

No. 1 of 1978

AN ORDINANCE

To amend the Remand Centres Ordinance 1976

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the Seat of Government (Administration) Act 1910.

Dated this twenty-sixth day of January 1978.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

REMAND CENTRES (AMENDMENT) ORDINANCE 1978

1. This Ordinance may be cited as the Remand Centres (Amendment) Ordinance 1978.* Short title

2. In this Ordinance, "Principal Ordinance" means the Remand Centres Ordinance 1976.† Definition

3. Section 17 of the Principal Ordinance is amended by omitting paragraph (d) and substituting the following paragraph: Offences by detainees

"(d) make, conceal, or have in his possession without authority a tool, weapon, knife, key or other implement or thing intended to be used, and capable of being used, to effect the escape of a detainee or intended to be used for an unlawful purpose."

4. Section 18 of the Principal Ordinance is amended by omitting paragraph (a) and substituting the following paragraph: Offences by persons other than detainees

"(a) unlawfully remove a detainee from a remand centre;"

5. Section 21 of the Principal Ordinance is amended by omitting from sub-section (1) "considers it necessary" and substituting "believes on reasonable grounds that it is necessary". Withdrawal of entitlements by Superintendent

* Notified in the Commonwealth of Australia Gazette on 2 February 1978.

† Ordinance No. 48, 1976.

6. After section 21 of the Principal Ordinance the following section is inserted:

Compensation

“21A. (1) In this section—

‘Compensation Ordinance’ means the *Workmen’s Compensation Ordinance* 1951;

‘overtime’ has the same meaning as in the Compensation Ordinance;

‘work’ means work performed, in pursuance of his entitlement under paragraph 20 (g), by a detainee at the direction of the Superintendent or a custodial officer.

“(2) Where a detainee performs work in a remand centre, the Compensation Ordinance applies to and in relation to the detainee and the Commonwealth as if—

(a) the detainee were employed by the Commonwealth under a contract of service;

(b) paragraph (d) of the definition of “workman” in subsection 6 (1) of the Compensation Ordinance were omitted;

(c) for clause 1 (c) (i) of the First Schedule to the Compensation Ordinance there were substituted the following clause:

“(i) of an amount equal to the sum first mentioned in sub-paragraph (b); or”; and

(d) clauses 2 (b) (i) and (ii) of the First Schedule to the Compensation Ordinance were omitted.

“(3) Notwithstanding the provisions of paragraph 1A in the First Schedule to the Compensation Ordinance, for the purposes of the application of that Ordinance to a detainee, the prescribed amount applicable to a detainee in respect of a week, for the purposes of sub-paragraph 1 (b) of that Schedule, shall be deemed to be—

(a) in the case of a detainee who, immediately before he became a detainee—

(i) was carrying on a business or profession on his own account; or

(ii) was unemployed and was not carrying on a business or profession on his own account but who, at any time during the period of 12 months ending on the day on which he became a detainee, was employed or was carrying on a business or profession on his own account—

an amount obtained by dividing by 52 the amount that equals the income of the detainee during the period of 12 months ending on the day on which he became a detainee;

(b) in the case of a detainee who was unemployed immediately before he became a detainee, not being a detainee referred to in paragraph (a)—nil; and

- (c) in any other case—an amount equal to the earnings of the detainee in respect of the period of 7 days ending on the day immediately preceding the day on which he became a detainee.

“(4) A reference in paragraph (3)(c) to earnings, in relation to a detainee, does not include a reference to—

- (a) a payment in respect of overtime;
- (b) an allowance that is intermittent or is payable in respect of special expenses incurred or likely to be incurred by the detainee; or
- (c) where the detainee had more than one occupation during the period of 7 days referred to in that paragraph—earnings derived by him from an occupation other than his principal occupation.”.

7. The Principal Ordinance is amended by inserting in Part V, before section 29, the following section:

“28A. Where an act or omission of a person is both an offence under this Ordinance and an offence under any other law of the Territory and that person is convicted of either of those offences, he is not liable to be convicted of the other of those offences.”.

Person liable
to be
convicted
only once