

FIJI ISLANDS

PRISONS AND CORRECTIONS ACT 2006

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ACT NO. 2 OF 2006

[L.S.]

I assent

J.I. ULUIVUDA
President

[22nd March 2006]

AN ACT

TO REPEAL THE PRISONS ACT AND TO MAKE COMPREHENSIVE PROVISION FOR THE ADMINISTRATION OF PRISONS WITH APPROPRIATE EMPHASIS ON PROVIDING CORRECTIVE SERVICES AND APPLYING ALL HUMAN RIGHTS OBLIGATIONS AND STANDARDS, AND FOR RELATED MATTERS

ENACTED by the Parliament of the Fiji Islands -

PART 1 - PRELIMINARY

Short title and commencement

- 1.-(1) This Act may be cited as the Prisons and Corrections Act 2006.
- (2) This Act comes into force on a date appointed by the Minister, by notice in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires-

"arms" includes ammunition;

"CEDAW" means the United Nations Convention on the Elimination of all Forms of Discrimination Against Women;

"civil prisoner" means a prisoner ordered to serve a term of imprisonment for failing to pay a debt;

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

"Commissioner" means the Commissioner of Prisons holding office from time to time under section 5, and includes any officer lawfully acting in that position;

"Commissioners Orders" includes Orders made by the Commissioner under this Act of general application to all prisons in Fiji, or which apply local operating procedures to any prison;

"competent authority" means an authority authorised under this Act or any other written law to release prisoners on parole;

"convicted prisoner" means a prisoner who has been convicted by a court and sentenced to a term of imprisonment, whether or not there is an appeal pending in relation to the conviction;

"CRC" means the United Nations Convention on the Rights of the Child;

"Divisional Supervisor" means an officer appointed as Divisional Supervisor under section 13, and includes any officer acting in that position;

"effective sentence" means the term of imprisonment that a prisoner is to serve, after taking into account remission as provided by section 28;

"Human Rights Commission" means the Human Rights Commission established under section 42 of the Constitution;

"judicial officer" means a judge or magistrate;

"judge" means the Chief Justice or a judge of the High Court appointed under the Constitution;

"Magistrate" means a magistrate appointed under section 133 of the Constitution;

"officer" and "prisons officer" mean an officer of the Prisons Service appointed and holding office in accordance with this Act;

"officer in charge" means an officer appointed to be in charge of a prison under section 13, and includes any officer acting in that position;

"prison" means any prison or temporary prison established under section 12, and any other building or place deemed to be a prison under this Act or any other written law;

"prisoner" means all prisoners incarcerated in a Fiji prison, including unconvicted prisoners and civil prisoners;

"Prisons Service" means the Fiji Prisons Service continued under section 4 as the Fiji Prisons and Corrections service;

"prohibited article" means any article, item, foodstuff or thing prescribed by the Regulations or Commissioner Orders as being an item that may not be brought into, or removed from, a prison by any person other than an officer;

"repealed Act" means the Prisons Act (Cap. 86) and the subsidiary legislation made under it;

"senior officer" means an officer of the Prisons Service of a rank determined from time to time by the Commissioner, with the approval of the Discipline Services Commission;

"young prisoner" includes all prisoners of 18 years or less, and where it is thought that some particular risk may be present, may include any prisoner who has not attained the age of 21 years.

Guiding principles

3. When interpreting or applying any provision of this Act, and when exercising any prescribed power, duty or function, all persons shall -

(a) ensure that full regard is had to the recognized international standards and obligations relating to the treatment of prisoners (and in particular those stated in the international Conventions recognized in section 43(2) of the Constitution and in The Standard Minimum Rules for the Treatment of Prisoners adopted at Geneva in 1955), and that these standards are applied to the fullest extent possible;

(b) apply to the fullest extent possible the rights and obligations of CEDAW and CRC in the administration of Fiji's prisons and the treatment of prisoners;

(c) apply the accepted practices and standards identified in the context of HIV/AIDS, and in particular the International Minimum Standards on HIV/AIDS and Human Rights;

(d) maintain discipline and order with fairness but firmness, and with no more restriction than is required for safe custody and to ensure a well-ordered community life;

(e) facilitate the shift of underlying philosophy from the containment of prisoners to the provision of effective and appropriate corrective services;

(f) at all times in treating convicted prisoners, encourage their self-respect and a sense of personal responsibility so as to re-build their morale and to inculcate in them habits of good citizenship and hard work with a view to them leading a good and useful life after their discharge;

(g) when controlling prisoners, prison officers shall seek to influence them through their own example and leadership so as to enlist their willing co-operation:

(h) ensure that prisoners who are infected with HIV/AIDS or suffering any serious illness or any disability are treated in a manner which takes into account their basic rights and special needs.

PART 2 - FIJI PRISONS SERVICE

Establishment of the Fiji Prisons Service

4. The Fiji Prisons Service established under the Prisons Act (Cap. 86) is hereby preserved and continued but to be known after this section comes into force as the Fiji Prisons and Corrections Service and shall be administered in accordance with the provisions of this Act.

Commissioner of Prisons

5.-(1) The Head of the Fiji Prisons and Corrections Service shall be the Commissioner of Prisons, who shall -

(a) subject to the orders and directions of the Minister, have the administrative command and direction of all officers of the Prisons Service in accordance with the provisions of this Act;

(b) for the purpose of exercising any of the powers provided for by this Act, have the power to make Orders for observance by Prisons Officers and prisoners, which shall be known as "Commissioners Orders";

(c) have the control of all prisoners and may allocate them to such prisons as he or she sees fit;

(d) have the power to designate, from time to time, the classification, purpose and function of any prison; and

(e) have the power to make delegations of the Commissioner's authority to any officer by written instrument of delegation.

