



**EVIDENCE AMENDMENT ACT 1988**

**No. 25 of 1988**

**TABLE OF PROVISIONS**

- 1. Short title.
- 2. Commencement.
- 3. Principal Act.
- 4. Amendment of section 96 of Principal Act  
(Communications to clergymen and medical practitioners).

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**AN ACT to amend the Evidence Act 1910.**

**[Royal Assent 29 September 1988]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Evidence Amendment Act* Short title. 1988.

**2**—This Act shall commence on the day on which it receives Commencement. the Royal assent.

Principal Act.

3—In this Act, the *Evidence Act 1910\** is referred to as the Principal Act.

Amendment of section 96 of Principal Act (Communications to clergymen and medical practitioners).

4—Section 96 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (2) “(unless the sanity of the patient be the matter in dispute)”;
- (b) by inserting after “patient” (last occurring) in subsection (2) “unless the sanity of the patient is the matter in dispute”;
- (c) by inserting after subsection (2) the following subsection:—

(2A) No person who has possession, custody, or control of any communication referred to in subsection (2) or of any record of such a communication made to a physician or surgeon by a patient shall, without the consent of the patient, divulge that communication or record in any civil proceeding unless the sanity of the patient is the matter in dispute.

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\*1 Geo. V No. 20. For this Act, as amended to 1st June 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 52 of 1981, Nos. 60 and 75 of 1982, No. 29 of 1984, Nos. 5, 21, and 51 of 1985, No. 34 of 1986, Nos. 55 and 77 of 1987, and No. 4 of 1988.