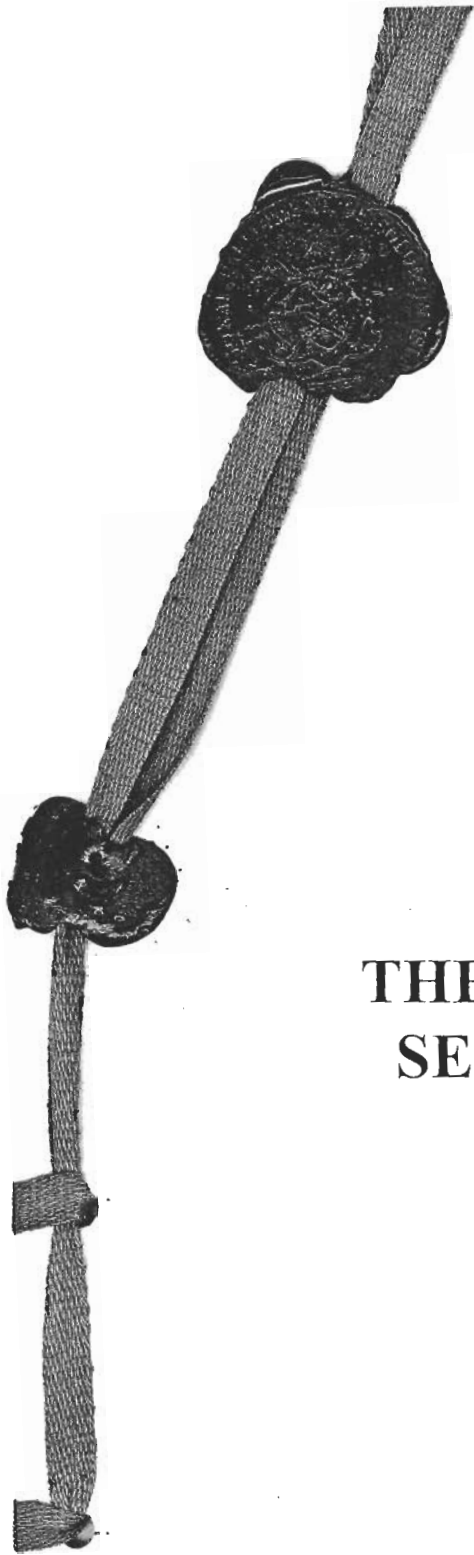


# THE CORRECTIONAL SERVICES BILL 2007

(NAME OF BILL)

- CONTENTS: Bill  
Objects and Reasons  
Notice of Presentation  
Covering letter from Minister to Clerk to Parliament  
~~(Authorisation from Minister of Finance under s.60 of Constitution)~~
- FROM: Attorney General's Chambers *Adve 10/8/07*
- TO: Minister  
(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk) *[Signature] 10/8/07*
- TO: *Minister of Finance*  
(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)
- TO: Clerk to National Parliament  
(for certificate by Speaker) *10/8/07*
- TO: Attorney General's Chambers  
(for printing)
- TO: Clerk to National Parliament *[Signature]*  
(for reference during 1st, 2nd and 3rd Readings)  
(Date passed... *20/8/07* ... Act No. *24/8/07*)
- TO: Attorney General's Chambers *ME 24/8/07*  
(for checking before Assent)
- TO: Governor-General *[Signature]*  
(for Assent) *27/08/07*
- TO: Clerk to National Parliament  
(for distribution: 1 copy Attorney General's Chambers  
1 copy Ministry  
1 copy Parliament Office  
1 copy Registrar of the High Court)



**THE CORRECTIONAL  
SERVICES ACT 2007  
(NO. 8 OF 2007)**



**THE CORRECTIONAL  
SERVICES ACT 2007  
(NO. 8 OF 2007)**

*Passed by the National Parliament this twentieth day of August 2007.*

*This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and a correct copy of the said Bill.*

*Taeasi*

*Taeasi Sanga (Mrs)  
Clerk to National Parliament*

*Assented to in Her Majesty's name and on Her Majesty's behalf this twenty-seventh day of August  
2007.*

*Peter Kenilorea*

*Sir Peter Kenilorea  
Acting Governor-General*

*Date of commencement: see section 1.*

**AN ACT** TO ESTABLISH A CORRECTIONAL SERVICE FOR SOLOMON ISLANDS AND FOR CONNECTED OR INCIDENTAL MATTERS.

**ENACTED** by the National Parliament of Solomon Islands.

# THE CORRECTIONAL SERVICES ACT 2007

## ARRANGEMENT OF SECTIONS

### SECTION:

#### PART I PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT
2. INTERPRETATION
3. PURPOSE AND OBJECTS OF THIS ACT

#### PART II CORRECTIONAL SERVICE OF SOLOMON ISLANDS

4. ESTABLISHMENT OF THE CORRECTIONAL SERVICE OF SOLOMON ISLANDS
5. ESTABLISHMENT OF CORRECTIONAL CENTRES
6. COMMISSIONER OF CORRECTIONAL SERVICES
7. COMMISSIONER'S RESPONSIBILITIES
8. INSPECTIONS BY OR ON BEHALF OF THE COMMISSIONER

#### PART III ADMINISTRATION

9. APPOINTMENT OF COMMANDANTS
10. OFFICERS AND EMPLOYEES OF THE CORRECTIONAL SERVICE
11. USE OF POLICE OFFICERS AS CORRECTIONAL SERVICE OFFICERS
12. CONDITIONS OF EMPLOYMENT OF OFFICERS
13. OBLIGATIONS OF OFFICERS
14. POWERS, PROTECTIONS AND PRIVILEGES OF OFFICERS
15. OFFICER PROTECTION FROM PERSONAL LIABILITY
16. OFFENCE PROCEEDINGS
17. OFFENCES BY CORRECTIONAL SERVICES OFFICERS
18. HARBOURING
19. POSSESSION OF CORRECTIONAL SERVICE EQUIPMENT
20. PROHIBITED ARTICLES
21. SEARCHES
22. SUBMISSION TO SEARCHES BY VISITORS
23. RANDOM SEARCHES
24. DISCIPLINING OFFICERS
25. CORRECTIONAL SERVICES OFFICERS ASSOCIATIONS

26. VISITS I  
MAGIST
27. APPOIN
28. DUTIES
29. APPOIN
30. VISITS I  
AND RE

31. OBJECT
32. LEAST I
33. LAWFU
34. ADMISS
35. INFORM
36. OBJECT
37. INITIAL
38. FURTHE
39. OBLIGA
40. RIGHTS
41. TRANSI

42. APPOIN
43. STAND/
44. TREATM
45. ACCESS
46. MEDIC/
47. INFECT
48. REVIEW
49. PRISON
50. VISITS :

51. CORRE
52. UNAUT
53. PROHIE
54. USE OF
55. PROVIS
56. HEARIN
57. PROCEI
58. USE OF

PART IV  
VISITS AND INSPECTIONS

- 26. VISITS BY JUDGES, COMMISSIONERS OF THE HIGH COURT,  
MAGISTRATES AND THE OMBUDSMAN
- 27. APPOINTMENT OF VISITING JUSTICES
- 28. DUTIES OF VISITING JUSTICES
- 29. APPOINTMENT OF OFFICIAL VISITORS
- 30. VISITS BY RELIGIOUS REPRESENTATIVES, TRADITIONAL ELDERS  
AND RESPECTED PERSONS

