

1990 - No. 702

**PRISONS ACT 1952 - REGULATION**  
(Relating to compulsory HIV testing of prisoners)

NEW SOUTH WALES



*[Published in Gazette No. 133 of 26 October 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Prisons Act 1952, has been pleased to make the Regulation set forth hereunder.

MICHAEL YABSLEY  
Minister for Corrective Services.

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**Commencement**

1. This Regulation commences on 5 November 1990.

**Amendments**

2. The Prisons (General) Regulation 1989 is amended:

- (a) by inserting after clause 34 the following clause:

**Medical examination and testing of prisoners**

34A. (1) The medical officer of a prison is to cause each prisoner to be examined and tested at the following times for evidence of exposure to or infection by Human Immunodeficiency Virus:

- (a) as soon after reception as is practicable;
- (b) in the case of a prisoner who has been in continuous custody for at least 3 months, once during the period of 4 weeks before the date of release from custody;

- (c) at such other times as the governor of the prison may direct.
- (2) A prisoner must not refuse or fail to comply with a reasonable requirement or direction made or given by the medical officer of the prison, or a person acting under the authority of the medical officer, for the purpose of facilitating an examination or test under this clause (including a requirement or direction in relation to the provision of a sample or specimen by the prisoner).
- (3) This clause does not apply to a periodic detainee within the meaning of the Periodic Detention of Prisoners Act 1981.
- (b) by inserting in clause 147 after the matter "32," wherever occurring the matter "34A (2),".

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**EXPLANATORY NOTE**

The object of this Regulation is to amend the Prisons (General) Regulation 1989 so as to require prison medical officers to examine and test prisoners at certain times for evidence of exposure to or infection by Human Immunodeficiency Virus and to make it a minor prison offence for a prisoner to fail to co-operate in relation to an examination or test.

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