

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions.*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Correctional Services at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References to or in relation to—

“the Departmental Head—should be read as references to the Secretary for Corrective Institutions;

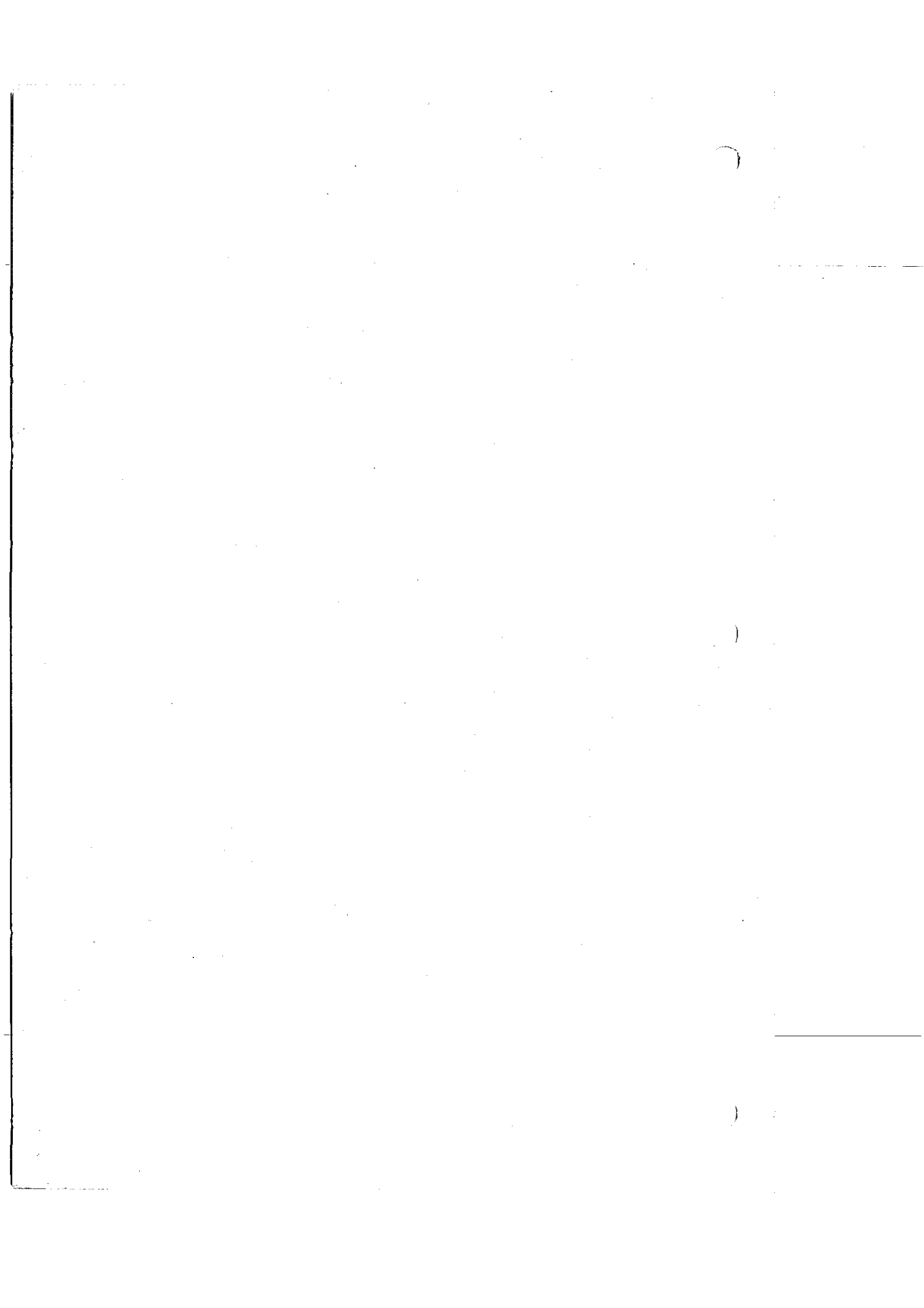
“the Department—should be read as references to the Department of Corrective Institutions.

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<sup>1</sup>As these are of little general use unless completely up-to-date, they are not included in this up-dating.

<sup>2</sup>Subsidiary legislation has not been up-dated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions Act.*

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  - “correctional officer”
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions Act.*

Being an Act relating to corrective institutions, rural lock-ups and police lock-ups.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

“assistant correctional officer” means a person appointed under Section 5 to be an assistant correctional officer, and includes, by virtue of Section 4(3), a cadet correctional officer;

“the Commissioner” means the Commissioner of Correctional Services;

“correctional officer” means—

(a) a person carrying out the duties of an office of—

(i) Commissioner; or

(ii) Assistant Commissioner; or

(iii) Senior Inspector; or

(iv) Inspector; or

(v) Chief Correctional Officer; or

(vi) Senior Correctional Officer; or

(vii) Correctional Officer Grade 3; or

(viii) Correctional Officer Grade 2; or

(ix) Correctional Officer Grade 1,

in the Correctional Services Branch of the Department; or

(b) an officer of the Public Service or other person in whom is vested, under Section 3, some or all of the powers, functions, duties, responsibilities and privileges of a correctional officer, but only in relation to the exercise, performance and possession of the powers, functions, duties, responsibilities and privileges so vested; and

(c) in relation to any premises declared under Section 11 to be a police lock-up—the commissioned officer of the Police Force in charge of the premises;

“corrective institution” means premises declared under Section 9 to be a corrective institution, and includes, in relation to a detainee removed to a hospital under Section 22, the hospital to which he is removed;

“detainee” means a person who is, by virtue of Section 20 deemed to be in the custody of the Commissioner;

“lock-up” means a rural lock-up or a police lock-up;

“magistrate” does not include a Village Magistrate;

“police lock-up” means premises declared under Section 11 to be a police lock-up;

“the regulations” means any regulations made under this Act;

“rural lock-up” means premises declared under Section 10 to be a rural lock-up;

“this Act” includes the regulations;

“visiting justice” means a person appointed under Section 12 to be a visiting justice for a corrective institution or lock-up, and includes—

(a) a visiting justice appointed temporarily under Section 13; and

(b) an additional visiting justice appointed under Section 14; and

(c) a Judge acting by virtue of Section 15.

PART II.—ADMINISTRATION.

**2. The Commissioner.**

(1) Subject to this Act and to any directions of the Minister, the Commissioner is responsible for the management and control of all corrective institutions.

(2) The Commissioner shall, from time to time, conduct inspections, or cause inspections to be conducted, of all corrective institutions and lock-ups.

(3) The Commissioner may, by writing under his hand, delegate to a correctional officer all or any of his powers and functions under this Act (except this power of delegation).

**3. Additional correctional officers.**

(1) In addition to the persons specified in Paragraph (a) of the definition “correctional officer” in Section 1, the Minister may, by notice in the National Gazette, vest in an officer of the Public Service some or all of the powers, functions, duties, responsibilities and privileges of a correctional officer.

(2) For the purposes of this Act, the Minister may, where he thinks it for any special reason desirable, by notice in the National Gazette vest in a person some or all of the powers, functions, duties, responsibilities and privileges of a correctional officer.

**4. Cadet correctional officers.**

- (1) The Commissioner may appoint persons to be cadet correctional officers.
- (2) The pay and allowances and the conditions of employment of a cadet correctional officer are as prescribed.
- (3) A cadet correctional officer shall, for the purposes of this Act, be deemed to be an assistant correctional officer.

**5. Assistant correctional officers.**

- (1) The Commissioner may appoint persons to be assistant correctional officers.
- (2) The pay and allowances and the conditions of service of an assistant correctional officer are as prescribed.
- (3) The cash wages, allowances and other emoluments of an assistant correctional officer and his conditions of service (other than the period of his engagement) shall be not inferior to those prescribed under the *Native Employment Act 1958* (Adopted) in relation to employees within the meaning of that Act.

**6. Police powers of correctional officers and assistant correctional officers.**

- (1) While acting as such, a correctional officer shall, by virtue of his appointment, be deemed to be a commissioned officer of the Police Force and to have all the powers and privileges of a commissioned officer of the Police Force for the purposes of the performance of his duties as a correctional officer.
- (2) While acting as such, an assistant correctional officer shall, by virtue of his appointment, be deemed to be a member of the Police Force and to have all the powers and privileges of a member of the Police Force for the purposes of the performance of his duties as an assistant correctional officer.

**7. Surrender of premises and equipment.**

- (1) Immediately after ceasing to hold office, a correctional officer or assistant correctional officer shall deliver to such person, at such time and place as the Commissioner directs, possession of any house, room, accommodation, equipment or article that he has held by virtue of his office.
- (2) A magistrate or a justice, on information on oath before him, may issue his warrant to a commissioned officer of the Police Force—
  - (a) to take possession, on behalf of the State, of any house, room or accommodation; or
  - (b) to search for and seize any equipment or article,possession of which has not been delivered as required by Subsection (1).

**8. Visiting medical officers.**

- (1) The Minister may, by notice in the National Gazette, appoint a medical officer of the Department of Public Health to be a visiting medical officer of a corrective institution or lock-up.

(2) The Director of Public Health is ex officio a visiting medical officer of all corrective institutions and lock-ups.

(3) A visiting medical officer has such duties as are prescribed.

PART III.—CORRECTIVE INSTITUTIONS, RURAL LOCK-UPS AND POLICE LOCK-UPS.

**9. Corrective institutions.**

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

(2) Subject to this Act, corrective institutions shall be used for the reception and safe custody of detainees.

**10. 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) Subject to this Act, rural lock-ups 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 corrective institution.

*(Amended by No. 11 of 1985.)*

**11. Police lock-ups.**

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

(2) Subject to this Act, police lock-ups 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.

PART IV.—VISITING JUSTICES.

**12. Visiting Justices.**

(1) The Judicial and Legal Services Commission shall appoint a magistrate or a justice to be a visiting justice of each corrective institution or lock-up.

(2) The visiting justice shall visit the corrective institution or lock-up for which he is appointed at least once in every month, and on such other occasions as the Judicial and Legal Services Commission directs.

(3) The visiting justice shall—

- (a) inquire into the conduct of correctional officers and assistant correctional officers, and the treatment and conduct of the detainees; and



- (b) inquire into any abuse or irregularity within the corrective institution or lock-up; and
- (c) hear any complaints made to him by detainees; and
- (d) inquire into such matters as he thinks fit or as the Judicial and Legal Services Commission directs; and
- (e) perform such other duties as are prescribed.

(4) Within seven days, or such further time as the Judicial and Legal Services Commission allows, after making his visit, the visiting justice shall forward to the Commission his report concerning matters specified in Subsection (3)(a), (b), (c) and (d).

**13. Inability of visiting justices to act.**

If a visiting justice is unable to make a visit required of him by Section 12, he shall promptly notify the Judicial and Legal Services Commission of his inability and the reason for it, and the Commission may appoint another magistrate or justice to act temporarily as a visiting justice of the corrective institution or lock-up in his place.

**14. Additional visiting justices.**

(1) The Judicial and Legal Services Commission may appoint such magistrates or justices, in addition to those appointed under Section 12, to be visiting justices for such corrective institutions or lock-ups as it thinks desirable.

(2) When a visiting justice appointed under Subsection (1) thinks fit or is directed to do so by the Judicial and Legal Services Commission, he may visit a corrective institution or lock-up for which he is appointed as a visiting justice, or exercise all or any of the powers and authority and perform all or any of the functions of a visiting justice.

(3) Where a visiting justice visits a corrective institution or lock-up under Subsection (2), he shall, within seven days or such further time as the Judicial and Legal Services Commission allows, forward to the Commission his report on the institution or lock-up.

**15. Ex officio visiting justices.**

A Judge is ex officio a visiting justice for all corrective institutions and lock-ups and may, when he thinks fit, visit a corrective institution or lock-up as a visiting justice or exercise all or any of the powers and authority and perform all or any of the functions of a visiting justice.

**PART V.—CUSTODY AND REMOVAL OF DETAINEES<sup>1</sup>.**

**16. Place of serving sentences.**

A sentence of imprisonment shall, subject to this Act and any other law, be served in the corrective institution nearest to the place at which the sentence was imposed.

**17. Serving of sentences in rural lock-ups.**

Where a court imposes a sentence of imprisonment for a term not exceeding two months, the sentence shall, if the court so directs, be served in a rural lock-up.

<sup>1</sup>And see Constitution, Section 37(20).

**18. Serving of sentences in police lock-ups, etc.**

Where a court imposes a sentence of imprisonment for a term not exceeding seven days, the sentence shall, if the court so directs, be served in the police lock-up or other place specified in the direction.

**19. Detention in police lock-ups.**

(1) A person committed for trial or sentence before the National Court may, if the court committing him thinks fit, be committed to a police lock-up for such time, not exceeding one month, as the court orders.

(2) If, at the end of one month or such shorter time as the court orders, a person referred to in Subsection (1)—

(a) has not been tried, sentenced or otherwise dealt with according to law; and

(b) is not being or about to be tried,

the Commissioner, unless for some special reason he otherwise determines, shall as soon as practicable cause him to be conveyed to a corrective institution and detained there until discharged by law.

(3) Where a court imposes a sentence of imprisonment for a period not exceeding 14 days, it may, if it thinks fit and in the absence of directions from the Minister to the contrary,<sup>1</sup> direct that the imprisonment be in such place as it thinks expedient in place of an institution.

**20. Custody of detainees.**

(1) Where a person—

(a) is committed to a corrective institution or lock-up by warrant or order of a court addressed to the Commissioner; and

(b) is delivered, with the warrant or order, to the Commissioner or to a correctional officer,

he shall be deemed to be in the custody of the Commissioner at all times till discharged by law.

(2) Where there is no police lock-up, a person in custody pending his being taken before a court or magistrate to be dealt with according to law may be admitted to a corrective institution or rural lock-up for safe custody and shall, while in the institution or lock-up, be deemed to be a detainee in the custody of the Commissioner, and is subject to this Act.

(3) A warrant committing a person to a corrective institution or lock-up shall be in the prescribed form.

**21. Removal of detainees for trial, etc.**

A detainee—

(a) who is awaiting trial or sentence for an indictable offence; or

<sup>1</sup>But see Constitution, Section 157.

(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 the written direction of the Commissioner or a District Officer—

- (c) be removed from one corrective institution, police lock-up or rural lock-up to another corrective institution, police lock-up or rural lock-up; or
- (d) be brought to the court or place where his attendance is required at such time and place as is necessary.

**22. Removal of sick detainees.**

(1) In case of illness, a detainee may be removed from a corrective institution or lock-up to a hospital by order of a visiting justice, a visiting medical officer or the officer in charge of the corrective institution or lock-up.

(2) A detainee removed from a corrective institution or lock-up under Subsection (1) shall, during his treatment in the hospital, be deemed to be in the custody of the Commissioner, and the hospital shall, in relation to the detainee, be deemed to be a corrective institution or lock-up, as the case may be.

(3) Where a detainee is removed to a hospital under this section, the officer in charge of the corrective institution or lock-up nearest to the hospital shall, if requested by the person in charge of the hospital, provide such correctional officers or assistant correctional officers, and make such arrangements, as he thinks necessary to ensure the safe custody of the detainee while in the hospital.

(4) If, on discharge from hospital, a sentence of imprisonment against him has not expired, the detainee shall be returned to the corrective institution or lock-up to undergo the remainder of the sentence.

**23. Removal of detainees for employment.**

(1) The officer in charge of a corrective institution or lock-up may authorize the temporary removal of a detainee under sentence of hard labour to a place outside the corrective institution or lock-up for the purpose of carrying out labour in that place.

(2) The Minister, the Commissioner or an officer of the Public Service authorized by the Commissioner for the purpose, may, by written notice to the officer in charge of a corrective institution or lock-up, direct the removal of all or any detainees confined in the institution or lock-up under sentence of hard labour to a place named in the direction for the purpose of carrying out the labour portion of any sentences.

**24. Removal of detainees by executive order generally.**

(1) The Minister, the Commissioner or an officer of the Public Service authorized by the Commissioner for the purpose may, by written notice to the officer in charge of a corrective institution, police lock-up or rural lock-up, direct the removal of all or any of the detainees confined in the corrective institution or lock-up to another corrective institution, police lock-up or rural lock-up.

(2) The Minister may, by written notice to the officer in charge of a corrective institution or lock-up, approve, subject to such conditions as the Minister determines, the removal, by arrangement with the management of the school or establishment, of a young detainee confined in the corrective institution or lock-up to such school or other establishment as the Minister approves.<sup>1</sup>

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<sup>1</sup> See also, *Child Welfare Act*, Section 41.

## PART VI.—CORRECTIVE INSTITUTION AND LOCK-UP OFFENCES.

## 25. Corrective institution and lock-up offences.

The following acts and omissions by a detainee are corrective institution and lock-up offences :—

- (a) any contravention of or failure to comply with a provision of this Act, the regulations or an order or general instruction issued under Section 46; and
- (b) common assault on a detainee, correctional officer or assistant correctional officer; and
- (c) profane, indecent, insulting or threatening language or behaviour; and
- (d) insubordination; and
- (e) idleness or negligence at work, or leaving his place of work without authority; and
- (f) wilful mismanagement of work; and
- (g) obstructing a correctional officer or assistant correctional officer in the execution of his duty; and
- (h) talking in cells after 9.30 p.m.; and
- (i) talking loudly, singing or laughing after having been ordered by a correctional officer or assistant correctional officer to desist; and
- (j) quarrelling with another detainee; and
- (k) secreting any article; and
- (l) showing disrespect to a correctional officer, assistant correctional officer, visiting justice, visiting medical officer or visitor; and
- (m) making groundless or frivolous complaints; and
- (n) answering untruthfully questions put by a visiting justice, visiting medical officer, correctional officer or assistant correctional officer; and
- (o) except as permitted by or under this Act, holding communication in writing, by word of mouth or otherwise with a person not connected with the corrective institution or lock-up; and
- (p) aiding and abetting the commission of a corrective institution or lock-up offence; and
- (q) refusing to give assistance to a correctional officer or assistant correctional officer when called on to do so; and
- (r) doing an act or using language calculated to offend the feelings of a fellow detainee; and
- (s) refusing without lawful and reasonable excuse to eat the food prescribed under this Act; and
- (t) eating or appropriating food not assigned to him, or taking from or adding to the portions assigned to other detainees; and
- (u) wilfully destroying food or throwing food away; and
- (v) introducing into food or drink anything liable to render it unpalatable or unwholesome; and

- (w) omitting or refusing to keep the clothes given to him, exchanging portion of them for the clothing of other detainees, or losing, discarding, damaging or altering a part of them; and
- (x) removing, defacing or altering a distinctive number or mark branded on or attached to clothing; and
- (y) omitting or refusing to keep clothing, cups, platters, or spoons or other articles of cutlery clean, or disobeying an order as to the arrangement or disposition of an article; and
- (z) tampering with locks, lamps, lights or other property in the corrective institution or lock-up with which he has no concern; and
- (za) stealing the clothing or part of the kit of another detainee; and
- (zb) committing a nuisance in the corrective institution or lock-up; and
- (zc) wilfully or negligently befouling the cells, wards, tanks, latrines or other places in or connected with the corrective institution or lock-up; and
- (zd) damaging trees or shrubs in the corrective institution or lock-up; and
- (ze) omitting or refusing to take care of property of the corrective institution or lock-up entrusted to him; and
- (zf) omitting to report at once any loss, breakage or injury he may have caused to property of the corrective institution or lock-up; and
- (zg) refusing or omitting to assist in suppressing violence or insubordination; and
- (zh) taking part in an attack on a detainee, a correctional officer or assistant correctional officer; and
- (zi) omitting or refusing to help a correctional officer or assistant correctional officer in case of the attempted escape of a detainee, or in case of an attack on a correctional officer or assistant correctional officer; and
- (zj) disobeying a lawful order of a correctional officer or assistant correctional officer; and
- (zk) insolence, rudeness or conduct subversive to the peace, order or good government of the corrective institution or lock-up; and
- (zl) having an unauthorized article in his possession; and
- (zm) damaging or defacing property of the corrective institution or lock-up; and
- (zn) holding unauthorized communication with a detainee of the opposite sex.

