

Changes to the Public Health Act – Preventing the spread of sexually transmissible infections

On September 14 2017 the NSW Parliament agreed to amend the *Public Health Act 2010* to change the responsibilities for people with certain sexually transmissible infections¹ (STIs).

From 18 October 2017:

- People with a STI will no longer be required to disclose their infection to a prospective partner prior to sexual intercourse
- People who are aware that they have an STI must take reasonable precautions to prevent spread of the STI
- Brothel owners must not knowingly allow a person with an STI to have sexual intercourse at the brothel without taking reasonable precautions

A penalty of up to \$11,000, and/or 6 months jail applies if reasonable precautions are not used.

Why have these changes been made?

Mandatory disclosure was out of step with current public health practice, and also with other states and territories. In some instances, the requirement for disclosure may have created a disincentive for people to be tested for STIs. It is reasonable for a person who knows they have an STI to take reasonable precautions against the spread of the infection to their partner.

What are reasonable precautions?

NSW Health considers that reasonable precautions against the spread of STIs include:

- taking a prescribed antibiotic course for bacterial STIs; or
- use of a condom; or
- for HIV, having an HIV viral load of less than 200 copies/mL, usually resulting from being on effective treatment; or
- for HIV, seeking and receiving confirmation from a sexual partner that they are taking HIV pre-exposure prophylaxis (PrEP); or
- for hepatitis B, seeking and receiving confirmation from a sexual partner that they are immune to hepatitis B (e.g. vaccinated or previously infected)

These changes will be reviewed after 2 years

¹ For this section of the Act, STIs are notifiable conditions that are sexually transmissible. This includes: chlamydia, gonorrhoea, syphilis, lymphogranuloma venereum, hepatitis B, and HIV.