PART V  
ADMISSION AND MANAGEMENT OF PRISONERS

- 31. OBJECTIVES OF CORRECTIONAL CENTRE SECURITY
- 32. LEAST RESTRICTIVE CONDITIONS
- 33. LAWFUL DETENTION
- 34. ADMISSION OF PRISONERS
- 35. INFORMATION TO BE PROVIDED
- 36. OBJECTIVES IN CLASSIFYING PRISONERS
- 37. INITIAL CLASSIFICATION AND REMISSION
- 38. FURTHER REMISSION
- 39. OBLIGATIONS OF PRISONERS
- 40. RIGHTS OF PRISONERS
- 41. TRANSPORT OF PRISONERS

PART VI  
MEDICAL TREATMENT AND HEALTH SERVICES

- 42. APPOINTMENT OF MEDICAL OFFICERS
- 43. STANDARD OF TREATMENT
- 44. TREATMENT BY MEDICAL OFFICERS
- 45. ACCESS TO OTHER MEDICAL AND RELATED SERVICES
- 46. MEDICAL RECORDS
- 47. INFECTIOUS DISEASES
- 48. REVIEW OF PRISON SENTENCE FOR HEALTH REASONS
- 49. PRISONER DEATHS
- 50. VISITS BY MEDICAL OFFICERS

PART VII  
DISCIPLINE, SECURITY AND OFFENCES

- 51. CORRECTIONAL CENTRE OFFENCES
- 52. UNAUTHORISED ABSENCE OF PRISONER
- 53. PROHIBITED PUNISHMENT
- 54. USE OF INSTRUMENTS OF RESTRAINT
- 55. PROVISION OF PROTECTIVE EQUIPMENT TO OFFICERS
- 56. HEARINGS FOR CORRECTIONAL CCENTRE OFFFENCES
- 57. PROCEDURES AND PENALTIES
- 58. USE OF FORCE

PART VIII  
WORK PROGRAMS AND ENTERPRISES

- 59. DEVELOPMENT OF SKILLS
- 60. APPROVED CORRECTIONAL CENTRE WORK
- 61. CLEANING OF FACILITIES
- 62. PAYMENT FOR WORK
- 63. CORRECTIONAL CENTRE ENTERPRISES
- 64. RECREATION AND DEVELOPMENT
- 65. CORRECTIONAL SERVICES SPECIAL FUND
- 66. MONEY OF CORRECTIONAL SERVICES SPECIAL FUND
- 67. PURPOSES FOR EXPENDITURE OF CORRECTIONAL SERVICES SPECIAL FUND
- 68. APPLICATION OF PUBLIC FINANCE AND AUDIT ACT TO CORRECTIONAL SERVICES SPECIAL FUND

Short title and  
commence-  
ment

Interpretation

PART IX  
RELEASE OF PRISONERS

- 69. EARLY RELEASE PROGRAMS
- 70. ELIGIBILITY FOR EARLY RELEASE
- 71. SHORT TERM RELEASE
- 72. DISCHARGE OF PRISONERS
- 73. PAROLE BOARD
- 74. SUPPORT FOR PRISONERS AFTER RELEASE

PART X  
MISCELLANEOUS AND SUBSIDIARY LEGISLATION

- 75. REGULATIONS AND COMMISSIONER'S ORDERS
- 76. ADMINISTRATIVE GUIDANCE
- 77. TRANSITIONAL ARRANGEMENTS, CONSEQUENTIAL AMENDMENTS AND SAVINGS
- 78. AMENDMENTS TO THE PENAL CODE (CAP 26)

PART I  
PRELIMINARY

Short title and  
commence-  
ment

1. This Act shall be cited as the Correctional Services Act 2007 and shall come into operation on such date the Minister may appoint by notice in the Gazette.

Interpretation

2. In this Act -

“Commandant” means the person appointed by the Police and Prisons Service Commission to manage a correctional centre and includes a person appointed to act temporarily in the position;

“commencement date” means the day on which this Act comes into force;

“Commissioner” is the Superintendent of Prisons referred to in section 124 of the Constitution;

“convicted prisoner” means a person who has been convicted and sentenced by a court and includes a person serving a sentence pending appeal;

“correctional centre” means any land, building, property, vessel or vehicle declared to be a correctional centre or a temporary correctional centre under Part II;

“correctional services officer” means any person appointed by the Police and Prisons Service Commission or the Commissioner under Part III and includes a person temporarily appointed under the Act or regulations;

“effective sentence” means the term of imprisonment that a prisoner is to serve, after taking into account remission granted under the Act;

“immigration detainee” means any person detained under the Immigration Act or regulations;

“instrument of restraint” means handcuffs, ankle cuffs, batons, strait jackets, chemical substances and any other item or device prescribed by regulation;

“officer” means a correctional services officer;

“prisoner” means any person in the legal custody of the Commissioner or Commandant under this Act or regulation whether or not

Cap 60

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they are detained in a correctional centre;  
 “prohibited article” means any drugs, equipment for the administration of illegal drugs, weapons, metal articles, mobile phones or other portable communications devices or any other items prescribed by regulation;

“protective equipment” means shields, helmets, batons handcuffs, body armour, instruments of chemical restraint, or other item or device designed and used for the protection of officers from physical injury;

“remand prisoner” means any prisoner who has not been convicted and sentenced to a term of imprisonment by a court, and includes an immigration detainee and public security detainee;

“public security detainee” means any person detained under the Preservation of Public Security Act;

“senior officer” means a correctional services officer of a rank determined by the Commissioner and includes a person appointed temporarily to act in the position; and

“young prisoner” means any prisoner under the age of 18 years, and includes any prisoner under the age of 21, who, in the opinion of the Commissioner, Commandant or Court may be at risk of harm in a correctional centre.

Establishment  
of  
the Correctional  
Service of  
Solomon  
Islands

Establishment  
of  
correctional  
centres

Cap 27

Purpose and  
objects of this  
Act

3. The purpose of this Act is to -

(a) provide for the establishment, maintenance and operation of Correctional Centres based on internationally accepted standards for the fair and humane treatment of offenders consistent with the cultural, traditional and religious values of Solomon Islands;

(b) provide for the rehabilitation of prisoners and their reintegration back into the community, through access to activities and services that may assist in preventing re-offending;

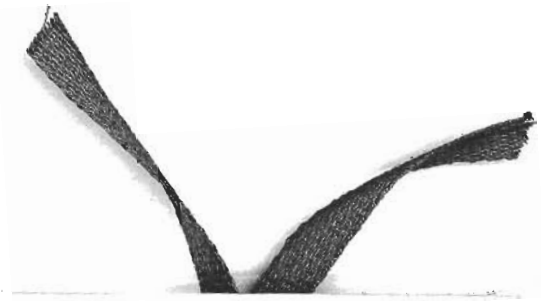
(c) assist, as far as is reasonable and practical, prisoners to develop or maintain family and community relationships, and relationships with friends;

(d) ensure that terms of imprisonment are administered in a fair and effective manner; and

(e) maintain the safety of the community, prisoners and officers and promote public confidence in the correctional service.

Commissioner  
of  
Correctional  
Services





(e) require any person purporting to exercise any lawful power of inspection or entry in a correctional centre, to comply with any direction related to correctional centre safety, security and management; and

(f) require that any interviewing or questioning, under any lawful authority, of any officer while on duty within a correctional centre, be done at such times and places, and in such manner as permits the officer to properly discharge his or her duties.