**26. Punishment of corrective institution offences, etc.**

A visiting justice may—

- (a) take evidence and examine a detainee touching a corrective institution or lock-up offence alleged to have been committed by him; and
- (b) if satisfied that the detainee is guilty of the offence—sentence him to imprisonment for a term not exceeding one month.

**27. Aggravated corrective institution offences, etc.**

(1) If, in the opinion of the officer in charge of a corrective institution or lock-up, a detainee has been guilty of a corrective institution or lock-up offence attended with circumstances of aggravation owing to its repetition or otherwise, the officer shall immediately charge the detainee with the offence and report the charge to a magistrate.

(2) The magistrate—

(a) shall, as soon as practicable, inquire into the charge; and

(b) may, if he finds the detainee guilty, sentence the detainee to imprisonment for a period not exceeding six months.

(3) If, on an inquiry under Subsection (1), the magistrate is of opinion that circumstances of aggravation have not been shown to exist he may so find, and may sentence the detainee for a corrective institution or lock-up offence.

**28. Trial of corrective institution offences, etc.**

(1) In an inquiry into a charge of a corrective institution or lock-up offence, the witnesses called shall be sworn or affirmed in the manner usual in courts.

(2) The visiting justice shall make, in a book to be kept for that purpose at the corrective institution or lock-up, a note of the charge and the result of the inquiry.

(3) If, on the hearing of the inquiry, the visiting justice is of opinion that the evidence discloses the commission of a corrective institution or lock-up offence attended with circumstances of aggravation by reason of its repetition or otherwise, the detainee shall promptly be charged accordingly and the charge reported without delay to a magistrate, who shall hear it as soon as practicable.

(4) A magistrate shall take down or cause to be taken down in full the evidence given at an inquiry held by him under this Part, and unless the evidence has been so taken down the detainee—

(a) shall not be found guilty of an offence attended with circumstances of aggravation; and

(b) may be found guilty of, and sentenced for, the commission of a corrective institution or lock-up offence.

**29. Detainee disabling himself.**

(1) If in order to evade labour a detainee under sentence of hard labour, wilfully disables himself or designedly prevents, or protracts, the cure of a disease or complaint that he has contracted, he shall, on conviction before a visiting justice, in addition to any liability for a corrective institution or lock-up offence, have the period of his sentence extended for such further time as, in the opinion of the visiting justice, he has evaded labour.

(2) In an inquiry under Subsection (1), the visiting justice shall take the evidence of a visiting medical officer who is or has been in attendance on the detainee.

**30. Appeal.**

(1) A detainee may appeal from a finding, sentence or extension of sentence made with reference to or imposed on him under this Part on the grounds of substantial miscarriage of justice.

(2) A detainee wishing to appeal under Subsection (1) shall, orally or in writing, give notice of the appeal to a visiting justice or a District Court Magistrate.

(3) An appeal under Subsection (1) shall be heard in a District Court before a Grade IV. Magistrate.

*(Replaced by No. 10 of 1979, s. 1.)*

**30A. Duties of visiting justice or District Court Magistrate.**

A visiting justice or District Court Magistrate to whom notice is given under Section 30(2) shall—

- (a) ascertain from the appellant detainee the names of witnesses whom he wishes to be heard at the appeal; and
- (b) advise the appropriate District Court of the appeal and of the names of those witnesses ascertained under Paragraph (a) whom he considers relevant and competent for hearing at the appeal.

*(Added by No. 10 of 1979, s. 2.)*

**30B. Duties of District Court.**

Where a District Court has received advice under Section 30A(b), the Clerk shall—

- (a) notify the officer-in-charge or any corrective institution, rural lock-up or police lock-up in which the appellant or any of the witnesses is detained, of the date on which the appeal is to be heard; and
- (b) direct the officer-in-charge to have at the Court on that date, the appellant and such of the witnesses as are, at that date, under his control.

*(Added by No. 10 of 1979, s. 2.)*

**30C. Requirements where the continued imprisonment of the appellant is solely by virtue of the sentence appealed against.**

Where the continued imprisonment of an appellant is by virtue solely of the finding, sentence or extension of sentence against which he is appealing—

- (a) the appellant shall be brought before the District Court within 21 days of the date on which notice of an appeal is given under Section 30(2); and
- (b) the appellant may apply for bail on being brought before the Court.

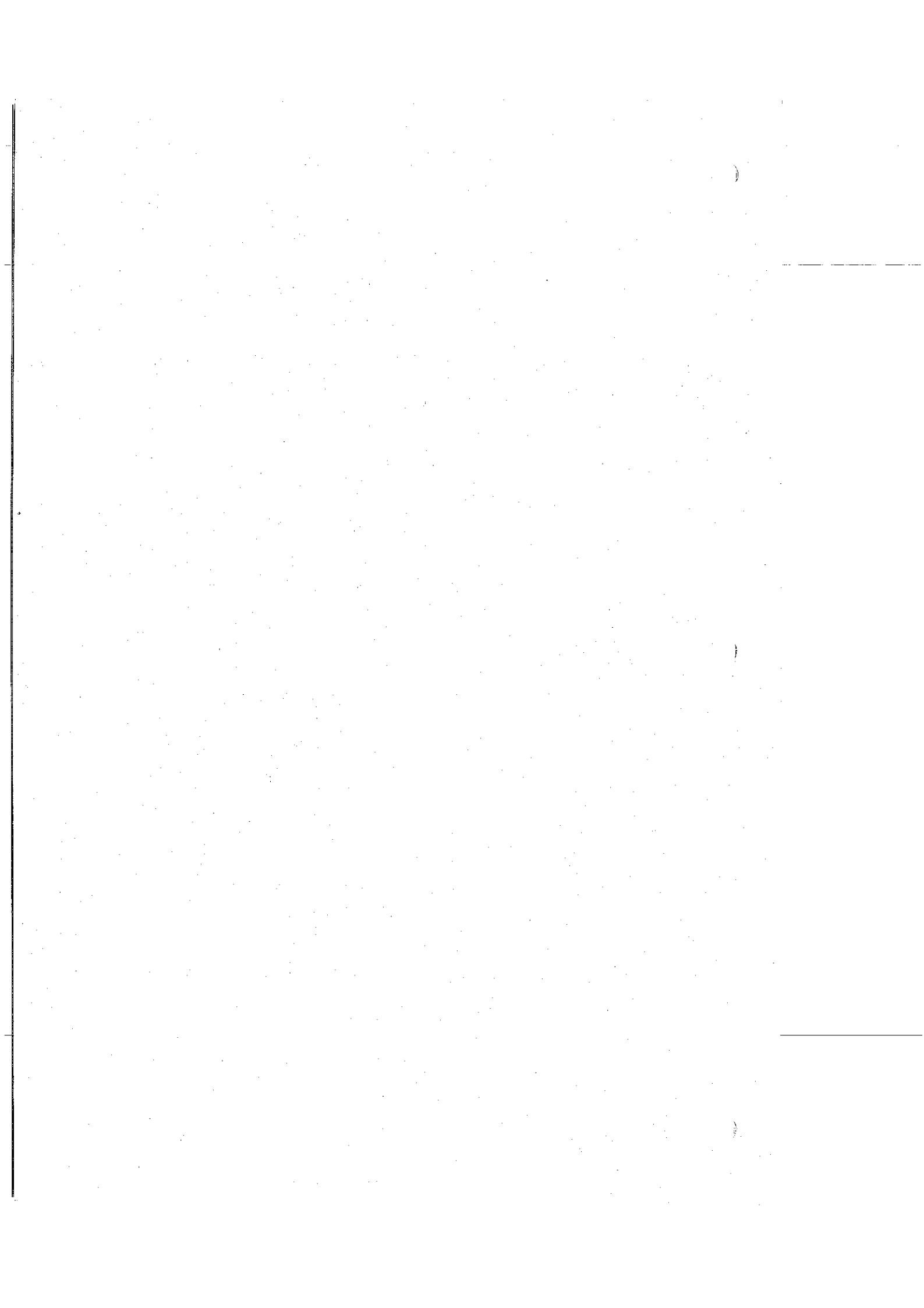
*(Added by No. 10 of 1979, s. 2.)*

**30D. Hearing of an appeal.**

The Magistrate hearing an appeal under this Part—

- (a) may determine the procedure to be followed; and
- (b) may hear fresh evidence; and
- (c) may, where an application for bail is made under Section 30C(b) pending the result of the appeal, on his sole discretion, grant or refuse bail; and
- (d) may—
  - (i) dismiss the appeal and uphold the decision of the visiting justice; or
  - (ii) reverse the decision and uphold the appeal; or
  - (iii) substitute for the decision any decision which might have been given on the evidence before the District Court by the visiting justice if the justice of the case so requires.

*(Added by No. 10 of 1979, s. 2.)*





PART VII.—OFFENCES GENERALLY.

**31. Unlawful entry.**

A person who, without lawful excuse (proof of which is on him), enters or is on a corrective institution or lock-up without the written permission of the Commissioner or a correctional officer authorized by the Commissioner for the purpose is guilty of an offence.

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

**32. Loitering.**

A person who loiters about a corrective institution or lock-up after he has been requested to leave the vicinity by a correctional officer, assistant correctional officer or member of the Police Force is guilty of an offence.

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

**33. Delivering articles to detainees.**

A person who, except as permitted by or under this Act, delivers or attempts to deliver, or causes or attempts to cause to be delivered, an article to a detainee is guilty of an offence.

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

**34. Assaults by detainees.**

A detainee in lawful custody who assaults—

- (a) a person authorized by law to visit the corrective institution or lock-up; or
- (b) a member of the Police Force; or
- (c) a correctional officer or assistant correctional officer; or
- (d) a person lawfully placed in charge of detainees or employed in or about the corrective institution or lock-up,

is guilty of an offence.

Penalty: Imprisonment for a term not exceeding two years.

**35. Unauthorized communication with detainees.**

A person who, except as permitted by or under this Act or any other law, communicates or attempts to communicate with a detainee is guilty of an offence.

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

**36. Permitting escapes.**

A correctional officer or assistant correctional officer who, through carelessness, neglect, inattention to duty or proper control, permits a detainee to escape is guilty of an offence.

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

**37. Arrest without warrant.**

A correctional officer, assistant correctional officer or member of the Police Force may arrest without warrant a person contravening Section 32, 33 or 35, and may keep the offender in custody until he can be admitted to bail or taken before a court to be dealt with according to law.

**PART VIII.—MISCELLANEOUS.**

**38. Expiration of terms of imprisonment.**

A term of imprisonment—

- (a) expiring on a Sunday, Christmas Day or Good Friday; or
- (b) exceeding three months and 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 Christmas Day,

as the case may be.

**39. Light labour.**

A detainee serving a term of imprisonment without hard labour shall perform such moderate work as the officer in charge of the corrective institution or lock-up directs.

**39A. Work by detainees serving a term of imprisonment without hard labour.**

The Minister may, by written notice to the Commissioner, or to the officer-in-charge of a corrective institution, rural lock-up or police lock-up, direct the performance by a detainee serving a term of imprisonment without hard labour of such moderate work as is reasonably required for the purpose of the care, treatment, rehabilitation or welfare of the detainee in such place or places as are specified in the direction.

*(Added by No. 10 of 1979, s. 3.)*

**40. Cumulation of certain sentences.<sup>1</sup>**

Unless otherwise directed at the time of imposition, a sentence of imprisonment imposed under this Act on a detainee is cumulative on any sentence that the detainee is then serving and on any other uncompleted sentence to which the detainee has been sentenced.

**41. Description of corrective institutions, etc., in legal process, etc.**

Writs, warrants, orders or other legal instruments describing a corrective institution or lock-up by its situation or other definite description are valid by whatever title the corrective institution or lock-up is usually known.

**42. Institutions, etc., deemed to be prisons.**

For the purposes of any law, a corrective institution or a lock-up shall be deemed to be a prison and a detainee shall be deemed to be a prisoner in lawful custody.

<sup>1</sup>See also, *Criminal Code*, Section 20.

43. Valour Medal. (*Repealed by No. 30 of 1981, s. 1.*)

44. Meritorious Service Medal. (*Repealed by No. 30 of 1981, s. 1.*)

45. Certificate of Commendation.

The Commissioner may award a Certificate of Commendation to a correctional officer or assistant correctional officer for conduct that is of special merit.

46. Orders and general instructions.

(1) The Commissioner may issue such orders and general instructions as are in his opinion desirable in relation to the organization and conduct of corrective institutions and rural lock-ups and the discipline and conduct of correctional officers, assistant correctional officers and detainees.

(2) Orders and general instructions issued under Subsection (1) may be of general application or may be limited to—

- (a) a specified corrective institution or institutions; or
- (b) a specified rural lock-up or lock-ups; or
- (c) a class or classes of correctional officer, assistant correctional officer or detainee.

47. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular—

- (a) for prescribing the duties of assistant correctional officers; and
- (b) for providing for the discipline of assistant correctional officers and the punishment by the Commissioner, or a correctional officer authorized by him for the purpose, of offences against discipline; and
- (c) for providing for the proper management and control of corrective institutions and lock-ups; and
- (d) for prescribing the diet, dress, hours of labour and mode of employment of detainees; and
- (e) for providing for the discipline, management and safe custody of detainees; and
- (f) for providing for the classification of detainees and the treatment of each class; and
- (g) for defining and providing for special treatment, including schooling and other instruction, for young detainees; and
- (h) for prescribing the terms and conditions under which a detainee may earn a partial remission of his sentence; and

- (i) for providing for the earning by detainees of any specified class or classes, and the payment to them on their discharge from corrective institutions, of amounts for good conduct and industry during their terms of imprisonment; and
  - (j) for prescribing penalties of fines not exceeding K100.00 or imprisonment for terms not exceeding six months for offences against the regulations.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions Regulations.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions Regulation.*

MADE under the *Corrective Institutions Act.*

PART I.—PRELIMINARY.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“Branch” means the Correctional Services Branch of the Department;

“chaplain” means a chaplain appointed under Section 38;

“detention room” means a detention room appointed under Section 76;

“institution” means a corrective institution or a lock-up;

“medical officer” means a medical practitioner or a medical assistant in the Public Service;

“the Medical Register” means the Medical Register kept at an institution under Section 29;

“officer-in-charge”, in relation to an institution, means—

(a) the senior correctional officer within the meaning of Paragraph (a) of the definition “correctional officer” in Section 1 of the Act who is stationed at the institution, other than an Instructor; or

(b) if there is no correctional officer referred to in Paragraph (a)—a person in whom some or all of the powers, functions, duties, responsibilities and privileges of a correctional officer are vested under Section 3 of the Act and who is appointed by the Head of State, acting on advice, by notice in the National Gazette, to be the officer-in-charge of the institution;

“Order” means—

(a) an order or general instruction issued by the Commissioner under Section 46 of the Act; or

(b) an order or direction given by a visiting medical officer under this Regulation;

“the Reviewing Committee” means the Reviewing Committee established under Section 143;

“repealed Ordinance” means an Ordinance repealed by the pre-Independence *Corrective Institutions Act 1957*;

"unauthorized article" means an article or thing the possession of which by a detainee, or the introduction of which into an institution, is not authorized by the Commissioner or by or under this Regulation or an Order;

"visiting medical officer" means a visiting medical officer appointed under Section 8 of the Act;

"wife", in relation to an assistant correctional officer, does not include a wife of a polygamous marriage by custom entered into after the date of appointment of the assistant correctional officer.

PART II.—CORRECTIONAL OFFICERS.

*Division 1.—Correctional Officers Generally.*

2. Acquaintance with act, etc.

A correctional officer shall acquaint himself with and observe the provisions of the Act, this Regulation and all Orders in force in relation to the institution at which he is stationed.

3. Custody and control of detainees.

A correctional officer is responsible for—

- (a) the safe custody of detainees in his charge; and
- (b) the preservation of decency, order, cleanliness and peace within the institution and among the detainees; and
- (c) the diligent performance by the detainees of their allotted tasks.

4. Unauthorized communications with public.

Subject to this Regulation, a correctional officer shall not, without the approval of the Commissioner—

- (a) make any communication to a member of the public concerning a detainee or institution; or
- (b) take a photograph or make a picture of a detainee, part of an institution, execution or whipping.

5. Communications with detainees.

A correctional officer shall not—

- (a) hold any communication or converse with a detainee, except when necessary in the course of his duty; or
- (b) speak of his duties, matters of discipline or his private affairs in the hearing of a detainee; or
- (c) allow any familiarity by a detainee towards himself, another correctional officer or an assistant correctional officer.

6. Acceptance of gifts, etc.

A correctional officer shall not, without the permission of the Commissioner, accept or receive a gift from or in relation to, or traffic or have dealings with or in relation to, a detainee or a person who was previously a detainee.

**7. Certificates as to conduct, etc.**

A correctional officer shall not give a certificate or testimonial to or in respect of a detainee regarding the conduct of the detainee in an institution, unless required to do so by the Head of State, acting on advice, the Commissioner, the Reviewing Committee, a visiting justice or an officer in charge.

**8. Employment of detainees.**

Subject to this Regulation, a correctional officer shall not employ a detainee as a domestic servant or in any other capacity.

**9. Punishment of detainees.**

Except as provided by this Regulation or any other law, a correctional officer shall not punish or inflict any privation on a detainee.

**10. Entering cells at night.**

A correctional officer shall not enter a ward or cell at night, except in the course of his duty.

