



**HALC ANNUAL REPORT
2007**

**HIV/AIDS LEGAL CENTRE
[NSW]**

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This Annual Report has been authored and compiled by Lucy Gray

OUR VISION

Our Mission:

To provide free and comprehensive legal assistance to anyone in NSW with an HIV-related or Hepatitis C related legal problem and to undertake community legal education and law reform activities in areas relating to HIV/AIDS and Hepatitis C.

Our Values:

- Acting ethically at all times.
- Providing professional, high quality legal services.
- Using resources responsibly.
- Appreciating and being sensitive to the special needs of people with HIV/AIDS and Hepatitis C related legal matters.

Our Objectives

1. To provide free legal advice, assistance and representation (within the operational guidelines of HALC) to anyone with an HIV-related legal problem;
2. To provide free legal advice, assistance and representation (within the operational guidelines of HALC) to anyone with an Hepatitis C-related legal problem;
2. To operate as a not-for-profit community legal centre specialising in HIV-related legal matters and, where resources allow, to carry out community education and law reform projects in areas relating to HIV/AIDS and Hepatitis C;
3. To provide legal training, education and experience to employees and volunteers;
4. To work with other appropriate organisations to achieve the above objectives.

SERVICE PROFILE

The HIV/AIDS Legal Centre (HALC) is funded to operate as a community legal centre by grants from the Commonwealth and New South Wales Governments. Community legal centres (CLCs) are independent, not-for-profit community organisations that work with client communities to ensure that socially and economically disadvantaged people have access to high quality legal advice, information and education. CLC funding is distributed by the Legal Aid Commission of NSW.

HALC provides access to free legal services to people living in New South Wales who have an HIV-related or Hepatitis C-related legal problem. There are no restrictions for people affected by a HIV-related or Hepatitis C-related matter to access the Centre. Many of HALC's clients are people living with or affected by HIV/AIDS and/or Hepatitis C, who often experience significant disadvantage as a result of their medical condition, related discrimination or poverty. HALC provides a legal service, that is accessible and supportive, to assist such individuals.

HALC offers a range of legal services including:

- On-going legal representation in casework matters;
- Face to face legal advice; as yet HALC does not have a designated duty solicitor. However, legal representation generally can be given immediately in circumstances with a pressing or urgent nature;
- Information and legal advice provided by telephone;
- A Hospital Outreach Service to St Vincent's Hospital, Sacred Heart Hospice and other hospitals to assist clients who are unable to attend HALC due to ill health;
- Outreach services to homes;
- Referral to other agencies, support organisations, service providers, community legal centres and legal practitioners.

Hours of Operation:

HALC is open Monday to Friday 10am to 5pm.

Staffing:

HALC is comprised of a Coordinator, two Solicitors and volunteers. The Centre is also governed by the Management Committee. At the end of this financial year these roles were fulfilled by:

Coordinator: Sian Aldis

Solicitors: Principal Solicitor—Iain Brady

Junior Solicitor—Indraveer Chatterjee

Volunteers include law students at both undergraduate and postgraduate levels, their efforts are greatly appreciated, their names are listed at page 18 of this report. They are trained and managed by the Coordinator and all work is overseen by the Principal Solicitor. Volunteers work full-time, part-time or one day a week assisting with case work, advices, and general office duties, such as filing and answering the phone.

The Management Committee is comprised of volunteers who give their time in order to govern the body of HALC. The members of the Committee are as

follows:

President: Anurag Kanwar

Secretary: Ian Jordan

Treasurer: Champol Chaimongkol (New)

