

**Unvalidated References:**

*Correctional Service Act 1995*

*Public Services (Management) Act 1995*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. 22 of 1995.

***Correctional Service Regulation 1995***



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***Correctional Service Regulation 1995***

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Correctional Service Act 1995*.

Dated                    200 .

**PART I. – PRELIMINARY.**

**1. INTERPRETATION.**

In this Regulation, unless the contrary intention appears, a reference to a correctional institution in relation to a Commanding Officer is a reference to the correctional institution of which he is the Commanding Officer.

**PART II. – MEMBERS OF THE CORRECTIONAL SERVICE.**

***Division 1.***

***General.***

**2. PROMOTION OF CORRECTIONAL OFFICERS INTO A NON-COMMISSIONED RANK.**

(1) There shall be a Correctional Service Promotions Selection (Non-commissioned Ranks) Board comprised of–

- (i) a Chairman appointed by the Minister; and
- (ii) a representative of the Commissioner of a rank senior to that subject to promotion; and
- (iii) a member of a rank senior to that subject to promotion nominated by the industrial organization representing the majority of members of the rank to which the promotion is to be made.

(2) The Chairman of the Board shall hold office for the term, and subject to the conditions, stated in the Chairman’s instrument of appointment, and is eligible for re-appointment.

(3) The Chairman of the Board is entitled to receive remuneration as is fixed by the Commissioner in consultation with the Salaries and Conditions Monitoring Committee.

(4) The Chairman and members of the Board are entitled to such travel expenses and other allowances as the Commissioner determines.

(5) Before taking up the duties of their office, the Chairman and members of the Board shall take or subscribe to the oath or affirmation prescribed in Schedule 8.

(6) The Chairman and members of the Board shall not be subject to the direction or control of any other person or authority when performing their prescribed functions.

**3. PROCEDURES FOR PROMOTION.**

(1) The Commissioner shall, by notice in the Correctional Service Gazette, advertise the number of vacancies available in each rank and invite applications for appointment to those vacancies.

(2) The correctional institution Management Team in each correctional institution shall review the establishment of the correctional institution and nominate to the Correction Services Promotions Selection (Non-Commissioned Ranks) Board correctional officers who seek promotion, and whom the Team considers to be suitable for promotion.

(3) When all nominations under Subsection (2) have been received, the Correctional Service Promotions Selection (Non-commissioned Ranks) Board shall select those nominees that it considers suitable for training provided that the



number of nominees selected is equal to or less than the number of advertised vacancies.

(4) A nominee selected by the Correctional Service Promotions Selection (Non-commissioned Ranks) Board may be required to undergo an approved training course and shall sit an examination.

(5) A nominee selected under Subsection (3) who successfully completes any training course required and who passes the promotions examination shall be promoted by the Commissioner with effect from a date as determined by the Commissioner and the Commissioner shall cause notice of promotion to be published in the Correctional Service Gazette.

#### **4. PROMOTION OF CORRECTIONAL OFFICERS TO A COMMISSIONED RANK.**

(1) There shall be a Correctional Service Promotions Selection (Commissioned Ranks) Board comprised of—

- (a) a Chairman appointed by the Minister; and
- (b) two correctional officers of a rank senior to that subject to promotion chosen by the Commissioner; and
- (c) two members nominated by the two employee industrial organizations representing the greatest number of correctional officers, provided that those members are correctional officers of a higher rank than that subject to promotion.

(2) The Chairman of the Board shall hold office for the term, and subject to the conditions, stated in the Chairman's instrument of appointment, and is eligible for re-appointment.

(3) The Chairman of the Board is entitled to receive remuneration as is fixed by the Commissioner in consultation with the Salaries and Conditions Monitoring Committee.

(4) The Chairman and members of the Board are entitled to such travel expenses and other allowances as the Commissioner determines.

(5) Before taking up the duties of their office, the Chairman and members of the Board shall take or subscribe to the oath or affirmation prescribed in Schedule 8.

(6) The Chairman and members of the Board shall not be subject to the direction or control of any other person or authority when performing their prescribed functions.

#### **5. PROCEDURES FOR PROMOTION.**

The process of promotion will be as follows:—

- (a) the Commissioner shall by notice in the Correctional Service Gazette advertise vacancies in the commissioned ranks; and

- (b) an interested correctional officer may apply to the Board for promotion; and
- (c) the Correctional Service Promotions Selection (Commissioned Ranks) Board shall—
  - (i) consider all applications for promotion taking into account the matters provided in the Standing Orders and including the merit of each applicant based on the applicant's experience, training, education and attitude; and
  - (ii) make a recommendation to the Commissioner; and
- (d) on receipt of the recommendation of the Board the under Paragraph (c)(ii), the Commissioner may—
  - (i) accept the recommendation; or
  - (ii) reject the recommendation and refer the matter together with the reasons for the rejection of the recommendation back to the Board; and
- (e) the decision of the Commissioner is final.

## **6. PROMOTION OF MEMBERS.**

(1) There shall be a Correctional Service Promotions Selection (Members) Board comprised of—

- (a) a Chairman appointed by the Minister; and
- (b) a representative of the Commissioner holding a position at a level senior to that the subject of the promotion; and
- (c) a member nominated by an employee of an industrial organization representing the greatest number of members provided that that member is of a level senior to the subject of promotion.

(2) The Chairman of the Board shall hold office for the term, and subject to the conditions, stated in the Chairman's instrument of appointment, but is eligible for re-appointment.

(3) The Chairman of the Board is entitled to receive remuneration as is fixed by the Commissioner in consultation with the Salaries and Conditions Monitoring Committee.

(4) The Chairman and members of the Board are entitled to such travel expenses and other allowances as the Commissioner determines.

(5) Before taking up the duties of their office the Chairman and members of the Board shall take or subscribe to the oath or affirmation prescribed in Schedule 8.

(6) The Chairman and members of the Board shall not be subject to the direction or control of any other person or authority when performing their prescribed functions.

**7. PROCEDURES FOR PROMOTION.**

The process of promotion will be as follows:—

- (a) the Commissioner shall, by notice in the Correctional Service Gazette, advertise vacancies in the commissioned ranks;
- (b) an interested member may apply to the Board for promotion;
- (c) the Correctional Service Promotions Selection (Members) Board shall—
  - (i) consider all applications for promotion taking into account the matters provided in the Standing Orders and including the merit of each applicant based on the applicant’s experience, training, education and attitude; and
  - (ii) make a recommendation to the Commissioner; and
- (d) on receipt of the recommendation of the Board, the Commissioner may—
  - (i) accept the recommendation; or
  - (ii) reject the recommendation and refer the matter together with the reasons for the rejection of the recommendation back to the Board; and
- (e) the decision of the Commissioner is final.

**8. ATTENDANCE AS WITNESS AT COURT.**

(1) A member summoned as a witness before a court shall immediately advise his superior.

(2) A member required as a witness on behalf of the State—

- (a) is not entitled to receive any witness’ fee; and
- (b) shall be granted leave with pay for the period during which he is necessarily absent from duty.

(3) Where a member is obliged to incur expenses, by reason of his attendance as a witness on behalf of the State, the State shall reimburse him the expense to such extent as the Commissioner approves.

(4) A member required as a witness before a court otherwise than as a witness on behalf of the State shall be granted leave but, unless otherwise determined by the Commissioner, the leave shall be without pay and the member may retain any fees and allowances received by him as a witness.

***Division 2.***

***Expenses and Allowances.***

**9. INTERPRETATION.**

(1) In this Part, “furniture and effects” includes—

- (a) all normal items of furniture and effects; and

(b) a reasonable number in each case of bicycles, garden tools, sewing machines and radios and other such items; and

(c) a reasonable number of domestic pets,

belonging to the member.

(2) Notwithstanding Subsection (1), the Commissioner may approve that, in certain circumstances or for the purposes of certain provisions of this Part, or both, or in a particular case, certain items are or are not furniture and effects within the meaning of this section.

(3) In the case of a dispute as to what are furniture and effects or domestic pets within the meaning of this section, the decision of the Commissioner is final.

#### **10. FARES OF APPOINTEES.**

(1) Subject to this Part, where a person resident in the country is appointed to the Correctional Service, the Commissioner may pay the whole or part of the fare of the appointee from his place of residence to the place of his employment.

(2) Subject to this Part, where a person resident in a place outside the country is appointed to the Correctional Service, the Commissioner may pay the whole or part of the fare of the appointee from his place of residence to the place of his employment.

#### **11. FARES OF SPOUSE AND CHILDREN.**

(1) Subject to this Regulation, where a person who is a married person resident within the country is appointed to the Correctional Service, the Commissioner may, subject to such conditions as he approves—

(a) pay the fares of the member's spouse and dependent children (if any) who are to travel with the member and who are to reside with the member from his place of residence to the place of his employment; and

(b) at the request of the member, undertake and bear the cost of the removal of the member's furniture and effects, up to an amount prescribed in the Standing Orders, from his place of residence to the place of his employment.

