

REFORMING VICTORIA'S SEX WORK ACT 1994

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Background: Since 1986, it has been an offence in Victoria for a person living with HIV (PLHIV) to engage in sex work or to allow a PLHIV to work in a licensed brothel. Sex workers remain the only category of people directly discriminated against on the basis of their HIV status. Relevant statutes include: *Public Health & Wellbeing Act 2008*, *Sex Work Act 1994* (SWA), *Sex Work Regulations 2016* (SWR).

Argument: Laws regarding commercialised sex should mirror those of other lawful sexual activity. Criminalisation of PLHIV who are sex workers is inconsistent with the epidemiology of HIV transmission in sex work settings, and with the rights of PLHIV enumerated under the Victorian *Charter of Human Rights and Responsibilities 2006*. The SWA and SWR are based on irrational fears around sex work and HIV and are not supported by the evidence. Criminalisation of sex workers living with HIV creates a barrier to accessing testing, treatment, healthcare and other support services, undermining long-term management of HIV. The full decriminalisation of sex work is recognised as an important component of the global effort against HIV. Moreover, with Melbourne designated as a UN fast track city, these targets cannot be met without removing discriminatory laws that impede HIV responses for all communities.

Outcome: Living Positive Victoria formed a partnership with Scarlet Alliance, Australian Sex Workers Association, Vixen Collective (Victoria's peer only sex worker organisation) and the Victorian AIDS Council through the Victorian HIV Legal Working Group. A policy position statement and policy position paper were created to assist with advocacy with the Victorian government and Members of Parliament. Advocacy is currently underway.

Conclusions:

We have developed a process for the collaborative advocacy based on an argument drawing together public health, legal and human rights frameworks as a foundation for a medium-term law reform project in a complex and highly contested area of public policy.

Disclosure of Interests:

No relevant disclosures.