

No. 16 of 1992.

Parole Act 1991.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



No. 16 of 1992.

Parole Act 1991.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Parole Act 1991,

Being an Act to provide for a system of parole which will contribute to the maintenance of a just, peaceful and safe society by facilitating the reintegration of offenders into the community as law-abiding people; and for related purposes.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C of the *Constitution*, namely—

- (a) the right to freedom of assembly and association conferred by Section 47 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*; and
- (c) the right to freedom of information conferred by Section 51 of the *Constitution*; and
- (d) the right to freedom of movement conferred by Section 52 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in—

- (e) public safety; and
- (f) public order; and
- (g) public welfare.

2. INTERPRETATION.

In this Act, unless the contrary intention appears—

- “**Board**” means the Parole Board established under Section 3;
- “**Chairman**” means the Chairman of the Board appointed under Section 3(2);
- “**Chief Parole Officer**” means the Chief Parole Officer appointed under Section 11;
- “**Commissioner**” means the Commissioner of Correctional Services;
- “**correctional institution**” means premises declared under the *Correctional Services Act 1995* to be a correctional institution;
- “**detainee**” means a person who is, by reason of Section 116 of the *Correctional Services Act 1995*, deemed to be in the custody of the Commissioner;
- “**lawyer**” means a person admitted to practice as a lawyer under the *Lawyers Act 1986*;
- “**Officer**” means the Chief Parole Officer, a Parole Officer and a Voluntary Parole Officer;
- “**order**” means an order for grant of parole made under Section 21 or varied under Section 25;
- “**Papua New Guinea Law Society**” means the Papua New Guinea Law Society established under the *Lawyers Act 1986*;
- “**Parole Officer**” means a Parole Officer appointed under Section 11;
- “**Parole Service**” means the Parole Service established under Section 10;
- “**parolee**” means a person in respect of whom an order for parole, which is still effective, has been granted;
- “**remission**” means the remission of sentence of a detainee granted in accordance with the *Correctional Services Act 1995*;
- “**Voluntary Parole Officer**” means a Voluntary Parole Officer appointed under Section 12.

PART II. – PAROLE BOARD.

3. PAROLE BOARD.

(1) The Parole Board is hereby established.

(2)¹ ²There shall be three members of the Board comprising:–

- (a) a lawyer, who shall be Chairman;
- (b) a person nominated by the Commissioner;
- (c) a person nominated by the Departmental Head

appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(3) The lawyer referred to in Subsection (2)(a) shall be selected by the following process:–

- (a) the President of the Papua New Guinea Law Society shall, following public advertisement–
 - (i) select a panel of names from among applicants; and
 - (ii)³ submit the panel to the Public Services Commission for appointment in accordance with Subsection (2).

(b)⁴ [*Repealed.*]

(4) The persons referred to in Subsection (2)(b) and (c) shall have as many as possible of the following qualifications:–

- (a) experience in social welfare matters;
- (b) active involvement in community affairs;
- (c) maturity and integrity;
- (d) good standing in the community;
- (e) appreciation and understanding of social issues and problems;
- (f) interest or background in working with people in need of rehabilitation.

(5) The members of the Board shall–

- (a) be appointed for a period not exceeding three years; and
- (b) be eligible for reappointment.

(6) Subject to the *Salaries and Conditions Monitoring Committee Act 1988*, members of the Board are appointed on such terms and conditions as the Minister determines.

¹ Section 3 Subsection (2) substituted by No. 97 of 2006, Sched. 1.

² Section 3 Subsection (2) substituted by No. 97 of 2006, Sched. 1.

³ Section 3 Subsection (3) amended by No. 97 of 2006, Sched. 1.

⁴ Section 3 Subsection (3) amended by No. 97 of 2006, Sched. 1.

(7) Notwithstanding anything contained in the *Public Services (Management) Act 1995*, where an officer of the National Public Service is appointed to the Board, his service on the Board shall be counted as service in the National Public Service for the purpose of determining his rights (if any) in respect of—

- (a) leave of absence on the ground of illness; and
- (b) furlough or pay instead of furlough (including pay to dependents on the death of the officer).

(8) The provisions of the *Public Services (Management) Act 1995* relating to leave to serve under another Act apply to the office of member of the Board.

