



No. 6 of 1995.

***Correctional Service Act 1995.***

Certified on : 15 MAY 1995

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1995.

*Correctional Service Act 1995.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No.            of 1995.

AN ACT

entitled

*Correctional Service Act 1995,*

Being an Act to -

- (a) establish a Correctional Service comprised of correctional officers and declare it to be a State Service as permitted by Section 188(2) of the *Constitution*; and
- (b) provide for the functions and powers of the Correctional Service and its members and declare the Correctional Officers to be a disciplined force as provided in Section 207 of the *Constitution*; and
- (c) establish correctional institutions and provide for their administration and for security and control therein; and
- (d) provide for the custody, status, care, welfare and discipline of detainees; and
- (e) repeal various Acts, and for related purposes,

**MADE** by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**PART I. - PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*Qualified rights*) of the *Constitution*, namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to freedom of expression and publication conferred by Section 46 of the *Constitution*; and
- (c) the right to freedom of assembly and association conferred by Section 47 of the *Constitution*; and
- (d) the right to privacy conferred by Section 49 of the *Constitution*; and



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(e) the right to freedom of information conferred by Section 51 of the *Constitution*,  
is a law that is made for the purpose of public safety, public order and public welfare.

(2) For the purposes of Section 53(1) (*Protection from unjust deprivation of property*) of the *Constitution*, it is hereby declared that the purposes of this Act are public purposes.

### 2. INTERPRETATION.

In this Act, unless the contrary intention appears -

- "Commanding Officer", in relation to a correctional institution, means the Commanding Officer referred to in Section 66(2) and the Duty Officer referred to in Section 66(3) and (4);
- "Commissioner" means the Commissioner of the Correctional Service appointed under Section 8;
- "correctional institution" means a correctional institution declared under Section 63 and, except in Sections 63 and 64, includes a rural lock-up and a police lock-up;
- "correctional officer" means a member of the Correctional Service holding a rank prescribed in Section 23;
- "Correctional Service Appeal Tribunal" means a Correctional Service Appeal Tribunal constituted under Section 45;
- "Correctional Service Gazette" means the Correctional Service Gazette provided for in Section 163;
- "detainee" means a person who, by virtue of Section 116, is deemed to be in the custody of the Commissioner;
- "Disciplinary Board" means a Disciplinary Board appointed under Section 42, and in relation to a serious offence means the Disciplinary Board appointed in respect of that serious offence;
- "disciplinary offence" means a disciplinary offence referred to in Section 39;
- "Duty Officer" means a Duty Officer referred to in Section 66;
- "lawful direction" means a lawful direction under this Act or any other Act or law currently in force;
- "magistrate" does not include a Village Court Magistrate;
- "medical officer" includes a visiting medical officer under Section 142;
- "member" means an employee of the Correctional Service;
- "police lock-up" means a police lock-up declared under Section 65;
- "records" means any official reports or records prescribed under Section 104;
- "rural lock-up" means a rural lock-up declared under Section 64;
- "Service" means the Correctional Service established by Section 4;
- "Standing Orders" means Standing Orders issued under Section 168;
- "this Act" includes the Regulations and Standing Orders;
- "Tribunal" means the Correctional Service Appeal Tribunal established under Section 45;
- "Visiting Magistrates" means a magistrate appointed as a Visiting Magistrate under Section 144 and includes a Temporary Visiting Magistrate under Section 146 and an additional Visiting Magistrate appointed under Section 147 and a Judge when acting in the capacity of a Visiting Magistrate under Section 148;
- "young detainee" means a person of or under the age of 18 years.

### 3. APPLICATION.

- (1) This Act binds the State.

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(2) This Act does not affect the operation of the *Juvenile Courts Act* 1991.

**PART II. - THE CORRECTIONAL SERVICE.**

**4. ESTABLISHMENT OF CORRECTIONAL SERVICE.**

(1) A Correctional Service is hereby established.

(2) The Service shall consist of -  
(a) the Commissioner; and  
(b) the members of the Service.

**5. STATUS OF CORRECTIONAL SERVICE.**

The Correctional Service is, for the purposes of Section 188 (*establishment of the State Services*) of the *Constitution*, a State Service.

**6. CONTROL OF THE CORRECTIONAL SERVICE.**

(1) The Correctional Service is subject to the control of a Minister through the Commissioner.

(2) The Minister has no power of command within the Correctional Service, except to the extent provided for by a Constitutional Law or by this Act or by any other law and the day-to-day control of operational matters remains with the Commissioner.

**7. FUNCTIONS OF THE SERVICE.**

(1) The functions of the Service are -

- (a) to take custody and control of all persons committed to -
  - (i) correctional institutions upon warrant or order of a court; or
  - (ii) the custody of the Service by any other competent authority under any law in force in the country; and
- (b) to provide secure, efficient and humane facilities for the purposes of Paragraph (a) and to manage and maintain them in accordance with this Act; and
- (c) to develop and provide meaningful educational training and rehabilitation programmes for the benefit of detainees; and
- (d) to provide a commitment to the ongoing pursuit of excellence in correctional management.

(2) So far as it is the prime function of the Service to imprison persons the subject of a warrant or order of a court or judicial officer, the members of the Service are not subject to direction or control by a person outside the Service in the exercise of that function.

**PART III. - COMMISSIONER OF THE CORRECTIONAL SERVICE.**

**8. COMMISSIONER OF THE CORRECTIONAL SERVICE.**

(1) There is established, within the Correctional Service, an Office of Commissioner of the Correctional Service.

(2) The Commissioner -

- (a) is a member of the Service; and
- (b) shall be appointed in accordance with Section 193 (*appointments to certain offices*) of the *Constitution*; and
- (c) shall hold office under such terms and conditions as, subject to the *Salaries and Conditions Monitoring Committee Act* 1988, are determined by the Head of State, acting on advice.

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(3) A person appointed to be Commissioner shall be appointed for a term of not less than four years and is eligible for re-appointment.

(4) Where the Commissioner was, immediately before his appointment as Commissioner, an officer of the Public Service, his service as a member of the Public Service shall be counted as service in the Service for the purpose of determining his rights (if any) in respect of -

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including pay to dependants or personal representatives on the death of the Commissioner).

(5) Where the Commissioner resigns as a member of the Service and is appointed to an office in the Public Service, his service as Commissioner shall be counted as service in the Public Service for the purpose of determining his rights (if any) in respect of -

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including pay to dependants or personal representatives on the death of the Commissioner).

(6) The provisions of the *Public Services (Management) Act 1986* relating to leave to serve under other Acts apply in relation to the office of Commissioner as if that office had been specifically included in the provisions.

(7) For the purposes of Subsection (4), a transfer under Section 171 is deemed to be appointment as Commissioner.

### 9. LEADERSHIP CODE APPLIES.

The office of Commissioner of Correctional Institutions is hereby declared under Section 26(3) (*application of Division 2*) of the *Constitution* to be a public office to and in relation to which Division III.2 (*leadership code*) of the *Constitution* applies.

### 10. DISQUALIFICATIONS FROM OFFICE.

A person is not qualified to be, or to remain in the office of, Commissioner if he is -

- (a) a member of the Parliament or of a Provincial Assembly; or
- (b) an undischarged bankrupt; or
- (c) of unsound mind within the meaning of any law relating to the protection of the person and property of persons of unsound mind; or
- (d) under sentence of death or imprisonment; or
- (e) an official, member or active supporter of a political party or of an organization having political aims.

### 11. RESIGNATION.

(1) The Commissioner may resign by giving three months' notice in writing of his intention to do so to the Head of State.

(2) The period of three months referred to in Subsection (1) shall be deemed to commence on the twenty-second day after receipt of the notice by the Head of State, except where the Head of State, acting on advice, and the Commissioner by agreement fix an earlier date for the commencement.

(3) The Commissioner may withdraw his resignation at any time before the period of three months referred to in Subsection (1) commences.

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### 12. RETIREMENT.

(1) Subject to Subsection (2), a person who has attained the age of 55 years shall not be appointed or re-appointed as Commissioner and a person shall not be appointed or re-appointed for a period that extends beyond the date on which he will attain the age of 55 years.

(2) The Head of State, acting on advice, may for special reasons in a particular case, appoint or re-appoint a person who is over the age of 55 years to be the Commissioner but in no case shall the Commissioner continue to act as Commissioner after he has attained the age of 60 years.

### 13. DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER.

(1) The Commissioner -

(a) is the head of the Correctional Service; and

(b) subject to this Act and to any directions of the Minister, has the responsibility -

(i) for the superintendence and efficient organization and management of the Service; and

(ii) for the proper performance by the Service of its functions; and

(iii) for the welfare and safe custody of all detainees; and

(iv) for ensuring that correctional institutions are inspected on a regular basis.

(2) The Commissioner shall report to the Minister, wherever the necessity arises -

(a) any alterations in the organization, staffing or management of the Service that are, in the opinion of the Commissioner, necessary or expedient for the more economical, efficient or convenient working of the Service or any division of it; and

(b) any alterations that are, in the opinion of the Commissioner, necessary in the salaries or allowances of members.

### 14. SPECIAL POWERS OF THE COMMISSIONER.

(1) The Commissioner may at any time, for the purpose of carrying out his duties and functions under this Act -

(a) enter premises occupied by or used by the Service; and

(b) summon a person whose evidence appears to be material to the determining of any subject of inspection, inquiry or investigation being conducted by the Commissioner; and

(c) take evidence on oath or affirmation and for that purpose administer oaths and affirmations; and

(d) require any person to produce documents within his possession or subject to his control.

(2) A person shall not knowingly make any false or misleading statement in any evidence before the Commissioner.

Penalty: A fine not exceeding K500.00.

(3) A member of the Service or an officer of the Public Service or a member of the Police Force who neglects or fails, without reasonable cause (the burden of proof of which lies upon him), to attend in obedience to a summons under Subsection (1), or to be sworn or answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

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(4) A person other than a member of the Service or an officer of the Public Service or a member of the Police Force who neglects or fails, without reasonable cause (the burden of proof of which lies upon him), to attend in obedience to a summons under Subsection (1), or to be sworn or answer questions or produce documents relevant to the subject of the inspection, inquiry or investigation when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

### **15. ANNUAL REPORTS, ETC., BY THE COMMISSIONER.**

(1) The Commissioner shall, before 31 March in each year, prepare and give to the Minister for presentation to the National Parliament a report on the work of the Service for the year ending on the preceding 31 December, with such recommendations for improvement as to the Commissioner seem proper.

(2) As soon as practicable after receiving a report under Subsection (1) the Minister shall present the report to the Speaker for tabling before the National Parliament.

(3) Nothing in Subsection (1) prevents the Commissioner from making, on his own initiative or at the request of the Minister or of the National Parliament, other reports on the work of the Service with the necessary recommendations.

## **PART IV. - MEMBERS OF THE CORRECTIONAL SERVICE.**

### **16. APPOINTMENTS TO THE SERVICE.**

(1) A person may be appointed a member of the Service in accordance with this Act.

(2) The Commissioner may appoint persons to be members of the Service.

### **17. RECRUITMENT.**

(1) The Commissioner may, by notice in the National Gazette or elsewhere, invite persons to apply for appointment to the Service.

(2) A notice under Subsection (1) shall specify -

(a) the rank or ranks in respect of which applications for appointment are invited; and

(b) the salaries, or limits of salaries, that will be applicable on appointment; and

(c) where applicable -

(i) the age limits for appointments; and

(ii) the qualifications required to be possessed for appointment and the period (if any) within which the qualifications or any of them must have been obtained; and

(iii) that, in order to attain the necessary number and location of male and female members, a position is available only to male or female applicants; and

(d) the date by which applications are required to be made; and

(e) such other matters (if any), not inconsistent with this Act, as the Commissioner thinks necessary or desirable.

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(3) Appointment to the rank of Deputy Commissioner or Assistant Commissioner shall be made by the Head of State, acting on advice.

(4) A vacancy in the Service below the rank of Assistant Commissioner shall be filled by a correctional officer unless the Commissioner, by written notice, certifies that to the best of his knowledge there is not a correctional officer who is -

- (a) available for promotion or transfer to the vacancy; or
- (b) willing to be promoted or transferred on the conditions applicable to the vacancy; or
- (c) as capable of performing the duties of the rank as the proposed appointee.

### **18. PROBATION.**

(1) Except as is otherwise provided in this section, every appointment to the Service is probationary until confirmed.

(2) Subject to Subsection (3), the period of probation is 12 months.

(3) The Commissioner may -

- (a) for any position or class of positions, extend the period of probation for a further period not exceeding 12 months; or
- (b) where he considers it expedient or desirable in the interest of the Service to do so, dispense with, or shorten, the period of probation.

(4) The service of a probationer in the Service may be terminated by the Commissioner at any time.

(5) A member may be required to undergo a course of training before confirmation of appointment, and in any such case the period of probation may be extended until the completion of the course of training.

(6) At the expiration of the period of probation the Commissioner may confirm or annul the appointment.

(7) A member transferred or promoted within the Service is excluded from the operation of this section.

(8) The appointment to the service of a person who is a member of the Public Service, the Defence Force or the Police Force is not subject to this section.

### **19. QUALIFICATIONS FOR APPOINTMENT.**

A person shall not be appointed to the Service unless -

- (a) he provides evidence to the satisfaction of the Commissioner as to -
  - (i) his health and physical fitness; and
  - (ii) his possession of qualifications that will enable him to perform the duties of the rank to which he is appointed; and
  - (iii) his age; and
  - (iv) his good character; and
- (b) he makes or subscribes, in the prescribed manner, the Oath or Affirmation in Schedule 1.

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### **20. APPOINTMENT TO VACANCIES.**

(1) The Commissioner may, by notice in the National Gazette or other National publication, invite members to apply for appointment to vacancies within the Service.

(2) A notice under Subsection (1) shall specify all matters required to be specified under Section 17(2).

(3) Subject to Section 17(3), a vacancy in a commissioned rank of the Service shall be filled by a member unless the Commissioner, by written notice, certifies that to the best of his knowledge there is not a member who is -

- (a) available for promotion or transfer to the vacancy; or
- (b) willing to be promoted or transferred on the conditions applicable to the vacancy; or
- (c) as capable of performing the duties of the rank as the proposed appointee.

### **21. PRESCRIBED QUALIFICATIONS.**

(1) A person shall not be appointed, promoted or transferred to a rank in the Service unless he possesses the qualifications prescribed.

(2) Except as is otherwise specifically provided, the provisions of this section do not apply to a member or class of members to whom the Commissioner, by notice in the National Gazette, declares that the provisions of this section do not apply.

### **22. EXAMINATIONS FOR PROMOTION, APPOINTMENT, ETC.,**

For the purpose of ascertaining whether a person possesses the prescribed qualifications for promotion, appointment or transfer to a rank in the Service, the Commissioner may -

- (a) hold, or authorize the holding of, such examinations as he thinks fit; and
- (b) determine the conditions of entry for any such examination; and
- (c) appoint examiners for the purpose of any such examination.

### **23. RANKS.**

(1) The following, listed in order of precedence and seniority, are the ranks of correctional officers:-

Commissioner  
Deputy Commissioner  
Assistant Commissioner  
Chief Superintendent  
Superintendent  
Chief Inspector  
Inspector  
Sergeant Major  
Sergeant  
Corporal  
Lance Corporal  
Warder.

(2) The ranks -

- (a) including and above the rank of Inspector are commissioned ranks; and
- (b) including and below the rank of Sergeant Major are non-commissioned ranks.

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(3) The classification and qualification for each rank are as prescribed.

(4) After consultation with the Departmental Head of the Department responsible for personnel management matters, the Commissioner may, by notice in the Correctional Service Gazette -

- (a) create an additional rank and declare its order of precedence and seniority; or
- (b) abolish a rank; or
- (c) alter the designation of a rank.

