Dear………,

I refer to your request to me that I am required to be mandatorily tested.  Please provide me clearly the legislative direction from an Authorised Officer under the Public Health and Wellbeing Act 2008 that compels me to be tested and the reasons for me being tested.

An authorised person would receive authorisation from the Secretary of the Department of Health and Human Services and then subsequently authorisation from the Chief Health Officer.  Furthermore, in relation to testing specifically, there would be orders made for me to be tested by a medical practitioner.

I draw your attention to the actual Government advice on the issue of testing.  COVID-19 Case and Contact Management guidelines for health services and general practitioners, 14 October 2020, Version 24, at page 9, states;

*“Who should be tested for COVID-19?*

* People without symptoms should not be tested except in special circumstances as directed by the Department such as part of an outbreak investigation/response (active case finding)
* All close contacts and returned international travelers prior to the end of quarantine as directed by the Department. Returned international travellers are also tested early in their quarantine period
* Prior to surgery as directed by the Department
* As part of Department-led enhanced surveillance (to investigate how widespread COVID-19 is in certain groups in the community)

Only confirmed and probable cases need to be notified to the Department. Notify the Department as soon as practicable by calling 1300 651 160, 24 hours a day.

Workplaces are acting beyond their authorisation, if they are setting workplace policies that go beyond these guidelines. I do not have any symptoms and I do not present with any signs of fever, cold, coughing or sneezing. I have the right to refuse being tested, if you cannot provide me with a direction for me to be specifically tested from the Department, from an authorised person.

Furthermore, even if you can show me that the Department has requested you to conduct an enhanced surveillance and/or be tested prior to my surgery, I still have the right to refuse the testing in the absence of being personally directed to do so within the terms of Section 113 of the Public Health and Wellbeing Act 2008 (Vic) by a qualified medical practitioner, because I have been diagnosed or shown to be a risk.

I also note the extensive issues with the RT-PCR test reporting false positives when someone who does not have symptoms is tested. Therefore, the test itself does not guard against risk. What guards against risk is an assessment of whether or not I have symptoms. I am happy for someone with medical experience to give me a call to make such an assessment of me.

Furthermore, the [CDNA Guidelines](https://www1.health.gov.au/internet/main/publishing.nsf/Content/7A8654A8CB144F5FCA2584F8001F91E2/%24File/COVID-19-SoNG-v4.1.pdf) say that if a person is suspected of having Covid, they can quarantine at home.  If the symptoms are gone after 10 days, a test is not necessary as the infection period has passed and it has been resolved. If after that period, the symptoms remain, a test may become necessary.

I look forward to your response by email.

Yours faithfully,