

REPRINT

CORRECTIONAL SERVICE ACT 2007

As in force at: 10 June 2010

STATUS:	HISTORICAL
----------------	-------------------

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes
--

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

CORRECTIONAL SERVICE ACT 2007

Table of provisions

PART I	PRELIMINARY.....	1
1	Short title and commencement	1
2	Interpretation	1
3	Purpose and objects of this Act	3
PART II	CORRECTIONAL SERVICE OF SOLOMON ISLANDS.....	3
4	Establishment of Correctional Service	3
5	Establishment of correctional centres	3
6	Commissioner of Correctional Service	4
7	Commissioner's responsibilities	5
8	Inspections by or on behalf of the Commissioner	6
PART III	ADMINISTRATION.....	7
9	Appointment of Commandants	7
10	Officers and employees of the Correctional Service	7
11	Use of police officers as correctional services officers	8
12	Conditions of employment of officers	8
13	Obligations of officers	9
14	Powers, protections and privileges of officers	10
15	Officer protection from personal liability	11
16	Offence proceedings	11
17	Offences by correctional services officers	11
18	Harbouring	11
19	Possession of Correctional Services equipment	12
20	Prohibited articles	12
21	Searches	12
22	Submission to searches by visitors	13
23	Random searches	14
24	Disciplining officers	14
25	Correctional services officers associations	15

PART IV VISITS AND INSPECTIONS..... 15

26	Visits by Judges, Commissioners of the High Court, Magistrates and the Ombudsman	15
27	Appointment of visiting justice	16
28	Duties of visiting justices	16
29	Appointment of official visitors	16
30	Visits by religious representatives, traditional elders and respected persons	17

PART V ADMISSION AND MANAGEMENT OF PRISONERS..... 18

31	Objectives of correctional centre security	18
32	Least restrictive conditions	18
33	Lawful detention	18
34	Admission of prisoners	20
35	Information to be provided	20
36	Objectives in classifying prisoners	21
37	Initial classification and remission	22
38	Further remission	22
39	Obligations of Prisoners	22
40	Rights of Prisoners	23
41	Transport of prisoners	24

PART VI MEDICAL TREATMENT AND HEALTH SERVICES..... 25

42	Appointment of medical officers	25
43	Standard of treatment	25
44	Treatment by medical officers	25
45	Access to other medical and related services	26
46	Medical records	26
47	Infectious diseases	26
48	Review of prison sentence for health reasons	27
49	Prisoner deaths	27
50	Visits by medical officers	27

PART VII DISCIPLINE, SECURITY AND OFFENCES28

51	Correctional centre offences	28
52	Unauthorised absence of prisoner	28
53	Prohibited punishment	28

54	Use of Instruments of Restraint	29
55	Provision of protective equipment to officers	29
56	Hearings for correctional centres offences	30
57	Procedures and penalties	30
58	Use of force	31

PART VIII WORK PROGRAMS AND ENTERPRISES.31

59	Development of skills	31
60	Approved correctional centre work	32
61	Cleaning of facilities	32
62	Payment for work	32
63	Correctional centre enterprises	33
64	Recreation and development	33
65	Correctional Services Special Fund	33
66	Money of Correctional Services Special Fund	34
67	Purposes for expenditure of Correctional Services Special Fund	34
68	Application of Public Finance and Audit Act to Correctional Services Special Fund	35

PART IX RELEASE OF PRISONERS..... 35

69	Early release programs	35
70	Eligibility for early release	35
71	Short term release	37
72	Discharge of prisoners	37
73	Parole Board	38
74	Support for prisoners after release	39
74A	Transfer of prisoners	39

PART X MISCELLANEOUS AND SUBSIDIARY LEGISLATION..... 40

75	Regulations and Commissioners Orders	40
76	Administrative guidance	43
77	Transitional arrangements, consequential amendments and savings	43
78	Amendments to the Penal Code (Cap. 26)	44

CORRECTIONAL SERVICE ACT 2007

As in force at: 10 June 2010

PART I PRELIMINARY

1 Short title and commencement

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

2 Interpretation

In this Act:

“Commandant” means a Commandant of a correctional centre mentioned in section 9;

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

“Commissioner” means the Commissioner of Correctional Services mentioned in section 6;

“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 Service” means the Correctional Service of Solomon Islands established by section 4;

“correctional services officer” means a person appointed as such under section 123 of the *Constitution*;

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

this 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 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.