(5) On publication of a notice under Subsection (4), Subsection (1) shall be deemed to be amended -

- (a) by the addition of the name of a rank that has been created, in the declared order of precedence and seniority; or
  - (b) by the omission of a rank that has been abolished; or
  - (c) by the alteration of the designation of a rank,
- as the case requires.

(6) Where a rank is abolished under Subsection (4)(b), all members holding that rank immediately before the abolition become unattached members with the same salary classification as they had immediately before the abolition.

### **24. ESTABLISHMENT OF RANKS.**

(1) Subject to this section, the Commissioner, after consultation with the Departmental Head of the Department responsible for personnel management matters, shall, by notice in the Correctional Service Gazette, determine the establishment of each rank in the Service.

(2) For the purposes of a determination under Subsection (1), the Commissioner, after consultation with the Departmental Head of the Department responsible for personnel management matters, may treat the ranks of non-commissioned ranks as a single rank.

(3) A determination under this section does not have effect so as to reduce the establishment of a rank, or a group of ranks, below the number of serving members in that rank or group of ranks at the time of the determination.

### **25. SENIORITY.**

(1) A member has seniority in the Service according to his rank.

(2) A member has seniority over other members of his own rank according to the date of his promotion to or appointment to that rank.

### **26. PROMOTION.**

Qualifications for and procedures relating to promotion are as prescribed.

### **27. RE-APPOINTMENT OF MEMBERS RETIRED ON ACCOUNT OF MENTAL OR BODILY INFIRMITY.**

(1) This section applies to a person who -

- (a) has been retired from the Service under this Act on account of mental or bodily infirmity; and
- (b) after having been so retired, is to be appointed under this Division as a member by reason of having recovered his health and physical fitness.



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(2) A person to whom this section applies shall be appointed to such rank as the Commissioner directs.

(3) In a calculation, for ascertaining the amount of pension due to a person by reason of his service in the Service, or the period of service of a person to whom this section applies, he shall, in addition to the period actually served by him since he was last appointed to the Service, be deemed to have served for such period, not exceeding the period of service before his retirement, as the Commissioner determines.

### **28. RE-APPOINTMENT OF PERSONS WHO HAVE RESIGNED FROM THE SERVICE TO BECOME CANDIDATES AT ELECTIONS.**

(1) Where the Commissioner is satisfied that -

(a) a person who was a member of the Service -

- (i) resigned or retired from the Service in order to become a candidate for election as a member of the Parliament or of a Provincial Assembly; and
- (ii) was a candidate at the election; and
- (iii) failed to be elected; and

(b) the resignation or retirement took effect not earlier than one month before the date on which nominations for the election closed,

the Commissioner may, on application by the person within two months after the declaration of the result of the election, re-appoint him to the Service under this section in a rank equivalent to the rank that he held immediately before his resignation or retirement.

(2) A person may be re-appointed under this section without being required to undergo any medical examination.

(3) A person re-appointed under this section shall be deemed to have continued in the Service as if he had not resigned or retired but had been on leave without pay during the period from the day on which his resignation or retirement became effective to and including the day immediately preceding the day on which he was re-appointed.

(4) The period referred to in Subsection (4) shall, for all purposes, be deemed to form part of the member's period of service.

### **29. RE-APPOINTMENT OF CERTAIN CONVICTED PERSONS.**

(1) This section applies to a person who has been dismissed from the Service or reduced to a lower rank or salary under Section 44 and subsequently -

- (a) the conviction is quashed; or
- (b) the conviction is otherwise nullified.

(2) A person to whom this section applies may be re-appointed to the Service or re-instated in the Service by the Head of State, acting on advice, or by the Commissioner, as the case may be, in the rank equivalent to the rank which he held immediately prior to his dismissal or reduction in rank, or in the case of a person who has been reduced in salary alone at a salary to which he was entitled immediately prior to his reduction in salary.

(3) A person may be re-appointed under this section without being required to undergo a medical examination.

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(4) A person re-appointed under this section shall be deemed to have continued in the Service as if he had not been dismissed but had been on leave of absence without pay during the period from the day on which his dismissal became effective to and including the day before the day on which he was re-appointed.

(5) The period referred to in Subsection (4) shall form part of the member's service for all purposes.

(6) A person re-instated in rank under this section has the same seniority in the rank in which he is appointed and is entitled to the same salary as if he had not been reduced in salary.

### **30. TERMS AND CONDITIONS OF EMPLOYMENT.**

(1) Subject to -  
(a) this Act; and  
(b) the *Salaries and Conditions Monitoring Committee Act 1988*,  
a member is employed on such terms and conditions as are prescribed or as are determined by the Commissioner.

(2) Where a member was, immediately before his appointment to the Service, an officer of the Public Service, his service as a member of the Public Service shall be counted as service in the Service for the purposes of determining his rights (if any) in respect of -

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including pay to dependants or personal representatives on the death of the member).

(3) Where a member was, immediately before his appointment to the Service, an assistant correctional officer under the *Corrective Institutions Act* (Chapter 63), his service as an assistant correctional officer shall be counted as service in the Service for the purposes of determining his rights (if any) in respect of -

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including pay to dependants or personal representatives on the death of the member).

(4) Where a member resigns as a member of the Service and is appointed to an office in the Public Service, his service as a member shall be counted as service in the Public Service for the purpose of determining accrued and future entitlements to -

- (a) absence or leave on the grounds of illness; and
- (b) furlough or pay in lieu (including the pay to dependants or personal representatives on the death of the member).

(5) The provisions of the *Public Services (Management) Act 1986* relating to leave to serve under other Acts apply in relation to members as if they had been specifically included in the provisions.

(6) For the purposes of Subsections (2) and (3), a transfer under Section 172 or 173 is deemed to be appointment to the Service.

### **31. TRANSFERS.**

(1) Subject to this section, the Commissioner may transfer a member to any place to perform duties as directed at any time where that transfer is necessary or desirable for the Commissioner to satisfy his duties under Section 13.

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(2) Subject to Subsections (4) and (5), a member has no right to refuse a transfer under Subsection (1) and such refusal constitutes a disciplinary offence.

(3) Before making a transfer of a member under Subsection (1), the Commissioner shall give consideration to the personal circumstances of that member.

(4) Where a transfer of a member under Subsection (1) is attached to the promotion of that member, that member may refuse to accept the promotion.

(5) A member may refuse a transfer under Subsection (1) where the transfer will have the effect of subordinating that member to a member of lesser rank.

### **32. MEMBER NOT TO ENGAGE IN OUTSIDE EMPLOYMENT.**

(1) Except with the permission of the Commissioner, which permission may be withdrawn at any time, a member shall not -

- (a) accept or continue to hold an office in any political party or under any public or municipal corporation or in or under the National Government or a provincial government; or
- (b) engage in or undertake any business whether as principal or agent or employee, whether paid or unpaid; or
- (c) engage or continue in the private practice of a profession or trade; or
- (d) accept or engage in employment, whether remunerative or otherwise,

other than in direct connection with his duties as a member of the Service.

(2) Subsection (1) does not prevent a member from becoming a registered shareholder of a company or society of persons registered under the law of Papua New Guinea or elsewhere, but the member shall not take part in the conduct of the business of the company or society otherwise than by the exercise of his right to vote as a member or shareholder.

### **33. FARES AND TRAVEL EXPENSES.**

(1) Expenses and allowances (including fares and travel expenses) shall be payable to a member as prescribed.

(2) Subject to Subsection (3) and to such conditions as are prescribed, a member approved by the Commissioner for the purposes of this section is entitled to fares and travel expenses for himself and his family.

(3) For the purposes of Subsection (2), a member who is the spouse of another member is entitled to fares and removal expenses in his capacity as member or in his capacity as spouse but not in both capacities.

### **34. TRAINING OF MEMBERS.**

(1) The Commissioner may -

- (a) establish training programmes concerning the management and security of correctional institutions, the welfare of detainees and the professional capacity of members; and
- (b) determine the content of those programmes; and
- (c) direct members to attend those programmes at the places determined by the Commissioner.

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(2) The Commissioner and Commanding Officers are responsible for ensuring ongoing training is provided to members in relation to changes in policy and procedures and the continuing development of management skills.

### **35. POWERS TO APPREHEND ESCAPEES.**

(1) The Commissioner may direct a correctional officer to assist the Commissioner of Police in the apprehension of an escapee.

(2) A correctional officer directed under Subsection (1) has the powers of a member of the Police Force for the purposes of the apprehension of the escapee.

### **36. MEMBERS MAY GIVE ORDERS.**

A member may give to a detainee any order which the member believes to be necessary for the security, good order and management of a correctional institution or for the safe custody of a detainee.

### **37. DUTIES OF MEMBERS.**

The duties of a member are -

- (a) to be responsible for the preservation of order, cleanliness and peace within the correctional institution and among the detainees and for the diligent performance by the detainees of their allotted tasks; and
- (b) to ensure that the security of a correctional institution or the custody of a detainee is not jeopardized; and
- (c) to respect and protect human dignity and maintain and uphold the human rights of all persons in the performance of the member's duties; and
- (d) where he is the correctional officer in charge of a correctional institution or part of a correctional institution, to take all reasonable steps for the security of that correctional institution or that part of that correctional institution; and
- (e) where he is a correctional officer in charge of detainees, to take all reasonable steps for their safe custody and welfare; and
- (f) such other duties as are contained in this Act or as are prescribed by the Regulations or Standing Orders or as are directed by the Commissioner.

## **PART V. - DISCIPLINE OF MEMBERS.**

### **38. INTERPRETATION.**

In this Part, unless the contrary intention appears -

"Commanding Officer" means the Commanding Officer of a correctional institution or a member nominated by the Commissioner;

"Discipline Officer" means a member appointed by the Commissioner to be a Discipline Officer for the purposes of this Part.

### **39. DISCIPLINARY OFFENCES.**

A member who -

- (a) commits a breach of the provisions of this Act, the Regulations or the Standing Orders; or
- (b) absents himself from duty other than as is provided under this Act; or
- (c) is insubordinate or wilfully disobeys or disregards a lawful order made or given by any person having authority to make or give it; or

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- (d) is inefficient or incompetent from causes within his own control; or
- (e) uses intoxicating liquor or drugs to excess; or
- (f) solicits or accepts a fee, reward, gratuity or gift in connection with the discharge of his official duties (other than his official remuneration); or
- (g) is guilty of any disgraceful or improper conduct either in his official capacity or otherwise; or
- (h) having made or subscribed an oath or affirmation in the form in Schedule 1, does anything or says anything in violation of that oath or affirmation; or
- (i) through carelessness, neglect, inattention to duty or proper control, permits a detainee to escape; or
- (j) is dishonest, or obtains financial advantage through deception; or
- (k) refuses to accept a transfer, except as provided by Section 31(5), is guilty of a disciplinary offence and is liable to be dealt with and punished under this Act.

**40. PROCEDURE FOR DEALING WITH OFFENCES.**

(1) A person who believes that an offence has been committed by a member may make a complaint to the Discipline Officer.

(2) The Discipline Officer shall make an investigation of a complaint under Subsection (1).

(3) An investigation under Subsection (2) shall include an opportunity for the member alleged to have committed the offence to give an explanation or reason for the alleged offence.

(4) Following an investigation under Subsection (2), the Discipline Officer shall -

- (a) dismiss the matter as trivial; or
- (b) charge the member with a minor or serious offence.

(5) A member charged with an offence under this Part shall be given at least 72 hours notice of the hearing of a minor offence and 7 days notice of the hearing of a serious offence unless the member and Commanding Officer or Disciplinary Board agree to a lesser period.

(6) All procedures and proceedings shall, except where provision is made for a specific period of time, be conducted as expeditiously as possible.

**41. MINOR OFFENCES.**

(1) Subject to this section, a charge of a minor offence shall be heard by the Commanding Officer.

(2) The Commanding Officer may disqualify himself from hearing a charge of a minor offence and request the Commissioner to nominate another Commanding Officer to hear the charge.

(3) Where a request is made to the Commissioner under Subsection (2), the Commissioner shall nominate a correctional officer, of the rank held by the Commanding Officer disqualifying himself from hearing the charge or above, to hear the charge.

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(4) In hearing a charge of a minor offence the Commanding Officer shall -

- (a) dismiss the matter if trivial or if he is not satisfied on the evidence; or
- (b) determine that the matter is a serious offence and refer the matter to the Disciplinary Board; or
- (c) if satisfied on the evidence, find the charge proven and impose a penalty in accordance with this Act.

(5) In hearing a charge of a minor offence the Commanding Officer shall not be bound by the rules of evidence but shall ensure that the proceedings are conducted in accordance with the rules of natural justice and the procedures prescribed.

### **42. SERIOUS OFFENCES.**

(1) A charge for a serious offence shall be heard by the Disciplinary Board.

(2) The Commissioner shall appoint for each correctional institution a Disciplinary Board which shall be comprised of the Commanding Officer of that correctional institution, the Deputy Commanding Officer of that correctional institution and another senior correctional officer or member of that correctional institution.

(3) A member of a Disciplinary Board may disqualify himself or herself and the Commissioner shall appoint another member of the same or senior rank to the disqualifying member.

(4) In hearing the offence a Disciplinary Board shall -

- (a) if not satisfied on the evidence, dismiss the matter; or
- (b) if satisfied on the evidence, find the charge proven and apply one of the penalties prescribed under this Act.

(5) A Disciplinary Board shall not be bound by the rules of evidence in the conduct of a hearing under this section, but shall conduct the hearing in accordance with the rules of natural justice and the procedures prescribed.

### **43. PENALTIES FOR MINOR OFFENCES.**

(1) One of the following penalties may be imposed under this section in respect of a minor offence -

- (a) a caution; or
- (b) a reprimand; or
- (c) a fine not exceeding K40; or
- (d) restitution by way of payment of compensation for damage or loss sustained by an injured party including, where applicable, the State, not exceeding K40.

(2) The Commissioner shall institute a monitoring process to ensure that there is consistency in the penalties imposed under Subsection (1) by Commanding Officers and Disciplinary Boards throughout the country.

### **44. PENALTIES FOR SERIOUS OFFENCES.**

(1) One of the following penalties may be imposed under this section in respect of a serious offence -

- (a) a fine not exceeding K200.00; or

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- (b) a recommendation to the Commissioner that the member be reduced to a rank having a lower classification, and to a salary within that classification; or
- (c) a penalty referred to in Section 43(a) or (b); or
- (d) a recommendation to the Commissioner that the member be dismissed from the Service.

(2) Apart from any penalty imposed under Subsection (1), a member may also be required to make restitution for loss or damage by way of payment of compensation to an injured party including, where applicable, the State.

(3) Where the Disciplinary Board makes a recommendation to the Commissioner under Subsection (1)(b) or (d), the Commissioner may accept or vary that recommendation.

(4) Before imposing the punishment recommended by the Disciplinary Board or varied by the Commissioner, the Commissioner shall consider -

- (a) the reports relating to the offence and the charge; and
- (b) the reply and explanation of the member charged; and
- (c) the evidence given before the Disciplinary Board.

(5) The Commissioner shall institute a monitoring process to ensure that there is consistency in the penalties imposed under Subsection (1) by Commanding Officers and Disciplinary Boards throughout the country.

### **45. CORRECTIONAL SERVICE APPEAL TRIBUNAL.**

The Minister shall from time to time by notice in the Correctional Service Gazette constitute a Correctional Service Appeal Tribunal consisting of a Magistrate nominated by the Judicial and Legal Services Commission or by the Minister.

### **46. APPEALS.**

(1) An appeal against the decision of the Commanding Officer or the Disciplinary Board may be made on the ground of innocence of the offence, excessive severity of the punishment, or abuse of process.

