



Australian Capital Territory

Remand Centres Act 1976

A1976-48

Republication No 11

Effective: 2 June 2005 – 6 July 2005

Republication date: 2 June 2005

Last amendment made by A2005-20

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Remand Centres Act 1976* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 June 2005. It also includes any amendment, repeal or expiry affecting the republished law to 2 June 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R11
02/06/05

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Australian Capital Territory

Remand Centres Act 1976

An Act to establish remand centres in the Australian Capital Territory

Part 1 Preliminary

1 Short title

This Act may be cited as the *Remand Centres Act 1976*.

U 3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

administrator means the Administrator under section 6.

convicted person means a person convicted by a court, whether within or outside the ACT, and sentenced to a period of imprisonment, whether with or without any other punishment.

custodial officer, in relation to a remand centre, means the custodial officer for the centre under section 6AA.

detainee means a person detained in a remand centre.

judge means a judge of the Supreme Court.

medical officer, in relation to a remand centre, means the medical officer for the centre under section 6AA.

official visitor means a person appointed under section 6A.

registered medical practitioner—see the *Medical Practitioners Registration Act 1930*.

remand centre means an area declared by the Minister to be a remand centre or a temporary remand centre.

shelter—see the *Children and Young People Act 1999*, dictionary.

standing orders means the orders and instructions issued by the Administrator under section 8.

superintendent, in relation to a remand centre, means the superintendent for the centre under section 6AA.

temporary remand centre means an area declared by the Minister under section 5 to be a temporary remand centre.

Part 2 Establishment of remand centres

4 Declaration of remand centres

- (1) The Minister may, in writing, declare an area of land to be a remand centre.
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

5 Temporary remand centres

- (1) Where—
 - (a) the number of detainees in a remand centre is, or is likely to be, greater than the number that can be held conveniently in the centre; and
 - (b) it is not convenient to transfer some detainees to another institution, within or outside the Territory;the administrator shall inform the Minister of the fact.
- (2) Where—
 - (a) there is an outbreak of disease or violent disorder in a remand centre; and
 - (b) it is, in the opinion of the superintendent, necessary to transfer some or all detainees from the centre;the administrator shall inform the Minister of the fact.
- (3) Where the Minister has been informed by the administrator under subsection (1) or (2) or where the Minister is, for any other reason, satisfied that it is desirable to do so, the Minister may, in writing, declare an area of land to be a temporary remand centre.

- (4) A declaration under subsection (3) shall specify the period, being a period not exceeding 12 months, for which the area is to remain a temporary remand centre.
- (5) At or before the expiration of the period specified in a declaration under subsection (3) or this subsection, the Minister may, if he or she considers it necessary, in writing, extend, by a period not exceeding 12 months, the period for which the area is to be a temporary remand centre.
- (6) A declaration or extension under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

5A If remand centre also detention centre

- (1) This section applies if an area declared to be a remand centre, or a temporary remand centre, under part 2 is also a place declared to be a detention centre under the *Periodic Detention Act 1995*, section 42.
- (2) This Act—
 - (a) applies in relation to the area only to the extent that it is used for this Act; and
 - (b) does not apply in relation to a person who is a detainee under the *Periodic Detention Act 1995*.

Part 3 Staff

6 Administrator

- (1) There shall be an administrator.
- (2) The chief executive shall create and maintain an office in the government service the duties of which include performing the functions of the administrator.
- (3) The administrator shall be the public servant for the time being performing the duties of the government service office referred to in subsection (2).

U 6AA Remand centre staff

- (1) There shall be the following offices for each remand centre:
 - (a) an office of superintendent;
 - (b) 1 or more offices of custodial officer;
 - (c) an office of medical officer.
- (2) For each office referred to in subsection (1), the chief executive shall create and maintain a corresponding office in the government service the duties of which include performing the functions of the relevant office referred to in subsection (1).
- (3) The following persons shall be officers of a remand centre:
 - (a) any public servant for the time being performing the duties of the corresponding government service office referred to in subsection (2);
 - (b) in the case of the medical officer—
 - (i) a registered medical practitioner who is a public servant for the time being performing the duties of the

corresponding government service office referred to in subsection (2); or

- (ii) a registered medical practitioner appointed by the chief executive for the purpose.

