

1992  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mrs Carnell)

**HIV Notification (Liability of Medical  
Practitioners) Bill 1992**

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**A BILL  
FOR**

**An Act to exempt from liability certain breaches of  
confidentiality by medical practitioners in relation to  
persons suffering from HIV**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5     1. This Act may be cited as the *HIV Notification (Liability of Medical Practitioners) Act 1992*.

**Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

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Job No.: 1992/190

### Interpretation

3. In this Act, unless the contrary intention appears—

“HIV” means Human Immuno-deficiency Virus (in any of its stages);

5 “medical practitioner” means a medical practitioner registered under the *Medical Practitioners Registration Act 1930*.

### Exemption from liability

4. (1) No action or suit lies against a medical practitioner for a breach of a duty of confidentiality where the practitioner notifies—

(a) a person (in this section called “the partner”); or

10 (b) the Medical Officer of Health;

that a person professionally attended by the practitioner is suffering from HIV.

(2) Subsection (1) does not apply unless the medical practitioner—

15 (a) has counselled the sufferer about the effects of HIV and its transmission to others; and

(b) believes on reasonable grounds that the sufferer—

(i) may have transmitted or is likely to transmit the disease to the partner; and

20 (ii) has failed to notify the partner that the sufferer is suffering from HIV.

(3) For the purposes of paragraph (2) (b), a HIV sufferer shall not be taken to have failed to notify the partner unless—

25 (a) the medical practitioner has informed the sufferer that the practitioner will so notify the partner or the Medical Officer of Health, or both, after the expiration of a specified period of not less than 21 days (commencing on the day on which the sufferer is so informed) if the sufferer fails to do so before the expiration of that period; and

30 (b) that period has expired and the practitioner believes on reasonable grounds that the sufferer has failed to so notify the partner.