

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Corrections Management Amendment Bill 2008

A Bill for

An Act to amend the *Corrections Management Act 2007*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Corrections Management Amendment Act 2008*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Corrections Management Act 2007*.

9 **4 Section 113**

10 *substitute*

11 **113 Meaning of *seizeable item*—div 9.4.3**

12 In this division:

13 *seizeable item* means anything that—

- 14 (a) is a prohibited thing; or
- 15 (b) may be used by the detainee in a way that may involve—
- 16 (i) intimidating anyone else; or
- 17 (ii) an offence or disciplinary breach; or
- 18 (iii) a risk to the personal safety of anyone else; or
- 19 (iv) a risk to security or good order at a correctional centre.

1 **113A Strip searches—when may be conducted**

- 2 (1) A detainee may be strip searched only if the chief executive gives a
3 direction in accordance with section 113B or section 113C.

4 *Note* Section 126 provides for the use of force to carry out searches under this
5 part.

- 6 (2) To remove any doubt, a strip search of a detainee may be conducted
7 immediately after any scanning search, frisk search or ordinary
8 search of the detainee.

9 **113B Strip searches—on suspicion**

10 The chief executive may direct a corrections officer to strip search a
11 detainee if the chief executive suspects on reasonable grounds that
12 the detainee has a seizeable item concealed on the detainee.

13 **113C Strip searches—where prudent**

- 14 (1) The chief executive may direct a corrections officer to strip search a
15 detainee at a correctional centre if—

16 (a) the chief executive believes on reasonable grounds that it is
17 prudent to search the detainee for a seizeable item that may be
18 concealed on or in the detainee because the detainee—

19 (i) has recently not been under the control or immediate
20 supervision of a corrections officer for a period; and

21 (ii) during the period, may have had an opportunity to obtain
22 a seizeable item; and

23 (b) a scanning search may assist in detecting the item but—

24 (i) the means of conducting the search is not available at the
25 correctional centre; or

26 (ii) if the means of conducting the search is available—the
27 scanning search is not likely to detect more than a limited
28 range of seizeable items; or

1 (iii) the search could only be carried out using force that
2 would be likely to make it ineffectual; and

3 (c) a frisk search or ordinary search is not likely to detect more
4 than a limited range of seizeable items.

5 **Example—par (a) (ii)**

6 the detainee has had a personal contact visit by someone who is not an accredited
7 person

8 **Example—par (b) (ii)**

9 a metal detector

10 *Note* An example is part of the Act, is not exhaustive and may extend, but
11 does not limit, the meaning of the provision in which it appears (see
12 Legislation Act, s 126 and s 132).

13 (2) Without limiting section 14 (Corrections policies and operating
14 procedures), the chief executive must make a corrections policy or
15 operating procedure in relation to strip searches under this section.

16 **5 Dictionary, new definition of *seizeable item***

17 *insert*

18 *seizeable item*, for division 9.4.3 (Strip searches)—see section 113.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2008