

Overview of the Bill

The *Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020* (the Bill) will broaden the authorised types of samples that can be taken and analysed from a suspected transferor, who has exposed a police officer or police staff to the risk of transmission of an infectious disease.

The Bill allows the taking of samples of saliva, mucus, respiratory secretions or other material, in addition to blood. This Bill also updates the definition of a qualified person to ensure only appropriately trained persons can take the required samples from a suspected transferor.

1. Short title

This clause provides that this is the *Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Act 2020*.

2. Commencement

Paragraph (a), provides that sections 1 and 2 come into operation on the day on which this Act receives the Royal Assent.

Paragraph (b), provides that the rest of the Act will come into operation on the day after that day.

3. Act Amended

This clause provides that this Act amends the *Mandatory Testing (Infectious Diseases) Act 2014*.

4. Section 3 amended

This clause amends the purpose of the Act to remove the reference of blood as additional types of samples will be able to be collected from a suspected transferor.

5. Section 4 amended

Qualified person – This clause updates the definition of a qualified person to ensure only appropriately trained persons can take the required samples from a suspected transferor. In addition, provision is made to enable Regulations to be enacted, if needed, to specify additional classes of person who may be authorised to take particular types of samples.

**Explanatory Memorandum
Mandatory Testing (Infectious Diseases)
Amendment (COVID-19 Response) Bill 2020**

Sample - The purpose of this clause is to insert a definition of a 'sample' to mean a sample of blood, saliva, mucus, respiratory secretions, or other material taken from a person. The addition of saliva, mucus, respiratory secretions or other material, as samples that can be taken, will enable testing to take place for COVID-19.

6. Section 7 amended

Section 7 of the Act lists defined terms that are used for the purposes of Part 2 of the Act. In the definition of "disease test approval" reference is made to the taking and testing of a blood sample. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, the reference to 'blood' is removed from the definition of "disease test approval".

7. Section 10 amended

Section 10 of the Act contains provisions dealing with diseases test approvals. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, references to 'blood' in section 10 are removed.

8. Section 12 amended

Section 12 of the Act contains provisions dealing with the effect of approving a disease test. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, references to 'blood' in section 12 are removed.

9. Section 15 amended

Section 15 of the Act lists defined terms that are used for the purposes of Part 3 of the Act. In the definition of "disease test order" reference is made to the taking and testing of a blood sample. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, the reference to 'blood' is removed from the definition of "disease test order".

10. Section 19 amended

Section 19 of the Act contains provisions dealing with the making of a disease test order by the court. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, references to 'blood' in section 19 are removed.

11. Section 22 amended

Section 22 of the Act contains provisions dealing with the effect of the court granting a disease test order. As a consequence of the new definition of "sample" inserted through clause 4 of the Bill, references to 'blood' in section 22 are removed.

12. Section 26 amended

Section 26 of the Act contains provisions dealing with the taking of blood under a disease test authorisation. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 26 are removed.

13. Section 27 amended

Section 27 of the Act contains provisions dealing with who may analyse a blood sample and the destruction of it once analysis is complete. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 27 are removed.

14. Section 28 amended

Section 28 of the Act contains provisions dealing with persons that cannot be required to make payment for the taking or testing of a blood sample. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 28 are removed.

15. Section 29 amended

Section 29 of the Act contains provisions dealing with the restriction on disclosure of results of analysis. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 29 are removed.

16. Section 30 amended.

Section 30 of the Act contains provisions dealing with the prohibition on the use of blood samples for other purposes. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 30 are removed.

17. Section 31 amended.

Section 31 of the Act contains provisions dealing with the admissibility of certain evidence in a proceeding. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 31 are removed.

18. Section 32 amended.

Section 32 of the Act contains provisions dealing with protection from liability. As a consequence of the new definition of “sample” inserted through clause 4 of the Bill, references to ‘blood’ in section 32 are removed.