(2) An appeal against the decision of the Commanding Officer or the Disciplinary Board may be made within 14 days of the date on which notification of the decision was served on the member concerned and the appeal is to be directed to the Correctional Service Appeal Tribunal.

(3) The Correctional Service Appeal Tribunal may confirm, annul or vary the decision appealed against and if the Tribunal varies the decision it may impose a punishment specified in Section 44.

(4) In deciding an appeal made on the ground of excessive severity of the punishment, the Correctional Service Appeal Tribunal shall take into consideration the previous record of the member concerned.

(5) Except where the Correctional Service Appeal Tribunal recommends that a member be subject to a penalty prescribed in Section 44(1)(b) or (d), its decision is final.

(6) Where, under this section, the Correctional Service Appeal Tribunal recommends to the Commissioner that a member be subject to a penalty prescribed in Section 44(1)(b) or (d), the Commissioner may dismiss the member from the Service.

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(7) Before accepting the recommendation of the Correctional Service Appeal Tribunal, the Commissioner shall consider -

- (a) the reports relating to the offence and the charge; and
- (b) the reply and explanation of the member charged; and
- (c) the evidence given before the Correctional Service Appeal Tribunal.

(8) The Commissioner's decision is final.

### **47. NOTIFICATION OF FINDINGS.**

(1) Where the Correctional Service Appeal Tribunal considers that a member should be subject to a penalty prescribed in Section 44(1)(b) or (d), it shall forward its recommendation to the Commissioner.

(2) Where the Correctional Service Appeal Tribunal considers that a member should be dealt with otherwise than by imposition of a penalty prescribed in Section 44(1)(b) or (d), it shall notify the Commissioner of the punishment imposed, and the Commissioner shall promptly inform the member of the decision of the Tribunal.

### **48. DATE OF HEARING OF APPEAL.**

(1) Where an appeal has been directed to the Correctional Service Appeal Tribunal under Section 46(2), the Correctional Service Appeal Tribunal shall -

- (a) fix a date for hearing of the appeal; and
- (b) promptly notify the Commissioner and the appellant or his lawyer or agent of the date fixed.

(2) The date fixed for the hearing of an appeal shall not be less than 28 days after the date of the notice to the Commissioner under Subsection (1).

(3) Notification to the Commissioner under Subsection (1)(b) shall be accompanied by a copy of the appeal.

### **49. DUTIES OF THE COMMISSIONER AS TO APPEALS.**

On receipt of notice of the date fixed for the hearing of an appeal, the Commissioner shall promptly make arrangement for the attendance of prosecution witnesses.

### **50. PROCEEDINGS BEFORE THE CORRECTIONAL SERVICE APPEAL TRIBUNAL.**

(1) A member whose appeal is being heard is entitled to be represented by an advocate before the Correctional Service Appeal Tribunal.

(2) The Correctional Service Appeal Tribunal is not bound by the rules of evidence but has the powers prescribed in Section 37 of the *Interpretation Act* (Chapter 2).

(3) Where it appears to the Correctional Service Appeal Tribunal that it is unreasonable, by reason of -

- (a) the member charged being stationed in a remote locality; or
- (b) expense, inconvenience or delay,

to require a member who has been charged under this Part or a witness, to attend before it to give evidence, the Correctional Service Appeal Tribunal may, by written order, appoint a fit and proper person to take the evidence of the member or witness.



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### 51. POWERS OF CORRECTIONAL SERVICE APPEAL TRIBUNAL.

The Correctional Service Appeal Tribunal may -

- (a) summon any person whose evidence is likely to be material to the consideration of any question that the Correctional Service Appeal Tribunal has to determine under this Act; and
- (b) administer an oath of affirmation to any person summoned by it or appearing voluntarily before it; and
- (c) require any person to produce documents in his possession or subject to his control.

### 52. SUSPENSION.

(1) Where a member is suspected of having committed a serious offence, or an offence under circumstances which are such that the Commissioner believes that the member concerned should not continue the performance of his duty, the member may be suspended by the Commanding Officer.

(2) Suspension may be effected before, at the time of or after the laying of the charge, and may be lifted by the Commanding Officer.

- (3) An order suspending a member shall expire immediately upon -
- (a) failure to lay a charge within two weeks; or
  - (b) the dismissal of the charge; or
  - (c) the imposition of a penalty, except a penalty under Section 44(1)(b) or (d).

(4) Where a penalty is imposed on a member pursuant to Section 44(1)(b) or (d), and that member appeals, the order suspending the member will remain in force until the appeal is determined.

### 53. PAY DURING SUSPENSION.

(1) Subject to Subsection (2), where a member has been suspended in connection with a charge of an offence under this Act, he is entitled to receive his pay during the period of suspension unless he absconds or the Commissioner orders otherwise.

(2) A member on suspension for an alleged offence of misappropriation, fraud or stealing of Government property or funds shall not be eligible to receive his pay during the period of suspension, unless the Commissioner otherwise determines to pay to the member a certain percentage of the member's salary.

### 54. DEDUCTION OF FINES, ETC., FROM PAY.

(1) Where a fine or pecuniary penalty is imposed on a member under this Act, the amount of the fine or penalty may be deducted from the pay of the member.

(2) A deduction under Subsection (1) shall be made by instalments each not exceeding 25% of the net pay payable from time to time to the member, and calculated in accordance with the Standing Orders.

(3) All fines and penalties imposed and recovered under the Act shall be paid into the Consolidated Revenue Fund.

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**55. OFFENCES.**

(1) A person, who knowingly makes a false or misleading statement in any evidence given in the hearing of a disciplinary offence, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(2) A member who neglects or fails, without reasonable excuse (proof of which is on him), to attend in obedience to a summons under Section 51(a), or to be sworn or affirmed or to answer questions or produce a document, when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(3) A person other than a member or an Officer of the Public Service who, after payment or tender of reasonable expenses, neglects or fails, without reasonable excuse (proof of which is on him) to attend in obedience to a summons under Subsection (1), or to be sworn or affirmed or to answer questions or to produce a document, when required to do so under that subsection, is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(4) This section does not make any person compellable to answer any question that might tend to incriminate him.

**56. PROCEDURE WHERE ADDRESS OF MEMBER UNKNOWN.**

(1) In the event of the address of a member being unknown, all notices, orders or communications to or from the member may be posted to the last-known address of the member, and compliance with this subsection is sufficient service on the member of any such notice, order or communication.

(2) Where -

(a) a notice, order or communication posted to a member in accordance with Subsection (1) -

(i) related to a charge made against him; and

(ii) asks whether he admits the truth of the charge; and

(b) no answer is received by the authority giving the notice, order or communication within a reasonable time specified in it,

the member shall be deemed to have admitted the truth of the charge, and it may be dealt with in his absence.

**57. MEMBER CHARGED WITH CRIMINAL OFFENCE.**

(1) Where a member is charged with having committed an offence against any criminal law of the country he may be suspended by the Commissioner or an officer authorized by the Commissioner.

(2) If a member referred to in Subsection (1), is convicted of a criminal offence by a court, the Commissioner may dismiss the member from the Service.

(3) Where a member is received into a correctional institution as a consequence of legal proceedings against the member, the member shall be dismissed from the Service.

(4) Where -

(a) a member is charged with having committed an offence against a criminal law; and

(b) he has been suspended under Subsection (1); and

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(c) the charge is dismissed and the member acquitted, the suspension of the member shall expire immediately.

### **PART VI. - MISCELLANEOUS PROVISIONS RELATING TO MEMBERS.**

#### **58. UNIFORMS.**

The issue, use, replacement, cost and description of uniforms to be worn by members and standards of personal appearance are as prescribed.

#### **59. BANKRUPT MEMBERS.**

A member who becomes bankrupt or insolvent or whose estate is sequestrated voluntarily or compulsorily for the benefit of his creditors shall -

- (a) forthwith give notice to the Commissioner of the fact; and
- (b) furnish, as and when required to do so by the Commissioner, such information relating to the bankruptcy, insolvency or sequestration as the Commissioner requires.

#### **60. HOLIDAYS.**

(1) Subject to Subsection (2), a day or part of a day designated or appointed as a holiday in the Public Service throughout Papua New Guinea or in a part of Papua New Guinea, is a holiday in the Correctional Service throughout Papua New Guinea or in a part of Papua New Guinea as the case may be.

(2) The Commissioner may, where in his opinion it is in the public interest to do so, require a member to work for the whole or part of a holiday.

#### **61. ATTACHMENT OF SALARIES.**

An order for the attachment of salaries, wages or pay of a member may be made by any court of competent jurisdiction in Papua New Guinea.

#### **62. PROTECTION OF MEMBERS OF THE SERVICE.**

Where an action is brought against a member for an act done in obedience to a warrant or order of a court, magistrate, the Parole Board or officer of the Service having authority over the member -

- (a) the member is not responsible for -
    - (i) irregularities in the issue of the warrant or order; or
    - (ii) want of jurisdiction in the court, magistrate, Parole Board or officer who issued it; and
  - (b) upon production of the warrant or order and proof that -
    - (i) the court has, or that person is reputed to be and acts as a magistrate or member of the Parole Board, or officer of the Service possessing jurisdiction in the matter and in the case of the officer, has authority over the member executing the warrant or order; and
    - (ii) the act, the subject of the complaint, was done in obedience to the warrant or order,
- a verdict shall be returned for the member of the Service concerned and he shall be awarded the costs of the suit.

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**PART VII. - ESTABLISHMENT AND ADMINISTRATION OF CORRECTIONAL INSTITUTIONS, ETC.,**

**63. CORRECTIONAL INSTITUTIONS.**

(1) The Minister may, by notice in the National Gazette, declare any premises or place to be a correctional institution.

- (2) A declaration under Subsection (1) shall -
- (a) specify a name by which the correctional institution is to be known; and
  - (b) indicate, by reference to land registration references and survey diagram, the area of the premises or place declared; and
  - (c) specify the date on which the declaration is to come into operation.

(3) A description of a correctional institution in any writ, warrant, order or other legal instrument by its situation or other definite description or title, is valid by whatever title the correctional institution is usually known.

(4) The correctional institutions specified in Schedule 2 are deemed to be correctional institutions declared under Subsection (1) and to have satisfied the provisions of Subsections (1) and (2).

**64. RURAL LOCK-UPS.**

(1) The Minister may, by notice in the National Gazette, declare any premises or a part of any premises to be a rural lock-up.

- (2) A declaration under Subsection (1) shall -
- (a) specify a name by which the rural lock-up is known; and
  - (b) indicate, by reference to land registration references and survey diagram, the area of the premises or of the part of premises declared; and
  - (c) specify the date on which the declaration is to come into effect.

(3) A description of a rural lock-up in any writ, warrant, order or other legal instrument by its situation or other definite description or title, is valid by whatever title the rural lock-up is usually known.

(4) Subject to this Act, a rural lock-up may be used for the reception and safe custody of -

- (a) detainees who have been sentenced to, and are undergoing terms of imprisonment not exceeding 12 months; and
- (b) persons in custody pending their being taken before a court or magistrate to be dealt with according to law; and
- (c) detainees who have been sentenced to, and are undergoing, a term of imprisonment, while they are awaiting transportation to a correctional institution declared under Section 63.

(5) The rural lock-ups specified in Schedule 3 are deemed to be rural lock-ups declared under Subsection (1) and to have satisfied the provisions of Subsections (1) and (2).

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### **65. POLICE LOCK-UPS.**

(1) The Minister may, by notice in the National Gazette, declare any premises or a part of any premises to be a police lock-up.

(2) A declaration under Subsection (1) shall -

- (a) specify a name by which the police lock-up is to be known; and
- (b) indicate, by reference to land registration references and survey diagram, the area of the premises or of the part of the premises declared; and
- (c) specify the date on which the declaration is to take effect.

(3) A description of a police lock-up in any writ, warrant, order or other legal instrument by its situation or other definite description or title, is valid by whatever title the police lock-up is usually known.

(4) Subject to this Act, a police lock-up may be used for the reception and safe custody of persons in custody pending their being taken before a court or magistrate to be dealt with according to law.

(5) The police lock-ups specified in Schedule 4 are deemed to be police lock-ups declared under Subsection (1) and to have satisfied the provisions of Subsections (1) and (2).

### **66. CORRECTIONAL OFFICER-IN-CHARGE.**

(1) The Officer-in-Charge of a correctional institution is -

- (a) the Commanding Officer of the correctional institution; or
- (b) the Duty Officer.

(2) The most senior ranking correctional officer appointed to a correctional institution is the Commanding Officer of that correctional institution.

(3) Where the Commanding Officer of a correctional institution is to be absent temporarily from that institution, he may nominate a correctional officer to be in charge of that correctional institution during the Commanding Officer's absence and a correctional officer so nominated is the Duty Officer.

(4) Where -

- (a) the Commanding Officer is absent from the correctional institution; and
- (b) no Duty Officer has been nominated,

the most senior ranking correctional officer on duty in the correctional institution is the Duty Officer.

### **67. FUNCTIONS OF A COMMANDING OFFICER.**

The Commanding Officer of a correctional institution -

- (a) is responsible for the management, security and good order of the correctional institution and for the safe custody and welfare of the detainees; and
- (b) shall take reasonable steps to ensure that members assigned to the correctional institution know what their powers and duties are and what provision is made by or under this Act about correctional institutions and detainees; and
- (c) shall give all necessary directions to ensure that correctional officers and other members comply with the provisions of this Act; and
- (d) has such other functions as are prescribed.

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**68. ORDERS AND DIRECTIONS.**

(1) Subject to this section, members are subject only to the direction of the Commissioner.

(2) In relation to a correctional institution where a member is working, that member is subject to the directions of the Commanding Officer of that correctional institution with respect to the management, good order or security of the correctional institution.

**69. LAWFUL DIRECTIONS.**

(1) A member shall obey promptly all instructions given to him by any member under whose control or supervision he is placed.

(2) Where a member considers that he has any ground for complaint arising out of an instruction given to him, or from any other cause, he may through his immediate superior, appeal to the Commissioner, who shall consider the appeal and advise the member of his decision.

(3) A member in a supervisory capacity receiving an appeal under Subsection (2) shall forward the appeal immediately and without delay through the chain of command.

(4) Whether or not he has appealed, or intends to appeal, under this section a member shall, as far as practicable, obey any instruction that is given to him until it is countermanded by a competent authority.

**70. REPORTS.**

(1) A member shall report immediately to the Commanding Officer -

- (a) anything which might reasonably be thought to jeopardize the security of the correctional institution or the safe custody or the welfare of detainees; or
- (b) the escape or suspected escape of a detainee in the member's charge; or
- (c) any escape or suspected escape when the escape or attempted escape comes to the member's notice.

(2) Where a correctional officer believes on reasonable grounds that a member under his supervision is unfit to perform the duties of that position properly by reason of alcohol consumption or drug use, the correctional officer -

- (a) shall stand the member down for the duration of the member's shift; and
- (b) shall report the matter promptly to the correctional officer's immediate superior.

**PART VIII. - SECURITY AND CONTROL OF CORRECTIONAL INSTITUTIONS.**

*Division 1. - Visitors.*

**71. INTERPRETATION.**

In this Part, unless the contrary intention appears -

"Visiting Magistrate" means a judge or magistrate whether appointed as a Visiting Magistrate or deemed to be a Visiting Magistrate;

"visitor" includes -

- (a) a Judge of the National Court or the Supreme Court; and
- (b) a magistrate; and

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- (c) a member of the Ombudsman Commission or an officer of the Ombudsman Commission; and
- (d) a person authorized by the Minister or the Commissioner to visit a detainee; and
- (e) a relative or friend of a detainee; and
- (f) a lawyer; and
- (g) a member of the Police Force.

### **72. VISITS BY RELATIVES AND FRIENDS.**

(1) A detainee may receive at least one visit weekly of no less than half an hour by a relative or friend.