(9) The Board shall have an official seal and all courts, Judges and persons acting judicially shall take judicial notice of the official seal of the Board affixed to a document and shall presume that it was duly affixed.

4. LEAVE OF ABSENCE.

(1) The Minister may grant leave of absence to a member of the Board on such terms and conditions as he determines.

(2) Where a member of the Board is on leave of absence or otherwise unable to act, the Minister may make a temporary appointment to the Board in accordance with Subsection (3) or (4) (as the case may be).

(3) Where the member referred to in Subsection (2) is the Chairman, the temporary appointee shall be a lawyer.

(4) Where the member referred to in Subsection (2) is not the Chairman, the temporary appointee shall have some or all of the qualifications referred to in Section 3(3).

5. VACATION OF OFFICE BY MEMBER OF BOARD.

(1) A member of the Board may resign his office by writing signed by him and delivered to the Minister.

(2) If a member of the Board—

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office in accordance with Subsection (1) and the resignation is accepted by the Minister; or
- (c) is absent from three consecutive meetings of the Board without the consent in writing of the Chairman, or, in the case of the Chairman, of the Minister; or
- (d) is convicted of an offence and as a result of the conviction is sentenced to imprisonment or death,

the Minister shall terminate his appointment.

(3) The Minister may at any time, by written notice, advise a member of the Board that he intends to terminate his appointment on the grounds of inability, inefficiency, incapacity or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (3), the member may reply in writing to the Minister, who shall consider the reply and, where appropriate, terminate the appointment.

(5) Where the member does not reply in accordance with Subsection (4), his appointment is terminated.

6. MEETINGS OF THE BOARD.

(1) The Board shall meet as often as required and at such times and places as it determines.

(2) The Chairman shall preside at all meetings of the Board.

(3) The quorum for a meeting of the Board is all the members.

(4) Subject to this Act, the procedures of the Board are as determined by the Board.

(5) Meetings of the Board shall not be open to the public.

7. FUNCTIONS OF THE BOARD.

(1) The functions of the Board are, in accordance with the provisions of this Act—

(a) to consider the cases of detainees who are eligible for parole in accordance with Section 17, and applications for parole under Section 22; and

(b) to grant orders for the release of detainees on parole where appropriate; and

(c) such other functions as are specified or required under this Act or any other law.

(2) In the performance of its functions, the Board shall apply the following criteria:—

(a) the protection of the public is the paramount consideration;

(b) the detainee's release will cause no undue risk that he will reoffend before his sentence expires;

(c) the detainee's release will contribute to the welfare and protection of the community by helping or furthering his reintegration into the community as a law-abiding person.

8. POWERS OF THE BOARD.

(1) The Board may do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) For the purpose of exercising the functions of the Board under this Act, the members of the Board have all the powers, authorities, protections and immunities conferred on a Commissioner under the *Commissions of Inquiry Act 1951*.

9. CHAIRMAN'S REPORT.

As soon as possible after the close of each calendar year the Chairman shall, in respect of that year, submit to the Minister, for presentation to Parliament, a report in relation to—

- (a) the number of detainees eligible for parole in accordance with Section 17; and
- (b) the number of detainees eligible for parole who refused to be considered for parole in accordance with Section 19; and
- (c) the number of detainees granted parole; and
- (d) the number of detainees refused parole; and
- (e) the number of detainees refused parole who have applied for the parole in accordance with Section 22; and
- (f) the number of persons on parole; and
- (g) the number of convictions for breach of parole; and
- (h) the number of orders for grant of parole which were revoked; and
- (i) the number of orders for parole discharged; and
- (j) the operations generally of the Parole Board and of the system of parole; and
- (k) the effect of the operation of this Act with respect to parole; and
- (l) such other matters as he considers appropriate or as the Minister directs.

PART III. – PAROLE SERVICE.

10. PAROLE SERVICE.

A Parole Service is hereby established.

11. OFFICERS OF THE PAROLE SERVICE.

(1) The Parole Service shall consist of–

(a) a Chief Parole Officer; and

(b) Parole Officers,

who will be officers of the National Public Service, and

(c) Voluntary Parole Officers.

12. VOLUNTARY PAROLE OFFICERS.

(1) The Chief Parole Officer may, in writing, appoint a person to be a Voluntary Parole Officer.

