

**1996**

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

**REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of**

**Gary Humphries MLA**

**Attorney-General**

## **REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996**

### **Outline**

The purpose of the Bill is to amend the *Remand Centres Act 1976* to clarify that the Administrator under the Act, 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 and 3

These clauses are self explanatory.

#### Clause 4

The purpose of this clause is to state clearly that the Administrator has the power to arrange for the transfer of an ACT remandee to another institution that is located either inside or outside the ACT.

#### Clause 5

The purpose of this clause is to authorise the Administrator to delegate his or her authority to the Superintendent of a remand centre to perform the Administrator's functions in relation to the custody of ACT remandees under the *Magistrates Court Act 1930* as well as arranging transfers for ACT remandees inside or outside the ACT.

#### Clause 6

The purpose of this clause is to require that a recommendation made by a court in relation to bail will be considered by the Superintendent.

#### Clause 7

The purpose of this clause is to note that any inherent power the Supreme Court may have had to grant bail is abolished. The *Bail Act 1992* codified all bail decisions.

#### Clause 8

This clause amends section 5 of the *Removal of Prisoners Act 1968* by inserting a new subsection 4A which clearly states that a person remanded into the custody of the Administrator is within the meaning of subsection (1).