Inspections by on behalf of the Commissioner

(3) The Commissioner may delegate, by regulation or order, the exercise of any function or responsibility under this Act to -

- (a) any officer or other employee of the Correctional Service; or
- (b) any person, or class of persons, authorised by the regulations.

Commissioner's responsibilities

7. The Commissioner, in addition to any other functions conferred under this or any other Act, has the following responsibilities -

- (a) to provide effective and appropriate rehabilitation services;
- (b) to ensure that information systems and records are uniform and accurate in each of the Correctional Centres and the office of the Commissioner;
- (c) to maintain a system for the recording, storage and return of the property of prisoners;
- (d) to ensure requests and complaints from prisoners are dealt with in a prompt and effective manner;
- (e) to manage emergencies and disasters in an effective manner, including ordering the immediate release of prisoners in extraordinary circumstances where the lives of prisoners may be in danger;
- (f) to monitor, record and report upon all significant incidents;
- (g) to maintain discipline and order through supervision in a fair and equitable manner;
- (h) to ensure that the different languages and different cultures of prisoners are recognised and respected;
- (i) to ensure that prisoners are provided with culturally appropriate information, in their preferred language, to the extent practicable, on correctional services, regulations and their rights and responsibilities;
- (j) to ensure the safety of staff, visitors, prisoners and the community are protected;
- (k) to ensure that all prisoners, are encouraged to build their self-respect and a sense of personal responsibility so as to improve morale and develop in them habits of good citizenship and hard work with a view to them leading a good and useful life in their communities after their discharge; and

Appointment of Commandants

Officers and employees of Correctional Service

11. When a prisoner is transferred from any correctional

(l) to ensure, to the extent practicable, that prisoners are provided with facilities, programs and services designed to encourage rehabilitation and discourage offending.

Inspections by or on behalf of the Commissioner

8. (1) The Commissioner is to inspect, or order the inspection of, each correctional centre to ensure compliance with the provisions, principles and objectives of the Act.

(2) The Commissioner may order any officer or other suitably qualified person to inspect a correctional centre, including ordering the person to -

(a) undertake visits as directed;

(b) prepare and submit a report to the Commissioner or other person according to specified requirements; and

(c) make appropriate recommendations to the Commissioner in relation to any aspect of the administration and management of a correctional centre or the welfare of any prisoners, visitors and officers.

### PART III ADMINISTRATION

Appointment of Commandants

9. (1) The Police and Prison Service Commission, may appoint an officer, nominated by the Commissioner, to each correctional centre as the Commandant.

(2) The principal function of the Commandant is to provide for the management, order, security and discipline of the correctional centre in accordance with the guiding principles and objectives set out in the Act.

Officers and employees of the Correctional Service

10. (1) All persons who at the commencement date are officers and employees of the Solomon Islands Prisons Service shall continue to hold their office or remain in their employment in the correctional service, and shall be subject to the provisions of this Act.

(2) Correctional services officers shall consist of such ranks as may be prescribed by the Minister by order in the Gazette, and until such determinations are made the ranks applying to the Solomon Islands Prison Service shall apply.

(3) The ranks designated under subsection (2) may classify officers as Commissioner, Commandant, senior officer or correctional services officer, or other appropriate classifications as may be prescribed in the regulations

(4) For the purposes of this Act, the rank of Assistant Prison Officer referred to in the Constitution is the rank of inspector in the Solomon Islands Prison Service and the equivalent of that rank in the Correctional Service of Solomon Islands.

(5) Employees of the correctional service or correctional centres, other than officers, may be employed in accordance with the procedures, orders, delegation instruments and conditions of employment approved by the Public Service Commission and applying to public servants.

Use of police officers as correctional services officers

centre to any place, and the Commissioner or a Commandant of a correctional centre is of the view that police assistance is necessary for the safety or security of any person, the Commandant, by prior arrangement with the Police Service, may deliver the prisoner to an assigned police officer or officers, who will then have the same powers and responsibilities in relation to the prisoner, as a correctional services officer under the Act.

Conditions of employment of officers

12. (1) Officers shall be appointed to the Correctional Service in accordance with the conditions of employment prescribed in the regulations.

(2) The Minister may make regulations in respect of -

- (a) procedures for appointment and promotion;
- (b) qualifications for appointment and promotion;
- (c) powers of the Commissioner to employ temporary officers where:

- (i) the number of officers in any correctional centre is insufficient to secure its good management and security; or
- (ii) there are insufficient female officers in a correctional centre where female prisoners are confined;
- (d) taking of oaths by officers;
- (e) probation period to be served;
- (f) period of service, and retirement age of officers;

(g) the circumstances in which an officer may be disciplined or discharged from duty;

- (h) the provision of training; and
- (i) the allocation of positions, roles and duties with the Correctional Service.

Obligations of officers

13. The following provisions shall apply to all correctional services officers -

(a) an officer may resign with the approval of the Commissioner, or following the giving of notice as required generally for public service officers;

(b) if the period of appointment of an officer expires during a state of war or a period of emergency, the officer continues to hold office if required to do so by the Commissioner;

Powers,  
Protections and  
privileges of officers

- (c) all officers may be ordered to report for duty in any correctional centre or other location in Solomon Islands as determined by the Commissioner;
  - (d) all officers may be recalled to duty during times when they are not rostered on duty at any correctional centre;
  - (e) no officer may engage in any employment, or own or participate in any business, or hold any office outside of the Correctional Service, whether for payment, or otherwise, except in accordance with any determination made by the Police and Correctional Service Commission, or as approved in writing by the Commissioner;
  - (f) no officer may receive any fee or gift from any prisoner or any other person who is detained in, or is a friend, relative or visitor of any prisoner detained in a correctional centre, in relation to their employment unless approved by the Commissioner;
  - (g) no officer may have any business dealings or or any other commercial relationship with a prisoner; and
  - (h) no officer may have any other relationship with a prisoner which, in the opinion of the Commissioner or Com-mandant, is likely to compromise the security or good governance of the correctional centre.
14. (1) Every officer of the Correctional Service shall -
- (a) exercise the powers and duties conferred under this Act;
  - (b) obey all lawful directions which are given by a senior officer;
  - (c) seize any prohibited article that a person has brought into, or attempted to bring into a correctional centre, and shall deal with any such article in the manner prescribed by regulation;
  - (d) arrest without a warrant and deliver to the custody of a police officer, any person -
  - (i) who commits, or attempts to commit an offence under this Act; or
  - (ii) fails to give to the officer his or her name and address when the officer reasonably suspects that the person has committed an offence under the Act or regulations; or
  - (iii) gives a false name and address in the circumstances stated in subpara-graph (ii); and

