

AUSTRALIAN CAPITAL TERRITORY
REMAND CENTRES BILL 1976 AND
REMAND CENTRES REGULATIONS

EXPLANATORY MEMORANDUM

No. 48 of 1976

The purpose of the Bill is to provide a legal basis for holding persons in Remand Centres in the Territory and to stipulate the powers, duties and obligations of Remand Centre staff and to define the relationships between detainees, the Centre's staff and third parties.

The details of the Bill are summarised below on a section-by-section basis.

- Clause 1 is the citation.
- Clause 2 provides for commencement.
- Clause 3 defines terms.
- Clause 4 provides for areas to be declared as Remand Centres.
- Clause 5 allows the Minister, in certain circumstances, to declare areas as temporary Remand Centres and specifies the time for which a declaration is to operate.
- Clause 6 provides for the appointment of staff.
- Clause 7 makes an Administrator responsible for Remand Centres in the Territory.
- Clause 8 empowers the Administrator to issue standing orders. These orders are to be available for public inspection.
- Clause 9 defines the powers and duties of the Superintendent of a Remand Centre.
- Clause 10 allows the Superintendent to delegate his powers.
- Clause 11 provides for the chain of command in a Remand Centre in the absence of any formal delegation by the Superintendent.
- Clause 12 defines the duties of custodial officers.
- Clause 13 sets out the duties of medical officers. These include regular visits to and inspection of facilities at a Remand Centre.
- Clause 14 provides for the removal of a detainee to a hospital or specialist where that detainee requires medical treatment.
- Clause 15 lists the classes of persons who may be detained in a Remand Centre. Except for very transitory periods, convicted persons will not be held in Remand Centres.

- Clause 16 deems detainees to be in custody while outside a Remand Centre while being transported or while receiving medical treatment.
- Clause 17 proscribes offences by detainees.
- Clause 18 proscribes offences by persons who are not detainees which affect the security of a Remand Centre.
- Clause 19 empowers the Superintendent to direct that a detainee be medically examined.
- Clause 20 lists the entitlements of detainees.
- Clause 21 empowers the Superintendent to take disciplinary action against detainees necessary for the maintenance of security, discipline or order of a Remand Centre.
- Clause 22 allows the Superintendent to use reasonable force to maintain security and good order in a Remand Centre.
- Clause 23 allows a detainee to appeal against or make a request concerning conditions in a Remand Centre.
- Clause 24 provides for the inspection of a Remand Centre, at least once each week, by a visiting magistrate to satisfy himself that the Centre is being run in accordance with the Ordinance.
- Clause 25 allows a detainee to make a complaint to the visiting magistrate and for the visiting magistrate to investigate such complaints.
- Clause 26 requires custodial officers to bring to the attention of the Superintendent or visiting magistrate any requests or complaints.
- Clause 27 allows a Judge or magistrate to inspect a Remand Centre at any time.
- Clause 28 allows the Minister to release a detainee temporarily from a Remand Centre for the purposes of attending a funeral, visiting an ill relative or attending an examination.
- Clause 29 authorises the Minister to make regulations.

The Remand Centres Regulations to be made under the proposed Ordinance relate to matters of detail covering the conduct of the Centres and in particular the duties of the Superintendent and staff and the rights and obligations of the detainees.