(2) Notwithstanding the provision of any other law, the Commissioner shall have the power to make any decision, give any directive and do any act or thing to ensure the security and good governance of any prison, including the power -

(a) to require that any person purporting to exercise any lawful power of inspection or entry in a prison, first comply with any direction related to prison security and management; and

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

Other officers and employees of the Prisons Service

6.-(1) The officers of the Prisons Service 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 Prisons Service at the commencement date shall continue to apply.

(2) The ranks designated under subsection (1) may classify officers as prisons officers or corrections officers, and may use any other appropriate classification.

(3) Other employees of the Prisons Service shall 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.

(4) All persons who at the commencement date are officers and employees of the Fiji Prisons Service shall continue to hold their office and to remain in their employment in the Prisons Service, and shall be subject to the provisions of this Act.

(5) All officers and employees of the Prisons Service shall act under the direction of the Commissioner and their superior officers in the discharge of their lawful functions, powers and duties.

Appointment and promotion of officers

7. Officers shall be appointed to the Prisons Service and shall hold office in the Prisons Service, in accordance with procedures prescribed by Regulations and conditions of employment approved by the Disciplined Services Commission, which shall make provision, inter alia, for -

(a) the procedures applying to the appointment and promotion of officers;

(b) the qualifications for appointment and promotion;

(c) the delegation of appropriate powers to the Commissioner in accordance with section 154(2) of the Constitution;

- (d) the powers of the Commissioner to employ temporary officers where
- (i) the number of subordinate officers in any prison is insufficient to secure its good management and security; or
 - (ii) there is no or no sufficient female officers in a prison where female prisoners are confined;
- (e) the taking of oaths by officers;
- (f) any probation period to be served;
- (g) the period of service, and retirement ages of officers;
- (h) the provision of appropriate training, and any requirements applying to officers to undertake training courses and programmes;
- (i) the circumstances in which an officer may be discharged from duty, and the procedures for giving effect to the discharge of the officer from the Prisons Service, which shall take into account the requirements of natural justice; and
- (j) the recognition of the constitutional rights of equality of all persons and the requirements of section 140 of the Constitution, in relation to the appointment processes, opportunities for advancement and training, and the allocation of roles and responsibilities within the Prisons Service.

General obligations of officers

8. The following obligations shall apply to all prisons officers -

- (a) no officer may resign without the approval of the Commissioner;
- (b) an officer shall continue to hold office if the period of his or her appointment expires during a state of war or a period of emergency, if required to do so by the Commissioner;
- (c) every officer may at any time be detailed for duty in any part of Fiji, and shall be subject to being recalled to duty during times when he or she is not rostered on duty at any prison;
- (d) no officer may engage in any employment or business venture, or hold any office outside of the Prisons Service, except in accordance with any determination of the Disciplined Services Commission, or as approved by the Commissioner;
- (e) no officer may receive any fee or gratuity from any prisoner, or prison visitor, or any person who is an ex-prisoner or a friend of a prisoner; and

(f) no officer may have any business dealings with a prisoner, or have any other relationship with a prisoner which may compromise the security or good governance of the prison.

Powers, protections and privileges of officers

9.-(1) Every officer of the Prisons Service shall, in addition to the powers conferred by this Act-

(a) exercise such powers and perform such duties as may be prescribed in the Regulations and Commissioners Orders;

(b) obey all lawful directions which are given from time to time by a superior officer, and for this purpose may do any act or thing directed or authorised by the superior officer;

(c) have the power to examine and search anything being brought into a prison;

(d) if reasonably suspecting that a prohibited article is being brought into a prison, have the power to stop and search a person upon entering a prison;

(e) have the power to seize any prohibited article that has been brought into a prison, and shall deal with any such article in the prescribed manner;

(f) have the power to arrest without a warrant and to deliver to the custody of a police officer, any person -

(i) who commits, or attempts to commit an offence against this Act;

(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 against this Act; or

(iii) gives a false name and address in the circumstances stated in sub-paragraph (ii); and

(g) have the power to arrest and deliver to a senior officer any officer who he or she has reasonable grounds for believing is a deserter from the Prisons Service.

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

(a) conveying any prisoner to or from any prison; or

(b) apprehending any person who may have escaped.

(3) All senior officers shall have the powers, protections and privileges prescribed by law and vested in police officers relating to making and enforcing proclamations commanding rioters, or persons in riotous assembly, within or in the vicinity of a prison, to disperse.

(4) All officers shall be immune from criminal or civil proceedings when acting in good faith -

(a) in the exercise of any power or duty provided for by this Act;

(b) in the execution of any warrant that is purported to have been duly issued by a judge, magistrate, or any other officer duly authorised by law; and

(c) in compliance with any order or directive made by the Commissioner under section 5(2) and section 6(5).

Disciplining officers

10.-(1) Disciplinary offences applying to all officers shall be prescribed or specified

(a) Regulations made under this Act; or

(b) Commissioners Orders.

(2) The disciplinary procedures applying to officers shall be in accordance with the principles of natural justice and shall be as determined by the Disciplined Services Commission, including matters relating to -

(a) the suspension of any officer pending investigation or the hearing of any complaint, the duration of suspensions and the withdrawal of pay and privileges pending the determination of proceedings;

(b) the delegation of powers to the Commissioner, Divisional Supervisors and senior officers to deal with disciplinary offences of a minor nature, and the procedures and punishments to be applied;

(c) the delegation of power to the Commissioner to review proceedings and punishments applied by Divisional Supervisors and senior officers;

(d) the delegation of power to the Commissioner to suspend punishments;

(e) the formal hearing of disciplinary proceedings by tribunals, including their procedures, powers and rights to impose punishments; and

(f) any right of appeal and appropriate appeals processes and powers.

Prisons officers associations

11.-(1) This section is made in the interests of national security and public safety, and for the purpose of imposing a reasonable restriction on officers of the Prisons Service.

(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 Prisons Service.

(3) Regulations shall make provision for the establishment, membership, administration and functions of one or more prison officer's association.