6A Official visitors—appointment and remuneration

- (1) The Minister shall appoint 2 official visitors for this Act and the *Periodic Detention Act 1995*.
- (2) A person who is a public servant shall not be appointed as an official visitor.
- (3) A person shall not be appointed as an official visitor unless he or she possesses qualifications or experience that will assist in the performance of the duties of an official visitor.

6B Official visitors—term of appointment

An official visitor shall be appointed in writing for a period of 3 years and is eligible for reappointment.

6C Official visitors—termination of appointment

- (1) An official visitor may resign by writing signed by him or her and delivered to the Minister.
- (2) The Minister may remove an official visitor from office—
 - (a) for misbehaviour or physical or mental incapacity;
 - (b) if he or she becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (c) if he or she is convicted for an offence punishable by imprisonment for 1 year or longer.

7 Powers and duties of administrator

- (1) Subject to this Act, the administrator is responsible for the conduct of all remand centres in the Territory.
- (2) The administrator may, if he or she considers it appropriate to do so, arrange for the transfer of a person remanded into the Administrator's custody from a remand centre or other institution to another remand centre or institution, whether within or outside the ACT.

7A Authorisation by administrator

- (1) The administrator may, in writing, authorise the superintendent of a remand centre to perform the administrator's functions in relation to—
 - (a) the custody of a person remanded into the custody of the administrator under the *Magistrates Court Act 1930*; and
 - (b) arranging for such a person to be transferred from a remand centre or other institution within the ACT to another remand centre or institution within the ACT.
- (2) A person authorised under subsection (1) has all the powers and duties of the Administrator in relation to the person remanded, including a duty to comply with the terms of any relevant warrant.
- (3) The performance of the administrator's functions by a person pursuant to an authorisation under subsection (1) shall, for all purposes, be taken to be performance by the administrator of those functions.

7B Delegations by administrator

- (1) Subject to this section, the administrator may, in writing, delegate all or any of his or her powers under this Act or the *Prisoners' Interstate Leave Act 1997* to an officer or employee of the public service performing functions in a prescribed office in the administrative unit in which the administrator holds office.
- (2) Subsection (1) does not apply to the power under section 7 (2) to transfer a person remanded into the administrator's custody to a remand centre or institution outside the ACT.
- (3) A delegated power shall not be exercised except in circumstances ascertained in accordance with the regulations.

8 Standing orders

- (1) The administrator may, from time to time, in writing, issue such orders and instructions as are necessary for the day-to-day running of remand centres.
- (2) The administrator shall—
 - (a) cause orders and instructions issued under subsection (1), other than those dealing with the security of a remand centre, to be available for inspection by members of the public; and
 - (b) cause all orders and instructions issued under subsection (1) to be available for inspection by an official visitor.

9 Powers and duties of superintendent

Subject to this Act, the superintendent—

- (a) is responsible for the day-to-day running of the remand centre in respect of which he or she is appointed; and
- (b) has control of, and is responsible for, all detainees in the remand centre; and

(c) has such duties as are prescribed.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and the standing orders (see *Legislation Act 2001*, s 104).

10 Delegation by superintendent

- (1) The superintendent may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the superintendent, delegate to a custodial officer any of his or her powers under this Act, other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall, for this Act, be deemed to have been exercised by the superintendent.
- (3) A delegation under this section does not prevent the exercise of a power by the superintendent.

11 Absence of superintendent

- (1) Where the superintendent of a remand centre is not on duty at the remand centre and—
 - (a) no delegation under section 10 is in force; or
 - (b) the custodial officer in respect of whom a delegation under section 10 is in force is not on duty at the remand centre;the powers, duties and functions of the superintendent shall be exercised and performed by the most senior of the custodial officers on duty at the time.
- (2) In subsection (1):

most senior, in relation to a custodial officer, means—

 - (a) the person who, at that time, has occupied an office of chief custodial officer; or

- (b) if there is no such person—the person who has been a public servant;

for the greatest length of time.

12 Duties of custodial officer

A custodial officer shall obey such directions as are given by the superintendent and shall perform such duties as are prescribed.

