



HIV/AIDS Legal Centre Incorporated (NSW) ABN 39 045 530 926

Annual Report

2007-08



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HIV/AIDS Legal Centre Incorporated

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for the year ended 30 June 2008

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Objectives:

The objects of the Association are:

- (a) within the operational guidelines of the Association, to provide free legal advice, assistance and representation to anyone with an HIV related legal problem;
- (b) 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;
- (c) to provide legal training, education and experience to employees and volunteers;
- (d) building on the skills and expertise developed by the Association in relation to HIV related legal problems, to extend the operations of the Association into other specific, related areas such as Hepatitis C related legal problems;
- (e) to work with other appropriate organisations to achieve the above objectives.

Source:

HIV/AIDS Legal Centre Incorporated Rule 2 (d)

Our principal activity is the HIV/AIDS Legal Centre:

Vision:

To see an end to the HIV/AIDS crisis.

Values:

Providing high quality legal services and displaying an appreciation of, and sensitivity to, the special needs of people with a HIV/AIDS-related legal matter.

Mission:

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

Service delivery area:

New South Wales – face to face, telephone (including a freecall number), e-mail and internet services.

Source:

Strategic Plan for the HIV/AIDS Legal Centre Inc 2005-2008

What we do:

The HIV/AIDS Legal Centre Incorporated (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.

HALC provides 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 living with HIV-related or Hepatitis C-related 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;
- 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.

Principal Solicitor's Message

With an expanded budget and staff capacity the coming year brings for HALC an expanded scope for representation and services. In the past year HALC achieved significant milestones which foreshadow our goals for the coming year.

HALC represented Applicant Y in the successful Federal Court appeal, marking the culmination of significant expansion of HALC's capacity for representation. The launch of the Disclosure Guide and (prospectively) the Criminalisation of HIV booklet likewise represented the culmination of considerable efforts over recent years, and the invigoration of HALC's capacity to deliver policy and community legal education resources.

Organisationally, HALC has received a considerable boost to recurrent funding via the Public Purpose Fund, with the aid of the Combined Community Legal Centres Group. This funding boost shall allow HALC to provide more services and better address the needs of Aboriginal and Torres Straits Islander

communities, rural and regional communities, heterosexual HIV positive people and Hepatitis C positive people.

Since 2006 HALC's volunteer staff capacity increased from one to four. In the coming year HALC's full time solicitor staff shall increase from two to three. HALC's staff, and therefore capacity to undertake legal work and policy and law reform work has more than doubled since 2005.

HALC is providing a legal advice and representation on a wider range of legal areas and at a larger range of legal fora. HALC is improving its capacity for flexible legal service delivery with greater resourcing of and emphasis on outreach services and diverse service delivery modes. This reflects the changes in the PLWHA community and the health outcomes achieved by PLWHA. With PLWHA living longer and in generally better health the scope of HIV related legal issues we encounter is necessarily broadened. The increased focus on positive heterosexuals and rural and regional HIV positive populations in turn produces a broader range of legal issues and obstacles to address.

In line with the 'social inclusion' agenda HALC has adopted a more expansive and progressive policy about what matters it can take on. The scope of 'HIV related legal matters' for which the Centre is funded has expanded to better address the current challenges in generating the 'enabling environment'.

HALC's work is a vital part of the comprehensive response to the HIV epidemic adopted by successive NSW State and Federal Governments. By expanding the range of services and range of clients and communities we service, HALC will best play a part in helping to reduce the impact of HIV on the lives of PLWHA and in turn help to reduce the incidence of transmission.

Brady

The reporting period covered in this report is the HALC financial year from 1 July 2007 to 30 June 2008.

Acknowledgement of Funding Bodies.

The services provided by the HIV/AIDS Legal Centre Incorporated are made possible by the funding provided by the Commonwealth Attorney-General's Department ABN 92 661 124 436 (the Commonwealth) and the Legal Aid Commission of New South Wales ABN 81 173 463 438 (the State).

