

**PRISONS (MEDICAL TESTS) AMENDMENT ACT 1990 No. 40**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Prisons Act 1952 No. 9

**SCHEDULE 1 - AMENDMENTS**

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REPORT UNDER THE CONTRACT NO. 100-100-10

NEW SOUTH WALES

DEPARTMENT OF PROVISIONS

- 1. General info.
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SCHEDULE 1 - APPENDIX



**PRISONS (MEDICAL TESTS) AMENDMENT ACT 1990 No. 40**

**NEW SOUTH WALES**



**Act No. 40, 1990**

An Act to amend the Prisons Act 1952 with respect to the medical testing of prisoners; and in other respects. [Assented to 22 June 1990]

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

**Short title**

1. This Act may be cited as the Prisons (Medical Tests) Amendment Act 1990.

**Commencement**

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

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

3. The Prisons Act 1952 is amended as set out in Schedule 1.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

(1) Section 46 (**Civil and criminal liability**):

At the end of section 46, insert:

(2) No civil or criminal liability is incurred by a person in respect of:

- (a) anything properly and necessarily done by the person in the course of carrying out a medical examination or medical test if the person believed on reasonable grounds that the examination or test was authorised or required to be carried out by this Act or the regulations; or
- (b) the disclosure, in accordance with the regulations, of information obtained in the course of any such examination or test.

(2) Section 50 (**Regulations**):

(a) Before section 50 (1) (k), insert:

- (j4) requiring prisoners to undergo examinations and tests and provide specimens for the purpose of testing for evidence of exposure to or infection by Human Immunodeficiency Virus;

SCHEDULE 1 - AMENDMENTS - *continued*

- (j5) authorising the disclosure of information obtained in the course of testing referred to in paragraph (j4) (including regulations restricting the persons to whom any such information can be disclosed);
  - (b) From section 50 (2), omit "10 penalty units", insert instead "20 penalty units".
  - (c) After section 50 (2), insert:
    - (3) The generality of any power conferred by subsection (1) to make regulations is not to be construed as being limited by the specificity of any other power conferred by that subsection.
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[*Minister's second reading speech made in -  
Legislative Assembly on 10 May 1990  
Legislative Council on 4 June 1990*]







FIRST PRINT

**PRISONS (MEDICAL TESTS) AMENDMENT BILL 1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Prisons Act 1952:

- (a) to enable regulations to be made relating to the carrying out of medical examinations and tests on prisoners for evidence of exposure to or infection by Human Immunodeficiency Virus (AIDS); and
- (b) to enable regulations to be made in relation to the disclosure of information obtained in the course of those examinations and tests; and
- (c) to protect persons who carry out medical examinations and tests on prisoners, or make authorised disclosures of the results, from civil or criminal liability; and
- (d) to increase the maximum penalty for a breach of the regulations from 10 penalty units to 20 penalty units.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

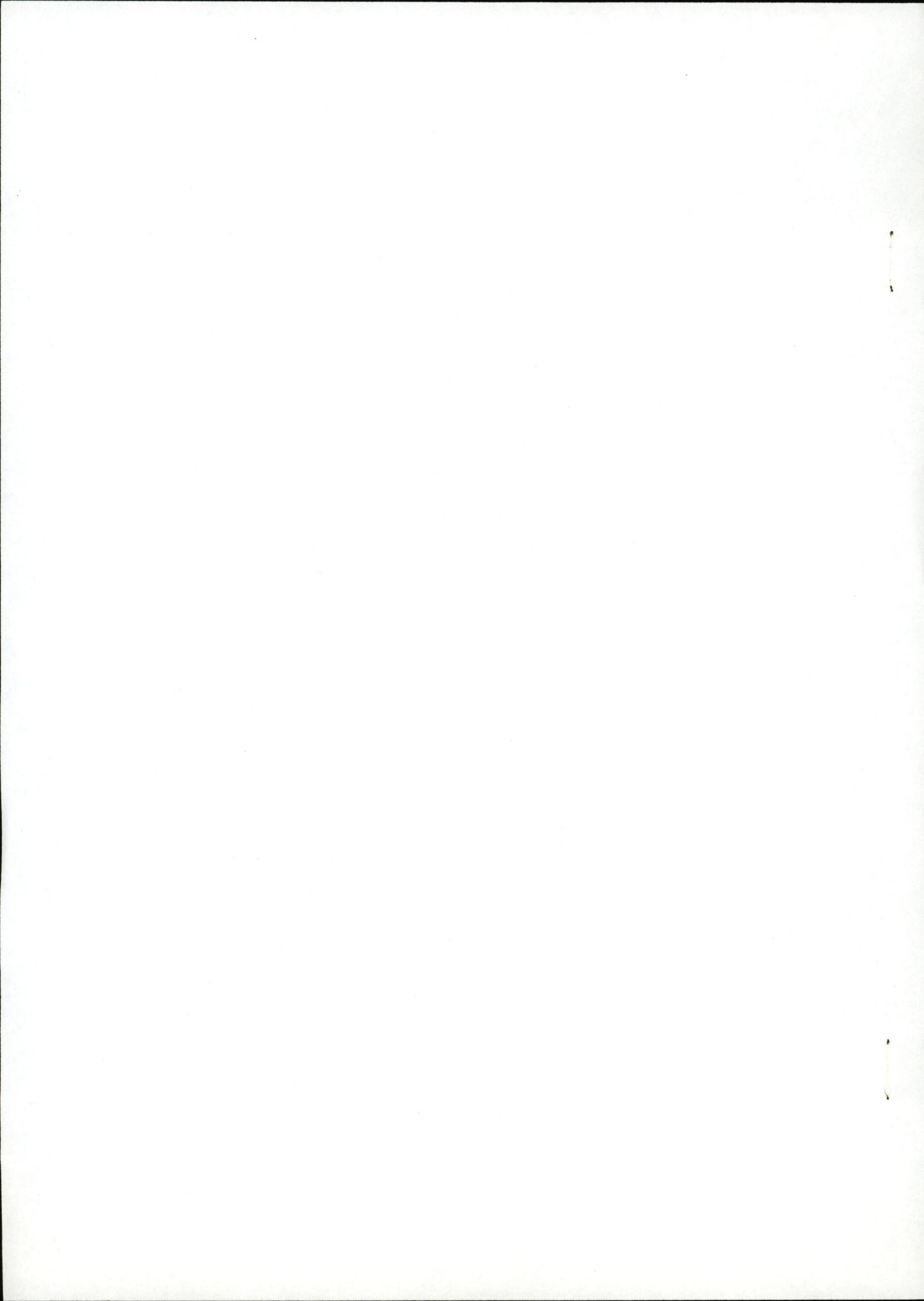
**Clause 3** is a formal provision which gives effect to the Schedule of amendments.