General Members: John Cumming, Noeline Rudland and Kimberley Price

Coopted Member: Will Klaasan

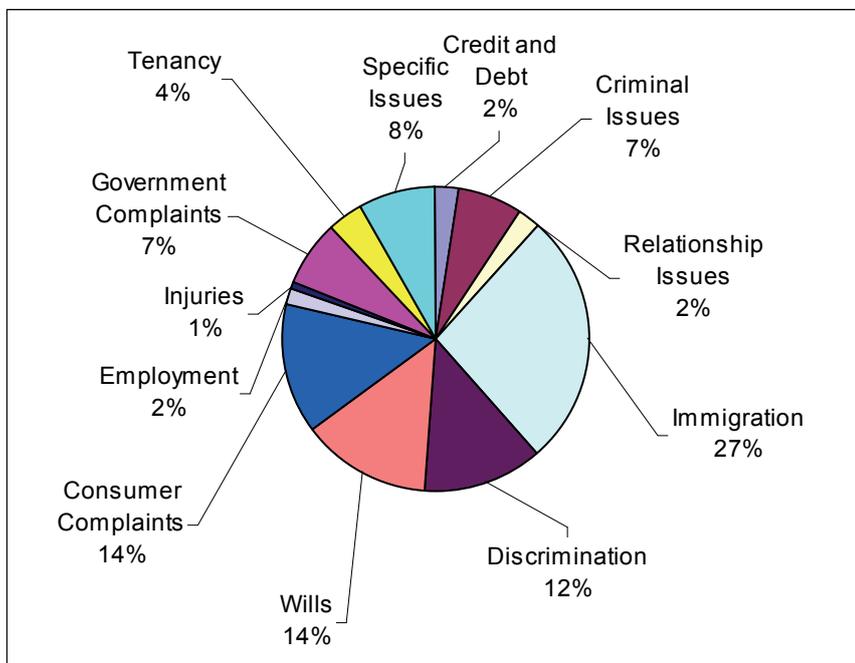
SERVICE STATISTICS

| Service Provided | Number of clients |
|----------------------------|--------------------------|
| Casework files opened | 235 |
| Casework files closed | 254 |
| Provision of advice | 236 |
| Total Number of Activities | 193 |

(including information and referrals).

LEGAL PROBLEM TYPE PROFILE

The table shows a break down of the type of legal problems that HALC provided assistance, be it advice, information or referral, to its clients.



* Statistical data is collected using the Community Legal Services Information System (CLSIS) provided by the Attorney Generals Department of the Australian Government.

SIGNIFICANT POINTS TO NOTE FROM THIS YEAR:

This year our **client base continues to be predominantly male** with 84% of clients being male and 12% of clients being female, the gender of 4% of clients was not recorded.

This year **11 individual clients** identified themselves as being **of Aboriginal or Torres Strait Islander origin**, an increase from only 2 in the previous year.

Over **70% of clients were not earning a wage, most dependant on a government pension or allowance** (such as the Disability Support Pension). Our clients continue to live with significant financial disadvantage and would not be able to access legal services without the assistance of community legal centres.

**CLIENT
SATISFACTION SURVEY RESULTS**

During the period 2006 – 2007 all clients whose cases were closed were asked to provide feedback on the service they received. A small number of clients could not be surveyed due to considerations such as being incarcerated, confidentiality etc.

35 surveys were returned. The results are as follows:

Nature of inquiry

5 of the respondents indicated that the nature of their inquiry fit into more than one category:

5—Will, Power of Attorney and Enduring Guardianship

2—Will and Enduring Guardianship

2—Will and Power of Attorney

1—Discrimination and Immigration

1—Discrimination and AVO proceedings

While overall the nature of the inquiry were recorded as follows:

17 – Will and Enduring Guardianship

12 – Superannuation, Insurance and other (Financial Advice etc.)

8 - Immigration

4 – Other (Including criminal matters, employment and medical negligence)

3 – Discrimination and Other (Victims Compensation etc.)

3 – Power of Attorney, Enduring Guardianship and Superannuation/ Insurance

Gender

31 respondents: male.

4 respondents: female.

How respondents heard about HALC

12 respondents indicated ACON

8 respondents indicated healthcare professionals

8 respondents indicated they were clients of HALC previously

3 respondent indicated other (eg: friends, BGF etc.)

3 respondent indicated internet/ website

2 respondents indicated word of mouth

2 respondent indicated PLWHA

1 respondent indicated Talkabout Magazine

How HALC provided advice or information

26 respondents indicated face to face advice. Of these, all 26 indicated that it was easy to access the centre.

15 respondents indicated telephone and mail advice.

Was advice/ information explained in a way the client could understand?

All 35 of the respondents indicated yes.

Did the person giving advice/ information make the client feel comfortable?

34 of the respondents indicated yes, one indicated no.

Was the advice/ information obtained able to help solve the clients inquiry?

34 of the respondents indicated yes, while one responded no.



If the initial contact with HALC was by phone, and the client had to leave a message, did HALC return the call promptly?

29 of the respondents indicated yes, one answered no, while five responded N/A.

Was the client adequately kept informed about the progress of the matter?

34 of the respondents indicated yes, one responded no.

If HALC was unable to offer the client a service you required, was the client referred to another service?

11 clients were referred to another service, three indicated no.

