

PRISONS ORDINANCE, 1938-1941. ⁽¹⁾⁽²⁾

An Ordinance relating to Prisons.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

PART I.—PRELIMINARY. ⁽³⁾

1. This Ordinance may be cited as the *Prisons Ordinance, 1938-1941*, ^{(1) (2)} and shall commence on a date to be fixed by the Administrator by Proclamation published in the *Gazette*. ^{(1) (2)}

Short title and commencement.
Amended by No. 2 of 1930, s. 2.
Amended by No. 3 of 1941, s. 7 and Schedule.

2. The *Prisons Ordinance, 1919-1930*, is hereby repealed.

Repeal.

3. In this Ordinance unless the context or subject matter otherwise indicates or requires:—

Interpretation.

 - “Authorized” means authorized by this Ordinance or by any regulation made hereunder;
 - “Gaoler” means the gaoler or other officer in charge of a prison;
 - “Government Secretary” means the Government Secretary and Commissioner for Native Affairs;

Added by No. 3 of 1941, s. 3.
 - “Prison Officer” means any prison officer European or otherwise;
 - “Subordinate Prison Officer” means any prison officer other than a European officer;

(1) This Ordinance has not yet been proclaimed to commence.

(2) The *Prisons Ordinance, 1938-1941*, comprises the *Prisons Ordinance, 1938*, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov. or Administrator.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Prisons Ordinance, 1938</i> (No. 11 of 1938)	10.8.1938	7.12.1938	Not yet proclaimed to commence
<i>Prisons Ordinance, 1941</i> (No. 3 of 1941)	15.7.1941	5.11.1941	Not yet proclaimed to commence

(3) The word and symbols “PART I.—” have now been omitted by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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“Visiting Medical Officer” includes any Government medical officer.

Control of Prisons.

Control of prisons.

Amended by No. 3 of 1941, s. 7 and Schedule.

Delegation by Government Secretary.

Amended by No. 3 of 1941, s. 7 and Schedule.

Revocation of delegation.

4. The Government Secretary shall under the Administrator have the chief control of all prisons throughout the Territory.

5. In relation to any particular prison the Government Secretary may with the approval of the Administrator by writing under his hand delegate any of his powers under this Ordinance and the regulations thereunder (except this power of delegation) so that the delegated powers may be exercised by the delegate with respect to the prison defined in the instrument of delegation.

6. Every delegation by the Government Secretary shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Government Secretary.

Officers.

Appointment of officers.

Cf. Pap. No. 5 of 1889, s. 13; Fiji No. 20 of 1913, s. 4.

Sub-section (1) amended by No. 3 of 1941, s. 7 and Schedule.

Sub-section (2) amended by No. 3 of 1941, s. 7 and Schedule.

Constables, etc., of A.C. may be appointed subordinate prison officers.

Appointments heretofore made to continue.

Prison officers to be constables.

Cf. Pap. *ib.* s. 14.

Gaoler not to resign without permission.

Pap. *ib.* s. 35.

7.—(1.) The Administrator may appoint such gaolers assistant gaolers warders and other officers as may be requisite for the purpose of this Ordinance.

(2.) Subordinate prison officers may be appointed suspended or dismissed by the Government Secretary provided always that the Administrator may annul or modify any such appointment suspension or dismissal.

(3.) Any non-commissioned officer or constable of Armed Constabulary may be appointed a subordinate prison officer and shall thereupon be required to act as such.

8. All appointments of any such officers as aforesaid heretofore made shall be deemed to have been made under the provisions of this Ordinance.

9. Every prison officer while acting as such shall by virtue of his appointment be deemed to be a constable and to have all the powers authorities protection and privileges of a constable for the purpose of the execution of his duty as a prison officer.

10. No gaoler shall resign or withdraw from the duties of his office unless he has given three months' notice in writing of his

intention so to do to the Government Secretary or has the consent in writing of the Government Secretary and any gaoler that shall so withdraw or resign without such permission or notice shall be guilty of an offence against this Ordinance and any justice of the peace upon information on oath before him may issue his warrant for the arrest of the offender.