In the financial year ended 30 June 2008 these bodies provided the following funding:

| | |
|--|--------------|
| Attorney-General's Department (Cth): | \$31,976.36 |
| Legal Aid Commission of New South Wales: | \$107,787.28 |

Information required by the Service Agreement between the Commonwealth and State Funding Bodies and the Incorporated Association

(a) hours of operation;

Hours of operation for the provision of services including volunteer/outreach sessions:

| Day/Service | Hours | Service appointment or drop-in sessions | Where |
|------------------------------------|--------------|--|--------------|
| Monday | 10am to 6pm | As required | On site |
| Tuesday | 10am to 6pm | As required | On site |
| Wednesday | 10am to 6pm | As required | On site |
| Thursday | 10am to 6pm | As required | On site |
| Friday | 10am to 6pm | As required | On site |
| Home and hospital outreach service | As required | As required | Off site |

(b) number of advices undertaken;

"Advice Activity – the provision of legal advice to a client."

Advice occurs when a service provider helps a client to select between options about the client's own problems. Advice includes but is not limited to legal advice. It may be counselling, advocacy, support and/or legal advice.

Advice includes assistance with the drafting of simple correspondence, which the client then dispatches, and/or phone calls which are made on the client's behalf during, or as soon as practicable following, the provision of advice.

An advice is a discrete activity that occurs on an individual occasion. At the conclusion of an advice there is no follow up action to be undertaken and there is no expectation that the client will have further contact with the service provider about the same

problem.

Source: CLSIS Data Guide 2004

In the reporting period, HALC undertook 236 advices.

Source: CLSIS Centre Activity Summary Report, 01/07/2007 to 30/06/2008.

(c) casework and number of files opened and closed;

"Casework Activity – the provision of casework services to a client.

A case is an activity where a service provider provides ongoing assistance and/or acts on behalf of a client in respect of a problem. A case has an open date and a close date.

Source: CLSIS Data Guide 2004

| | | |
|--|-----|------------|
| Total cases open during period (Open and New) | | 287 |
| - Open at period start | 157 | |
| - New (opened in period) | 130 | |
| - Still open at period end (Ongoing) | 132 | |
| Total cases closed during period | | 155 |
| - Minor Cases closed | 72 | |
| - Medium Cases closed | 68 | |
| - Major Cases closed | 15 | |
| Closed involving court representation | 3 | |
| Closed involving primary dispute resolution | 2 | |
| Closed test cases | 0 | |
| Closed with Public Interest Indicator | 1 | |

Source: CLSIS Centre Activity Summary Report, 01/07/2007 to 30/06/2008.

(d) duty lawyer services;

A duty lawyer is a lawyer who works at a Court or Tribunal to provide free advice and/or representation in urgent matters to people who have not been able to arrange legal representation prior to their appearance at the Court or Tribunal.

HALC is not funded to provide such services and no such services were provided in the reporting period.

(e) community legal education;

Community Legal Education (CLE) is the provision of information and education to members of the community on an individual or group basis about the law and legal processes and about the place of these in society. CLE is a process of raising awareness about the law and legal processes. It is also a process of increasing the community's ability to participate in legal processes by utilising community development strategies.

Source: CLSIS Data Guide 2004

HALC has continued to carry out community legal education (CLE) and law reform projects in areas relating to HIV/AIDS. In 2007-08, we launched and began distribution of 5,000 copies of Disclosure Guide; production of the HIV Criminalisation resource in conjunction with Phillips Fox DLA; review article

published in HIV Australia – Legal aspects of Living Long Term with HIV. HALC assisted with drafting and editing ACON's 'living with HIV' employment rights and superannuation factsheets.

HALC continues to provide legal education on a regular basis to the Australasian Society for HIV Medicine (ASHM). This reporting period HALC provided legal education to Multicultural HIV (RPAH), AFAO and the Albion Street Centre and Clinic 16 (RNSH).

(f) law reform;

Law Reform and Legal Policy projects influence and effect changes to the law, legal processes and service delivery to enable the community's active participation in the legal system.

Source: CLSIS Data Guide 2004

Examples of those are: lead case Applicant Y (Federal Court); Submissions made in conjunction with AFAO to the Federal Joint Standing Committee into Immigration inquiry into Immigration Detention in Australia; Advice and comment given to the NSW Greens MLC in relation to amendments to the Crimes Act NSW proposed for the Sections relevant to HIV transmission offences; test case injunction of NSW Coroner at State Supreme Court in relation to treatment of HIV+ deceased, reconstitution of autopsied body.

