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Reynolds, C.L. (1986) “Politics of Aids”, Research Paper for New South Wales Government, Australia.

AIDS is fast becoming the world's leading health problem. Already, President Reagan has declared AIDS to be America's leading health problem and introduced measures which affect the immigration and even the marriage of individuals with the disease.

The Australian Government has also taken the spread of the disease seriously having just completed a series of commercials to alert the public to the dangers.

With all the information that is now circulating about AIDS four things are certain: the disease is 100 percent lethal, there is more to be discovered, the disease has reached plague proportions across the world, and legislation will inevitably be used to change human behaviors.

Already US government authorities are changing laws in an effort to restrict the spread of the AIDS disease. Besides the new immigration restrictions and the mandatory blood testing for marriage licenses, the US Army has been screening its applicants. Australian authorities, too, have been considering changes to our freedom of movement and behavior. The Australian Federal Police now track the international movements of known AIDS carriers and the Health Department is considering revising its rules for health workers who deal with blood.

As the number of infected people increases, Australian Governments will be under pressure to protect the public from undue risk. The demand for protection, however, will bring with it an invasion of privacy and human rights, antagonizing some sections of the community.

Health and employee associations have over the past two years considered how best to establish safe health and work standards for their members. But confusion about the possible modes of transmitting the disease and existing work guidelines continue to restrict their options. The ACTU Occupational Health and Safety Policy states that workers have the right to expect a safe and healthy workplace and that workers have the right to know what hazards they are exposed to at work. While employers may be obliged to provide this information, anti-discrimination legislation makes this difficult.

These requirements mean that a worker who is injured on the job or even an accident victim may in fact be what is called an “unidentified work-hazard”. People called upon to help an injured work mate may be placing their own health at risk.

Health insurance companies will be the other major interested party in this issue. At present it costs more to care for an AIDS patient than it does for someone to have a heart transplant. The economics of disease will be a significant influence upon future health costs and possible Government policy. Already, insurance companies across the world

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are attempting to determine the identity of homosexuals and to restrict their insurance coverage.

Inevitably, it will be necessary for governments to legislate.

In New South Wales there are currently eight pieces of legislation which relate to the spread of infectious diseases and may in due course be considered for alteration when the Government decides to act to further protect public health.

The Proclaimed Diseases Amendment (Public Health Act) 1985, for example, protects the identity of persons who have been identified as having a proclaimed disease and restricts the dissemination of information about them. However, the legislation is inherently contradictory. The Amendment carries the dual purpose of protecting individuals and safeguarding public health. A presiding doctor is required to keep records of cases and to forward details of individuals to the Secretary of Health. People with a disease are required to tell their sexual partners that they have the disease, and people owning premises who knowingly permit an AIDS carrier to have sexual intercourse for the purpose of prostitution are guilty of an offence.

In the shadow of such legislation various organizations and associations will be pressured by their members and employees to act to protect their rights and health. In this environment the politics of AIDS will become more obvious.

Whatever course of action the Australian Governments are forced to undertake, there are two basic behavioral problems that will need to be addressed: The behavior of the AIDS virus and the behavior of risk taking individuals.

The behavior of the virus can and will be contained by improved standards of public health practice. Every occupation involved in offering a human service will be effected. The work practices of garbage collectors to waiters will change. Unfortunately it will take the deaths of people like the young policeman who recently committed suicide because he believed he had been contaminated, to induce the inevitable changes.

Yet, it is more likely to be the restriction of risk taking behaviors that will produce the greatest public debate. Inevitably the law courts will be involved.

Under existing New South Wales law the transmission of an infection is considered a public nuisance: that is, it is an offence against the public welfare. However, it is rare that common law or criminal law is relied upon in this issue because common law or criminal law is relied upon in this issue because legislation has created specific offences dealing with specific health problems. Until now most legal questions about AIDS have related to blood transfusions but as the disease spreads a wider scope of questions will need to be answered. Issues such as workers compensation, insurance claim limitation, health care claims, criminal liability and the rights of employees will all need attention.

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Where it can be shown that an individual has contracted an infectious disease through the fault of another, an employer, or the government, criminal liability will be possible and inevitable.

Mr. Webb, Assistant Secretary to the NSW Department of the Attorney General, has said: "It seem beyond doubt that any person who infected another intentionally, with the purpose of causing death, or recklessly as to the probability of death resulting, could be guilty of murder." ("The Legal Response to AIDS": The Australia Journal of Forensic Sciences. September, 1985.)

Still, not everyone will be involved in the debate or affected by the changes to the same degree. People in a high risk group will be those immediately involved. The high risk groups have until now been identified as homosexuals (87%) and recipients of blood transfusions (8%). Records show that only two cases exist of people catching the disease through IV drug use.

When medical researchers talk about the risk of infection, however, they assume a normal healthy environment. The risk of infection increases for people who are not in full health or considered to be easily infected. This includes Aborigines.

For one reason or another, including lower health standards, Aborigines are believed to be a high risk population. It is also suggested in some quarters that if AIDS enters the Aboriginal community it will eliminate the race.

Another high risk group is children. This is because it can not be assumed that children do or will act responsibly.

Given that 20 percent of offenders held in custody by the New South Wales Department of Youth and Community Services are Aboriginal youths; this Department in particular will need to develop its health and work practice standards.

Professor Pennington, chairman of the National AIDS task force suggests that not everyone is at the same degree of risk of catching the disease. He believes that AIDS is likely to remain a disease restricted to homosexual men and that the government funded Grim Reaper commercials shown on television in early 1987 were designed to take the pressure off the gay community. Conversely, Adam Carr, from the Australian Federation of AIDS Organizations, argues that thousands of people are endangered. And so the politics has begun.

It appears certain that all of us are likely to feel the effect of this disease upon our way of life as it becomes more obvious that drastic measures have to be implemented. The American experience of police officers wearing yellow rubber gloves while handling hostile gay-rights crowds may seem extreme at present but this sort of practice may be on its way for Australia as well.