

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

REMAND CENTRES (AMENDMENT) ORDINANCE 1987

No. 30, 1987

ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Remand Centres Ordinance 1976 ("the Principal Ordinance") makes provision for the establishment and running of remand centres in the ACT.

The Principal Ordinance provided for the appointment of a Visiting Magistrate to inspect remand centres, inquire into complaints from detainees and make recommendations and reports. The ACT Chief Magistrate expressed concern regarding the potential for conflict between a magistrate's judicial role and his function as a visitor.

The Remand Centres (Amendment) Ordinance 1987 amends the Principal Ordinance by omitting the references to "Visiting Magistrate" and provides, in substitution, that the Minister shall appoint two Official Visitors to carry out the duties of Visitors: namely, to inspect remand centres, inquire into complaints from detainees and make recommendations and reports.

The amending Ordinance enables the payment of persons from outside the Public Service who may be appointed to the position. Section 6A is added to the Principal Ordinance and provides that such remuneration as determined by the Remuneration Tribunal is to be paid to Official Visitors or if no determination is made, such amount as is prescribed.

Details of the Ordinance are outlined in the attachment.

REMAND CENTRES (AMENDMENT) ORDINANCE 1987

Section 1 recites the title of the Ordinance.

Section 2 provides that the Ordinance shall come into operation on a date to be fixed by notice in the Gazette.

Section 3 cites the Remand Centres Ordinance 1976 as the "Principal Ordinance".

Section 4 amends section 3 of the Principal Ordinance by omitting the definition of "Visiting Magistrate" and inserting a definition of "Official Visitor".

Section 5 adds new section 6A to the Principal Ordinance.

Sub-section 6A (1) requires the Minister to appoint two Official Visitors.

Sub-section 6A (2) provides for the amount of remuneration for Official Visitors to be determined by the Remuneration Tribunal or if not determined, as is prescribed.

Sub-section 6A (3) provides for the payment to Official Visitors of such allowances as are prescribed.

Sub-section 6A (4) provides that the section has effect subject to the Remuneration Tribunals Act 1973.

Section 6 amends section 24 of the Principal Ordinance by omitting sub-section (1) and substituting "the Official Visitor" for "the Visiting Magistrate" in sub-section (2) and "an Official Visitor" for "the Visiting Magistrate" in sub-section (3).

Section 7 amends Section 25 of the Principal Ordinance by omitting "the Visiting Magistrate" in sub-sections (1), (2) and (3) and substituting "the Official Visitor", "Official Visitor" and "an Official Visitor" respectively.

Section 8 amends Section 26 of the Principal Ordinance by omitting "Visiting Magistrate" and substituting "Official Visitor".

Ord 53/86