

**PRISONS (ESCAPE TUNNELS) AMENDMENT ACT 1991**  
**No. 86**

**NEW SOUTH WALES**



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**PRISONS (ESCAPE TUNNELS) AMENDMENT ACT 1991**  
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**Act No. 86, 1991**

An Act to amend the Prisons Act 1952 to create an offence concerned with tunnelling to facilitate escape from lawful custody. [Assented to.17 December 1991]

*Prisons (Escape Tunnels) Amendment 1991*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Prisons (Escape Tunnels) Amendment Act 1991.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Prisons Act 1952 No. 9**

3. The Prisons Act 1952 is amended by inserting after section 34 the following section.:

**Tunnels to facilitate escape**

34A. (1) A prisoner in lawful custody who constructs, or takes part in the construction of, a tunnel which could reasonably be thought likely to be intended for use in facilitating the escape from lawful custody of any prisoner is guilty of an offence and liable to penal servitude for a term not exceeding 10 years.

(2) It is not necessary for the prosecution to prove that the tunnel was actually intended for use in facilitating such an escape, but it is a defence for the accused to establish that he or she did not intend it to be so used.

(3) A sentence of penal servitude imposed by a court under this section is to be imposed as a sentence that is cumulative on all previous sentences imposed by the court or to which the prisoner is subject.

(4) In this section:

“**tunnel**” includes any partially completed tunnel and any excavation.

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*[Minister's second reading speech made in—  
Legislative Assembly on 2 July 1991  
Legislative Council on 9 December 1991]*