Powers, Protections and privileges of officers

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	<p>(e) arrest and deliver to a senior officer any officer who he or she has reasonable grounds for believing is a deserter from the Correctional Service. In relation to the powers of arrest under subsection (1)(d) and (e), every officer has a discretion to either arrest the person, or to immediately report the incident to the Commandant or Commissioner.</p> <p>(2) Every officer shall have the powers, protections and privileges of a police officer when -</p> <p>(a) conveying any prisoner to or from any correctional centre; or</p> <p>(b) apprehending any person who may have escaped.</p>	Possession of Correctional Services equipment
Officer protection from personal liability	15. Any officer who, in good faith, exercises a function that is conferred or imposed by or under this Act is not personally liable for any injury or damage caused by the exercise of that function.	
Offence proceedings	16. The Commissioner may make orders for correctional centre offences to be dealt with by effective, just, fair, consistent and timely procedures.	Prohibited articles
Offences by correctional services officers	17. (1) Any person who, having ceased to be an officer, within a reasonable time fails or refuses to deliver up to the person appointed by the Commissioner for this purpose, all protective or other equipment, or ammunition supplied during their term as an officer, commits an offence and is liable on conviction to a penalty not exceeding \$200 or to a term of imprisonment not exceeding 6 months, or to both.	Searches
	(2) The Commissioner may permit an officer, or a person who has ceased employment with the Correctional Service, to keep other specified items of issue and may require an appropriate payment to the correctional Service for specified items.	
Harbouring	18. Any person who -	
	(a) knowingly harbours any prisoner on an unauthorised absence from a correctional centre;	
	(b) knowingly employs any prisoner on an unauthorised absence from a correctional centre; or	
	(c) knowingly and without lawful excuse assists any prisoner who is on an unauthorised absence from a correctional centre,	
	commits an offence and is liable to a penalty not exceeding \$800 or to a term of imprisonment not exceeding 2 years, or to both.	Submission to searches by visitors

19. Any person other than a correctional services officer who, without lawful excuse -

- (a) possesses any property or equipment which has been supplied to an officer for the purpose of his or her duty, or any other property of the Correctional Service;
- (b) knowingly purchases or receives any property or equipment issued to a correctional services officer or belonging to the Correctional Service; or
- (c) who aids or abets any officer in selling or disposing of any property or equipment belonging to the Correctional Service,

commits an offence and is liable to a fine not exceeding \$800 or to a term of imprisonment not exceeding 2 years, or to both.

Prohibited articles

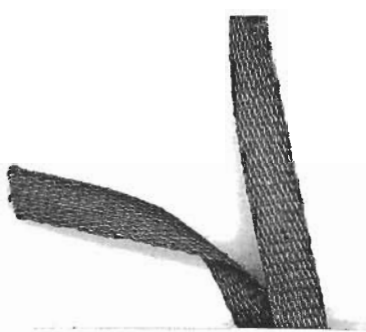
20. Any person who brings, sells or attempts by any means whatsoever to introduce into a correctional centre, or to give to a prisoner, any prohibited article commits an offence and is liable to a penalty not exceeding \$200 or to a term of imprisonment not exceeding 6 months, or to both.

Searches

21. (1) An officer may inspect, examine and search any property, item or thing being brought into a correctional centre.
- (2) Subject to section 22, an officer may stop and search any person within, entering, or requesting entry to a correctional centre.
- (3) An officer may remove or confiscate any prohibited item from any person in a correctional centre.
- (4) The Commissioner or Commandant may refuse to allow any property, item or thing to be brought into, or to remain in a correctional centre if he or she is of the opinion that it may compromise the safety, security or good governance of the correctional centre.

Submission to searches by visitors

22. (1) A person who seeks entry to a correctional centre as a visitor may be required to submit to a *pat search* as a condition of entry if asked to do so by a correctional services officer authorised by the Commissioner.
- (2) In this section "*pat search*" means a search to detect the presence prohibited carried out by -
- (a) quickly running the hands over the person's outer clothing;
  - (b) using an electronic or mechanical scanning device over, or close proximity to the person's outer clothing;
  - OR
  - (c) an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.



(3) A *pat search* is wherever possible to be conducted by a person of the same gender as the person being searched.

(4) If a person refuses to submit to a *pat search*, a correctional services officer may -

- (a) prohibit the person from entering the correctional centre;
- (b) order the person to leave the correctional centre; or
- (c) immediately remove the person from the correctional centre.

(5) Notwithstanding this section, a Judge, Magistrate, Medical Officer or Ombudsman, when seeking entry to a correctional centre for a visit required by this Act, may be searched with their consent, and may not be prohibited from entry for refusal to undergo a search pursuant to section 22(2)(a) or (c).

Random searches

23. The Commandant of a correctional centre may, for the safety, security or good order of the correctional centre or the safety or security of any person order a correctional services officer to search any part a correctional centre or any person entering or within a correctional centre.

Disciplining officers

24. (1) Disciplinary offences applying to all officers are those prescribed in the Act, regulations or Commissioners Orders.

(2) The disciplinary procedures in respect of the offences referred to in subsection (1) include matters relating to -

- (a) the suspension of any officer pending the investigation or the hearing of any complaint, the duration of suspensions and the withdrawal of pay, and other benefits and leave entitlements pending the determination of proceedings;
- (b) the delegation of powers to the Commissioner, Commandants and senior officers to deal with disciplinary offences of a minor nature, and the procedures and punishments to be applied;
- (c) the power of the Commissioner to review proceedings and punishments applied by Commandants and senior officers;
- (d) the power of the Commissioner to suspend punishments;
- (e) the hearing of disciplinary proceedings by tribunals, including their procedures, powers and rights to impose punishments;

Correctional services off association

Visits by J. Commiss of the Hig Court, Magistrat the Ombu

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Correctional services officers associations

Visits by Judges, Commissioners of the High Court, Magistrates and the Ombudsman

Appointment of visiting justice

(f) the provision of training, managerial guidance, counselling or mentoring as a means of dealing with a breach of discipline; and  
(g) rights of appeal and appeal procedures.  
(3) A correctional services officer suspended from duty under disciplinary procedures shall be entitled to receive not less than one half of the standard pay otherwise due and such other payment as the Commissioner thinks fit.  
(4) If proceedings against a correctional services officer do not result in dismissal, the correctional services officer shall be entitled to the full amount of pay and other benefits, except any leave entitlements, which would have accrued during the period of suspension.

25. (1) This section is made in the interests of national security and public safety, and for the purpose of imposing a reasonable restriction on correctional services officers.  
(2) No officer may be or become a member of a trade union or an industrial association as defined by law, or any other association having an object of controlling or influencing the pay or employment conditions of the Correctional Service.  
(3) Regulations shall make provision for the establishment, membership, administration and functions of one or more correctional services officers associations.

PART IV  
VISITS AND INSPECTIONS

26. Judges, Commissioners of the High Court, Magistrates, the Ombudsman and any person authorised in writing by the Ombudsman, may enter and inspect a correctional centre at any time, and may exercise any of the powers prescribed for visiting justices.

27. The visiting justice for each correctional centre situated in a Province is the most senior Magistrate assigned to a court district that includes that Province, or any other Magistrate within a Province appointed by the Chief Magistrate.





Duties of visiting justices

28. Each visiting justice shall conduct an inspection of each correctional centre within their Province at least twice a year, or as requested by the Commissioner.

Appointment of official visitors

29. (1) The Permanent Secretary may appoint, for any correctional centre in Solomon Islands, a visiting committee of good repute, whose rights and duties as official visitors for that correctional centre shall be prescribed by Regulations.

(2) When making appointments under subsection (1) the Permanent Secretary must have regard to the following matters -

- (a) the involvement at that correctional centre of any religious or community support group;
- (b) the involvement at that correctional centre of any traditional elders;
- (c) the representation of an appropriate body representing the interests of female prisoners, young prisoners, prisoners with a disability or special needs in the correctional centre;
- (d) any issue relevant to any particular correctional centre population;
- (e) the nature of the rehabilitation and work programs being undertaken at that correctional centre; and
- (f) any other matter brought to the Permanent Secretary's attention by any person having a duty under this Act to undertake correctional centre inspections or visits.