(2) A person under the age of 16 years who wishes to visit a detainee shall be accompanied by a person aged 16 years or over unless -

- (a) the person is the legal wife or child of the detainee; or
- (b) the Commanding Officer determines otherwise.

(3) A member or a member of the member's immediate family may visit a detainee with the permission of the Commissioner.

(4) The Commissioner shall only approve a visit referred to in Subsection (3) in exceptional circumstances.

(5) A Commanding Officer may approve visits between detainees on conditions determined by the Commanding Officer that accord with the security, protection and management needs of the detainees.

### **73. VISITS BY JUDGES AND MAGISTRATES.**

(1) A Visiting Magistrate may -

- (a) visit a correctional institution at any time; and
- (b) make a report on any matter to the Commissioner.

(2) A Judge or magistrate who is not a Visiting Magistrate may make a report on any matter to the Commissioner.

(3) A Visiting Magistrate shall advise the Commanding Officer of his intention to visit a correctional institution and the Commanding Officer shall -

- (a) where possible, bring to the attention of members and detainees at the correctional institution the date and time of the visit; and
- (b) make arrangements necessary for the Visiting Magistrate to interview those detainees who wish to speak with him.

(4) A Visiting Magistrate may -

- (a) interview a member in private; and
- (b) subject to any direction of the Commanding Officer made in the interest of security, interview a detainee out of hearing but in the sight of a correctional officer.

(5) The Regulations may make further provisions relating to visits by a Visiting Magistrate.

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### **74. VISITS BY A MEMBER OF THE OMBUDSMAN COMMISSION OR OFFICER OF THE OMBUDSMAN COMMISSION.**

(1) A member of the Ombudsman Commission and any officer of the Ombudsman Commission may visit a correctional institution, member or detainee at any time.

(2) Where practicable, a member of the Ombudsman Commission or any officer of the Commission intending to visit a correctional institution, member or detainee shall give notice to the Commanding Officer of the correctional institution of the intended visit.

### **75. VISITS BY LAWYERS.**

(1) A lawyer, acting in the course of the lawyer's practice, may visit a correctional institution or detainee at any time.

(2) A lawyer may visit a detainee at such times and in such places as the Commanding Officer or the Commissioner approves.

(3) The Regulations may make provision for the procedures relating to legal documents in a correctional institution.

### **76. VISITS BY PERSONS AUTHORIZED BY THE MINISTER OR COMMISSIONER.**

The visit of a person authorized by the Minister or the Commissioner to visit a correctional institution or detainee is subject to such terms and conditions as may be contained in the -

- (a) instrument of authority; or
- (b) Standing Orders.

### **77. PERSONS ENTERING A CORRECTIONAL INSTITUTION.**

(1) A person who wishes to enter, or who has entered, a correctional institution as a visitor shall, if asked by a correctional officer -

- (a) tell the correctional officer -
  - (i) his name, address and occupation; and
  - (ii) the name of the person being visited; and
  - (iii) his relationship (if any) to the person being visited; and
  - (iv) the purpose of his visit; and
- (b) sign the register kept for the purpose of recording visits; and
- (c) allow the correctional officer to sight a document confirming his name and address; and
- (d) provide such further information and give sight of such further identification as may be prescribed.

(2) A person, who wishes to enter, or has entered, a correctional institution as a visitor and who knowingly gives to a correctional officer information that is false or misleading, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(3) Where a person, when asked, does not give the information required under Subsection (1) or gives false information, the correctional officer may -

- (a) prohibit the person from entering; or
- (b) where the person has entered, order the person to leave, the correctional institution.



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**78. TERMS AND CONDITIONS OF VISITS.**

(1) For the purposes of the security, good order and management of a correctional institution, the Commanding Officer -

- (a) may determine terms and conditions that apply to visits by visitors to the correctional institution; and
- (b) shall take all steps that the Commanding Officer considers reasonable to bring any terms and conditions determined under Paragraph (a) to the attention of visitors to, and persons wishing to visit, the correctional institution.

(2) Where the Commanding Officer of a correctional institution believes on reasonable grounds that the security of the correctional institution or the safety of any person is threatened, the commanding officer may -

- (a) by order, prohibit the person from entering the correctional institution as a visitor; or
- (b) order the visitor to leave the correctional institution immediately.

(3) The Commanding Officer may order a visitor who does not comply with any of the terms and conditions which apply to the visit to leave the correctional institution.

**79. REFUSAL TO OBEY AN ORDER.**

(1) A person, who disobeys an order to leave a correctional institution, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(2) Where a person disobeys an order to leave a correctional institution, a correctional officer may use such force as is necessary to compel the person to leave.

(3) Where a correctional officer uses force against a visitor under Subsection (2) he shall report the matter to the Commanding Officer as soon as is practicable.

*Division 2. - Powers of Search.*

**80. SEARCH OF A VISITOR.**

(1) A person, who wishes to enter a correctional institution as a visitor shall, if asked, submit to a rub-down search.

(2) Where a person refuses to submit to a rub-down search, a correctional officer may -

- (a) refuse the person entry to the correctional institution; or
- (b) if the person is in the correctional institution, order the person to leave the correctional institution immediately.

**81. SEARCH.**

(1) In this section, "correctional institution" includes a place where detainees are, will soon be or have recently been.

(2) The Commanding Officer of a correctional institution may at any time order a correctional officer to -

- (a) search any part of the correctional institution; or
- (b) perform a rub-down search of -
  - (i) a detainee; or

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- (ii) a visitor to the correctional institution (except a Judge of the Supreme Court or the National Court or a Magistrate); or
  - (iii) a member; or
  - (iv) any other person in the correctional institution; or
- (c) search and examine any thing in the correctional institution.

(3) Where the Commanding Officer of a correctional institution believes on reasonable grounds that the security or good order of the correctional institution or a detainee is threatened, the Commanding Officer may order a correctional officer -

- (a) to search and examine any thing outside but near the correctional institution; and
- (b) require a person outside but near the correctional institution to submit to a search.

### 82. STRIP SEARCHES.

(1) As well as the rub-down search under Sections 80 and 81, the Commanding Officer may require a person wishing to enter, or within, a correctional institution (other than a Judge of the Supreme Court or the National Court or a Magistrate) to submit to a strip search and examination of the person and of any thing in the person's possession or under the person's control, where the Commanding Officer believes that the search is necessary for the security or good order of the correctional institution or detainees.

(2) The Commanding Officer may require a medical officer to be present during a search under this section.

(3) A correctional officer shall not conduct a search under this section which requires the removal of all or most of a person's clothing unless the Commanding Officer, or a correctional officer authorized by the Commanding Officer, so orders.

(4) A correctional officer, in conducting a search under this section, shall ensure that the search is conducted as expeditiously as possible and with regard to the decency and self respect of the person searched.

(5) A search under this section of a female detainee shall be carried out only by a female correctional officer, or female member and if no such member is available, the search shall be carried out by a correctional officer in the presence of a female.

(6) Where a search of a person under this section requires a medical examination, the medical examination shall be carried out -

- (a) by a medical officer or medical practitioner; and
- (b) if the person is female, in the presence of an adult female in addition to the medical officer or medical practitioner and person conducting the search.

(7) Where a person is searched under this section, the Commanding Officer shall complete such records of the search as the Commissioner determines.

(8) Where a person, other than a detainee or a correctional officer, refuses to submit to be searched under this section while inside the correctional institution, the Commanding Officer may order the person to leave the correctional institution immediately.

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**83. SEARCHES OF DETAINEES.**

The Commanding Officer shall ensure that a detainee is searched -

- (a) on admission to a correctional institution; and
- (b) prior to lock-up every night; and
- (c) prior to discharge from or transfer from a correctional institution.

**84. OFFENCES.**

(1) A person, who disobeys an order given by a Commanding Officer under Section 80(2) or 82(8), is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A correctional officer may, if necessary, use reasonable force to compel a person to obey an order under Section 81(2) or 82(8).

(3) A correctional officer is not liable for injury or damage caused in carrying out searches under this Part or in compelling a person to leave a correctional institution under Subsection (2).

(4) Where a correctional officer uses force against a person under Subsection (2), the correctional officer shall report the matter to the Commanding Officer as soon as practicable.

**85. SEIZURE OF UNAUTHORIZED ARTICLES, ETC.,**

(1) In carrying out a search, a correctional officer may seize any one or more of the following:-

- (a) any thing found in the correctional institution, whether in a person's possession or not, which the correctional officer believes on reasonable grounds jeopardizes or is likely to jeopardize the security or good order of the correctional institution or the safety of persons in the correctional institution;
- (b) any thing found on a detainee or in a detainee's possession other than a thing which the detainee is authorized to wear or possess;
- (c) any thing which a detainee is authorized to wear or possess, which the correctional officer believes on reasonable grounds jeopardizes or is likely to jeopardize the security of the correctional institution or the safety of persons in the correctional institution.

(2) A correctional officer who seizes any thing under Subsection (1) shall immediately inform the Commanding Officer.

(3) A Commanding Officer shall deal in the prescribed manner with any thing, which is seized under this section.

*Division 3. - Powers in relation to Detainees.*

**86. FINGERPRINTING AND PHOTOGRAPHING.**

(1) Where a detainee, other than a person detained solely as a witness, is in custody in a correctional institution, the Commanding Officer may take, or cause to be taken, all such particulars, including finger-prints and photographs as he thinks necessary or expedient for the identification of a detainee.

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(2) Where a detainee referred to in Subsection (1) is found not guilty of the charge in respect of which he is in custody, or an appeal against his conviction on that charge is upheld, all finger-prints and photographs of the detainee taken under Subsection (1) shall be destroyed by a correctional officer as soon as possible after the release of the detainee from legal custody.

### **87. PROPERTY OF DETAINEES.**

The Regulations shall make provision for the surrender of property brought into a correctional institution by or for a detainee and for the handling, storage and disposal of such property.

### **88. MEDICAL EXAMINATION OF DETAINEE.**

Wherever practicable, a medical officer shall examine a detainee as soon as possible -

- (a) after the detainee has been admitted to; or
- (b) before the detainee is discharged or removed from, a corrective institution.

### **89. INFECTIOUS DISEASES.**

Where a medical officer believes or suspects that a person in a correctional institution is suffering from an infectious or quarantinable disease, he shall immediately -

- (a) notify the Commissioner and the Departmental Head of the Department responsible for health matters; and
- (b) take, or cause to be taken, all necessary measures to protect persons in the correctional institution against the disease; and
- (c) supervise the carrying out of the measures referred to in Paragraph (b) or cause them to be supervised.

### **90. MEDICAL TESTS AND SAMPLES GENERALLY.**

(1) In this section "medical tests" means any -

- (a) medical examination; and
- (b) tests (including the taking of samples of breath, blood and other bodily secretions) to assess a person's physical and mental health, determined by the medical officer.

(2) As soon as possible after the reception of a detainee into a correctional institution, the detainee shall submit to medical tests.

(3) At any time after the reception of a detainee into a correctional institution, the medical officer may direct the detainee to submit to medical tests.

(4) In determining medical tests which a detainee is required to undergo under this section, the medical officer shall have regard to the safety and welfare of the other detainees in the correctional institution.

### **91. MEDICAL TESTS IN SPECIAL CIRCUMSTANCES.**

(1) Where a correctional officer reasonably believes that a detainee has taken a drug of dependence or alcohol -

- (a) that has not been lawfully issued to the detainee; or
  - (b) in a manner that was not prescribed,
- the correctional officer may take that detainee to, or arrange for that detainee to be seen by, a medical officer or a medical practitioner.

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(2) Where a medical officer or medical practitioner believes that a detainee has taken a drug of dependence or alcohol in the circumstances described in Subsection (1)(a) or (b), the medical officer or medical practitioner shall take a sample of the blood, urine or saliva of the detainee, as the case requires.

(3) A detainee taken to a medical officer or medical practitioner under Subsection (1) shall submit to a test of the blood, urine or saliva of the detainee as directed.

(4) A sample of blood, urine or saliva taken under Subsection (2) and the results of a test of blood, urine or saliva under Subsection (3) may be -

- (a) used as evidence in any disciplinary procedures under this Act; or
- (b) made available to the Police for the purposes of criminal prosecution.

### **92. TAKING OF SAMPLES OF DRUGS AND ALCOHOL.**

(1) A correctional officer may take for analysis a sample of a substance that the correctional officer believes to be a drug of dependence or alcohol that is found in the possession of a detainee and was not lawfully issued to the detainee.

(2) A correctional officer who takes a sample of a substance under Subsection (1) shall, as soon as possible, advise the Commanding Officer accordingly.

(3) The Commanding Officer referred to in Subsection (2) shall ensure that the sample of a substance taken under Subsection (1) is sealed in a container in front of the detainee and delivered to the Officer-in-Charge of the nearest police station.

- (4) A sample of a substance taken under Subsection (1) may be -
- (a) used as evidence in any disciplinary procedures under this Act; or
  - (b) made available to the Police for the purposes of criminal prosecution.

### *Division 4. - Secrecy.*

### **93. MISUSE OF OFFICIAL INFORMATION AND PUBLIC COMMENT.**

(1) A member shall not -

- (a) use for any purpose, other than the discharge of his official duties, information gained or conveyed to him through his connection with the Service; and
- (b) except with the consent of the Commissioner, publicly comment on administrative action by, or on the administration of, the Service.

(2) The provisions of Subsection (1)(b) do not prevent a member from commenting publicly on civic affairs.

### **94. SECRECY OF INFORMATION.**

(1) Except in the course of official duty, a member shall not divulge, directly or indirectly -

- (a) any information concerning public business; or
- (b) any matters of which he has knowledge officially.

(2) The provisions of Subsection (1) apply to persons visiting in an official capacity.

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*Division 5. - Movement and Transfer of Detainees.*

**95. INTERPRETATION.**

In this Division, "institution" means -

- (a) a correctional institution; or
- (b) a juvenile institution; or
- (c) a remand centre; or
- (d) a medical facility; or
- (e) a court; or
- (f) a rural lock-up; or
- (g) a police lock-up.

**96. POWER TO TRANSFER DETAINEES.**

The Commissioner may, by instrument in the prescribed form, authorize the transfer of a detainee or a class of detainees -

- (a) from one institution to another; or
- (b) from place to place within an institution.

**97. CUSTODY OF DETAINEE DURING TRANSFER.**

(1) Where a detainee is transferred outside a correctional institution, the detainee is, during transfer -

- (a) if escorted by a correctional officer, in the custody of the Commissioner; or
- (b) if escorted by a police officer, in the custody of that member of the Police Force,

until the transfer is completed.

(2) A transfer of a detainee outside a correctional institution is completed when -

- (a) the detainee is received into the institution or place to which the detainee is going; and
- (b) the document authorizing the transfer of the detainee is produced to the appropriate officer of that institution or place.

**98. UNCONVICTED DETAINEES MAY BE TRANSFERRED.**

(1) Where a person -

- (a) has been committed for trial or sentence before the National Court; and
- (b) has been committed to a police lock-up,

the Commissioner of Police in consultation with the Commissioner or the Court may, at the end of one month or such shorter time as is agreed, transfer the detainee to a correctional institution until discharged by law.

(2) A transfer under this section shall be in the form prescribed.

**99. ATTENDANCE AT COURT, ETC.,**

(1) A detainee -

- (a) who is awaiting trial or sentence for an indictable offence; and
- (b) whose presence is required in or before a court or at an inquiry, examination or investigation to answer a charge, or as a witness or otherwise,

may, on the order of a Judge or a court or on the written direction of the Commissioner or a District Officer -

- (c) be transferred from one correctional institution, police lock-up or rural lock-up to another correctional institution, police lock-up or rural lock-up; or

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- (d) be transferred to the court or place where his attendance is required at such time and place as are necessary.

