

Media Release

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HIV prison laws inflame stigma, offer no protection

Proposed laws to forcibly test prisoners for HIV have no basis in science, perpetuate stigma, and should be referred to a parliamentary committee, according to the WA AIDS Council and National Association for People with HIV Australia.

Under laws set to be introduced to the WA Parliament on Tuesday, a prisoner who assaults a prison officer will be immediately tested for HIV. The laws overlook the following critical facts:

- HIV is not transmitted through saliva, a key myth perpetuated to justify this and similar legislation.
- In the unlikely event a prison officer was exposed to HIV, they should take post-exposure prophylaxis, a medicine which can prevent transmission within 72 hours of exposure.
- The Government's press release falsely claims prison officers who have been assaulted have to wait three months before they themselves can be tested for HIV. This is false. Modern HIV tests detect exposure within six days.
- Falsely equating HIV with criminality inflames stigma and discourages people from seeking tests for HIV.
- A vaccine exists for hepatitis B and there is a cure for hepatitis C.

WAAC President, Asanka Gunasekera said:

"HIV thrives on stigma and misinformation. These laws inflame that problem and hinder our prevention efforts. Marginalised communities such as gay and bisexual men, people who inject drugs, and sex workers will be less likely to seek a test for HIV when they see it associated with criminality.

"Part of the case for these laws rests on the discomfort prison officers face when they are spat upon. However, HIV is not transmitted through saliva, destroying one of the key arguments for introducing this legislation.

"The Government has also argued a prison officer may face an anxious three month wait to know if they have contracted HIV. The truth is that modern tests pick up the presence of HIV within six days of exposure. Rapid tests provide highly accurate results within fifteen minutes.

NAPWHA President Scott Harlum said:

"Frontline workers including prison officers need to know they're being sold a lie and offered nothing but dangerous false reassurance by these proposed laws and any government promoting them.

"There is no mystery in how best to respond to a genuine potential exposure to HIV, such as a needlestick injury, and that does not include any time wasted or misdirected attention on anybody but the person potentially exposed.

"In cases where someone faces genuine potential exposure to HIV, such as a needlestick injury, post-exposure prophylaxis medicine is highly effective at preventing HIV transmission if taken as soon as possible and within 72 hours. Additionally, all frontline workers should be protected against hepatitis B through vaccination.

"These laws fail to solve any problem, and only hinder the HIV prevention effort. Likewise, there is no evidence mandatory testing of prisoners will do anything other than further marginalise those living with HIV and other blood borne viruses. Amplifying anxiety and misplaced fear around HIV is simply the wrong thing to do."

Available for media contact – Asanka Gunasekera 0409 104 430 and Scott Harlum 0404 203 040

National Association of People with HIV Australia

Tel: 02 8568 0300 | www.napwha.org.au | napwha@napwha.org.au
PO Box 917 Newtown NSW 2042

WA AIDS Council (WAAC)

Tel: 08 9482 0000 | waaids.com | waac@waaids.com
664 Murray St West Perth WA 6005

NAPWHA is Australia's peak non-government organisation representing community-based groups of people with HIV. Its membership of national networks and state-based organisations reflects the diverse make-up of the HIV-positive community and enables NAPWHA to confidently represent the positive voice in Australia.