**11. Entering quarters of female detainees.**

A male correctional officer shall not enter a part of an institution allotted to female detainees except when on duty and accompanied by—

- (a) a female correctional officer or female assistant correctional officer; or
- (b) if there is no female correctional officer or female assistant correctional officer stationed at the institution—another male correctional officer; or
- (c) if there is no other male correctional officer—an assistant correctional officer.

*Division 2.—Officers-in-charge.*

**12. Functions of officers-in-charge.**

The officer-in-charge of an institution is responsible for—

- (a) the general administration, interior economy and cleanliness of the institution; and
- (b) the maintenance of order and discipline among, and the safe custody of, detainees in the institution; and
- (c) the proper performance of their duties by correctional officers and assistant correctional officers under his control.

**13. Surprise inspections.**

The officer-in-charge of an institution shall make or cause to be made surprise inspections of the institution not less frequently than twice a week.

**14. Search of detainees.**

The officer-in-charge of an institution shall—

- (a) search or cause to be searched, each detainee in the institution, before he is locked up for the night; and
- (b) seize, or cause to be seized, any unauthorized article found in the possession of a detainee.

**15. Safe custody of money, etc., of detainees.**

(1) Subject to Subsection (2), an officer-in-charge shall ensure the safe custody of money and articles—

- (a) surrendered by or taken from a detainee; or
- (b) sent to or for a detainee and coming into the possession or control of the officer-in-charge.

(2) Subsection (1) does not apply in respect of—

- (a) an article surrendered by, taken from or sent to or for a detainee that is—
  - (i) given or returned to the detainee; or
  - (ii) directed by the Commissioner or a visiting justice to be forwarded to a person nominated by the detainee; or
- (b) any clothing of a detainee that the officer-in-charge causes to be destroyed under this Regulation in the interests of health or cleanliness; or
- (c) an unauthorized article forfeited to the State under this Regulation.

**16. Receipt of fines.**

Fines paid by or on account of a detainee shall be received by an officer-in-charge.

**17. Reports.**

The officer-in-charge of an institution shall immediately report to the Commissioner any matter affecting—

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

that in his opinion requires the attention of the Commissioner.

**18. Working parties.**

An officer-in-charge shall—

- (a) superintend the distribution of working parties, or cause it to be superintended; and
- (b) frequently inspect the working parties, or cause them to be inspected; and
- (c) keep, or cause to be kept, the working parties steadily to their labour.

**19. Assistance to visiting justices.**

The officer-in-charge of an institution shall—

- (a) facilitate inspections and interrogations by visiting justices; and
- (b) ensure that no correctional officer or assistant correctional officer other than an interpreter, is present during an inspection or interrogation of a detainee by a visiting justice; and
- (c) remain within easy call, should his presence be required by a visiting justice; and
- (d) afford any information required by a visiting justice in the performance of his duties.

Division 3.—Instructors.

20. Supervision, etc., by Instructors.

An Instructor shall—

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

PART III.—VISITING JUSTICES.

21. Inspection of detainees.

(1) On each visit to an institution a visiting justice shall—

- (a) interview in private each detainee who requests an interview; and
- (b) as far as practicable, inspect and interrogate in private each detainee within the institution.

(2) A visiting justice may require from the officer-in-charge particulars of any detainee who is absent from an institution during his visit.

22. Moneys and effects of detainees.

(1) At the request of a detainee, a visiting justice may direct, in writing, an officer-in-charge to forward to a person nominated by the detainee any article surrendered by, taken from or sent to or for a detainee.

(2) An officer-in-charge shall immediately comply with a direction received by him under Subsection (1).

23. Requests for spiritual assistance.

On receiving a request from a detainee for spiritual assistance from a minister of religion other than a chaplain, a visiting justice may arrange with the officer-in-charge of the institution for the detainee to be visited by a minister of the religion nominated by the detainee.

24. Interpreters.

A visiting justice shall, whenever practicable, be accompanied during his visits to an institution by his own interpreters and shall not, where an interpreter other than a correctional officer, assistant correctional officer or detainee is available, employ a correctional officer, assistant correctional officer or detainee as an interpreter.

25. Visiting Justice's Minute Book.

A visiting justice shall record in a book to be kept for the purpose at each institution and to be known as the Visiting Justice's Minute Book—

- (a) the date and duration of his visits; and
- (b) any complaint made to him by a detainee in the institution, and the action taken by him on the complaint; and

- (c) the circumstances under which a detainee is sentenced by him to punishment; and
- (d) any remarks and suggestions that he thinks necessary.

PART IV.—VISITING MEDICAL OFFICERS.

**26. Visits by visiting medical officers.**

- (1) The visiting medical officer of an institution shall—
  - (a) as far as practicable, at least once a month visit and inspect the institution and examine the detainees, the cooked and uncooked food, the clothing and bedding and the premises; and
  - (b) when—
    - (i) required by the Commissioner; or
    - (ii) he thinks necessary,examine the assistant correctional officers at the institution; and
  - (c) at the conclusion of each inspection and examination, enter in the Medical Register any observations that he thinks proper with regard to—
    - (i) the condition of the buildings; and
    - (ii) the quantity and quality of the food, water, clothing and bedding; and
    - (iii) other matters concerning the health of detainees.

**27. Examination of detainees.**

Wherever practicable, a visiting medical officer shall examine each detainee as soon as possible—

- (a) after admission to; and
- (b) before discharge or removal from,

an institution.

**28. Medical treatment.**

A visiting medical officer may give, or order to be given, to an assistant correctional officer or a detainee such medical treatment as he thinks necessary.

**29. Medical Registers.**

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

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

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



**30. Detainees undergoing hard labour.**

(1) Where a visiting 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 visiting medical officer to the Commissioner, who may make such order as to the labour to be performed as he thinks necessary or desirable.

**31. Sickness of detainees.**

Where a visiting medical officer is of the opinion that—

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

he shall report his opinion, in writing, to the Commissioner.

**32. Infectious diseases.**

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

- (a) notify the Commissioner and the Director of Public Health; 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.

**33. Corporal punishment.**

Corporal punishment shall not be inflicted, or continue to be inflicted, on a detainee unless a visiting medical officer has certified that the detainee is physically fit to undergo, or to continue to undergo, as the case may be, the punishment.

**34. Report on irregular treatment of sick detainees.**

A visiting medical officer shall report in writing to the Commissioner any irregularity that comes to his notice regarding the treatment of a sick assistant correctional officer or detainee.

**35. Executions and whippings.**

Any execution or whipping of a detainee that takes place in an institution shall be witnessed by a visiting medical officer.

**36. Observance of Act, etc.**

A visiting medical officer shall—

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

**37. Annual report and return.**

On or before 31 July in each year, each visiting medical officer shall forward to the Commissioner a report, in respect of the 12 months ended on the preceding 30 June, on the health, sanitation, food and water supply and premises of each institution of which he is the visiting medical officer.

**PART V.—CHAPLAINS.**

**38. Appointment of chaplains.**

The Head of State, acting on advice, may appoint a minister of religion to be a chaplain for an institution.

**39. Function of chaplains.**

A chaplain for an institution has the spiritual care of the detainees of his denomination in the institution.

**40. Religious services.**

(1) A chaplain may hold a religious service on Sundays, Christmas Days and Good Fridays in the institution for which he is appointed, at such time and in such place as is approved by the officer-in-charge.

(2) The officer-in-charge of an institution shall permit, on such conditions as he thinks proper, a chaplain to hold a religious service in the institution on a day other than a Sunday, Christmas Day or Good Friday.

**41. Complaints.**

Any complaint or charge that a chaplain or minister of religion wishes to make in relation to an institution shall be made to the Commissioner.

**42. Communications with detainees, etc.**

A chaplain or a minister of religion permitted to enter an institution—

- (a) must comply with and observe the provisions of the Act, this Regulation and the Orders relating to intercourse with detainees; and
- (b) must not convey to a person other than the officer-in-charge letters, information or messages to or from a detainee; and
- (c) must not communicate to a person other than the Minister, the Reviewing Committee, a visiting justice, a visiting medical officer or a correctional officer any matter that comes to his knowledge in the course of a visit to an institution.

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

**PART VI.—ASSISTANT CORRECTIONAL OFFICERS.**

*Division 1.—Appointment.*

**43. Physical standards.**

The Commissioner may from time to time lay down the physical standards required to be met by an applicant for appointment as an assistant correctional officer, and may waive compliance with the standards in any particular case.

**44. Enrolment.**

(1) Subject to this Regulation, a successful applicant for appointment as an assistant correctional officer shall initially be enrolled for a probationary period of not less than three years.

(2) The Commissioner may dispense with the probationary period in any case in which he thinks it necessary or desirable in the interests of the Branch to do so.

(3) In the case of an applicant for appointment as an assistant correctional officer in whose case the Commissioner has dispensed with the probationary period, the initial period of enrolment shall, subject to this Regulation, be not less than three years.

(4) Subject to Subsection (5), on the completion of a period of service an assistant correctional officer may be enrolled for a further period of not less than two years.

(5) Subject to this Regulation, within six months after the completion—

(a) in the case of an assistant correctional officer appointed on probation in the first or any subsequent period of continuous service—of the probationary period; or

(b) in the case of an assistant correctional officer enrolled without probation—of the first or any subsequent period of continuous service after enrolment,

an assistant correctional officer is entitled to be enrolled for such period, not less than two years, as he elects.

(6) The Commissioner may discharge an assistant correctional officer at any time.

**45. Extension of period of enrolment.**

The Commissioner may, in writing, direct that the period for which an assistant correctional officer is enrolled be extended by a period not greater than any period for which he has been found guilty of being absent by reason of desertion or without leave.

**46. Affirmation.**

A person shall not be appointed as an assistant correctional officer unless he makes and subscribes an affirmation in accordance with Schedule 1.

**47. Grades of assistant correctional officers.**

The grades of assistant correctional officers and the order of their precedence and seniority are—

(a) Chief Assistant Correctional Officer; and

(b) Senior Assistant Correctional Officer; and

(c) Assistant Correctional Officer, Grade 2; and

(d) Assistant Correctional Officer, Grade 1; and

(e) Assistant Correctional Officer (Probationary); and

(f) Temporary Assistant Correctional Officer.

**48. Grade on enrolment.**

An applicant for appointment as an assistant correctional officer who at any time before his application—

(a) had service as a constable or non-commissioned officer of police; or

(b) had service as a member of the Defence Force or of the Armed Forces of Her Majesty the Queen in Papua New Guinea or elsewhere; or

- (c) had service as a warder under a repealed Ordinance; or
- (d) had by training or experience acquired qualifications approved by the Commissioner as being required by the Branch,

may be appointed as an assistant correctional officer to such grade as the Commissioner directs.

**49. Seniority.**

- (1) An assistant correctional officer takes seniority in his grade according to the date of his appointment to the grade.
- (2) Where the dates of appointment of two or more assistant correctional officers to the same grade are the same, their relative seniority is as fixed by the Commissioner.

**50. Promotion.**

The Commissioner may promote an assistant correctional officer of one grade to a higher grade, if he is satisfied that he is capable of performing efficiently the duties of the higher grade.

**51. Establishments.**

Subject to any directions of the Head of State, acting on advice, the Commissioner may from time to time determine the establishment of assistant correctional officers at an institution.

**52. Transfer of assistant correctional officers.**

The Commissioner may at any time transfer an assistant correctional officer from one institution to another, or to a training depot.

*Division 2.—Pay, etc.*

**53. Pay.**

An assistant correctional officer shall be paid according to his grade and length of service, at the annual rate of pay for that grade and length of service specified in Schedule 2.

**54. Pay during periods of desertion, etc.**

Except as otherwise provided in this Regulation, no pay accrues or becomes due to an assistant correctional officer in respect of any period during which he is absent by reason of desertion or without leave, or is imprisoned otherwise than for a disciplinary offence.

**55. Payments.**

Every payment under this Regulation to an assistant correctional officer shall be made in the presence of a correctional officer.

Division 3.—Duties.

**56. Inspection of articles issued.**

An assistant correctional officer shall, when required by the Commissioner or a correctional officer, produce for inspection all articles issued to him under this Regulation, other than an article that has been replaced under this Regulation.

**57. Compliance with Act, etc.**

An assistant correctional officer shall comply with and observe the provisions of the Act, this Regulation and the Orders.

**58. Duties of assistant correctional officers.**

The principal duties of an assistant correctional officer are—

- (a) to prevent the escape of detainees; and
- (b) to prevent breaches by detainees of any of the provisions of the Act, this Regulation and the Orders; and
- (c) to conduct detainees to and from their work; and
- (d) to keep detainees at their allotted work; and
- (e) to supervise, guard and ensure the safe custody of detainees at all times when on duty.

**59. Report of breaches of discipline.**

An assistant correctional officer shall promptly report to his immediate superior a breach of any of the provisions of the Act, this Regulation or the Orders that he believes to have been committed by an assistant correctional officer over whom he has authority or by a detainee.

**60. Requests and complaints by detainees, etc.**

An assistant correctional officer shall promptly report to his immediate superior—

- (a) any request or complaint made by a detainee; and
- (b) any detainee who appears to require medical attention.

**61. Conduct of working parties.**

An assistant correctional officer in charge of a working party of detainees is responsible—

- (a) for the good conduct of the detainees; and
- (b) for ensuring that the detainees do not—
  - (i) communicate with persons unconnected with the institution; or
  - (ii) gain possession of unauthorized articles.

**62. Night duty.**

An assistant correctional officer who has been assigned night duty—

- (a) shall not leave the institution; and
- (b) shall not sleep during his hours of duty; and
- (c) shall, at intervals, make a tour of the institution in such a manner as not to disturb the detainees.

**63. Acceptance of gifts.**

An assistant correctional officer shall not, without the permission of the Commissioner, accept or receive a gift from or in relation to, or traffic or have dealings with or in relation to, a detainee or a person who was previously a detainee.

**64. Entering quarters of female detainees.**

A male assistant correctional officer shall not enter a part of an institution allotted to female detainees except when on duty and accompanied by—

- (a) a female correctional officer or female assistant correctional officer; or
- (b) if there is no female correctional officer or female assistant correctional officer stationed at the institution—a male correctional officer; or
- (c) if there is no male correctional officer—another male assistant correctional officer.

**65. Punishment of detainees.**

Except as provided by this Regulation or any other law, an assistant correctional officer shall not punish or inflict any privation on a detainee.

**66. Medical examination.**

An assistant correctional officer shall submit himself to examination by a visiting medical officer or medical officer when required to do so by the Commissioner, the officer-in-charge, the visiting medical officer or the medical officer.

**67. Property of detainees.**

An assistant correctional officer shall not receive or have in his possession any property of a detainee without the permission of the officer-in-charge.

*Division 4.—Discipline.*

**68. Disciplinary offences.**

An assistant correctional officer who—

- (a) commits an offence against or a breach of the Act, this Regulation or the Orders; or
- (b) wilfully disobeys or disregards a lawful order or instruction made or given by a person having authority to make or give it; or
- (c) is negligent or careless in the discharge of his duties; or
- (d) is inefficient or incompetent from causes within his own control; or
- (e) is guilty of conduct to the prejudice of the good order or discipline of the institution; or
- (f) is guilty of disgraceful or improper conduct in his official capacity or otherwise,

is guilty of a disciplinary offence and is liable to be dealt with under this Division.

**69. Charges of disciplinary offences<sup>1</sup>.**

(1) Where a correctional officer has reason to believe that an assistant correctional officer under his control has committed a disciplinary offence, he shall cause a charge to be laid against him, and pending the hearing of the charge may cause him—

- (a) to be detained in a detention room or confined to the precincts of the institution; or
- (b) where in the opinion of the officer the circumstances make it necessary—to be placed in the custody of a guard.

(2) An assistant correctional officer who is detained or confined or in custody under Subsection (1) shall as soon as practicable be brought before the Commissioner or a correctional officer authorized by the Commissioner.

(3) The Commissioner or a correctional officer before whom an assistant correctional officer is brought under Subsection (2) may, on the ground of the absence of witnesses or for any other reasonable cause, remand the assistant correctional officer to detention, confinement or custody as provided in Subsection (1) for such period as he, in his discretion, thinks reasonable, not exceeding three clear days at any one time.

**70. Hearing of charges.**

(1) The Commissioner or a correctional officer before whom an assistant correctional officer is brought under Section 69(2) shall hear and determine the charge.

(2) The Commissioner or a correctional officer—

- (a) shall—
  - (i) hear any evidence in support of the charge; and
  - (ii) hear any evidence by the person charged and by witnesses on his behalf; and
  - (iii) make such further investigations as he thinks necessary or desirable; and
- (b) may—
  - (i) take evidence on oath or by affidavit or inform himself of the facts of the matter in any way he thinks proper; and
  - (ii) adjourn the investigation from time to time.

(3) In making an investigation under Subsection (2), the Commissioner or correctional officer is not bound to observe strict legal procedure or to apply technical rules of evidence, but shall admit such relevant evidence as is available.

**71. Suspension.**

(1) A correctional officer may suspend an assistant correctional officer for misconduct of any kind.

(2) A suspension under Subsection (1) shall be reported immediately to the Commissioner, who may confirm the suspension and discharge the assistant correctional officer or direct that he be prosecuted or dealt with under this Regulation.

(3) Pay shall not be allowed during the period of suspension unless the Commissioner otherwise orders.

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<sup>1</sup>But as to derention, see Constitution, Section 42.

**72. Punishments.**

(1) Subject to this section, the Commissioner or a correctional officer hearing a charge in accordance with Section 70 may impose any of the following penalties on an assistant correctional officer found by him to be guilty of a disciplinary offence :—

- (a) admonishment or reprimand; and
- (b) a fine not exceeding K2.00; and
- (c) forfeiture of not more than one month's pay.

(2) Details of a penalty imposed by a correctional officer on an assistant correctional officer under Subsection (1) shall be forwarded promptly to the Commissioner.

(3) A penalty imposed by an officer under Subsection (1)(b) or (c) shall not be put

(4) The power of confirmation conferred by Subsection (3) includes power to vary the penalty in any way.

**73. Reduction in grade.**

The Commissioner may reduce to a lower grade an assistant correctional officer who is found guilty of a disciplinary offence.

**74. Dismissal or reduction in grade for criminal offences.**

An assistant correctional officer who is convicted of an offence punishable with imprisonment may, by order of the Minister, be dismissed or, in the case of an assistant correctional officer above the grade of Assistant Correctional Officer Grade 1, reduced to a lower grade.

**75. Deduction of fines from pay.**

A fine imposed on an assistant correctional officer under this Regulation may, in addition to any other method of recovery allowed by law, be deducted from his pay.



**76. Detention rooms.**

(1) The officer-in-charge may appoint a building or room forming part of an institution, and any area surrounding or adjoining the building or room, to be a detention room for the purposes of this Regulation.