11. No European prison officer of a rank below that of gaoler shall resign or withdraw from the duties of his office without the consent in writing of the Government Secretary unless he shall have given to the Government Secretary through the gaoler one month's notice of his intention to resign or withdraw and any such officer who shall so resign or withdraw without such permission or notice shall be guilty of an offence against this Ordinance and any justice of the peace upon information on oath before him may issue his warrant for the arrest of the offender.

Resignation of
prison officers.
Pap. No. 5 of
1889, s. 36.

12. A gaoler or any visiting justice may suspend from employment any subordinate prison officer and such suspension shall be immediately reported to the Government Secretary. Every such suspension shall hold good until the Government Secretary's decision be made known. The Administrator may annul or modify such decision.

Suspension of
subordinate
prison officers.
Pap. *ib.* s. 38.
Amended by
No. 3 of 1941,
s. 7 and
Schedule.

13. Any person who has been employed as a prison officer who shall not forthwith after he shall have been dismissed from or ceases to hold office deliver all accoutrements and appointments which may have been supplied or entrusted to him or may be in his possession at the time of the aforesaid dismissal or resignation to such person and at such time and place as he shall be directed to do so by the Government Secretary or gaoler shall be guilty of an offence against this Ordinance. Any justice of the peace upon information on oath before him may issue his warrant to search for and seize to the use of His Majesty all such accoutrements and appointments whatsoever that shall not have been delivered up wheresoever the same may be found.

Prison officers
not surrendering
accoutrements
etc.
Pap. *ib.* s. 39.

14. The visiting justice may inflict any of the following punishments upon any subordinate prison officer for any offence against the prison regulations:—

Punishment for
offences by
subordinate
prison officers.
Fiji No. 20 of
1913, s. 11.

- (a) Forfeiture of any sum not exceeding half a month's salary.
- (b) Confinement to the precincts of the prison for any term not exceeding fourteen days.
- (c) Reduction in rank as a subordinate prison officer.

Such an offence may be heard and determined by the visiting justice in the same manner as an ordinary prison offence committed by a prisoner under this Ordinance.

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Offence by
prison officers.
Cf. Pap No. 5
of 1889, s. 40.

15. If any European prison officer shall be guilty of any of the following acts (that is to say)—

- (a) breach of prison regulations;
- (b) disobedience of orders;
- (c) insubordination;
- (d) intoxication;
- (e) absent from duty without good cause;
- (f) sleeping on duty;

he shall be liable on conviction before a visiting justice to a penalty not exceeding one month's salary. Any such offence may be heard and determined by the visiting justice in the same manner as an ordinary prison offence committed by a prisoner under this Ordinance.

Fines
imposed on
prison officers.

16. All fines imposed upon any prison officer shall be deducted from the pay of that officer by the paying officer on the certificate of the Government Secretary or of the visiting justice inflicting the same and when so deducted shall be paid into the public revenue by the paying officer.

Prison officers
debarred from
carrying on or
holding interest
in any business.

17. No prison officer shall carry on any business directly or indirectly or hold any interest active or otherwise in any business without the consent of the Lieutenant-Governor.⁽⁴⁾ Any prison officer acting in contravention of this section shall be guilty of an offence against this Ordinance.

Visiting
medical officer.
Cf. Fiji No. 20
of 1913, s. 18.
Amended by
No. 3 of 1941,
s. 7 and
Schedule.

18. Every Government medical officer shall be a visiting medical officer of any prison within the Division in which he may be stationed and in any other Division in which he may temporarily be and in which there is no Government medical officer stationed and shall in addition to any other requirements be required to visit any prison within any such Division as often as the Administrator may direct and in the absence of directions as often as may be necessary and practicable. The powers and duties of visiting medical officers shall be as prescribed.

Prisons and Penal Districts.

Prisons.
Cf. Pap. *Ib.* s. 2.
Schedule A.
Sub-section (1)
amended by
No. 3 of 1941,
s. 7 and
Schedule.

