
[LEGAL NOTICE NO. 49]

CORRECTIONS SERVICE ACT 2006

**FIJI CORRECTIONS SERVICE
COMMISSIONER'S ORDER NO. 029**

**DISCIPLINARY PROCEDURES APPLYING TO ALL RANKS IN THE FIJI
CORRECTIONS SERVICE**

In exercise of the powers conferred on me by section 10(2)(e) of the Corrections Act 2006, I hereby make this Order—

1. INTRODUCTION

- 1.1 The disciplinary procedures applying to officers shall be in accordance with the principles of natural justice and shall include the formal hearing of disciplinary proceedings by Wardens Orderly Room together with their procedures.

2. PROCEDURES

- 2.1 The following procedure shall apply to all disciplinary proceedings, known as the Wardens Orderly Room, heard by the presiding officer —
- (i) all charges must be prepared and vetted accordingly by the Institutional Sergeant Major (ISM), Divisional Sergeant Major (DSM), Officer in Charge (OC) and Supervisors (Corrections Force Sergeant Major (CFSM), Deputy Commissioner of Corrections (DCC) and the Commissioner when cases are referred to their authority) prior to the convening of any Wardens Orderly Room at all levels;
 - (ii) the officer charged with an offence against discipline (“the Defendant”) shall be briefed of the charge prior to the Wardens Orderly Room;
 - (iii) documentary evidence shall be used in the proceedings;
 - (iv) witnesses both for and against the Defendant are to be present and ready to be marched in to give evidence for the Wardens Orderly Room;
 - (v) the ISM, DSM or CFSM must call the Wardens Orderly Room to order prior to commencement of the proceedings;
 - (vi) the ISM, DSM or CFSM will announce the Defendant’s number, rank and name prior to being marched into the Wardens Orderly Room (which shall be the OC, Supervisor, DCC or Commissioner’s Office);
 - (vii) the presiding officer will confirm the Defendant’s wardens no, rank and name;
 - (viii) the presiding officer will read out the charge to the Defendant and confirm if he or she understands the charge;
 - (ix) the presiding officer will take the Defendant’s plea and if the Defendant pleads guilty, he or she should be given an opportunity to mitigate, or a nominee (must be Corrections Staff) on his or her behalf. If the Defendant pleads not guilty, witnesses are to be called and marched in to present evidence;
 - (x) the presiding officer will award the punishment after summing up the proceedings and confirm with the Defendant if he or she understands the award;
 - (xi) the presiding officer will then direct the ISM, DSM or CFSM to march the Defendant Out;
 - (xii) the OC, Supervisor, DCC or Commissioner shall have a final discussion with the ISM, DSM or CFSM;
 - (xiii) the ISM, DSM or CFSM shall provide a final briefing to the Defendant;

- (xiv) the ISM, DSM or CFMS shall dismiss the Defendant and the witnesses;
- (xv) the Offence Book must be updated;
- (xvi) charge reports must be copied to the personnel file at the Corporate Service Unit;
- (xvii) charge reports must be sent to the National Headquarters; and
- (xviii) all charges must be recorded in the Service Routine Order Part 2.

3. All senior officers facing disciplinary action will be marched in for the Wardens Orderly Room, without removing their headdress, and brought to stand at ease by the presiding officer.

4. All junior officers, senior non-commissioned officers and other ranks will be required to remove their headdress and remain at attention throughout the Wardens Orderly Room process. The headdress is to be replaced once the Defendant is dismissed.

5. Dress for the Wardens Orderly Room for Defendants and presiding officers is No. 5 with Beret.

6. All personnel may seek redress of wrong if they believe that the Wardens Orderly Room process was not undertaken following all due processes of natural justice. All processes for seeking redress of wrong must be forwarded through normal communication channels and within a 7-day period from the date of the award.

This Order comes into force on 1 December 2016.

Made this 1st day of December 2016.

F. KEAN
Commissioner of Fiji Corrections Service