(2) The officer-in-charge may appoint a correctional officer or assistant correctional officer to be in charge of a detention room.

(3) An assistant correctional officer detained in a detention room shall be deemed to be in the custody of the correctional officer or assistant correctional officer in charge of the detention room.

**77. Report of imprisonment.**

Where an assistant correctional officer is sentenced to imprisonment, the officer-in-charge of the institution shall promptly notify the Commissioner or cause him to be notified.

**78. Loss occasioned by neglect.**

In addition to any punishment that may be imposed on an assistant correctional officer under this Regulation, the Head of State, acting on advice, may order that so much of the officer's pay be stopped and forfeited as is necessary to make good—

- (a) any loss or damage to property occasioned by the act or neglect constituting the offence of which he has been convicted; and
- (b) any expense incurred by reason of that act or neglect.

**79. Means of restraint.**

Where the conduct of an assistant correctional officer lawfully detained in a detention room is so violent as to make it advisable, any one or more of the following means of restraint may be used :—

- (a) handcuffs; and
- (b) a waist belt of double leather sewn together and fastened by a lock around the waist with steel wristlets at equal distances at the sides in which to lock the wrists, the weight of waistbelt not to exceed 1.814 kg<sup>1</sup>; and
- (c) such other reasonable means as are, in the opinion of a correctional officer, necessary or desirable.

**80. Rations for assistant correctional officers undergoing detention.**

The scale of rations for an assistant correctional officer undergoing a sentence of detention is the same as that prescribed by this Regulation for detainees to whom Scale B under Section 116 applies.

<sup>1</sup>Metricated editorially. The original weight was 4 lb.

**81. Interpretation of Division 5.**

In this Division, "full pay", in relation to an assistant correctional officer, means pay at the rate applicable to him under this Regulation.

**82. Recreation leave.**

(1) Subject to this section, the Commissioner may grant to an assistant correctional officer, subject to good conduct and regular attention to duty, leave of absence for recreation on full pay calculated at the rate of one month's leave of absence for each year of his continuous service in respect of which he has not previously been granted leave of absence.

(2) Subject to Subsections (3) and (4), leave of absence under Subsection (1) does not accrue until the assistant correctional officer has completed a period of three years' continuous service as an assistant correctional officer.

(3) Subject to Subsection (4), where an assistant correctional officer maintains continuous service as an assistant correctional officer after taking leave under this section, leave accrues to him at the completion of each two additional years' continuous service.

(4) Where an assistant correctional officer—

(a) completes his service before any leave of absence accrues to him under this section; and

(b) does not then re-enrol for any further period of service,

the Commissioner may grant to him leave of absence on full pay, calculated at the rate of one month's leave of absence for each year of continuous service in respect of which he has not previously been granted leave of absence.

(5) Subject to Subsection (6), leave of absence under this section lapses if it is not taken when it becomes due.

(6) In any case where it is found impracticable to grant leave of absence, or for any other sufficient reason, the Commissioner may direct that leave due be taken at a later date.

**83. Special leave.**

(1) Subject to Subsections (2) and (3), the Commissioner may, on sufficient cause being shown, grant to an assistant correctional officer special leave of absence either without pay or on full pay.

(2) Subject to Subsection (3), where leave of absence granted to an assistant correctional officer under Subsection (1) in any period of 12 months exceeds three days, the leave of absence in excess of three days is without pay or, if granted on full pay, shall be deducted from any recreation leave due or subsequently accruing to the assistant correctional officer, as the Commissioner directs.

(3) Where—

(a) the Commissioner has directed under Subsection (2) that leave of absence in excess of three days be deducted from leave of absence for recreation due or subsequently accruing to an assistant correctional officer; and

- (b) the officer leaves or is discharged or dismissed before a period of recreation leave, greater than or equal to the period of the leave of absence in excess of three days, may be granted to him,

a sum equivalent to the pay and allowances (if any) due to the assistant correctional officer for so much of the period of the leave of absence in excess of three days as cannot be deducted from leave of absence for recreation shall be deducted from any pay and allowances due to him.

**84. Furlough.**

(1) Where a person has had at least 20 years' continuous service as an assistant correctional officer, the Commissioner may, from time to time, grant to him leave of absence as furlough, calculated at the rate of three-tenths of a month on full pay in respect of each completed year of service in respect of which he has not been granted furlough.

(2) Where an assistant correctional officer who is eligible for furlough in accordance with this section retires or is retired, the Commissioner may authorize payment to him of a sum equivalent to his pay for a period of furlough not exceeding that which he could have been granted under this section.

(3) On the death of an assistant correctional officer who was eligible at the time of his death for furlough in accordance with this section, or if the Commissioner, after consideration of all the circumstances, directs that the death of an assistant correctional officer who is so eligible be presumed, the Commissioner may authorize payment to the dependants of the assistant correctional officer of a sum equivalent to his pay for a period not exceeding the period of furlough that he could have been granted under this section had he retired immediately before the date of his death, or, where the Commissioner has directed that the death of the assistant correctional officer be presumed, immediately before a date determined by the Commissioner.

**85. Leave to assistant correctional officers not eligible for furlough.**

(1) This section relates to retirement at the age of 50 years or upwards.

(2) The Commissioner may grant to an assistant correctional officer whose period of service is less than 20 years leave of absence on full pay before his retirement as follows:—

Service of 16 years and under 20 years—five months.

Service of 12 years and under 16 years—four months.

Service of 8 years and under 12 years—three months.

(3) Where an assistant correctional officer who is eligible for leave in accordance with this section retires or is retired, the Commissioner may authorize payment to him on retirement of a sum equivalent to his pay for a period of leave not exceeding that which he could have been granted under this section.

(4) Where an assistant correctional officer who has not attained the age of 50 years, and has completed less than 20 years' service, retires or is retired, and satisfies the Commissioner that the retirement is caused by—

- (a) physical injury sustained in the execution of duty; or

- (b) ill-health that is permanent and is not due to misconduct or to causes within his control,

the Commissioner may, notwithstanding this section, authorize payment to him of a sum equivalent to his pay for a period of leave not exceeding that for which he would have been eligible under Subsection (2) if at the date of retirement he has attained the age of 50 years.

(5) Where an assistant correctional officer has completed 20 years' service and either before or after he has attained the age of 50 years—

- (a) he dies; or
- (b) the Commissioner, after consideration of all the circumstances, directs that his death be presumed,

the Commissioner may authorize payment to his dependants of a sum equivalent to his pay for the period of leave that he would have received had he been eligible under Subsection (2) for, and been granted, leave of absence immediately before the date of his death, or, where the Commissioner has directed that his death be presumed, immediately before a date determined by the Commissioner.

**86. Continuity of service for furlough.**

For the purposes of Sections 84 and 85, except in the event of his discharge on account of unsatisfactory service the continuity of service of an assistant correctional officer shall be determined in accordance with Sections 104 and 105.

**87. Fares.**

Where an assistant correctional officer proceeds on leave of absence for recreation, the Commissioner may authorize the payment of the cost of the fares of him and his wife and children (if any) who are carried on the strength of the Branch to and from his home or such other place as the Commissioner approves.

**88. Travelling time.**

The Commissioner may, in addition to any leave granted under Section 82 or 83, grant to an assistant correctional officer such travelling time, not exceeding 28 days, as he thinks reasonable.

*Division 6.—Pensions.*

**89. Interpretation of Division 6.**

A reference in this Division to—

- (a) a retired assistant correctional officer; or
- (b) the service of a person as an assistant correctional officer,

includes a reference to—

- (c) a retired warder within the meaning of this Regulation as in force immediately before 1 January 1976<sup>1</sup>; or
- (d) service as such a warder,

as the case may be.

<sup>1</sup>The effective date in relation to the Revised Edition of the Laws.

90. Grant of pensions.

Subject to this Division, an annual pension is payable to an assistant correctional officer who retires—

- (a) after not less than 20 years' continuous service; or
- (b) on the ground of ill-health, certified to by a medical practitioner, after not less than 15 years' continuous service.

91. Amount of pension.

(1) Subject to Subsection (2), the amount of a pension payable under this Division to an assistant correctional officer is 25% of the average annual pay received by the assistant correctional officer during the three years' continuous service immediately preceding his retirement.

(2) For the purposes of the calculation of pension, where the annual pay applicable to a grade held by a retired assistant correctional officer at any time during the three years' continuous service immediately preceding his retirement is increased under this Regulation, whether before or after his retirement, the increase shall be deemed to have applied during the whole of his service in that grade.

92. Widows' pensions, etc.

(1) In this section—

“pensioner” means a retired assistant correctional officer who is in receipt of a pension under this Division;

“widow” means a woman who was a wife, within the meaning of this Regulation, of an assistant correctional officer or of a pensioner immediately before his death.

(2) Subject to this Division, an annual pension is payable to the widow and dependant children of an assistant correctional officer or deceased pensioner.

(3) Subject to the Subsections (4) and (5), the amount of a pension payable under Subsection (2) is—

(a) in the case of a widow—50% of—

(i) in the case of the widow of an assistant correctional officer—the pension that would have been payable to him had he retired immediately before the date of his death, having had 20 years' continuous service; or

(ii) in the case of the widow of a deceased pensioner—the pension payable to the pensioner; and

(b) in the case of a dependant child under the age of 16 years—an amount of K52.00<sup>1</sup> per annum, to be paid in cash or in goods, as decided by the Commissioner.

(4) Where an assistant correctional officer or pensioner dies leaving more than one wife, the amount of a pension payable under Subsection (2) to each wife is the amount that

<sup>1</sup>Amended as a clerical error substituting K52.00 for K12.00 by notice in the National Gazette, 14 February, 1983.

would have been payable under Subsection (3) had there been only one wife, divided by the number of wives left by the assistant correctional officer or pensioner.

(5) A pension payable to a widow under this section ceases on her re-marriage.

(6) For the purpose of the calculation of pension for the purposes of Subsection (3)(a)(i)—

(a) the three years' continuous service immediately before the death of the assistant correctional officer concerned shall be deemed to be the three years' continuous service referred to in Section 91; and

(b) where the assistant correctional officer concerned has not had three years' continuous service as an assistant correctional officer before his death—his average annual pay during his continuous service shall be deemed to be the average annual pay referred to in Section 91.

(7) Where a pensioner marries or has married after his retirement, pension is not payable on his death to his widow or in respect of a child of the marriage.

#### 93. Assignment, etc., of pension.

A pension payable under this Division is not capable of being assigned, charged or in any way dealt with, and any purported assignment, charge or dealing with a pension is void and of no effect.

#### 94. Suspension of pension during further service.

A pension payable to a retired assistant correctional officer under this Division is suspended during any further service by him as an assistant correctional officer or with—

(a) the Government; or

(b) the Defence Force or any Armed Forces of Her Majesty the Queen; or

(c) the Police Force,

but is not otherwise affected by any employment in which the officer engages after his retirement.

#### 95. Pensions for dismissed assistant correctional officers.

A pension is not payable to an assistant correctional officer who is dismissed, unless the Head of State, acting on advice, in a special case otherwise directs, and in that case the pension shall be of such an amount as the Head of State, acting on advice, thinks proper, but not exceeding the amount of pension that would have been payable to him under this Division but for his dismissal.

#### 96. Proportionate pensions.

(1) Where an assistant correctional officer has served continuously as an assistant correctional officer for not less than 10 nor more than 15 years before his retirement on the ground of ill-health, certified to by a medical practitioner, an annual pension is payable to or in respect of him at such rate as bears to the pension that would have been payable had he served continuously for 15 years the same proportion as the number of years for which he served continuously bears to 15.

(2) Where an assistant correctional officer has served continuously as an assistant correctional officer for not less than 10 nor more than 20 years before his retirement on the ground of old age, certified to by a medical practitioner, an annual pension is payable to or in respect of him at such rate as bears to the pension that would have been payable had he

served continuously for 20 years the same proportion as the number of years for which he served continuously bears to 20.

**97. Pensions in special circumstances.**

Where the Head of State, acting on advice given after receiving a recommendation from the Commissioner, is of the opinion that a pension should, for a special reason, be granted to a person who is—

- (a) a retired assistant correctional officer; or
- (b) a dependant of a retired or deceased assistant correctional officer,

and who is not eligible for a pension under the preceding provisions of this Division, the Head of State, acting on advice, may direct that he be paid an annual pension of such amount as the Head of State, acting on advice, thinks proper, but not exceeding the maximum amount that would have been payable to him under this Division had he been eligible for a pension under this Division.

**98. Imprisonment or insanity of pensioner.**

(1) Where a retired assistant correctional officer in receipt of a pension is sentenced to imprisonment or detained as a patient in a mental hospital for a period exceeding one month, the Commissioner may cause the pension or any part of the pension payable to him to be paid during the period of imprisonment or detention, in such manner and subject to such conditions as the Commissioner thinks proper, to his wife or, if his wife is dead, for the benefit of such of his children or the children of his deceased wife as are under the age of 16 years.

(2) Where the widow of an assistant correctional officer or retired assistant correctional officer is in receipt of a pension and is sentenced to imprisonment or detained as a patient in a mental hospital for a period exceeding one month, the Commissioner may cause the pension or any part of the pension payable to her to be paid during the period of imprisonment or detention, in such manner and subject to such conditions as the Commissioner thinks proper, for the benefit of such of the children of the widow or of her deceased husband as are under the age of 16 years.

**99. Payment of pensions.**

A pension payable under this Division shall be paid in monthly instalments.

*Division 7.—Temporary Assistant Correctional Officers.*

**100. Conditions of service of temporary assistant correctional officer.**

(1) In this section, "temporary assistant correctional officer" means an assistant correctional officer appointed for temporary purposes.

(2) Sections 44, 45, 53 and 158 do not apply to a temporary assistant correctional officer.

(3) A temporary assistant correctional officer shall be paid at the rate applicable to an Assistant Correctional Officer (Probationary), or at such other rate as the Commissioner, having regard to the temporary assistant correctional officer's service, fixes.

*Division 8.—General.*

**101. Valour Medal.**

The Corrective Institutions Valour Medal created by Section 43 of the Act—

- (a) shall be of bronze, bearing—
  - (i) on the obverse side—the Corrective Institutions Crest, the words “Corrective Institutions” inscribed inside the top circumference and the words “Papua and New Guinea” inscribed inside the bottom circumference; and
  - (ii) on the reverse side—a map of Papua New Guinea, an eternal flame and the words “For Valour” inscribed inside the bottom circumference; and
- (b) shall be hung from a straight clasp on a ribbon having a blue centre stripe with green stripes on either side of the centre stripe and on the borders, and maroon stripes between the sets of green stripes; and
- (c) shall be worn immediately after all decorations awarded by the Queen and Head of State and immediately before all medals awarded by the Government or a previous Administration in Papua New Guinea for loyal, meritorious or long service.

**102. Meritorious Service Medal.**

The Corrective Institutions Meritorious Service Medal created by Section 44 of the Act—

- (a) shall be of silver, bearing—
  - (i) on the obverse side—the Corrective Institutions Crest and the words “Corrective Institutions Papua and New Guinea” inscribed inside the circumference; and
  - (ii) on the reverse side—a palm tree, a thatched house and hills and the words “For Meritorious Service” inscribed inside the circumference; and
- (b) shall be hung from a straight clasp on a ribbon having blue borders, a centre maroon stripe and green stripes on either side of the maroon stripe; and
- (c) shall be worn immediately after all decorations awarded by the Queen and Head of State and decorations awarded by the Government for bravery.

**103. 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,

an assistant 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  $\frac{7}{8}$  inch in diameter<sup>1</sup>.

<sup>1</sup>In view of the context, this measurement has not been metricated editorially.



104. 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 Head of State, acting on advice, otherwise directs, be deemed to be service; and
- (b) a period of absence in respect of which an assistant correctional officer has been convicted under this Regulation of desertion or absence without leave shall not be deemed to be service; and
- (c) a period during which an assistant correctional officer is imprisoned shall not be deemed to be service; and
- (d) the continuity of service of an assistant 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.

105. Prior service.

(1) In this section, "continuous" means continuous within the meaning of Section 104.

(2) For the purposes of Divisions 3 and 4, where an assistant correctional officer, before his appointment as an assistant correctional officer—

- (a) had a period of continuous service as a constable or non-commissioned officer of police; or
- (b) had a period of continuous service as an Administration Servant under the *Administration Servants Act 1958* (Adopted),

and ended that period of continuous service in circumstances not involving, in the opinion of the Head of State, acting on advice, dishonour to him, that period of continuous service shall be deemed to be service as an assistant correctional officer if it is continuous with his service as an assistant correctional officer.

PART VII.—DETAINEES.

Division 1.—Admission and Discharge.

106. Search on admission.

(1) Subject to this Regulation, on admission to an institution a detainee shall—

- (a) submit himself to a search by a correctional officer or assistant correctional officer; and
- (b) surrender all property and clothing in his possession that a correctional officer directs him to surrender.

(2) The search of a detainee shall be conducted with due regard to decency, but in such a way that any concealed article may be found.

#### 107. Finger-printing, etc.

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

(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 that subsection shall be destroyed by a correctional officer in the presence of the detainee.

#### 108. Destruction of insanitary, etc., clothing.

(1) Where, on the admission of a detainee to an institution, the officer-in-charge 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 officer-in-charge shall provide the detainee on discharge or removal to another institution with such clothing as the officer-in-charge thinks necessary.

#### 109. Return of property on discharge.

Subject to this Regulation, a correctional officer shall deliver to a detainee on discharge all property surrendered by or taken from him.

### *Division 2.—Classification and Separation<sup>1</sup>.*

#### 110. Classification of detainees.

There shall be the following classes of detainees :—

- (a) First Class—detainees held solely as witnesses, awaiting trial, remanded in custody or under investigation, or who have appealed against their conviction; and
- (b) Second Class—
  - (i) detainees imprisoned for contempt of court or for failing to give security for the peace or good behaviour; and
  - (ii) detainees imprisoned for failure to comply with an order made under a law relating to maintenance or affiliation orders; and
  - (iii) detainees who have appealed against sentence, until the appeal is determined; and
- (c) Third Class—detainees, other than detainees referred to in Paragraph (a) or (b), who—
  - (i) have not been previously imprisoned in the country or elsewhere; or
  - (ii) in the opinion of the Commissioner, are likely to co-operate in and benefit by training; and

<sup>1</sup> And see Constitution, Section 37(17), (18), (19).

(d) Fourth Class—

- (i) detainees, other than detainees referred to in Paragraph (a), (b) or (c), who have been previously imprisoned in the country or elsewhere; and
- (ii) notwithstanding anything in this section, detainees who, in the opinion of the Commissioner, should not be associated with detainees of any other class; and

(e) Fifth Class—detainees in relation to whom an investigation is proceeding to determine their classification under this section.

111. Separation of detainees.

(1) As far as practicable, detainees of one class shall be kept separate from detainees of any other class.

