

**PRISONS (SYRINGE PROHIBITION AMENDMENT ACT 1991  
No. 87**

NEW SOUTH WALES



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**PRISONS (SYRINGE PROHIBITION) AMENDMENT ACT 1991**  
**No. 87**

NEW SOUTH WALES



**Act No. 87, 1991**

An Act to amend the Prisons Act 1952 to create an offence concerned with the introduction of syringes into prisons or the supply to prisoners of syringes. [Assented to 17 December 1991]

*Prisons (Syringe Prohibition) Amendment 1991*

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

**Short title**

1. This Act may be cited as the Prisons (Syringe Prohibition) 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 37 the following section:

**Introduction or supply of syringes**

37A. (1) A person:

- (a) who introduces a syringe into a prison or attempts to introduce a syringe into a prison; or
- (b) who supplies a syringe to a prisoner who is in lawful custody or attempts to supply a syringe to a prisoner who is in lawful custody,

is guilty of an offence and liable to imprisonment for a term not exceeding 2 years.

(2) A person is not guilty of an offence of introducing or attempting to introduce a syringe into a prison if the person satisfies the court that the governor of the prison had consented to the person's introducing the syringe into the prison.

(3) A person is not guilty of an offence of supplying or attempting to supply a syringe to a prisoner in lawful custody if the person satisfies the court:

- (a) that the supply was authorised on medical grounds by a registered medical practitioner; and
- (b) if the prisoner is in lawful custody in a prison, that the governor of the prison had consented in writing to the supply.

(4) In respect of an offence under this section, the powers of arrest of a police officer may be exercised:

- (a) by a prison officer, or
- (b) in connection with a prisoner (or any other person) at a prison which is managed under an agreement in accordance with Part 6A—by a person employed by the management company as a custodian of prisoners.

*Prisons (Syringe Prohibition) Amendment 1991*

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(5) While absent from a prison in any of the circumstances referred to in section 29A (Absent prisoners deemed to be in custody), a prisoner is taken to be in lawful custody for the purposes of an offence under this section only if the prisoner is being escorted by a prison officer or a police officer.

(6) In this section, “**syringe**” means a hypodermic syringe and includes anything designed for use or intended to be used as part of such a syringe and a needle designed for use or intended to be used in connection with such a syringe.

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*[Minister’s second reading speech made in—  
Legislative Assembly on 18 September 1991  
Legislative Council on 9 December 1991]*