

## The changing demands and demographics of HIV-related legal needs in New South Wales, Australia, and its divergences with the epidemiology of HIV in Australia

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### BACKGROUND

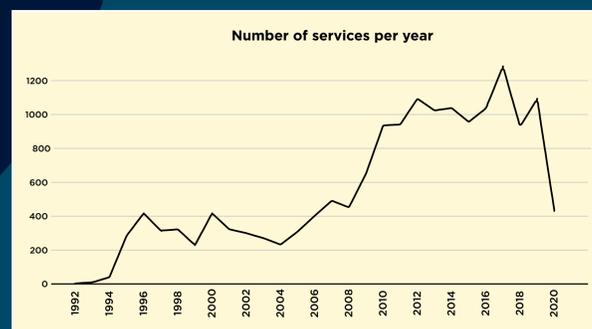
An enabling legal environment is essential for effective HIV responses. In an Australian-first, we analyse the legal needs of those with HIV-related legal issues predominantly in New South Wales, Australia. We do so by examining the legal services delivered between 1992 to 2020 by a unique community-based not-for-profit legal service which delivers high-volume legal services, free at the point of use, to those with HIV-related legal issues. Our study contextualises and compares these findings with analysis of qualitative interviews regarding the legal needs of people living with HIV (PLHIV) who also seek to migrate to Australia, the largest client base of the legal centre between 2010 to 2020.

### DESCRIPTION

We elicited information regarding the legal needs facing migrants living with HIV through semi-structured qualitative interviews (n=10). Legal needs were characterised from these interviews whilst comparing their profiles with administrative data on legal services provided to individuals from administrative records and databases held by the HIV/AIDS Legal Centre (HALC). HALC provides legal services to approximately 10% of all PLHIV in New South Wales per annum, and our administrative data set extends to data relating to 18,833 legal services between 1992-2020.

The number of unique clients increased annually over most of the period which reflected an increase in legal services provided (Figure 1). Between 2010 to 2019, HALC provided an average of 1,042 discrete services per annum. Services provided peaked in 2017, with 1309 services delivered. Whilst this is one legal centre, it provides legal services to approximately 40% of all PLHIV living in NSW over a five year period.

**Figure 1**  
Number of unique services per year



### CHANGING DEMOGRAPHIC OF PEOPLE LIVING WITH HIV SEEKING LEGAL ASSISTANCE

When the demographics of HALC clients are analysed in the context of the epidemiology of HIV in Australia, there are clear divergences in areas of age, gender and sexuality. Over the entire period, most clients were between the ages of 35 and 49 years old and 20% identified as homosexual. However, when focusing on the most recent data set, between 2010 and 2020 (when data quality was highest), these divergences are clearer.

Between 2010 and 2020, approximately 80% of all clients were under the age of 50. This age profile varies from the age profile of the epidemiological data where it is now estimated that approximately 40% of all PLHIV are now 50 years or older, and this proportion is steadily increasing.

Self-reported data from 2015 to 2020 shows that 44% of clients identified as homosexual, and 31% identified as heterosexual (Table 1). This again points to a potential variance between HALC's data set with the sexuality profile of the HIV epidemic in Australia. In Australia, HIV transmission has historically occurred primarily between men who identify as homosexual. While these concepts do not measure the same characteristics, it is interesting to note that recent estimates show that 23% of transmission cases are attributed to heterosexual sex, whereas 31% of HALC clients identified as heterosexual.

<sup>1</sup> Kirby Institute, HIV in Australia: annual surveillance short report 2018. 2018, Sydney: Kirby Institute, University of NSW.

The number of female-identifying clients seeking HALC's services each year has, on average, been approximately 20%. In contrast, it is estimated that only approximately 10% of PLHIV identify as female.

Increasingly over the period, people accessing legal services at HALC were born overseas. Between 2011 to 2020, on average, only 27% of clients were born in Australia. This increase may account for the demographic divergences from the epidemiological data.

**Table 1**  
Self-reported data of sexuality of HALC clients

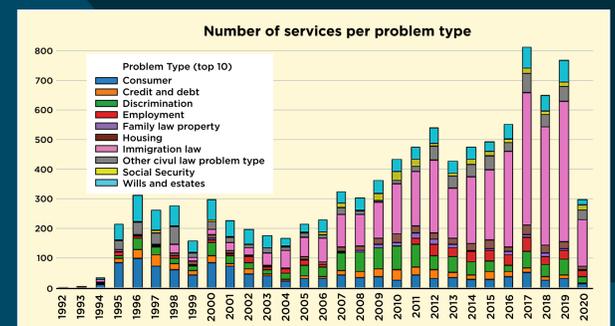
	2015	2016	2017	2018	2019	2020
Blank (No Data)	14.18%	15.40%	12.96%	12.19%	13.91%	13.14%
Heterosexual	35.15%	41.77%	26.25%	26.15%	27.37%	32.20%
Homosexual	43.27%	41.07%	43.24%	48.13%	44.25%	44.92%
Bisexual	0.00%	0.23%	3.22%	2.92%	5.01%	3.18%
Other	0.00%	0.12%	2.01%	1.15%	1.48%	1.06%
Not Stated	7.39%	1.40%	12.32%	9.48%	7.98%	5.51%

### CHANGING LEGAL NEEDS OF PEOPLE LIVING WITH HIV

The rise in PLHIV who were born overseas accessing HALC's services has translated into a significant increase in immigration-related legal assistance (Figure 2). The growth in immigration work can also be attributed to the change in immigration policies by the Australian Government in 2009 and 2010 which increased the visa options for PLHIV.

Other areas of law such as wills and estates, discrimination and consumer complaints have remained relatively consistent over this period.

**Figure 2**  
Number of HALC services delivered by problem type



### DEVELOPMENT OF LEGAL NEEDS SCREENING TOOL

Interviews conducted with migrants living with HIV who had received assistance from HALC were undertaken to provide depth and detail missing in the administrative data and to support the development of a legal needs survey questionnaire for PLHIV. Analyses of the interviews indicated a relationship between their migration legal matters and other legal and non-legal issues. This included issues with employment, discrimination, mental health and accessing healthcare.

Participants also identified barriers to accessing legal services including: financial barriers in obtaining private legal assistance or migration advice, difficulties obtaining HIV-specific migration advice, and a lack of understanding about what may be considered a legal issue.

### WHERE TO FROM HERE?

The changing demographic of PLHIV seeking legal services indicates a need to consider how underserved demographics in Australia's response to HIV, including female-identifying clients, migrants and heterosexual-identifying people are interacting with the justice system. The development of a legal needs screening tool for people living with HIV could assist PLHIV, healthcare providers, and other support services to identify legal issues and create referral pathways for specialist legal assistance.