

Appendix 3: Prisoner health legislation in Australia

New South Wales

Justice Health is a statutory corporation constituted under the *Health Services Act 1997*.

Relevant New South Wales legislation includes:

- *Justice Legislation Crimes (Administration of Sentences) Act 1999*
 - functions of Justice Health and responsibility to advise Commissioner of Corrective Services (section 236A)
 - CEO access (section 236B)
 - appointment of medical officers (section 236C)
- *Children (Criminal Proceedings) Act 1987*
- *Children (Detention Centre) Act 1987*
- *Mental Health Act 2007*
- *Mental Health (Forensic Provisions) Act 2009*

Victoria

The *Corrections Act 1986* (and associated regulations) governs the operation of Victorian prisons. The Act outlines prisoners' rights in relation to access to reasonable medical and dental care, and, in the case of prisoners who are intellectually disabled or mentally ill, access to special care and treatment as considered necessary by medical officers.

Other relevant legislation includes:

- *Drugs, Poisons and Controlled Substances Act 1981*
- *Health Act 1958*
- *Mental Health Act 1986*
- *Charter of Human Rights and Responsibilities Act 2006*

Privacy legislation including the *Information Privacy Act 2000* and the *Health Records Act 2001* also affects how prisoner health care is delivered.

Queensland

The *Corrective Services Act 2006* is the Act in force in which the administration of correctional centres in Queensland is detailed. This Act contains sections which cover health services. The legislation was written prior to the machinery-of-government changes.

Legislation specifically about health service is contained in the *Health Services Act 1991* and the *Health Act 1937*.

Legislation about prescription, supply and administration of drugs is detailed within the *Health (Drugs and Poisons) Regulation Act 1996*.

Western Australia

Relevant Western Australian legislation includes:

- *Prisons Act 1981*
- *Young Offenders Act 1994*
- *Health Act 1911*
- *Poisons Act 1964*
- *Mental Health Act 1996*

Tasmania

The *Corrections Act 1997* is the Act in force in Tasmania. The Act contains sections on treatment of prisoners and detainees, mandated examination and blood-taking, plus the application of lethal force when need.

Australian Capital Territory

The *Corrections Management Act 2007* is the Act in force in the Australian Capital Territory. Section 21 refers to the administration of health services.

Northern Territory

Relevant Northern Territory legislation includes:

- Prisons (Correctional Services) Act
- Youth Justice Act
- Mental Health and Related Services Act
- Part 2A NT Criminal Code
- Notifiable Disease Act
- Poisons and Dangerous Drugs Act
- Health Practitioners Act
- Adult Guardianship Act
- Disability Services Act