



PRISON AMENDMENT ACT 1987

No. 88 of 1987

TABLE OF PROVISIONS

- 1. Short title.
- 2. Principal Act.
- 3. Amendment of section 8 of Principal Act (Duties of Prison Officers, &c.).
- 4. Amendment of section 17 of Principal Act (Medical attention).

AN ACT to amend the Prison Act 1977.

[Royal Assent 8 December 1987]

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 *Prison Amendment Act* Short title.
1987

2—In this Act, the *Prison Act 1977** is referred to as the Principal Act.
Principal Act.

3—Section 8 (3) of the Principal Act is amended by omitting “section 6 (5)” and substituting “section 6 (6)”. Amendment of section 8 of Principal Act (Duties of Prison Officers, &c.).

* No. 19 of 1977. Amended by No. 29 of 1984, and Nos. 4, 51, and 120 of 1985.

Amendment of
section 17 of
Principal Act
(Medical
attention).

4—Section 17 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:—

(3) Where, in the opinion of a medical officer—

- (a) the life or health of a prisoner or detainee is likely to be endangered or seriously prejudiced by the failure of the prisoner or detainee to undergo medical treatment or medical tests; or
- (b) the life or health of any other prisoner or other detainee or a prison officer is likely to be endangered or seriously prejudiced by the failure of a prisoner or detainee to undergo medical treatment or medical tests,

the Director may, on receipt of such an opinion, order the prisoner or detainee to undergo such medical treatment or medical tests as the medical officer may determine.

(4) A person who is appointed to a position under this Act or the *Tasmanian State Service Act 1984* shall not record, disclose, communicate, or make use of information relating to medical treatment or medical tests carried out under this section without the prior authority in writing of the Minister or the person to whom that information relates, except to the extent that is necessary to perform the official duties and functions, or to exercise the official powers, of that position.

(5) A person who contravenes subsection (4) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.

(6) In this section, “medical tests” means medical examinations or tests (including the taking of samples of breath, blood, and other bodily secretions) to assess the physical and mental health of a person.