(2) An appointment under Subsection (1) shall not be made where the person is the holder of an office or appointment that is inconsistent with the exercise of the powers, or the performance of the duties and functions, of an Officer of the Parole Service.

(3) The Chief Parole Officer may delegate his power of appointment under Subsection (1), including the power to revoke an appointment, to a Parole Officer.

(4) An appeal against a revocation of appointment by a delegate under Subsection (3) lies to the Chief Parole Officer who may confirm, vary or withdraw the revocation.

(5) A Voluntary Parole Officer is not entitled to a salary or other remuneration for services rendered by him under this Act, but may be reimbursed such expenses as are necessarily incurred by him in the proper performance of his duties and functions and at such rates as are determined by the Departmental Head.

(6) A Voluntary Parole Officer shall be deemed to be a worker employed by the State for the purposes of the *Workers Compensation Act 1978*.

13. DUTIES OF THE CHIEF PAROLE OFFICER.

(1) The Chief Parole Officer shall be responsible for the efficient management of the Parole Service, and in particular shall–

(a) be responsible for the preparation of such reports of investigation and supervision as he considers necessary or as are required under this Act; and

(b) assign Officers to serve in such areas and for such cases as he determines; and

- (c) direct and supervise the work of Officers and other employees assigned to him; and
- (d) formulate and implement methods of investigation, supervision of parolees, record keeping and reporting; and
- (e) conduct training courses for Officers and other staff of the Parole Service; and
- (f) develop policies and procedures for parole work; and
- (g) prepare an annual report as required by Section 30; and
- (h) have such other functions, powers, duties and responsibilities as are prescribed by or under this Act or any other law.

(2) The Chief Parole Officer has and may exercise any powers, or perform any duties or functions, of a Parole Officer.

14. DUTIES OF PAROLE OFFICERS.

A Parole Officer shall—

- (a) supervise all parolees placed under his supervision with a view to assisting their reintegration into the community as law-abiding people; and
- (b) prepare for, and submit to, the Board reports in accordance with Section 19 to assist the Board in determining whether to grant, vary or revoke parole; and
- (c) perform such other duties as are assigned to him under this Act or any other law; and
- (d) perform such other duties as the Chief Parole Officer directs, including the making of investigations and reports as requested by the Board.

15. DUTIES OF VOLUNTARY PAROLE OFFICERS.

A Voluntary Parole Officer shall—

- (a) as directed by a Parole Officer, supervise all parolees placed under his supervision with a view to assisting their reintegration into the community as law-abiding people; and
- (b) aid and assist any Parole Officer as required; and
- (c) prepare and submit to a Parole Officer such written reports and information with respect to any parolee as are required by a Parole Officer.

16. EXTENT OF DUTIES.

(1) An Officer shall not, in the performance of his duties and functions under this Act or any other law, perform those duties and functions for a purpose other than the furtherance of the purposes for which the Parole Service is established.

(2) The Chief Parole Officer shall determine whether the performance of a duty or function in any general or particular circumstance is for the furtherance of the purposes referred to in Subsection (1).

PART IV. – PAROLE.**17. ELIGIBILITY FOR PAROLE.**

(1) Subject to this Act, a detainee who—

- (a) having been sentenced to a term of imprisonment of less than three years—has served not less than one year; or
- (b) having been sentenced to a term of imprisonment of three years or more—has served not less than one third of the sentence; or
- (c) having been sentenced to life imprisonment or detention during Her Majesty’s pleasure—has served not less than 10 years,

is eligible for parole.

(2) For the purposes of determining the length of a sentence under Subsection (1)—

- (a) remission of sentence shall not be taken into account; and
- (b) where a detainee has been sentenced to—
 - (i) two or more terms of imprisonment to be served concurrently—the longer or longest term (as the case may be) shall be considered; or
 - (ii) two or more terms to be served cumulatively—the total of these terms shall be considered.