19.—(1.) All buildings and premises specified in Schedule A hereto and now used and maintained as prisons and all buildings and premises which may hereafter be erected and proclaimed as prisons by the Administrator by Proclamation⁽⁵⁾ published in the *Gazette* shall be prisons under this Ordinance.

(4) The reference to "Lieutenant-Governor" in this Section was not included in the Schedule of amendments contained in Ordinance No. 3 of 1941, by which the word "Administrator" was substituted for the words "Lieutenant-Governor" in other sections of the Ordinance. "Lieutenant-Governor" appearing in this section has now been omitted, and "Administrator" inserted in its stead, by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

(5) No proclamation has been published in *Papua Govt. Gaz.*

(2.) The Administrator by Order in Council⁽⁶⁾ published in the *Gazette* may permanently or temporarily close any prison.

Sub-section (2) amended by No. 3 of 1941, s. 7 and Schedule.

20.—(1.) The Administrator may in the same Proclamation⁽⁷⁾ that proclaims any prison under this Ordinance or in any future Proclamation⁽⁷⁾ to be published in the *Gazette* proclaim that a specified area surrounding any such prison shall be a penal district under this Ordinance.

Penal districts. Pap. No. 5 of 1889, s. 4.

Sub-section (1) amended by No. 3 of 1941, s. 7 and Schedule.

(2.) The several areas described in Schedule B hereto shall all be deemed to be without further notice and are hereby constituted penal districts under this Ordinance.

Schedule B.

(3.) The areas so proclaimed and the areas described in Schedule B hereto shall with regard to any person that for the time being is or may be quartered relegated confined or imprisoned as a prisoner to at or in any place within such area and with regard to the exercise of authority over such person and with regard to prison and other offences committed by prisoners be deemed to be prisons under this Ordinance.

(4.) The Administrator by Order in Council⁽⁸⁾ published in the *Gazette* may permanently or temporarily close any penal district.

Sub-section (4) amended by No. 3 of 1941, s. 7 and Schedule.

21. All prisons shall be gaol prisons penal establishments houses of correction reformatories and lockups within the meaning of any of those terms used in any law or Ordinance and shall be used for the reception and safekeeping of prisoners convicted and sentenced for offences and of persons imprisoned under or by virtue of any order of a Court of justice or who shall otherwise be detained by legal authority.

Prisons to be gaols, etc.

Cf. Pap. *ib.* s. 3.

Regulations.

22. It shall be lawful for the Administrator in Council to make regulations⁽⁹⁾ concerning any of the matters following that is to say—

Prison regulations.

Cf. Pap. *ib.* s. 5; Fiji No. 20 of 1913, s. 15; Q. 54 Vic. No. 7, s. 14.

Section 22 amended by No. 3 of 1941, s. 7 and Schedule.

- (a) the number of prisoners to be confined in any prison;
- (b) the safe custody dieting discipline management classification individual separation hours of labour and mode of employment of any prisoners confined in any prison;
- (c) the remission of any part of the sentence of any such prisoner upon certain conditions;

(6) No Order in Council has been published in *Papua Govt. Gaz.*

(7) No proclamation has been published in *Papua Govt. Gaz.*

(8) No Order in Council has been published in *Papua Govt. Gaz.*

(9) No Regulations have been made.

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- (d) the constitution of prison offences punishable as hereinafter mentioned;
- (e) the wearing of legirons and handcuffs by prisoners in certain cases;
- (f) the regulation of legalized prison punishments;
- (g) the regulation of the duties of visiting justices and visiting medical officers;
- (h) religious ministrations and divine service in prisons;
- (i) otherwise for the general management and good government of prisons and the prisoners confined therein and for the duties and conduct of the gaolers and other prison officers attached thereto.

Visiting Justices.

23. Every resident magistrate shall be a visiting justice of every prison situate within the Division for which he is resident magistrate unless the Administrator shall otherwise direct.