13 Duties and powers of medical officers

- (1) A medical officer—
- (a) subject to the consent of a detainee, shall do such things as are necessary to safeguard the mental and physical health of the detainee; and
 - (b) for that purpose, may give such directions, as to diet or otherwise, as are necessary; and
 - (c) shall perform such other medical duties as are prescribed.
- (2) Notwithstanding subsection (1) (a), where the medical officer is satisfied that it is necessary, in order to preserve the life of the detainee, to administer medical treatment to the detainee, the medical officer may administer the medical treatment to the detainee.
- (3) For the purpose of performing his or her duties under this section, the medical officer shall, at least once in each week—
- (a) visit the remand centre in respect of which he or she is appointed; and
 - (b) as often as is, in his or her opinion, necessary—
 - (i) examine the detainees; and
 - (ii) examine all food, clothing and bedding at the centre; and
 - (c) examine each detainee who requests medical treatment.

- (4) Where as a result of an inspection carried out under subsection (3), the medical officer is of the opinion that matters in connection with conditions at the remand centre or treatment of the detainees at the remand centre require attention, the medical officer shall, by instrument in writing, report to the administrator concerning the fact, stating the action that should, in his or her opinion, be taken.
- (5) Where a medical officer has given a direction under subsection (1) (b), the administrator shall, unless it would be prejudicial to the security of the remand centre, cause the direction to be complied with.
- (6) Where a medical officer has made a report under subsection (4), the administrator shall, unless it would be prejudicial to the security of the remand centre, cause such action to be taken as the report requires.

U 14 Removal of detainee to hospital

- (1) Where a medical officer or a registered medical practitioner considers it necessary that a detainee be removed from a remand centre to receive medical treatment in a hospital or from a registered medical practitioner, he or she shall notify the superintendent in writing of the fact and of the hospital to which, or registered medical practitioner to whom, the detainee should, in the opinion of the medical officer, be removed.
- (2) Subject to subsection (3), the superintendent shall comply with a notification of a medical officer or a registered medical practitioner given under subsection (1).
- (3) Where the Minister is of the opinion that it would be prejudicial to the security of the remand centre or of the detainee to comply with a notification of a medical officer or a registered medical practitioner given under subsection (1), the Minister shall direct the superintendent not to comply with the notification.

- (4) Where the Minister gives a direction under subsection (3), the Minister shall also direct the superintendent to provide all possible medical treatment at the remand centre for the detainee.
- (5) Where—
- (a) the superintendent is of the opinion that a detainee is in need of immediate medical treatment in a hospital; and
 - (b) no medical officer or registered medical practitioner is available to give a notification under subsection (1);
- the superintendent shall cause the detainee to be removed to a hospital.

Part 4 Detainees

14A Recommendations by court

Where the Supreme Court or the Magistrates Court makes a recommendation in relation to the detention of a person in a remand centre, the superintendent shall have regard to the recommendation.

15 Persons who may be detained

- (1) The following persons may be detained in a remand centre:
 - (a) a person remanded in custody by a court in the ACT;
 - (b) a person committed under 1 of the following provisions of the *Magistrates Court Act 1930*:
 - section 84 (Particular cases may be adjourned)
 - section 90A (Plea of guilty in committal proceedings)
 - section 92A (Committal for sentence for indictable offence tried summarily)
 - section 94 (Discharge or committal for trial)
 - section 105 (Court may commit noncompliant witness)
 - section 154D (Committal to prison—fine defaulters)
 - section 312 (Failure to give evidence—committal);
 - (c) a person convicted by a court in the ACT and sentenced to a period of imprisonment, whether with or without any other punishment;
 - (d) a person committed under the *Magistrates Court Act 1930*, section 185;
 - (e) a person committed under the *Crimes Act 1900*, section 397 (2);

- (f) a convicted person who is required to appear as a witness before a court in the ACT;
- (g) a person who is required under the *Children and Young People Act 1999* to be detained in a remand centre;
- (h) a person lawfully detained by an immigration officer and held in immigration detention under the *Migration Act 1958* (Cwlth);
- (i) a person apprehended pursuant to a warrant issued under the *Royal Commissions Act 1991*, section 35;
- (j) a person apprehended pursuant to a warrant issued under the *Judicial Commissions Act 1994*, section 44;
- (k) a person convicted by a court in the ACT, or ordered to be detained in custody under the *Crimes Act 1900*, part 13, who the court is satisfied by reason of his or her mental condition should be detained in a remand centre pending—
 - (i) receipt by the remand centre of any medical, psychiatric or other relevant report in respect of the person; and
 - (ii) the making of suitable arrangements for the person's removal to, and custody at a prison in, New South Wales under the *Removal of Prisoners Act 1968*;
- (l) a person convicted by a court in the ACT and sentenced to a period of imprisonment, being a person—
 - (i) who is not granted bail or liable to be detained for any other cause; and
 - (ii) in respect of whose conviction a notice of appeal has been filed; and
 - (iii) in respect of whom a court has made an order or issued a warrant for committal to a remand centre;

