

1996—No. 98

PRISONS ACT 1952—REGULATION

(Relating to the distribution, use and disposal of condoms)

NEW SOUTH WALES



[Published in Gazette No. 35 of 22 March 1996]

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.

R. J. Debus
Minister for Corrective Services.

Commencement

1. This Regulation commences on 22 March 1996.

Amendments

2. The Prisons (General) Regulation 1995 is amended:

(a) by inserting at the end of clause 37 the following subclause:

(2) If the property of the prisoner is a condom, the governor of the new prison is not to permit the prisoner to keep the condom at the prison unless the new prison is a prison in which condoms are made available under clause 56A.

(b) by inserting after Part 6 the following Part:

PART 6A—CONDOMS

Availability and disposal of condoms

56A. (1) The Commissioner may direct that condoms be made available to prisoners in a prison or prisons nominated by the Commissioner.

(2) Condoms (together with plastic disposal bags) are to be made available free of charge in any such prison:

(a) from a condom dispensing machine that is located in the prison and installed there with the approval of the governor of the prison; or

1996—No. 98

(b) by any other means permitted by the governor of the prison.

(3) One or more condom disposal units are to be installed, with the approval of the governor, in any such prison for the use of the prisoners.

Unauthorised possession of condoms

56B. A prisoner must not possess any condom unless:

- (a) the condom was obtained by the prisoner from a condom dispensing machine located in the prison in which the prisoner is imprisoned and installed there with the approval of the governor of the prison, or
- (b) the condom was obtained by the prisoner by any other means permitted by the governor of that prison; or
- (c) the condom was issued to the prisoner under clause 29.

Unauthorised use of condoms

56C. A prisoner must not use or threaten to use any condom:

- (a) as a weapon; or
- (b) for any other purpose except sexual activity with another consenting prisoner in a prison cell.

Unauthorised disposal of condom

56D. (1) A prisoner who uses any condom for sexual activity must, as soon as is reasonably practicable after its use, dispose of the condom.

(2) A prisoner must not dispose of a condom (whether used or unused) other than in the authorised manner.

(3) For the purposes of this clause, a condom is disposed of in the authorised manner if:

- (a) the condom is placed in a plastic disposal bag from a condom pack obtained from a condom dispensing machine or is placed in a plastic disposal bag obtained by any other means permitted by the governor; and
- (b) the plastic bag containing the condom is placed in a condom disposal unit installed in the prison with the governor's approval.
- (c) by omitting "except clauses 158 (1) and (2), 168 (1) and 169" from clause 146 and by inserting instead "except clauses 56C (a), 158 (1) and (2), 168 (1) and 169";

1996—No. 98

(d) by inserting after the matter relating to clause 56 (2) in Schedule 3 the following matter:

56B Unauthorised possession of condoms

56C Unauthorised use of condoms

56D Unauthorised disposal of condoms

EXPLANATORY NOTE

The object of this Regulation to regulate the possession, distribution, use and disposal of condoms in prisons.

This Regulation is made under the Prisons Act 1952, in particular sections 23,25 and 50 (1) (j3) and (k).
