

Dismantling unscientific and stigmatising mandatory testing laws: the nsw fight for repeal

Authors:

LUCY WATSON,¹ BETHANY RODGERS²

¹ ACON, Sydney, Australia ² HIV/AIDS Legal Centre Inc NSW (HALC), Sydney, Australia

Background/Purpose:

Mandatory testing legislation exists in five Australian jurisdictions. Coordinated and robust advocacy by community organisations assisted in stronger protections being legislated in the *Mandatory Disease Testing Act 2021* (NSW) than laws in other jurisdictions.

In addition to submissions and evidence given before the Public Inquiry, community organisations successfully advocated for the NSW Ombudsman to collect detailed implementation data, which has proved invaluable for ongoing advocacy.

The Ombudsman's 2025 report confirmed fears widely held by community; that the Act wastes resources, is ineffective at addressing exposure incidents, and violates human rights, all while fuelling stigma by perpetuating myths about blood-borne virus (BBV) transmission.

This presentation outlines civil society's ongoing coordinated advocacy towards the Act's repeal in light of the Ombudsman's findings, highlighting the strategy as well as lessons learnt for other jurisdictions.

Approach:

The government is required to review the legislation following the Ombudsman's report. In the lead-up to this review, advocacy is focusing on strategic engagement with the political class to overcome widespread and bipartisan support for the Act. Community organisations are prioritising direct engagement with MPs, leveraging trusted relationships built over time. This includes small group meetings, informal backgrounding, and distributing evidence-based tailored advocacy materials.

This targeted, behind-the-scenes approach is favoured over public campaigning, to strategically appeal to shared values and policy goals, including those in the *NSW HIV Strategy 2021-2025*.

Outcomes/Impact:

The review is expected to occur in mid-2025, with outcomes and advocacy insights available by the conference dates.

Innovation and Significance:

Achieving mandatory testing reform across Australia remains challenging due to entrenched stigma and public misconceptions. Indeed, expansion is currently being considered in South Australia.

The NSW experience provides vital lessons for community partners nationwide in documenting impacts, coordinating advocacy, and ultimately repealing stigmatising laws that hinder BBV responses and violate human rights.

Disclosure of Interest Statement: N/A