

Australian Capital Territory

Corrections Management (Marriage and Civil Union) Policy 2018

Notifiable instrument NI2018-70

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Marriage and Civil Union) Policy 2018*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4. Revocation

This instrument revokes the *Corrections Management (Marriages and Civil Partnerships) Policy 2010* [NI2010-630].

Jon Peach
Executive Director
ACT Corrective Services
12 February 2018

MARRIAGE AND CIVIL UNION POLICY

POLICY NO. 9

ACT CORRECTIVE SERVICES

NI2018-70



ACT
Government

Justice and Community Safety

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1 STATEMENT OF PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees are not deprived of their right to enter into marriage or civil union, provided they are legally able to do so and the ceremony does not create a risk to the safety, security or good order of a correctional centre, or create a risk to public safety. This policy sets out the requirements for the approval of a detainee to marry or enter into a civil union while in custody in an adult correctional centre in the ACT.

2 SCOPE

This policy applies to adult ACT correctional centres.

3 PRINCIPLES

The following principles apply:

- Detainees are entitled to enter into a marriage or civil union provided they meet the legal and legislative requirements to do so.
- The undertaking of a marriage or civil union ceremony must not impact the security, good order or day to day operations of a correctional centre, or create a risk to public safety.
- Marriage and civil unions may take place between detainees, or a detainee and a member of the public.
- A detainee who wishes to marry or enter into a civil union while in custody must notify the Head of Accommodation or delegate, by filling in and submitting the *Detainee Request Form – Marriage or Civil Union*.
- Where both applicants are detainees, either can make the application.
- Once the application has been reviewed, the General Manager, Custodial Operations will provide a written response to the detainee to confirm the relevant process, restrictions and permissions, including where these apply to proposed guests.
- The General Manager, Custodial Operations may restrict the use of correctional centre property in order to avoid any disruptions to the security, good order and day to day operations of a correctional centre, and to prevent risks to public safety.
- The detainee has the right of appeal to the Executive Director ACTCS for any decisions made regarding the marriage or civil union.
- A detainee seeking to marry or enter into a civil union while in custody is responsible for complying with the requirements of the *Marriage Act 1961*, including the production of all

necessary documents and the lodging of the relevant notices under the *Marriage Act 1961* at the detainee's expense.

- The Chaplain of the correctional centre must be consulted, and where required, the Chaplain may arrange for the detainee to meet with a religious leader of the appropriate faith or denomination to attend pre-marriage education sessions, to discuss their future goals, expectations of the marriage and to acquire tools for sustaining a long healthy relationship.
- The solemnisation/registration of a marriage or civil union must be undertaken in line with the *Marriage Act 1961* or the *Civil Unions Act 2012*.
- The detainee is responsible for all costs associated with the marriage or civil union, the ceremony, and any change of name that occurs as a result.
- Participation in a marriage or civil union ceremony does not entitle the detainee(s) or their spouse to additional privileges in comparison to other detainees.

4 DEFINITIONS

Marriage

As defined in the *Marriage Act 1961*.

Civil Union

As defined in the *Civil Unions Act 2012*.

5 RELATED DOCUMENTS

- Prisoner Property Policy
- Application to enter a Marriage or Civil Union
- Notice of Intended Marriage
- Notice of intention to enter into a civil union
- Marriage Act 1961
- Civil Unions Act 2012
- Corrections Management Act 2007
- Legislations Act 2001
- Civil Partnerships Act 2008
- Human Rights Act 2004

6 RELATED FORMS

- Detainee Request Form – Marriage and Civil Union ([Attachment A](#))

Jon Peach
Executive Director
ACT Corrective Services
12 February 2018

Document details

| Criteria | Details |
|--------------------------|---|
| Document title: | Marriage and Civil Union Policy |
| Document owner/approver: | Executive Director, ACT Corrective Services |
| Date effective: | The day after the notification date. |
| Review date: | Three years after the date of notification |
| Expiry date: | Nil |
| Compliance with law: | This policy reflects the requirements of the <i>Corrections Management (Policy and Operating Procedure Framework) Policy 2017</i> . This policy also reflects the requirements of the <i>Information Privacy Act 2014</i> . |
| Responsible officer: | Head of Accommodation |
| Version | 1 |