(2) Subject to this Part, where a married person resident in a place outside the country is appointed to the Correctional Service, the Commissioner may pay the whole or part of the fares and costs referred to in Subsection (1) in accordance with that subsection.

#### **12. TRANSFER EXPENSES.**

(1) Subject to this Regulation, a member transferred from one locality to another at his own request shall bear the whole cost of his removal unless the Commissioner otherwise directs.

(2) Where a member is transferred—

- (a) in the interests of the Correctional Service or in the ordinary course of promotion; or
- (b) on account of illness, due to causes over which the member has no control; or
- (c) on account of having served at a remote locality for at least five years or such shorter period as the Commissioner in any particular case approves,

the Commissioner shall pay the actual cost of transfer of—

- (d) the member; and
- (e) subject to such conditions as he approves the member's spouse and dependent children (if any) where that spouse and the children are to travel with the member and reside with the member.

(3) In a case to which Subsection (2) applies, the Commissioner shall, subject to such conditions as he approves, undertake and bear the cost of the removal of the member's furniture and effects to the place to which the member is transferred.

(4) Where the cost of removal of the furniture and effects of a member is borne by the Commissioner under Subsection (3), there shall be paid to the member, on account of any accelerated depreciation to such of the furniture and effects as is approved by the Commissioner by reason of such removal, an amount as prescribed in the Standing Orders.

### *Division 3.*

#### *Dress, Uniform and Awards.*

#### **13. STANDARDS OF DRESS.**

A member is required to maintain standards of dress and personal appearance appropriate to the nature of duties being undertaken.

#### **14. ISSUE OF UNIFORM.**

The Commissioner may direct that a correctional officer be issued with all or any of the articles of uniform specified in Schedule 1.

#### **15. UNIFORM TO BE WORN AS PRESCRIBED.**

Uniform shall be worn in accordance with Schedule 2.

#### **16. INSIGNIA OF RANK.**

Insignia and badges of rank shall be as described in Schedule 3.

**17. UNIFORM TO BE WORN.**

A correctional officer, unless exempted by the Commissioner, shall wear the uniform issued during hours of duty.

**18. USE OF UNIFORM.**

A correctional officer shall not wear the uniform or part of the uniform outside of duty hours except when the correctional officer is travelling to or from his place of duty.

**19. COMMANDING OFFICER'S DUTY TO MAINTAIN STANDARDS.**

A Commanding Officer shall ensure that correctional officers are properly dressed during hours of duty and that articles of uniform are replaced in accordance with the Standing Orders.

**20. SURRENDER OF UNIFORM.**

A person who ceases to be a member shall, on or before the date of ceasing to be a member, deliver in good order and condition (fair wear and tear excepted) to the Commanding Officer or other member nominated by the Commissioner, the items issued under this Part that—

- (a) were in his possession on the day on which he ceased to be a member; and
- (b) are directed by the Commissioner to be returned.

**21. UNIFORM PROPERTY OF THE STATE.**

All articles issued to a correctional officer are the property of the Correctional Service.

**22. MEMBER RESPONSIBLE FOR STATE PROPERTY.**

A member is responsible for the careful use and preservation of—

- (a) all property of the State in possession, custody or care of, or occupied by, the member; and
- (b) all property issued to him under Section 15 above.

**23. ARTICLE TO BE PRODUCED.**

A correctional officer shall produce any article issued when required to do so by the Commanding Officer.

**24. ACCESS TO UNIFORM.**

A correctional officer shall not—

- (a) permit an unauthorized person to wear his uniform or any part of that uniform; or
- (b) leave the uniform or part of the uniform in any place accessible to detainees.

**25. OFFENCES.**

(1) A person, other than a person to whom a uniform has been issued in accordance with this Regulation, who wears full or any part of the uniform of the Correctional Service, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) A person who imports, manufactures, distributes or sells any article of uniform described in Schedule 1, other than in accordance with this Act, or any copy or replica of such article, is guilty of an offence.

Penalty: A fine not exceeding K2,000.00.

**26. CERTIFICATE OF COMMENDATION.**

The Commissioner may award a Certificate of Commendation to a member for conduct that is of special merit.

**27. LONG SERVICE STAR.**

(1) On the completion of—

- (a) a period of 10 years' continuous service; and
- (b) each subsequent period of 10 years' continuous service,

a correctional officer is entitled in respect of each of those periods to receive and to wear a star, to be known as the "Long Service Star".

(2) The Long Service Star shall be six-pointed and made of brass metal, and shall measure 22mm in diameter.

**28. CONTINUOUS SERVICE..**

For the purposes of this Part—

- (a) leave of absence shall be deemed to be service, but—
  - (i) leave of absence without pay in excess of one month at any one time; and
  - (ii) leave of absence without pay aggregating over the whole period of service in excess of six months,

shall not, unless the Commissioner otherwise directs, be deemed to be service; and

- (b) a period of absence in respect of which a correctional officer has been convicted of an offence specified in Section 39 of the Act shall not be deemed to be service; and
- (c) the continuity of service of a correctional officer shall not be deemed to be affected by a period or periods of absence—
  - (i) not exceeding six months or such greater time as the Commissioner in any particular case allows between any two periods of service; and
  - (ii) not exceeding in all 12 months, or such greater time as the Commissioner in any particular case allows, between periods of service,

but that period or those periods shall not for any other purpose be deemed to be service.

## **29. PRIOR SERVICE.**

(1) In this section, “continuous” means continuous within the meaning of Section 28.

(2) Where a correctional officer, before his appointment as a correctional officer—

- (a) had a period of continuous service as a regular member of the Police Force; or
- (b) had a period of continuous service as an officer of the Public Service under the *Public Services (Management) Act 1995*; or
- (c) had a period of continuous service as a member of a State Service,

and ended that period of continuous service in circumstances not involving, in the opinion of the Commissioner, dishonour to him, that period of continuous service shall be deemed to be service as a correctional officer where there has been no interruption of service.

### ***Division 4.***

#### ***Delegations.***

## **30. POWERS NOT TO BE DELEGATED BY A COMMANDING OFFICER.**

The following are powers which a Commanding Officer may not delegate pursuant to Section 164(2) of the Act:—

- (a)
  - (i) Section 41;
  - (ii) Section 66(3);
  - (iii) Section 78(3);



- (iv) Section 81(1) and (2)(b)(ii), (iii) and (iv);
- (v) Section 137(1);
- (vi) Section 139(1) and (3);
- (vii) Section 153;
- (viii) Section 157;
- (ix) Section 159;
- (x) Section 160;

all of the Act; and

- (b) Section 42(1)(d) of this Regulation.

***Division 5.***

***Discipline of Members.***

**31. HEARING OF DISCIPLINARY OFFENCES.**

(1) The Commanding Officer or Disciplinary Board hearing a charge of a disciplinary offence against a member shall conduct the hearing in the following manner:—

- (a) ensure that the member is informed of the procedure for the hearing;
- (b) have the charge read, including—
  - (i) the name of the informant; and
  - (ii) the details of the place of the alleged disciplinary offence; and
  - (iii) the details of the provision of the Act, Regulation or Standing Orders allegedly contravened;
- (c) ensure that the member is given an opportunity to state a plea;
- (d) where the member does not plead guilty, then—
  - (i) the informant shall present the evidence in support of the charge and call relevant witnesses; and
  - (ii) following the presentation of the evidence of the charge, the member shall be given a reasonable opportunity to present his case and call relevant witnesses; and
  - (iii) the informant and the member shall be given an opportunity to cross-examine, including cross-examination of witnesses; and
  - (iv) the Commanding Officer or Disciplinary Board shall either dismiss the charge because there is insufficient evidence to support the charge or determine that the member is guilty of the offence; and

- (v) where the Commanding Officer or Disciplinary Board determines that the charge is proven, impose a penalty under the Act;
- (e) where the member pleads guilty then—
  - (i) the informant shall present the evidence in support of the charge and call relevant witnesses; and
  - (ii) give the member an opportunity to give an explanation; and
  - (iii) impose a penalty pursuant to Section 43 or 44 of the Act;
- (f) the Commanding Officer or Disciplinary Board shall—
  - (i) inform the member of the decision; and
  - (ii) record the finding in the Disciplinary Hearings Register.

(2) A hearing by the Commanding Officer or Disciplinary Board under this Regulation shall be conducted with as little formality and technicality and as expeditiously as the requirements of the Act and this Regulation and a proper consideration of the matters before the hearing and natural justice permit.

(3) The Commanding Officer or Disciplinary Board conducting the hearing is not bound by the rules of evidence but may be informed on any matter in such manner as they think appropriate.

**PART III. – SECURITY AND MANAGEMENT OF CORRECTIONAL INSTITUTIONS AND DETAINEES.**

***Division 1.***

***Security Systems and Review.***

**32. COMMANDING OFFICER'S REPORTS TO THE COMMISSIONER.**

The Commanding Officer of a correctional institution shall immediately report to the Commissioner any matter affecting—

- (a) the safety, health and welfare of members; and
- (b) the safety, health or welfare of detainees in his charge; or
- (c) the efficiency of correctional officers under his control; or
- (d) the administration of the correctional institution,

that in his opinion requires the attention of the Commissioner.

