

Your rights

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Although you are not obliged to tell anyone your status, the law may require you to tell people under certain circumstances. In some states, you are legally required to tell any sexual partner, even if you intend to have safe sex. These laws vary from state to state so it's best to check with your local Legal Aid Centre or AIDS Council to see how the laws in your particular state might impact on your decision, especially given that some cases of non-disclosure have ended up in court.

The law also states HIV positive people cannot donate blood, semen, ova or any other body tissues. The Department of Immigration requires anyone applying for permanent residency to provide the results of an HIV test.

You may be asked about your HIV status if applying for life insurance or by your superannuation fund. Some companies may refuse to insure you if you are HIV positive or if you refuse to tell them your status.

As an HIV positive person, you have many legal rights that protect you from discrimination. You cannot be refused a job, housing, medical services or dental services just because you have HIV.

Discrimination based on HIV status is illegal throughout Australia under Commonwealth law and some states have separate legislation to protect you against HIV/AIDS related discrimination. It is illegal to discriminate on the grounds of employment, education, the provision of goods, services and facilities, accommodation, buying or selling property, club membership, sport and administration of Commonwealth programs. The law also protects people who are believed to be HIV positive and people who associate with HIV positive people.

All states and territories have their own anti-discrimination laws making it illegal to discriminate on the grounds of physical handicap or impairment. HIV/AIDS is included under this heading.

What can you do if you have been treated unfairly?

If you feel you may have been discriminated against or if you would like more information about the various laws covering HIV positive people, contact your local AIDS Council. You can also contact the Anti-Discrimination Office and Medical Complaints Body or Legal Aid service in your state or territory.

A list of organisations to contact in relation to issues regarding your rights and discrimination can be found [here](#) [1].
< [Telling your children](#) [2][up](#) [3][Coping Strategies: The initial diagnosis](#) > [4]

- [HIV and the law](#)
- [disclosure](#)
- [discrimination](#)

Links:

[1] <http://www.napwa.org.au/services>

[2] <http://www.napwa.org.au/resource/next-steps/telling-your-children>

[3] <http://www.napwa.org.au/resource/next-steps>

[4] <http://www.napwa.org.au/resource/next-steps/coping-strategies-the-initial-diagnosis>