Objectiv  
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Visits by religious representatives, traditional elders and respected persons

30. (1) The Commissioner shall have power to authorise persons who are nominated by the religions and denominations of the prisoners at each correctional centre as chaplains and religious representatives for each correctional centre.

(2) Authorisations made under subsection (1) shall take into account the spiritual needs of prisoners and any nomination made by a religious group having an affiliation with a correctional centre.

(3) On the recommendation of a Commandant, the Commissioner may approve the appointment of traditional elders and other respected persons to be official visitors to any correctional centre.

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(4) Facilities that have the approval of the Commandant shall be made available to chaplains, religious representatives, traditional elders and other respected persons appointed under this section to -

- (a) meet with individual prisoners or groups of prisoners;
- (b) provide religious books and approved texts to prisoners;
- (c) conduct religious ceremonies and observances;
- (d) provide appropriate counselling and support to prisoners; and
- (e) facilitate the negotiation of reconciliation in accordance with the policies set by the Commissioner.

(5) Notwithstanding subsection (4) prisoners may not be required to participate in religious services and observances, or in those of a religion that is not of their choice.

PART V  
ADMISSION AND MANAGEMENT OF PRISONERS

31. The objectives of the correctional centre security system are to provide measures to -

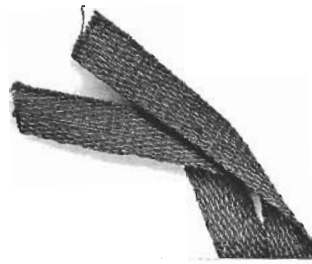
- (a) prevent prisoner escape;
- (b) provide a healthy, safe and secure working and living environment for staff, visitors and prisoners;
- (c) control any article or substance within the correctional centre that may pose a risk to the good governance, order or security of the correctional centre; and
- (d) place all prisoners appropriately within the correctional centre according to their legal status, classification, security rating, management requirements and individual needs.

32. (1) Prisoners are to be placed in the least restrictive conditions suitable to their classification. Segregation or placement in a management or security unit should be only to minimise the risk associated with the reason for placement.

(2) Restrictions on remand prisoners shall be limited to those that are necessary to maintain the good order, security and management of the correctional centre and the safety of the prisoner.

Objectives of correctional centre security

Least restrictive conditions



## Lawful detention

33. (1) Prisoners are to be legally detained by the Correctional Service and full and accurate records of prisoners' warrants, sentences imposed by the Courts, transfers, discharges, bails and fines are to be maintained in accordance with the relevant legislation and the requirements of the Commissioner.

(2) Prisoners shall be first admitted to a correctional centre on the authority of a signed warrant or other lawful order for detention, at the times prescribed by Regulations or provided for by Commissioners Orders.

(3) Upon presentation of a person to be held in custody, the Commandant must be satisfied:

- (a) that the person is the person to whom the warrant or order relates;
- (b) of the apparent age of the person; and
- (c) that the warrant or order is signed and dated and is made under the authority of a law applying in Solomon Islands.

(4) Where there is doubt as to the identity of a person or as to the validity of the warrant or order, a Commandant shall be entitled -

- (a) to refuse the admission of the person; and
- (b) to require that the person be taken back to the court or person who has signed the warrant in order for matters of identity or process to be confirmed and rectified.

(5) Upon admission under this section all prisoners shall be deemed to be in the lawful custody of the Commandant and shall be subject to correctional centre regulations, orders and discipline for the entire period of the term of imprisonment, even when he or she is not within the confines of a correctional centre.

(6) Where a person to whom the warrant or order relates is or may be under the age of 18 years, the Commandant shall take appropriate action to confirm the legality of the confinement of the person in the correctional centre.

(7) Notwithstanding this section a child below the age of six months may be admitted with the mother who is lawfully detained.

(8) Notwithstanding this section the Commandant may admit a child over the age of six months but under the age of two years with the mother who is lawfully detained provided that -

- (a) there are special circumstances;

Admission  
prisoners

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provided

## Admission of prisoners

- (b) it is in the best interests of the child; and
- (c) the correctional centre can, as far as practicable, ensure that the basic needs of the child are adequately met.

34. (1) The correctional centre reception process must ensure that all prisoners are -
- (a) identified;
  - (b) assessed for risk of suicide or self-harm;
  - (c) assessed for urgent welfare, medical or psychiatric needs; and
  - (d) provided with suitable accommodation or services for their health or welfare.
- (2) From the time of admission, arrangements shall be made for female prisoners to be kept separate from male prisoners and for young male prisoners to be kept separate from adult prisoners or prisoners of other classifications.
- (3) Notwithstanding this section the Commissioner may issue instructions for either separation or contact between any prisoners where it is for the purposes of the -
- (a) personal safety of any person;
  - (b) the maintenance of family or social relationships in the best interests of a child or young person;
  - (c) safety, security or good governance of the correctional centre; or
  - (d) containment or treatment of any medical condition or infectious disease as recommended by a medical officer or nurse.

## Information to be provided

35. (1) On admission, all prisoners are to be provided with sufficient information to understand the practices and procedures of the correctional centre.
- (2) As soon as practicable after admission, all prisoners shall be given information about -
- (a) any right of appeal;
  - (b) the rights of prisoners while in custody;
  - (c) their duties, responsibilities and obligations while in custody;
  - (d) classification procedures;
  - (e) work, privileges and early release programs;
- and
- (f) relevant medical, health and hygiene matters.



(3) As soon as practicable following admission each prisoner shall be examined by a Medical Officer, nurse or nurses aide. Nothing in this section is to be construed as requiring any prisoner to be compulsorily tested for any medical condition or disease without his or her consent.

Obligations  
Prisoners

Objectives in  
classifying  
prisoners

36. The following objectives shall apply to the classification given to each prisoner -

(a) prisoners shall be classified to achieve effective rehabilitation whilst maintaining effective security;

(b) classification procedures shall be applied so as to facilitate appropriate arrangements for the accommodation and other needs of -

(i) female prisoners;

(ii) young prisoners;

(iii) remand prisoners; and

(iv) prisoners assessed as being at risk in the correctional centre;

(c) prisoners undergoing initial classification shall be provided with appropriate information about their imprisonment;

(d) during classification, consideration shall be given to each prisoner's criminal history, age, gender, health, disability, level of education, character and background and any other special need; and

(e) appropriate training and employment opportunities for each prisoner must be identified.

Rights of  
Prisoners

Initial  
classification and  
remission

37. (1) All prisoners shall be classified.

(2) Except for prisoners sentenced to life imprisonment and those detained at Her Majesty's pleasure, for the purposes of the initial classification, the date of release for each prisoner is calculated on the basis of a remission of one-third of the sentence for any term of imprisonment exceeding one month.

Further  
remission

38. (1) The remission of sentence that is applied at the initial classification is dependent on the good behaviour of the prisoner, and it may be forfeited in the manner set out in the regulations and Commissioners Orders.

(2) The Minister may grant further remission upon the recommendation of the Commissioner.

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39. The obligations of a prisoner are -

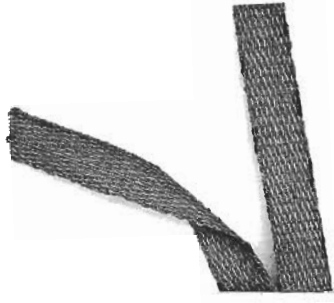
- (a) to comply with the provisions of this, any other Act, or regulations and orders;
- (b) to comply with any lawful direction given by a correctional services officer or any other person authorised by law to manage, transport or supervise prisoners in a correctional centre or any other place where the prisoner is placed;
- (c) not act in an abusive, indecent, offensive or threatening manner; and
- (d) not to leave the correctional centre, or any other place where the prisoner is lawfully held, without the authorisation of the Commandant.

