

Regulations 1976 No. 17

Regulations under the *Remand Centres Ordinance 1976*.*

I, ANTHONY ALLAN STALEY, the Minister of State for the Capital Territory, hereby make the following Regulations under the *Remand Centres Ordinance 1976*.

Dated this twenty-fourth day of September, 1976.

A. A. STALEY
Minister of State for the Capital Territory.

REMAND CENTRES REGULATIONS

PART I—PRELIMINARY

1. These Regulations may be cited as the Remand Centres Regulations. Citation.
2. In these Regulations, unless the contrary intention appears— Definitions.
 - “Director” has the same meaning as in the *Child Welfare Ordinance 1957*;
 - “minister of religion” means a person registered under Division 1 of Part IV of the *Marriage Act 1961*;
 - “Ordinance” means the *Remand Centres Ordinance 1976*.

PART II—DUTIES OF SUPERINTENDENT AND CUSTODIAL OFFICERS

3. (1) The Superintendent shall inspect the remand centre daily. Duties of Superintendent.
- (2) The Superintendent is responsible for—
 - (a) the keeping of detainees in safe custody;
 - (b) the safe keeping of items confiscated in pursuance of regulation 7 or surrendered by a detainee for safe-keeping;
 - (c) the custody, preservation and management of articles used within the remand centre;
 - (d) the maintenance of a daily journal recording all occurrences of importance within the centre, including those relating to—
 - (i) the health and discipline of detainees;
 - (ii) infringements of standing orders; and
 - (iii) action by the Superintendent in pursuance of section 21 of the Ordinance and the reason for the action;
 - (e) the maintenance of—
 - (i) a Register of the admission and discharge of each detainee;
 - (ii) a Register of transfers of detainees to New South Wales institutions; and

* Notified in the *Australian Government Gazette* on 27 September 1976.

(iii) a Register of the movement of detainees to and from a remand centre; and

(f) the compilation and maintenance of records in pursuance of regulation 8.

**Duties of
custodial staff.**

4. (1) The duties of custodial officers are—

- (a) to prevent the escape of detainees;
- (b) to prevent breaches of the Ordinance, these regulations and the standing orders; and
- (c) to supervise, guard and ensure the safe custody of detainees.

(2) Where a custodial officer becomes aware of—

- (a) a breach of discipline by a detainee;
- (b) a breach of the Ordinance, these regulations or the standing orders by a detainee or another custodial officer;
- (c) the illness of a detainee; or
- (d) a complaint or request by a detainee,

the custodial officer shall report the matter as soon as possible to the Superintendent.

(3) A custodial officer shall perform such other duties as the exigencies of the service require.

**Offences by
custodial
officers.**

5. A custodial officer shall not—

- (a) allow an unauthorized person to communicate with, or remain in the vicinity of, a detainee;
- (b) allow an unauthorized person or an unauthorized article to pass into or out of the remand centre; or
- (c) solicit or receive a gift from a detainee, a member of a detainee's family or a visitor.

Penalty: \$1,000.

PART III—RIGHTS AND DUTIES OF DETAINEES

**Detainee to
be informed
of rights
and duties.**

6. (1) The Superintendent shall cause a detainee to be informed in writing, upon arrival at a remand centre, of his rights and duties regarding—

- (a) conduct and discipline;
- (b) legal representation;
- (c) his rights of appeal and complaint to a visiting magistrate;
- (d) the availability of medical and psychiatric assistance; and
- (e) such other matters as the Minister from time to time directs.

(2) The Superintendent shall cause a detainee to be given, upon arrival at a remand centre, a copy of the standing orders, other than those parts of the standing orders dealing with the security of the remand centre.

**Detainees to
be searched.**

7. (1) A custodial officer shall search each detainee upon admission to a remand centre.

(2) A detainee and his quarters may be searched from time to time whenever the Superintendent, in the interests of security, considers it necessary.

(3) The search of a female detainee and her quarters shall be carried out by a female custodial officer.