3 Purpose and objects of this Act

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.

PART II CORRECTIONAL SERVICE OF SOLOMON ISLANDS

4 Establishment of Correctional Service

The Solomon Islands Prisons Service established under section 4 of the Prisons Act shall continue by virtue of this section, but shall be known as the Correctional Service of Solomon Islands when this Act commences.

5 Establishment of correctional centres

- (1) The Minister may, by order, declare any land, building, property, vessel or vehicle, or part thereof to be a correctional centre.
- (2) Any place previously designated or used as a prison under the *Prisons Act* becomes a correctional centre when this Act commences.

- (3) The Minister shall determine by notice in the *Gazette*, the nominal holding capacity of each correctional centre, or any section of a correctional centre.
- (4) The Commissioner may, after consulting the Minister, make arrangements for keeping prisoners in a temporary correctional centre if:
 - (a) the number of prisoners in any correctional centre is greater than the nominal holding capacity for that correctional centre; or
 - (b) there is a situation at any correctional centre which constitutes a health or safety risk to officers, prisoners, visitors or the community; or
 - (c) there are special circumstances which, in the opinion of the Commissioner, make it necessary to establish a temporary correctional centre for the security or good governance of any other correctional centre.

6 Commissioner of Correctional Service

- (1) There shall be a Commissioner of Correctional Service appointed in accordance with section 123(1) of the *Constitution*.
- (2) The Commissioner shall by order:
 - (a) provide for the administrative command and direction of all correctional services officers in accordance with the provisions of this Act;
 - (b) make orders for the safety, security and good governance of the correctional service and correctional centres;
 - (c) maintain control of all prisoners and allocate them to appropriate correctional centres;
 - (d) designate the classification, purpose and function of any correctional centre or part of a correctional centre;
 - (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.
- (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.

7 Commissioner's responsibilities

The Commissioner, in addition to any other functions conferred under this Act or any other written law, 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
- (l) to ensure, to the extent practicable, that prisoners are provided with facilities, programs and services designed to encourage rehabilitation and discourage offending.

8 Inspections by or on behalf of the Commissioner

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

9 Appointment of Commandants

- (1) There shall be a Commandant, appointed in accordance with section 123(1) of the *Constitution*, for each correctional centre.
- (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 this Act.

10 Officers and employees of the Correctional Service

- (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.
- (6) All officers and employees of the Correctional Service shall act under the direction of the Commissioner, the Commandant and their senior

officers in the discharge of their functions, powers and duties under this Act and any other written law.

11 Use of police officers as correctional services officers

When a prisoner is transferred from any correctional 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 this Act.

12 Conditions of employment of officers

- (1) Subject to sections 123 and 137 of the *Constitution*, officers shall be appointed to the Correctional Service in accordance with the conditions of employment prescribed in the regulations.
- (2) Subject to section 137 of the *Constitution*, the Minister may make regulations in respect of:
 - (a) procedures for appointment and promotion;
 - (b) qualifications for appointment and promotion;
 - (c) subject to section 123 of the *Constitution* 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.
- (3) If no regulations are made under section 137 of the *Constitution*, the Police and Prisons Service Commission may rely on any regulations made under this section to regulate and facilitate its functions under sections 123 and 124 of the *Constitution*.

13 Obligations of officers

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;
- (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 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 Commandant, is likely to compromise the security or good governance of the correctional centre.

14 Powers, protections and privileges of officers

- (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 this Act or regulations; or
 - (iii) gives a false name and address in the circumstances stated in sub-paragraph (ii); and
 - (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.

- (2) Every officer shall have the powers, protections and privileges of a police officer when:

- (a) conveying any prisoner to or from any correctional centre; or
- (b) apprehending any person who may have escaped.

15 Officer protection from personal liability

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.

16 Offence proceedings

The Commissioner may make orders for correctional centre offences to be dealt with by effective, just, fair, consistent and timely procedures.

17 Offences by correctional services officers

- (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 5,000 penalty units or to a term of imprisonment not exceeding 6 months, or to both.
- (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.