18. COMMISSIONER TO PROVIDE PARTICULARS OF DETAINEES ELIGIBLE FOR PAROLE.

At least six months before a detainee becomes eligible for parole in accordance with Section 17(1), the Commissioner shall provide the Board with the following particulars in the prescribed form:—

- (a) the name of the detainee;
- (b) the date of his committal to the correctional institution;
- (c) particulars of the offence committed by him and of his conviction;
- (d) the length of the sentence imposed on him, and if more than one sentence has been imposed on him the lengths of the respective sentences and whether they were imposed to run concurrently or cumulatively;
- (e) particulars of any further sentences imposed on him since his committal to the correctional institution, including particulars of any sentences imposed on him for disciplinary offences while in detention;
- (f) the date on which he will become eligible for parole in accordance with Section 17,

and shall notify the detainee that this has been done.

19. DETAINEE MAY REFUSE TO BE CONSIDERED FOR PAROLE.

(1) A detainee notified under Section 18 may refuse in writing to be considered for parole and the Commissioner shall advise the Board of the refusal.

(2) A detainee who has refused to be considered for parole under Subsection (1) may at any time withdraw his refusal in writing and the Commissioner shall advise the Board of the withdrawal.

(3) Where the Board has been notified of a refusal under Subsection (1), and unless it receives notice of a withdrawal under Subsection (2), it shall take no further action in the matter of parole of the detainee.

20. REPORTS ON DETAINEES ELIGIBLE FOR PAROLE.

(1) Subject to Section 19(3), where the Board receives—

- (a) information relating to a detainee in accordance with Section 18; or
- (b) notice that a refusal has been withdrawn in accordance with Section 19(2); or
- (c) an application for parole under Section 22,

the Board shall request—

- (d) the Commissioner; or
- (e) the Chief Parole Officer,

to provide it with reports on the detainee.

(2) The report of the Commissioner under Subsection (1) shall contain the following particulars in respect of the detainee:—

- (a) an assessment of character and history during detention;
- (b) a report of a medical examination held within the previous three months;
- (c) a recent assessment by a psychiatrist or welfare officer;
- (d) where it is appropriate and available, a report of a resident or visiting chaplain;
- (e) details of any money, including wages, due to him;
- (f) an assessment of his attitude to the offence and to any victim of the offence;
- (g) a summary of progress while in detention, including a resume of achievements in academic and technical skills, and involvement in social, recreational and religious activities;
- (h) an assessment of relationships with other detainees and corrective institution staff;

- (i) an assessment of co-operation, behaviour and general attitude while in detention;
- (j) details of proposed plans, particularly in respect of education and training, employment, proposed housing, community and church involvement;
- (k) where the report is made in respect of an application for parole under Section 22, details of any apparent changes in behaviour and attitude since parole was refused.

(3) The report of the Chief Parole Officer under Subsection (1) shall contain the following particulars in respect of the detainee:—

- (a) an assessment of character and history;
- (b) previous convictions (if any);
- (c) an assessment of his attitude to the offence;
- (d) any matters of custom relevant to the offence committed;
- (e) particulars of any disputes or disruptions within the community which have arisen as a result of the commission of the offence or which may be likely to arise if he is released on parole;
- (f) the amount and nature of any compensation paid in relation to the offence;
- (g) an assessment of the likelihood of his reoffending if he is placed on parole;
- (h) an assessment of the probability of his successful reintegration into the community if he is released on parole;
- (i) an assessment of his rehabilitation plans, particularly in respect of education and training, employment, proposed housing, community and church involvement, and the likelihood of future employment and education;
- (j) an assessment of his financial situation, assets and property, family circumstances and marital status;
- (k) any other particulars which the Chief Parole Officer thinks relevant in assisting the Board to decide whether to grant or refuse parole;
- (l) where the report is made in respect of an application for parole under Section 22, details of any apparent changes in behaviour and attitude since parole was refused.

21. ORDERS GRANTING PAROLE, ETC.

(1) As soon as possible after receiving the reports under Section 20, the Board shall consider, in relation to the detainee reported on—

- (a) those reports; and

- (b) where available, the stated reasons and recommendations of the sentencing judge or magistrate; and
- (c) other available information from the trial or sentencing; and
- (d) any other available information which the Board considers relevant,

and shall decide whether to grant or refuse an order for parole, and, if an order is granted, what, if any, additional conditions are to be imposed in accordance with Section 24(2).

(2) An order granting parole takes effect from—

- (a) such date as may be determined by the Board, not being a date before the date on which the detainee becomes eligible for parole; or
- (b) where the Board makes no determination as to the date—~~from the date~~ upon which the detainee becomes eligible for parole.