Overall, was HALC successful in assisting with the client's inquiry?

33 of the respondents indicated yes, two did not indicate either way.

Open-ended comments:

15 respondents provided comments. Of these 12 were positive and 3 were negative.

The negative sentiment cited *the need for a bigger office space when executing documents; the need for more disabled parking at the centre and lack of communication on the progress of the matter.*

Positive sentiments included:

Very good service

Professional

Lovely

Helpful

Accurate advice

Eternally grateful

Excellent advice

Supportive

I was treated very well

Always available

Thankyou so much

COMMUNITY DEVELOPMENT AND EDUCATION PROFILE

In the 2006 – 2007 financial year HALC demonstrated its commitment to community development and education in the following ways:

Presentation '**Disclosure Project: Community Development & Community Legal Action**' at Community Legal Centres National Conference 'Opening Closed Doors' September 2006.

Evaluation and continuation of **Memorandum of Understanding with Hepatitis C Council of NSW** to provide services and training to people living in NSW with Hepatitis C and their service providers. Training of staff from both organisations took place in February 2007.

Participation in research undertaken by the **National Centre in HIV Social Research in collaboration with the Heterosexual HIV/AIDS Service NSW** through the facilitation of a feedback workshop conducted about heterosexual people living with HIV/AIDS.

Supporting **policy development for a HIV/AIDS Legal Centre in Vietnam.**

Producing a draft of its **Criminalisation of HIV transmission in New South Wales paper** to be published in the next financial year.

Participation in the Sydney Gay and Lesbian **Mardi Gras Parade** 'AIDS Council of NSW (ACON) believes' March 2007.

Participation in **Combined Community Legal Centres Group (NSW)** quarterly meetings and training, including PII and Administrators meetings.

LAW REFORM PROFILE

Other activities of HALC include law reform activities, and the development of legal policy in relation to HIV legal issues. Activities this year have included:

Updating the HIV/AIDS section of **The Law Handbook**.

Undertaken the task to re-write the HIV chapter in the **Lawyers Practice Manual**.

Producing a draft of **Criminalisation of HIV transmission in New South Wales paper** to be published in the next financial year.

Article '**Living with HIV in the Long Term**' written for HIV Australia, ready for publication in the new year.

Consultation with the New South Wales political party The Greens regarding **potential amendments to the New South Wales Crimes Act 1900** affecting HIV affected people within the criminal system.

Policy Advisory Team (The 'HALC PAT')

At least once in each quarter volunteer solicitors and skilled community workers meet to look at legal issues facing PLWHA's and devise strategies around law reform and/or education. The group are in a unique position to represent the interests of our clients who are from disadvantaged and marginalised sections of our community and who normally have no voice. With commitment from each of its members and with the support of the Management Committee the group has the potential to do great things and make a real difference on the political front.

This year the HALC PAT considered the following issues:

- **Disclosure and incarceration;**
- **The possible ethical and legal ramifications of a HIV vaccine trial in Sydney; and**
- **Criminalisation of HIV transmission in NSW**

The dedication, knowledge and contributions of the following people have been second to none. Thank you:

Charlotte Long

David Sellin

Iain Brady

John Cumming

Sera Pinwell

Sian Aldis

Will Klaasan

PRINCIPAL SOLICITOR'S REPORT

This has been a tumultuous year for HALC as an organisation. David Puls graciously continued as Principal Solicitor while the search for a more permanent appointment was made. We close the year with Brady appointed in the role as Acting Principal pending a review of the Centre's operation in the New Year. During the year Margaret Fahy and Kathryn Viegas each performed the role of Principal Solicitor and Acting Principal Solicitor (respectively).

HALC's focus has continued to be on satisfying the HIV positive community's legal needs within the enabling environment policy context. The scope of work HALC performs has steadily expanded through the last two years. HALC has maintained its specialist work and knowledge base in the core areas of discrimination, superannuation, wills and end-of-life planning and migration. New areas of work have included refugee matters, matters relating to burial and coroner's treatment of bodies, privacy matters, criminal matters, leases and tenancy matters, and insurance claims.

As well as expanding the scope of legal work performed, HALC has significantly extended the range legal services performed. HALC solicitors have appeared in the Administrative Decisions Tribunal, the Magistrates court, the State Supreme court, and the Federal court.

There has been some effort to increase the profile of HALC in the community. While HALC's has been significantly under-funded, and still is under-funded, HALC has been able to focus less on 'end of life' legal matters and more on legal matters associated with the disease that are not death related.