(g) research;

HALC engaged in research leading to the Criminalisation of HIV resource soon to be released. HALC had research projects ongoing on Privacy law and remedies, the Public Health Act, regulation of sex work and sex workers across the country, and issues regarding parenting rights for HIV positive people, and issues regarding funeral and undertaking services.

(h) access and equity;

HALC operated 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. HALC also provided outreach services to client's homes as required.

HALC represented complainants in around 60 discrimination matters in the period.

Internally, HALC's commitment to workplace diversity has continued with more than half the volunteers, and PLT placements being filled by women, and a significant number being for people of non-anglo/celtic ethnicity.

ATSI Privacy Project: in June 2008 the Committee accepted a proposal from Principal Solicitor Iain Brady to conduct a project whose aims are (1) to generate links with the Aboriginal and Torres Strait Islander (ATSI) community, medical and HIV/HepC service providers with a priority of ATSI medical and affiliated services; (2) to create a training programme for ATSI medical and affiliated service providers to increase awareness and compliance with NSW and Federal privacy laws; (3) to create a resource detailing the issues and responsibilities relating to privacy and confidentiality in the context of HIV in ATSI communities.

HALC was advised in mid June 2008 that it had received a Public Purpose Fund grant in the sum of \$130,000 for the expanded provision of programs. Our four

target groups are: (a) People with Hepatitis C; (b) Aboriginal people HIV+; (c) Postive Hetrosexuals; (d) People in rural NSW. The grant application was made Legal Aid NSW to the Public Purposes Fund (PPF) on behalf of 15 of NSW's smallest CLCs. The grant will be expended and reported upon in the 2008-2011 triennium.

(i) community development work;

HALC began a project for outreach in the Marrickville Local Government Area (LGA), aimed at improving services and awareness in the LGA with the second highest rate of PLWHA in the country.

HALC was unable to coordinate engagement in the Sydney GLBTQI Mardi Gras during this period due to staff shortage and time constraints. Similarly HALC was not during this period heavily involved in World AIDS day events. HALC was heavily engaged with the AIS conference, supplying numerous volunteers for the conference.

(j) extent of volunteer and pro bono work;

HALC provides volunteer and Practical Legal Training placement opportunities for law students and graduates. During this period HALC's capacity for such volunteering places increased. The increase has taken volunteers places at HALC from one per day in 2006, to three/four per day by 2008.

HALC took on a number of matters that were not strictly HIV related. This included two refugee matters, both of which were successful. Several gay and lesbian issues not directly HIV related were undertaken by HALC.

HALC in partnership with the Sydney Law School (University of Sydney) External Placement Program (EPP) and DLA Phillips Fox developed a resource for NSW legal practitioners on the criminalisation of HIV transmission. Sydney Law School student Gina Mitchell was placed in DLA Phillips Fox and worked at HALC to author a draft. A number of legal practitioners donated pro bono services to assist in the final edition of the resource: *Criminal Transmission of HIV/AIDS: A guide for legal practitioners in NSW* (2008). Details of the publication are included elsewhere in this report.

(k) training and student supervision provided to and by staff;

HALC supervised the PLT placement for more than five graduate law student's during this period. Around twenty law students have volunteered with HALC during this period. Many of those student's have left volunteering at HALC to take up paralegal work opportunities or employment as solicitors.

Student's volunteering at HALC obtain in depth hands on engagement with clients legal matters. HALC has provided a loosely structured, responsive and adaptive training regime, based on direct engagement with real client matters by the volunteer under guidance and tutelage of the solicitors.

In July 2007, Iain Brady attended AHSM's indigenous training session providing outreach workers with some training on HIV legal requirements and provision of safe sex messages to youth.

Iain Brady completed the College of Law Practice Management course in August 2007.

In May 2008, HALC Secretary Ian Jordan attended three training sessions at the offices of the NSW Legal Aid Commission: CLSIS Fundamentals, CLSIS Customisation and Administration, Introduction to the CLSIS Data Query System.

Legal practitioners employed at HALC met their requirements in terms of Mandatory Continuing Legal Education. Those who are Migration Agents also undertook relevant training.

(l) source, extent and purpose of any income received from other bodies;

None.

(m) the names of the members of the Management Committee of the Organisation and the names and brief description of the roles of the staff involved in the provision of the Services;

The Rules of the Association create a Committee which consists of elected members and appointed members. The elected members are the office bearers (President, Treasurer and Secretary) and three ordinary members. The appointed members are, ex officio, the Principal Solicitor and the Co-ordinator together with the person, who is invited by the Committee to represent the interest of people living with HIV in New South Wales.