(3) Time spent on parole is deemed to be time served towards that part of the parolee's sentence that is remaining at the time of his release on parole.

(4) Notification of a decision under Subsection (1) shall be given to—

- (a) the Commissioner; and
- (b) the Chief Parole Officer; and
- (c) the detainee.

22. APPLICATION AFTER REFUSAL OF PAROLE.

(1) Subject to Subsection (2), a detainee who has been refused parole under Section 21 may apply in the prescribed form to the Board for parole.

(2) An application under Subsection (1) shall not be made within 12 months from the date of refusal to grant parole.

(3) Upon receipt of an application under Subsection (1), the Board shall request—

- (a) the Commissioner; and
- (b) the Chief Parole Officer,

to provide it with reports on the detainee in accordance with Section 20, and shall proceed to consider and decide whether to grant or refuse parole to the detainee in accordance with Section 21.

23. RELEASE OF PAROLEE FROM DETENTION.

(1) Subject to Subsection (2), a parolee shall be released on parole upon the grant of parole in accordance with Section 21.

(2) Notwithstanding Subsection (1), a parolee shall not be released from detention—

- (a) upon grant of parole under Section 21; or

(b) upon a decision in accordance with Section 27(5),

until he has been contacted by an Officer, who shall explain fully and in a language which the parolee understands the terms of his parole.

(3) Upon release from detention, a parolee shall report immediately to an office of the Parole Service nominated by a Parole Officer.

24. CONDITIONS OF PAROLE.

(1) An order for parole shall—

- (a) specify the office to which the parolee is to report immediately upon release, in accordance with Section 23(2); and
- (b) require the parolee to report to an Officer as and when he is required by the Officer to do so; and
- (c) require the parolee to keep the peace and be of good behaviour; and
- (d) require the parolee to follow any directions or instructions given to him by a Parole Officer; and
- (e) require the parolee to inform a Parole Officer of his exact place of residence, which he shall not change unless—
 - (i) he has given to the Parole Officer reasonable notice of his intention to do so and the reasons for the proposed change; and
 - (ii) the Parole Officer has given him permission to change his residence; and
 - (iii) the parolee complies with any orders given to him by the Parole Officer in relation to his change of residence; and
- (f) direct that the parolee shall give reasonable notice to a Parole Officer of his intention to change his employment and advise him of reasons for the change, and the nature and place of his proposed employment; and
- (g) direct that the parolee shall give reasonable notice to a Parole Officer of any contracts, debts or financial undertakings which he proposes to incur or enter into, which might have a significant effect on his income or family situation; and
- (h) require that the parolee shall, for the purposes of this Act, allow an Officer to enter his home during reasonable hours.

(2) In addition to the conditions set out in Subsection (1), the Board may impose such other conditions as are necessary in the circumstances of the case for ensuring compliance by the parolee with the conditions of the order and for his good conduct and welfare.

25. VARIATION OF CONDITIONS.

(1) The Board may—

- (a) in its own discretion; or
- (b) in considering a case of breach of parole under Section 27; or
- (c) on the application of a parolee who has informed a Parole Officer of his intention to do so; or
- (d) on the application of a Parole Officer,

suspend or vary any additional condition of parole under Section 24(2), or impose further conditions on the order for parole.

(2) Notification of any suspension, variation or addition of conditions under Subsection (1) shall be given to the Chief Parole Officer and to the parolee.

26. BREACH OF PAROLE.

(1) A parolee shall—

- (a) comply with the requirement to report under Section 23(2); and
- (b) comply with the conditions of his parole under Section 24, subject to any variation or addition under Section 25.

(2) A parolee who contravenes, or fails to comply with, a condition or requirement of his parole commits an offence.

(3) A member of the Police Force who, on reasonable grounds, believes that a parolee has committed a breach of, or has failed to comply with, his parole may, subject to the *Arrest Act 1977* and the *Bail Act 1977*, arrest the parolee without a warrant.

(4) If, on information, it appears to a magistrate that a parolee has committed a breach of, or has failed to comply with, his parole, the magistrate may—

- (a) issue a summons requiring the parolee to appear before a District Court; or
- (b) where the information is on oath—issue a warrant for his arrest.

