1. The amendments to the *Police Powers and Responsibilities Act 2000* provide a legislative framework for police to apply to a magistrate for a disease test order to have a person tested for COVID-19.
2. This will apply in circumstances where a person wilfully coughs, spits or sneezes at or on another person and has been arrested for a relevant assault offence under the Criminal Code.
3. The disease test order provisions will also apply where a person is arrested for another offence, for example public nuisance, and during the course of the arrest the person commits a relevant offence by coughing, sneezing or spitting at or on another person.
4. A relevant assault offence under the Criminal Code means:

* section 317 - Acts intended to cause grievous bodily harm and other malicious acts;
* section 335 - Common assault, and
* section 340 - Serious assaults.

1. Establishing a legislative framework that allows a court to order the offender to undergo a test for COVID-19 goes some way towards reducing the stress on any victim of such an assault by providing them with knowledge of their offender’s potential infection status.

# These amendments complement the strong measures established under the public health directive *Protecting Public Officials and Workers (Spitting, Coughing and Sneezing) Direction (No. 2)*, issued by the Chief Health Officer on 1 May 2020.

1. Cabinet approved amendments to the *Police Powers and Responsibilities Act 2000* to provide court-based disease test orders for COVID-19 as part of the Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020, be introduced into the Legislative Assembly.
2. *Attachments*

* [Justice and Other Legislation (COVID-19 Emergency Response) Amendment Bill 2020](Attachments/Bill.PDF) (refer Part 13 for amendments to the *Police Powers and Responsibilities Act 2000*)
* [Explanatory Notes](Attachments/ExNotes.PDF)
* [Statement of Compatibility](Attachments/SoC.PDF)