40. (1) A prisoner in a correctional centre has the following rights -

- (a) to have available adequate bed and/or bedding;
- (b) access to washing facilities for personal hygiene;
- (c) access to safe and clean drinking water and food;
- (d) to have natural or artificial light;
- (e) to have sanitary facilities and products;
- (f) to have clean and sufficient clothing;
- (g) to have access to legal representatives, including the right to communicate in confidence and privacy;
- (h) to have access to medical care and treatment;
- (i) to receive and send written correspondence; and
- (j) to the extent appropriate to their classification, to have access to family, friends and members of their community.

(2) In addition to above rights, a young prisoner has the following rights -

- (a) to be provided with suitable education consistent with community standards;
- (b) as far as practicable, to have access to parents, siblings and family members; and
- (c) to have access to advice and support.



Transport of prisoners

41. (1) Transport of a prisoner should occur in a secure and efficient manner that is appropriate to the security classification of the prisoner.

(2) Transfers of prisoners shall be undertaken in accordance with the Regulations and Commissioners Orders, and the use of instruments of restraint shall be in compliance with this Act.

(3) Correctional services officers and police officers and any person authorised by a Judge, Commissioner of the High Court or Magistrate may transport a prisoner to or from any correctional centre at which he or she may be lawfully detained.

(4) Prisoners may be removed from a correctional centre to -

(a) a court, upon the order of a Judge, Commissioner of the High Court or Magistrate, or when the Commandant determines that the attendance of the prisoner at a court is required;

(b) a hospital or other facility providing medical services, at the order of a Commandant, medical officer or nurse appointed under this Act;

(c) a psychiatric unit or institution, on the order of the Commissioner or Commandant;

(d) any other correctional centre, on the order of the Commissioner;

(e) any other suitable place determined by the Commissioner in the event of a situation posing a risk to the health of prisoners, officers, visitors or the community within a correctional centre, at the order of the Commissioner, or in the event of an emergency at the order of a Commandant;

(f) voluntarily accompany a police officer or other authorised person conducting an investigation into an alleged offence; and

(g) any other suitable place in accordance with Commissioners orders.

(5) The period of any removal shall be determined by the person having authority in relation to the removal and upon termination the prisoner shall be returned to a correctional centre.

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PART VI

MEDICAL TREATMENT AND HEALTH SERVICES

Appointment of medical officers

42. Medical officers, nurses or nurses aides may be appointed by the Commissioner to provide medical services in correctional centres.

Standard of treatment

43. Health care facilities and primary care services shall be provided for prisoners to a community standard while also taking into account the special circumstances and health care needs of prisoners.

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Treatment by  
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44. (1) Medical officers, nurses or nurses aides appointed under this Act have responsibility for the general health care of prisoners.

(2) Commandants may order that prisoners be medically examined, and the medical officer shall examine and treat any prisoner in need of medical attention.

(3) Where a medical officer, nurse or nurses aide is of the view that a prisoner is in need of specialist treatment, he or she may make a report to the Commandant, and where practicable, may make arrangements for the prisoner to be referred to an appropriate medical practitioner.

(4) A prisoner who is suffering from any disease or illness must only be held separately from other prisoners upon the order of a medical officer, nurse or nurses aide.

(5) Notwithstanding this section a Commandant may order the separation of a prisoner who is apparently suffering from an illness if arrangements are made for a medical officer or nurse to examine the prisoner and confirm the need for separation as soon as is practicable.

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Access to other  
medical and  
related services

45. Arrangements shall be made for the provision of other medical and related services, in accordance with any relevant policy or program of the Ministry of Health, including -

(a) appropriate dental treatment, which shall not be confined to extractions;

(b) public awareness and education programs;

(c) vaccination programs or programs for the treatment or prevention of certain diseases; and

(d) support services for infants and mothers, where infants are permitted to remain in the confines of a correctional centre.

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Medical records

46. (1) Arrangements shall be made for keeping the medical records of prisoners confidential but prisoners should be notified of the results of any test or treatment, and provided with any necessary support. A prisoner shall not be regarded as the owner of any medical records kept but must be provided with any relevant information contained in the records upon request following their release from a correctional centre.

(2) A prisoner who has an on-going medical condition that has been treated while he or she has been in custody shall be given a discharge note confirming the nature of the illness and of the treatment provided.

(3) Information about the medical condition of any prisoner shall be notified as soon as possible to a Commandant if action is or may be required to ensure the safety and wellbeing of officers, prisoners, visitors or any other person.

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Infectious diseases

47. The Commissioner and Commandants shall ensure that conditions within correctional centres do not facilitate the spread of disease, and must implement recommendations made by medical officers or the Ministry of Health aimed at reducing the risk of the outbreak of disease.

Correctional centre offences

Review of prison sentence for health reasons

48. Where a prisoner is suffering from an illness, disability or other condition, including pregnancy or giving birth to a child, or there are special circumstances that make their detention within a correctional centre impractical or undesirable, a Judge or Commissioner of the High Court may, at the request of the Commissioner, review the sentence of the prisoner and make orders -  
(a) for the release of the prisoner; or  
(b) for the prisoner to be moved to suitable accommodation outside of a correctional centre.

Prisoner deaths

49. (1) The Correctional Service has a duty to prevent prisoner deaths due to unnatural causes.  
(2) The Commissioner shall establish effective reporting system for prisoner deaths and must provide all necessary assistance with any police investigation or magistrates inquiry.

Unauthorised absence of prisoner

Visits by medical officers

50. (1) A medical officer, nurse or nurses aide appointed under the Act, shall visit each correctional centre on a regular basis.  
(2) In addition to any other duties or responsibilities, all medical officers, nurses and nurses aides visiting correctional centres, shall inspect and report to the Commandant or Commissioner on -  
(a) the quantity, quality, preparation and service of food within the correctional centre;  
(b) the hygiene and cleanliness of the correctional centre and its prisoners;  
(c) the sanitation, lighting and ventilation of the correctional centre; and  
(d) the suitability and cleanliness of the prisoners clothing and bedding.

Prohibited punishment

(3) Any advice given by the medical officer, nurse or nurses aide in respect of subsection (2) shall be forwarded to the Minister responsible for the Safety at Work Act, who shall, if that Minister determines it is necessary or desirable, order an inspection to be carried out in accordance with that Act.

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(3) All proceedings shall be conducted according to the rules of natural justice, including the provision of interpreters, where necessary.

(4) Where any proceedings are determined and a penalty is imposed by a Senior Officer or Commandant, the prisoner may request the Commissioner to review the matter. The Commissioner may -

- (a) confirm the penalty;
- (b) dismiss the proceeding, or
- (c) impose an alternative penalty, not

exceeding those prescribed in subsection (1).

(5) No penalty shall permit a prisoner to impose punishment on any other prisoner, provided that nothing in this section prevents appropriate arrangements being made for prisoners to perform leadership or mentoring roles in relation to other prisoners.

#### Use of force

58. (1) Officers may not use force against any prisoner, except -

- (a) for self-defence or the defence of any person;
- (b) in the event of an escape, or attempted escape or unauthorised entry; or
- (c) when a prisoner resists any officer acting in the lawful discharge of his or her duty.