Resident magistrates to be visiting justices.

Cf. Pap. No. 5 of 1889, s. 7.

Amended by No. 3 of 1941, ss. 4 and 7 and Schedule.

Justices of the peace may be appointed visiting justices.

Pap. *Ib.* s. 8.

Amended by No. 3 of 1941, s. 7 and Schedule.

Judges of the Supreme Court *ex officio* visiting justices.

Pap. *Ib.* s. 18.

Amended by No. 3 of 1941, s. 7 and Schedule.

24. The Administrator may from time to time appoint any justice of the peace to be a visiting justice for any prison.

25. The judges of the Supreme Court shall be *ex officio* visiting justices for all prisons in the Territory and may when and as often as they shall see fit visit any prison as a visiting justice or exercise any of the powers and authorities of a visiting justice. But it shall not be obligatory upon any judge of the Supreme Court to perform any of the duties of a visiting justice.

Visiting justice to visit prison.

Cf. Fiji No. 20 of 1913, s. 16.

Sub-section (1) amended by No. 3 of 1941, s. 7 and Schedule.

Duties of visiting justice.

Fiji *Ib.* s. 16.

26.—(1.) Every visiting justice shall visit the prison or prisons which are hereby assigned to him or to which he is appointed as often as the Administrator shall direct and in the absence of such direction as often as may be necessary and practicable.

(2.) A visiting justice shall examine into the conduct of the respective prison officers and the treatment and conduct of the prisoners and shall inquire into all abuses and irregularities within the prison and shall hear any complaints which may be made to

him by prisoners and make any inquiry into any matter as he may think fit or as he may be directed by the Government Secretary and shall report thereon to the Government Secretary and shall perform such other duties as may be prescribed.

Custody and Removal of Prisoners.

27. Every prisoner confined in a prison shall be deemed to be in the lawful custody of the gaoler thereof.

When prisoner deemed in custody of gaoler.

Q. 54 Vic. No. 17, s. 42.

28. A prisoner shall be deemed to be in lawful custody whenever he is being taken to or from or whenever he is confined in any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the precincts of any such prison in the custody or under the control of a prison officer or other authorized person; and any constable or other officer acting under the order of any justice of the peace having power to commit a prisoner to prison may convey a prisoner to or from a prison.

Lawful custody of prisoner.

Cf. Q. Ib. s. 44.

29. A prisoner awaiting trial for an indictable offence may for the purpose of being tried be removed from one prison to another upon the order of a judge of the Supreme Court addressed to the Government Secretary or in any case where a judge thinks fit to the gaoler of the prison where the prisoner is to be confined.

Removal of prisoners from one prison to another for purpose of trial.

Amended by No. 3 of 1941, s. 7 and Schedule.

30. If the presence of any prisoner should be required in or before a Court of justice or at any inquiry examination or investigation a judge of the Supreme Court the Government Secretary or a magistrate may issue a warrant in the form contained in Schedule C hereto or as near thereto as circumstances will admit to the gaoler of the prison in which such prisoner is confined empowering such gaoler to cause him to be brought before the Court or person in which or before whom his presence is required at such time and place as may be necessary.

Prisoners to be brought before court, etc., on warrant.

Schedule C.

Cf. Pap. No. 5 of 1889, s. 15.

Amended by No. 3 of 1941, s. 7 and Schedule.

31.—(1.) The Administrator or the Government Secretary and any magistrate on the written authority of the Administrator or Government Secretary may by order in writing addressed to the gaoler direct the removal of all or any of the prisoners confined in any prison to any other prison and the gaoler shall cause such prisoners to be moved accordingly. The order shall be in the form of Schedule D hereto or as near thereto as circumstances shall admit.

Removal of prisoners from prison to prison.

Cf. Fiji No. 20 of 1913, s. 19.

Schedule D.

Sub-section (1) amended by No. 3 of 1941, s. 7 and Schedule.