- (m) a person whose removal under the *Removal of Prisoners Act 1968*, section 5 is delayed;
 - (n) a person transferred to the ACT under the *Prisoners (Interstate Transfer) Act 1993* or the *Transfer of Prisoners Act 1983* (Cwlth);
 - (o) a prisoner who is in the ACT under an interstate permit and requires overnight accommodation;
 - (p) a person who is to be detained in custody under an order under the *Prisoners' Interstate Leave Act 1997*, section 16 (4).
 - (q) a person who, under the *Rehabilitation of Offenders (Interim) Act 2001*—
 - (i) is referred by a court for assessment for suitability for home detention; or
 - (ii) is under arrest or remanded in custody in relation to the person's parole.
- (2) A person detained in a remand centre under subsection (1) (c) or (d) shall not be detained for any longer than is necessary while awaiting transport to another institution.
- (3) A person detained in a remand centre under subsection (1) (o) shall not be detained for longer than is reasonably necessary for the purpose of providing him or her with overnight accommodation.
- (4) A person, other than a person referred to in subsection (1), shall not be detained in a remand centre.
- (5) A person who is detained in a remand centre is, by virtue of this subsection, in the custody of the superintendent of the remand centre.
- (6) To remove any doubt, if an area that is a remand centre is also a detention centre under the *Periodic Detention Act 1995*, this section does not prevent a person who is a detainee under that Act from being held in the detention centre.

(7) In subsection (1) (o):

interstate permit—see the *Prisoners' Interstate Leave Act 1997*, part 4.

prisoner—see the *Prisoners' Interstate Leave Act 1997*, part 4.

16 Transportation of detainees

A person who may be detained in a remand centre shall, for this Act—

- (a) while he or she is being transported in the ACT to or from a remand centre; and
- (b) while he or she is receiving medical or dental treatment outside a remand centre;

be deemed to remain in lawful custody.

17 Offences by detainees

A detainee shall not—

- (a) disobey a lawful order given by the superintendent, a custodial officer or a medical officer; or
- (b) commit any act contrary to the provisions of the standing orders concerning the good order, discipline and security of a remand centre; or
- (c) escape; or
- (d) make, conceal, or have in his or her 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.

Maximum penalty:

- (a) for paragraph (a), (b) or (d)—50 penalty units, imprisonment for 6 months or both; and
- (b) for paragraph (c)—imprisonment for 5 years.

18 Offences by persons other than detainees

A person shall not—

- (a) unlawfully remove a detainee from a remand centre; or
- (b) give assistance to a person who has escaped from a remand centre; or
- (c) enter, or remain in, a remand centre without lawful excuse; or
- (d) unlawfully convey an article into or out of a remand centre or to or from a detainee.

Maximum penalty:

- (a) for paragraph (a) or (b)—100 penalty units, imprisonment for 1 year or both; and
- (b) for paragraph (c) or (d)—50 penalty units, imprisonment for 6 months or both.

19 Detainee to submit to medical examination

A detainee shall—

- (a) when directed by the superintendent, on admission to the remand centre; and
- (b) when directed by a medical officer acting under section 13 (3) (b);

submit himself or herself to a medical examination by a medical officer.

U 20 Entitlements of detainees

Subject to section 21, a detainee, other than a person referred to in section 15 (1) (c), (d) or (f), has the following entitlements:

- (a) to send and receive mail;
- (b) the reasonable use of a telephone;
- (c) to receive food from outside the remand centre;
- (d) to wear his or her own clothing;
- (e) to receive visitors;
- (f) to receive treatment from his or her own registered medical practitioner and dentist;
- (g) to perform such work in the remand centre as is available from time to time;
- (h) to participate in recreational activities;
- (j) to obtain reading materials from outside the remand centre.