(2) The Commissioner may, in his discretion, authorize the transfer of a detainee from one class to any other class.

(3) Where, in his opinion, it is necessary for the preservation of order and discipline in an institution, or for the good of the detainee or other detainees, the Commissioner may separate a detainee from other detainees of his class.

(4) The separation of a detainee from other detainees under Subsection (3) must not be of the nature usually known as "solitary confinement".

(5) The Commissioner may direct the separation, within a class of detainees, of detainees who—

- (a) have not reached the age of 18 years; or
- (b) have not previously been imprisoned; or
- (c) have previously been imprisoned.

112. Separation of female detainees.

Female detainees shall be kept entirely separate from male detainees and shall, as far as practicable, be confined in different buildings from male detainees.

113. Treatment of detainees of the first class.

A detainee of the first class—

- (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) shall take such exercise in the open air as the officer-in-charge or a visiting medical officer or medical officer thinks necessary or expedient; and
- (e) may, with the approval of the officer-in-charge (which approval may be withdrawn in the event of a breach by the detainee of the provisions of Paragraph (f)) receive for himself from outside the institution at proper

hours, food, bedding, clothing and tobacco, but shall not be permitted to receive intoxicating liquor; and

- (f) shall not supply any food or other article to another detainee; and
- (g) except as otherwise provided, is subject to this Regulation.

**114. Treatment of detainees of the second class.**

A detainee of the second class—

- (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 necessary changes of decent clothing; and
- (b) may be required to perform such work as is necessary to keep the institution in a clean and sanitary condition, but shall not otherwise be employed except at his own request; and
- (c) shall take such exercise in the open air as the officer-in-charge or a visiting medical officer or medical officer thinks necessary or expedient; and
- (d) except as otherwise provided, is subject to this Regulation.

*Division 3.—Detainees Condemned to Death.*

**115. Search, etc., of detainees condemned to death.**

(1) A detainee condemned to death shall—

- (a) be searched by a correctional officer each day; and
- (b) surrender, when directed to do so by a correctional officer, any article or thing that, in the opinion of the officer, it may be dangerous or inexpedient to leave in his possession; and
- (c) be confined apart from other detainees; and
- (d) be kept under supervision day and night by a correctional officer or assistant correctional officer.

(2) The room or cell in which a detainee condemned to death is confined shall be thoroughly searched each day by a correctional officer.

(3) A detainee condemned to death shall be allowed such diet and exercise as a visiting medical officer directs.

*Division 4.—Accommodation, Food, Clothing and Bedding.*

**116. Scale of rations for detainees.**

(1) The scale of rations for detainees is as set out in Schedule 3.

(2) A detainee is entitled to rations in accordance with the scale set out in Schedule 3, subject to any variation or modification as is directed, in writing, by a visiting medical officer or medical officer in any particular case.

117. Clothing, bedding, etc.

(1) Subject to this section, a detainee shall be provided with the clothing, bedding and other articles specified in the part of Schedule 4 that is applicable to him.

(2) A detainee may, at the discretion of the officer-in-charge, be provided with a mattress and eating utensils.

(3) A detainee wearing his own clothing under this Regulation shall not be provided with the clothing referred to in Subsection (1).

(4) A visiting medical officer or 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.

(5) An article issued to a detainee under this section may be replaced at the direction of the officer-in-charge.

118. Wearing of issue clothing.

(1) Subject to this Regulation, a detainee shall not wear clothing other than that prescribed by the part of Schedule 4 that is applicable to him.

(2) A female detainee serving a sentence not exceeding six months may be permitted by the officer-in-charge to provide and wear her own night attire, underwear and footwear.

*Division 5.—Health.*

119. Medical examination, etc., of detainees.

(1) When a detainee—

(a) is admitted to or about to be discharged or removed from an institution; or

(b) appears to require medical attention,

the officer-in-charge shall—

(c) arrange for a visiting medical officer or medical officer to examine him; and

(d) cause to be carried out any directions regarding his treatment given by the visiting medical officer or medical officer.

(2) Whenever required to do so by a visiting medical officer or medical officer, a detainee shall—

(a) submit to a medical examination; and

(b) undergo such treatment as the visiting medical officer or medical officer thinks necessary or desirable.

120. Infirmary.

An officer-in-charge shall set apart a suitable room within an institution as an infirmary for sick detainees, and shall keep the male and female detainees in the infirmary separate.

121. Exercise.

An officer-in-charge shall permit a detainee who works indoors to take such exercise in the open air each week day as is desirable in the interests of the health of the detainee.

*Division 6.—Visitors and Communications<sup>1</sup>*

**122. Surrender of unauthorized articles.**

(1) A visitor to an institution must surrender any unauthorized article in his possession to a correctional officer.

Penalty: A fine not exceeding K40.00.

(2) An unauthorized article surrendered under Subsection (1) shall be returned to the visitor on his leaving the institution.

**123. Search of visitors.**

An officer in charge of an institution—

- (a) may require or cause a visitor to the institution to be searched; and
- (b) shall seize any unauthorized article in the visitor's possession.

**124. Duration of visits.**

(1) Except where the Commissioner otherwise approves, a visit by a person to a detainee shall not exceed 30 minutes in duration.

(2) A detainee shall not be visited by more than one person at any one time, except where the visitors are in the relationship of wife, husband, child, parent, brother or sister to the detainee.

**125. Giving unauthorized articles to detainees.**

A visitor to an institution who gives or passes to a detainee an unauthorized article is guilty of an offence.

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

**126. Gift packages.**

(1) A visitor to an institution may bring a gift package—

- (a) to a detainee of the third, fourth or fifth class—on Christmas Day and Easter Sunday and on an authorized visit; and
- (b) to a detainee of the first or second class—on any authorized visit.

(2) Every gift package shall be handed by the visitor to the officer-in-charge for inspection and distribution and shall not—

- (a) exceed 1 kg; and
- (b) contain anything other than—
  - (i) foodstuffs (other than beverages); and
  - (ii) a toothbrush; and
  - (iii) soap.

(3) Foodstuffs permitted in a gift package shall be handed to the detainee by the officer-in-charge and either—

- (a) consumed during the visit; or

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<sup>1</sup>And see Constitution, Section 42(2).

(b) if not wholly consumed during the visit, handed to the officer-in-charge at the end of the visit.

(4) Where any foodstuffs are handed to the officer-in-charge in accordance with Subsection (3)(b), he shall return it to the visitor as he leaves the institution.

(5) A detainee may receive only one gift package during an authorized visit.

**127. Surveillance during visits<sup>1</sup>.**

A correctional officer or assistant correctional officer shall—

(a) remain within hearing and observe all that may pass between a detainee and a visitor; and

(b) seize any thing passing between the detainee and the visitor.

**128. Letters generally.**

(1) Subject to this Division, a detainee may write one letter each week.

(2) Where, in the opinion of an officer-in-charge, a detainee is destitute, the officer-in-charge may authorize the payment by the State of the postage on letters written by the detainee under Subsection (1).

(3) A detainee awaiting trial or who has appealed against his conviction or sentence may, pending the hearing of the charge or appeal, send to or receive from his lawyer letters relating to the charge or appeal.

**129. Letters to other detainees.**

A detainee shall not write to another detainee, except with the approval of the officer-in-charge or the Commissioner.

**130. Additional letters.**

An officer-in-charge may authorize the writing of additional letters by a detainee relating to—

(a) the death or serious illness of a near relative; or

(b) business, legal or family affairs of an urgent nature; or

(c) arrangements for employment, accommodation or other assistance on release; or

(d) payment of a fine or other monetary penalty.

**131. Contents of letters<sup>1</sup>.**

(1) A letter written by or addressed to a detainee shall—

(a) be confined to matters personally concerning the detainee, his relatives or friends; and

(b) unless the Commissioner otherwise approves, be in the English language; and

(c) be clear in meaning; and

(d) not contain any improper, abusive or threatening expressions; and

(e) subject to this Division, not contain any reference to the detainee's conviction, sentence or application for release.

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<sup>1</sup> But see Constitution, Section 42(2).

(2) Notwithstanding Subsection (1)(e), a detainee may, immediately after conviction, inform his relatives briefly of the circumstances of his conviction.

**132. Censorship of letters, etc<sup>1</sup>.**

(1) In this section, "communication" includes a letter, telegram, parcel and packet.

(2) A detainee shall not send or receive any communication except through the hands of the officer-in-charge of the institution.

(3) An officer-in-charge shall—

(a) open and examine a communication sent by or addressed to a detainee; and

(b) delete or excise from the communication any part of it that does not comply with Section 131; and

(c) mark the communication with his initials and the date on which he examined it.

(4) The Commissioner or an officer-in-charge may seize or destroy the whole or any part of a communication or any thing contained in a communication examined under this section, if he is of the opinion that it is necessary to do so in the interests of security or the discipline or good order of the institution.

*Division 7.—Employment.*

**133. Working hours.**

(1) Except where otherwise provided in this Division, a detainee shall not be required to work more than 8½ hours per day or after 12 noon on a Saturday.

(2) Time spent by a detainee under instruction or training by an Instructor shall be deemed to be work for the purposes of Subsection (1).

**134. 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 Head of State, acting on advice, otherwise directs.

(2) When required to do so by the officer-in-charge in case of emergency, a detainee shall perform such work as the officer-in-charge directs.

**135. Hard labour.**

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

**136. Institutional maintenance.**

(1) Subject to the Act and to this Regulation, the officer-in-charge of an institution may direct a detainee to carry out work necessary for the maintenance, cleanliness and sanitation of the institution.

(2) Subject to the Act, an officer-in-charge shall not employ a detainee on any work not authorized by the Commissioner or, as a disciplinary measure, on any work not authorized by Subsection (1).

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<sup>1</sup> But see Constitution, Section 42(2).



137. Work for female detainees.

Subject to the Act and to this Regulation, a female detainee shall be employed as far as practicable within the institution premises at sewing and washing, and such other work as the Commissioner directs.

138. Articles made by detainees.

Articles made by detainees are the property of the State.

*Division 8.—Restraint and the Use of Force, etc.*

*(Replaced by No. 10 of 1984.)*

139. Interpretation of Division 8.

In this Division, unless the contrary intention appears—

“armed post” means an area within the precincts of a corrective institution where an armed correctional officer or assistant correctional officer is regularly stationed;

“force” includes the threat of the use of force and the carriage and use of instruments of restraint;

“instruments of restraint” includes handcuffs, batons, chemical aids, firearms and such other articles as may be approved and issue by the Commissioner for use as instruments of restraint, but does not include chains and irons.

140. Order and discipline, etc.

(1) Order and discipline shall be maintained with firmness, but with no more restriction or force than is required for safe custody and well ordered community life within the corrective institution.

(2) In controlling detainees, correctional officers and assistant correctional officers shall seek to influence them through example and leadership and endeavour to enlist willing cooperation.

(3) At all times, the treatment of detainees shall be with due regard to the encouragement of self respect and sense of personal responsibility.

(4) Where necessary, in the interests of peace and good order within the corrective institution, or to ensure that detainees remain in custody, correctional officers and assistant correctional officers may use force including instruments of restraint where the circumstances so require it.

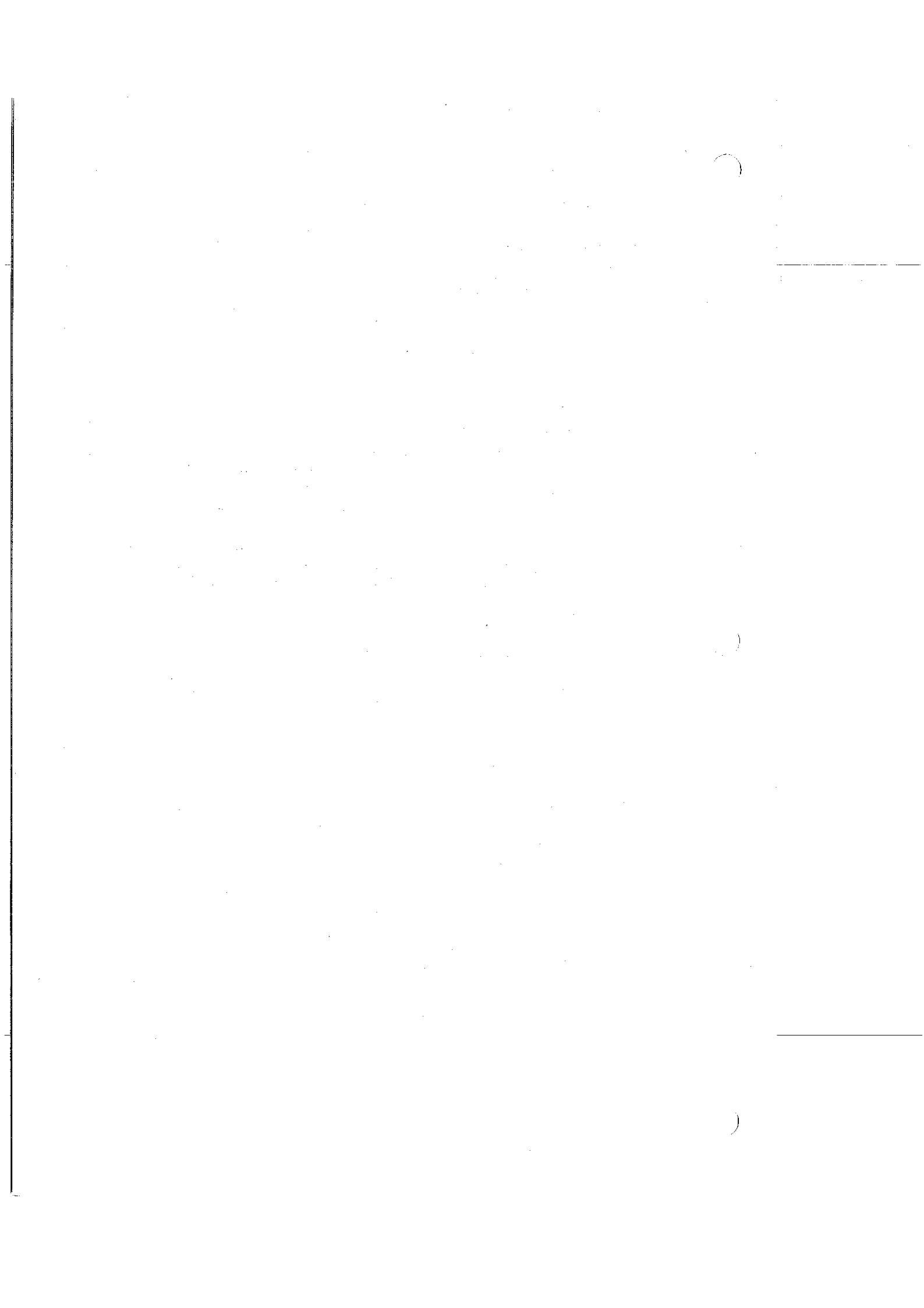
141. Degree of force, etc.

(1) In dealing with detainees, correctional officers and assistant correctional officers shall not use more force than is reasonably necessary in the circumstances, and the infliction of injury on detainees is to be avoided if possible.

(2) The extent and nature of force will be dictated by the situation and shall be limited to that which is essential for the purposes of control and protection and maintenance of safe custody, but with due regard to the safety of officers and other persons.

(3) Where a detainee is satisfactorily restrained, force shall not be used against the detainee other than the force necessary to maintain the restraint.

(4) A correctional officer or an assistant correctional officer shall not act deliberately in a manner calculated to provoke a detainee.



(5) A correctional officer or an assistant correctional officer may have recourse to force—

- (a) for searching where necessary, of a detainee or the seizure of an unauthorized article; and
- (b) to prevent the escape of a detainee; and
- (c) to prevent any unauthorized attempt by persons to enter a corrective institution by force and attempt to free a detainee; and
- (d) to defend himself if attacked or threatened with attack, where he cannot otherwise protect himself from harm; and
- (e) to protect other persons, including officers, visitors or persons having authority to be within the corrective institution; and
- (f) where there is reasonable apprehension of an imminent attack on the officer or some other person; and
- (g) to prevent a detainee from injuring himself; and
- (h) to ensure compliance with a proper order or the maintenance of discipline, where a detainee is failing to co-operate with any corrective institution requirement which is not unlawful, in a manner which cannot be otherwise adequately controlled; and
- (i) for the forcible movement of detainees who decline or refuse to move from one location to another in accordance with an order which is not unlawful; and
- (j) to achieve the control of detainees acting in a defiant manner; and
- (k) the avoidance of imminent violent or destructive behaviour, or both, by detainees; and
- (l) to restrain violence directed towards officers or other persons by an uncontrollable or disturbed detainee; and
- (m) to prevent or quell a riot or other disturbance; and
- (n) in any other situation which has a degree of seriousness comparable with the degree of seriousness of the situations referred to in Paragraphs (a) to (m).

**141A. Reports of use of force.**

(1) Where force is used on a detainee by one or more correctional officers or assistant correctional officers, a report in relation to that use of force shall be furnished without delay to the Commissioner through the officer-in-charge of the corrective institution.

(2) The report referred to in Subsection (1) shall—

- (a) be in writing; and
- (b) specify the name or names of the detainee and the names of the correctional officers or assistant correctional officers involved in the particular use of force; and
- (c) specify the location in the corrective institution where the use of force occurred; and
- (d) describe in detail the nature of the force used and the circumstances requiring its use in such manner; and
- (e) be signed by the correctional officer or assistant correctional officers involved in the use of the force.

**141B. Carrying of firearms.**

(1) Except as is otherwise provided, a correctional officer or an assistant correctional officer on duty is not authorized to carry firearms.

(2) A correctional officer or an assistant correctional officer to whom firearms have been issued is authorized to carry and to use them for the purpose for which they were issued.

(3) There shall be such armed posts in a corrective institution as the Commissioner may approve in respect of that corrective institution.

(4) A correctional officer or an assistant correctional officer stationed at an armed post, shall carry such firearms as the officer-in-charge directs are to be carried within that post.

**141C. Training in use of firearms.**

(1) A correctional officer shall not—

(a) authorize the issue of a firearm to another correctional officer or to an assistant correctional officer; or

(b) issue a firearm to another correctional officer or to an assistant correctional officer,

for the purpose of the firearm being used by the officer to whom it is issued in the course of his duties, unless the officer has undergone an approved training course in the use of that firearm.

(2) A correctional officer shall ensure that correctional officers and assistant correctional officers under his control do not perform any duties involving the carriage or use of firearms unless those officers have completed an approved training course in the use of those firearms.

(3) Subsections (1) and (2) do not prevent the performance by any correctional officer or assistant correctional officers of duties in connexion with or whilst undergoing training in the use of that firearm, and firearms may be issued for this purpose to trainees.

