

**1996**

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of**

**Gary Humphries MLA**

**Attorney-General**

## MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996

### Outline

The purpose of the Bill is to amend the *Magistrates Court Act 1930* to clarify that the Administrator under the *Remand Centres Act 1976*, as opposed to a court, has authority to make decisions about interstate removal of persons remanded into his or her custody.

### Notes on clauses

#### Clauses 1, 2, 3 and 4

These clauses are self explanatory.

#### Clause 5

The purpose of this clause is to repeal the authority of a court to remand a person to a particular place or with particular conditions. It repeals sections 70 and 71 of the Principal Act and substitutes a new section 70 which combines the principles of the former sections and requires that the custody of a defendant when remanded is the responsibility of the Administrator.

#### Clause 6

This clause amends section 74 of the Principal Act by noting that the custody of the defendant is the responsibility of the Administrator.

#### Clause 7

This clause amends section 75 of the Principal Act by noting that the custody of a witness or defendant is the responsibility of the Administrator.

#### Clause 8

This clause repeals section 82 of the Principal Act and substitutes it with a new section 82 which incorporates the principles of the former section with the exception of noting that the custody of the person delivered is into that of the Administrator.

#### Clause 9

This clause repeals forms 19, 20, 63, 64, 65, 66, 68, 71, 72, 79, and 88 from the Principal Act and replaces them by means of a new Form 19. The purposes of clause are to have one form replace eleven forms, to record on the form that the custody of a person remanded by a court is with the Administrator, and to record on the form that the warrant issued fulfils the requirements of both the *Removal of Prisoners Act 1968* and the *Prisons Act 1952* of New South Wales.