corrections Management Act 2007*.

4 Section 113

substitute

113 Meaning of *seizeable item*—div 9.4.3

In this division:

seizeable item means anything that—

- (a) is a prohibited thing; or
- (b) may be used by the detainee in a way that may involve—
 - (i) intimidating anyone else; or
 - (ii) an offence or disciplinary breach; or
 - (iii) a risk to the personal safety of anyone else; or
 - (iv) a risk to security or good order at a correctional centre.

113A Strip searches—when may be conducted

- (1) A detainee may be strip searched only if the chief executive gives a direction in accordance with section 113B or section 113C.

Note Section 126 provides for the use of force to carry out searches under this part.

- (2) To remove any doubt, a strip search of a detainee may be conducted immediately after any scanning search, frisk search or ordinary search of the detainee.

113B Strip searches—on suspicion

The chief executive may direct a corrections officer to strip search a detainee if the chief executive suspects on reasonable grounds that the detainee has a seizeable item concealed on the detainee.

113C Strip searches—where prudent

- (1) The chief executive may direct a corrections officer to strip search a detainee at a correctional centre if—
 - (a) the chief executive believes on reasonable grounds that it is prudent to search the detainee for a seizeable item that may be concealed on or in the detainee because the detainee—
 - (i) has recently not been under the control or immediate supervision of a corrections officer for a period; and
 - (ii) during the period, may have had an opportunity to obtain a seizeable item; and
 - (b) a scanning search may assist in detecting the item but—
 - (i) the means of conducting the search is not available at the correctional centre; or
 - (ii) if the means of conducting the search is available—the scanning search is not likely to detect more than a limited range of seizeable items; or

- (iii) the search could only be carried out using force that would be likely to make it ineffectual; and
- (c) a frisk search or ordinary search is not likely to detect more than a limited range of seizeable items.

Example—par (a) (ii)

the detainee has had a personal contact visit by someone who is not an accredited person

Example—par (b) (ii)

a metal detector

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) Without limiting section 14 (Corrections policies and operating procedures), the chief executive must make a corrections policy or operating procedure in relation to strip searches under this section.

5 Dictionary, new definition of *seizeable item*

insert

seizeable item, for division 9.4.3 (Strip searches)—see section 113.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 August 2008.

2 Notification

Notified under the Legislation Act on 15 September 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Corrections Management Amendment Bill 2008, which was passed by the Legislative Assembly on 27 August 2008.

Clerk of the Legislative Assembly

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