



ANALYSIS

| | |
|--|---|
| Title | HIV infection, or HIV antibodies |
| 1. Short Title | |
| 2. Interpretation | |
| 3. New heading and 3 new sections (relating to AIDS, HIV infection, and HIV antibodies) inserted | |
| <i>Testing for AIDS, HIV Infection, and HIV Antibodies</i> | |
| 36c. Inmates may be required to submit to tests for AIDS, | |
| | 36d. Information relating to test for AIDS, HIV infection, or HIV antibodies |
| | 36e. Regulations relating to tests for AIDS, HIV infection, or HIV antibodies |

1989, No. 126

An Act to amend the Penal Institutions Act 1954

[12 December 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Penal Institutions Amendment Act 1989, and shall be read together with and deemed part of the Penal Institutions Act 1954 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act (as substituted by section 2 (1) of the Penal Institutions Amendment Act 1985) is hereby amended by inserting, before the definition of the term “inmate”, the following definitions:

“‘AIDS’ means the Acquired Immune Deficiency Syndrome;

“‘HIV’ means the Human Immunodeficiency Virus.”.

3. New heading and 3 new sections (relating to AIDS, HIV infection, and HIV antibodies) inserted—The principal Act is hereby amended by inserting, after section 36B (as inserted by section 5 of the Penal Institutions Amendment Act 1979), the following heading and sections:

“Testing for AIDS, HIV Infection, and HIV Antibodies”

“36C. Inmates may be required to submit to tests for AIDS, HIV infection, or HIV antibodies—(1) The medical officer of any institution may from time to time require an inmate to submit to a test or tests to determine whether or not the inmate has AIDS or HIV infection or is carrying HIV antibodies if the officer considers that, having regard to the personal circumstances of the inmate, it is desirable that the inmate have such a test or tests.

“(2) Before an inmate has such a test, the inmate shall be given appropriate counselling by the medical officer or by some other person believed by the medical officer to be qualified to give that counselling.

“(3) If an inmate refuses to submit to any test when required to do so under this section, the inmate may be dealt with administratively—

“(a) As if he or she had AIDS or HIV infection, in any case where, in the opinion of the medical officer, the inmate is displaying clinical features indicative of AIDS or HIV infection; or

“(b) As if he or she were carrying HIV antibodies, in any other case.

“36D. Information relating to test for AIDS, HIV infection, or HIV antibodies—(1) Every inmate who has a test under section 36c of this Act shall be informed of the result of the test, and shall be given appropriate counselling, by the medical officer or by some other person believed by the medical officer to be qualified to give that counselling.

“(2) Every medical officer shall keep the Secretary for Justice informed of the number of inmates within the institution who have AIDS or HIV infection or are carrying HIV antibodies, but shall not disclose to the Secretary the name or other identifying particulars of any such inmate.

“36E. Regulations relating to tests for AIDS, HIV infection, or HIV antibodies—Without limiting the general power to make regulations under section 45 of this Act, regulations may be made under that section for the purpose of prescribing the procedures to be followed in carrying out tests to determine whether any inmate has AIDS or HIV infection or is carrying HIV antibodies.”