**33. INSPECTIONS OF CORRECTIONAL INSTITUTIONS.**

The Commissioner shall nominate a correctional officer of commissioned rank to inspect each correctional institution annually and at such other times as directed and report to him on—

- (a) the compliance of the Commanding Officer of the correctional institution with respect to the security, good order and management of the institution; and
- (b) the records kept at the correctional institution; and
- (c) the number and type of disciplinary hearings conducted at the institution; and
- (d) facilities and systems for the storage and maintenance of tools, materials, stores and firearms; and
- (e) the welfare of detainees including programmes operating at the correctional institution; and
- (f) the condition of the buildings and facilities at the correctional institution; and
- (g) the contents of the Visiting Magistrates' Register, the Medical Register and the Reception Register; and
- (h) the content and currency of detainees' personal files; and
- (i) such other matter as prescribed by the Standing Orders or required by the Commissioner.

**34. COUNTS OF DETAINEES.**

The Commanding Officer of each correctional institution and officer-in-charge of each place where detainees are shall establish and maintain a system of counting detainees and accounting for the whereabouts of detainees at all times.

**35. PATROLS.**

The Commanding Officer shall—

- (a) establish patrols of the correctional institution and the area near the boundaries of the correctional institution; and
- (b) conduct patrols as often as the Commanding Officer considers necessary.

**36. TOOLS, EQUIPMENT AND STORES.**

(1) The Commissioner shall determine procedures for the purchase, identification, storage, issue, use, return, maintenance, security and disposal of all tools, equipment, vehicles and materials for the use of detainees or members or for correctional institutions.

(2) The Commanding Officer shall implement the procedures determined by the Commissioner.

**37. KEY AND LOCK CONTROL.**

(1) The Commissioner shall determine a system of controlling and accounting for the issue, use, storage, maintenance and distribution of locks, keys, other locking or unlocking devices or mechanics and other security equipment.

(2) The Commanding Officer shall ensure that the system determined by the Commissioner is implemented and maintained.

(3) The Commanding Officer shall only issue a member with a key or other locking or unlocking device or mechanism, or other security equipment if required by that member to carry out his duty.

(4) A member who is issued with a key or other locking or unlocking device or mechanism or security equipment shall not—

- (a) remove that item from the correctional institution without the authority of the Commanding Officer; or
- (b) leave that item unattended; or
- (c) transfer possession of that item except in accordance with Subsection (3) or when authorized by the Commanding Officer; or
- (d) permit a detainee to see that item except when that item is being used to lock or unlock a lock.

(5) A member shall report to the Commending Officer any loss or damage to a key or other locking or unlocking device or mechanism or security equipment.

(6) Before a member leaves a correctional institution or where a member ceases a duty which required the use of a key, or locking or unlocking device or mechanism or security equipment, the member shall deliver that item to the correctional officer authorized to receive it.

**38. EMERGENCY PLANS.**

(1) The Commissioner shall ensure that—

- (a) emergency procedures to cater for all emergencies are established; and
- (b) the training in emergency procedures determined by the Commissioner is carried out in all correctional institutions.

(2) Each Commanding Officer shall ensure that—

- (a) emergency operation plans approved by the Commissioner are developed; and
- (b) all safety equipment is maintained in a fit state; and
- (c) a correctional officer who is required to use the safety equipment is trained in its use.

**39. SURPRISE INSPECTIONS.**

(1) The Commanding Officer of a correctional institution shall make or cause to be made surprise inspections of the correctional institution not less frequently than once a week.

(2) The Commanding Officer shall keep a record of the observations of the correctional officer conducting a surprise inspection.

(3) The record shall include details of action taken as a consequence of the inspection.

**40. REPORTS AND RECORDS.**

The Commanding Officer shall ensure that no person has access to any record held at the correctional institution unless that person—

- (a) is required to have access to the record in the course of his duties as a member; or
- (b) is authorized by the Commissioner, the Act, this Regulation or any other Act.

**41. MAIL.**

(1) This provision does not apply to letters exchanged between a detainee and the Ombudsman.

(2) The Commanding Officer may require a detainee to open a letter written by the detainee to the Minister, the Commissioner, a Visiting Magistrate, or a lawyer representing the detainee in the presence of a correctional officer for the officer's inspection before resealing it.

(3) A correctional officer referred to in Subsection (2) shall not open, read, or censor the letter, but may inspect it.

(4) Where the Commanding Officer considers that a letter, other than a letter referred to in Subsection (2), or a parcel or the contents of a parcel, sent by or to a detainee threatens the security of a correctional institution the Commanding Officer may—

- (a) seize the letter or the parcel; and
- (b) read and censor the letter or inspect the parcel.

(5) Where the Commanding Officer believes that in order to maintain the good order and proper management of a correctional institution it is necessary to read a letter sent to or by a detainee, other than a letter referred to in Subsection (2), a correctional officer authorized by the Commanding Officer may read but must not censor that letter.

(6) A Commanding Officer shall establish and maintain a register containing—

- (a) details of every letter read under Subsection (4) or (5); and
- (b) the reason for the reading; and
- (c) details of any unauthorized substance or article found in the letter; and
- (d) details of any subsequent action taken.

(7) Despite anything to the contrary, a Commanding Officer may, during a substantial disruption or disturbance within the correctional institution, restrict or prohibit communication between a detainee and any other person except the Ombudsman, the Commissioner, the Commanding Officer, or a Visiting Magistrate.

#### **42. LEGAL DOCUMENTS.**

(1) A legal document may be exchanged during visits between a detainee and the detainee's legal representative.

(2) Where the Commanding Officer believes on reasonable grounds that the security of the correctional institution or the safety of a member or detainee may be jeopardised, he may order a correctional officer to inspect a document provided by a lawyer for a detainee or by a detainee for a lawyer.

(3) Where a legal document is sealed in an envelope, the correctional officer may require the detainee or legal representative to open the article in the correctional officer's presence to allow inspection.

(4) Where a correctional officer has inspected a legal document it shall be immediately transferred to the detainee or legal representative as appropriate unless the correctional officer suspects or finds an unauthorized substance or article in

which case the document shall be delivered to the Commanding Officer to be dealt with under the Act.

**43. SEARCHES.**

(1) Before conducting a search of a person other than a detainee, the correctional officer authorized by the Commanding Officer shall—

- (a) inform the person of his authority to conduct the search; and
- (b) inform the person of the reason for the search in that particular case; and
- (c) ask the person if he has in his possession an article or substance which may threaten the good order or security of the correctional institution; and
- (d) ask the person if he has in his possession an article or substance referred to in Paragraph (c); and
- (e) provide the person with the opportunity to respond to the requests referred to in Paragraphs (c) and (d); and
- (f) record the person's responses to the requests referred to in Paragraphs (c) and (d); and
- (g) record any other details as directed by the Commissioner.

(2) A person who is about to be searched under this Regulation may request that a person who accompanied the person to the correctional institution or another person of the same sex who is then at the correctional institution, other than a detainee, be present during the search.

(3) A correctional officer conducting a search under this Regulation, shall conduct the search—

- (a) expeditiously; and
- (b) with regard to the decency and self-respect of the person searched.

**44. REGISTER OF SEIZED ARTICLES.**

(1) All articles or substances seized in a correctional institution shall be recorded in a register established by the Commanding Officer and maintained in every correctional institution.

(2) The register shall contain, in respect of each article or substance seized in a correctional institution—

- (a) a description of the article or substance; and
- (b) the name of the person from whom the article or substance was seized; and
- (c) the name and address of the owner of the article or substance seized (if known); and

- (d) the time and date of the seizure; and
- (e) the name and signature of the member who seized the article or substance; and
- (f) the details of the disposal of or other dealing with the article or substance.

**45. DEALING WITH SEIZED ARTICLES OR SUBSTANCES.**

(1) An article or substance seized in accordance with the Act is to be dealt with as directed by the Commanding Officer.

(2) The Commanding Officer may direct that the article or substance be—

- (a) retained as evidence; or
- (b) disposed of, and the method of disposal; or
- (c) returned to its owner; or
- (d) stored with the property of the detainee from whom the article or substance was seized or for whom the article of substance was intended; or
- (e) forfeited to the State when the article or substance was involved in the commission of an offence; or
- (f) dealt with as appropriate to its nature and the circumstances of its seizure.

(3) A firearm, explosive substance or drug of dependence seized in a correctional institution shall be given to the Officer in Charge of the local police station to be dealt with in accordance with the law.

***Division 3.***

***Firearms and Instruments of Restraint.***

**46. AUTHORIZATION OF FIREARMS.**

(1) The Commissioner shall authorize in the Standing Orders firearms or classes of firearms which may be issued to and used by correctional officers.