18 Harbours

- (1) 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 20,000 penalty units or to a term of imprisonment not exceeding 2 years, or to both.

19 Possession of Correctional Services equipment

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 20,000 penalty units or to a term of imprisonment not exceeding 2 years, or to both.

20 Prohibited articles

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 fine not exceeding 5,000 penalty units or to a term of imprisonment not exceeding 6 months, or to both.

21 Searches

- (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.

22 Submission to searches by visitors

- (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 of any prohibited article 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 his or her consent, and may not be prohibited from entry for refusal to undergo a search

within the meaning of subsection (2)(a) or (c).

23 Random searches

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.

24 Disciplining officers

- (1) Subject to sections 124, 125 and 137 of the *Constitution*, disciplinary offences applying to all officers are those prescribed in this Act, regulations or Commissioners Orders.
- (2) Subject to sections 124 and 125 of the *Constitution*, 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) subject to section 124(3) of the *Constitution*, the delegation of the power of the Commissioner to 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;
 - (f) the provision of training, managerial guidance, counselling or mentoring as a means of dealing with a breach of discipline; and
 - (g) subject to sections 125 and 137 of the *Constitution*, 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.
- (5) If no regulations are made under section 137 of the *Constitution*, the Police and Prisons Service Commission may rely on disciplinary functions in respect of senior officers under section 124 of the *Constitution*.

25 Correctional services officers associations

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

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 Appointment of visiting justice

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.

28 Duties of visiting justices

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

29 Appointment of official visitors

- (1) The Permanent Secretary may appoint, for any correctional centre in Solomon Islands, a visiting committee consisting of persons 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.

30 Visits by religious representatives, traditional elders and respected persons

- (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.
- (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 Objectives of correctional centre security

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 Least restrictive conditions

- (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.

33 Lawful detention

- (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;
 - (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 Admission of prisoners

- (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.

35 Information to be provided

- (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.

36 Objectives in classifying prisoners

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.

37 Initial classification and remission

- (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.

38 Further remission

- (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.

39 Obligations of Prisoners

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 Rights of Prisoners

- (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.

41 Transport of prisoners

- (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.

PART VI MEDICAL TREATMENT AND HEALTH SERVICES

42 Appointment of medical officers

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

43 Standard of treatment

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.

44 Treatment by medical officers

- (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.

45 Access to other medical and related services

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.

46 Medical records

- (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 his or her 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.

47 Infectious diseases

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.

48 Review of prison sentence for health reasons

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 his or her 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.

49 Prisoner deaths

- (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 shall provide all necessary assistance with any police investigation or magistrates inquiry.

50 Visits by medical officers

- (1) A medical officer, nurse or nurses aide appointed under this 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.
- (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.

PART VII DISCIPLINE, SECURITY AND OFFENCES

51 Correctional centre offences

- (1) Correctional centre offences by prisoners shall be:
 - (a) prescribed by regulations;
 - (b) displayed in writing in Pijin and English at all correctional centres at a place or places where prisoners have access; and
 - (c) in the case of a prisoner who does not read or understand written English or Pijin, the regulations shall be brought to the attention of the prisoner in a language the prisoner can understand.
- (2) When a prisoner is charged with a correctional centre offence, criminal proceedings may also be taken against the prisoner arising from the same circumstances. The court may take into account any penalty imposed under this Act, when sentencing a prisoner for the criminal offence.

52 Unauthorised absence of prisoner

Any unauthorised absence from a correctional centre shall not count as time served in relation to the sentence. Early discharge from a correctional centre unless properly authorised under this Act or some other law does not provide a suspension of sentence.

53 Prohibited punishment

No prisoner may be subjected, by way of punishment, to:

- (a) corporal punishment in any form;
- (b) the use of instruments of restraint;
- (c) withdrawal of basic food rations or basic toiletry supplies; or
- (d) denial of visitation rights or the right to communicate with friends, family, or the prisoner's chaplain or religious representative.