PART 3 - THE ESTABLISHMENT AND ADMINISTRATION OF PRISONS

Establishment of prisons and temporary prisons

12.-(1) The Minister may, by order in the Gazette, declare any place, building or part of a building in Fiji, to be a prison, and may declare that any prison shall cease to be a prison.

(2) The places and buildings which at the commencement of this Act are in use as prisons shall be deemed to be prisons for the purposes of this Act.

(3) In respect of each prison established under this section, the Minister shall determine by order in the Gazette, the maximum number of persons which may be detained in the prisons, or any section of it.

(4) The Commissioner shall, after consulting the Minister, make arrangements for keeping prisoners in a location designated as a temporary prison if -

(a) the number of prisoners in any prison is greater than the maximum number determined for that prison under subsection (3);

(b) there is an outbreak of any disease at any prison which constitutes a health risk to the officers and prisoners at that prison; or

(c) there is any lawful order made under any law which requires that a prison, or part of a prison, be closed or declares it to be unfit for human habitation.

(5) The Commissioner may, with the approval of the Minister, make arrangements for keeping prisoners in a location designated as a temporary prison to give effect to any provision of this Act, or if there is any other reason based on the security or well being of officers, prisoners or the general community that necessitates the keeping of prisoners at a location other than a declared prison.

Appointment of Divisional Supervisors and officers in charge

13.-(1) The Commissioner may appoint an officer or officers to be the supervisor of any or all prisons in any Division or Divisions.

(2) The Commissioner shall appoint an officer for each prison to be the officer in charge of that prison, and to exercise the powers of the officer in charge as prescribed by the Regulations and Commissioners Orders.

(3) The appointments of Divisional Supervisors and officers in charge as at the commencement date shall be deemed to have been made under this section.

Appointment of officers to other positions within prisons

14.-(1) Officers shall be appointed to exercise the powers and duties of other designated positions within the prisons in accordance with the Regulations and Commissioners Orders.

(2) In the absence of any specific power to make appointments, any necessary appointment can be made by the Commissioner, or by a Divisional Supervisor or officer in charge, if the appointment -

(a) is necessary for the proper management of a particular prison;

(b) relates to a prison for which the Divisional Supervisor or officer in charge is responsible; and

(c) is referred to the Commissioner for confirmation as soon as possible after it is made.

Appointment of Medical Officers

15.-(1) Medical Officers shall be appointed by the Chief Executive Officer for the Ministry responsible for Health to discharge the duties prescribed by the Regulations and Commissioners Orders at each prison, and in making such appointments regard shall be had to need for such officers to have knowledge of psychiatry.

(2) The Chief Executive Officer for Health shall have regard to the particular needs of female prisoners when appointing a Medical Officer to any prison at which female prisoners are held, and when making medical services available to female prisoners.

(3) Notwithstanding subsection (1), the Commissioner may approve the appointment of medical practitioners registered under the Medical and Dental Practitioners Act to perform the powers and duties of Medical Officers, if -

(a) the Divisional Supervisor reports to the Commissioner that a Medical Officer has not visited a prison in accordance with the requirements of this Act;

(b) there exists at any prison circumstances which require the provision of medical services beyond the capacity of the appointed Medical Officer to provide; or

(c) there are any other reasons related to the health and well being of the officers or prisoners which require the provision of additional medical services at any prison.

PART 4 - PRISON INSPECTIONS AND VISITS

Inspections by or on behalf of the Commissioner

16.-(1) The Commissioner shall inspect, or cause to be inspected, each prison at such times and in such a manner so as to ensure that the provisions and objectives of this Act are given full effect.

(2) For the purposes of subsection (1), the Commissioner may designate senior officers to be prisons inspectors, and such officers shall be responsible for -

(a) undertaking the inspections that are required by this Act, or that are directed by the Commissioner;

(b) preparing and submitting to the Commissioner reports, that meet the requirements stipulated by the Regulations and Commissioners Orders; and

(c) making any appropriate recommendations to the Commissioner in relation to any aspect of the administration of prisons and the welfare of prisoners and officers.

(3) Commissioners Orders shall make provision for regular prison visits and inspections by Divisional Supervisors, officers in charge or other appropriate officers, and for reporting requirements.

Visits by Medical Officers

17.-(1) In addition to any other visits which may be required by the Regulations or Commissioners Orders, a Medical Officer shall, unless prevented by illness or other sufficient cause, visit each prison at least once every week.

(2) In addition to any other duties or responsibilities prescribed by Regulation or Commissioners Orders, all Medical Officers, when visiting prisons as provided by this Act, shall inspect and advise on -

(a) the quantity, quality, preparation and service of food within the prison;

(b) the hygiene and cleanliness of the prison and its prisoners;

(c) the sanitation, lighting and ventilation of the prison; and

(d) the suitability and cleanliness of the prisoner's clothing and bedding.

(3) Any advice given by the Medical Officer in respect of subsection (2)(c) shall be forwarded to the Chief Executive Officer for the Ministry responsible for the Health and Safety at Work Act, who shall cause an inspection to be carried out in accordance with that Act.

Visiting Justices

18.-(1) The visiting justice for each prison situated in a Division shall be -

- (a) the most senior magistrate assigned to that Division; or
- (b) any other magistrate within a Division appointed by the most senior magistrate in the Division.

(2) Each visiting justice shall conduct an inspection of each prison within the Division for which he or she is responsible, at least once every month.

(3) When visiting prisons visiting justices shall perform such functions and make such reports as are prescribed by Regulation.

Other arrangements for official visits

19.-(1) The Minister may appoint for any prison in Fiji, a visiting committee of not less than four persons, whose rights and duties as official visitors for that prison shall be prescribed by Regulations.

(2) When making appointments under subsection (1), the Minister shall have regard to the following matters -

- (a) the involvement at that prison of any religious or community support group;
- (b) representation of an appropriate body representing the interests of women in the area of the prison;
- (c) any issue relevant to the particular prison population of the prison;
- (d) the nature of the rehabilitation and work programmes being undertaken at that prison; and
- (e) any other matter brought to the Minister's attention by any person having a duty under this Act to undertake prison visits.

