

LEGISLATIVE ASSEMBLY

Mandatory Disease Testing Bill 2020

First print

Proposed amendments

- No. 1 **Application to include medical practitioner’s statement**
Pages 4 and 5, clause 9(1)(f)–(h), line 41 on page 4 to line 2 on page 5. Omit all words on those lines. Insert instead—
- (f) a statement prepared by the relevant medical practitioner consulted under section 8 stating that the section has been complied with and including any advice from the relevant medical practitioner about the need for the testing of the third party’s blood after having considered the risk of the worker contracting a blood-borne disease from the third party as a result of the contact,
- No. 2 **Application to include medical practitioner’s statement**
Page 6, clause 10(5). Insert after line 25—
- (a1) the statement prepared by the relevant medical practitioner consulted under section 8 referred to in section 9(1)(f), and
- No. 3 **Application to include medical practitioner’s statement**
Page 6, clause 11. Insert after line 42—
- (2A) A senior officer must refuse an application for a mandatory testing order if the statement prepared by the relevant medical practitioner consulted under section 8 contains advice that the testing of the third party’s blood is not required because the risk of the worker contracting a blood-borne disease from the third party as a result of the contact is remote and insignificant.
- No. 4 **Use of force.**
Page 11, clause 20(2), line 25. Omit “may use reasonable force”. Insert instead “must not use force”.
- No. 5 **Detained third parties**
Page 11, clause 20. Insert after line 29—
- (2A) A law enforcement officer may not, for the purposes of seeking or enforcing a mandatory testing order—
 - (a) detain a person, or

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- (b) keep a detained third party in custody or otherwise detain the person for a longer period than the third party could otherwise be detained if an order were not being sought or enforced.

No. 6 **Application for review by Chief Health Officer**

Page 12, clause 22(2), line 5. Omit “1 business day”. Insert instead “7 business days”.

No. 7 **Application for review by Chief Health Officer**

Page 12, clause 22(4), line 9. Omit “1 business day”. Insert instead “7 business days”.

No. 8 **Consultation about guidelines**

Page 16, clause 32(3), line 21. Omit “Service.”. Insert instead—

- Service,
- (f1) the President of the Anti-Discrimination Board,
 - (f2) the Mental Health Commissioner,
 - (f3) the head of Aboriginal Affairs NSW,
 - (f4) the Chief Executive Officer of Multicultural NSW,
 - (f5) the Corporate Sponsor, Sexuality, Gender Diversity and Intersex, NSW Police,
 - (f6) the Corporate Sponsor, Aboriginal Engagement, NSW Police,
 - (f7) AIDS Council of NSW,
 - (f8) Positive Life NSW,
 - (f9) the Chief Executive Officer of the NSW Users and AIDS Association,
 - (f10) the Sex Workers Outreach Project Inc,
 - (f11) a person who has expertise in Indigenous health,
 - (f12) the Scarlet Alliance,
 - (f13) the Australasian Society for HIV, Viral Hepatitis and Sexual Health Medicine,
 - (f14) Hepatitis NSW,
 - (f15) the Aboriginal Health and Medical Research Council.

No. 9 **Delegation**

Page 16, clause 34(1), lines 42 and 43. Omit “a person of a class prescribed by the regulations”. Insert instead “another senior officer”.

No. 10 **Delegation**

Page 16, clause 34. Insert after line 43—

- (1A) However, a senior officer cannot delegate the exercise of a function in relation to an application for a mandatory testing order to another senior officer who is or has been involved in or connected to the incident that resulted in the application for the order being made.