

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

**Remand Centres (Amendment) Bill (No. 2)
1996**

**A BILL
FOR**

**An Act to amend the *Remand Centres Act 1976* and
for related purposes**

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

Short title

- 5 1. This Act may be cited as the *Remand Centres (Amendment) Act (No. 2) 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 3. In this Act, "Principal Act" means the *Remand Centres Act 1976*.¹

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Powers and duties of Administrator

4. Section 7 of the Principal Act is amended by adding at the end the following subsection:

5 “(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 Territory.”.

Insertion

5. After section 7 of the Principal Act the following section is inserted:

10 **Authorisation by Administrator**

“7A. (1) The Administrator may, in writing, authorise the Superintendent of a remand centre to perform the Administrator’s functions in relation to—

- 15 (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 to another remand centre or institution, whether within or outside the Territory.

20 “(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.”.

25 **Insertion**

6. Before section 15 of the Principal Act the following section is inserted in Part IV:

Recommendations by court

30 “14A. 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.”.

Amendments—Bail Act 1992

7. After section 57 of the *Bail Act 1992* the following section is inserted:

Abolition of inherent power of bail

“57AA. Any inherent power of the Supreme Court to grant bail is abolished.”.

Amendments—*Removal of Prisoners Act 1968*

- 5 8. Section 5 of the *Removal of Prisoners Act 1968* is amended by inserting after subsection (4) the following subsection:

10 “(4A) A reference in subsection (1) to a person liable to undergo imprisonment or other detention in custody shall be taken to include a reference to a person remanded into the custody of the Administrator within the meaning of the *Remand Centres Act 1976*.”.

NOTE

Principal Act

1. Reprinted as at 28 February 1995 See also Acts Nos. 3 and 40, 1995, No. 14, 1996.