*Visits by judicial officers and officers of the Human Rights Commission
and the Ombudsman*

20.-(1) Judicial officers may enter and inspect a prison at any time, and may exercise any of the powers prescribed for visiting justices.

(2) Officers of the Human Rights Commission shall have the right to visit prisons and prisoners for the purpose of undertaking any investigation or inquiry in accordance with the Human Rights Commission Act.

(3) Representatives of the Ombudsman shall have the right to visit prisons and prisoners in the lawful discharge of their responsibilities.

Visits by religious representatives, chiefs and respected persons

21.-(1) The Commissioner shall appoint persons who are representative of the religions and denominations of the prisoners at each prison to be chaplains and religious representatives for each prison.

(2) Appointments 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 prison.

(3) On the recommendation of a Divisional Supervisor, the Commissioner may approve the appointment of chiefs and other respected persons to be official visitors to any designated prison.

(4) Facilities that have the approval of the officer in charge shall be made available to chaplains, religious representatives, chiefs and other respected persons appointed under this section to -

- (a) meet with individual prisoners or groups of prisoners;
- (b) provide religious books and texts to prisoners;
- (c) conduct religious ceremonies and observances; and
- (d) provide appropriate counselling and support to prisoners.

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

Power to order prison inquiries

22.-(1) The Minister may appoint a committee of two or more suitable persons, of whom at least one must be a public servant, to enquire into and report upon any aspect of -

- (a) an incident arising in any prison which has affected the security or good governance of the prison;
- (b) the conduct, management or administration of the Prisons Service; or
- (c) the operation and effectiveness of this Act.

(2) In relation to an inquiry under subsection (1) the following provisions of the Commissions of Inquiry Act (Cap No 47) shall apply -

(a) the persons appointed may exercise any of the powers prescribed in section 9;

(b) the use of evidence given at an inquiry shall be restricted as provided by section 11; and

(c) criminal proceedings may be taken against persons committing breaches of sections 12, 13 and 14.

PART 5 - ADMISSION AND CONFINEMENT OF PRISONERS

Admission of prisoners

23.-(1) Prisoners shall be first admitted to a prison only on the authority of a signed warrant or other lawful order for detention, and only at the times prescribed by Regulations or provided for by Commissioners Orders as being the hours during which prisoners may be processed for admission.

(2) Upon presentation of a person to be held in custody, the officer in charge must be satisfied -

(a) that the person is the person to whom the warrant or order relates;

(b) of the age of the person; and

(c) that the warrant or order is signed and dated and purported to be made under the authority of a law applying in Fiji.

(3) A refusal by a person to confirm his or her identity, or an apparent technical error in a warrant or order, shall not be grounds for refusing admission of a person under its authority, but where there is doubt as to the identity of a person or as to the validity of the warrant or order, an officer in charge 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.

(4) Upon admission under this section all prisoners shall be deemed to be in the lawful custody of the officer in charge and shall be subject to prison 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 prison.

(5) Where it appears that the person to whom the warrant or order relates is or may be under the age of 18 years, the officer in charge shall take appropriate action to bring the person before a court for confirmation of the legality of the confinement of the person in the prison.

Arrangements for certain prisoners upon admission

24.-(1) From the time of admission, arrangements shall be made for the following prisoners to be kept separate from the male prisoners being held in custody -

- (a) female prisoners, who shall be supervised by female officers, and otherwise in accordance with Commissioners Orders;
- (b) young prisoners considered by the officer in charge to be at some particular risk; and
- (c) unconvicted prisoners and civil prisoners who shall be held in accordance with Commissioners Orders.

(2) There shall be no separation of other prisoners except where it is necessary for-

- (a) the personal safety of any other person;
- (b) the security or good order and discipline within a prison; or
- (c) containment of any infectious disease as ordered by a Medical Officer or a medical practitioner appointed under section 15(2).

Information to be provided on admission

25. As soon as practicable after admission, all prisoners shall be given appropriate information about -

- (a) any right of appeal, which information shall be given within 24 hours of admission;
- (b) the rights of prisoners whilst in custody as provided for in this Act or prescribed by Regulation or Commissioners Orders;
- (c) their duties, responsibilities and obligations whilst in custody,
- (d) the procedures whereby they might earn low security classifications and be entitled to privileges and early release; and
- (e) the risks involved in sharing toothbrushes and razors, and engaging in unsafe sexual practices or tattooing.

Medical examination

26.-(1) Upon admission and immediately before discharge each prisoner shall be examined by a Medical Officer but there shall be no programme or policy of compulsory testing of prisoners to determine their HIV/AIDS status.

(2) If no medical examination has been undertaken in relation to a prisoner within 7 days of admission the prisoner may be classified and transferred to another prison, and arrangements shall be made for an examination as soon as is practicable.

Initial classification

27.-(1) All convicted prisoners shall be classified in accordance with the procedures prescribed in Commissioners Orders.

(2) For the purposes of the initial classification a date of release for each prisoner shall be determined which shall be calculated on the basis of a remission of one-third of the sentence for any term of imprisonment exceeding one month.

Remission of sentence

28.-(1) The remission of sentence that is applied at the initial classification shall thereafter be dependent on the good behaviour of the prisoner, and it may be forfeited and then restored, in accordance with Commissioners Orders.

(2) The Minister may grant further remission upon the recommendation of the Commissioner given in accordance with any criteria prescribed by Regulations or the Commissioners Orders.

(3) Procedures for appeal against a decision to forfeit any entitlement to remission may be prescribed by Regulations or Commissioners Orders.

Diet

29.-(1) Subject to this section, the food rations provided to prisoners under the dietary scales specified in the repealed Act shall be regarded as the "basic rations" for the purposes of this Act.