(4) An item found during the search of a detainee or his quarters under sub-regulation (1) or (2) that, in the opinion of the custodial officer conducting the search, is prejudicial to the health of the detainee or to the security and good order of the remand centre, may be confiscated.

(5) Where a custodial officer confiscates an item under sub-regulation (4) he shall report the matter to the Superintendent as soon as possible.

(6) An item confiscated under sub-regulation (4) shall, unless it needs to be destroyed on the grounds that it is prejudicial to the health of a detainee or the security of the remand centre, be kept in safe-keeping while the detainee remains in the remand centre.

(7) A custodial officer conducting a search under sub-regulation (1) shall make a record of the detainee's property, stating—

- (a) a description of each item;
- (b) in the case of an item that has been confiscated, the date on which it was confiscated; and
- (c) in the case of an item that has been destroyed, the date on which it was destroyed.

8. The Superintendent shall cause details of the following matters to be recorded in respect of each detainee:— Records to be kept.

- (a) the warrant under which the detainee is held;
- (b) any committal order made in respect of the detainee;
- (c) the clothing and other personal property in the detainee's possession at the time of his admission to the remand centre;
- (d) any financial transactions made by the detainee;
- (e) the detainee's medical history;
- (f) the name and address of each visitor received; and
- (g) the name and address of each person with whom the detainee communicates by mail or telephone.

9. (1) A detainee shall, as soon as practicable after being admitted to a remand centre, be examined by a medical officer. Medical examination.

(2) The medical officer shall keep a record of every medical examination made under this regulation.

(3) A detainee who is found to be suffering from an infectious or contagious disease, or to be in a verminous condition, shall be kept isolated from other detainees.

10. (1) Each detainee shall be accommodated in separate sleeping quarters. Accommodation.

(2) Where—

- (a) the Superintendent, on the grounds of security; or
- (b) the medical officer, on medical grounds,

considers that a detainee should not be accommodated in separate sleeping quarters, the detainee shall, subject to sub-regulations (5), (6) and (7), share sleeping quarters.

(3) Subject to sub-regulation (5), where the Minister considers it necessary, because of a temporary shortage of accommodation at a remand centre, for a detainee to share sleeping quarters, the detainee shall, subject to sub-regulations (5), (6) and (7), share sleeping quarters.

(4) Where a detainee shares sleeping quarters, the Superintendent or medical officer, as the case requires, shall report the fact to the Administrator.

(5) Sleeping quarters occupied by male detainees shall be segregated from sleeping quarters occupied by female detainees.

(6) Sleeping quarters occupied by adult detainees shall be segregated from sleeping quarters occupied by juvenile detainees.

(7) Sleeping quarters occupied by convicted detainees shall be segregated from sleeping quarters occupied by unconvicted detainees.

Accommodation of detainees' children.

11. (1) Subject to this regulation, a detainee who is the parent of a child under the age of 1 year may, with the consent of any other person who has custody of the child, keep the child with him or her at the remand centre.

(2) Where the Director considers that it is in the best interests of a child referred to in sub-regulation (1) to be separated from the child's parent, he may, with the consent of any other person who has custody of the child, place the child in such other care as he thinks fit.

(3) Placement of a child under sub-regulation (2) shall be for a period that does not exceed the period during which the parent of the child is a detainee.

(4) Where a child is in a remand centre by virtue of sub-section (1), the Director or a person authorized in writing by him may, from time to time, inspect the remand centre in order to satisfy himself that it is in the best interests of the child to remain in the remand centre.

Food.

12. (1) A detainee shall be supplied with food and toiletries of adequate quality and quantity.

(2) Where a detainee arranges to obtain food from outside the remand centre, a custodial officer may search or examine such food as he considers may contain matter prejudicial to the health of the detainee or the security and good order of the remand centre.

Cleanliness.

13. (1) A detainee shall keep himself clean.

(2) A detainee shall ensure that his accommodation, clothing, bedding and any other articles issued for his use are kept clean and in good order.

