

PRISONS ACT 1952—REGULATION

(Relating to unauthorised use of cameras and video and audio recorders)

NEW SOUTH WALES



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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.

JOHN HANNAFORD, M.L.C.,
Attorney General and Minister for Justice.

Commencement

1. This Regulation commences on 2 August, 1993.

Amendments

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

- (a) by omitting from the whole Regulation the word “Director-General” wherever occurring and by inserting instead the word “Commissioner” ;
by inserting after clause 104 the following clause:

Unauthorised use of cameras etc. by persons visiting a prison, prison complex or prisoner

104A. (1) A person who is visiting a prison or prison complex, or who is visiting a prisoner at a prison or prison complex, must not take any photographs or operate any video or audio recording equipment without the prior approval of the Commissioner.

Maximum penalty: 20 penalty units.

- (2) The Commissioner may take into possession any film, tape or other recording taken or made by a person in contravention of this clause.

(3) The Commissioner may destroy the whole or any part of a film, tape or recording taken into possession if the Commissioner is satisfied that it is likely to adversely affect the security of the prison or prison complex or if it is likely to place the personal safety of any person at risk.

(4) However, if the Commissioner is satisfied that the whole or any part of the film, tape or recording is not likely to adversely affect the security of the prison or prison complex or is not likely to place the personal safety of any person at risk, the film, tape or relevant part is to be returned to the person from whom it was taken.

(5) Before returning the whole or any part of a film, tape or recording, the Commissioner may charge the person for payment of any costs incurred by or on behalf of the Commissioner for processing or developing the film, tape or recording.

EXPLANATORY NOTE

The object of this Regulation is to amend the Prisons (General) Regulation 1989:

- to prohibit visitors or other persons from taking photographs or operating any video or audio recording equipment during visits to a prison or prison complex without the approval of the Commissioner of Corrective Services
- to enable the Commissioner to take into possession any film, tape or other recording taken or made without the Commissioner's approval
- to enable the Commissioner to destroy any such film, tape or recording if the Commissioner is satisfied that it is likely to adversely affect the security of the prison or prison complex or it is likely to place the personal safety of any person at risk
- to change references to the Director-General of Corrective Services to the Commissioner of Corrective Services.

This Regulation is made under the Prisons Act 1952, including section 50 (the general regulation-making power).