(2) Nothing shall prevent additional rations being provided -

(a) with the approval of the Commissioner if the additional rations constitute a substantial increase in prisoners food rations; or

(b) with the approval of a Divisional Supervisor or officer in charge, if the additions are basic food items and additives aimed at enhancing the nutrition or flavour of the food provided.

(3) The rations provided may reflect the general ethnic tastes and dietary habits of the groups of prisoners, but in applying such distinctions there shall be no undue preference or favoured treatment given to the prisoners from any racial, ethnic or religious group.

(4) Food may be brought into a prison and provided to prisoners during times of prison visits only in accordance with Commissioners Orders, and if -

(a) it is of an appropriate type; and

(b) it poses no security risk.

Transfers from prison

30.-(1) 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 section 42.

(2) Police officers and any person authorised by a judicial officer may convey a prisoner to or from any prison at which he or she may be lawfully detained, and Commissioners Orders shall make any necessary provision in relation to the handing over of prisoners.

(3) Prisoners maybe removed from a prison to -

(a) a court, upon the order of a judicial officer, or when the attendance of the prisoner at court is otherwise required which shall be determined by the officer in charge;

(b) a hospital or facility providing medical services, at the order of a Medical Officer or medical practitioner appointed under section 15(2);

(c) a psychiatric hospital or institution, in accordance with the procedures prescribed in any law relating to mental health;

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

(e) any other safe place determined by the Commissioner (which shall be deemed to be a prison for the purposes of this Act) in the event of a risk of contagious or infectious disease within a prison, at the order of the Commissioner, or in the event of an emergency at the order of a Divisional Supervisor or officer in charge; and

(f) to any other place in accordance with Commissioners Orders.

(4) The period of any removal made under subsection (3) shall be determined by the person having authority in relation to the removal under that subsection, and upon termination the prisoner shall be returned to prison.

PART 6 - MEDICAL TREATMENT, INFECTIOUS DISEASES, ETC

Treatment by Medical Officers

31.-(1) Medical Officers appointed under section 15(1) shall have responsibility for the general care of the health of prisoners.

(2) Officers in charge may order that prisoners be medically examined, and the Medical Officer shall examine and treat any prisoner who makes a request to be examined.

(3) Where a Medical Officer is of the view that a prisoner is in need of specialist treatment, including psychiatric care, he or she shall make a report to the officer in charge, and shall make arrangements for the prisoner to be referred to an appropriate medical practitioner.

(4) A prisoner who is suffering from any disease or illness shall only be held separately from other prisoners upon the order of a Medical Officer.

(5) Notwithstanding subsection (4), an officer in charge may order the separation of a prisoner who is apparently suffering from an illness if arrangements are then made for a Medical Officer to visit and confirm the need for separation as soon as is practicable.

(6) No separation shall be ordered only on the basis of a prisoner's HIV/AIDS status.

Access to other medical and related services

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

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

(b) public awareness and education programmes;

(c) vaccination programmes or programmes of specific treatment for certain diseases; and

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

Keeping of medical records

33.-(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 where the circumstances require.

(2) Upon discharge a prisoner who has an on-going medical condition that has been treated whilst 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 an Officer in Charge if action is or may be required to ensure the safety and well being of officers and prisoners.

(4) Regulations and Commissioners Orders shall prescribe requirements and arrangements for ensuring that the HIV/AIDS status of any prisoner is kept confidential.

Dealing with infectious diseases

34.-(1) The Prisons Service shall be responsible for ensuring that conditions within prisons and prison cells are not conducive to the spread of disease, and shall implement any recommendations made by Medical Officers or the Ministry of Health aimed at reducing the risk of the outbreak of disease.

(2) The Commissioner shall have an overriding power to implement any recommendation made under subsection (1) and to do anything that is necessary or incidental to the implementation of any such recommendation.

(3) Commissioners Orders may make provision for matters that might minimise the risk of spreading diseases, including -

(a) the provision of training to officers in relation to the application of the universal precautions to protect themselves from the possible transmission of infectious diseases; and

(b) requirements that officers observe the universal precautions in the discharge of their duties.

PART 7 - CLASSIFICATION OF PRISONERS

Objectives in classifying prisoners

35. The following objectives shall apply to the classification given, from time to time, to each prisoner -

(a) a principal objective in applying classification criteria to all prisoners shall be to achieve effective rehabilitation of the prisoner;

(b) classification procedures shall be applied so as to ensure that appropriate arrangements are made for the separate accommodation and other appropriate separation within prisons of -

(i) female prisoners;

(ii) young prisoners, and prisoners considered to be at risk within the prison environment; and

(iii) unconvicted prisoners and civil prisoners;

(c) prisoners undergoing initial classification shall be provided with information about all aspects of his or her incarceration;

(d) during classification, consideration shall be given to each prisoner's history, age, level of education, character and background, and appropriate reports shall be prepared;

(e) appropriate training and employment opportunities for each prisoner shall be identified;

(f) the classes to be applied shall avoid complexity; and

(g) the basic rights of prisoners, such as the right to receive visitors and to retain contact with family and friends, shall not be used as incentives when applying or changing a classification of any prisoner.

Prisoner classification procedures

36. The procedures for classifying prisoners shall be prescribed by Regulation or in Commissioners Orders, and shall be consistent with the objectives stated in section 35.

PART 8 - DISCIPLINING PRISONERS

Prison offences

37.-(1) Prison offences shall be prescribed by Regulations and in Commissioners Orders, and shall be prominently displayed at all prisons at a place or places where prisoners have access, and shall be in the English, Fijian and Hindustani languages.

(2) When a prisoner is charged with and punished for a prison offence, nothing shall prevent criminal proceedings being taken against the prisoner arising from the same circumstances, but a court shall take into account any penalty imposed under this Act, when sentencing a prisoner for the criminal offence.

Impermissible penalties

38. 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) a total denial of visitation rights or the right to communicate with friends, family, medical practitioner or the prisoner's chaplain or religious representative.