(2) During any transfer ordered under Subsection (1), the detainee will be in the custody of the Police Officer executing the transfer until returned to the custody of the Commissioner.

**100. CUSTODY OF DETAINEE IN HOSPITAL.**

Where a detainee is removed to a medical facility under this Division the -

- (a) Commanding Officer of the correctional institution; or
  - (b) officer-in-charge of the lock-up,
- nearest to the medical facility, shall provide such correctional officers or police officers and shall make such arrangements as he thinks necessary to ensure the safe custody of the detainee while in the medical facility.

**101. ABSENCE FROM A CORRECTIONAL INSTITUTION.**

(1) The Commissioner may, by instrument in the prescribed form, authorize a detainee to be absent from a correctional institution.

(2) An instrument under Subsection (1) authorizing the absence of a detainee from a correctional institution shall specify -

- (a) the purpose of the absence; and
- (b) the duration of the absence; and
- (c) the conditions imposed for the security, custody or supervision of the detainee while absent from the correctional institution.

(3) The purposes for which absence may be authorized under Subsection (1) include but are not limited to -

- (a) visiting a member of the immediate family of the detainee or of another person who had a long standing close personal relationship with the detainee where that person is dangerously ill; or
- (b) attending the funeral of a person referred to in Paragraph (a); or
- (c) attending a doctor, dentist, hospital or clinic; or
- (d) taking part in an approved programme; or
- (e) attending an educational or training institution; or
- (f) doing work approved by the Commissioner; or
- (g) attending court.

(4) A detainee whilst under an order authorizing absence from a correctional institution remains in the custody of the Commissioner.

(5) A detainee, who fails to comply with a condition imposed in an instrument under Subsection (1), is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**102. OTHER PROCEDURES RELATING TO TRANSFER, ETC.,**

The Regulations or Standing Orders may make provisions for the forms of instruments relating to transfer, absence and movement of detainees.

*Division 6. - Reports and Detainee Records.*

**103. WARRANT OF COMMITTAL.**

A warrant committing a person to a correctional institution shall be in the prescribed form.

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### 104. REPORTS AND DETAINEE RECORDS.

The Regulations and Standing Orders shall prescribe -

- (a) the reports and records pertaining to a detainee which are required to be made and kept; and
- (b) the information to be contained in such reports and records; and
- (c) the manner of making and keeping such reports and records; and
- (d) the frequency of such reports and records; and
- (e) such other matters relating to such reports and records as may be necessary or desirable.

### 105. SECRECY OF RECORDS.

(1) Notwithstanding any other law, the Commissioner shall not make available to any person, not being a member of -

- (a) the Service; or
- (b) the Correctional Service Promotions Selection Board; or
- (c) the Tribunal,

any -

- (d) official record kept by the Service; or
- (e) information obtained by a member in his official capacity that the Commissioner thinks should be privileged, unless for some special reason he considers it proper to make it available or on the order of a court of competent jurisdiction.

(2) This section does not affect the operations of the *Public Finances (Management) Act* 1986.

### *Division 7. - Other Provisions Relating to Security and Control.*

### 106. INSPECTIONS.

The Commissioner shall ensure that inspections of each correctional institution are conducted on a regular basis and at least annually in accordance with the Regulations and Standing Orders.

### 107. SEPARATION OF DETAINEES GENERALLY.

(1) Detainees are divided into the following classes:-

- (a) those who are remandees; and
- (b) those who are sentenced persons.

(2) The separation of detainees shall be in accordance with the following provisions:-

- (a) male detainees and female detainees shall be detained so far as possible in separate correctional institutions;
- (b) where a correctional institution is used for the detention of both male detainees and female detainees, the part of the correctional institution allocated to the female detainees shall be entirely separate;
- (c) young detainees shall be kept separate from adult detainees;
- (d) separation within the classes of detainees specified under Subsection (1) shall be as prescribed by the Regulations and Standing Orders.

### 108. SEPARATION OF ONE DETAINEE FROM OTHER DETAINEES.

(1) In addition to Section 107(2) and subject to Subsection (2), the Commissioner or a correctional officer authorized by him may, in writing, order the separation of a detainee from other detainees where -



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- (a) the separation is necessary or desirable for the safety of the detainee or other persons, or the security, good order or management of the correctional institution; and
- (b) the detainee is only separated from other detainees while the safety of the detainee or other persons, or the security, good order or management of the correctional institution is at risk.

(2) A separation order under Subsection (1) is not required to be in writing where the separation of a detainee from other detainees is, in the opinion of the Commissioner or a correctional officer authorized by him, required urgently.

(3) Where an oral separation order is made under Subsection (2), the oral separation order shall be confirmed in writing within 24 hours.

(4) A separation order under this section shall specify that the detainee to be separated from other detainees be placed -

- (a) in a separate detention cell; or
- (b) in a separate section of the correctional institution.

(5) A separation order made under this section shall not extend beyond -

- (a) 28 days for separate confinement; and
- (b) 90 days for confinement in a separate section.

(6) Where a separation order under this section specifies that a detainee be placed in a separate detention cell, the Commissioner or a correctional officer authorized by him -

- (a) shall assess the daily conduct of the detainee the subject of the order; and
- (b) may order that the detainee be removed from the separate detention cell prior to the expiration of the separation order; and
- (c) shall make an order under Paragraph (b) where a visiting medical officer determines removal to be necessary to safeguard the health of the detainee.

(7) A detainee shall be removed from the separate detention cell at the expiration of a separation order under this section or such lesser period as may be determined by the Commissioner.

(8) The Commissioner or a correctional officer authorized by him may in respect of a detainee make a second separation order under Subsection (4)(a) to take effect immediately on the expiration of a previous separation order under Subsection (4)(a) in respect of that detainee, but any further separation order under this section may be effected only after a Visiting Magistrate has -

- (a) satisfied himself as to the need for a further separation order; and
- (b) thereafter endorsed the further separation order.

(9) The Commissioner may make additional orders under Subsection (4)(b) to take effect immediately on the expiration of the previous orders as required.

**109. CLASSIFICATION OF DETAINEES.**

(1) A detainee shall be classified in accordance with the Regulations as soon as possible after being sentenced.

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(2) The Commissioner shall ensure that a classification under Subsection (1) shall be reviewed at least once annually.

### **110. TOOL AND MATERIAL CONTROL.**

The Commissioner shall determine a procedure for the control, accountability, security, maintenance, issue, use and storage of all tools, equipment and materials in correctional institutions, and each Commanding Officer shall establish and maintain such procedure in the correctional institution of which he is in command.

### **111. GENERAL DUTIES OF CORRECTIONAL OFFICER IN RELATION TO ORDER AND DISCIPLINE, ETC.,**

A correctional officer shall -

- (a) maintain order and discipline with firmness, but with no more restriction or force than is required for safe custody and well - ordered life within the correctional institution; and
- (b) in controlling detainees, seek to influence them through example and leadership and endeavour to enlist willing co-operation; and
- (c) at all times treat detainees with due regard to the encouragement of self-respect and a sense of personal responsibility.

### **112. POWERS OF A CORRECTIONAL OFFICER.**

(1) A correctional officer may use reasonable force where the correctional officer believes it to be necessary to compel a detainee to obey an order given by a member or to compel a person in a correctional institution to comply with an order given by a member.

(2) A correctional officer authorized by the Commanding Officer may apply an instrument of restraint to a detainee in accordance with the Regulations where the correctional officer believes it to be necessary to maintain the security of the detainee or to prevent injury to any person.

(3) Subject to the Regulations, a correctional officer may use a firearm where the correctional officer believes it to be necessary to maintain the good order and security of the correctional institution or the custody of a detainee.

(4) A correctional officer is not liable for injury or damage caused by the use of force, instruments of restraint or firearms when acting in accordance with this section.

### **113. OFFENCES TO BREACH SECURITY.**

- (1) A person who, without being authorized to do so by or under this Act -
- (a) enters or attempts to enter a correctional institution; or
  - (b) communicates or attempts to communicate with a detainee; or
  - (c) takes or sends, or attempts to take or send anything into or out of a correctional institution,

is guilty of an offence.

Penalty: A term of imprisonment not exceeding two years.

(2) Where a correctional officer believes on reasonable grounds that a person who is outside but near a correctional institution or near a place where detainees are, is acting in a way which threatens or is likely to threaten the security of the correctional institution or detainees, the correctional officer may order the person to leave the area.

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(3) A person, who fails to comply with an order under Subsection (2), is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(4) A person, who resists, obstructs or hinders a member acting in the execution of the member's duty, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

(5) A person, who assaults a member acting in the execution of the member's duty, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

(6) Where a court convicts a person of an offence against Subsection (5), it may order him to pay to the member in relation to whom the offence was committed such amount by way of compensation for bodily injury or damage to the property of the member or Commissioner occasioned by or in the course of the commission of the offence, as it thinks just.

### **114. APPREHENSION WITHOUT WARRANT.**

A person found committing an offence against Section 113 may be apprehended without warrant by a correctional officer and delivered into the custody of a member of the Police Force as soon as practicable.

### **115. USE OF DOGS.**

The Regulations and Standing Orders may make provision for -

- (a) the use of dogs; and
- (b) the training of correctional officers and dogs; and
- (c) the care of dogs; and
- (d) the situations in which dogs may be used.

## **PART IX. - STATUS OF DETAINEES.**

### **116. CUSTODY.**

(1) A person is deemed to be in the custody of the Commissioner where -

- (a) the person is committed to a correctional institution by warrant or order of a court, judicial officer or Parole Board addressed to the Commissioner; or
- (b) the person is transferred to a correctional institution from a lock-up under Section 96,

and is delivered with the warrant, order or transfer authority to the Commissioner or to a correctional officer.

(2) The Commissioner's custody of a detainee ceases -

- (a) where the detainee is transferred into the custody of the Commissioner of Police; or
- (b) where the sentence expires; or
- (c) with the death of the detainee; or
- (d) when a detainee escapes; or
- (e) when the detainee is released on parole pursuant to Section 23 of the *Parole Act* 1991.

### **117. COMMISSIONER TO PROVIDE SYSTEM FOR SENTENCE CALCULATION.**

The Commissioner shall ensure that systems are established for -

- (a) the recording of sentences; and
- (b) the calculation of discharge dates; and

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- (c) the calculation of remission; and
- (d) the notification of sentences to detainees.

**118. CUMULATION OF TERMS OF IMPRISONMENT.**

Unless otherwise directed at the time of imposition, a sentence of imprisonment imposed on a detainee under this Act is cumulative on -

- (a) any sentence that the detainee is then serving; and
- (b) any other incompleted sentence to which the detainee has been sentenced.

**119. EXPIRATION OF TERMS OF IMPRISONMENT.**

(1) A term of imprisonment -

- (a) expiring on a Sunday, Christmas Day or Good Friday or any day declared to be a public holiday under Section 2, 3, 4 or 5 of the *Public Holidays Act* (Chapter 321); or
  - (b) expiring between Christmas Day and the day after New Year's Day, shall be deemed to expire at noon on the day before -
  - (c) the Sunday, Christmas Day or Good Friday; or
  - (d) the day declared to be a public holiday under Section 2, 3, 4 or 5 of the *Public Holidays Act* (Chapter 321),
- as the case may be.

(2) Where -

- (a) the sentence of a detainee expires; or
  - (b) a detainee dies,
- while in the custody of the Commissioner, and that detainee has been transferred for management reasons to a correctional institution away from the normal place of residence of the detainee, the detainee or the body of the detainee shall be returned to -
- (c) the correctional institution to which the detainee was first received; or
  - (d) the normal place of residence of the detainee.

**120. REMISSION TO BE GRANTED.**

(1) Subject to this section, the Commissioner shall grant to a detainee remission equal to one third of the period of sentence.

(2) A remission shall not be granted in respect of -

- (a) the period of any sentence imposed on a detainee in consequence of a conviction for escaping or attempting to escape from lawful custody; or
- (b) that period of a sentence which elapses between the escape and recapture of a detainee who escaped from lawful custody; or
- (c) the period of any sentence imposed on a detainee for a corrective institution offence of rural lock-up offence.

(3) Where a detainee is returned to custody pursuant to Section 26 of the *Parole Act* 1991, the detainee shall -

- (a) be granted by the Commissioner remission equal to one third of the period of sentence served by the detainee prior to release on parole; and
- (b) not be eligible for remission on the period of sentence served while on parole subject to the *Parole Act* 1991; and
- (c) not be deemed to be serving the sentence for any period which elapses between the laying of the charge for breach of parole and being returned to custody pursuant to Section 26 of the *Parole Act* 1991; and

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- (d) be deemed to be serving the sentence of imprisonment if in custody pursuant to Section 25 of the *Parole Act* 1991; and
- (e) be eligible for remission on times spent in custody prior to a determination under Section 27 of the *Parole Act* 1991.

(4) In the case of a detainee who, immediately before the coming into operation of this Act, was a detainee under the *Corrective Institutions Act* (Chapter 63) repealed by Section 169, the provisions of this Act shall apply in respect of the calculation of remission (and loss of remission) to any portion of the sentence served before that coming into operation as they apply in respect of that portion of the sentence to be served after that coming into operation.

### 121. SPECIAL REMISSION.

(1) The Commissioner may, by instrument, grant special remission of any sentence or sentences of imprisonment as an incentive to or reward for good conduct while an emergency exists in the correctional institution where the detainee is serving a sentence of imprisonment.

(2) Special remission granted under Subsection (1) shall not exceed four days for each day or part of a day on which emergency exists.

## PART X. - CONDITIONS OF DETENTION.

### 122. ACCOMMODATION.

(1) All accommodation provided for the use of detainees, and in particular all sleeping accommodation, shall meet all requirements of health and climatic conditions as are consistent with local living conditions.

(2) Where sleeping accommodation is -

(a) in dormitories - they shall be occupied by detainees selected as being suitable to associate with one another in such conditions and there shall be regular supervision by night in keeping with the nature of the correctional institution; and

(b) in individual cells or rooms - each detainee shall occupy by night a cell or room by himself.

(3) The sanitary arrangements shall be adequate to enable a detainee to comply with the needs of nature when necessary and in a clean and decent manner.

(4) Adequate bathing and shower installations shall be provided so that a detainee may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for the general hygiene according to season, but at least once a week.

(5) All parts of a correctional institution regularly used by a detainee shall be properly maintained and kept scrupulously clean at all times.

### 123. FOOD.

(1) A detainee has a right to be provided with food that is adequate to maintain the health and well being of the detainee.

(2) Where practicable, a detainee shall be provided with special dietary food where necessary on account of the health or religious beliefs of the detainee.

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(3) The Regulations and Standing Orders may make provision for the scale of daily rations and for the purchase, preparation, distribution and disposal of foods.

(4) Where the management of a correctional institution is not jeopardized, the Commanding Officer may authorize the provision of food to a detainee at the detainee's own cost.

### **124. CLOTHING.**

(1) A detainee shall be issued with clothing that is -

- (a) suitable for the climate and for any work that the detainee is required to do; and
- (b) adequate to maintain the health of the detainee.

(2) Regulations and Standing Orders may provide for -

- (a) the clothing issue of detainees; and
- (b) standards of personal appearance to be maintained, taking into consideration normal patterns of dress and behaviour and appearance and the security and good order of the correctional institution.

### **125. HYGIENE.**

The Regulations may prescribe standards of hygiene.

### **126. EXERCISE.**

The Regulations may make provision for exercise by a detainee.

### **127. WORK GENERALLY.**

(1) A detainee under sentence shall, subject to his physical and mental fitness as determined by the medical officer, be required to work.

(2) The work provided for a detainee to do under Subsection (1) -

- (a) shall be sufficient work of a useful nature to keep the detainee actively employed for a normal working day; and
- (b) shall not be of an afflictive nature; and
- (c) shall be such as will maintain or increase the ability of the detainee to earn an honest living after release.

