

1992

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

REMAND CENTRES (AMENDMENT) BILL 1992

EXPLANATORY MEMORANDUM

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EXPLANATORY MEMORANDUMREMAND CENTRES (AMENDMENT) BILL 1992OUTLINE

The Remand Centres (Amendment) Bill 1992 will amend the Remand Centres Act 1976. The Act, in concert with the Remand Centre Regulations, sets out the duties of the staff and the Superintendent of the A.C.T.'S remand system.

The Amendment to the Act proposed by this Bill will make it possible for AIDS information, bleach for cleaning syringes and needles used for intravenous drug use, plus condoms and lubricant to be distributed to detainees, in line with the recommendations of the National Aids Awareness Campaign. This will be achieved through third parties, thereby sidestepping the controversial aspects of involving remand centre custodial officers in the promotion of AIDS education and protective behaviours.

FINANCIAL CONSIDERATIONS

The AIDS and STD kits described in the Bill are already provided at the time detainees leave the remand centre. Therefore there are no financial implications for Government.

Remand Centres (Amendment) Bill 1992

Clauses 1, 2 and 3 are formal clauses that specify the short title of the Act, its commencement, and define the Principal Act.

Clause 4 inserts new subsections 28A to 28G into Part IV of the Act, and renumbers the existing Part 28A as Part 28H.

New Clause 28A defines what an AIDS and STD kit contains, and refers to a definition of persons approved to distribute such kits in the Remand Centre.

Clause 28B defines the Minister's ability to approve a person for the purposes of the Act to distribute the kits. It also defines the assistance that authorised persons are expected to provide for detainees, including the provision of the AIDS/STD kits, and information about the use of the kits provided. This section also sets out the criteria that the Minister must take into account in so approving a person for that responsibility, including whether the applicant for the position is likely to receive financial help to meet the cost of providing the kits.

Clause 28C provides for the senior representatives of two

organisations, the AIDS Action Council of the A.C.T. Incorporated, and Assisting Drug Dependents Incorporated, to be ex-officio approved persons for the purposes of the Act. This ensures that in the event that there are no applications for persons to be authorised, there are two people from two defined organisations who will be available to offer the support to detainees as set out in this Bill.

Clause 28D establishes that an approved person has the right of entry and contact with Remand Centre detainees who ask for their assistance, and that any such contact should occur with reasonable privacy.

Clause 28E sets out the responsibilities of the Superintendent in providing access for the approved persons to distribute the kits, including a direction that the kits be provided on admission, as far as is practicable, and that they are available at reasonable intervals thereafter.

Clause 28F and 28G allow for publication and review by the Administrative Appeals Tribunal of the Ministers refusal to approve an application under Section 28B.