Proceedings for prison offences

39.-(1) Powers to hear and determine proceedings against prisoners in relation to prison offences may be vested by Regulations in -

- (a) Divisional Supervisors, senior officers or officers in charge;
- (b) a magistrate; or
- (c) a tribunal established and empowered by Regulations.

(2) The punishments which may be imposed for breaches of prison offences shall be as prescribed by Regulations, with the following limitations applying to the exercise of such powers by Divisional Supervisors, senior officers and officers in charge -

- (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 in accordance with this Act for a period not exceeding 60 days;
or
- (d) separation for a period not exceeding 14 days.

(3) All proceedings shall be conducted in a manner which apply the principles of natural justice, and where necessary interpreters shall be provided.

(4) Where any proceeding is heard and punishment is imposed by a Divisional Supervisor or officer in charge, the Commissioner may review the matter and overturn the decision or impose an alternative punishment, not exceeding those prescribed in subsection (2).

(5) No procedure may permit or require a prisoner to impose punishment on any other prisoner, but this restriction shall not prevent appropriate arrangements being made for prisoners to be designated to play leadership or mentoring roles in relation to other prisoners.

PART 9 - USE OF FORCE, FIREARMS AND RESTRAINTS

Use of force

40.-(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

(c) when a prisoner uses actual or passive resistance to any officer acting in the lawful discharge of his or her duty.

(2) Where the use of force is permitted under subsection (1), an officer may not use more force than is necessary in the circumstances, and must make an immediate report of all relevant matters to the officer in charge.

(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.

Provision of arms to officers

41.-(1) Arms may only be issued to officers upon the order of the Commissioner or a Divisional Supervisor, senior officer or officer in charge, and may only be used for the purpose of preventing -

(a) any escape or attempted escape, if the use of arms is the only means of preventing the escape;

(b) any combined outbreak or any attempt to force or break open any door, gate, enclosure, wall or fence of a prison, if the use of arms is the only means of preventing such actions; or

(c) any violence to a prison's officer or other person, if the officer or person is in danger of bodily harm.

(2) Warnings must be given before resort is had to the use of arms, and when used the objective shall be to disable rather than kill, as far as practicable.

(3) No officer shall be issued with arms unless that officer has undertaken a course of training in relation to their use.

Use of instruments of restraint

42.-(1) The use of chains and irons to restrain prisoners is not permissible in any circumstances.

(2) No instrument of restraint may be used as a punishment.

(3) Handcuffs may only be used as a precaution against escape during the transfer of a prisoner, or upon the order of the officer in charge 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 must be obtained before its use, or as soon as is practicable after it has been applied.

(5) The use of any other instrument of restraint must be authorised by Regulations, and where instruments are used under the authority of this Act, the following requirements shall apply to their use -

- (a) they must not be applied in such a way as to cause unnecessary pain to the prisoner;
- (b) they must be applied in a manner which preserves the dignity of the prisoner as far as is practicable; and
- (c) they must not be applied for any longer than is necessary.

PART 10 - PRISON LABOUR, PROGRAMMES AND ENTERPRISES

Approved prison labour

43.-(1) Every convicted prisoner may be required to undertake labour, within or outside a prison, in any labour that may be prescribed by Regulations or in Commissioners Orders, which shall -

- (a) have due regard to the need to provide meaningful rehabilitation of prisoners, with an emphasis on vocational training being provided;
- (b) in the case of female prisoners, be of a type that is appropriate for women to undertake;
- (c) be aimed at providing relevant skills to prisoners so as to enhance their opportunities after discharge;
- (d) take account of the prevailing employment opportunities and lifestyles in the areas where the prisoners are likely to be released to;
- (e) respect the human dignity of all prisoners and take account of their religious observances and practices;
- (f) not require a prisoner to work for more than 8 hours each day, with at least one day each week set aside for rest or recreation, and due regard given to the observance of public holidays; and
- (g) provide for exemption from labour on medical grounds.

(2) 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.

(3) Entitlements to remuneration for labour shall be as prescribed by Regulations which-

- (a) may exempt certain categories of work from payment;

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

(c) may provide for arrangements for dealing with prisoners entitlements so that some monies are available for the purchase of personal requirements and other arrangements are made for retaining monies to be utilized on the prisoner's release.

(4) The Regulations prescribing remuneration for labour shall be reviewed at periods of not less than 5 years after the commencement date and after each succeeding review, to take account of increases in the cost of living and the development of prison enterprises in accordance with section 45.

Work for unconvicted prisoners

44. Unconvicted prisoners may decline to work, but when they elect to participate in prison labour the requirements stated in section 43(1) shall apply.

Prison enterprises

45. Provision may be made by Regulation, and supported by Commissioners Orders, encouraging the establishment and development of prison enterprises, and the appropriate involvement of prisoners so as to enhance their rehabilitation and opportunities, and such provision may include -

(a) the setting of prices and charges on a commercial basis;

(b) the imposition of the "user pays" principle;

(c) the establishment and proper operation and accounting of special funds established in accordance with law to facilitate commercial enterprises; and

(d) any other matter that fosters prison enterprises and the meaningful participation of appropriate prisoners in them.

PART 11 - SCHEMES FOR EARLY RELEASE

Early release programmes

46.-(1) Early release programmes shall aim to assist in the rehabilitation of prisoners and shall provide opportunities for prisoners to re-enter society by the performance of community work or paid employment, or enrolment in a course of education or instruction.

(2) In addition to any other requirements or pre-conditions imposed by Regulations made under subsection (3), prisoners must meet the following minimum requirements to be eligible for early release under the following types of programme -

(a) in relation to release under programmes involving the performance of community work 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;

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

(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.