**Schedule 1** makes the amendments described above.

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The expression "penalty unit", used throughout the Bill, has its basis in section 56 of the Interpretation Act 1987. At present, 1 penalty unit is equivalent to \$100.

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FIRST PRINT

**PRISONS (MEDICAL TESTS) AMENDMENT BILL 1990**

NEW SOUTH WALES

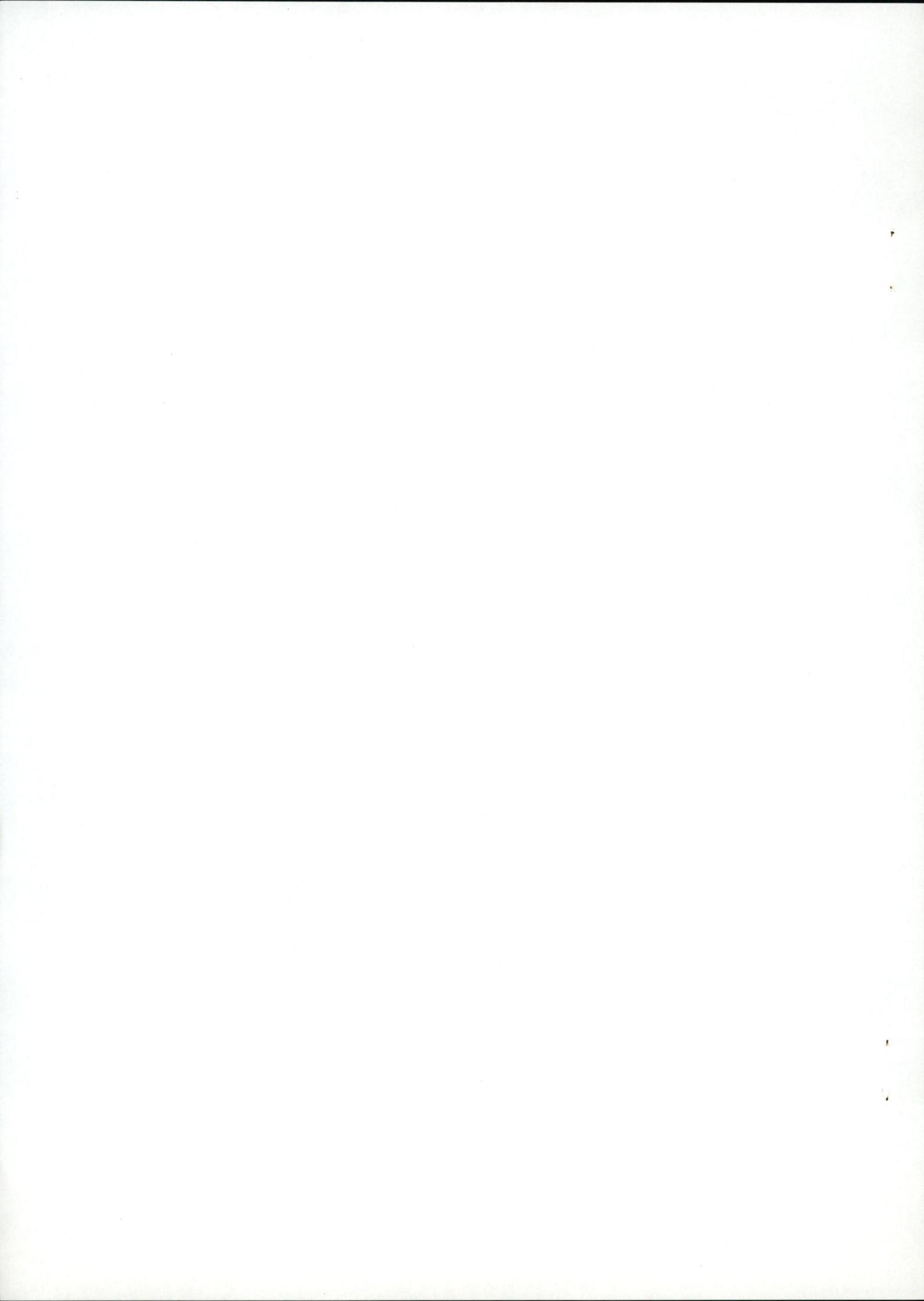


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**SCHEDULE 1 - AMENDMENTS**

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**PRISONS (MEDICAL TESTS) AMENDMENT BILL 1990**

NEW SOUTH WALES



No. , 1990

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**A BILL FOR**

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*Prisons (Medical Tests) Amendment 1990*

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SCHEDULE 1 - AMENDMENTS - *continued*

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