(2.) In the event of serious insubordination a visiting justice may by writing under his hand addressed to the gaoler authorize

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the removal of a prisoner confined in any prison to any other prison and the gaoler may remove such prisoner accordingly: Provided that in an emergency the gaoler may in the absence of a visiting justice himself cause a prisoner to be removed from one prison to another but upon so doing he shall report the whole circumstances to the Government Secretary at the earliest practicable opportunity.

Sick prisoners may be removed to hospital.
Of. Pap. No. 5 of 1889, s. 17.

32.—(1.) In the case of illness a prisoner may be removed from any prison to any hospital by order of the visiting justice the medical officer or the gaoler.

(2.) Any prisoner so removed shall during his treatment in the hospital be deemed to be in the lawful custody of the Government medical officer or other officer in charge of the hospital: Provided that the gaoler may if he think fit appoint any prison officer to take charge of any prisoner while he is under treatment in hospital.

(3.) If upon discharge from hospital the sentence of imprisonment against him shall not have expired such prisoner shall be returned to the prison and such sentence shall be and remain in full force and effect in the same way and to the same extent as if no such removal had taken place.

Certain prisoners may be removed from prison for employment.
Pap. Ib. s. 16.
Schedule E.
Amended by No. 3 of 1941, s. 7 and Schedule.

33. The Administrator or the Government Secretary or in the case of a prisoner confined in any prison other than the Port Moresby prison the visiting justice of such prison may by writing under his hand in the form of Schedule E hereto direct and authorize the removal of any prisoner under sentence of hard labour from any prison to any place to be named in such directions for the purpose of carrying out the labour portion of any sentence or may direct any such prisoner to be employed in the Territory or at any employment or employments to be set forth in such instrument without specifying the place or places in which the employment is to take place: Provided that no special authority shall be required for the employment outside the limits of a prison of prisoners as carriers or road workers or for any other purpose approved by the Administrator.

Trial of Prison Offences.

Visiting justice may try prisoner.
Pap. Ib. s. 24.

34.—(1.) A visiting justice may take evidence and examine any prisoner touching anything committed or done or not done by him which may be declared by this Ordinance or by the regulations made under this Ordinance to constitute a prison offence and if satisfied that such prisoner is guilty of such may order him to be punished accordingly.

(2.) The punishment for a prison offence shall be imprisonment with or without hard labour for any period not exceeding one

month such sentence to be cumulative with any sentence the prisoner may at the time be serving.

35.—(1.) If the commission of any prison offence shall have been in the opinion of the visiting justice attended with circumstances of aggravation owing either to its repetition or otherwise the visiting justice may sentence the offender to be imprisoned with or without hard labour for any period not exceeding two months such sentence to be cumulative with any sentence the prisoner may at the time be serving.

Aggravated
prison
offences.

Cf. Pap. No. 5
of 1889, s. 25.

Cf. Fiji No. 20
of 1913, s. 24.

Sub-section (1)
amended by
No. 3 of 1941,
s. 5.

(2.) In addition to or in lieu of the punishment prescribed by the preceding sub-section of this section the visiting justice may order a prisoner convicted under the provisions of this section to pack drill for any period not exceeding three weeks and for not more than two hours in the morning and two hours in the afternoon of any one day and with an interval of ten minutes between any two consecutive half hours of that drill.

Sub-section (2)
added by
No. 3 of 1941,
s. 5.

(3.) A visiting justice may in addition to or in lieu of any of the punishments prescribed in this section order any male prisoner convicted of an offence under the provisions of this section to be privately whipped subject to the following conditions:—

Sub-section (3)
added by
No. 3 of 1941,
s. 5.

- (a) That such whipping shall not exceed ten strokes inflicted with a cane or birch rod;
- (b) That such whipping shall only be inflicted in the presence of a visiting medical officer who shall report after the infliction of the punishment to the Administrator fully thereon. No such sentence shall be carried out if the visiting medical officer certifies the prisoner unfit;
- (c) That such whipping shall only be carried out if the Administrator confirms the sentence and if such sentence is not confirmed the convicting visiting justice may inflict such punishment in lieu thereof as may lawfully be awarded for the offence.

