

Media Release



The Hon Martin Pakula MP
Attorney-General
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Tuesday, 14 April, 2015

ANOTHER STEP TOWARD EQUALITY FOR PEOPLE LIVING WITH HIV

The Andrews Labor Government will improve equality before the law for people living with HIV by repealing an outdated, discriminatory law – the only offence of its kind in Australia.

Delivering on another election commitment, the Government will today introduce legislation to repeal section 19A of the *Crimes Act 1958* – which contains a specific offence of intentionally infecting another person with a “very serious disease”, defined exclusively to mean HIV.

This is the only HIV-specific criminal offence in force in any jurisdiction in Australia. It singles out HIV and unfairly applies a harsher penalty for its transmission.

The maximum penalty for the offence is 25 years imprisonment, even higher than the 20-year maximum penalty for manslaughter.

The law has never been used in the circumstances for which it was originally enacted – the deliberate transmission of HIV by a blood filled syringe.

Intentionally infecting another person with a serious disease will still be covered by existing criminal offences, including causing serious injury, which carries a maximum penalty of 20 years imprisonment.

Further, Victoria has effective measures in place for managing an individual who puts others at risk of acquiring HIV. Under the *Public Health and Wellbeing Act 2008*, the Chief Health Officer possesses disease control powers that include placing restrictions on certain behaviours or movements.

The repeal of section 19A supports section 8 of the Human Rights Charter, which states every person is entitled to the equal protection of the law without discrimination, and the right to equal protection against discrimination.

International bodies such as the Joint United Nations Programme on HIV/AIDS and the Global Commission on HIV and the Law and have labelled HIV-specific criminal laws as counterproductive to HIV prevention.

The Government developed this legislation in consultation with stakeholders including Living Positive Victoria, the Victorian AIDS Council, the Human Rights Law Centre, the Law Institute of Victoria, the Criminal Bar Association and Liberty Victoria.

Quotes attributable to Attorney-General, Martin Pakula

“People living with HIV are entitled to equality before the law, and this is another step forward in ensuring that.”

“This is about reducing the stigma and discrimination faced by people living with HIV, and in turn promoting equal protection by the law of all Victorians.”

Quotes attributable to Minister for Equality, Martin Foley

“This was a move recommended by the 2014 World Aids Conference in Melbourne. Our laws should support public health efforts to address HIV, by encouraging people to be tested and managing the risk of infection.”