HALC has seen an increase of the total number of clients by 7% in this financial year. This increase has only been able to be sustained through the help of the staff and volunteers in the centre. The funding of HALC has not increased with this increase of client base. The increase in repeat clients allows us to see that our clients are happy with the service of HALC and that there are ongoing or numerous legal issues for people living with HIV. This is evident in our casework statistics, with a 6% increase of open cases at the end of the financial year, and in

crease of new cases rising by 8%. A point to note from the statistics is the number of clients who have identified themselves as Aboriginal or Torres Strait Islander has increased to 11 clients from only 2 last year.

HALC's memorandum of Understanding with the Hepatitis C Council has begun to bear fruit and there has been a marked increase in the number of Hep C related legal matters the Centre has aided. The Centre attended a joint education seminar where stronger bonds were generated between our two organisations.

Overall there have been signal successes for HALC's clients in relation to discrimination matters, privacy matters, in relation to a coronial autopsy of a deceased person, in several tenancy matters, in several criminal matters, in a long running refugee/humanitarian matter, and several other migration matters. We have assisted several clients in Superannuation and TPD insurance claims. While for others we will be continuing the struggle for their rights.

Both Indraveer and Brady have given community legal education seminars for nurses and medical workers, multicultural HIV, and through AFAO for Aboriginal and Torres Straits Islander HIV workers.

The Centre has garnered more contributions through donation and estate bequests than in any recent year. HALC has also successfully competed for grant funding from Marrickville Council Area and the City of Sydney.

HALC has continued to grow, the centre has changed the way in which it works and the type of matters it deals with. HALC has had four main legal problem types in this financial year, including immigration, wills, discrimination and consumer complaints.

Sian and Indraveer are to be congratulated for their work over this time as they

have fostered links with the community, the legal profession and our clients.

HALC will greatly miss the energy and commitment Sian Aldis brought to her role as Co-ordinator over the last several years. It has already proven difficult to fill the vacuum she leaves. We wish her well in her new career as a solicitor.

It is the staff, volunteers and the board that continues to motivate and drive HALC to succeed for its clients and thus the greater community. In particular the energy, commitment and professionalism of HALC's volunteers is at the core of our achievements. Without those volunteers the successful outcomes we have achieved for numerous clients would not have been possible. The combined work of our volunteers allows HALC to leverage its budget to perform the work of an organisation with more than triple the budget HALC currently has. HALC and the community is indebted to their service. It is the strong belief we all have at HALC that we can and will make a difference that drives us to continue to find new and innovative ways to achieve the results for our clients.

Lastly we should note HALC's ongoing appreciation for ACON and the assistance ACON continues to provide to HALC. Without ACON HALC could not function as it currently is. Without ACON, HALC would shrink to a shadow of its current size and capacity. Thanks to all at ACON for the support and assistance you give to HALC.

Brady

Acting Principal Solicitor

Thank you for your support and assistance throughout the year

Community

AIDS Council of New South Wales (ACON)

Albion Street Centre

Anti-Discrimination Board of NSW (ADB)

Attorney Generals Department of the Australian Government

Australian Federation of AIDS Organisations (AFAO)

Australasian Society for HIV Medicine (ASHM)

Bobby Goldsmith Foundation (BGF)

Combined Community Legal Centres' Group (NSW) (CCLCG)

Community Support Network (CSN)

Health Care Complaints Commission (HCCC)

Hepatitis C Council of New South Wales

Heterosexual HIV/AIDS Service (Pozhets)

Human Rights and Equal Opportunity Commission (HREOC)

Law and Justice Foundation of NSW

Law Society of NSW

Legal Aid Commission of NSW

Multicultural HIV/AIDS and Hepatitis Service (MHAHS)

Public Interest Law Clearing House (PILCH)

Sacred Heart Hospice

St Vincent's Hospital



HALC ANNUAL REPORT 2007

National Association of Community Legal Centres (NACLC)

National Association of People With HIV/AIDS (NAPWA)

NSW Department of Health

People Living with HIV/AIDS (NSW) (PLWH/A NSW Inc)

