

[AS REPORTED FROM THE JUSTICE AND LAW REFORM  
COMMITTEE]

*House of Representatives, 11 July 1989.*

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 10 October 1989.*

**[Clauses 154 and 155 of this Bill were formerly clauses  
154 and 155 of the Law Reform (Miscellaneous  
Provisions) Bill: 122-2]**

*Hon. W. P. Jeffries*

## PENAL INSTITUTIONS AMENDMENT

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### ANALYSIS

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

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### A BILL INTITULED

#### **An Act to amend the Penal Institutions Act 1954**

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

**1. Short Title**—(1) This Act may be cited as the Penal  
5 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).

**154. Interpretation**—Section 2 of the principal Act (as  
substituted by section 2(1) of the Penal Institutions  
10 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:

No. 122—3zj

*Price*  
*incl. GST \$2.20*

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

*Struck Out*

**155. Three new sections (relating to tests for AIDS 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 sections:

*New*

**155. 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 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 *(is suffering from AIDS or)* 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.

*New*

“(1A) 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.

“(2) 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 *(were suffering from AIDS)* had AIDS or HIV infection, in any case where, in the opinion of the medical officer, the inmate is displaying