21 Withdrawal of entitlements by superintendent

- (1) Where the superintendent believes on reasonable grounds that it is necessary for the maintaining of security, discipline or order in a remand centre, or for the health of a detainee, the superintendent may cause a detainee to be confined to the detainee's sleeping quarters, or deprived of 1 or more of his or her entitlements, or both.
- (2) Where the superintendent believes on reasonable grounds that a detainee, while on leave of absence from a remand centre under a permit under the *Prisoners' Interstate Leave Act 1997*, part 3, has disobeyed a direction under section 13 (1) of that Act, the superintendent may, on the detainee's return to a remand centre, cause him or her to be deprived of 1 or more of his or her entitlements.

- (3) Subsection (2) applies whether or not the detainee has been charged with, or convicted of, an offence against the *Prisoners' Interstate Leave Act 1997*, section 13 (2).
- (4) In subsection (1), a reference to *entitlements*, in relation to a detainee, is a reference to 1 or more of the entitlements specified in section 20.
- (5) Notwithstanding the provisions of subsections (1) and (2), a detainee is entitled to 2 hours recreation in the open air on each day.

22 Use of force

The superintendent may use or direct the use of such force as is necessary and reasonable to maintain security and good order within a remand centre.

23 Request or appeal by detainee

A detainee may—

- (a) appeal to the superintendent against the actions of a custodial officer; and
- (b) make a request to the superintendent with respect to the conditions under which he or she is detained.

24 Official visitors—duties

- (1) An official visitor shall visit each remand centre at least once each week in order to inspect the centre and inquire into complaints from detainees.
- (2) Where, after inspecting a remand centre, an official visitor is not satisfied that the centre is being conducted in accordance with the provisions of this Act, he or she shall report the matter to the Minister.

25 Complaints by detainees

- (1) Where a detainee is not satisfied with—
 - (a) his or her treatment at a remand centre; or
 - (b) the manner in which a remand centre is conducted; or
 - (c) a refusal to release him or her temporarily under section 28; or
 - (d) a refusal to grant to him or her a permit under the *Prisoners' Interstate Leave Act 1997*, part 3; or
 - (e) a condition or restriction to which such a permit is subject; or
 - (f) the variation or revocation of such a permit or a condition or restriction to which it is subject;

the detainee, or a person acting on his or her behalf and at his or her request, may make a complaint to the official visitor.

- (2) A complaint under subsection (1) may, at the request of the detainee, be made in the absence of any person other than the complainant and the official visitor.
- (3) An official visitor shall inquire into a complaint made under subsection (1) and may—
 - (a) make a recommendation concerning the complaint to the administrator; and
 - (b) make such report (if any) to the Minister concerning a complaint as he or she considers necessary.

26 Notification of complaints etc

A custodial officer shall take all steps necessary to ensure that the superintendent or the official visitor, as the case requires, is informed as soon as practicable of a request or an appeal made under section 23 or a complaint under section 25, as the case requires.

27 Inspection of remand centre

A judge, magistrate or a member of the Legislative Assembly nominated by the Assembly may inspect a remand centre at any time.

27A Temporary release of detainees for interstate visits

The superintendent shall release into the custody of the assigned escort or escorts a detainee to whom a permit under the *Prisoners' Interstate Leave Act 1997*, part 3 has been granted for the purpose of enabling the detainee to undertake travel in accordance with that Act for the purpose specified in the permit.

28 Temporary release of detainees within ACT

- (1) The administrator may, subject to such conditions as he or she thinks fit, release a detainee temporarily from a remand centre—
 - (a) to attend the funeral of a close relative; or
 - (b) to visit an ill relative; or
 - (c) to attend an educational examination; or
 - (d) for such other purposes as the administrator considers necessary.
- (2) The administrator may not release a detainee under this section for a purpose that would involve the detainee in travel outside the ACT.
- (3) A detainee released from a remand centre under subsection (1)—
 - (a) is, for this Act, deemed to remain in custody; and
 - (b) is, if he or she fails to return to the remand centre at the expiration of the period of temporary release, deemed to have escaped.
- (4) In this section:

detainee does not include a person detained under section 15 (1) (o) or (p).