(2) A correctional officer may not be issued with, carry or use, within a correctional institution or while performing the duties of a correctional officer, a firearm which is not authorized by Subsection (1).

**47. ISSUE OF FIREARMS.**

(1) A firearm may be issued to a correctional officer by the Commanding Officer when there is an emergency or threat of an emergency or where the correctional officer is—

- (a) assigned to duty as an armed escort or on patrol; or



(b) assigned duty at a post specified by the Commanding Officer.

(2) A correctional officer may not issue or use a firearm unless the correctional officer has completed to the satisfaction of the Commissioner, a course of training in the use of firearm.

**48. FIREARMS REGISTER.**

A Commanding Officer shall maintain a Firearm Register which lists—

- (a) posts which are armed posts; and
- (b) posts or purposes for which firearms have been issued; and
- (c) the correctional officer to whom the firearm has been issued and his signature; and
- (d) the date and time of issue and return of the firearm; and
- (e) the identification number of the firearm; and
- (f) the amount of ammunition issued; and
- (g) the name and signature of the correctional officer issuing the firearm.

**49. STORAGE OF FIREARMS.**

A Commanding Officer shall ensure that firearms are stored in a secure area which is not accessible to detainees or other persons but accessible to all correctional officers on duty in the event of an emergency.

**50. FIREARM SECURITY.**

(1) A correctional officer to whom a firearm is issued is responsible for that firearm and ammunition.

(2) A correctional officer to whom a firearm is issued shall take all reasonable steps to ensure—

- (a) that no detainee or unauthorized person gains access to the firearm or ammunition; and
- (b) that no accidents occur involving the firearm or ammunition.

(3) Where a firearm issued to a correctional officer appears to the correctional officer to require maintenance, the correctional officer shall return the firearm as soon as practicable and advise the Commanding Officer accordingly.

(4) Every loss of a firearm or ammunition shall be reported to the Commanding Officer immediately.

(5) Where a Commanding Officer becomes aware of the loss of a firearm or ammunition, he shall advise the Police immediately.

**51. MAINTENANCE.**

A Commanding Officer shall ensure the serviceability of all firearms held at the correctional institution and institute procedures to ensure their regular maintenance.

**52. USE OF FIREARMS.**

(1) A correctional officer may discharge a firearm against—

- (a) a detainee, where the correctional officer believes on reasonable grounds that it is the only practicable way to prevent the escape or attempted escape of a detainee; or
- (b) a person who the correctional officer believes is aiding a detainee to escape or attempt to escape; or
- (c) a person threatening or using force against a detainee or a member, where the correctional officer believes on reasonable grounds that it is necessary to stop the threat or use of force which appears to the correctional officer to be likely to cause serious injury or death; or
- (d) a person who threatens or uses force against any other person in a correctional institution, where the correctional officer believes on reasonable grounds that it is necessary to stop the threat or use of force which appears to the correctional officer to be likely to cause serious injury or death.

(2) Before discharging a firearm against a person, a correctional officer shall—

- (a) if circumstances permit, give the person a verbal warning to the effect that the correctional officer is about to discharge a firearm against the person; and
- (b) satisfy himself or herself that the discharge of the firearm does not create an unnecessary risk to any other person.

**53. DISPOSAL OF FIREARMS.**

The Commissioner shall authorize the disposal of firearms which are no longer in a condition or of a type appropriate for use in a correctional institution.

**54. AUTHORIZED INSTRUMENTS OF RESTRAINT.**

An instrument of restraint shall only be applied to a detainee if the instrument is of a type approved by the Commissioner in the Standing Orders.

**55. USE OF RESTRAINT DURING TRANSPORT.**

An instrument of restraint may be applied to a detainee when transporting the detainee where the Commanding Officer believes that restraint is necessary to prevent the escape of the detainee or the assault of, or injury to, any person.

**56. REVIEW OF USE OF RESTRAINT.**

If an instrument of restraint is applied—

- (a) for a continuous period of more than 24 hours; or
- (b) for a cumulative period of 48 hours in any 96 hour period,

the Commanding Officer shall notify the Commissioner.

**57. RESTRAINT ON REQUEST OF MEDICAL REPORT.**

On the request of a medical officer or medical practitioner, a correctional officer may apply an instrument of restraint to a detainee and, as soon as possible after doing so, the correctional officer shall report the fact to the Commanding Officer.

**PART IV. – DETAINEES.**

***Division 1.***

***Status.***

**58. CLASSIFICATION COMMITTEE TO BE ESTABLISHED, ETC.**

(1) The Commissioner shall establish a Classification Committee at each correctional institution.

(2) The Committee shall make recommendations to the Commanding Officer on the classification of a detainee.

**59. COMMANDING OFFICER NOT BOUND BY RECOMMENDATION.**

The Commanding Officer is not bound to accept all or any recommendations of the Classification Committee.

**60. CLASSIFICATION COMMITTEE'S RECOMMENDATIONS.**

The Classification Committee shall make recommendations to the Commanding Officer on—

- (a) the security needs of the detainees; and
- (b) the management requirements of the detainees; and
- (c) the health, welfare, psychological, religious and vocational needs of the detainees; and
- (d) the most appropriate placement of the detainees; and
- (e) the supervision requirements of the detainees; and
- (f) the involvement of the detainees in welfare and rehabilitation programmes; and
- (g) a rating according to the classification rating system provided in the Standing Orders.

**61. DUTIES OF ESCORTING CORRECTIONAL OFFICER.**

A correctional officer who is escorting a detainee from one place to another or supervising the transfer of a detainee shall ensure that the detainee is transferred—

- (a) in a safe and secure manner suitable to the detainee's classification; and
- (b) under the direct supervision of a correctional officer; and
- (c) together with documents authorizing the detainee's absence or detention and transfer as appropriate.

**62. SEPARATION AND TRANSFERS COMMITTEE.**

(1) The Commissioner shall establish a Separation and Transfers Committee to make recommendations to the Commissioner with respect to the transfer of or separation of a detainee.

(2) The Separation and Transfers Committee shall consist of an Assistant Commissioner and any four of the following:—

- (a) a member of the Welfare division;
- (b) a chaplain;
- (c) a correctional officer;
- (d) a security correctional officer;
- (e) an industrial correctional officer.

**63. PROPERTY AND MEDICATION TO BE TRANSFERRED WITH DETAINEE.**

When a detainee is transferred to another institution, the Commanding Officer shall ensure that the property of the detainee, including medication, is transferred—

- (a) with the detainee if possible; or
- (b) as soon as possible after the detainee's transfer.

**64. INSTRUMENT OF TRANSFER.**

The instrument authorizing the transfer of a detainee is in Schedule 6.

**65. REGISTER OF DETAINEES.**

In every correctional institution, there shall be kept a bound detainees register book with numbered pages in which the following matters shall be entered in respect of each detainee received:—

- (a) information concerning identity;
- (b) the reasons for his commitment and details of the warrant of order;
- (c) the day of his admission and release.

**66. DETAINEE FILES.**

(1) For every detainee there shall be an individual file containing copies of all relevant reports and documents including documents authorizing the detainee's detention and medical and dental records.

(2) A file kept under Subsection (1) shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

(3) A file kept under Subsection (1) shall not be taken from the area allocated by the Commanding Officer for the storage of detainee files without the written consent of the Commanding Officer.

#### **67. RECEPTION PROCEDURE.**

(1) As soon as possible after the reception of a detainee at a correctional institution, the Commanding Officer shall ensure that—

- (a) the personal details of the detainee, including welfare needs and any immediate personal problems, are recorded; and
- (b) details of the detainee's identity are taken; and
- (c) the detainee provides and that there is recorded the name of a person to be given the status of next of kin under this Act; and
- (d) the detainee is directed to surrender his property including money, valuables, and medication; and
- (e) the detainee is searched and any unsurrendered property is seized; and
- (f) property that is surrendered or seized is listed in an inventory and dealt with as prescribed in Standing Orders; and
- (g) the detainee is given, in a readily understandable manner—
  - (i) information that is necessary for the detainee to understand his status, and
  - (ii) information regarding the routine and programmes of the correctional institution.

(2) A Commanding Officer shall ensure that the reception process of—

- (a) verifying the identity of, and describing the detainee; and
- (b) searching the detainee; and
- (c) medically examining the detainee,

is conducted with regard to the detainee's privacy and self respect.

### ***Division 2.***

#### ***Conditions of Detention.***

#### **68. VISITS.**

(1) Wherever practicable, a detainee shall be granted a visit immediately after receiving a sentence or after being transferred.

(2) A Commanding Officer may restrict the number of visitors who may visit a detainee at any one time.

(3) A Commanding Officer shall provide a detainee and visitors with information in an appropriate form on the conditions of the visits.

**69. SCHEDULE OF MEALS.**

A Commanding Officer shall ensure a schedule of detainee meals for each month in advance is prepared, and authorized by him.