35A. Every conviction of a prisoner by a visiting justice who is also the gaoler and every conviction of a prisoner by a visiting justice when a penalty is imposed under the provisions of Sub-section (3.) of the preceding section shall be subject to review by a judge of the Supreme Court who may quash vary or confirm the sentence. For the purposes of this section the visiting justice shall with all practicable speed transmit to the Registrar of the Supreme Court a copy of the record of the proceedings relating to the conviction and shall thereupon act in relation to the conviction subject to the provisions of paragraph (c) of Sub-section (3.) of the preceding section of this Ordinance as directed by such judge.

Review of
sentence by
Supreme Court
judge.

Inserted by
No. 3 of 1941,
s. 6.

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Trials of prison offences.

Pap No. 5 of 1889, s. 26.

Fiji No. 20 of 1913, s. 25.

36.—(1.) In every inquiry held to examine into a charge of a prison offence the witnesses called shall be sworn or affirmed in the manner usual in Courts of Justice.

(2.) A note of the charge and the result of the inquiry shall be made by the visiting justice in a book to be kept for that purpose at the prison and if the charge be for an offence attended with circumstances of aggravation the evidence taken at the inquiry shall be entered in full in such book and unless the evidence has been taken down in full in writing a prisoner shall not be found guilty of an offence attended with circumstances of aggravation.

(3.) A visiting justice may at any time before passing sentence alter a charge and rehear the case and take evidence in writing and convict of an offence attended with circumstances of aggravation no matter how the charge may have been laid or made in the first instance.

Prisoner may be secured until dealt with.

Pap. *Ib.* s. 27.

Fiji *Ib.* s. 26.

37. Any prisoner who may be deemed by the gaoler to be guilty of a prison offence may be confined by being put in handcuffs or legirons or otherwise secured until he can be dealt with by the visiting justice: Provided that every such case must be immediately reported to the visiting justice and that such confinement shall not continue for a longer period than twenty-four hours.

Escapes.

Escape from custody.

Pap. *Ib.* s. 20.

38. Any person who being a prisoner in lawful custody escapes or attempts to escape from such custody is guilty of an offence against this Ordinance:

Provided that whenever such offender is punishable under the provisions of this section and also under the provisions of the Criminal Code he may be prosecuted and convicted under the provisions either of this section or of the Criminal Code so that he is not twice punished for the same offence.

Prison officers allowing prisoners to escape.

39.—(1.) Any gaoler or other European prison officer in charge of a prison or having the care and charge of prisoners who through carelessness neglect or inattention to duty or proper control permits a prisoner to escape or to be out of lawful custody shall be guilty of an offence against this Ordinance.

(2.) Any subordinate prison officer placed in charge of any prisoner at any time or in any place who through carelessness neglect or inattention to duty permits such prisoner to escape or to be out of lawful custody shall be guilty of an offence against this Ordinance and shall on conviction before a visiting justice be liable to a fine not exceeding Three pounds and in default of pay-

ment of such fine to imprisonment for any period not exceeding six months with or without hard labour or to imprisonment in the first instance for any period not exceeding six months with or without hard labour.

Assaults.

40. If a prisoner shall assault any person authorized by any law or regulation to visit the prison or any constable or prison officer or person lawfully placed in charge of prisoners or servant employed in the prison he shall be guilty of a misdemeanour and be liable on conviction thereof before the Supreme Court to imprisonment with or without hard labour for any term not exceeding two years.

Assaults by prisoners.
Cf. Pap. No. 5 of 1889, s. 19.
Amended by No. 3 of 1941, s. 7 and Schedule.

41. Any charge against a prisoner under the last preceding section hereof may if a visiting justice see fit be dealt with and punished as a prison offence attended with circumstances of aggravation under this Ordinance.

Assault by prisoner may be dealt with as a prison offence.
Pap. *ib.* s. 22.

Malingering.

