



## **Children's Court of Western Australia**

### **Practice Direction 7 of 2022**

#### **Disease Test Order**

#### ***Mandatory Testing (Infectious Diseases) Act 2014***

### **1. Application of Practice Direction**

- 1.1 This Practice Direction applies to proceedings under s 16 of the *Mandatory Testing (Infectious Diseases) Act 2014* for a disease test order.
- 1.2 Practice Direction 3 of 2014 is revoked on 31 December 2022.
- 1.3 This Practice Direction has effect from 1 January 2023.

### **2. Application**

- 2.1 An application for a disease test order must be in writing using the Disease Test Order application form.
- 2.2 The application is to be supported by an affidavit.

### **3. Orders**

- 3.1 The outcome of the application is to be endorsed on the application form by the judicial officer.
- 3.2 Where the application is approved, an order is to be extracted and signed by the judicial officer making the order.

3.3 The order is to be given to the applicant, with a copy to be retained on the file. For email applications, a copy is to be saved in the electronic folder. For hardcopy applications, a copy is to be retained with the application.

## **4. Disclosure**

4.1. Unless directed by a judge, court staff must not disclose, other than to the applicant, the applicant's legal representative, the protected person and the protected person's responsible person, the following:

- (a) confirmation that an application for a disease test order has been made;
- (b) the contents of the disease test order;
- (c) the outcome of the disease test order.

4.2 Unless directed by a judge, information and copies of documents relating to a disease test order application may only be provided to the applicant, the applicant's legal representative, the protected person and the protected person's responsible person.

## **5. Regional Children's Court**

5.1. All applications outside of Perth are to be made to the closest Children's Court to where the subject matter allegedly arose.

5.2. Where there is no sitting of a regional Children's Court within 24 hours of the lodgment of an application for a disease test order, immediate inquiries should be made as to whether a magistrate at the court which usually circuits to the regional court is available to hear the matter.

5.3. If the circuit magistrate is available to hear the matter within 24 hours, the hearing must be listed before that magistrate and the hearing may be conducted by video link or audio link.

5.4. Where there is no available circuit magistrate court to hear the matter, it should be referred immediately to the Perth Children's Court for hearing. The hearing may be conducted by video link or audio link from the Perth Children's Court to the regional Children's Court.

## **6. Extracted Orders**

The extract of order form is attached to this Practice Direction.

## **7. Directions**

The Court may dispense with a requirement of this Practice Direction if:

- (a) the urgency of the application requires; or
- (b) for any other reasons the Court considers it appropriate to do so.



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Judge Hylton Quail

**President**

**Children's Court of Western Australia**

20 December 2022