**70. NUTRITIONAL CONTENT OF MEALS.**

The schedule of detainee meals shall ensure that the food provided to each detainee residing in a correctional institution satisfies minimum nutritional standards by providing food from each of the following food groups in the amounts and proportions provided in Standing Orders:—

- (a) protein;
- (b) staple;
- (c) fruit;
- (d) vegetables;
- (e) dairy.

**71. REQUIREMENTS TO BE TAKEN INTO ACCOUNT.**

A schedule of meals shall take the following requirements into account:—

- (a) nutritional needs;
- (b) usual daily activity of the detainees;
- (c) budget;
- (d) seasonal variations;
- (e) facilities available for preparation and storage of food;
- (f) availability of local produce.

**72. PRODUCTION OF FRESH PRODUCE USED FOR DETAINEE MEALS.**

Where possible, fresh produce shall be produced at the correctional institution for consumption by detainees.

**73. USE OF LOCAL PRODUCE.**

The use of local produce is to be given preference to imported products in the preparation of a schedule of meals.

**74. SUBSTITUTES FOR SPECIAL DIETS.**

Where appropriate, the schedule of meals shall provide substitute food stuffs for special diets.

**75. SUPERVISION OF FOOD PREPARATION.**

Food shall be prepared under the supervision of a member who is appointed by the Commanding Officer to ensure compliance with health standards, the efficient use of provisions, and compliance with the schedule of meals.

**76. MEALS FOR DETAINEES WHO ARE ABSENT.**

A Commanding Officer shall ensure that every detainee who is absent during a meal time from the correctional institution is provided a substitute meal.

**77. FRESH DRINKING WATER TO BE AVAILABLE.**

Fresh drinking water is to be available to every detainee at all times.

**78. FOOD FOR CHILDREN IN THE CORRECTIONAL INSTITUTION.**

A Commanding Officer shall ensure that where a child is permitted to reside in the correctional institution that child is provided with food in accordance with this Regulation and the Standing Orders.

**79. EXERCISE.**

- (1) A detainee has a right to be in the open air for at least one hour each day.
- (2) A detainee has a right to exercise necessary for the maintenance of health.

**80. MAIL-STAMPS, PAPER, ETC.**

A Commanding Officer shall provide materials to a detainee to write and send letters on the reasonable request of the detainee.

**81. SURRENDER OF PROPERTY ON ADMISSION.**

On admission to an institution, a detainee shall surrender all property and clothing in his possession that a correctional officer directs him to surrender.

**82. DESTRUCTION OF INSANITARY CLOTHING.**

(1) Where, on the admission of a detainee to an institution, the Commanding Officer is of the opinion that any clothing of the detainee ought, in the interests of health or cleanliness, to be destroyed, he may cause the clothing to be destroyed.

(2) Where any clothing of a detainee is destroyed under Subsection (1), the Commanding Officer shall provide the detainee on discharge or removal to another institution with such clothing as the Commanding Officer thinks necessary.

**83. ADDITIONAL CLOTHING.**

A medical officer may, in the case of a sick detainee or for other good cause, direct that a detainee be provided with additional clothing or bedding.



**84. DETAINEE TO WEAR CLOTHING ISSUED.**

A detainee shall not wear clothing that is not clothing issued under Section 85 unless authorized by the Commissioner or Commanding Officer.

**85. DETAINEE TO BE ISSUED WITH CLOTHING.**

A detainee shall be issued with clothing in accordance with Schedule 4.

**86. STORAGE OF DETAINEE'S PROPERTY.**

(1) Subject to Section 89, the Commanding Officer shall ensure the safe custody of money and articles surrendered by, sent to or seized from a detainee.

(2) A detainee's property is to be stored—

(a) in a location that is accessible only to members authorized by the Commanding Officer; and

(b) in the amount of storage space determined by the Commissioner.

(3) A detainee may keep in the detainee's cell the articles of the detainee's property authorized by the Commissioner or Commanding Officer.

**87. PROHIBITING ARTICLES AND SUBSTANCES.**

The Commissioner may prohibit articles or substances from being used or kept in a correctional institution by or for a detainee.

**88. REFUSAL TO STORE DETAINEE'S PROPERTY.**

(1) A Commanding Officer may refuse to store a detainee's property where—

(a) in the opinion of the Commanding Officer, it is perishable, dangerous or unhygienic; or

(b) in the opinion of the Commanding Officer, it is too large to be stored in the correctional institution; or

(c) it cannot be stored in the storage space determined by the Commissioner.

(2) Where the Commanding Officer refuses to store an item of a detainee's property referred to in Subsection (1)(a) the Commanding Officer shall—

(a) destroy the item or otherwise dispose of the item; and

(b) record the destruction or disposal in the inventory of the detainee's property.

(3) Where the Commanding Officer refuses to store an item of a detainee's property referred to in Subsection (1)(b) or (c), the Commanding Officer shall—

- (a) advise the detainee that the item cannot be stored in the correctional institution and require the detainee to make arrangements to have the item removed within a specified time; and
- (b) dispose of the item at the cost of the detainee if the detainee does not make arrangements to remove the item within the specified time; and
- (c) record the removal or disposal in the inventory of the detainee's property.

#### **89. DEALING WITH A DETAINEE'S PROPERTY.**

(1) The detainee, or a person nominated in writing by the detainee to receive property on the detainee's behalf, may request and be issued with all or part of that detainee's property.

(2) The Commanding Officer shall ensure that the person receiving an item on behalf of the detainee acknowledges receipt of that item.

#### **90. GIVING OR SELLING OF DETAINEE'S PROPERTY.**

A detainee shall not give or sell an item of his property to a member or another detainee.

#### **91. PROPERTY OF DETAINEES.**

A member shall not receive or have in his possession any property of a detainee.

#### **92. INSPECTION OF GIFTS FOR DETAINEES.**

A person bringing into a correctional institution any property belonging to a detainee or as a gift for a detainee shall surrender that property to a correctional officer for inspection.

#### **93. PROCEDURE FOR INSPECTION.**

A correctional officer to whom property is surrendered under Section 92 shall—

- (a) inspect the property; and
- (b) if the article is an article authorized by this Regulation or Standing Orders as an article which the detainee may retain, deliver the property to the detainee; and
- (c) if the article is not an authorized article, return the property to the visitor when the visitor leaves the correctional institution.

#### **94. REPLACEMENT OF DETAINEE CLOTHING.**

Where a detainee's non-issue clothing—

- (a) is destroyed by a member because it was unfit for further use; or

- (b) is destroyed or seriously damaged in circumstances that were not under the control of the detainee,

the Commanding Officer shall ensure that the detainee is provided with suitable replacement clothing on release from custody.

**95. RETURN OF PERSONAL EFFECTS OF DECEASED DETAINEE.**

Upon the death of a detainee, the Commanding Officer shall arrange for the return of the detainee's personal effects to be delivered to the person nominated on the detainee's record of reception as the detainees next of kin.

**96. PERSONAL HYGIENE AND APPEARANCE.**

(1) A detainee shall be required to keep his person clean, and to this end shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

(2) A detainee's hair is to be kept short, neat and tidy and male detainees are required to be clean shaven.

(3) A detainee shall not make any change to the detainee's own or any other detainee's physical appearance whilst in the custody of the Commissioner.

**97. CHILDREN BORN TO DETAINEES.**

(1) Wherever practicable, arrangements shall be made for the children of detainees to be born outside the correctional institution.

(2) Where a child is born within a correctional institution this fact shall not be recorded on the birth certificate.

**98. REQUEST BY DETAINEE MOTHER.**

(1) Where the Commissioner receives a request to have a child living in a correctional institution, the Commissioner shall—

- (a) assess whether it is appropriate for the child to live in the correctional institution; and
- (b) ensure that a written report of the assessment referred to in Paragraph (a) is made; and
- (c) ensure that a copy of the report is sent to the relevant Commanding Officer.

(2) In making an assessment under Subsection (1), the Commissioner may consult with the Director of Child Welfare.

**99. ANNUAL REVIEW.**

The Commissioner shall review annually the case of each child of a detainee living in a correctional institution to assess whether the continued placement of the

child is in the child's best interest and not detrimental to the security of the correctional institution.

**100. COMMISSIONER TO ADVISE COMMANDING OFFICER.**

Where the Commissioner makes a decision as a result of the review in Section 99 he shall direct the Commanding Officer accordingly.

**101. RECORDS AND REPORTS OF CHILD.**

A Commanding Officer shall—

- (a) keep a record of every child of detainees living in the correctional institution; and
- (b) report to the Commissioner any accident or injury requiring medical attention to a child of a detainee living in the correctional institution.

**102. RESTRICTIONS ON MOVEMENT OF CHILD.**

A Commanding Officer may restrict the movement of a child of a detainee living in the correctional institution, if the Commanding Officer considers the restriction necessary to maintain the good order and security of the correctional institution.

**103. ASSISTANCE WITH CARE OF CHILD.**

Where a mother is unable to provide adequate facilities for the care of her child, the Commanding Officer shall refer the case to the Department responsible for Child Welfare or other welfare organizations for assistance.