Clothing.

14. (1) A detainee may wear his own clothing, and have clothing brought to him from outside the remand centre, if the clothing—

(a) is not required in connexion with the legal proceedings in respect of which he is a detainee; and

(b) is clean and will not transmit disease.

(2) Where, upon the admission of a detainee, the Superintendent is of the opinion that the clothing of the detainee requires to be disinfected, laundered or otherwise cleaned, he may order that the clothing be disinfected, laundered or cleaned.

(3) Clothing of a suitable style and quality is to be made available for a detainee who requires or requests it.

Employment of detainees.

15. (1) A detainee is not required to perform any work at a remand centre unless he wishes to do so.

(2) Where—

(a) a detainee wishes to work; and

(b) appropriate work is available at the remand centre, the detainee may perform the work.

Visitors.

16. (1) A detainee may receive visitors at such times as are specified in the standing orders.

(2) The Superintendent may, where he considers it necessary to safeguard the health of a detainee or the security and good order of the remand centre—

(a) refuse to allow a person to visit the detainee; or

(b) require a visitor to leave the remand centre.

(3) Where a person whose visit has been refused or terminated under sub-regulation (2) refuses to leave the remand centre, a custodial officer may use such force as is necessary to remove the person from the remand centre.

(4) Where the Superintendent exercises his powers under sub-regulation (2), he shall report the matter to the Administrator, stating the reason for refusing or terminating the visit.

(5) Subject to sub-regulation (6), a person whose visit is refused or terminated under this section may appeal to the Administrator, who may direct the Superintendent to allow the visit.

(6) No appeal lies in respect of a visit that is refused or terminated at a time other than that specified in the standing orders in accordance with sub-regulation (1).

(7) A detainee may refuse to see any visitor.

(8) Where a detainee refuses to see a visitor—

(a) a custodial officer shall make a record of the refusal; and

(b) the detainee shall sign the record.

(9) Where a member of the police force wishes to visit a detainee, the detainee may have his legal adviser or a custodial officer, or both, present during the visit, and the Superintendent shall inform the detainee of the fact.

(10) Nothing in this regulation applies to or in relation to a visit to a detainee by his legal adviser.

17. A detainee may receive a visit from, and communicate with, his legal adviser between the hours of 8.30 in the morning and 10.30 in the evening on any day. Visits by legal adviser.

18. (1) A detainee may purchase cigarettes, newspapers and other day-to-day requisites. Purchases by detainees.

(2) Where a detainee has insufficient means of support, the Superintendent may supply the detainee with such cigarettes, newspapers and other day to day requisites as are reasonably required by the detainee.

19. (1) A detainee may have unlimited mail correspondence. Communication by and with detainees.

(2) The Superintendent may, in the presence of the detainee to whom the letter or parcel, as the case requires, is addressed, open and check incoming letters and parcels and remove items that may be prejudicial to the health of the detainees or the security and good order of the remand centre.

(3) Incoming or outgoing letters shall not be censored.

(4) A detainee may, with the consent of the Superintendent, make telephone calls.

(5) The Superintendent shall not unreasonably withhold his consent under sub-regulation (4).

(6) Subject to sub-regulation (7), a detainee shall bear the cost of his mail and telephone calls.

(7) Where the Superintendent is satisfied that a detainee has not sufficient means to pay for his essential mail or telephone calls, the cost of that postage and those telephone calls shall be borne by the Commonwealth.

20. (1) Reasonable facilities for recreation are to be made available for the use of detainees. Recreation.

(2) A detainee shall not be forced to take part in any recreational activities.

**Religious
instruction.**

21. (1) A detainee may from time to time—

- (a) attend such religious services as are conducted at the remand centres;
and
- (b) attend a minister of religion at the remand centre for religious instruction or guidance.

(2) A minister of religion shall have a reasonable right of access to a detainee who wishes to see the minister.

Offence.

22. A detainee shall not refuse or fail to comply with a provision of these regulations.

Penalty: \$1,000.