Part 5 Miscellaneous

28A Person liable to be convicted only once

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

29 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to—
- (a) offences by custodial officers; and
 - (b) the admission and searching of detainees; and
 - (c) offences by detainees; and
 - (d) the health, welfare and living conditions of detainees, including—
 - (i) diet; and
 - (ii) clothing; and
 - (iii) work, including payment for any work performed; and
 - (iv) recreation and exercise facilities; and
 - (v) the entitlement to receive or refuse visitors, including visits by members of the police force; and
 - (vi) the conditions subject to which mail may be sent and received and telephone calls made; and

- (vii) the availability of reading materials and other means of occupation; and
 - (viii) the provision of religious instruction or guidance; and
 - (ix) the keeping of records relating to detainees.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Remand Centres Ordinance 1976* No 48 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Remand Centres Act 1976 No 48

notified 24 September 1976

commenced 28 September 1976 (Cwlth Gaz 1976 No S169)

as amended by

Remand Centres (Amendment) Ordinance 1978 No 1

notified 2 February 1978

commenced 2 February 1978

Remand Centres (Amendment) Ordinance 1982 No 19

notified 20 May 1982

commenced 20 May 1982

Remand Centres (Amendment) Ordinance 1983 No 67

notified 30 December 1983

commenced 30 December 1983

Magistrates Court Ordinance 1985 No 67 sch

notified 19 December 1985

sch commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Endnotes

3 Legislation history

Children's Services (Miscellaneous Amendments) Ordinance 1986 No 14 s 9

notified 4 June 1986

s 9 commenced 26 April 1988 (s 2 and Cwltz Gaz 1988 No S116)

Remand Centres (Amendment) Ordinance 1986 No 25

notified 25 July 1986

commenced 25 July 1986

Remand Centres (Amendment) Ordinance 1987 No 30

notified 25 June 1987

commenced 29 July 1987 (Cwltz Gaz 1987 No S181)

Remand Centres (Amendment) Ordinance 1988 No 51

notified 10 August 1988

commenced 10 August 1988

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwltz Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwltz Gaz 1989 No S164)

Legislation after becoming Territory enactment

Royal Commissions and Inquiries (Consequential Provisions) Act 1991 No 3 sch

notified 1 March 1991 (Gaz 1991 No S7)

s 1, s 2 commenced 1 March 1991 (s 2 (1))

sch commenced 1 May 1991 (s 2 (2))

Workers' Compensation (Consequential Amendments) Act 1991 No 106 sch

notified 15 January 1992 (Gaz 1992 No S3)

s 1, s 2 commenced 15 January 1992 (s 2 (1))

sch commenced 22 January 1992 (s 2 (2) and see Gaz 1992 No S9)

Supreme Court (Amendment) Act (No 2) 1993 No 91 sch 3

notified 17 December 1993 (Gaz 1993 No S258)

commenced 17 December 1993 (s 2)

Judicial Commissions (Consequential Amendments) Act 1994 No 10 s 9

notified 14 March 1994 (Gaz 1994 No S44)
commenced 14 March 1994 (s 2)

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 69

notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
sch 1 pt 69 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
s 1, s 2 commenced 15 December 1994 (s 2 (1))
sch pt 1 commenced 15 December 1994 (s 2 (2) and Gaz 1994 No S293)

Periodic Detention Act 1995 No 3 pt 5 div 3

notified 19 June 1995 (Gaz 1995 No S115)
s 1, s 2 commenced 19 June 1995 (s 2 (1))
pt 5 div 3 commenced 1 September 1995 (s 2 (2) and Gaz 1995 No S222)

Remand Centres (Amendment) Act 1995 No 40

notified 7 November 1995 (Gaz 1995 No S274)
s 1, s 2 commenced 7 November 1995 (s 2 (1))
remainder commenced 7 May 1996 (s 2 (3))

Remand Centres (Amendment) Act 1996 No 14

notified 1 May 1996 (Gaz 1996 No S71)
s 1-3 commenced 1 May 1996 (s 2 (1))
remainder commenced 7 May 1996 (s 2 (2))

Remand Centres (Amendment) Act (No 2) 1996 No 81

notified 20 December 1996 (Gaz 1996 No S328)
ss 1-3 commenced 20 December 1996 (s 2 (1))
remainder commenced 1 January 1997 (s 2 (2) and Gaz 1996 No S353)