**104. REMANDEES.**

A remandee—

- (a) may wear his own clothes if—
  - (i) they are sufficient and decent and are not required as evidence at his trial or otherwise for the purposes of justice; and
  - (ii) he is able to obtain changes of decent clothing; and
- (b) shall not be compelled to be shaved or to have his hair cut short unless it is necessary for the purpose of cleanliness or of preserving the appearance that he had at the time of his examination by a court; and
- (c) shall perform such work as is necessary to keep his quarters in a clean and sanitary condition, but shall not be otherwise employed except at his own request; and
- (d) may, with the approval of the Commanding Officer receive for himself from outside the institution at proper hours, food, bedding, clothing but shall not be permitted to receive intoxicating liquor; and

- (e) shall where practicable be kept separate from convicted detainees.

**105. CONDITIONS FOR DETAINEES CONDEMNED TO DEATH.**

Every detainee who has been condemned to death shall:—

- (a) be placed in a cell alone; and
- (b) be observed at all times; and
- (c) receive access to an area in the open air suitable for exercise for a total of no less than three hours each day; and
- (d) be medically examined by a medical practitioner at least once every 14 days; and
- (e) be entitled to receive no less than two visits of one half hour duration every week, and as many as the Commanding Officer should approve in excess of those two during the first seven days after being condemned to death; and
- (f) be provided with individually prepared food of no less than the standard, type and quantity provided to a detainee not condemned to death; and
- (g) be supervised by correctional officers approved by the Commissioner; and
- (h) be provided with access to the Chaplain of a religion of the detainee's choice on request; and
- (i) have access to books and radio.

**106. COMMANDING OFFICER'S DUTIES.**

The Commanding Officer of a correctional institution where a detainee condemned to death is contained shall ensure that—

- (a) no correctional officer observes a detainee condemned to death for more than two hours consecutively; and
- (b) every effort is made to ensure that a detainee has access to his legal advisers when requested by the detainee or the legal adviser.

***Division 3.***

***Services.***

**107. QUALIFICATIONS OF MEDICAL OFFICER.**

For the purpose of Section 141(2) of the Act, a medical officer appointed under the Act shall have at least one of the following qualifications:—

- (a) be registered as a nurse by the National Nursing Council;

- (b) be registered as a health Extension Officer by the National Medical Board;
- (c) be registered as a Medical Practitioner by the National Medical Board.

**108. MEDICAL REGISTERS.**

(1) There shall be kept at each institution a register to be known as the Medical Register.

(2) A medical officer shall record in the Medical Register kept at an institution and in the personal file of the member or detainee concerned—

- (a) the name of any member or detainee at the correctional institution who is examined by him; and
- (b) the name of the disease or illness (if any) from which the member or detainee is suffering; and
- (c) details of any medicine, diet or other treatment that is ordered for the member or detainee.

**109. MEDICATION OF DETAINEES.**

A correctional officer who receives a detainee into a correctional institution shall advise the medical officer if the detainee surrenders medication or if medication is seized at reception.

**110. INFIRMARY.**

The Commanding Officer shall set apart a suitable room within a correctional institution as an infirmary for sick detainees, and shall keep the male and female detainees in the infirmary separate.

**111. OBSERVANCE OF ACT.**

A medical officer shall—

- (a) conform to and observe the provisions of the Act, this Regulation and the Standing Orders; and
- (b) do nothing to prejudice the maintenance of discipline or the safe custody of detainees.

**112. EXAMINATION OF DETAINEES BY MEDICAL OFFICER.**

The medical officer of a correctional institution shall see and examine every detainee in that correctional institution as soon as possible after his admission and thereafter as necessary, with a view particularly to—

- (a) the discovery of physical or mental illness and the taking of all necessary measures in connection therewith; and

- (b) the segregation of detainees suspected of infectious or contagious conditions; and
- (c) the noting of physical or mental defects which might hamper rehabilitation; and
- (d) the determination of the physical capacity of every detainee for work.

**113. MEDICAL OFFICER TO SEE SICK DETAINEES DAILY.**

(1) The medical officer shall have the care of the physical and mental health of the detainees and shall daily see all sick detainees, all who complain of illness, and any detainee to whom his attention is specially directed.

(2) The medical officer shall report to the Commanding Officer whenever he considers that a detainee's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

**114. SICKNESS OF DETAINEES.**

Where the medical officer is of the opinion that—

- (a) the life of a detainee is endangered by his detention in a correctional institution; or
- (b) a sick detainee may not survive his sentence; or
- (c) a detainee is unfit for detention in a correctional institution,

he shall report his opinion in writing to the Commissioner.

**115. INFECTIOUS DISEASES.**

Where the 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 or direct to be taken, all necessary measures to protect persons in the institution against the disease; and
- (c) supervise the carrying out of the measures or cause them to be supervised.

**116. DETAINEES UNDERGOING HARD LABOUR.**

(1) Where a medical officer thinks that a detainee about to perform or performing hard labour is unfit to perform or to continue to perform hard labour, he may order that the hard labour cease, or not be performed, either wholly or partially, pending a decision of the Commissioner under Subsection (2).

(2) Details of an order under Subsection (1) shall be reported immediately by the medical officer to the Commissioner, who may make such order as to the labour to be performed as he thinks necessary or desirable.

**117. EXAMINATION OF DETAINEE UNDER RESTRAINT.**

A medical officer or medical practitioner shall—

- (a) conduct an examination of a detainee to whom an instrument of restraint has been applied as soon as possible after receiving a request from the Commissioner to examine the detainee; and
- (b) report to the Commissioner the result of that examination.

**118. NOTIFICATION OF MENTAL OR PHYSICAL ILLNESS.**

(1) A member who believes that a detainee is mentally ill, physically ill or intellectually disabled shall bring the matter to the attention of the Commanding Officer.

(2) The Commanding Officer shall refer all matters brought to his attention under Subsection (1) to a medical officer.

**119. EXAMINATION OF DECEASED DETAINEE.**

(1) Upon the death of a detainee, the medical practitioner who examines the body shall—

- (a) pronounce the detainee's death; and
- (b) record in writing—
  - (i) the time of the detainee's death; and
  - (ii) the time of the pronouncement of the detainee's death; and
  - (iii) the apparent cause of the detainee's death; and
  - (iv) the nature and progression of any illness suffered by the detainee; and
  - (v) any other information the medical officer or medical practitioner considers necessary.

(2) The medical practitioner shall submit the record prepared under Subsection (1) to the Commissioner and Coroner within 24 hours of examining the body of the detainee.

**120. PRACTISE OF RELIGION BY DETAINEES.**

(1) To ensure that detainees have the opportunity to participate in religious programmes the Commissioner shall appoint chaplains and religious advisers representing the requirements of the detainees.



(2) A detainee may request access to a chaplain and religious adviser by application to the Commanding Officer.

(3) The Commanding Officer shall arrange for the detainee to have access to the chaplain or religious adviser as soon as practicable after request.

**121. TRAINING AND EDUCATION.**

(1) The Commanding Officer shall provide a report to the Commissioner annually detailing the Training and Education Programmes for detainees conducted or proposed to be conducted.

(2) A report under Subsection (1) shall provide details of the content of each Training and Education Programme, its duration, its location, the number of detainees who have or will benefit, and the identity and qualifications of the persons conducting the programme.

(3) So far as practicable, the education of detainees shall be integrated with the educational system of the country so that they may continue their education without difficulty after their release.

**122. COMPLAINTS BY DETAINEES.**

A Commanding Officer shall—

- (a) be available at reasonable times to receive requests and complaints from detainees; and
- (b) record all requests and complaints of detainees brought to his attention; and
- (c) take whatever action the Commanding Officer considers necessary on a detainee's request or complaint.

**123. VISITS BY VISITING MAGISTRATES.**

(1) Where a Commanding Officer is notified by a Visiting Magistrate of the intention to visit the correctional institution at least 24 hours before the visit, the Commanding Officer shall post a notice in the correctional institution in a place that is visible to members and detainees setting out the time and date of the visit.

(2) The Commanding Officer shall—

- (a) bring to the attention of the Visiting Magistrate the names of members and detainees who have requested to see the Visiting Magistrate; and
- (b) make the necessary arrangements for the Visiting Magistrate to interview those members and detainees.

(3) The Visiting Magistrate may—

- (a) interview a member or detainee in private; and

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

(4) The Commanding Officer shall ensure that during an official visit, the Visiting Magistrate is given access to every part of the correctional institution that is necessary in order for the Visiting Magistrate to perform the duties of the Visiting Magistrate.

#### **124. MONEYS AND EFFECTS OF DETAINEES.**

(1) A Visiting Magistrate may direct, in writing, a Commanding Officer to forward to a person nominated by the detainee any article surrendered by, taken from or sent to or for a detainee.

(2) A Commanding Officer shall immediately comply with a direction received by him under Subsection (1).

