

Victorian HIV transmission prosecutions

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At the same time criminalisation issues were being discussed in Mexico City, two cases of HIV-transmission offences were being tried in Victoria.

After a six-week trial, an HIV-positive Melbourne man, Michael Neal, was found guilty of deliberately trying to spread HIV in the Victorian County Court on July 31. The court found him guilty of 15 charges including attempting to infect another person with HIV, rape and administering a drug for the purposes of sexual penetration. The jury cleared him of eleven charges that alleged he had intentionally infected two men with the [virus](#) [1]A small infective organism which is incapable of reproducing outside a host cell..

Neal had pleaded not guilty to 34 charges and his barrister George Georgiou argued that his client did not believe he was infectious because his [viral load](#) [2]A measurement of the quantity of HIV RNA in the blood. Viral load blood test results are expressed as the number of copies (of HIV) per milliliter of blood plasma. was low and he was careful not to endanger others. Neal pleaded guilty to 12 charges including possessing a drug of dependence, possessing child pornography and an indecent act with a child under 16.

Outside the court, investigators were happy with the result but disappointed that they were unable to uphold the more serious charges that he had caused two people to be infected with the virus. Neal is still facing the prospect of a lengthy prison term given the seriousness of the proven charges, including rape. Sentencing is likely to be held in October.

Several weeks later on August 11, Melbourne man Lam Kouth was found guilty of two counts of reckless conduct endangering another person. The court heard Louth met a woman at a Prahran nightclub and had unprotected sex with her without informing her of his HIV status. The woman did not become HIV-positive. The court was told the community had sympathy for those infected with HIV but expects people to behave in a way that does not affect public health. Louth was sentenced to two years prison, suspended for three years and remains on a Department of Human Services supervision order.

Mike Kennedy, Executive Director of VAC/GMHC said it was too early to comment on the implications of the Neal case, in particular, until a proper examination of the transcripts of evidence was undertaken. There is also the possibility of an appeal.

- [Criminalisation of HIV transmission](#)

Links:

[1] <http://www.napwa.org.au/glossary/term/125>

[2] <http://www.napwa.org.au/glossary/term/416>