Endnotes

3 Legislation history

Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1 sch 1 (as am by Act 2002 No 49 amdt)

notified 19 September 1997 (Gaz 1997 No S264)
commenced 24 September 1997 (s 2 as am by Act 2002 No 49 amdt 3.222)

Remand Centres (Amendment) Act 1997 No 100

notified 24 December 1997 (Gaz 1997 No S420)
ss 1-4 commenced 24 December 1997 (s 2 (1))
remainder commenced 24 June 1998 (s 2 (3))

Remand Centres (Amendment) Act 1998 No 28

notified 10 July 1998 (Gaz 1998 No S190)
s 1, s 2 commenced 10 July 1998 (s 2 (1))
remainder commenced 1 January 1999 (s 2 (2) and see Gaz 1998 No 50)

Custodial Escorts (Consequential Provisions) Act 1998 No 67 pt 11

notified 23 December 1998 (Gaz 1998 No S212)
s 1, s 2 commenced 23 December 1998 (s 2 (1))
pt 11 commenced 23 December 1998 (s 2 (2) and Gaz 1998 No 51)

Children and Young People (Consequential Amendments) Act 1999 No 64 sch 2

notified 10 November 1999 (Gaz 1999 No 45)
s 1, s 2 commenced 10 November 1999 (s 2 (1))
sch 2 commenced 10 May 2000 (see s 2 (2))

Legislation (Consequential Amendments) Act 2001 No 44 pt 328

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 328 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Rehabilitation of Offenders (Interim) Act 2001 No 82 sch pt 1.6

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
sch 1 pt 1.6 commenced 24 September 2001 (s 2 and CN 2001 No 4)

**Workers Compensation (Acts of Terrorism) Amendment Act 2002
No 22 pt 1.4**

notified LR 28 June 2002
s 1, s 2 commenced 28 June 2002 (LA s 75)
pt 1.4 commenced 1 July 2002 (s 2)

**Justice and Community Safety Legislation Amendment Act 2002
No 27 pt 12**

notified LR 9 September 2002
s 1, s 2 commenced 9 September 2002 (LA s 75)
pt 12 commenced 10 September 2002 (s 2 (1))

**Rehabilitation of Offenders (Interim) Amendment Act 2002 (No 2)
No 50 div 3.2**

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
div 3.2 commenced 21 December 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 amdt 3.222

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
amdt 3.222 commenced 24 September 1997 (s 2 (3))

Note This Act only amends the Remuneration Tribunal
(Consequential Amendments) Act 1997 No 41.

**Health Professionals Legislation Amendment Act 2004 A2004-39
sch 5 pt 5.19**

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 5 pt 5.19 awaiting commencement (s 2 and see Health
Professionals Act 2004 A2004-38, s 2)

Note default commencement under s 2: 8 July 2005

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
sch 1 pt 1.64**

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.64 commenced 10 January 2005 (s 2 and see Court
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

Endnotes

4 Amendment history

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.50

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.50 commenced 2 June 2005 (s 2 (1))

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3613

Definitions for Act

s 3 def **administrator** sub 1994 No 97 sch pt 1
def **chief magistrate** am 1985 No 67 sch
om 1987 No 30 s 4
def **custodial officer** sub 1994 No 97 sch pt 1
def **judge** sub 1993 No 91 sch 3
def **juvenile** om 1986 No 14 s 9
def **magistrate** om 1985 No 67 sch
def **medical officer** sub 1994 No 97 sch pt 1
def **official visitor** ins 1987 No 30 s 4
def **registered medical practitioner** om A2004-39 amdt 5.27
def **shelter** sub 1986 No 14 s 9; 1999 No 64 sch 2
def **superintendent** sub 1994 No 97 sch pt 1
def **visiting magistrate** om 1987 No 30 s 4

Declaration of remand centres

s 4 sub 2001 No 44 amdt 1.3614

Temporary remand centres

s 5 am 1983 No 67; 1988 No 51; 1995 No 40; 2001 No 44
amdt 1.3615, amdt 1.3616

If remand centre also detention centre

s 5A ins 2002 No 27 s 58

Administrator

s 6 am 1994 No 38
sub 1994 No 97

Remand centre staff

s 6AA ins 1994 No 97
am A2004-39 amdt 5.28

Official visitors—appointment and remuneration

s 6A ins 1987 No 30
am 1988 No 51; 1989 No 38; 1995 No 3; 1997 No 41;
ss renum R6 LA