#### **125. INTERPRETERS.**

A Visiting Magistrate shall, whenever necessary, be accompanied during his visits to an institution by an interpreter and shall not employ a correctional officer, member or detainee as an interpreter.

#### **126. VISITING MAGISTRATE'S REGISTER.**

A Visiting Magistrate shall record in a book in bound form to be kept for the purpose at each institution and to be known as the Visiting Magistrate's Register—

- (a) the date and duration of his visits; and
- (b) any complaint made to him by a detainee or member in the institution, and the action taken by him on the complaint; and
- (c) any remarks and suggestions that he thinks necessary.

#### **127. ASSISTANCE TO VISITING MAGISTRATES.**

A Commanding Officer of a correctional institution shall—

- (a) facilitate inspections and interviews by Visiting Magistrates; and
- (b) ensure that no member is present during an inspection or interview of a detainee by a Visiting Magistrate; and
- (c) remain within easy call, should his presence be required by a Visiting Magistrate; and
- (d) afford any information required by a Visiting Magistrate in the performance of his duties.

***Division 4.******Discipline.*****128. NOTICE OF HEARING.**

A notice of a hearing shall, pursuant to Section 159 of the Act, contain details of:—

- (a) the charge; and
- (b) the procedure of a Commanding Officer's hearing.

**129. CONDUCT OF HEARING.**

A Commanding Officer shall ensure that a hearing under Section 159 of the Act is conducted in the following manner:—

- (a) the detainee is informed of the procedure for the hearing;
- (b) the charge is read, including—
  - (i) the name of the informant; and
  - (ii) the details of the place of alleged contravention; and
  - (iii) the details of the relevant provision of the Act or this Regulation allegedly contravened;
- (c) the detainee is given an opportunity to state his or her plea; and
- (d) if the detainee does not plead guilty—
  - (i) the informant presents evidence to support the charge; and
  - (ii) the informant is given a reasonable opportunity to call relevant witnesses; and
  - (iii) the detainee or the detainee's representative is given a reasonable opportunity to cross-examine the informant and the informant's witnesses (if any); and
  - (iv) the detainee or the detainee's representative is given a reasonable opportunity to present the detainee's case, including calling relevant witnesses; and
  - (v) the informant is given a reasonable opportunity to cross-examine the detainee and the detainee's witnesses (if any); and
  - (vi) the Commanding Officer decides whether there is sufficient evidence to warrant proceeding with the charge and dismisses the charge if the Commanding Officer decides there is insufficient evidence to warrant proceeding with the charge; and
  - (vii) if the Commanding Officer does not dismiss the charge, the Commanding Officer decides whether the detainee is guilty or not guilty of the offence after hearing all the evidence presented; and

- (viii) if the Commanding Officer finds the detainee guilty of the offence, the Commanding Officer proceeds to determine the penalty.

**130. DISMISSAL OF CHARGE.**

Notwithstanding the provisions of Section 129, a Commanding Officer may dismiss a charge against a detainee at any time after the detainee is given an opportunity to state his or her plea.

**131. DUTIES OF COMMANDING OFFICER.**

A Commanding Officer shall—

- (a) inform the detainee of the decision as to whether the detainee is guilty or not guilty of the offence; and
- (b) record in the register established to record charges heard at a Commanding Officer's hearing that decision and the penalty imposed (if any); and
- (c) record in that register of charges the detainee's admission of guilt (if any) of committing the offence.

**132. RULES OF EVIDENCE NOT TO APPLY.**

In conducting proceedings under this Part—

- (a) the proceedings must be conducted with as little formality and technicality and as expeditiously as the requirements of the Act and this Regulation and a proper consideration of the matters before the hearing permit; and
- (b) the Commanding Officer conducting the hearing is not bound by the rules of evidence but may be informed on any matter in such manner as the Commanding Officer thinks appropriate.

**133. WARRANT OF COMMITTAL.**

For the purposes of Section 103 of the Act, a warrant of committal shall be in or to the effect of Schedule 5.

**134. AUTHORITY FOR ABSENCE.**

For the purposes of Section 101 of the Act the authority for a detainee to be absent from a correctional institution shall be to the effect of Schedule 7.

## SCHEDULE 1 – UNIFORM ISSUE.

Reg. Sec. 15

**UNIFORM ISSUE**  
**MALE CORRECTIONAL OFFICERS**

<b>Item</b>	<b>Quantity</b>	<b>Issued to</b>
Belt, leather black	1	All
Gorget	2 pair	Commissioned Officers
Safari Uniform (olive green)	2	Commissioned Officers
Beret	1	All
Boots, leather black	1	All
Buckle, chromed brass	1	All
Shirt, olive green	3	All
Shorts, olive green	3	All
Trousers, olive green	2	All
Stockings, olive green (long, maroon top)	3	All
Pullover, olive green	1	All
Belt, sambrown	1	Commissioned Officers and Sergeant Majors
Cap cover, olive green (waterproof)	1	Commissioned Officers
Epaulettes, black cloth	1	Commissioned Officers
Raincoat, olive green (waterproof)	1	All
Shoes, leather black	3	All
Socks, olive green (short, maroon top)	3	All
Lanyard, maroon	1	All
Whistle	1	All
Numerical Tags	1	All
Field jacket, olive green	2	All
Field trousers, olive green	2	All
Hat, olive green fur felt	1	All

Khaki shorts	1	All
Khaki trousers	1	All
Swagger Stick	1	Commissioned Officers and Sergeant Majors
Identification Badge or Card	1	All
Field Hat	1	All
Webbing Belt	1	All

**UNIFORM ISSUE**

**FEMALE CORRECTIONAL OFFICERS**

<b>Item</b>	<b>Quantity</b>	<b>Issued to</b>
Belt, leather black	1	All
Blouse, olive green	3	All
Buckle, chromed	1	All
Belt, cloth, olive green	1	All
Hat, olive green (with maroon/gold band)	1	All
Numerical Tags	1	All
Pullover, olive green	1	All
Raincoat, olive green (waterproof)	1	All
Shoulder bag, black leather	1	All
Skirt, olive green	3	All
Socks (short) olive green (maroon top)	3	All
Whistle	1	All
Lanyard, maroon	1	All
Shoes, lady black leather	2	All
Dress, olive green	3	All
Field Jacket	1	All
Epaulettes	1 pair	Commissioned Officers
Field Trousers	2	All
Swagger Stick	1	Commissioned Officers and Sergeant Majors

Identification Badge or Card	1	All
Field Hat	1	All
Webbing Belt	1	All

**SCHEDULE 2**

Reg. Sec. 16

**PART 1 – MESS DRESS.**

For Commissioned Ranks and Rank of Sergeant Major.

- (a) White mess jacket of military type with epaulette flaps fastened by 10mm buttons.
- (b) Dress shirt with black bow tie and black evening studs.
- (c) Three 10mm Constabulary buttons on each sleeve and two miniature insignia, one on each label with birds of an eagle facing inwards.
- (d) Maroon epaulettes of the slide-on variety, of a size one third smaller than general duties epaulettes. This will bear the individual officer's rank badges. Shoulder titles will not be worn.
- (e) Cummerbund to be not less than 100mm and not more than 125mm wide, and to comprise of folds of olive green and maroon, each of 25mm width. Olive fold should be at the top.
- (f) A link button on the jacket—this button should be of Correctional Service design.
- (g) Black evening trousers with a black silk stripe down the outside seams, or black skirt (female correctional officers).
- (h) Black toe-capless shoes.
- (i) Uniform cap with badge.