LEGAL

| | | | |
|-------------------|--------------------|----------------------|---------------------|
| Abby Handen | Noeline Rudland | Rima Mazloun | Jia Zhu |
| Andrew Biddle | Pat McDonagh | Sandra Alexander | John Williams |
| Bernadette Britte | Paul Charmers | Sera Pinwell | Lucy Gray |
| Christine Ronalds | Rob Brown | Stevie Clayton | Mariah Meltezos |
| David Barry | Sean Hughes | Ty Power | Michele Clayton |
| David Puls | | Virginia Furner | Monique Nicolle |
| David Sellin | INDIVIDUALS | William Klaasan | Nicolas Vaw Stom |
| Deslie Billich | Anurag Kanwar | | Peter Suraj Parkash |
| Ian Cheney | Charlotte Long | VOLUNTEERS | The David Porter |
| John Sfinas | David Barton | Breedon Robin | |
| Katherine Lane | David Law | Carmen Edwards | |
| Kathryn Viegas | Dennis Meijer | Carolyn Dearing | |
| Kim Tuaine | Dennis Roach | Dumisani Hanyani | |
| Margaret Fahy | Donna Campbell | Gina Mitchell | |
| Mark Seymour | Ian Jordan | Hugo De Jong | |
| Nadine Behan | John Burnett | Indraveer Chatterjee | |
| Nassim Arrage | John Cumming | Jane Gribble | |
| Natalie Ross | Mark Bebbington | Jason Michael | |

HALC gratefully acknowledges CLIENT DONATIONS received throughout the year.

FINANCIAL STATEMENT

JULY 2006 THROUGH JUNE 2007

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| | |
|--------------------------------------|--------------|
| Income | |
| Major Grants Rx - Mnthly Accru | |
| Grant - Attorney Generals Cth | \$63,193.20 |
| Grant - Attorney General State | \$73,389.08 |
| Total Major Grants Rx - Mnthly Accru | \$136,582.28 |
| Fees Received | |
| Disbursements Recovered | \$658.15 |
| Conference fees received | \$530.00 |
| Total Fees Received | \$1,188.15 |
| Other Income | |
| Interest Received | \$466.80 |
| Donations | \$850.00 |
| Memberships | \$235.00 |
| Total Other Income | \$1,551.80 |
| Total Income | \$139,322.23 |
| Expenses | |
| Salaries | |
| Salaries and Wages | |
| Salaries & Wages | \$108,643.17 |
| Annual Leave | \$8,038.96 |
| Sick Leave Expenses | \$1,412.18 |
| Total Salaries and Wages | \$118,094.31 |
| On Costs | |
| Superannuation | \$10,413.50 |
| Workers Compensation | \$260.82 |
| Total On Costs | \$10,674.32 |
| Total Salaries | \$128,768.63 |
| Staff Related Expense | |
| Staff Amenities | \$933.92 |
| Practising Certificate | \$445.00 |
| Recruitment | \$1,801.61 |
| Staff Training | \$545.45 |
| Total Staff Related Expense | \$3,725.98 |
| Office Overheads | |
| Computer Consumables | \$54.46 |
| Software | \$432.73 |
| H/W Maintenance | \$781.82 |
| Computer Support | \$452.73 |
| Stationery | \$722.08 |
| Catering Meetings | \$617.37 |
| Total Office Overheads | \$3,061.19 |
| Financial & Accountability | |
| Bank Charges | \$371.80 |
| Annual Returns | \$39.09 |
| Audit | \$5,100.00 |

HALC ANNUAL REPORT 2007

FINANCIAL STATEMENT

JULY 2006 THROUGH JUNE 2007

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| | |
|----------------------------------|--------------|
| Insurances | |
| Directors Insurance | \$90.91 |
| PI Insurance | \$375.00 |
| Office Insurance | \$1,108.36 |
| Total Insurances | \$1,574.27 |
| Total Financial & Accountability | \$7,085.16 |
| Library & Resources | |
| Loose Leaf Services | \$1,901.69 |
| Memberships & Affiliations | \$957.95 |
| Total Library & Resources | \$2,859.64 |
| Travel | |
| Taxi's & Parking | \$75.00 |
| Total Travel | \$75.00 |
| Office Assets | |
| Computer Eqpt Expense | \$268.00 |
| Office Furniture Exp | \$433.80 |
| Total Office Assets | \$701.80 |
| Other Costs | |
| General Expenses | \$56.23 |
| Total Other Costs | \$56.23 |
| Total Expenses | \$146,333.63 |
| Operating Profit | (\$7,011.40) |
| Other Income | |
| Other Expenses | |
| ATO-Rounding | \$0.85 |
| Total Other Expenses | \$0.85 |
| Net Profit / (Loss) | (\$7,012.25) |