

**MANDATORY TESTING (INFECTIOUS DISEASES) AMENDMENT
(COVID-19 RESPONSE) BILL 2020**

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Environment)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [7.57 pm]: I move —

That the bill be now read a second time.

The COVID-19 pandemic has presented us, as a community, with very challenging times. As we work to combat this pandemic, we still need to safeguard the health and safety of our community, especially those on the front line. As we all know, a state of emergency has been declared that enlivened a range of legislation to assist with the control and management of COVID-19. There are many people in our community who, in these current challenging times, step forward. Unfortunately, there are also those who do the wrong thing. Across the country, and in Western Australia, there have been reports of people claiming they have COVID-19 deliberately coughing and spitting on our police officers. WA Health advises that COVID-19 spreads between people usually when a person comes into contact with the respiratory secretions of an infected person through coughing or sneezing. This means that it is highly possible to catch COVID-19 if someone with the virus coughs or sneezes on a person. Our police officers are working tirelessly on the front line to protect our community and to help stop the spread of COVID-19. Unfortunately, this very important role puts our police officers at higher risk of being exposed to COVID-19. The reckless and disgusting behaviour exemplifies this serious risk to our police officers' health and safety, and is unacceptable.

The Criminal Code Amendment (COVID-19 Response) Act 2020 amended the Criminal Code to assist with combating this behaviour by introducing higher penalties for people who assault or threaten our frontline staff, including doctors, nurses and our police officers. The enforcement of this legislation lies with our police officers, who are looking after us by responding to our requests for support and protection.

In addition to the trauma and suffering to a police officer who has been assaulted, we must also not forget the enormous amount of distress and fear that our police officers and their loved ones experience when they worry about the possibility of contracting COVID-19, as they have no way of knowing, with any degree of certainty, whether the offender is infectious. It is also important to remember that these terrible assaults also impact the wider community. It results in the self-isolation or quarantine of the police officer, who has been assaulted and potentially infected with COVID-19. This in turn removes that police officer from our front line. Potential offenders are on notice; we support our police and anything that presents risks to them is not acceptable.

The purpose of the bill is to provide our police officers and their families with the comfort that offenders, who put them at risk of contracting COVID-19, will be required to submit to immediate testing. Requiring an offender to undergo a test for COVID-19 goes some way to reducing police officers and their families' stress sooner rather than later, by providing them with knowledge of their offender's potential infection status and the associated risk of catching the virus. The bill also protects the wider community by ensuring the most effective and accurate method of testing is conducted. Testing an offender who is suspected of transferring COVID-19 to our police officers is essential. If a police officer were to be tested for COVID-19 on the day of the suspected transfer, it is highly likely to be negative, as the virus may not present instantly. The testing of the person who is suspected to have transferred COVID-19 to the police officer will provide a more accurate result. This will ensure that the affected police officer is not sent back out onto the front line with an inaccurate negative result of COVID-19. It will remove the unintentional exposure this would present to the wider community.

The Mandatory Testing (Infectious Diseases) Act 2014 currently ensures that a police officer or staff of the WA Police Force, who, in the course of duty, is exposed to the risk of transmission of certain infectious diseases by the transfer of bodily fluid, receives appropriate medical, physical and psychological treatment. To do this, the act authorises the taking and analysis of a blood sample from a suspected transferor. The testing of a blood sample is currently the only authorised method for testing within the act. Currently, the act allows for blood samples to be taken to test for HIV, hepatitis B or hepatitis C, and authorises regulations to be made to prescribe additional infectious diseases. The government is taking that step to include COVID-19 in regulations, but reforms to the act itself are also necessary to ensure that appropriate testing for COVID-19 can take place.

COVID-19 is currently diagnosed by bodily samples such as saliva, mucus, respiratory secretions or other material contained in the nasal or throat cavity that can be taken by swabs from the back of the nose and throat, or fluid from the lungs. Blood tests can be used to detect antibodies that the body produces to fight the virus; however, these antibodies are only present in a person who has recovered from COVID-19. This means that there is currently no blood test that can diagnose whether a person is currently infected with COVID-19.

The bill amends the Mandatory Testing (Infectious Diseases) Act 2014 to allow for samples to be taken of blood, saliva, mucus, respiratory secretions or other material from a suspected transferor who has exposed a police officer or staff of the Western Australia Police Force to the risk of the transmission of an infectious disease. This will allow for the most appropriate method of testing for an infectious disease and, most importantly, enable mandatory testing for COVID-19.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party; nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper [3861](#).]

Debate adjourned, pursuant to standing orders.