54 Use of Instruments of Restraint

- (1) Chains and irons to restrain prisoners shall not be used in any circumstances.
- (2) No instrument of restraint may be used as a punishment.
- (3) Instruments of restraint may only be used as a precaution against escape during the transfer of a prisoner, or upon the order of the Commandant if other means of controlling a prisoner have failed.
- (4) A strait jacket may only be used on medical grounds, and the authority of a Medical Officer shall be obtained before its use, or as soon as is reasonably practicable after it has been applied.
- (5) Instruments of restraint may only be used for the minimum time necessary and the following requirements shall apply to their use:
 - (a) they shall not be applied in such a way as to cause unnecessary pain to the prisoner; and
 - (b) they shall be applied in a manner which preserves the dignity of the prisoner as far as is practicable.

55 Provision of protective equipment to officers

- (1) Protective equipment may only be issued to officers upon the order of the Commissioner or a senior officer or Commandant, and may only be used for the purpose of preventing:
 - (a) any escape or attempted escape, if the use of protective equipment is the only means of preventing the escape;
 - (b) any combined break-in or outbreak or any attempt to barricade or to force or break open any door, gate, enclosure, wall or fence of a correctional centre, if the use of protective equipment is the only means of preventing such actions; or
 - (c) any violence to a Correctional Services officer or other person, if the officer or person is in danger of bodily harm.
- (2) Warnings shall be given before protective equipment is used.

- (3) No officer shall be issued with protective equipment unless that officer has undertaken a course of training in relation to its use.

56 Hearings for correctional centres offences

Hearings and determinations in proceedings against prisoners in relation to correctional centre offences may be conducted by the following persons:

- (a) a senior officer or Commandant; and
- (b) a Magistrate; or
- (c) a tribunal established and empowered by regulation.

57 Procedures and penalties

- (1) The following limitations apply to the penalties that may be imposed by a Senior Officer or a Commandant:
 - (a) forfeiture of remission of sentence for a period not exceeding 90 days;
 - (b) deprivation of earnings, or part thereof, for a period not exceeding 60 days;
 - (c) forfeiture of privileges for a period not exceeding 60 days; or
 - (d) separation for a period not exceeding 28 days.
- (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.

58 Use of force

- (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 Commissioners 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

59 Development of skills

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.

60 Approved correctional centre work

- (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 observances and practices;
 - (d) prisoners are 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
 - (e) prisoners are medically fit to perform the particular work.
- (2) Nothing in this section prevents remand prisoners from working at their request and with their consent.

61 Cleaning of facilities

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.

62 Payment for work

- (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.

63 Correctional centre enterprises

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.

64 Recreation and development

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 Correctional Services Special Fund

- (1) There shall be established a Special Fund for operating, developing and maintaining work, programs and enterprises conducted under Part VIII 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 Money of Correctional Services Special Fund

- (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 Purposes for expenditure of Correctional Services Special Fund

- (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*.

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

- (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

69 Early release programs

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.

70 Eligibility for early release

- (1) In addition to any other requirements or pre-conditions imposed by regulations, a prisoner 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 his or her 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 has 12 months or less of his or her effective sentence to serve; and
 - (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.

71 Short term release

- (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.

72 Discharge of prisoners

- (1) Every Commandant shall be responsible for ensuring that a prisoner is discharged:
- (a) at the end of his or her 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.

73 Parole Board

- (1) There shall be established a Parole Board consisting of the members set out under subsection (2).
- (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 by 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;

- (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.

74 Support for prisoners after release

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

74A Transfer of prisoners

- (1) If a foreigner is serving a term of imprisonment of 3 months or more, the foreigner may apply in writing to the Minister to be transferred to his country of citizenship or residence.
- (2) The request made by the foreigner must include a written consent from the relevant government authority of his country of citizenship or residence accepting the transfer.
- (3) If the Minister is satisfied with the request made by the foreigner, the Minister shall enter into a written agreement with the relevant government authority of the foreigner's country of citizenship or residence to effect the transfer.
- (4) When the agreement under subsection (3) is signed by both parties, the Commissioner shall apply to a judge of the High Court sitting in chambers for an order for the transfer of the foreigner.
- (5) An order made under subsection (4) shall state:

- (a) the offence committed;
 - (b) the sentence imposed;
 - (c) the balance of the sentence to be served;
 - (d) the arrangement for custody of the foreigner while in transit or transfer; and
 - (e) any other matter the court thinks fit to state in the order.
- (6) The transfer of the foreigner shall not be effected unless proper arrangements have been made for correctional officers, prison officers or police officers of Solomon Islands or the receiving country to accompany and deliver the foreigner to his country's prison institution or to the custody of government enforcement officers.
- (7) The cost of transferring (including the return cost and expenses of any accompanying correctional officer) shall be paid by the prisoner.

