

Mandatory Testing Order

What you need to know



Easy Read version



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How to use this guide



NSW Department of Communities and Justice (NSW DCJ) wrote this guide.

When you see the words 'we', it means NSW DCJ.



We wrote this guide in an easy to read way.

We use pictures to explain some ideas.

Bold

We wrote some important words in **bold**.

Not bold

This means the letters are thicker and darker.



We explain what these words mean.

There is a list of these words on page 23.



This is an Easy Read summary of a fact sheet.



You can find the fact sheet on our website.

dcj.nsw.gov.au/justice/mandatory-disease-testing-scheme.html#Resources6



You can ask for help to read this guide.

A friend, family member or support person may be able to help you.

What is a Mandatory Testing Order?



A **Mandatory Testing Order (MTO)** is a document that says you must get a blood test.



The blood test checks if you have a virus or infection, including:

- HIV
- Hepatitis B
- Hepatitis C.



A government agency or a court can send you an MTO.



For example, the **NSW Ombudsman**.

The NSW Ombudsman helps people if they have a problem dealing with the NSW Government.



They can send you an MTO if your **bodily fluids** touched a worker.

We explain who a worker is on page 7.



Bodily fluids can include:

- blood
- saliva
- poo
- semen.



They send you an MTO to make sure the worker is safe from any virus or infection.

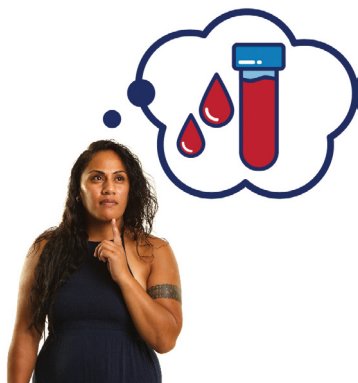


In this guide, we explain:

- who can ask for an MTO



- what to do if you get an MTO



- what happens after you get a blood test.

Who can ask for an MTO?



People who work in some government services can ask for an MTO.



This includes people who work:

- for the police
- in a prison.



It includes people who work for emergency services, such as:

- paramedics
- firefighters.



And it includes people who work for NSW Health services, like health care workers in hospitals.



We call all of these people 'workers'.



A worker can ask for you to have a blood test if your bodily fluids touched them.



They can only ask for an MTO if you are 14 years or older.

And your bodily fluids must have touched the worker:



- when they were at work



- because of something you did on purpose



- when they didn't give their **consent**.



If someone gives consent, they say it is ok to do something.

What happens if a worker wants you to get a blood test?

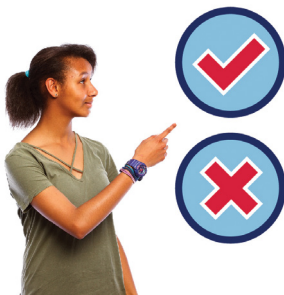


If a worker wants you to get a blood test, their manager will contact you.

We call them the 'senior officer'.



The senior officer will ask if you want to get a blood test.



You can choose if you want to get a blood test.

But you don't have to.



If you choose to get a blood test, you need to sign a consent form.



The senior officer will also ask if you want to tell them what happened.

For example, you might write a letter to explain.



You must make sure the information you share is true.



You can talk to someone before you decide if you want to:

- get a blood test
- tell the senior officer what happened.



You might talk to someone who knows the law, like a lawyer.



If you want to talk to a lawyer, you should contact them quickly.

The senior officer usually decides if they will give you an MTO within 3 days.



If you choose not to get a blood test, the senior officer will:

- think about the information you shared
- decide if they will give you an MTO.



The senior officer will tell you when they decide what to do.

And they will send you a letter or an email.

Support for you



You can get free legal help from LawAccess NSW.

They can share advice with you about working through an MTO.



You can call them.

1300 888 529



You can visit their website.

www.legalaid.nsw.gov.au

When you can't make legal decisions for yourself



If you can't make legal decisions for yourself, the senior officer must talk to your parent or **guardian**.



A guardian is a person who acts and makes decisions for you.

✗ 14-17

✓ 18+



You can't make legal decisions if you are between 14 and 18 years old.



You also can't make legal decisions if something affects how you make decisions.

This includes a:

- **mental health impairment**
- **cognitive impairment.**



For example, you might have someone who:

- helps you make decisions
- makes decisions for you.



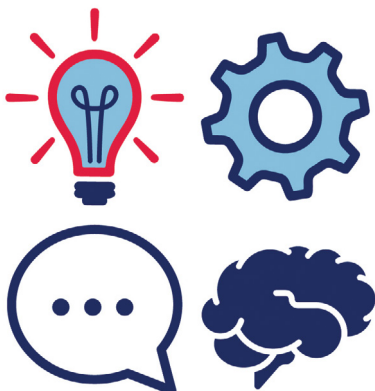
A mental health impairment can affect how you make decisions.