Official visitors—term of appointment

s 6B ins 1988 No 51

Official visitors—termination of appointment

s 6C ins 1988 No 51

Powers and duties of administrator

s 7 am 1996 No 81

Authorisation by administrator

s 7A ins 1996 No 81

Delegations by administrator

s 7B ins 1997 No 100

Standing orders

s 8 am 1988 No 51

Powers and duties of superintendent

s 9 am 1995 No 40; 2001 No 44 amdt 1.3617, amdt 1.3618

Delegation by superintendent

s 10 am 1995 No 40

Absence of superintendent

s 11 am 1989 No 38; 1994 No 38

Duties and powers of medical officers

s 13 am 1995 No 40

Removal of detainee to hospitals 14 am 1995 No 40; [A2004-39 amdt 5.28](#)**Recommendations by court**

s 14A ins 1996 No 81

Persons who may be detained

s 15 am 1982 No 19; 1985 No 67 sch; 1986 No 14 s 9; 1986 No 25; 1989 No 38; 1991 No 3; 1994 No 10; 1995 No 40; 1996 No 14; 1997 No 100; 1998 No 28; 1999 No 64 sch 2; 2001 No 82 amdt 1.15; ss, pars renum R6 LA (see 2001 No 82 amdt 1.16); 2002 No 27 s 59; ss renum R8 LA (see 2002 No 27 s 60); 2002 No 50 s 25; A2004-60 amdt 1.625; A2005-20 amdt 3.339

Transportation of detainees

s 16 am 1995 No 40

Offences by detainees

s 17 am 1978 No 1; 1995 No 40; 1997 No 100

Offences by persons other than detainees

s 18 am 1978 No 1; 1997 No 100

Endnotes

4 Amendment history

Detainee to submit to medical examination

s 19 am 1995 No 40

Entitlements of detainees

s 20 am 1995 No 40; [A2004-39 amdt 5.28](#)

Withdrawal of entitlements by superintendent

s 21 am 1978 No 1; 1995 No 40; 1997 No 100; ss renum R6 LA

Compensation

s 21A ins 1978 No 1
am 1989 No 38; Act No. 106, 1991; 1995 No 40
om 2002 No 22 amdt 1.6

Use of force

s 22 am 1998 No 67

Request or appeal by detainee

s 23 am 1995 No 40

Official visitors—duties

s 24 am 1987 No 30; 1995 No 40; ss renum R6 LA

Complaints by detainees

s 25 am 1987 No 30; 1995 No 40; 1997 No 100

Notification of complaints etc

s 26 am 1987 No 30

Temporary release of detainees for interstate visits

s 27A ins 1997 No 100

Temporary release of detainees within ACT

s 28 am 1995 No 40; 1997 No 100; ss renum R6 LA

Person liable to be convicted only once

s 28A ins 1978 No 1
am 1995 No 40

Regulation-making power

s 29 hdg sub 2001 No 44 amdt 1.3619
s 29 am 1989 No 38; 1997 No 100; 2001 No 44
amds 1.3620-1.3622

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1991 No 3	31 August 1991
2	Act 1993 No 91	31 December 1993
3	Act 1994 No 97	28 February 1995
4	Act 1996 No 81	1 January 1997
5	Act 1998 No 67	31 March 1999
6	Act 2001 No 82	16 January 2002
7	Act 2002 No 22	1 July 2002
8	Act 2002 No 27	10 September 2002
9 (RI)*	A2002-50 †	21 December 2002
10	A2004-60	10 January 2005

† includes retrospective amendments by A2002-49

Endnotes

6 Uncommenced amendments

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<p>Health Professionals Legislation Amendment Act 2004 A2004-39 sch 5 pt 5.19</p>
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Part 5.19 Remand Centres Act 1976

[5.27] Section 3, definition of *registered medical practitioner*

omit

[5.28] Further amendments, mentions of *registered medical practitioner*

omit

registered medical practitioner

substitute

doctor

in

- section 6AA (3) (b)
- section 14
- section 20 (f)

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