**141D. Use of firearms in certain circumstances.**

(1) The officer-in-charge of a corrective institution may by direction, given generally or in a particular case, authorize the issue of firearms to correctional officers or assistant correctional officers not stationed in an armed post for the purpose of their use in connexion with the escorting of detainees or the maintenance of a guard outside the corrective institution precincts.

(2) Subject to Section 141C, the officer-in-charge may by direction given in a particular case, authorize the issue of firearms to correctional officers or assistant correctional officers stationed other than at an armed post—

(a) for the purpose of their being used in connexion with the quelling of any riot or disturbance within the corrective institution; or

(b) for any other purpose for which the officer-in-charge considers the issue of firearms necessary.

**141E. Inspection, etc. of firearms.**

(1) A correctional officer or an assistant correctional officer shall, on being issued with any firearm at the commencement of duty which will involve him in carrying firearms, examine the firearm thoroughly and any accompanying ammunition in the presence of the person making the issue.

(2) The examination referred to in Subsection (1) shall include such checks and procedures as are determined by the Commissioner.

(3) If the examination referred to in Subsection (1) reveals a fault in the firearm or an incorrect number of rounds of ammunition, the officer shall report that fact immediately to the officer-in-charge of the armoury and receive another firearm or the correct number of rounds of ammunition.

(4) Correctional officers and assistant correctional officers receiving an issue of firearms shall sign a receipt in the register indicating that the firearm was received in good order and condition and that the specified number of rounds of ammunition have been issued.

(5) On ceasing duty, the officer shall return the firearm and ammunition to the armoury and the officer responsible for the custody of weapons shall make such checks as are determined by the Commissioner and shall note the return of the weapon and ammunition in the register.

**141F. Secure custody of firearms while on duty.**

A correctional officer or assistant correctional officer carrying firearms on duty—

- (a) shall at all times be alert; and
- (b) shall keep the firearms in his custody; and
- (c) shall maintain the firearm and ammunition in such condition and with such safety precautions regarding its carriage and its maintenance in a condition of readiness to fire as are determined by the Commissioner; and
- (d) shall not deface the firearm or any of its accessories or ammunition; and
- (e) shall not make modifications to the firearm or ammunition.

**141G. Protection of armed post, etc.**

(1) A correctional officer or an assistant correctional officer stationed at an armed post shall take all reasonable precautions to prevent a detainee from approaching within 10 m of—

- (a) the post or the person of the officer; or
- (b) any firearm or ammunition in custody of the officer or that is otherwise at the post.

(2) A correctional officer or an assistant correctional officer carrying firearms on duty in so far as the nature of that duty permits, shall not—

- (a) place himself in a position where he is liable to attack; or
- (b) where he is on duty at a corrective institution, approach to within the reach of a detainee or allow a detainee to approach to within reach of him.

**141H. Delivery of firearm after use.**

A correctional officer or an assistant correctional officer to whom a firearm has been issued for the performance of duty, other than duty at an armed post, shall not part with possession of the firearm, except—

- (a) subject to Section 141C by delivery it to another correctional officer or to an assistant correctional officer after carrying out the necessary checks; or
- (b) by returning the firearm to the armoury.

**141I. Keeping of proper lookout.**

(1) A correctional officer or an assistant correctional officer whilst on duty at an armed post, shall keep a lookout over the corrective institution and his immediate environs and shall—

- (a) if he observes any irregularity likely to affect the security of the corrective institution generally or in any particular area notify other officers by the most appropriate means; and
- (b) assist other officers in the execution of their duties but, unless ordered to do so, remain at his post.

(2) Where the correctional officer or an assistant correctional officer at an armed post is temporarily unable to maintain an effective lookout, he shall indicate that fact by signal or otherwise to other officers stationed nearby.

(3) Correctional officers and assistant correctional officers approaching an armed post, shall give warning of their approach by signal whilst they are a convenient distance away from the post.

**141J. Discharging of firearm.**

(1) Whilst on duty, a correctional officer or an assistant correctional officer shall not discharge a firearm except as provided for in Subsection (2).

(2) Subject to this Regulation, a correctional officer or an assistant correctional officer may discharge a firearm—

- (a) to protect himself or any other person where he has reasonable grounds to believe that he, or the other person will be killed or injured if he did not discharge the firearm; or
- (b) where he believes that there are reasonable grounds for the discharge of a firearm—
  - (i) to prevent the escape of a detainee; or
  - (ii) to prevent an unlawful attempt to enter a corrective institution or to free a detainee; or
  - (iii) to attract the attention of other officers or other persons to any serious breach of security that has or is likely to occur; or
- (c) to give a warning as required in Subsection (3).

(3) Subject to Subsection (6)(b), a correctional officer or an assistant correctional officer shall not discharge a firearm in the direction of any person unless he has first given a warning to that person of his intention to fire.

(4) For the purpose of Subsection (3) and without prejudice to any other way in which the warning may be given, a warning shot is a warning.

(5) A warning shot shall be fired in such direction that no one is likely to be hit by it.

(6) Where a correctional officer or an assistant correctional officer believes that—

- (a) there is a substantial probability that if he does not discharge his firearm, he or another person might be killed or injured; and
- (b) the giving of a warning under Subsection (3) would increase that probability, the officer may, without giving any such warning, discharge a firearm in order to protect himself or another person.

(7) Whenever a firearm is discharged by a correctional officer or an assistant correctional officer in the course of duty other than as provided under Section 141C(3) or for a firearms practice authorized by the officer-in-charge, the officer shall submit a full report to the officer-in-charge as required by Section 141A.

(8) Whenever a firearm is discharged by a correctional officer or an assistant correctional officer on escort duties, the officer shall submit a report as required by Section 141A.

(9) On receipt of a report under Subsection (7) or (8) the officer-in-charge shall notify the Commissioner of the circumstances and the Commissioner, may if he thinks necessary order an inquiry into the circumstances.

(10) Whenever the Commissioner holds an enquiry under Subsection (9), he shall submit the report to the Minister for his information.

**141K. Use of handcuffs.**

Handcuffs may be used as a means of restraint or prevention of escape or when a detainee is being taken to or from a corrective institution when outside a corrective institution.

**141L. Restraint of sick detainees.**

A sick detainee under treatment in a hospital or infirmary may be restrained, if violent, in such manner as a medical officer directs.

*Division 9.—Remissions and Reviews of Sentences.*

*(Amended by No. 16 of 1981, s. 1.)*

**142. Application of Division 9.**

This Division does not affect the exercise of a power to review or grant remissions of sentences directly or indirectly conferred by any other law.

**142A. Remission of sentence.**

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

(2) The officer-in-charge shall, where the behaviour of a detainee has been unsatisfactory in any month, advise the Commissioner, by telegram or telex on the first working day of the month, following, of the name of the detainee.

(3) Where the Commissioner receives an advice under Subsection (2) concerning any detainee, he shall deduct 10 days from the remission due to that detainee under Subsection (1).

(4) 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 portion of a sentence which expires 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 or police or rural lock-up offence.

(5) Subject to Subsection (4), in the case of a detainee who is in lawful custody on 17 October, 1985, being the date on which the *Corrective Institutions (Amendment) Regulation*

1985 came into force, Subsections (1), (2) and (3) apply in relation to that portion of the sentence served prior to that date as they apply to that portion of the sentence to be served by the detainee after that date.

*(Replaced by No. 11 of 1985)*

**143. Reviewing Committee.**

(1) There shall be a Reviewing Committee consisting of three members appointed by the Head of State, acting on advice, by notice in the National Gazette.

(2) The Head of State, acting on advice, may appoint a member of the Reviewing Committee to be the Chairman.

(3) The Reviewing Committee shall meet at such times and places as the Head of State, acting on advice, directs or the Chairman determines.

(4) All members of the Reviewing Committee shall be present at a meeting of the Committee.

(5) The Chairman shall preside at all meetings of the Reviewing Committee.



**144. Preliminary review.**

(1) When a detainee has served a period of 12 years of a term of imprisonment for life, the visiting justice shall interview the detainee and inquire into the conduct and health of the detainee during the preceding 12 years.

(2) On the completion of an interview and inquiry under Subsection (1), the visiting justice shall report, in writing, to the Reviewing Committee on—

- (a) the conduct and health of the detainee; and
- (b) the extent (if any) to which the detainee appears to have been rehabilitated; and
- (c) such other matters as to the visiting justice seem relevant to a review of the detainee's sentence.

**145. Review of sentence.**

(1) When a detainee imprisoned for life has served a term of 15 years of that imprisonment, the Reviewing Committee shall review the detainee's sentence and for that purpose may—

- (a) interview the detainee; and
- (b) make such inquiries as to it seem relevant to the review of sentence.

(2) An officer in charge shall comply with any reasonable request made by a member of the Reviewing Committee in the course of a review of sentence under this section.

(3) Notwithstanding the provisions of this section and Section 144, the sentence of a detainee imprisoned for life shall be reviewed by the Reviewing Committee when the detainee attains or appears to the Committee to have attained, the age of 55 years, and afterwards shall be reviewed annually.

(4) On the completion of a review of sentence under this section, the Reviewing Committee may, in view of—

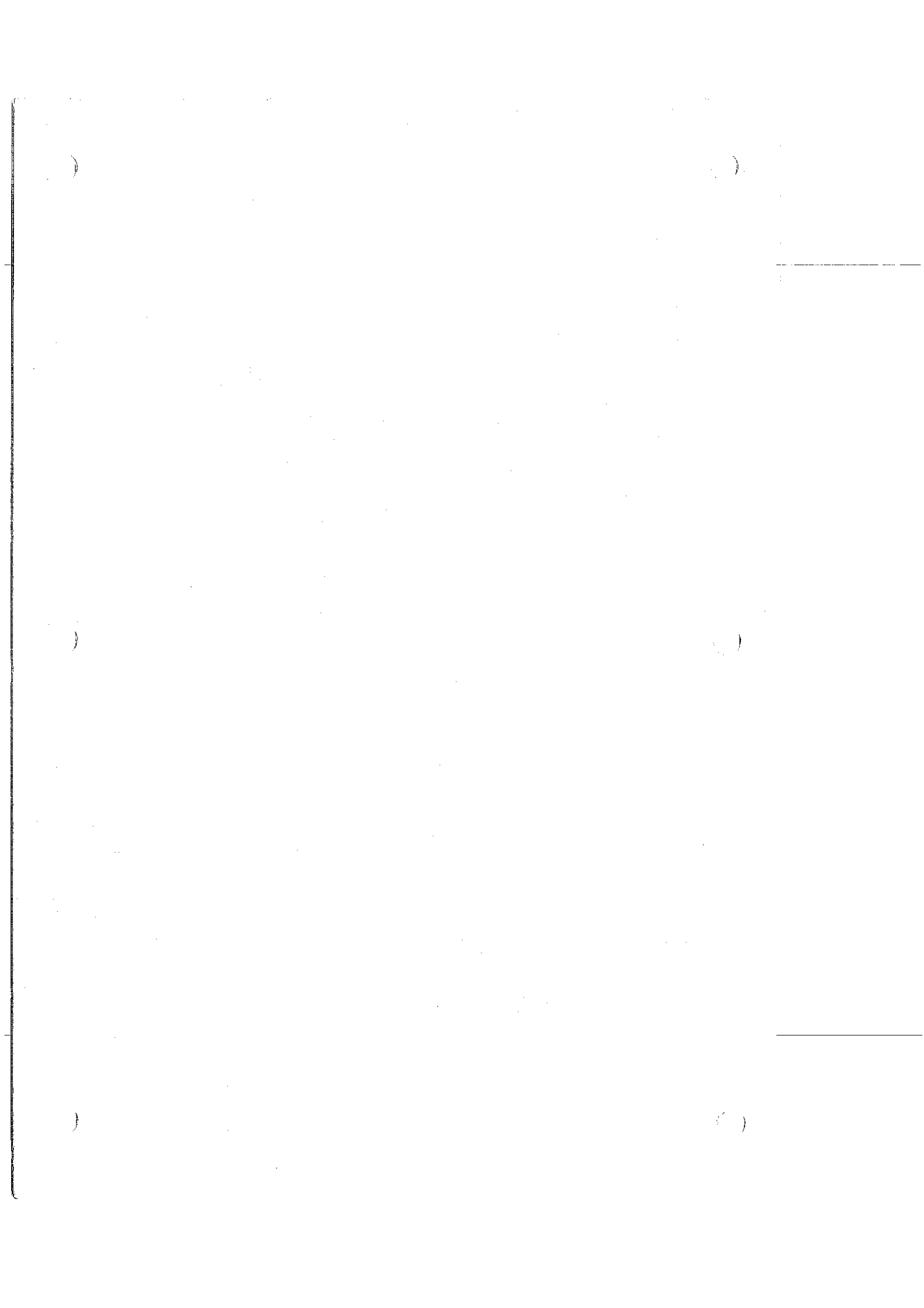
- (a) the health or age of the detainee; and
- (b) the conduct of the detainee; and
- (c) the extent (if any) to which the detainee appears to have been rehabilitated, recommend to the National Executive Council that—
  - (d) the sentence be commuted to a determinate period specified by the Committee; and
  - (e) accordingly the detainee be released immediately or on a date specified by THE Committee.

(5) Where no recommendation is made under Subsection (4), the Reviewing Committee shall hold a further review of the sentence on a date to be fixed by the Committee, not being later than five years after the last review.

*Division 10.—Training and Education.***146. Educational classes.**

(1) The Commissioner may make provision for the holding of educational classes in an institution and for the enrolment of detainees in them.

(2) A detainee shall not, without the permission of a correctional officer, absent himself from an educational class in which he is enrolled.



147. Vocational training classes.

(1) The Commissioner may, with the approval of the Head of State, acting on advice, make provision for the holding of vocational training classes in an institution and for the enrolment of detainees in them.

(2) The Commissioner may determine the subjects in which, and the conditions on which, vocational training may be given.

(3) A detainee shall not, without the permission of a correctional officer, absent himself from a vocational training class for which he is enrolled.

*Division 11.—Welfare and Amenities.*

148. Newspapers.

Subject to this Division, a detainee may each week, through the officer-in-charge, purchase or receive from outside the institution one newspaper approved by the Commissioner.

149. Magazines and periodicals.

(1) A detainee may, through the officer-in-charge, subscribe to or receive from outside the institution a magazine or periodical approved by the Commissioner.

(2) Subject to Section 150, a magazine or periodical purchased or received by a detainee under this section may be retained by the detainee.

150. Censorship of newspapers, etc.

An officer-in-charge may excise or obliterate from a newspaper, magazine or periodical purchased or received by a detainee under this Division any matter that the officer in charge thinks to be—

- (a) inflammatory; or
- (b) undesirable reading matter for a detainee.

151. Seizure of newspapers, etc.

In the event of misbehaviour or misconduct by a detainee, the officer-in-charge may, in addition to any other penalty imposed on the detainee—

- (a) seize all or any newspapers, magazines or periodicals in the detainee's possession; and
- (b) suspend, for such period as he thinks necessary, the right to purchase or receive newspapers, magazines or periodicals under this Division.

152. Libraries.

The Commissioner may—

- (a) make provision for the establishment and conduct of libraries at institutions; and
- (b) determine the detainees by whom and the conditions on which books may be borrowed from the libraries.

153. Motion pictures.

The Commissioner may—

- (a) make provision for motion pictures to be shown at institutions; and

- (b) determine the detainees by whom and the conditions on which showings of motion pictures may be attended.

**154. Recreational games.**

An officer-in-charge may permit a detainee to take part in a recreational game.

**155. Handicrafts.**

(1) An officer in charge may permit a detainee to manufacture handicrafts on such conditions as he thinks proper.

(2) Permission under Subsection (1) may be withdrawn at any time on the ground of misbehaviour or misconduct by the detainee.

**PART VIII.—MISCELLANEOUS.**

**156. Female correctional officers and assistant correctional officers.**

There must be one or more female correctional officers or female assistant correctional officers in every institution in which female detainees are confined.

**157. Search, etc., of females.**

(1) Where, under this Regulation, a female is required to be searched, the search shall be carried out only by a female correctional officer or female assistant correctional officer.

(2) A medical examination of a female under this Regulation shall take place only in the presence of an adult female.

**158. Uniforms, etc.**

(1) The Commissioner may direct that a correctional officer or assistant correctional officer be issued with all or any of the uniforms, badges, buttons, clothing and necessaries specified in Schedule 5, free of charge and in such quantities as the Commissioner thinks necessary.

(2) The Commissioner may direct that a correctional officer or assistant correctional officer be issued with all or any of the arms, accoutrements, ammunition, equipment and other articles specified in Schedule 6, free of charge and in such quantities as the Commissioner thinks necessary.

(3) Subject to Section 159, an article issued to a correctional officer or assistant correctional officer under this section may be replaced, free of charge, by the officer-in-charge of the institution at which the correctional officer or assistant correctional officer is stationed.

**159. Responsibility for issues.**

A correctional officer or assistant correctional officer is responsible for the careful use and preservation of all Government property in his possession.

**160. Forfeiture of seized articles.**

Where an article is seized under this Regulation by a correctional officer or assistant correctional officer, the article is forfeited to the State unless the Commissioner in any particular case otherwise directs.

161. Warrant of commitment.

A warrant committing a person to a corrective institution or police lock-up shall be in the form in Schedule 7.

162. Gaming.

A person who—

- (a) promotes, takes part in or permits any gaming or wagering in an institution;  
or
- (b) introduces, or causes or permits to be introduced into an institution any cards, dice or other instruments of gaming,

is guilty of an offence.

Penalty: A fine not exceeding K40.00.

SCHEDULES.

SCHEDULE 1.

Reg., Sec. 46.

AFFIRMATION OF OFFICE BY ASSISTANT CORRECTIONAL OFFICERS.

I, \_\_\_\_\_, do solemnly and sincerely affirm and declare that I will well and truly serve the Independent State of Papua New Guinea and its People as an assistant correctional officer under the *Corrective Institutions Act*.

(Signature of Declarant.)

Declared at

Dated 19 .

Before me—

Justice of the Peace.

## SCHEDULE 2.

Reg., Sec. 53.

ANNUAL RATES OF PAY FOR ASSISTANT CORRECTIONAL OFFICERS AND CADET  
CORRECTIONAL OFFICERS<sup>1</sup>.

Grade.	Service period.	Salary.
		K
Assistant Correctional Officer (Probationary)	1st six months	1410
	19 years or under 2nd six months	1500
	20 years or under 2nd year	1540
	21 years or married 3rd year	1555
Assistant Correctional Officer, Grade 1	1st year	1580
	2nd year	1620
	3rd year	1660
	4th year	1700
	5th year	1750
	6th year	1815
	7th year	1880
	8th year	1945
	9th year	2010
Assistant Correctional Officer, Grade 2	1st year	2075
	2nd year	2140
	3rd year	2205
	4th year	2270
	5th year	2335
Senior Assistant Correctional Officer	1st year	2400
	2nd year	2465
	3rd year	2530
	4th year	2595
	5th year	2660
	6th year	2725
Chief Assistant Correctional Officer	1st year	2795
	2nd year	2865
Cadet Correctional Officers	1st six months	1410
	2nd six months	1540
	2nd year	1555
	3rd year	2335

<sup>1</sup> These rates took effect from 1 January 1976.