**PART 2 – COMMISSIONED OFFICERS (MALE).**

*Division 1.*

*No. 1 DRESS.*

*Safari Jacket, olive green*

*Trousers, olive green*

*Cap, peaked, olive green*

*Epaulettes, black cloth*

*Shoes, black*

*Lanyards, maroon*

*Corgets, black with 2 rows of silver lines*

*Medals*

*Division 2.*

*No. 2 DRESS.*

*Shirt, olive green*

*Trousers, olive green*

*Cap, peaked, olive green*

*Shoes, black*

*Lanyards, maroon*

*Belt, black*

*Epaulettes, black cloth*

*Gorgetts*

**PART 3 – COMMISSIONED OFFICERS (FEMALE).**

*Division 1.*

*No. 1 DRESS.*

*Safari Jacket, olive green*

*Skirt, olive green*

*Cap*

*Epaulettes, black cloth*

*Shoes, black*

*Lanyards, maroon*

*Belt, black*

*Gorgetts, black with 2 rows of silver lines*

*Medals*

*Division 2.*

*No. 2 DRESS.*

*Dress, olive green*

*Cap*

*Shoes, black*

*Lanyards, maroon*

*Belt, black*

*Epaulettes, black cloth*

*Gorget, black with two rows of silver lines.*

**PART 4 – OTHER RANKS (MALE).**

*Division 1.*

*No. 1 DRESS.*

*Beret with badge*

*Shirt, olive green open collar*

*Shorts, olive green*

*Belt, GI*

*Stockings, olive green with maroon top*

*Shoes, black*

*Lanyard and whistle*

*Medals and Long Service Stars*

*Division 2.*

*No. 2 DRESS.*

*Beret with badge*

*Shirt, olive green open collar*

*Shorts, olive green*

*Belt, GI*

*Dark green field uniform jacket*

*Division 3.*

*No. 3 DRESS.*

*Helmet or beret (as ordered)*

*Shirt, olive green open collar*

*Long trousers, olive green*

*Belt waist*

*Stockings, olive green*

*Boots, black*

*Baton and ring*

*Handcuffs and pouch*

*Division 4.*

**No. 4 DRESS (WORKING DRESS).**

*Beret with badges or*

*Hat, working (without badge)*

*Shorts, khaki*

*Belt, GI*

*Stockings, olive green*

*Boots or shoes, black*

**PART 5 – OTHER RANKS (FEMALE).**

*Division 1.*

**No. 1 DRESS.**

**PART 6 – ORDER OF DRESS.**

No. 1 DRESS	For Guards of Honour, Ceremonial Parades or as otherwise ordered
No. 2 DRESS	for all routine duties
No. 3 DRESS	for riot drill and Special Squad duties
No. 4 DRESS	for training purposes
MESS DRESS	for official functions approved by the Commissioner
BAND DRESS	White shirt  Yellow Zulu Laplap with maroon and gold emblem Maroon and gold lanyard Sandals.

## SCHEDULE 3

Reg. Sec. 17

## PART 1 – BADGES AND INSIGNIA OF RANK.

<b>Rank</b>	<b>Shoulder Badges</b>	<b>Head-dress badges (all officer ranks)</b>	<b>Buttons and epaulettes badges (all officer ranks)</b>
Commissioner	A chromed brass crossed batons set on a chromed brass laurel wreath over with a chromed brass crown.	Chromed brass reversed triangle containing stylized eagle, scale, wheel and torch with words “Correctional Service” at the top and “Papua New Guinea” at the bottom.	Buttons, chromed brass 1.25cm
Deputy Commissioner	A chromed brass crossed batons on wreath (as above) with one chromed brass star above.	As above	As above
Assistant Commissioner	As above but with no chromed brass star.	As above	As above
Chief Superintendent	A chromed brass crown two chromed brass stars (in straight line).	As above	As above
Superintendent	A chromed brass crown over a single chromed brass star.	As above	As above
Chief Inspector	A chromed brass crown.	As above	As above
Inspector	Three chromed brass stars in line along with the shoulder.	As above	As above

All Ranks	Embroidered cloth badge yellow on maroon with black edging containing stylized eagle, and crown with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.	As above	As above
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Gorgetts are worn by members above and including the rank of Chief Inspector.

**PART 2 – BADGES OF NON-COMMISSIONED CORRECTIONAL OFFICERS.**

Rank	Arm Badges	Head-dress badges
Sergeant Major	One large cloth badge containing the crown on both sleeves.	Coloured enamel brass reverse triangle, containing stylized eagle scales, wheel and torch, with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.
Sergeant	Three embroidered cloth chevrons on both sleeves.	Coloured enamel brass reverse triangle, containing stylized eagle scales, wheel and torch, with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.
Corporal	Two embroidered both chevrons on both sleeves.	Coloured enamel brass reverse triangle, containing stylized eagle scales, wheel and torch, with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.
Lance Corporal	One embroidered cloth chevron on both sleeves.	Coloured enamel brass reverse triangle, containing stylized eagle scales, wheel and torch, with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.

All Ranks	Embroidered cloth badge, yellow on maroon with black edging containing stylized eagle and crown with the words "Correctional Service" on top and "Papua New Guinea" at the bottom.
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**PART 3 – CAP DECORATION–COMMISSIONED CORRECTIONAL OFFICERS.**

<b>Rank</b>	<b>Cap Decoration</b>
Commissioner	Two rows of gold oak leaf braid
Deputy Commissioner	One row of gold oak leaf braid
Assistant Commissioner	One row silver oak leaf braid
Chief Superintendent	One silver embroidered band 2 cm wide
Superintendent	One silver embroidered band 2 cm wide
Chief Inspector	One silver embroidered band 2 cm wide
Inspector	Plain black peak

**SCHEDULE 4 – DETAINEE’S UNIFORM.**

Reg. Sec. 87

<b>ITEM</b>	<b>QUANTITY</b>	<b>ISSUED TO</b>
<b>Male Convicted</b>		
Shorts, blue denim with red stripe	3	Convicted Detainees
Shirt, blue denim with red stripe	3	Convicted Detainees
Sandals	1	Convicted Detainees
Pullover, woollen short sleeve with red stripe	1	Convicted Detainees
<b>Female Convicted</b>		
Blouse, blue denim with red stripe	2	Convicted Detainees
Shirt, blue denim with red stripe	2	Convicted Detainees
Sandals	1	Convicted Detainees
Dress, blue denim with red stripe	2	Convicted Detainees
Pullover, woollen short sleeve with red stripe	1	Convicted Detainees
<b>Male Remandees</b>		
Shorts, red denim	2	Remandees
Shirt, red denim	2	Remandees
Pullover, red woollen short sleeve	1	Remandees
<b>Female Remandees</b>		
Dress, red denim	2	Remandees
Pullover, red woollen short sleeve	1	Remandees

**SCHEDULE 5 – WARRANT OF COMMITMENT/REMAND.**



Act. Sec. 103Reg., Sec. 134

**WARRANT – WARRANT OF COMMITMENT/REMAND.**

TO:

The Commissioner of Correctional Service, and to all members of the Police Force

WHEREAS

at the sittings of the National Court commencing on .....  
and held at .....

on ..... 20 ..... in the ..... Court sitting  
at ..... in Papua New Guinea it was determined  
that ..... (the detainee) of .....  
(address) in Papua New Guinea having been .....  
(details of charge).

- be  remanded in custody until ..... (date)
- imprisoned (with hard labour) for a term of .....  
commencing on the date first mentioned in this Warrant.

such sentence to be served

- concurrently with all other sentences currently being served;
- concurrently with the following sentences;
- cumulatively on .....
- cumulatively on all other sentences currently being served as  
required by Section 118 of the *Correctional Service Act 1995*.

These are therefore to command you the members of the Police Force to apprehend  
and convey the detainee to the correctional institution closest to this court together  
with this Warrant and command you the Commissioner to receive the detainee into  
your custody.

Dated .....20...

By the Court

**SCHEDULE 6 – ORDER OF TRANSFER.**

**Sch. 6**

*Correctional Service Regulation 1995*

Act. Sec. 96Reg., Sec. 65

**ORDER – ORDER OF TRANSFER.**

To: The Officer in Charge, and The Member(s) of the Police Force charged with the transfer of the detainee  
(Name of Institution)

Pursuant to Section 96 of the *Correctional Service Act 1995* I authorize the Transfer of the custody of

Name:

Number:

a detainee committed to the Custody of the Commissioner

on

to serve a sentence for

and eligible for release on—

and DIRECT the Member of the Police Force in possession of this document to deliver the said detainee into the custody of the Officer in Charge of

(Institution) .....

and deliver therewith this authority together with all documents authorizing the detention of the detainee, all personal possessions and medications appearing on the reverse of this authority and REQUIRE you the Officer in Charge of

(Institution) .....

to receive and keep the detainee in your custody until:

- the detainee's sentence expires;
- the detainee is transferred; or
- the detainee is released pursuant to some other Law.

COMMISSIONER OF  
CORRECTIONAL SERVICE

**SCHEDULE 7**

Act. Sec. 101Reg., Sec. 135

**NOTICE**

Name of Detainee:

No:

The abovenamed detainee is authorized to be absent from

..... (name of Institution)

on ..... (date)

from ..... (time) to ..... (time)

for the purpose of:

Whilst absent from ..... (name of institution)

the abovenamed detainee shall be escorted by .....

and under the supervision of ..... until

returned to the institution named above.



**SCHEDULE 8 – OATH/AFFIRMATION.**

Reg., Secs. 2(5), 4(5) and 6(5).

*OATH*

“I, ..... , do solemnly swear that I shall well and truly serve the Independent State of Papua New Guinea as Chairman/member of the Correctional Service Promotions Selection (Non-commissioned Ranks) Board/Correctional Service Promotions Selection (Commissioned Ranks) Board/Correctional Service Promotions Selection (Members) Board.

*SO HELP ME GOD*

.....

Signature of person making the Oath)

Sworn at

This ..... day of ..... 20 .

.....”

*AFFIRMATION*

“I, ....., do solemnly and sincerely affirm and declare that I shall well and truly serve the Independent State of Papua New Guinea as Chairman/member of the Correctional Service Promotions selection (Non-commissioned Ranks) Board/Correctional Service Promotions Selection (Commissioned Ranks) Board/Correctional Service Promotions Selection (Members) Board.

.....

Signature of declarant)

Declared at

This ..... day of ..... 20 .

Before me .....”

*Correctional Service Regulation 1995*