(5) An offence under Subsection (2) may be heard by a District Court, and where the parolee is convicted of the offence, the court shall—

- (a) issue a certificate of conviction in the prescribed form; and
- (b) remit the matter to the Board for consideration in accordance with Section 27; and
- (c) subject to Subsection (6)—place the parolee in custody pending the decision of the Board.

(6) A parolee may not be held in custody under Subsection (5) for longer than the remainder of the term of imprisonment to which his parole order related.

27. DECISION OF BOARD IN RELATION TO BREACH.

(1) Where a matter of breach of parole has been referred to it in accordance with Section 26, the Board shall—

- (a) revoke the order; or
- (b) not revoke the order; or
- (c) not revoke the order and vary, or impose additional conditions on, the order,

granting parole to the parolee.

(2) A decision under Subsection (1) shall be made as soon as is practicable after the arrest of a parolee under Section 26.

(3) Notification of a decision under Subsection (1) shall be given to—

- (a) the Commissioner; and
- (b) the Chief Parole Officer; and
- (c) the parolee.

(4) Where the Board revokes an order for grant of parole under Subsection (1)(a), it shall remit the detainee to a correctional institution to serve the remainder of the term of imprisonment to which his parole order related.

(5) Where the Board does not revoke an order for grant of parole under Subsection (1)(b) or (c), it shall direct the Commissioner to release the parolee subject to the requirements of Section 23.

(6) Any time spent by a parolee in a corrective institution between his arrest for breach of parole and the decision of the Board under Subsection (1) shall—

- (a) where the order granting parole is revoked—be counted as part of the sentence served; or
- (b) where the order granting parole is not revoked—be counted as part of the period of parole.

28. DISCHARGE FROM PAROLE.

(1) Where a parolee's period of parole has expired, the Board shall discharge the order for parole.

(2) On the discharge of an order for parole under Subsection (1), the person to whom the order related is deemed to have served his sentence in full.

PART V. – MISCELLANEOUS.

29. ASSISTANCE TO BE GIVEN TO OFFICERS.

(1) Subject to any other law, a Parole Officer has a right to receive assistance and information from the State, a Provincial Government, an individual or other body for the proper performance of his duties and functions under this Act.

(2) A person who unlawfully–

(a) withholds information required by; or

(b) hinders or obstructs,

an Officer in the performance of his duties, is guilty of an offence.

Penalty: A fine not exceeding K200.00.

30. REPORT BY CHIEF PAROLE OFFICER.

As soon as is practicable after the close of each calendar year, the Chief Parole Officer shall submit to the Minister a report in respect of that year including–

(a) the number of persons on parole; and

(b) the number of parolees discharged from parole; and

(c) the number of reports made in respect of breaches of parole; and

(d) the effect of the operation of this Act with respect to parole; and

(e) particulars of the activities of the Parole Service.

31. PROCEEDINGS TO BE CONFIDENTIAL.

(1) Subject to Subsection (2), all evidence given to the Board relating to a detainee or parolee shall be and remain confidential.

(2) A copy of a written report by an Officer furnished to the Board may be made available to–

(a) any person or body who, in the opinion of the Chairman, has a legitimate professional interest in the information contained in the report; and

(b) the subject of the report and his lawyer; and

(c) the Departmental Head; and

(d) any person, as authorized by the Chief Parole Officer, for the purposes of research or study or for statistical reasons.

(3) A copy of a report made available–

(a) under Subsection (2)(b)–shall be made available before the meeting of the Parole Board at which it is to be considered and shall be returned to the Parole Board after that meeting; and

(b) under Subsection (2)(d)—shall be made available subject to such conditions as the Chief Parole Officer determines.

(4) A person who—

(a) publishes; or

(b) discloses; or

(c) makes available to any person,

any report or copy of any report or any part of it, except in accordance with this section, is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a period not exceeding two months or both.

32. INDEMNITY.

An Officer is not liable to any action, suit or other proceeding for any act or thing done or omitted by him to be done in good faith in the exercise of any power or the performance of any duty or function conferred or imposed upon him by or under this Act.

33. REGULATIONS.

The Head of State, acting on advice, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed for carrying out or giving effect to this Act, in particular for prescribing penalties of fines not exceeding K1,000.00 for offences against the regulations.

Office of Legislative Counsel, PNG