

Australian Capital Territory

Corrections Management (Marriages and Civil Partnerships) Policy 2010

Notifiable instrument NI2010-630

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Marriages and Civil Partnerships) Policy 2010*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

MARRIAGES AND CIVIL PARTNERSHIPS POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instrument NI2009-147.

Barry Folpp
A/g Executive Director
ACT Corrective Services
3 November 2010



Alexander Maconochie Centre (AMC)



MARRIAGES AND CIVIL PARTNERSHIPS POLICY

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Purpose

To outline the policy regarding prisoners entering into a marriage or civil partnership while in custody at the Alexander Maconochie Centre (AMC).

Authority

Legislation

Corrections Management Act 2007, section 14 and 87(2)(b).

Legislations Act 2001, section 169.

Civil Partnerships Act 2008.

Human Rights Act 2004.

Policy

Principles

Marriages and civil partnerships may take place for prisoners when there are no legal or practical restrictions in place.

Approval

The Superintendent may grant or deny a marriage or civil partnership application.

The application must be made by the prisoner (not the partner). Where both applicants are prisoners, the application may be made by either partner.

The prisoner must meet with the Chaplain to discuss the implications of the application. If the prisoner is not Christian the Chaplain will, where possible, arrange for a religious leader of the appropriate faith to meet with the prisoner.

When considering an application the Superintendent will have regard for factors such as the prisoner's length of stay in the AMC, the advice of the Chaplain, the existence of an Apprehended Violence Order (AVO) or Domestic Violence Order (DVO), and any other relevant considerations.

If the Superintendent does not approve an application, written reasons will be provided to the prisoner.

If the Superintendent grants the application for marriage or civil partnership, arrangements will be made through the Chaplain.

Remand Prisoners

Applications by remand prisoners will normally not be considered while they are on remand because of the lack of certainty about if and when release may occur. Where an application to marry or enter into a civil partnership is made by a remand prisoner, the prisoner will be advised that the application is deferred until the resolution of their court matters.

The prisoner may re-apply once sentenced to a period of imprisonment or once it becomes apparent that the remand period is to be protracted.

Costs

Any costs incurred as a result of the marriage or civil partnership will be the responsibility of the prisoner.

Forms and templates

Prisoner Request Form (Blue)

Related policies and procedures

Marriages and Civil Partnerships Procedure