(3) Vocational training in useful trades shall be provided where possible for a detainee (especially a young detainee) who is able to profit thereby.

(4) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, a detainee shall be able to choose the type of work he wishes to perform.

### **128. ORGANIZATION AND METHOD OF WORK.**

(1) Subject to Subsection (2), the organization and methods of work for a detainee in a correctional institution shall resemble as closely as possible those of similar work outside the correctional institution so as to prepare the detainee for the conditions of normal occupational life.

(2) The interests of a detainee and his vocational training shall not be subordinated to the purpose of making a financial profit from an industry in the correctional institution.

### **129. USE OF OUTSIDE CONTRACTORS IN RELATION TO WORK.**

(1) An industry or other work in which a detainee is employed shall, whenever possible, be administered by the Service.

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(2) Where a detainee is employed in work not controlled by the Service, he shall at all times be under the supervision of a correctional officer.

### 130. SAFETY PRECAUTIONS.

The Commissioner shall ensure that the provisions of the *Industrial Safety, Health and Welfare Act* (Chapter 175) are applied to all work engaged in by a detainee.

### 131. WORKING HOURS.

(1) Except where otherwise provided in this Part, a detainee shall not be required to work more than eight and one half hours in each day.

(2) For the purposes of Subsection (1), time spent by a detainee under instruction shall be deemed to be work.

### 132. SUPERVISION, ETC., OF WORK.

A member supervising a detainee at work shall -

- (a) carefully supervise and examine the work performed by the detainee; and
- (b) take full precautions to prevent injury to the detainee by machinery or other equipment; and
- (c) keep, or cause to keep, the detainee to his work; and
- (d) search, or cause to be searched, the detainees on leaving work; and
- (e) seize any unauthorized article found in the possession of a detainee.

### 133. WORK ON PUBLIC HOLIDAYS.

(1) Subject to Subsection (2), a detainee shall do only necessary work on Sundays, Christmas Day and Good Friday, but on all other public holidays shall work as on days other than public holidays, unless the Commissioner otherwise directs.

(2) Where required to do so by the Commanding Officer in case of emergency, a detainee shall perform such work as the Commanding Officer directs.

### 134. HARD LABOUR.

A detainee sentenced to imprisonment with hard labour shall be employed at such work as the Commissioner directs.

### 135. LIGHT LABOUR.

A detainee serving a term of imprisonment without hard labour shall perform such moderate work as the Commanding Officer of the correctional institution or lock-up directs.

### 136. INSTITUTIONAL MAINTENANCE.

Subject to this Act, the Commanding Officer of a correctional institution may direct a detainee to carry out work necessary for the maintenance, cleanliness and sanitation of the correctional institution.

### 137. REMOVAL OF DETAINEES FOR WORK.

(1) The Commanding Officer of a correctional institution may authorize the temporary removal of a detainee under sentence of hard labour to a place outside the correctional institution for the purpose of carrying out in that place work for the benefit of the community.

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(2) The Commissioner may, by written notice to the Commanding Officer of a correctional institution, direct the removal of all or any detainees confined in the correctional institution under sentence of hard labour to a place named in the direction for the purpose of carrying out in that place the labour portion of the sentences, provided that the labour is for the benefit of the community.

(3) A detainee employed under this provision shall return to the correctional institution each night unless leave of absence is granted under Section 101.

### **138. ARTICLES MADE BY A DETAINEE.**

All articles made by a detainee in the course of his work while a detainee are the property of the State.

### **139. CHILDREN OF DETAINEES.**

(1) At the request of a detainee who is the mother of a child, the Commissioner may permit the child to live with the detainee in the correctional institution, where the Commanding Officer is satisfied that -

- (a) the child is under the age of three; and
- (b) it is in the best interests of the child to live with his mother in the correctional institution; and
- (c) the management, good order and security of the correctional institution will not be threatened by the child living in the correctional institution; and
- (d) the child can be adequately cared for and maintained by the detainee in the correctional institution.

(2) The detainee is responsible for the safety and care of the child of the detainee while the child lives in the correctional institution.

(3) Where the Commanding Officer believes that the presence or behaviour of a child in a correctional institution under Subsection (1) is threatening the security or good order of the correctional institution, the Commanding Officer may cause the child to be removed from the correctional institution.

(4) Where a child is removed from a correctional institution under Subsection (3), the Commissioner may apply to the court for directions and an order with respect to the child.

(5) A child living in a correctional institution under this section is not a detainee.

(6) The Regulations and Standing Orders may make further provision for the residence of a child in a correctional institution under this section.

### **140. DISABLED DETAINEES.**

(1) A detainee with special needs shall have special access to such special care and treatment as is available.

(2) A detainee to whom Subsection (1) applies may be transferred into the custody of the Officer-in-Charge of a special facility on the agreement of the Commissioner.



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### PART XI. - SERVICES FOR DETAINEE CARE AND WELFARE.

#### 141. HEALTH.

(1) A detainee has a right to reasonable medical care and treatment consistent with community standards and necessary for the preservation of health including, with the approval of the Departmental Head of the Department responsible for health matters but at the expense of the detainee, a private medical practitioner.

(2) The Commissioner shall appoint a medical officer with the prescribed qualifications to each correctional institution.

(3) The Regulations and Standing Orders may make further provisions in relation to the health of detainees.

#### 142. VISITING MEDICAL OFFICERS.

(1) The Minister may, by notice in the National Gazette, appoint a medical practitioner who is an officer of the Department responsible for health matters, to be a visiting medical officer of a correctional institution.

(2) The -

(a) Departmental Head of the Department responsible for health matters; or

(b) where the Departmental Head of the Department responsible for health matters is not a medical practitioner, senior medical practitioner in the Department responsible for health matters, is, *ex officio*, a visiting medical officer of all correctional institutions.

(3) The visiting medical officer shall -

(a) visit each correctional institution not less than once in every four weeks; and

(b) inspect the correctional institution; and

(c) see every detainee or member, on request; and

(d) see a detainee at the request of the medical officer or Commanding Officer; and

(e) report to the Commissioner his observations with respect to the cleanliness of the institution and the health and hygiene of detainees.

#### 143. RELIGION.

(1) A detainee has a right -

(a) to practise a religion of his choice; and

(b) where consistent with security and good management -

(i) to go in with other detainees in practising that religion; and

(ii) to possess such articles as are necessary for the practice of that religion.

(2) The Regulations and Standing Orders may make further provision in relation to the practice of religion by detainees.

#### 144. VISITING MAGISTRATES.

(1) The Judicial and Legal Services Commission shall, in respect of each correctional institution and lock-up, appoint a magistrate to be a Visiting Magistrate.

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(2) The Visiting Magistrate shall visit the correctional institution or lock-up in respect of which he is appointed -

- (a) at least once in every month; and
- (b) on such other occasions as the Commissioner requests.

### 145. DUTIES OF VISITING MAGISTRATE.

(1) The Visiting Magistrate shall, in respect of the correctional institution for which he was appointed -

- (a) inquire into the treatment and conduct of the detainees; and
- (b) inspect and observe the correctional facilities and programmes; and
- (c) hear any complaints made to him by members; and
- (d) review the document of commitment of every detainee received into the correctional institution since the last visit of a Visiting Magistrate for apparent error or excess and to assist a detainee in the initiation of a review if appropriate; and
- (e) hear and determine appeals under Section 161 from hearings by the Commanding Officer of offences; and
- (f) inquire into such matters as he thinks fit or the Commissioner directs; and
- (g) perform such other duties as are prescribed.

(2) The Visiting Magistrate shall, within seven days, or such further time as the Commissioner allows, after making his visit, forward to the Commissioner a report concerning any of the matters referred to in Subsection (1).

### 146. INABILITY OF VISITING MAGISTRATE TO ACT.

Where a Visiting Magistrate is unable to make a visit required under Section 145(2), he shall notify the Commissioner of his inability to do so and the reason for it and the Commissioner may request the Judicial and Legal Services Commission to appoint another magistrate to act temporarily as a Visiting Magistrate of the correctional institution or lock-up in his place.

### 147. ADDITIONAL VISITING MAGISTRATES.

(1) The Judicial and Legal Services Commission may appoint such magistrates, in addition to those appointed under Section 144(1), to be Visiting Magistrates for such correctional institutions as it thinks desirable.

(2) Where a Visiting Magistrate appointed under Subsection (1) thinks fit or is directed to do so by the Commissioner, he may -

- (a) visit a correctional institution for which he is appointed as a Visiting Magistrate; or
- (b) exercise all or any of the powers and authority and perform all or any of the functions of a Visiting Magistrate.

(3) Where a Visiting Magistrate visits a correctional institution under Subsection (2), he shall, within seven days or such further time as the Commissioner allows, forward to the Commissioner his report on the institution.

### 148. *EX OFFICIO* VISITING MAGISTRATES.

A Judge is *ex officio* a Visiting Magistrate for all correctional institutions and may, when he thinks fit -

- (a) visit a correctional institution as a Visiting Magistrate; or
- (b) exercise all or any of the powers and authority and perform all or any of the functions of a Visiting Magistrate.

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### 149. TRAINING AND EDUCATION.

The Regulations shall make provisions for the further education, including religious instruction, of all detainees capable of profiting thereby.

### 150. RECREATION AND WELFARE.

(1) The Commissioner shall ensure that recreational and cultural activities shall be provided in all correctional institutions for the benefit of the mental and physical health of the detainees.

(2) At least one member shall be appointed to each correctional institution to assess and provide assistance for the welfare needs of detainees.

## PART XII. - DETAINEE DISCIPLINE.

### 151. INTERPRETATION.

In this Part -

"Discipline Officer" means a Discipline Officer appointed under Section 153, and in relation to a correctional institution, means the Discipline Officer appointed for that correctional institution; "offence" means an offence under Section 152.

### 152. OFFENCES.

A detainee who does or attempts to do any of the following commits an offence:-

- (a) assaults or maliciously threatens another person;
- (b) acts in a disruptive, abusive or indecent manner, whether by language or conduct;
- (c) engages in gambling or trafficking in unauthorized articles or substances;
- (d) has in his possession an article or substance -
  - (i) not issued or authorized by a member; or
  - (ii) prescribed by a medical officer or medical practitioner; or
  - (iii) permitted by or under this Act;
- (e) takes or uses alcohol, a drug of dependence or an unauthorized substance or article that has not been issued to the detainee, or takes or uses alcohol or a drug of dependence lawfully issued in a manner that was not prescribed or authorized;
- (f) sends or receives a letter or parcel containing an article or substance that the detainee knows to be an unauthorized article or substance;
- (g) acts in a way which is prejudicial to or threatens correctional institution property;
- (h) without the direction or permission of a member -
  - (i) is in a place where he is not required or permitted to be; or
  - (ii) leaves the place where he is required to be;
- (i) works in a careless or negligent way;
- (j) breaches a condition of leave of absence from the correctional institution;
- (k) disobeys a lawful order of a member;
- (l) commits an act or omission that is contrary to the good order, management or security of the correctional institution or the detainee;
- (m) repeatedly behaves in a way that is prejudicial to the good order and management of a correctional institution.

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**153. DISCIPLINE OFFICER TO BE APPOINTED.**

The Commanding Officer of each correctional institution shall appoint a Discipline Officer who shall be, unless special circumstances exist, the second most senior officer appointed to a position at the correctional institution.

**154. OFFENCE TO BE REPORTED.**

Where a member suspects that a detainee has committed an offence under Section 152, the member shall report that offence to the Discipline Officer.

**155. INVESTIGATION OF OFFENCE.**

The Discipline Officer shall investigate the report under Section 154 of an offence and in doing so shall give the detainee suspected of having committed an offence an opportunity to give an explanation.

**156. DUTIES OF DISCIPLINE OFFICER AFTER INVESTIGATIONS.**

(1) The Discipline Officer may, after carrying out an investigation under Section 155 -

- (a) if satisfied that an offence has been committed, but that it was of a trivial nature - reprimand the detainee and take no further action; or
- (b) if satisfied that an offence has been or is likely to have been committed, and that the alleged offence is of such a serious nature as to require an official hearing - charge the detainee with the offence and notify the Commanding Officer of the charge; or
- (c) dismiss the allegations and take no further action.

(2) A charge under Subsection (1)(b) shall indicate whether the charge is to be heard by a Commanding Officer or referred to the local court.

**157. DUTIES OF COMMANDING OFFICER.**

Where a Commanding Officer receives notification of a charge under Section 156(1)(b), he may -

- (a) if satisfied that the offence is of a trivial nature - refer the charge back to the Discipline Officer to be dealt with under Section 156(1)(a); or
- (b) if satisfied that the charge should be the subject of a hearing by a court of competent jurisdiction in the area where the offence is alleged to have been committed - refer the charge back to the Discipline Officer for him to refer the matter to the appropriate authorities; or
- (c) if he believes that he has an interest which would prejudice the fair hearing of the charge - request the Commissioner to appoint another Commanding Officer to hear the charge; or
- (d) hear the charge.

**158. COMMISSIONER TO APPOINT ANOTHER COMMANDING OFFICER TO HEAR CHARGE IF REQUESTED.**

The Commissioner shall, on receipt of a request under Section 157(c), appoint another Commanding Officer to hear the charge.

**159. COMMANDING OFFICER'S HEARING.**

(1) Where a charge is to be heard by a Commanding Officer of a correctional institution or by another Commanding Officer, the Commanding Officer of the correctional institution shall, not less than 72 hours before the hearing (or where the Commanding Officer and the detainee agree to a shorter period, within that shorter period) give notice to the detainee of the time, date and place of the hearing.

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(2) At a hearing, the Commanding Officer conducting the hearing shall allow the detainee reasonable opportunity to call relevant witnesses and cross examine the person conducting the case against the detainee and witnesses called by that person.

(3) At a hearing, the detainee charged may be represented by another detainee if the Commanding Officer approves.

(4) The procedure and conduct of a hearing are as prescribed.

### **160. PENALTIES WHICH MAY BE IMPOSED.**

Where, at a hearing, the Commanding Officer finds that the detainee is guilty of the offence or the detainee admits the truth of the charge, the Commanding Officer may impose on the detainee any one of the following penalties:-

- (a) a caution;
- (b) a reprimand;
- (c) withdrawal of one or more of the detainee's privileges for a period not exceeding 14 days for each offence committed, but not exceeding in total 30 days;
- (d) an order that a detainee is to lose, for each offence committed, up to 10 days of the period of remission to which the detainee is entitled, but not more than 10 days may be lost by the detainee in the 30 day period dating from 30 days prior to the date of hearing.

### **161. LOSS OF REMISSION.**

(1) An order under Section 160(d) that a detainee is to lose up to 10 days of remission takes effect immediately on the making of the order.

(2) Where an order under Section 160(d) is to the effect that the detainee is to lose eight days or more of a period of remission, the detainee may, within 14 days of being notified of the order, appeal against it to a Visiting Magistrate.

- (3) On an appeal under Subsection (2), the Visiting Magistrate -
- (a) shall rehear and redetermine matters relating to the charge of the offence; and
  - (b) may confirm, vary or quash the decision of the Commanding Officer under Section 160; and
  - (c) has the powers of the Commanding Officer under Section 160.

(4) The determination by a Visiting Magistrate of an appeal under this section is final and conclusive and shall be given effect to by the Commanding Officer of the correctional institution in which the detainee is held.

(5) Where the determination of an appeal under this section varies a penalty of a loss of remission, the detainee is entitled to have remission recredited to the extent of the variation.

### **162. CHARGE REFERRED TO COURT OF COMPETENT JURISDICTION.**

(1) The Commissioner shall be the informant to a charge against a detainee to be heard in a court of competent jurisdiction, but the informant may appear -

- (a) by counsel or a lawyer or other person empowered by law to appear for the Commissioner; or
- (b) by another correctional officer.