42. If any prisoner under sentence of hard labour shall in order to avoid labour wilfully disable himself or designedly prevent or protract the cure of any disease or complaint which he may have contracted he shall upon conviction before a visiting justice besides being liable to punishment as a prison offence have the period of his sentence extended for such further time as in the opinion of the visiting justice he may have avoided labour by the means aforesaid. In an inquiry under this section the visiting justice shall take the evidence of the visiting medical officer if any who may be in attendance on the prisoner.

Prisoner disabling himself to avoid labour.
Pap. *ib.* s. 23.
Cf. Fiji No. 20 of 1913, s. 34.

Delivering Articles to Prisoners.

43. Any person who delivers or attempts to deliver or causes to be delivered to or loiters about any prison or lands adjacent thereto for the purpose of delivering to any prisoner any money article of clothing letter intoxicating liquor tobacco or any other thing or delivers or causes to be delivered to any other person any such money article of clothing intoxicating liquor tobacco or any other thing for the purpose of being conveyed or delivered to a prisoner or who secretes or leaves upon or about any place where such prisoner is employed any such money article of clothing intoxicating liquor tobacco or other thing for the purpose of being found or received by such prisoner shall be guilty of an offence against this Ordinance.

Delivering or attempting to deliver things to prisoners.
Cf. Pap. No. 5 of 1889, s. 32;
Fiji No. 20 of 1913, s. 36.

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Loitering about Prison.

Loitering about prison premises or adjacent lands.

Pap. No. 5 of 1889, s. 33.

44. Any person loitering about any prison or lands adjacent thereto who refuses or neglects to depart therefrom upon being warned so to do by any prison officer shall be guilty of an offence against this Ordinance.

Arrest without warrant of offender against Secs. 43 and 44.

45. It shall be lawful for any prison officer or constable to apprehend without a warrant any offender against the provisions of the last two preceding sections hereof and take him before a magistrate to be dealt with.

Communicating with Prisoners.

Communicating with prisoners.

Fiji No. 20 of 1913, s. 37.

46. Any person (except those in charge or duly authorized) communicating in any manner with any prisoner sentenced to imprisonment with hard labour or endeavouring to communicate with any such prisoner whilst employed shall be guilty of an offence against this Ordinance.

Miscellaneous.

In slight offences the offender need not be sent to a prison.

Cf. Pap. *Ib.* s. 42.

Amended by No. 3 of 1941, s. 7 and Schedule.

47. In all cases in which a magistrate shall in the exercise of the summary jurisdiction conferred upon him by law award imprisonment for periods not exceeding fourteen days it shall be lawful for such magistrate in the absence of directions from the Administrator to the contrary and if he see fit to direct that such imprisonment shall be in such place as he may consider expedient in lieu of in any prison.

Prisoners obliged to walk.

Cf. Pap. *Ib.* s. 43.

48. It shall be compulsory on any prisoner if physically able to do so to proceed on foot from any place to any other place if he shall be required to do so.

Writs, etc., valid.

Q. 54 Vic. No. 17, s. 48.

49. Any writ warrant order or other legal instrument addressed to the gaoler of a particular prison describing the prison by its situation or other definite description shall be valid by whatever title the prison is usually known.

Inquest on death of prisoners.

Cf. Q. *Ib.* s. 59.

50.—(1.) An inquest shall be held into the cause of death of any prisoner who dies in any prison and whose death shall not have been certified by a visiting medical officer as having been due to natural causes.

(2.) The provisions of this section shall not apply to prisoners upon whom sentence of death is executed.

Punishments cumulative unless otherwise directed.

Cf. Q. *Ib.* s. 32.

51. Every sentence imposed under this Ordinance or the regulations upon a prisoner shall unless otherwise directed at the time

of the imposition thereof be cumulative upon the sentence under which the prisoner is detained and upon any previous uncompleted punishment to which such prisoner may have been sentenced under this Ordinance or the regulations.