PART X MISCELLANEOUS AND SUBSIDIARY LEGISLATION

75 Regulations and Commissioners Orders

- (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 penalty units or imprisonment for a term not exceeding 3 months, or for both;
 - (t) criteria for determining, increasing, or forfeiting remission;
 - (u) criteria and procedures for classifying prisoners; and
 - (v) procedures for appeals against decisions relating to remission.
- (3) 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 Service or correctional centre administration and management; and
 - (c) be circulated to all Commandants, and must be brought to the attention of all officers.

76 Administrative guidance

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 Transitional arrangements, consequential amendments and savings

- (1) The *Prisons Act* is hereby repealed.
- (2) For the purpose of ensuring a smooth transition from a Prisons 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.

- (4) A reference in the *Constitution* and in any other written law to “Superintendent of Prisons”, “an Inspector of Prisons”, “prison officer” or “such other ranks” mentioned in section 6(3) of the *Prisons Act* (Cap. 111) shall be a reference to “Commissioner”, “Commandant”, “Senior officer”, “correctional services officer” or the equivalent rank in the Correctional Service of Solomon Islands.
- (5) A reference in the *Constitution* and in any other written law to “Prisons Service” shall be a reference to the “Correctional Service of Solomon Islands” or “Correctional Service”.
- (6) A reference in the *Constitution* and in any other written law to “prison” shall be a reference to “correctional centre”.

78 Amendments to the Penal Code (Cap. 26)

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,”.

ENDNOTES

1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Correctional Services Act 2007 (No. 8 of 2007)

Assent date	27 August 2007
Gazetted	31 August 2007
Commenced	1 April 2008

Correctional Services (Amendment) Act 2008 (No. 6 of 2008)

Assent date	2 October 2008
Gazetted	3 October 2008
Commenced	1 April 2008

Criminal Procedure Code (Amendment) Act 2009 (No. 18 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

Rectification Order 2010 (LN 44 of 2010)

Gazetted	10 June 2010
Commenced	10 June 2010

3 LIST OF AMENDMENTS

st	amd by LN 44 of 2010
s 2	amd by Act No. 6 of 2008
s 4	sub by Act No. 6 of 2008; amd by LN 44 of 2010
s 5	amd by Act No. 6 of 2008
s 6	amd by Act No. 6 of 2008; LN 44 of 2010
s 7	amd by Act No. 6 of 2008
s 8	amd by Act No. 6 of 2008
s 9	amd by Act No. 6 of 2008
s 10	amd by Act No. 6 of 2008

s 11	amd by Act No. 6 of 2008
s 12	amd by Act No. 6 of 2008
s 14	amd by Act No. 6 of 2008
s 17	amd by Act No. 14 of 2009
s 18	amd by Act No. 14 of 2009
s 19	amd by Act No. 14 of 2009
s 20	amd by Act No. 14 of 2009; LN 44 of 2010
s 22	amd by Act No. 6 of 2008; LN 44 of 2010
s 24	amd by Act No. 6 of 2008
s 28	amd by LN 44 of 2010
s 29	amd by Act No. 6 of 2008
s 46	amd by LN 44 of 2010
s 48	amd by LN 44 of 2010
s 49	amd by LN 44 of 2010
s 50	amd by Act No. 6 of 2008
s 55	amd by LN 44 of 2010
s 58	amd by LN 44 of 2010
s 60	amd by LN 44 of 2010
s 65	amd by Act No. 6 of 2008
s 70	amd by LN 44 of 2010
s 72	amd by LN 44 of 2010
s 73	amd by Act No. 6 of 2008; LN 44 of 2010
s 74A	ins by Act No. 6 of 2008
s 75	amd by Act No. 14 of 2009; LN 44 of 2010
s 77	amd by Act No. 6 of 2008; LN 44 of 2010