(2) The court hearing a charge under this Part may, if the charge is found proven or is admitted by the detainee, impose on the detainee a sentence of imprisonment for a term not exceeding two years.

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(3) A sentence of imprisonment imposed under Subsection (2)(b) is to be served cumulatively upon any other sentence that the detainee is serving unless otherwise ordered by the Court.

(4) A detainee may appeal against a sentence imposed under Subsection (2) through the appropriate processes of a court of competent jurisdiction.

(5) A penalty imposed under Subsection (2) is not to be given effect to until after the expiry of the period for appeals.

### **PART XIII. - MISCELLANEOUS.**

#### **163. CORRECTIONAL SERVICE GAZETTE.**

(1) There shall be a *Correctional Service Gazette* which shall be published at least quarterly.

- (2) There shall be published in the *Correctional Service Gazette* -
- (a) notices of all vacancies in the Service; and
  - (b) notices of all appointments, promotions and transfers of members; and
  - (c) findings of the Disciplinary Appeals Tribunal and the Commissioner with respect to appeals under Part V; and
  - (d) regulations made under this Act; and
  - (e) Standing Orders made under this Act; and
  - (f) determinations with respect to salary, terms and conditions of service and allowances and expenses to be paid to members; and
  - (g) any other matter or thing that is required to be so published by or under this Act or any other Act, or by direction of the Commissioner.

(3) The *Correctional Service Gazette* shall be distributed to each Commanding Officer within 14 days of publication.

(4) A Commanding Officer shall ensure that each member under his command has access to the *Correctional Service Gazette*.

(5) All courts, Judges and persons acting judicially shall take judicial notice of any act, matter or thing of which publication in the *Correctional Service Gazette* is directed by or under an Act, when so published.

#### **164. DELEGATION.**

(1) The Commissioner may delegate to any member or class of members all or any of the Commissioner's powers, functions or duties under this Act (except this power of delegation) and any other power, function or duty prescribed in the Regulations.

(2) A Commanding Officer may delegate to any member or class of members all or any of the Commanding Officer's powers, functions or duties under this Act (except this power of delegation) and any other power, function or duty prescribed in the Regulations.

- (3) A delegation under Subsection (1) or (2) shall be -
- (a) wherever possible, by written instrument; and
  - (b) when given orally, confirmed by written instrument as soon as is practicable and in any event not more than 14 days after the delegation is made.

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### 165. WORKERS' COMPENSATION.

A member is considered to be a worker for the purposes of the *Workers' Compensation Act* (Chapter 179).

### 166. MISREPRESENTATION BY APPLICANTS FOR APPOINTMENT.

A person, who makes a false representation in applying for appointment as a member of the Service, is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

### 167. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are permitted or required to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, including, but without prejudice to the foregoing generality -

- (a) annual reports by the Commissioner, recruitment, appointment, terms and conditions of service (including salaries), transfer, promotion, discipline, training, qualifications of members;
- (b) the entitlements, expenses and allowances available to members and families of members and the conditions applicable thereto;
- (c) duties of members;
- (d) the issue, use, replacement, cost, maintenance and description of uniforms;
- (e) standards of appearance to be maintained by members and detainees;
- (f) the management, good order and security of correctional institutions;
- (g) the safe custody and welfare of detainees;
- (h) terms and conditions of visits, times when visits may be made, limits on the number of visitors that may be allowed in a correctional institution or to a detainee and information to be made available to visitors;
- (i) procedures relating to the entry, perusal, storage and access to legal documents in a correctional institution;
- (j) procedures for searching visitors, detainees, members, correctional institutions, articles to come into or out of a correctional institution, vehicles and places where a detainee is, has been or is to be;
- (k) seizure of articles and substances and procedures for the storage, identification and disposal of such;
- (l) procedures for dealing with detainees suspected of suffering from an infectious or quarantinable disease;
- (m) the preparation, maintenance, storage, and disposal of records required under this or any other Act for the good order and management of the Service, its members, or the security or welfare of detainees;
- (n) procedures relating to the taking of fingerprints and photographs and the use, storage and disposal thereof;
- (o) the surrender, handling, use of, access to, storage and disposal of the property of detainees;
- (p) medical examinations and medical tests of detainees;
- (q) transfer, absence and movement of detainees and forms of authority;
- (r) the custody, control and care of detainees and rights of a detainee during transfer;

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- (s) access to and custody and control of a detainee transferred to another correctional institution or to a court;
- (t) programmes or classes of programmes which may be approved for the purposes of this Act and the method of approval;
- (u) the conduct of inspections;
- (v) the form authorizing the separation of detainees, the conditions to apply to a detainee subject to a separation order, and the minimum requirements of an area used for the separation of detainees;
- (w) stores acquisitions, use, disposal, storage, security and maintenance procedures;
- (x) the acquisition, storage, issue, use, accountability, security, maintenance and disposal of firearms, instruments of restraint and other security equipment;
- (y) the acquisition, training, care and maintenance and use of dogs, and the training of correctional officers to handle dogs, and on the use of dogs in correctional institutions, or in the vicinity of correctional institutions, or in any place where detainees have recently been, are or will soon be;
- (z) calculation of sentences, dates for discharge taking into account remission granted and lost, eligibility for parole and the notification of those dates to detainees;
- (aa) the calculation of and recording of remission;
- (ab) accommodation standards;
- (ac) the purchase, production or supply of food for detainees, its storage, preparation, and presentation to detainees, facilities for food preparation and storage, types and amounts of food to be provided for detainees and their children;
- (ad) the purchase or manufacture of clothing for detainees, the issue of that clothing, the use of a detainee's personal clothing, the care and maintenance of detainees' clothing;
- (ae) standards of hygiene to be maintained by detainees, by members, and in correctional institutions;
- (af) opportunities to be made available to detainees for exercise;
- (ag) establishment of industry for the provision of work for detainees and food or materials for use in the correctional institution or by detainees;
- (ah) the classification of detainees and the conditions applicable to each class of detainees;
- (ai) conditions applying to the residence of a child in a correctional institution;
- (aj) medical care and treatment of detainees and general provisions relating to the health and well-being of detainees;
- (ak) the qualifications of medical officers;
- (al) the practice of religion by detainees;
- (am) education and training of detainees;
- (an) recreation and welfare activities for detainees;
- (ao) procedure and conduct of hearings of disciplinary offences by members, and offences by detainees;
- (ap) care and security of detainees condemned to death;
- (aq) offences and penalties.

### 168. STANDING ORDERS.

The Commissioner may issue directions and orders (to be known as "Standing Orders") not inconsistent with this Act as to any matter required by this Act to be so prescribed, which are permitted to be prescribed by Regulation or are necessary or desirable for the purposes of this Act.



Correctional Service

PART XIV. - REPEAL.

169. REPEAL.

The Acts specified in Schedule 5 are hereby repealed.

PART XV. - TRANSITIONAL AND SAVINGS.

170. INTERPRETATION.

In this Part, "*Corrective Institutions Act*" means the *Corrective Institutions Act* (Chapter 63) repealed by Section 169.

171. COMMISSIONER.

(1) The person who, immediately before the coming into operation of this Act, held the office of Commissioner of Correctional Services under the *Corrective Institutions Act* shall, on that coming into operation, hold office as the Commissioner until such time as -

- (a) a Commissioner or Acting Commissioner is appointed; or
- (b) his appointment otherwise expires or is terminated according to law,

whichever shall first happen.

(2) A person to whom Subsection (1) applies holds office, subject to the *Salaries and Conditions Monitoring Committee Act* 1988, on the same terms and conditions as those applying to him under the *Corrective Institutions Act* and the *Public Services (Management) Act* 1986 until such time as terms and conditions are determined under Section 8.

172. CORRECTIONAL OFFICERS.

(1) A person who, immediately before the coming into operation of this Act, held office as a correctional officer under the *Corrective Institutions Act*, shall, on that coming into operation, hold office as a correctional officer in a rank under Section 23 determined by the Commissioner to be the rank equivalent to the rank held by that person under the *Corrective Institutions Act* until such time as -

- (a) appointments of correctional officers are made under this Act; or
- (b) that person's appointment otherwise expires or is terminated according to law,

whichever shall first happen.

(2) A person to whom Subsection (1) applies holds office, subject to the *Salaries and Conditions Monitoring Committee Act* 1988, on the same terms and conditions as those applying to him under the *Corrective Institutions Act* and *Public Services (Management) Act* 1986 until such time as terms and conditions are determined under Section 30.

173. ASSISTANT CORRECTIONAL OFFICERS.

(1) A person who, immediately before the coming into operation of this Act, held office as an Assistant Correctional Officer under the *Corrective Institution Act*, shall, on that coming into operation, hold office as a correctional officer in a rank under Section 23 determined by the Commissioner to be appropriate to the duties of that person until such time as -

- (a) appointments of correctional officers are made under this Act; or
- (b) that person's appointment otherwise expires or is terminated according to law,

whichever shall first happen.

## Correctional Service

(2) A person to whom Subsection (1) applies holds office, subject to the *Salaries and Conditions Monitoring Committee Act* 1988, on the same terms and conditions as those applying to him under the *Corrective Institutions Act*.

### 174. PENSIONS.

Any pension payable to any person under the *Corrective Institutions Act* immediately before the coming into operation of this Act, continues, on that coming into operation to be so payable in accordance with the provisions of the *Corrective Institutions Act*, and the provisions of the *Corrective Institutions Act* are saved to the extent necessary to give effect to this section.

### 175. CONTINUATION AND COMPLETION OF DISCIPLINARY PROCEEDINGS.

(1) Where, immediately before the coming into operation of this Act, any disciplinary proceedings under the *Public Services (Management) Act* 1986 against a correctional officer under the *Corrective Institutions Act* had been commenced but not completed, such proceedings (whether arising from a breach of the *Public Services (Management) Act* 1986 or of the *Corrective Institutions Act*) shall, notwithstanding that coming into operation, continue to be heard and determined in accordance with the provisions of the *Public Services (Management) Act* 1986 and the provisions of the *Corrective Institutions Act* are saved to the extent necessary to give effect to this section.

(2) Where, immediately before the coming into operation of this Act, any disciplinary proceedings under the *Corrective Institutions Act* against an assistant correctional officer under the *Corrective Institutions Act* had been commenced but not completed, such proceedings shall be continued and completed in accordance with the provisions set out in this Act for dealing with disciplinary offences by members and -

- (a) the offence in respect of which the disciplinary proceedings are taken is deemed to be the equivalent offence under this Act; and
- (b) the procedure so far as completed under the *Corrective Institutions Act* is deemed to be the equivalent procedure under this Act.

### 176. DISCIPLINARY OFFENCE ALLEGED TO HAVE BEEN COMMITTED UNDER *CORRECTIVE INSTITUTIONS ACT* IN RESPECT OF WHICH DISCIPLINARY PROCEEDINGS HAD NOT BEEN COMMENCED AT THE COMING INTO OPERATION OF THIS ACT.

A disciplinary offence, alleged to have been committed under the *Corrective Institutions Act* before the coming into operation of this Act by a person who becomes a member under Section 172 or 173, in respect of which offence no disciplinary proceedings have been commenced before that coming into operation, is deemed to be the equivalent disciplinary offence under this Act and may be investigated and prosecuted in accordance with the provisions of this Act.

### 177. VISITING JUSTICES.

A person holding office as a visiting justice under the *Corrective Institutions Act* immediately before the coming into operation of this Act is deemed to be a Visiting Magistrate under this Act.

## Correctional Service

### 178. WARRANTS.

A warrant, issued under the *Corrective Institutions Act* committing a person to a corrective institution, in so far as still unexpired immediately before the coming into operation of this Act, continues in force under this Act and has effect as if issued as a warrant under this Act.

### 179. ORDERS, DIRECTIONS AND AUTHORIZATIONS.

An order, direction or authorization, issued under a provision of the *Corrective Institutions Act*, in so far as still in force and not fully implemented immediately before the coming into operation of this Act, continues in force under this Act and has effect as if issued under the equivalent provision of this Act.

### 180. CONTINUATION AND COMPLETION OF DISCIPLINARY PROCEEDINGS AGAINST DETAINEES.

Where, immediately before the coming into operation of this Act any proceedings in respect of a corrective institution and lock-up offence under the *Corrective Institutions Act* against a detainee under the *Corrective Institutions Act* had been commenced but not completed, such proceedings shall be continued and completed in accordance with the provisions set out in Part XII for dealing with detainee discipline and -

- (a) the offence in respect of which the disciplinary proceedings were taken is deemed to be the equivalent offence under this Act; and
- (b) the procedure so far as completed under the *Corrective Institutions Act* is deemed to be the equivalent procedure under this Act.

### 181. CORRECTIVE INSTITUTION AND LOCK-UP OFFENCES ALLEGED TO HAVE BEEN COMMITTED UNDER *CORRECTIVE INSTITUTIONS ACT* IN RESPECT OF WHICH DISCIPLINARY PROCEEDINGS HAD NOT BEEN COMMENCED AT THE COMING INTO OPERATION OF THIS ACT.

A corrective institution and lock-up offence, alleged to have been committed under the *Corrective Institutions Act* before the coming into operation of this Act by a detainee who becomes a detainee under Section 178, in respect of which offence no proceedings have been commenced before that coming into operation, is deemed to be the equivalent offence under Section 152 and may be investigated and prosecuted in accordance with the provisions of Part XII.

### 182. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the coming into operation of this Act, any action, arbitration or proceeding was pending or existing by or against a person or body under the *Corrective Institutions Act*, it does not, on that coming into operation, abate or discontinue, or be in any way affected by any provisions of this Act but it may be prosecuted, continued and enforced by, against or in favour of the person or body as if this Act had not been made.

### 183. APPLICATION OF ACTS, ETC.,

Where -

- (a) any Act, or subordinate enactment other than this Act; or
  - (b) any document or instrument wherever made or executed,
- contains a reference, express or implied, to a provision of any of the Acts repealed by Part XIV, that reference shall, on and after the coming into operation of this Act, except where the context otherwise requires, be read and construed and have effect as a reference to the equivalent provision under this Act.

*Correctional Service*

SCHEDULE 1

Sec. 19(b).

O A T H

I, \_\_\_\_\_, do solemnly swear that I shall well and truly serve the Independent State of Papua New Guinea as a member of the Correctional Service.

SO HELP ME GOD

.....  
Signature of person making the Oath.

Sworn at  
Dated  
Before me

.....

**AFFIRMATION**

I, \_\_\_\_\_, do solemnly and sincerely affirm and declare that I shall well and truly serve the Independent State of Papua New Guinea as a member of the Correctional Service.

.....  
Signature of Declarant.

Declared at  
Dated  
Before me

.....

*Correctional Service*

SCHEDULE 2

Sec. 63(4).

Correctional Institutions.

<u>Name</u>	<u>Town/City</u>	<u>Province or National Capital District</u>
1. Baisu	Mt. Hagen	Western Highlands
2. Barawagi	Kundiawa	Chimbu
3. Beon	Madang	Madang
4. Bihute	Goroka	Eastern Highlands
5. Biru	Popondetta	Northern
6. Bomana	Pt. Moresby	National Capital District
7. Boram	Wewak	East Sepik
8. Bui'iebi	Mendi	Southern Highlands
9. Buimo	Lae	Morobe
10. Bundaira	Kainantu	Eastern Highlands
11. Daru	Daru	Western
12. Gile Gile	Alotau	Milne Bay
13. Hawa	Tari	Southern Highlands
14. Kandrian	Kimbe	West New Britain
15. Kavieng	Kavieng	New Ireland
16. Kerema	Kerema	Gulf
17. Kerevat	Rabaul	East New Britain
18. Kuweria	Kieta	Bougainville
19. Laiagam	Laiagam	Enga
20. Lakiemata	Kimbe	West New Britain
21. Ningerum	Kiunga	Western
22. Vanimo	Vanimo	West Sepik
23. Wabag	Wabag	Enga

Correctional Service

SCHEDULE 3

Rural Lock-ups

Sec. 64(5).

