



Tuesday 12 September 2017

Hon. Brad Hazzard
Minister for Health
Minister for Medical Research

RE: Public Health Amendment (Review) Bill 2017

Dear Minister Hazzard,

I am writing to you today in my capacity as co-founder of The Institute of Many (TIM), Australia's largest grassroots movement for and by People Living with HIV (PLHIV), to express serious concerns regarding the Public Health Amendment (Review) Bill 2017 that you introduced into the Legislative Assembly on the 10th of August 2017.

TIM is a movement that was born in NSW, and our largest membership can be found in that state. Last year, that membership played a vital role in speaking up regarding the then-proposed changes to the Public Health Act relating to the proposed identified database of PLHIV. To the credit of your Ministry, those community concerns were listened to, and the proposed database was removed.

Now, it seems a new amendment to the Public Health Act has been proposed, which you introduced to the Legislative Assembly, seemingly without any significant or meaningful consultation with HIV/AIDS organisations and the communities they represent.

I am deeply troubled by the criminalisation of sexual health that has been proposed with penalties for offences against Section 79, which include the maximum penalty being that of \$11,000 or 6 months imprisonment or both. This development has the potential to undo all the fantastic work NSW has achieved in tackling the HIV epidemic that has plagued our community since the 1980s as well as the continued work of dealing with sexually transmissible infections.

As an advocate for People Living with HIV who has worked with affected communities around Australia and overseas, I cannot stress enough that these proposed changes to Section 79 will have a negative effect on community health and wellbeing. It will potentially discourage people testing for HIV/STIs, and help create a heightened sense of fear and unease amongst those already living with HIV/STIs.

A 2015 World Health Organization report, *Sexual Health, Human Rights and the Law*, states: "Contrary to the HIV-prevention rationale that such laws will act as a deterrent and provide retribution, there is no evidence to show that broad application of the criminal law to HIV transmission achieves either criminal justice or public health goals. On the contrary, such laws fuel stigma, discrimination and fear, discouraging people from being tested to find out their HIV status, and undermining public health interventions to address the epidemic. Thus, such laws may actually increase rather decrease HIV transmission."

If you look to the global community of activists fighting HIV criminalisation, you will find numerous examples of grassroots campaigns that have no choice but to discourage community members from accessing HIV/STI testing services, due to potential punitive risks; the phrase "Take the test. Risk arrest" is a commonly used in such campaigns.

As a former HIV Testing Week ambassador for NSW Health, I am all too aware of the importance of ongoing HIV testing. However should these proposed HIV criminalisation changes to Section 79 proceed, I anticipate a potential replication of these grassroots awareness campaigns taking place in NSW.

With this in mind I would appreciate a response to the following questions:

Why are you singling out sexually transmitted infections with punitive measures instead of dealing with them under the Public Health framework as recommended in the Final Report on the Statutory Review of the Public Health Act 2010?

How will the proposed amendment to section 79 maintain the momentum that the NSW HIV Strategy 2016 -2020 in virtually eliminating HIV transmission in NSW by 2020? Especially when the review by the Health Ministry found that offences were a "blunt and ineffective tool" and may even be having a negative impact on HIV and STI control by discouraging testing.

I look forward to your timely response.

Yours Sincerely.

A handwritten signature in blue ink, appearing to read 'Nic Holas', with a long horizontal line extending to the right.

Nic Holas
Co-founder
The Institute of Many
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