(2) Where the use of force is permitted an officer may not use more force than is necessary in the circumstances, and shall make a report of all relevant matters to the Commandant in accordance with Commissioner's Orders.

(3) Each officer shall be trained in relation to the use of force for the purpose of restraining aggressive prisoners, and for dealing with prisoners practising passive resistance.

### PART VIII WORK PROGRAMS AND ENTERPRISES

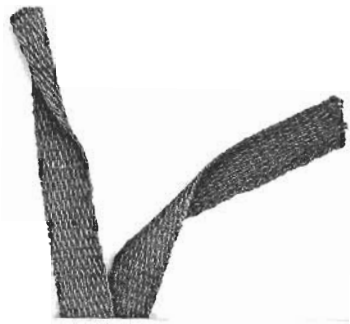
#### Development of skills

59. To the extent that it is reasonably practicable, all prisoners are to be given opportunities to develop personal and employment skills to assist their effective rehabilitation and reintegration into the community.

#### Approved correctional centre work

60. (1) All convicted prisoners may be required to undertake work, within or outside a correctional centre as prescribed by regulation or in accordance with Commissioners Orders, provided that -

- (a) consideration is given to the need to provide meaningful rehabilitation of prisoners;
- (b) there is an emphasis on vocational training;
- (c) the nature of the work preserves the human dignity of all prisoners and takes account of their religious



(d) a prisoner is not required to work for more than 8 hours each day, or for more than six days per week, and that due regard is given to the observance of public holidays and religious practices; and

Recreation and development

(e) the prisoner is medically fit to perform the particular work.

(2) Nothing in this section prevents remand prisoners from working at their request and with their consent.

Correctional Services Special Fund

Cleaning of facilities

61. All prisoners shall be required to keep their cells and rooms, common areas, kitchens, toilet and bathing facilities, furniture, clothing and utensils clean and in good repair.

Payment for work

62. (1) Regulations may prescribe entitlements to payment for work and may: -

(a) exempt certain categories of work, or all work, from payment;

(b) make provision for the payment of appropriate wages, taking account of the commercial return arising from the work undertaken; and

(c) provide a method of dealing with prisoners payment which allows for the purchase of personal requirements for prisoners and other arrangements for retaining prisoner's money for return to them upon release.

(2) Regulations prescribing remuneration for labour shall be regularly reviewed, at periods of not less than 5 years after the commencement date, to take account of the cost of living and the nature, quality and quantity of the work.

Cap. 120

Correctional centre enterprises

63. Regulations may be made to facilitate the establishment and management of correctional centre enterprises including -

(a) the setting of prices and charges for work or products on a commercial basis;

(b) the establishment and management of special funds to facilitate commercial enterprises; and

(c) any other matter that assists the establishment and maintenance of correctional centre enterprises and the meaningful participation of prisoners in them.

Money of Correction Services Special Fund

Purposes of expenditure of Correction Services Special Fund

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Recreation and development

Correctional Services Special Fund

Cap. 120

Money of Correctional Services Special Fund

Purposes for expenditure of Correctional Services Special Fund

64. Prisoners are to be encouraged to maintain their mental and physical health, to use leisure time constructively, and to develop positive social skills through a range of active and passive recreational activities.

65. (1) There is a Special Fund for operating, developing and maintaining work, programs and enterprises conducted under Part 8 of the Act to allow prisoners to develop personal and employment skills to assist their rehabilitation and reintegration into the community.

(2) The Special Fund -

(a) is a Special Fund within the meaning of section 100(2) and (3) of the Constitution; and

(b) shall be known as the Correctional Services Special Fund.

(3) The Correctional Services Special Fund shall be controlled and managed by the Permanent Secretary of the Department administering this Act.

(4) Subject to sections 66 and 67, the Minister responsible for administering the Public Finance and Audit Act shall give directions to the Permanent Secretary of the Department administering this Act for the control and management of the Correctional Services Special Fund.

(5) The Permanent Secretary shall comply with the Minister's directions.

66. (1) All revenue received from Correctional Services work, programs and enterprises shall be placed in the Correctional Services Special Fund and not paid into the Consolidated Fund.

(2) The Correctional Services Special Fund may receive money from other sources in accordance with section 21(1) of the Public Finance and Audit Act.

67. (1) The money held in the Correctional Services Special Fund may be expended only for purposes directly relating to developing, operating, maintaining and expanding work, programs and enterprises which develop personal and employment skills for prisoners to assist their rehabilitation and reintegration into the community.

(2) The purposes for which the money held in the Correctional Services Special Fund may be expended under subsection (1) include the following -

(a) development, maintenance and expansion of correctional services work, programs and enterprises including purchase and maintenance of plant, equipment, goods and services;

(b) providing payment for wages or fees to prisoners or other persons for work or training undertaken in relation to work, programs and enterprises;

(c) facilitating the provision of active and passive activities that may assist in maintaining and improving the physical and mental health of prisoners; and

(d) any purposes specified, in writing, by the Minister responsible for administering the Public Finance and Audit Act.

Application of  
Public Finance  
and Audit Act to  
Correctional  
Services Special  
Fund

68. (1) Sections 5(3) and 21(1) and (3) of the Public Finance and Audit Act apply, and have effect, to and in relation to the Correctional Services Special Fund as if the references in those provisions to Special Funds include a reference to the Correctional Services Special Fund.

(2) Section 38(1)(a)(v) and 2(a) of the Public Finance and Audit Act applies, and has effect, to require that the signed statements of account be prepared and transmitted to the Auditor-General in respect of the Correctional Services Special Fund.

#### PART IX

#### RELEASE OF PRISONERS

Early release  
programs

69. Early release programs may be established by regulation to allow prisoners to re-enter society by the performance of community work or paid employment, or enrolment in a course of education or instruction, or under approved supervision in the community prior to the expiration of their effective sentence.

Eligibility for  
early release

70. (1) In addition to any other requirements or pre-conditions imposed by regulations, prisoners shall meet the following minimum requirements to be eligible for early release under the following types of program -

(a) in relation to release under programs involving the performance of community work, supervision or paid employment -

- (i) the prisoner shall have a low security classification; and
- (ii) the prisoner has 12 months or less of his or her effective sentence to serve; or
- (iii) a prisoner with an effective sentence of 2 years or less shall have served at least half of their effective sentence;

(b) in relation to undertaking a course of education, instruction or supervision -

- (i) the prisoner shall have a low security classification
- (ii) the prisoner 12 months or less of his or her effective sentence to serve; and

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(iii) the prisoner has been accepted to undertake an appropriate course of education or instruction, or an approved supervisor has agreed to provide care and supervision.

(2) Schemes for the early release of prisoners may provide for the following matters by regulation -

- (a) any criteria, entitlements and conditions for service of sentences on early release programs;
- (b) the identification and approval of government, private, church and non-government agencies, companies and organisations to participate in early release programs;
- (c) reporting or other requirements applying to agencies, companies and organisations participating in the programs, and the effective supervision of such schemes;
- (d) the conditions and requirements to be followed by prisoners participating in early release programs;
- (e) any other matter that may assist the rehabilitation of prisoners and facilitate their re-integration into the community; and
- (f) the early release of prisoners on medical or humanitarian grounds.

Short term  
release.

71. (1) Provision may be made by regulation for short term release of prisoners, from a correctional centre including -

- (a) weekend release;
- (b) work release;
- (c) release to attend a course of instruction;
- (d) release into the care and supervision of traditional elders or other community leaders; and
- (e) any other short term release which may assist in the rehabilitation of a prisoner or facilitate the prisoners return to their family, village or community.