Premises

Name of Rural Lock-up

Central Province

Kupiano Police Lock-up  
Magarida Police Lock-up  
Moreguina Police Cell (S.25.L.7)  
Tapini Police Lock-up  
Upulima Police Cell (S.1.L.1)  
Woitape Police Lock-up

Kupiano Rural Lock-up  
Magarida Rural Lock-up  
Moreguina Rural Lock-up  
Tapini Rural Lock-up  
Upulima Rural Lock-up  
Woitape Rural Lock-up

Chimbu Province.

Gembogl Police Lock-up  
Gumine Police Lock-up  
Karimui Police Lock-up  
Kilau Rural Lock-up

Gembogl Rural Lock-up  
Gumine Rural Lock-up  
Karimui Rural Lock-up  
Kilau Rural Lock-up

East New Britain Province.

Palmalmal Patrol Post

Palmalmal Rural Lock-up

East Sepik Province.

Ambunti Police Lock-up  
Angoram Police Lock-up  
Maprik Police Lock-up  
Yangoru Rural Lock-up

Ambunti Rural Lock-up  
Angoram Rural Lock-up  
Maprik Rural Lock-up  
Yangoru Rural Lock-up

Eastern Highlands Province.

Marawaka Police Lock-up

Marawaka Rural Lock-up

Enga Province.

Kandep Police Lock-up  
Kompam Police Lock-up  
Laiagam Police Lock-up  
Porgera Police Lock-up  
Wapenamanda Patrol Post

Kandep Rural Lock-up  
Kompam Rural Lock-up  
Laiagam Rural Lock-up  
Porgera Rural Lock-up  
Wapenamanda Rural Lock-up

Gulf Province.

Baimuru Rural Lock-up  
Ihu Rural Lock-up  
Kaintiba Police Lock-up  
Kerema Rural Lock-up

Baimuru Rural Lock-up  
Ihu Rural Lock-up  
Kaintiba Rural Lock-up  
Kerema Rural Lock-up

*Correctional Service*

Gulf Province (cont....d)

Kikori Police Lock-up  
Kotidanga Rural Lock-up  
Malalaua Rural Lock-up

Kikori Rural Lock-up  
Kotidanga Rural Lock-up  
Malalaua Rural Lock-up

Madang Province.

Bogia Police Lock-up  
Josephstaal Rural Lock-up  
Karkar Island Patrol Post  
Saidor Police Lock-up  
Simbai Police Lock-up  
Wanuma Rural Lock-up

Bogia Rural Lock-up  
Josephstaal Rural Lock-up  
Karkar Island Rural Lock-up  
Saidor Rural Lock-up  
Simbai Rural Lock-up  
Wanuma Rural Lock-up

Manus Province.

Lorengau Police Lock-up

Lorengau Rural Lock-up

Milne Bay Province.

Bolu Bolu Rural Lock-up  
Bwagoai Police Lock-up  
Esa'ala Police Lock-up  
Gusasopa Rural Lock-up  
Losuia Police Lock-up  
Mapamoewa Rural Lock-up  
Pambwa Rural Lock-up  
Rabaraba Police Lock-up  
Sehulea Rural Lock-up  
Suau Rural Lock-up  
Tagula Rural Lock-up

Bolu Bolu Rural Lock-up  
Bwagoai Rural Lock-up  
Esa'ala Rural Lock-up  
Gusasopa Rural Lock-up  
Losuia Rural Lock-up  
Mapamoewa Rural Lock-up  
Pambwa Rural Lock-up  
Rabaraba Rural Lock-up  
Sehulea Rural Lock-up  
Suau Rural Lock-up  
Tagula Rural Lock-up

Morobe Province.

Aseki Police Lock-up  
Finschhafen Police Lock-up  
Kabwum Police Lock-up  
Menyamya Police Lock-up  
Morobe Rural Lock-up  
Pindiu Police Lock-up  
Wantoat Rural Lock-up  
Wasu Rural Lock-up

Aseki Rural Lock-up  
Finschhafen Rural Lock-up  
Kabwum Rural Lock-up  
Menyamya Rural Lock-up  
Morobe Rural Lock-up  
Pindiu Rural Lock-up  
Wantoat Rural Lock-up  
Wasu Rural Lock-up

New Ireland Province.

Konos Rural Lock-up  
Lamassa Rural Lock-up  
Lihir Rural Lock-up  
Namatanai Patrol Post  
Palokau Rural Lock-up  
Tangia (Tanga) Rural Lock-up  
Taskul Police Lock-up

Konos Rural Lock-up  
Lamassa Rural Lock-up  
Lihir Rural Lock-up  
Namatanai Rural Lock-up  
Palokau Rural Lock-up  
Tangia Rural Lock-up  
Taskul Rural Lock-up

*Correctional Service*

**Northern Province.**

Afore Police Lock-up  
Ioma Police Lock-up  
Tufi Police Lock-up

**Name of Rural Lock-up**

Afore Rural Lock-up  
Ioma Rural Lock-up  
Tufi Rural Lock-up

**Southern Highlands Province.**

Ialibu Rural Lock-up  
Kagua Police Lock-up  
Koroba Police Lock-up  
Nipa Police Lock-up  
Pangia Police Lock-up

Ialibu Rural Lock-up  
Kagua Rural Lock-up  
Koroba Rural Lock-up  
Nipa Rural Lock-up  
Pangia Rural Lock-up

**West New Britain Province.**

Ewasse Police Lock-up  
Gasmata Police Lock-up  
Gloucester Police Lock-up  
Kandrian former Corrective  
Institution  
Nigilani Police Lock-up

Ewasse Rural Lock-up  
Gasmata Rural Lock-up  
Gloucester Rural Lock-up  
Kandrian Rural Lock-up  
Nigilani Rural Lock-up

**West Sepik Province.**

Aitape Police Lock-up  
Amanab Police Lock-up  
Lumi Police Lock-up  
Telefomin former Corrective  
Institution

Aitape Rural Lock-up  
Amanab Rural Lock-up  
Lumi Rural Lock-up  
Telefomin Rural Lock-up

**Western Province.**

Balimo Police Lock-up  
Kiunga former Corrective Institution  
Lake Murray Police Lock-up  
Morehead Police Lock-up  
Nomad Police Lock-up

Balimo Rural Lock-up  
Kiunga Rural Lock-up  
Lake Murray Rural Lock-up  
Morehead Rural Lock-up  
Nomad Rural Lock-up

**Western Highlands Province.**

Baiyer River Rural Lock-up  
Kamuga Patrol Post  
Kol Rural Lock-up  
Muglamp Patrol Post  
Tabibuga Police Lock-up  
Tambul Police Lock-up

Baiyer River Rural Lock-up  
Kamuga Rural Lock-up  
Kol Rural Lock-up  
Muglamp Rural Lock-up  
Tabibuga Rural Lock-up  
Tambul Rural Lock-up



Correctional Service

SCHEDULE 4

Sec. 65(5).

Police Lock-ups

<u>Part of Premises</u>	<u>Name of Police Lock-up</u>
Afore Corrective Institution	Afore Police Lock-up
Aiome Corrective Institution	Aiome Police Lock-up
Aitape Corrective Institution	Aitape Police Lock-up
Alotau Police Station	Alotau Police Lock-up
Amanab Corrective Institution	Amanab Police Lock-up
Amboin Corrective Institution	Amboin Police Lock-up
Ambunti Corrective Institution	Ambunti Police Lock-up
Andatale Base Group	Andatale Police Lock-up
Angoram Police Station	Angoram Police Lock-up
Aseki Corrective Institution	Aseki Police Lock-up
Badili Police Station	Badili Police Lock-up
Baimuru Corrective Institution	Baimuru Police Lock-up
Baiyer River Corrective Institution	Baiyer River Police Lock-up
Balimo Corrective Institution	Balimo Police Lock-up
Banz Police Station	Banz Police Lock-up
Bereina Corrective Institution	Bereina Police Lock-up
Bogia Corrective Institution	Bogia Police Lock-up
Bolu Bolu Corrective Institution	Bolu Bolu Police Lock-up
Boroko Police Station	Boroko Police Lock-up
Buin Corrective Institution	Buin Police Lock-up
Bulolo Police Station	Bulolo Police Lock-up
Bundi Corrective Institution	Bundi Police Lock-up
Bwagaoia Corrective Institution	Bwagaoia Police Lock-up
Cape Gloucester Corrective Institution	Cape Gloucester Police Lock-up
Daru Police Station	Daru Police Lock-up
Esa'ala Corrective Institution	Esa'ala Police Lock-up
Ewasse Corrective Institution	Ewasse Police Lock-up
Finschhafen Corrective Institution	Finschhafen Police Lock-up
Gasmata Corrective Institution	Gasmata Police Lock-up
Gembogl Corrective Institution	Gembogl Police Lock-up
Gordons Police Station	Gordons Police Lock-up
Goroka Police Station	Goroka Police Lock-up
Gumine Corrective Institution	Gumine Police Lock-up
Hohola Police Station	Hohola Police Lock-up
Ialibu Police Station	Ialibu Police Lock-up
Ihu Corrective Institution	Ihu Police Lock-up
Ioma Corrective Institution	Ioma Police Lock-up
Kabwum Corrective Institution	Kabwum Police Lock-up
Kainantu Police Station	Kainantu Police Lock-up
Kaintiba Corrective Institution	Kaintiba Police Lock-up
Kamtai Patrol Post	Kamtai Police Lock-up
Kandep Corrective Institution	Kandep Police Lock-up
Karimui Corrective Institution	Karimui Police Lock-up
Kavieng Police Station	Kavieng Police Lock-up
Kerevat Police Station	Kerevat Police Lock-up

*Correctional Service*

Kerema Police Station	Kerema Police Lock-up
Kieta Police Station	Kieta Police Lock-up
Kikori Corrective Institution	Kikori Police Lock-up
Kimbe Police Station	Kimbe Police Lock-up
Kiunga Corrective Institution	Kiunga Police Lock-up
Koki Police Station	Koki Police Lock-up
Kokoda Corrective Institution	Kokoda Police Lock-up
Kokopo Police Station	Kokopo Police Lock-up
Komo Corrective Institution	Komo Police Lock-up
Kompam Corrective Institution	Kompam Police Lock-up
Kopiago Corrective Institution	Kopiago Police Lock-up
Koroba Corrective Institution	Koroba Police Lock-up
Kundiawa Police Station	Kundiawa Police Lock-up
Kunua Police Station	Kunua Police Lock-up
Kupiano Corrective Institution	Kupiano Police Lock-up
Lae Police Station	Lae Police Lock-up
Lake Murray Corrective Institution	Lake Murray Police Lock-up
Lassul Bay Police Post	Lassul Bay Police Lock-up
Loloho Police Station	Loloho Police Lock-up
Lorengau Police Station	Lorengau Police Lock-up
Losuia Corrective Institution	Losuia Police Lock-up
Lufa Police Station	Lufa Police Lock-up
Lumi Corrective Institution	Lumi Police Lock-up
Madang Police Station	Madang Police Lock-up
Magarida Corrective Institution	Magarida Police Lock-up
Malalaua Corrective Institution	Malalaua Police Lock-up
Maprik Police Station	Maprik Police Lock-up
Maramuni Base Group	Maramuni Police Lock-up
Marawaka Corrective Institution	Marawaka Police Lock-up
May River Corrective Institution	May River Police Lock-up
Mendi Police Station	Mendi Police Lock-up
Menyanya Corrective Institution	Menyanya Police Lock-up
Milim Police Lock-up	Milim Police Lock-up
Minj Police Station	Minj Police Lock-up
Mioko Police Station	Mioko Police Lock-up
Molot Police Lock-up	Molot Police Lock-up
Moreguina Police Station	Moreguina Police Lock-up
Morehead Corrective Institution	Morehead Police Lock-up
Mount Hagen Police Station	Mount Hagen Police Lock-up
Mumeng Police Station	Mumeng Police Lock-up
Munihu Patrol Post	Munihu Police Lock-up
Muritaka Base Group	Muritaka Police Lock-up
Nigilani Corrective Institution	Nigilani Police Lock-up
Nipa Corrective Institution	Nipa Police Lock-up
Nomad Corrective Institution	Nomad Police Lock-up
Nuku Corrective Institution	Nuku Police Lock-up
Obura Corrective Institution	Obura Police Lock-up
Okapa Police Station	Okapa Police Lock-up
Oro Bay Rural Police Station	Oro Bay Police Lock-up
Pangia Corrective Institution	Pangia Police Lock-up
Panguna Police Station	Panguna Police Lock-up
Pindiu Corrective Institution	Pindiu Police Lock-up
Pomio Corrective Institution	Pomio Police Lock-up
Popondetta Police Station	Popondetta Police Lock-up
Porgera Corrective Institution	Porgera Police Lock-up

*Correctional Service*

Port Moresby Police Station  
Rabaraba Corrective Institution  
Rabaul Police Station  
Rabaul Police Lock-up No.2  
Saidor Corrective Institution  
Saiko Rural Police Station  
Samarai Police Station  
Siassi Corrective Institution  
Simbai Corrective Institution  
Sirunki Base Group  
Six Mile Police Station  
Sogeri Police Station  
Suau Corrective Institution  
Tabibuga Corrective Institution  
Talasea Corrective Institution  
Talidig Rural Police Station  
Tambul Corrective Institution  
Tapini Corrective Institution  
Taskul Corrective Institution  
Telefomin Police Station  
Tomaringa Police Station  
Tufi Corrective Institution  
Usino Corrective Institution  
Uvol Police Lock-up  
Vanimo Police Station  
Vunapalading Police Lock-up  
Waigani Police Station  
Walium Police Station  
Wantoat Corrective Institution  
Warangoi Police Lock-up  
Wasu Corrective Institution  
Wau Police Station  
Weam Corrective Institution  
Wewak Police Station  
Woitape Corrective Institution  
Yogos Base Group

Port Moresby Police Lock-up  
Rabaraba Police Lock-up  
Rabaul Police Lock-up  
Rabaul Police Lock-up No.2  
Saidor Police Lock-up  
Saiko Police Lock-up  
Samarai Police Lock-up  
Siassi Police Lock-up  
Simbai Police Lock-up  
Sirunki Police Lock-up  
Six Mile Police Lock-up  
Sogeri Police Lock-up  
Suau Police Lock-up  
Tabibuga Police Lock-up  
Talasea Police Lock-up  
Talidig Police Lock-up  
Tambul Police Lock-up  
Tapini Police Lock-up  
Taskul Police Lock-up  
Telefomin Police Lock-up  
Tomaringa Police Lock-up  
Tufi Police Lock-up  
Usino Police Lock-up  
Uvol Police Lock-up  
Vanimo Police Lock-up  
Vunapalading Police Lock-up  
Waigani Police Lock-up  
Walium Police Lock-up  
Wantoat Police Lock-up  
Warangoi Police Lock-up  
Wasu Police Lock-up  
Wau Police Lock-up  
Weam Police Lock-up  
Wewak Police Lock-up  
Woitape Police Lock-up  
Yogos Police Lock-up

*Correctional Service*

SCHEDULE 5.

Sec. 169.

Repealed Acts

*Corrective Institutions Act* (Chapter 63).

*Correctional Service Act* 1986.

I hereby certify that the above print is a fair print of the *Correctional Service Act* 1995 which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Correctional Service Act* 1995 was made by the National Parliament on 8 March 1995 by an absolute majority in accordance with the Constitution.

Speaker of the National Parliament.