(3) Schemes for the early release of prisoners shall be prescribed by Regulations, which shall make provision for the following matters -

(a) any other entitlements and pre-conditions for prisoners who have achieved a low security rating to be eligible to serve part of their sentences on early release programmes;

(b) the identification and approval of government, private, church and non-government agencies, companies and organisations to participate in early release programmes;

(c) any reporting or other requirements applying to agencies, companies and organisations participating in the programmes, and the effective supervision of such schemes, and their participants, by officers of the Prisons Service;

(d) the conditions and requirements to be imposed upon or observed by prisoners participating in early release programmes;

(e) the entitlements of prisoners participating in early release programmes, including the right to receive payment for their work, and the provision of rations or allowances in lieu of rations;

(f) any other matter that may promote the rehabilitation of prisoners and facilitate the re-introduction of prisoners into society; and

(g) the early release of prisoners on medical grounds.

Weekend and short terms release etc.

47.-(1) Provision may be made by Regulations for schemes of short term release, including -

(a) weekend release;

(b) release from prison to attend a course of instruction;

(c) release into the care and supervision of traditional chiefs or other community leaders for the purpose of facilitating the re-entry of the prisoner into his or her village or community; or

(d) any other arrangement permitting short term release which may assist in the rehabilitation of a prisoner or facilitate the prisoner's return to his or family, village or community.

(2) Commissioners Orders may make further provision in relation to any scheme approved under subsection (1) that is not inconsistent with the relevant Regulations.

PART 12 - DISCHARGE OF PRISONERS

Discharge of prisoners

48.-(1) Every officer in charge 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 Fiji; and

(d) in accordance with any decision made by a competent authority authorising a prisoner's release on parole.

(2) In the event of any doubt arising as to actual date upon which discharge is due, or the lawful authority of any person into whose custody a prisoner is to be released, the officer in charge shall refer the matter for determination by the Commissioner.

(3) Where a matter has been referred to the Commissioner under subsection (2), and the Commissioner is unable to ascertain the effect of any law applying in that context, the Commissioner may refer the matter for determination by the Attorney General.

Parole Board

49.-(1) This section establishes the Parole Board consisting of -

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

(b) a registered medical practitioner who has experience in the area of psychiatry;

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

(d) a member who has studied and has experience in the area of delinquency and the treatment of offenders,

appointed by the Minister.

(2) 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;

(c) is entitled to sitting allowances fixed by the Higher Salaries Commission.

(3) The Parole Board may regulate its own procedures but shall comply with any matters prescribed by Regulations.

(4) 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 the recall to prison 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 previously applied;

(c) any other matter referred to it by the Minister related to the release on licence or the recall of persons previously released; and

(d) any other matter prescribed by Regulations.

Support for prisoners after release

50. Commissioners Orders may make provision for the Prisons Service to undertake appropriate activities and provide support services in relation to prisoners who have been discharged.

PART 13 - OFFENCES

Offences by prisons officers

51.-(1) A prisons officer who -

(a) begins, excites, causes or joins any mutiny or sedition within the Prisons Service or in any prison;

(b) fails to use his or her utmost endeavours to suppress any mutiny or sedition within the Prisons Service or in a prison;

(c) fails to report the existence of any mutiny or sedition within the Prisons Service or in a prison, or any information that he has that indicates that mutiny or sedition may arise, to a senior officer;

(d) deserts from his or her assigned place of duty with the intention of not returning to the Prisons Service;

(e) internationally allows any prisoner who is committed to his or her charge, or whom it is his or her duty to keep or guard, to escape;

(f) persuades, procures or assists any other prisons officer to desert;

(g) fails to give information to a senior officer about the desertion or intended desertion of another prisons officer; or

(h) strikes or offers violence to a superior officer,

commits an offence and is liable on conviction to a fine not exceeding \$10,000 to a term of imprisonment not exceeding 5 years, or to both.

(2) Any officer who, having ceased to be an officer, fails or refuses to deliver up to the person appointed by the Commissioner for this purpose, all arms, ammunition, equipment, clothing and other items supplied during his or her term as an officer, and which are the property of the Government, commits an offence and is liable on conviction to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding 6 months, or to both.

(3) Notwithstanding subsection (2), at the discretion of the Commissioner and officer may make payment for any article referred to in subsection (2) (with the exception of any firearm, ammunition or instrument of restraint), and the amount of payment shall be as determined by the Commissioner.

Inciting and harbouring

52.-(1) Any person who by any indirect means -

(a) procures, persuades or attempts to persuade a Prisons Officer to desert;

(b) knowingly harbours or assists any deserting Prisons Officer;

(c) knowingly employs a deserting Prisons Officer,

commits an offence and is liable on conviction to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding 6 months, or to both.

(2) Any person who-

(a) directly or indirectly instigates, commands, counsels or solicits any mutiny or sedition amongst any Prisons Officers or prisoners;

(b) directly or indirectly instigates, commands, counsels or solicits any disobedience to a lawful command; or

(c) wilfully attempts to seduce any Prisons Officer to breach his or her oath of allegiance,

commits an offence and is liable on conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 2 years, or to both.

(3) Any person who -

(a) harbours any prisoner illegally at large;

(b) knowingly employs any prisoner illegally at large; or

(c) knowingly and without lawful excuse assists any prisoner illegally at large,

commits an offence and is liable on conviction to a fine not exceeding \$5000 or to a term of imprisonment not exceeding 2 years, or to both.

Unlawful entry, prohibited articles etc.

53.-(1) A person may only enter a prison with the authority of the Commissioner, a Divisional Supervisor or the relevant officer in charge and any unauthorised person.

(2) Any person other than a Prisons Officer who -

(a) is found in possession of any article which has been supplied to an officer for the purpose of his or her duty;

(b) is found in possession of any other property of the Prisons Service and cannot satisfactorily account for how he or she came to be in possession of the property;

(c) without lawful authority, purchases or receives any article or property issued to a Prisons Officer or belonging to the Prisons Service; or

(d) who aids or abets any officer in selling or disposing of any article or property belonging to the Prisons Service without lawful authority, commits an offence and is

liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 12 months, or to both.