SCHEDULE 3.

Reg., Sec. 116.

SCALE OF RATIONS FOR DETAINEES.  
DAILY ISSUE—  
ONE FOOD FROM EACH COLUMN.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.
Staple foods.			Protein foods.	Protective foods.	
Staple.	High energy foods.		Protein.	Vegetables.	Fruits.
1A.—2.5 kg—	30 g—	20 g—	150 g—	100 g—	200 g—
Sweet potatoes	Cooking oil	Sugar	Meat (fresh)	Green leaves ( <i>Kumu</i> )	Pawpaw
Taro	Margarine		Liver	Cabbage	Banana
Corn	Lard (dripping)		Fish (fresh or tinned)	Carrots	Avocado
Yam	Peanuts		Eggs	Green beans	Orange
Cooking bananas	OR		Peanut butter	Pumpkin	Sugar cane
Cassava (Tapioca)	70g—		Dried peanuts	Tomatoes	Guava
Potatoes	Coconut meat		Dried beans	OR	Mango
Sago (wet)			Dried peas	Any locally available vegetables to same scale.	Passionfruit
OR			OR		Pineapple
1B.—600g.			120g—		OR
Rice (brown or white)			Meat (tinned)		Any locally available fruits to same scale.
Wheat flour					
Sago (dry)					

IN ADDITION to the above, up to 10 g of tea or ginger per day is allowed together with salt and pepper as required. Curry or chilli powder may be used to provide variation in the diet.

## SCHEDULE 4.

Reg., Sec. 117.

## SCALE OF CLOTHING, BEDDING AND OTHER ARTICLES.

## PART 1.—SCALE A.

Male.		Female.	
Item.	Issue on admission.	Item.	Issue on admission.
Shirt, blue denim	2	Blouse, blue denim	2
Shorts, blue denim	2	Skirt, blue denim	2
Belt, leather	1	Briefs, cotton	3 pairs
Sandshoes	2 pairs	Sandshoes	2 pairs
Pyjamas, cotton	2 pairs	Nightdress, cotton	2
Handkerchief, khaki	3	Handkerchief, khaki	3
Sheets, unbleached calico, approx. 114.30 cm x 228.60 cm <sup>1</sup>	3	Sheets, unbleached calico, approx. 114.30 cm x 228.60 cm <sup>1</sup>	3
Pillow cases, unbleached calico	2	Pillow cases, unbleached calico	2
Pillow	1	Pillow	1
Hat, felt or sailcloth	1	Hat, felt or sailcloth	1
Mosquito net	1	Mosquito net	1
Towel	2	Towel	2
Blanket	2	Blanket	2

## PART 2.—SCALE B.

Male.		Female.	
Item.	Issue on admission.	Item.	Issue on admission.
Rami or loincloth	3	Blouse	3
Mosquito net, if directed by a visiting medical officer, medical officer or officer in charge.	1	Skirt	3
Towel	1	Mosquito net, if directed by a visiting medical officer, medical officer or officer in charge	1
Blanket	2	Towel	1
Spoon	1	Blanket	2
Mug, enamel	1	Spoon	1
Plate, tin or enamel	1	Mug, enamel	1
		Plate, tin or enamel	1

In addition to the issues specified in Parts 1 and 2 of this Schedule—

- (a) a detainee in an institution at an altitude exceeding 914.4 m but not exceeding 1676.4 m above sea level shall be issued with one additional blanket and a detainee in an institution at an altitude exceeding 1676.4 m above sea level shall be issued with two additional blankets; and
- (b) a detainee in an institution at an altitude exceeding 609.6 m above sea level shall be issued with one flannel singlet<sup>2</sup>.

<sup>1</sup>Metricated editorially. The original measurement was 45 in. x 90 in.

<sup>2</sup>Metricated editorially. The original figures were 3 000 ft., 5 500 ft., 5 500 ft. and 2 000 ft. respectively.



SCHEDULE 5.

Reg., Sec. 158(1).

PART 1.—UNIFORM OF CORRECTIONAL OFFICERS.

Jacket, service, khaki, fitted to waist, open neck, five large buttons, four pockets, four small buttons.

Shorts, khaki.

Shirt, khaki, two pockets, short sleeves.

Cap, peaked, khaki, with black peak.

Coat, rainproof, plastic, gunmetal.

Hat, khaki, furfelt, with khaki and dark maroon puggaree.

Stockings, khaki, wool/nylon, three-by-one rib, dark maroon top.

Shoes, leather, black.

Epaulettes, leather, black.

Belt, leather, black, 5 cm wide, complete with Corrective Institutions Service buckle, buckle protector, studs and keepers.

PART 2.—UNIFORM, ETC., OF ASSISTANT CORRECTIONAL OFFICERS.

Beret, dark maroon, with black plastic, adjustable head-band.

Jersey, khaki.

Belt, leather, uniform, black, complete with buckle protector, studs and keepers.

Lava lava, khaki.

Lava lava, white (sleeping).

Towel.

Polish, metal.

Polish, leather.

Toothbrush.

Mosquito net.

Sandals, leather, tan.

Shirt, khaki, with left and right breast pocket with button flap, buttoned to the neck, short sleeves, epaulette straps.

Shorts, khaki, two side pockets, 7.5 cm waist band and adjustable buckled straps at opening of band, three belt loops.

Underpants, cotton, white, brief type, elastic waist band.

Tee shirt, cotton, white, "V" neck, short sleeves.

Raincoat, parka-type hood, raglan sleeves, single breasted, nylon yarn, plastic proofed, silicone faced, gunmetal colour.

Shoes, leather, plain black, black tyres stock soling incorporating cord, vulcanized directly to upper.

Stocking, wool/nylon, three by one rib, khaki, dark maroon top with one khaki stripe.

Boot cleaning kit.

## PART 3.—BADGES OF CORRECTIONAL OFFICERS.

Rank.	Shoulder badges	Head-dress badges (all officer ranks).	Buttons and epaulette badges (all officer ranks).
Commissioner	A chromed brass crossed batons set on a chromed brass laurel wreath over a chromed brass star.	Chromed brass reversed triangle containing stylized eagle, scales, wheel and torch, with the words	Buttons, chromed brass 1.25 cm in diameter plain surface.  Epaulette Badges triangle with sides 0.65 cm wide and cross-bar with the words "Correctional Services" on the joining sides and "Papua New Guinea" on the base.
Assistant Commissioner	A chromed brass crossed batons set on a chromed brass laurel wreath.	"Correctional Services" at the top and "Papua New Guinea" at the bottom.	
Senior Inspector (Training and Localization)	A chromed brass crown with a red velvet background over three chromed brass stars in line.		
Chief Correctional Officer	A chromed brass crown with a red velvet background over a chromed brass star.		
Senior Correctional Officer	A chromed brass crown with a red velvet background.		
Correctional Officer, Grade 3	Three chromed brass stars set in line.		
Correctional Officer, Grade 2	Two chromed brass stars set in a line.		
Correctional Officer, Grade 1	A chromed brass star.		
All ranks	One embroidered cloth badge gold on maroon containing triangle enclosing stylized eagle, scales, wheel and torch and the words "Correctional Services" and "Papua New Guinea".		

PART 4.—BADGES OF ASSISTANT CORRECTIONAL OFFICERS.

Rank.	Arm badges.	Head-dress badges.
Chief Assistant Correctional Officer	One large cloth badge containing coat of arms.	Chromed brass reversed triangle, containing stylized eagle, scales, wheel and torch, with the words "Correctional Services" at the top and "Papua New Guinea" at the bottom.
Senior Assistant Correctional Officer beyond five-year increment bar	One large cloth badge containing a crown.	
Senior Assistant Correctional Officer before five-year increment bar	Three embroidered cloth chevrons on both sleeves.	
Assistant Correctional Officer Grade 2 beyond fourth year increment	Two embroidered cloth chevrons on both sleeves.	
Assistant Correctional Officer Grade 2 before fourth year increment	One embroidered cloth chevron on both sleeves.	
Assistant Correctional Officer Grade 1		
Assistant Correctional Officer (Probationary)		
All ranks	One embroidered cloth badge gold on maroon containing triangle enclosing stylized eagle, scales, wheels and torch and the words "Correctional Services" and "Papua New Guinea".	

PART 5.—CAP DECORATION OF OFFICERS.

Rank.	Cap decoration.
Commissioner Assistant Commissioner Senior Inspector Cadet Officers	Two rows of silver oak leaf braid. One row silver oak leaf braid. One silver embroidered band 2 cm wide. One khaki band with single horizontal dark maroon stripe 1 cm wide.

SCHEDULE 6.

Sec. 158(2).

ARMS, ACCOUTREMENTS, EQUIPMENT, ETC.  
PART 1.—ARMS, ETC., OF CORRECTIONAL OFFICERS.

Baton, rubber covered.  
Torch, electric.  
Handcuffs and keys.  
Revolver.  
Holster, revolver and lanyard.  
Ammunition, revolver.

PART 2.—ARMS, ETC., OF ASSISTANT CORRECTIONAL OFFICERS.

Pull-through.  
Oil bottle.  
Bayonet and scabbard, S.M.L.E. pattern.  
Sling, rifle, brown, leather.  
Frog, brown, leather.  
Pack, web with supporting straps.  
Waterbottle, with strap and carrier, brown, leather.  
Baton, rubber covered.  
Handcuffs and keys.  
Shotgun, 12 gauge, pump action.  
Gas gun, 1½ calibre.  
Baton, electric, battery operated.

SCHEDULE 7.

Act, Sec. 20.  
Reg., Sec. 161.

PAPUA NEW GUINEA.  
Corrective Institutions Act.  
WARRANT OF COMMITMENT.

TO:

The Commissioner of Correctional Services, and to all members of the Police Force and to the Officer-in-charge of the Corrective Institution/Rural Lock-up/Police Lock-up\* at (in this warrant called "the place of detention"):

WHEREAS\*\* in Papua New Guinea it was adjudged/ordered\* that (*insert name of detainee*) (in this warrant called "the detainee") of (*insert address of detainee*) in Papua New Guinea having† be‡

THESE are therefore to command you the members of the Police Force to apprehend and convey the detainee to the place of detention together with this warrant and to command you, the Commissioner and the Officer-in-charge, to receive the detainee into your custody at the place of detention, there to imprison him and keep him in accordance with the order of the Court referred to above.

Dated 19 .

By the Court.

\* Strike out whichever is inapplicable.

\*\* Insert relevant date of sentence and place where the detainee was dealt with, as for example—

- (a) where the sentence was for a conviction on indictment—"at the sittings of the National Court commencing on 19 , and held at ;" or
- (b) where the sentence was imposed by the National Court on summary conviction, e.g., of contempt OF Court—"on 19 , in the National Court sitting at ;" or
- (c) where the sentence was imposed by a District Court or Local Court—"on 19 , in the District/Local Court held at ."

† Insert briefly the nature of the matter for which the detainee is being committed, as for example—

- (a) "been convicted under Section 25 of the *Motor Traffic Act* of using a motor vehicle without the consent of the owner"; or
- (b) "been charged with riotous behaviour under Section 31 of the *Police Offences Act 1925* of the Territory of New Guinea (Adopted); or
- (c) "refused to be sworn"; or
- (d) "refused to enter into a recognizance".

‡ Insert details of the detention ordered, as for example—

- (a) where the sentence is *CUMULATIVE*, i.e., to commence when another sentence finishes—"imprisoned (with hard labour) for months/years to take effect from the expiration of a sentence of months/years imposed by this Court on the same day or the National Court at the sittings commencing on 19 , and held at or the National Court sitting at , on 19 , or the District/Local Court held at on 19 , for (e.g., assault occasioning bodily harm)"; or
- (b) where the sentence is *CONCURRENT*, i.e., to be served at the same time as another sentence—"imprisoned (with hard labour) for months/years, commencing on and from (the date first-mentioned in this warrant or the date of his apprehension under this warrant) to be served concurrently with a sentence of (complete appropriate particulars as in (a) above); or
- (c) where no other sentence was imposed at the time when the sentence under this warrant was imposed and in addition the detainee was not serving any other sentence at that time—"imprisoned (with hard labour) for months/years commencing on and from (the date first-mentioned in this warrant or the date of his apprehension under this warrant)"; or



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions.*

SUBSIDIARY LEGISLATION.

1. Act, Section 3(1)—Vesting of powers and duties in officers of the Public Service.

Assistant District Commissioners<sup>1</sup>.

District Officers<sup>1</sup>.

Assistant District Officers<sup>1</sup>.

Patrol Officers<sup>1</sup>.

Assistant Patrol Officers<sup>1</sup>.

2. Act, Section 8—Appointment of visiting medical officers.

Corrective institution or police lock-up for which appointed.	Officers appointed.
Aiome Police Lock-up	Officer-in-Charge, Department of Public Health, Aiome <sup>2</sup> .
Aitape Police Lock-up	Officer-in-Charge, Department of Public Health, Aitape <sup>2</sup> .
Amanab Police Lock-up	Officer-in-Charge, Department of Public Health, Ambunti <sup>2</sup> .
Ambunti Police Lock-up	Officer-in-Charge, Department of Public Health, Ambunti <sup>2</sup> .
Angoram Police Lock-up	Officer-in-Charge, Department of Public Health, Angoram <sup>2</sup> .
Baisu Corrective Institution	District Medical Officer, Department of Public Health, Mount Hagen <sup>2</sup> .
Balimo Police Lock-up	Officer-in-Charge, Department of Public Health, Balimo <sup>2</sup> .
Be'on Corrective Institution	District Medical Officer, Department of Public Health, Madang <sup>2</sup> .
Bihute Corrective Institution	District Medical Officer, Department of Public Health, Goroka <sup>2</sup> .
Bogia Police Lock-up	Officer-in-Charge, Department of Public Health, Bogia <sup>2</sup> .
Bomana Corrective Institution	District Medical Officer, Department of Public Health, Port Moresby <sup>2</sup> .
Boram Corrective Institution	Officer-in-Charge, Department of Public Health, Wewak <sup>2</sup> .
Bui'iebi Corrective Institution	District Medical Officer, Department of Public Health, Mendi <sup>2</sup> .
Buin Police Lock-up	Officer-in-Charge, Department of Public Health, Buin <sup>2</sup> .
Bulolo Police Lock-up	Officer-in-Charge, Department of Public Health, Bulolo <sup>2</sup> .
Bundaira Corrective Institution	Officer-in-Charge, Department of Public Health, Kainantu <sup>2</sup> .
Bundi Police Lock-up	Officer-in-Charge, Department of Public Health, Bundi <sup>2</sup> .
Bwagaia Police Lock-up	Officer-in-Charge, Department of Public Health, Bwagaia <sup>2</sup> .
Cape Gloucester Police Lock-up	Officer-in-Charge, Department of Public Health, Cape Gloucester <sup>2</sup> .
Daru Corrective Institution	District Medical Officer, Department of Public Health, Daru <sup>2</sup> .
Daru Police Lock-up	District Medical Officer, Department of Public Health, Daru <sup>2</sup> .

<sup>1</sup> Position as at 3 June 1971.

<sup>2</sup> Position as at 27 May 1960.

Corrective institution or police lock-up for which appointed.	Officers appointed.
Esa'ala Police Lock-up	Officer-in-Charge, Department of Public Health, Mapamoiwa <sup>1</sup> .
Finschhafen Police Lock-up	Officer-in-Charge, Department of Public Health, Finschhafen <sup>1</sup> .
Gembogl Police Lock-up Goroka Police Lock-up	Medical Assistant, Department of Public Health, Kundiawa <sup>2</sup> . District Medical Officer, Department of Public Health, Goroka <sup>1</sup> .
Gumine Police Lock-up	Officer-in-Charge, Department of Public Health, Gumine <sup>1</sup> .
Ialibu Police Lock-up	Officer-in-Charge, Department of Public Health, Kagua <sup>1</sup> .
Ihu Police Lock-up	Officer-in-Charge, Department of Public Health, Ihu <sup>1</sup> .
Ioma Police Lock-up	Officer-in-Charge, Department of Public Health, Saiho <sup>1</sup> .
Kagua Police Lock-up	Officer-in-Charge, Department of Public Health, Kagua <sup>1</sup> .
Kavieng Corrective Institution	District Medical Officer, Department of Public Health, Kavieng <sup>1</sup> .
Kavieng Police Lock-up	District Medical Officer, Department of Public Health, Kavieng <sup>1</sup> .
Kikori Police Lock-up	Officer-in-Charge, Department of Public Health, Kikori <sup>1</sup> .
Kiunga Police Lock-up	Officer-in-Charge, Department of Public Health, Kiunga <sup>1</sup> .
Kokoda Police Lock-up	Officer-in-Charge, Department of Public Health, Kokoda <sup>1</sup> .
Kokopo Police Lock-up	District Medical Officer, Department of Public Health, Rabaul <sup>1</sup> .
Kompian Police Lock-up	Officer-in-Charge, Department of Public Health, Kompian <sup>1</sup> .
Koroba Police Lock-up	Officer-in-Charge, Department of Public Health, Tari <sup>1</sup> .
Kundiawa Police Lock-up	Officer-in-Charge, Department of Public Health, Kundiawa <sup>1</sup> .
Lae Police Lock-up	District Medical Officer, Department of Public Health, Lae <sup>1</sup> .
Laiagam Corrective Institution	Officer-in-Charge, Department of Public Health, Laiagam <sup>1</sup> .
Lake Murray Police Lock-up	Officer-in-Charge, Department of Public Health, Daru <sup>1</sup> .
Lorengau Police Lock-up	District Medical Officer, Department of Public Health, Lorengau <sup>1</sup> .
Losuia Police Lock-up	Officer-in-Charge, Department of Public Health, Losuia <sup>1</sup> .
Lufa Police Lock-up	Officer-in-Charge, Department of Public Health, Lufa <sup>1</sup> .
Lumi Police Lock-up	Officer-in-Charge, Department of Public Health, Lumi <sup>1</sup> .
Mabiri Corrective Institution	Officer-in-Charge, Department of Public Health, Kieta <sup>1</sup> .
Madang Police Lock-up	District Medical Officer, Department of Public Health, Madang <sup>1</sup> .
Maprik Police Lock-up	Officer-in-Charge, Department of Public Health, Maprik <sup>1</sup> .
Menyamya Police Lock-up	Officer-in-Charge, Department of Public Health, Menyamya <sup>1</sup> .
Minj Police Lock-up	Officer-in-Charge, Department of Public Health, Minj <sup>1</sup> .
Morehead Police Lock-up	Officer-in-Charge, Department of Public Health, Daru <sup>1</sup> .
Nipa Police Lock-up	Officer-in-Charge, Department of Public Health, Mendi <sup>1</sup> .
Nuku Police Lock-up	Officer-in-Charge, Department of Public Health, Nuku <sup>1</sup> .
Okapa Police Lock-up	Officer-in-Charge, Department of Public Health, Okapa <sup>1</sup> .
Pomio Police Lock-up	Officer-in-Charge, Department of Public Health, Pomio <sup>1</sup> .
Popondetta Corrective Institution	District Medical Officer, Department of Public Health, Saiho <sup>1</sup> .
Port Moresby Police Lock-up	District Medical Officer, Department of Public Health, Port Moresby <sup>1</sup> .
Rabaul Police Lock-up	District Medical Officer, Department of Public Health, Rabaul <sup>1</sup> .
Saidor Police Lock-up	Officer-in-Charge, Department of Public Health, Saidor <sup>1</sup> .