Your mental health is about how you:

- think
- feel
- manage your feelings.

A cognitive impairment can also affect how you make decisions.

A cognitive impairment is a disability that can affect how you:



- learn new things
- solve problems
- communicate
- do things on your own.



If this is true for you, you must tell the senior officer.

And you should tell your parent or guardian that the senior officer contacted you.



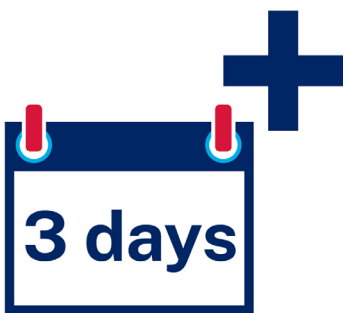
If you can't make legal decisions for yourself, the senior officer can't:

- ask if you want to get a blood test
- give you an MTO.



But they can choose to:

- not give you an MTO
- ask the courts for an MTO.



If the senior officer asks the courts for an MTO, this can take longer than 3 days.

What happens when you get an MTO?



If you get an MTO, someone will give you the document.

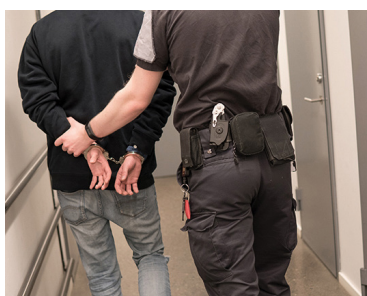


You must get a blood test within 2 days of getting an MTO.



You must follow what the MTO says.

It explains where you must go to get the blood test.



If you don't follow the MTO, you might get in trouble with the law.

For example, you might get a fine or go to jail.

What to do if you don't agree with the MTO?



If you don't agree with the MTO, you must still follow it.



If a court gave you the MTO, you must follow it. Even if you don't agree with it.



If the senior officer gave you the MTO, you can ask the Chief Health Officer of NSW Health to **review** it.

We call them the CHO.

When the CHO reviews an MTO, they check if the senior officer made the right decision.



If you want the CHO to review your MTO, you must tell them within 1 day after you receive the decision.



You need to send the CHO an email.

NSWH-MDT@health.nsw.gov.au



You must include a copy of:

- the MTO



- the senior officer's letter or email



- any information you gave to the senior officer.



The CHO might ask you for more information before they review the MTO.



They must make a decision within 3 business days.



They will send you an email to tell you their decision.



If they agree that you don't need an MTO, they will make sure no one uses your blood test.

What happens after your blood test?



After you get a blood test, the organisation will check if your blood has:

- HIV
- Hepatitis B
- Hepatitis C.



They will send your results to:

- your doctor
- the worker's doctor.



If you don't tell the senior officer who your doctor is, they will send your results to the CHO instead.

Can your blood test be used in court?



The information from the MTO can't be used as **evidence** in court.

Evidence is proof that shows if something is true or not true.

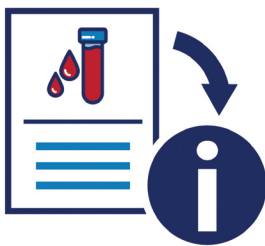


This includes:

- information you gave to the senior officer



- your blood test results



- other information from your blood test.



A court can only use the information from the MTO if you:

- didn't follow the MTO
- gave information to the senior officer that wasn't true.

Word list

This list explains what the **bold** words in this guide mean.



Bodily fluids

Bodily fluids can include:

- blood
- saliva
- poo
- semen.



Consent

If someone gives consent, they say it is ok to do something.



Evidence

Evidence is proof that shows if something is true or not true.



Guardian

A guardian is a person who acts and makes decisions for you.



Cognitive impairment

A cognitive impairment is a disability that can affect how you:

- learn new things
- solve problems
- communicate
- do things on your own.

Mandatory Testing Order (MTO)

An MTO is a document that says you must get a blood test.

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Mental health impairment

A mental health impairment can affect how you make decisions.

Your mental health is about how you:

- think
- feel
- manage your feelings.





Review

When the CHO reviews an MTO, they check if the senior officer made the right decision.



NSW Ombudsman

The NSW Ombudsman helps people if they have a problem dealing with the NSW Government.

More information



If you want more information, you can visit our website.

www.dcj.nsw.gov.au/justice/mandatory-disease-testing-scheme.html



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