(2) Commissioners orders may also make provision in relation to early release, provided that any such order is consistent with the regulations.

Discharge of  
prisoners

72. (1) Every Commandant shall be responsible for ensuring that a prisoner is discharged -

- (a) at the end of their effective sentence;
- (b) in accordance with the order of any court;
- (c) into the custody of any person having lawful authority over the prisoner in accordance with a law applying in Solomon Islands; or
- (d) in accordance with any decision made by a lawful authority authorising a prisoner to be released on parole or under lawful supervision in the community.



(2) Any period where a prisoner has been absent without authorisation shall not count as time served in calculating the discharge date of a prisoner.

(3) The Commissioner may determine any doubt or dispute as to the date of discharge, or the lawful authority of any person into whose custody a prisoner is to be released.

(4) The Commissioner may refer any matter under subsection (3) for determination by the Attorney General.

#### Parole Board

73. (1) The Minister may establish, by notice published in the Gazette a Parole Board.

(2) The Minister may appoint the following persons to the Parole Board -

(a) a retired Judge, or legal practitioner qualified for appointment as a Judge, as the Chairperson;

(b) a registered medical practitioner who has qualifications, knowledge or experience in treating persons with a mental illness;

(c) a person who has experience in areas relating to the supervision and support of prisoners after their discharge from lawful custody; and

(d) a person who has qualifications, knowledge or experience in the management or rehabilitation of offenders, including experience and knowledge of issues relevant to young prisoners, women prisoners or prisoners with a disability, if the Board is considering matters relating to such prisoners.

(3) A member of the Parole Board -

(a) may be appointed or re-appointed for a term not exceeding 3 years;

(b) may resign by giving not less than 30 days notice to the Minister; and

(c) is entitled to sitting allowances prescribed in the regulations.

(4) The Parole Board may determine its own procedures subject to any matters prescribed by regulation.

(5) The functions of the Parole Board are to make recommendations to the Minister relating to -

(a) the release on licence of any person serving a sentence, including a sentence for life, or to order the return to the correctional centre of any person who has been released on licence;

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- (b) the conditions to apply to any release on licence, including a variation or cancellation of any conditions;
- (c) any other matter referred to it by the Minister relating to the release on licence or the return of persons previously released; and
- (d) any other matter prescribed by regulation.
- (6) Nothing in this Part prevents the Minister from exercising the power to release prisoners on licence as provided for by regulation or under any other Act or law.

Support for  
prisoners after  
release

74. The Commissioner may make orders for the provision of appropriate activities, care and support services for prisoners who have been discharged or released.

#### PART X

#### MISCELLANEOUS AND SUBSIDIARY LEGISLATION

Regulations and  
Commissioners  
Orders

75. (1) The Minister may make regulations in relation to all matters that are required or permitted under this Act or are necessary, or convenient to be prescribed, for giving effect to the purposes of this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations providing for the following matters -

- (a) the qualifications, appointment, discharge and duties of officers and employees of the Correctional Service;
- (b) the management, administration and maintenance of the safety, security and good governance of the Correctional Service and correctional centres;
- (c) offences and penalties applying to officers and prisoners;
- (d) rights of prisoners while in custody, including matters related to:-
- (i) visits from friends, relatives and other prescribed persons;
- (ii) communications by post, or other prescribed means;
- (iii) procedures for complaint and representation to correctional centre authorities, the Ombudsman and other authorities; and
- (iv) exercise and recreation;





- (e) the qualifications, duties and functions of medical officers, nurses, nurses aides, visiting justices and committees, and other persons authorised to undertake official correctional centre visits, including the payment of allowances and the reimbursement of expenses;
- (f) the admission and classification of prisoners, including procedures applying to the detention or transfer of persons;
- (g) interviews of prisoners by police officers in course of their investigations, including arrangements for taking prisoners to crime scenes and their participation in identification processes;
- (h) the transfer or transport of prisoners and the responsibilities of officers and other persons in relation to the security of prisoners being transferred or transported;
- (i) separation of prisoners, and the review of prisoners under separation;
- (j) the keeping of medical records;
- (k) early release and other appropriate arrangements for the rehabilitation of prisoners;
- (l) providing support for prisoners after their release, including arrangements with relevant government and other agencies, religious bodies and community based groups;
- (m) the provision of medical and other services within correctional centres including arrangements for dealing with infectious diseases;
- (n) arrangements for female prisoners and their children consistent with the rights and obligations of international conventions and recognised standards, including the rights of women to feed and care for their infant children whilst in a correctional centre;
- (o) the establishment and administration of correctional centre enterprises and training programs;
- (p) remand prisoners, including procedures applying to the periodic review of orders for the detention of any person made under any law;
- (q) reporting, investigating and otherwise dealing with the death of prisoners;
- (r) procedures for correctional centre visits and dealing with matters relating to the taking of property into correctional centres;
- (s) offences for breach of any regulation, which may provide for penalties of fines not exceeding \$100 or imprisonment for a term not exceeding 3 months, or for both;
- (t) criteria for determining, increasing, or forfeiting remission;

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Cap 111

- (u) criteria and procedures for classifying prisoners; and
- (v) procedures for appeals against decisions relating to remission.

(2) The Minister may determine that any of the matters in subsection (1) be made by Commissioners Orders and may:-

- (a) commence on the date nominated by the Commissioner for each Order;
- (b) regulate any aspect of Correctional Services or correctional centre administration and management; and
- (c) be circulated to all Commandants, and must be brought to the attention of all officers.

76. For the avoidance of doubt it is hereby declared that the provisions of sections 7, 31, 32 and 36 are intended to give guidance in the administration of this Act and do not create, or confer on any person, any right or entitlement enforceable at law.

77. (1) The Prisons Act is hereby repealed.  
(2) For the purpose of ensuring a smooth transition from a Prison Service to the new Correctional Service, the Minister may extend the application of any regulation or Orders made under the repealed Act for such term and with such modifications or adaptations as may be necessary by notice published in the Gazette.

- (3) From and after the coming into operation of this Act -
  - (a) current appointments of officers, including the Commissioner;
  - (b) the terms and conditions of employment applying to officers and employees;
  - (c) the duties assigned to any officer;
  - (d) disciplinary proceedings taken against officers or prisoners, and punishments imposed under such proceedings;
  - (e) the exercise of any power;
  - (f) the admission, classification, early release and discharge of any prisoner;
  - (g) the calculation and application of any remission of sentence;
  - (h) the implementation of any scheme for correctional centre labour or rehabilitation and training undertaken; and



(i) the commencement of any criminal prosecution for an offence,

under the repealed Act will continue to be valid and shall have full force and application until affected by the exercise of any authority under this Act and, where appropriate shall be deemed to have been made or taken under this Act.

Amendments to  
the Penal Code  
Cap 26

78. The Penal Code is hereby amended by -

- (a) inserting in section 54(a) after “any police officer” the words “or any correctional services officer”;
- (b) inserting in section 55 after “any police officer” the words “or any correctional services officer”;
- (c) inserting in section 56 after “any police officer” the words “or any correctional services officer”;
- (d) deleting in section 126 the comma that appears at the end of subparagraph (c) and substituting a semicolon, and inserting the word “or ” after the semicolon; and
- (e) adding new subparagraph (d) after the word “or” so inserted -

“ (d) being a prisoner, escapes or attempts to escape from any correctional centre or from lawful custody,”.