(3) Any person who -

(a) brings, sells or attempts by any means whatsoever to introduce into a prison, or to give to a prisoner, any prohibited article; or

(b) communicates with a prisoner for the purpose of breaching this section,

(c) without the authority given under subsection (1), is within the boundary of a prison,

commits an offence and is liable on conviction to a fine not exceeding \$2,000 or to a term of imprisonment not exceeding 6 months, or to both.

PART 14 - MISCELLANEOUS

Regulations, Commissioners Orders, etc

54.-(1) The Minister may make Regulations to give effect to the provisions of this Act, and in particular in relation to -

(a) the regulation and government of prisons, and the maintenance of security and good governance in prisons;

(b) the recognition and implementation of human rights and applicable international standards;

(c) the appointment, discharge and duties of officers and employees of the Prisons Service, consistent with the determinations and procedures of the Disciplined Services Commission;

(d) prescribing offences against discipline applying to officers and prisoners;

(e) prescribing rights of prisoners whilst 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 prison authorities, the Human Rights Commission and the Ombudsman;

(iv) exercise and recreation; and

(v) any other rights applying to prisoners awaiting trial;

(f) the duties and functions of Medical Officers, visiting justices and committees, and other persons authorised to undertake official prison visits, including the payment of allowances and the reimbursement of expenses consistent with any relevant law;

(g) the admission and classification of prisoners, including procedures applying to the detention or transfer of persons in accordance with Fiji's obligations under international conventions;

(h) interviews of prisoners by police officers in course of their investigations, which-

(i) may include arrangements for taking prisoners to crime scenes and their participation in identification processes; and

(ii) shall have regard to the constitutional rights of the prisoners and the role of their legal practitioners;

(i) the transfer of prisoners and the responsibilities of officers and other persons in relation to the security of prisoners when being transferred;

(j) separation of prisoners, and the review of prisoners under separation;

(k) the use of dogs in maintaining good order and security, and other arrangements for the response to unrest and violence within prisons;

(l) schemes for early release and other appropriate arrangements for the rehabilitation of prisoners;

(m) schemes providing support for prisoners after their release, including cooperative arrangements with the Fijian Affairs Board, other relevant Ministries and agencies, religious bodies and community based groups;

(n) the provision of medical and related services within prisons, and arrangements for dealing with infectious diseases;

(o) arrangements for female prisoners and their children consistent with the rights and obligations of CEDAW and CRC, and in particular the rights of mothers to feed and care for their infant children whilst in prison;

(p) the encouragement and administration of prison enterprises and training programmes;

(q) arrangements for unconvicted and civil prisoners, including procedures applying to the periodic review of orders for the detention of any unconvicted person made under any law;

(r) reporting, investigating and otherwise dealing with the death of prisoners in custody;

(s) procedures for prison visits and dealing with matters relating to the taking of items, articles and things into prisons during visits; and

(t) offences for breach of any Regulations, which may provide for penalties of fines not exceeding \$1,000 or imprisonment for a term not exceeding 6 months, or for both.

(2) Commissioners Orders made under this Act -

(a) shall come into effect the date they are signed by the Commissioner;

(b) may relate to any aspect of prisons administration and management, and shall be consistent with the provisions of this Act and the Regulations;

(c) shall be reviewed at such intervals as are determined by the Commissioner;

(d) shall give full recognition and effect to the basic rights stated in the Constitution, and in particular-

(i) the right of prisoners to adequate facilities permitting the proper preparation of defences and appeals, including access to legal practitioners by prison visitor other communication (with appropriate regard to the confidentiality of the solicitor/client relationship) and to legal resources;

(ii) the rights and special needs of the disabled;

(iii) the avoidance of discrimination on any grounds;

(iv) the right to practice a religion of choice, including the observance of daily or periodic rituals and practices;

(v) the right to basic education, and in particular the right of access to education by young prisoners and by juveniles held on remand;

(vi) the right of unconvicted prisoners and prisoners serving sentences of less than 12 months to vote in elections; and

(vii) the right of prisoners to access the officers and resources of the Human Rights Commission.

(e) shall be circulated to all Divisional Supervisors and officers in charge, and shall be brought to the attention of all officers;

(f) may be repealed or altered from time to time by the Commissioner; and

(g) may provide for the delegation of any power of the Commissioner to any officer.

Repeal of the Prisons Act

55. The Prisons Act (Cap. 86) is repealed.

Transitional arrangements, consequential amendments and savings

56.-(1) For the purpose of ensuring a smooth transition for the Prisons Service in the implementation of the provisions of this Act, the Minister may extend the application of any Regulations or Orders made under the repealed Act for such term as he or she may determine by notice published in the Gazette.

(2) After the commencement date -

- (a) current appointments of officers made under the repealed Act, including the Commissioner;
- (b) the terms and conditions of employment applying to officers and employees under the repealed Act;
- (c) the duties assigned to any officer under the repealed Act;
- (d) disciplinary proceedings taken against officers or prisoners, and punishments imposed under such proceedings, under the repealed Act;
- (e) the exercise of any power under the repealed Act;
- (f) the admission, classification, early release and discharge of any prisoner under the repealed Act;
- (g) the calculation and application of any remission of sentence under the repealed Act;
- (h) the implementation of any scheme for prison labour or rehabilitation and training undertaken under the repealed Act; and
- (i) the commencement of any criminal prosecution for an offence against the repealed Act,

shall 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.

(3) A reference in any written law to the former office of Controller of Prisons shall be deemed to be a reference to the Commissioner under this Act.

Amendments to the Juveniles Act (Cap. 56)

57. Section 2 of the Juveniles Act (Cap. 56) is amended as follows -

(a) by deleting the definition of "juvenile" and replacing it with the following -

" "juvenile" means a person who has not attained the age of 18 years, and includes a child and a young person;"; and

(b) by deleting the definition of "young person" and replacing it with the following -

" "young person" means a person who has attained the age of 14 years, but who has not attained the age of 18 years.".

Passed by House of Representatives on 23rd February 2006.

Passed by Senate on 17th March 2006.