<sup>1</sup> Position as at 27 May 1960.<sup>2</sup> Position as at 18 July 1970.



*Corrective Institutions*

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Corrective institution or police lock-up for which appointed.	Officers appointed.
Samarai Police Lock-up	District Medical Officer, Department of Public Health, Samarai <sup>1</sup> .
Suau Police Lock-up	Officer-in-Charge, Department of Public Health, Samarai <sup>1</sup> .
Talasea Police Lock-up	Officer-in-Charge, Department of Public Health, Talasea <sup>1</sup> .
Tambul Police Lock-up	Officer-in-Charge, Department of Public Health, Mount Hagen <sup>1</sup> .
Tapini Police Lock-up	Officer-in-Charge, Department of Public Health, Tapini <sup>1</sup> .
Tari Corrective Institution	Officer-in-Charge, Department of Public Health, Tari <sup>1</sup> .
Telefomin Corrective Institution	Officer-in-Charge, Department of Public Health, Telefomin <sup>1</sup> .
Tufi Police Lock-up	Officer-in-Charge, Department of Public Health, Tufi <sup>1</sup> .
Vanimo Corrective Institution	Officer-in-Charge, Department of Public Health, Vanimo <sup>1</sup> .
Wabag Corrective Institution	Officer-in-Charge, Department of Public Health, Wabag <sup>1</sup> .
Wantoat Police Lock-up	Officer-in-Charge, Department of Public Health, Kaiapit <sup>1</sup> .
Wau Police Lock-up	Officer-in-Charge, Department of Public Health, Wau <sup>1</sup> .
Wewak Police Lock-up	District Medical Officer, Department of Public Health, Wewak <sup>1</sup> .
Woitape Police Lock-up	Officer-in-Charge, Department of Public Health, Woitape <sup>1</sup> .

3. Act, Section 9—Declaration of corrective institutions.

Name of corrective institution.	Premises and areas used or to be used for purposes of imprisonment, situated at—
Baisu Corrective Institution	Mount Hagen, Western Highlands Province.
Barane Corrective Institution	Barane, Chimbu Province.
Be'on Corrective Institution	Madang, Madang Province.
Bihute Corrective Institution	Goroka, Eastern Highlands Province.
Bomana Corrective Institution	Bomana, Central Province.
Boram Corrective Institution	Wewak, East Sepik Province.
Bui'iebi Corrective Institution	Mendi, Southern Highlands Province.
Buimo Corrective Institution	Buimo, Morobe Province.
Bundaira Corrective Institution	Kainantu, Eastern Highlands Province.
Daru Corrective Institution	Daru, Western Province.
Gili Gili Corrective Institution	Alotau, Milne Bay Province.
Kandrian Corrective Institution	Kandrian, West New Britain Province.
Kavieng Corrective Institution	Kavieng, New Ireland Province.
Kerevat Corrective Institution	Kerevat, East New Britain Province.
Kerema Corrective Institution	Kerema, Gulf Province.
Laiagam Corrective Institution	Laiagam, Enga Province.
Lakiemata Corrective Institution	Kimbe, West New Britain Province.
Mabiri Corrective Institution	Kieta, Bougainville Province.
Ningerum Corrective Institution	Ningerum, Western Province.
Popondetta Corrective Institution	Popondetta, Northern Province.
Tari Corrective Institution	Tari, Southern Highlands Province.
Telefomin Corrective Institution	Telefomin, West Sepik Province.
Vanimo Corrective Institution	Vanimo, West Sepik Province.
Wabag Corrective Institution	Wabag, Enga Province.

<sup>1</sup> Position as at 27 May 1960.

## 4. Act, Section 11—Appointment of police lock-ups.

Name of police lock-up.	Premises <sup>1</sup> used or to be used for reception and custody of persons in custody, pending their being taken to a court or magistrate to be dealt with according to law, situated at—
Afore Police Lock-up	Afore Corrective Institution, Northern Province.
Aiome Police Lock-up	Aiome Corrective Institution, Madang Province.
Aitape Police Lock-up	Aitape Corrective Institution, East Sepik Province.
Alotau Police Lock-up	Alotau Police Station, Milne Bay Province.
Amanab Police Lock-up	Amanab Corrective Institution, West Sepik Province.
Amboin Police Lock-up	Amboin Corrective Institution, East Sepik Province.
Ambunti Police Lock-up	Ambunti Corrective Institution, East Sepik Province.
Angoram Police Lock-up	Angoram Police Station, East Sepik Province.
Aseki Police Lock-up	Aseki Corrective Institution, Morobe Province.
Baimuru Police Lock-up	Baimuru Corrective Institution, Gulf Province.
Baiyer River Police Lock-up	Baiyer River Corrective Institution, Western Highlands Province.
Balimo Police Lock-up	Balimo Corrective Institution, Western Province.
Banz <sup>2</sup> Police Lock-up	Banz <sup>2</sup> Police Station, Western Highlands Province.
Bereina Police Lock-up	Bereina Corrective Institution, Central Province.
Bogia Police Lock-up	Bogia Corrective Institution, Madang Province.
Bolu Bolu Police Lock-up	Bolu Bolu Corrective Institution, Milne Bay Province.
Boroko Police Lock-up	Boroko Police Station, National Capital District.
Buin Police Lock-up	Buin Corrective Institution, Bougainville Province.
Bulolo Police Lock-up	Bulolo Police Station, Morobe Province.
Bundi Police Lock-up	Bundi Corrective Institution, Madang Province.
Bwagaoia Police Lock-up	Bwagaoia Corrective Institution, Milne Bay Province.
Cape Gloucester Police Lock-up	Cape Gloucester Corrective Institution, West New Britain Province.
Daru Police Lock-up	Daru Police Station, Western Province.
Esa'ala Police Lock-up	Esa'ala Corrective Institution, Milne Bay Province.
Ewasse Police Lock-up	Ewasse Corrective Institution, West New Britain Province.
Finschhafen Police Lock-up	Finschhafen Corrective Institution, Morobe Province.
Gasmata Police Lock-up	Gasmata Corrective Institution, West New Britain Province.
Gembogl Police Lock-up	Gembogl Corrective Institution, Chimbu Province.
Goroka Police Lock-up	Goroka Police Station, Eastern Highlands Province.
Gumine Police Lock-up	Gumine Corrective Institution, Chimbu Province.
Hohola Police Lock-up	Hohola Police Station, National Capital District.
Hutjena Police Lock-up	Hutjena Police Station, Bougainville Province.
Ialibu Police Lock-up	Ialibu Police Station, Southern Highlands Province.
Ihu Police Lock-up	Ihu Corrective Institution, Gulf Province.
Ioma Police Lock-up	Ioma Corrective Institution, Northern Province.
Kabwum Police Lock-up	Kabwum Corrective Institution, Morobe Province.
Kagua Police Lock-up	Kagua Corrective Institution, Southern Highlands Province.
Kainantu Police Lock-up	Kainantu Police Station, Eastern Highlands Province.
Kaintiba Police Lock-up	Kaintiba Corrective Institution, Gulf Province.
Kandep Police Lock-up	Kandep Corrective Institution, Enga Province.
Karimui Police Lock-up	Karimui Corrective Institution, Chimbu Province.
Kavieng Police Lock-up	Kavieng Police Station, New Ireland Province.
Kerevat Police Lock-up	Kerevat Police Station, East New Britain Province.
Kerema Police Lock-up	Kerema Police Station, Gulf Province.
Kieta Police Lock-up	Kieta Police Station, Bougainville Province.
Kikori Police Lock-up	Kikori Corrective Institution, Gulf Province.
Kimbe Police Lock-up	Kimbe Police Station, West New Britain Province.

<sup>1</sup> Apparently as at immediately before 22 July 1975, when a new list of corrective institutions was drawn up (*Papua New Guinea Government Gazette* No. 61 of 31 July 1975, p. 7).

<sup>2</sup> "Banj" in *Gazette*.

Name of police lock-up.	Premises used or to be used for reception and custody of persons in custody, pending their being taken to a court or magistrate to be dealt with according to law, situated at—
Kiunga Police Lock-up	Kiunga Corrective Institution, Western Province.
Koki Police Lock-up	Koki Police Station, National Capital District.
Kokoda Police Lock-up	Kokoda Corrective Institution, Northern Province.
Kokopo Police Lock-up	Kokopo Police Station, East New Britain Province.
Komo Police Lock-up	Komo Corrective Institution, Southern Highlands Province.
Kompiani Police Lock-up	Kompiani Corrective Institution, Enga Province.
Kopiago Police Lock-up	Kopiago Corrective Institution, Southern Highlands Province.
Koroba Police Lock-up	Koroba Corrective Institution, Southern Highlands Province.
Kundiawa Police Lock-up	Kundiawa Police Station, Chimbu Province.
Kunua Police Lock-up	Kunua Corrective Institution, Bougainville Province.
Kupiano Police Lock-up	Kupiano Corrective Institution, Central Province.
Lae Police Lock-up	Lae Police Station, Morobe Province.
Lake Murray Police Lock-up	Lake Murray Corrective Institution, Western Province.
Lassul Bay Police Lock-up	Lassul Bay Police Post, East New Britain Province.
Loloho Police Lock-up	Loloho Police Station, Bougainville Province.
Lorengau Police Lock-up	Lorengau Police Station, Manus Province.
Losuia Police Lock-up	Losuia Corrective Institution, Milne Bay Province.
Lufa Police Lock-up	Lufa Police Station, Eastern Highlands Province.
Lumi Police Lock-up	Lumi Corrective Institution, West Sepik Province.
Madang Police Lock-up	Madang Police Station, Madang Province.
Magarida Police Lock-up	Magarida Corrective Institution, Southern Highlands Province.
Malalaua Police Lock-up	Malalaua Corrective Institution, Gulf Province.
Maprik Police Lock-up	Maprik Police Station, East Sepik Province.
Marawaka Police Lock-up	Marawaka Corrective Institution, Eastern Highlands Province.
May River Police Lock-up	May River Corrective Institution, East Sepik Province.
Mendi Police Lock-up	Mendi Police Station, Southern Highlands Province.
Menyamya Police Lock-up	Menyamya Corrective Institution, Morobe Province.
Minj Police Lock-up	Minj Police Station, Western Highlands Province.
Morehead Police Lock-up	Morehead Corrective Institution, Western Province.
Mount Hagen Police Lock-up	Mount Hagen Police Station, Western Highlands Province.
Mumeng Police Lock-up	Mumeng Police Station, Morobe Province.
Nigilani Police Lock-up	Nigilani Corrective Institution, West New Britain Province.
Nipa Police Lock-up	Nipa Corrective Institution, Southern Highlands Province.
Nomad Police Lock-up	Nomad Corrective Institution, Western Province.
Nuku Police Lock-up	Nuku Corrective Institution, West Sepik Province.
Obura Police Lock-up	Obura Corrective Institution, Eastern Highlands Province.
Okapa Police Lock-up	Okapa Police Station, Eastern Highlands Province.
Oksapmin Police Lock-up	Oksapmin Corrective Institution, West Sepik Province.
Oro Bay Police Lock-up	Oro Bay Rural Police Station, Northern Province.
Pangia Police Lock-up	Pangia Corrective Institution, Southern Highlands Province.
Panguna Police Lock-up	Panguna Police Station, Bougainville Province.
Pindiu Police Lock-up	Pindiu Corrective Institution, Morobe Province.
Pomio Police Lock-up	Pomio Corrective Institution, East New Britain Province.
Popondetta Police Lock-up	Popondetta Police Station, Northern Province.
Porgera Police Lock-up	Porgera Corrective Institution, Enga Province.
Port Moresby Police Lock-up	Port Moresby Police Station, National Capital District.
Rabaraba Police Lock-up	Rabaraba Corrective Institution, Milne Bay Province.
Rabaul Police Lock-up	Rabaul Police Station, East New Britain Province.
Rabaul Police Lock-up No. 2	Rabaul Police Lock-up No. 2, East New Britain Province.

Name of police lock-up.	Premises used or to be used for reception and custody of persons in custody, pending their being taken to a court or magistrate to be dealt with according to law, situated at—
Saidor Police Lock-up	Saidor Corrective Institution, Madang Province.
Saiko Police Lock-up	Saiko Rural Police Station, Morobe Province.
Samarai Police Lock-up	Samarai Police Station, Milne Bay Province.
Siassi Police Lock-up	Siassi Corrective Institution, Morobe Province.
Simbai Police Lock-up	Simbai Corrective Institution, Madang Province.
Sogeri Police Lock-up	Sogeri Police Station, Central Province.
Suau Police Lock-up	Suau Corrective Institution, Milne Bay Province.
Tabibuga Police Lock-up	Tabibuga Corrective Institution, Western Highlands Province.
Talasea Police Lock-up	Talasea Corrective Institution, West New Britain Province.
Talidig Police Lock-up	Talidig Rural Police Station, Madang Province.
Tambul Police Lock-up	Tambul Corrective Institution, Western Highlands Province.
Tapini Police Lock-up	Tapini Corrective Institution, Central Province.
Taskul Police Lock-up	Taskul Corrective Institution, New Ireland Province.
Tomaringa Police Lock-up	Tomaringa Police Station, East New Britain Province.
Tufi Police Lock-up	Tufi Corrective Institution, Northern Province.
Usino Police Lock-up	Usino Corrective Institution, Madang Province.
Vanimo Police Lock-up	Vanimo Police Station, West Sepik Province.
Wantoat Police Lock-up	Wantoat Corrective Institution, Morobe Province.
Wasu Police Lock-up	Wasu Corrective Institution, Morobe Province.
Wau Police Lock-up	Wau Police Station, Morobe Province.
Weam Police Lock-up	Weam Corrective Institution, Western Province.
Wewak Police Lock-up	Wewak Police Station, East Sepik Province.
Woitape Police Lock-up	Woitape Corrective Institution, Central Province.

## 5. Act, Section 12—Ex officio visiting justices.

## 1. For each of the following corrective institutions and police lock-ups :—

- Baisu Corrective Institution
- Be'on Corrective Institution
- Bihute Corrective Institution
- Bomana Corrective Institution
- Boram Corrective Institution
- Buimo Corrective Institution
- Bulolo Corrective Institution
- Bundaira Corrective Institution
- Goroka Police Lock-up
- Kerevat Corrective Institution
- Kerevat Police Lock-up
- Kokopo Police Lock-up
- Kundiawa Police Lock-up
- Lae Police Lock-up
- Madang Police Lock-up
- Mount Hagen Police Lock-up
- Mumeng Police Lock-up

Port Moresby Police Lock-up  
Rabaul Police Lock-up  
Tomaringa Police Lock-up  
Wau Police Lock-up  
Wewak Police Lock-up,

the following officers :—

- (a) the senior Magistrate Grade IV., or in the absence of Magistrates Grade IV. the senior Magistrate Grade III., having jurisdiction in the province in which the corrective institution or police lock-up is situated; and
- (b) in the absence of all such Magistrates the Deputy District Commissioner<sup>1</sup>, or in his absence the Provincial Commissioner, for the province in which the corrective institution or police lock-up is situated (being a justice).

2. For a corrective institution or police lock-up not referred to in Paragraph 1—

- (a) The Assistant District Commissioner<sup>1</sup> for the Subdistrict in which the corrective institution or police lock-up is situated (being a justice), except where he is the officer-in-charge of the corrective institution or police lock-up; and
- (b) in any other case, the Deputy District Commissioner<sup>1</sup> for the province in which the corrective institution or police lock-up is situated (being a justice).

6. Act, Section 14—Ex officio additional visiting justices.

1. For all corrective institutions and all police lock-ups—all Magistrates Grade III. and all Magistrates Grade IV.

2. For a corrective institution or police lock-up not listed in Item 5 Paragraph 1 (ex officio visiting justices)—

- (a) the Provincial Commissioner of the province in which the corrective institution or police lock-up is situated; and
- (b) the Deputy District Commissioner<sup>1</sup> for the province in which the corrective institution or police lock-up is situated; and
- (c) all Deputy District Commissioners<sup>1</sup> empowered by the Department of District Administration<sup>2</sup> to act as District Inspectors<sup>1</sup>,

(being in each case a justice).

7. Regulation, Section 1, "officer-in-charge", Paragraph (b)—Officers-in-charge of corrective institutions.

Each officer of the Public Service who is—

- (a) stationed at a corrective institution at which there is no officer-in-charge as defined by Paragraph (a) of the definition of "officer-in-charge" in *Corrective Institutions Regulation*, Section 1, but if there is more than one such officer stationed there then the senior of those officers, or in the absence of the senior officer the next senior officer; and

<sup>1</sup> Position as at 26 February 1968.

<sup>2</sup> As at the effective date, the reference was to the Division of District Administration, Department of the Prime Minister and Development Administration.

(b) vested under Section 3(1) of the *Corrective Institutions Act* with all the powers, etc., of an officer within the meaning of that Act.

8. Regulation, Section 143—Appointment of Reviewing Committee.

Principal Legal Adviser.

First Assistant Secretary, Division of District Administration, Department of the Prime Minister and Development Administration.

Director of Child Welfare.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 63.

*Corrective Institutions.*

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APPENDIX 1.

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SOURCE OF THE CORRECTIVE INSTITUTIONS ACT.

Previous Legislation.

*Corrective Institutions Act*

as amended by—

*Corrective Institutions (Amendment) Act* 1985 (No. 11 of 1985)

APPENDIX 2.

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SOURCE OF THE CORRECTIVE INSTITUTIONS REGULATION.

Previous Legislation.

*Corrective Institutions Regulation*

as amended by—

*Corrective Institutions (Amendment) Regulation* 1984 (Statutory Instrument No. 10 of 1984)

*Corrective Institutions (Remission of Sentence) Regulation* 1984 (Statutory Instrument No. 16 of 1984)

*Corrective Institutions (Amendment) Regulation* 1985 (Statutory Instrument No. 11 of 1985).