52. Any person who is guilty of an offence against this Ordinance for which no specified punishment is provided shall on conviction in a summary manner be liable to a penalty not exceeding Fifty pounds and in default of payment of such penalty shall be liable to imprisonment for any period not exceeding six months with or without hard labour or to imprisonment in the first instance for any period not exceeding six months with or without hard labour.

Penalty for offences where none has been specified.

SCHEDULES.

SCHEDULE A.

Section 19.

PRISONS.

Name of Prison.	District.	Magisterial Division.
Badili Prison ..	Port Moresby ..	Central
Port Moresby Lock-up	Port Moresby ..	Central
Rigo Prison ..	Rigo ..	Central
Kairuku Prison ..	Mekeo ..	Central
Samarai Prison ..	Samarai Island ..	Eastern
Abau Prison ..	Abau Island ..	Eastern
Kulumadau Prison ..	Woodlark Island ..	South-Eastern
Losuia Prison ..	Trobriand Islands ..	South-Eastern
Baniara Prison ..	Mosquito Island ..	North-Eastern
Cape Nelson Prison ..	Cape Nelson ..	North-Eastern
Kokoda Prison ..	Kokoda ..	Northern
Buna Prison ..	Buna Bay ..	Northern
Daru Prison ..	Daru Island ..	Western
Kerema Prison ..	Kerema Bay ..	Gulf
Kikori Prison ..	Kikori ..	Delta
Ioma Prison ..	Mambare ..	Northern
Misima Prison ..	Misima Island ..	South-Eastern

SCHEDULE B.

Section 20.

PENAL DISTRICTS.

Penal Districts.	Description of Boundaries.
Badili ..	The lands that form or shall from time to time form the Government Reserve at Badili prison.
Rigo ..	The area of land comprised within a circle the centre of which circle is the present prison building at Rigo and the diameter of which circle is one mile.
Kairuku ..	The lands that form or shall from time to time form the Government Reserve at Kairuku.

PRISONS—

PENAL DISTRICTS—*continued.*

Penal Districts.	Description of Boundaries.
Samarai ..	The whole of the island of Samarai down to low-water mark.
Abau ..	The whole of the island of Abau down to low-water mark.
Daru ..	The whole of the island of Daru down to low-water mark.
Kulumadau ..	The lands that form or shall from time to time form the Government Station Reserve at Kulumadau.
Kerema ..	The lands that form or shall from time to time form the Government Station Reserve at Kerema.
Kikori ..	The lands that form or shall from time to time form the Government Station Reserve at Kikori.
Baniara ..	The whole of Mosquito Island down to low-water mark.
Cape Nelson ..	The lands that form or shall from time to time form the Government Station Reserve at Cape Nelson.
Buna ..	The lands that form or shall from time to time form the Government Station Reserve at Buna Bay.
Kokoda ..	The lands that form or shall from time to time form the Government Station Reserve at Kokoda.
Ioma ..	The lands that form or shall from time to time form the Government Station Reserve at Ioma.
Losuia ..	The lands that form or shall from time to time form the Government Station Reserve at Losuia, Trobriand Islands.
Misima ..	The whole of the island of Misima down to low-water mark.

Section 30.

SCHEDULE C.

Territory of Papua.
 To the Gaoler of _____ Prison.
 These are to command you in His Majesty's name to have the body of _____ now under your custody in _____ Prison under safe and secure conduct before _____ at _____ on the _____ day of _____, 19____, by _____ of the clock in the _____ of the same day. And on such further days and at such further times as the said _____ may order. And when and so often as the said _____ shall intimate that the presence of the said _____ before _____ is for any particular day or altogether no longer required that you return him the said _____ to the _____ Prison whence he was brought under safe and secure conduct.
 Dated at _____ this _____ day of _____, 19____.

Section 31.

SCHEDULE D.

Territory of Papua.
 To the Gaoler of _____ Prison.
 These are to command you in His Majesty's name that you cause the bodies of the under-mentioned prisoners now under your custody in the _____ Prison to be conveyed under safe and secure conduct by all available ways and means and delivered at the Prison at _____

