

## **INQUIRY INTO MANDATORY DISEASE TESTING BILL 2020**

**Organisation:** Australasian Society for Infectious Diseases Limited

**Date Received:** 21 December 2020

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The Hon. David Elliott MP  
GPO Box 5341  
SYDNEY NSW 2001

16 December 2020

Dear Minister

**RE: NSW Government Mandatory Disease Testing Bill**

The Australasian Society for Infectious Diseases (ASID) is the peak body representing infectious diseases specialists across Australia and New Zealand.

ASID strongly supports the NSW Government in protecting frontline workers as much as is reasonably possible in what can be a high-risk environment.

However, we have a number of concerns about the proposed Bill.

The premise of mandatory testing is not supported by global health bodies such as UNAIDS and the World Health Organisation on the basis that it breaches human rights, and compromises public health initiatives and other efforts to eliminate HIV and other Blood Borne Virus (BBV) transmission. The Bill represents a step backwards from decades of evidence-based practice and policy in relation to HIV and other BBV transmission.

The decision about whether to prescribe post-exposure prophylaxis (PEP) to a person who has had a biohazard exposure is based on the type and risk of the exposure and the characteristics of the source person. A mandatory blood test on the source does not influence this decision: if the source is judged to be at risk of BBVs, then PEP will be considered for a high-risk exposure event regardless of the source blood test, because of the window period.

The Bill identifies a long list of 'workers' – who are not medical professionals – who can apply for mandatory testing orders to force people to undergo testing even where there is no risk of transmission and testing is unnecessary. Of most concern, the Bill does not require medical advice of an infectious disease expert to be included in the application for a mandatory test.

According to the Bill, failure of the 'perpetrator' to 'consent' to testing can result in a mandatory testing order to be made. ASID cannot condone medical procedures against the will of a person, and based on the subjective opinion of a frontline worker and their senior officer, who are unlikely to understand the current evidence around BBV transmission.



The Bill will also apply to children aged between 14 and 18, which is extremely concerning.

Finally, we do not believe there are enough safeguards in the Bill to protect the most vulnerable in our community. We do not want to see people living with HIV discriminated against. In addition, sections of the community who are most likely to interact with frontline workers (including police officers) such as, for example, the homeless, those living with a mental health condition, or struggling with an addiction, deserve support and protection.

ASID strongly supports continued efforts to gain voluntary consent for testing in the situation of possible exposure where testing for BBV is deemed appropriate by a medical practitioner qualified to make this judgement.

Yours sincerely

Professor Joshua Davis

Immediate Past President