



The Hon. Robert Clark, MLA
Attorney-General and Minister for Finance
Level 26
121 Exhibition Street
MELBOURNE VIC 3000

The Hon. David Davis, MLC
Minister for Health and Ageing
Level 22
50 Lonsdale Street
MELBOURNE VIC 3000

By email

25 July 2014

Dear Ministers

Announcement to amend s 19A of the *Crimes Act 1958* (Vic)

We are writing to congratulate the Victorian Government on its announcement that it will review and amend section 19A of the *Crimes Act 1958* (Vic) to ensure it is non-discriminatory towards people living with HIV and AIDS. We welcome the Government's recognition that the specific criminalisation of HIV transmission is counterproductive to public health goals and contributes to stigma and discrimination faced by people living with HIV and AIDS.

It is important that any amendments to s 19A fulfil these objectives. For example, simply removing the reference to HIV and/or expanding s 19A to include additional 'very serious diseases' would be inadequate to remedy our concerns with the current provisions. We note that the maximum penalty for an offence under s 19A is 25 years in comparison to the 20 year maximum for the crime of intentionally causing serious injury (s 17 *Crimes Act*). It may be, given the changes to s 17 since 1993, including by the associated definitions, that s 17 now completely covers the conduct at which s 19A is directed, rendering s 19A superfluous.

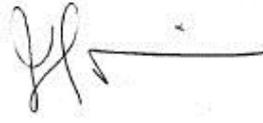
We welcome Minister Davis' commitment that the Government will proceed with these reforms in consultation with the HIV medical, scientific and support communities. As the Victorian Government moves forward with this consultation process, we urge you to consider the development of guidelines for prosecutors and the Victoria Police to govern incidents of HIV exposure or transmission. It is important that the approach to managing these cases is informed by best practice in public health and international human rights standards.

We would welcome the opportunity to assist in the development of these reforms.

Yours faithfully,



Hugh de Kretser
Executive Director
Human Rights Law Centre



Jamie Gardiner
Vice-President
Liberty Victoria



Geoff Boyer
President
Law Institute Victoria



Simon Moglia
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Copy to: The Hon. Dr. Denis Napthine, MLA, Premier of Victoria