The elected members of the Committee are ordinarily elected at the Annual General Meeting by and from the members of the Association and take office at the conclusion of the AGM at which they are elected.

Committees 2007-2008

The Committee (from 1 July 2007) which held office until the conclusion of the Annual General Meeting on the 19th December 2007 were:

| | | |
|--------------------|-------------------------|---------------------------------|
| Office Bearers | President | Anurag Kanwar |
| | Secretary | Ian Jordan |
| | Treasurer | Chompol Chaimongkol |
| Ordinary Members | | Noeline Rudland |
| | | John Cumming |
| | | (vacant) |
| Ex officio members | Principal Solicitor | Kathryn Viegas |
| | | (Oct-Dec 2007) |
| | | Iain Brady |
| | | (from Monday 3rd December 2007) |
| | Co-ordinator | Sian Aldis |
| | | (resigned 2007) |
| Invited members | Representative of PLWHA | William Klaasen |

The Committee 2007- 2008 took office at the conclusion of the Annual General Meeting on the 19th December 2007.

| | | |
|--------------------|-------------------------|--|
| Office Bearers | President | Noeline Rudland |
| | Secretary | Iain Jordan |
| | Treasurer | Lucy Gray |
| Ordinary Members | | William Klaasen |
| | | Nadine Behan |
| | | Lachlan Riches |
| Ex officio members | Principal Solicitor | Iain Brady |
| | Co-ordinator | (vacant) |
| Invited members | Representative of PLWHA | Carl Piraino (from 24 January 2008) |

These people donated many hours to the management of the Association. Without their skills, expertise and commitment, the Legal Centre could not achieve the results reported. We thank them for their contributions.

Staff 2007-2008

Principal Solicitor

On the 3rd December 2007 Iain Brady took up as Principal Solicitor. During the year, various people acted in the position.

The Principal Solicitor is responsible for the day-to-day service delivery of the Centre. The Principal Solicitor offers leadership to the team of our employees and volunteers to achieve our aims and meet our objectives under the CLSP (Community Legal Services Plan). This involves the delivery of high quality legal services (legal advice, assistance, referral & representation) to clients with HIV and/or HCV related legal problems, liaison with other service providers, the development and delivery of community legal education programs, the initiation and participation in the development of legal, social and public policy concerning HIV/AIDS and/ HCV issues including promoting enlightened law reform in these areas.

Solicitors

The Association employs Solicitors who act under the direction of the Principal Solicitor to deliver legal services, assist in the development and delivery of community legal education programs, assist in (or undertake under the supervision of the Principal Solicitor) policy work. They may be engaged in outreach work.

During the reporting period the Association employed the following Solicitors on a casual basis for various periods at different times:

Iain Brady
Indraveer Chatterjee
John Williams
Monique Nicole
Sjorji Green

In June 2008, we appointed Indraveer Chatterjee as an employed Solicitor.

Co-ordinator

The Coordinator acts as an office manager for the Centre responsible for a range of administrative, accounting, financial, management support, organisational, and reporting tasks.

During 2007 the position was filled by Sian Aldis. On her resignation to pursue a career as a legal practitioner, the position was unfilled. It was decided to replace the position with an Administrative Assistant.

Administrative Assistant

The Administrative Assistant position was designed to provide administrative support to the Centre's staff.

Outside the reporting period, in the second half of 2008, the position was filled by Grace Mak. A review of the operation of the Centre resulted in the deletion of the position and the re-establishment of the Co-ordinator's position.

Paralegals

On occasion HALC employs paralegals on a casual basis to provide support to the Centre's legal work. Monique Nicole was employed as paralegal from 8 May to 4 June 2008 on a part-time basis.

(n) any other activities relevant to the work of the Organisation;

HALC continues to develop and foster relationships and partnerships with various HIV medical practices and HIV organisations such as ACON and AFAO in order to best coordinate services and respond to emerging needs and issues in the community.

In July 2007, the ancient computers in HALC were replaced by three (3) new PCs thanks to funding by the Attorney-General's Department (Cth) who also provided us a grant of \$450 + GST for their installation. In the fourth quarter of the reporting period, the office accommodation was re-organised and further computers and furniture purchased.

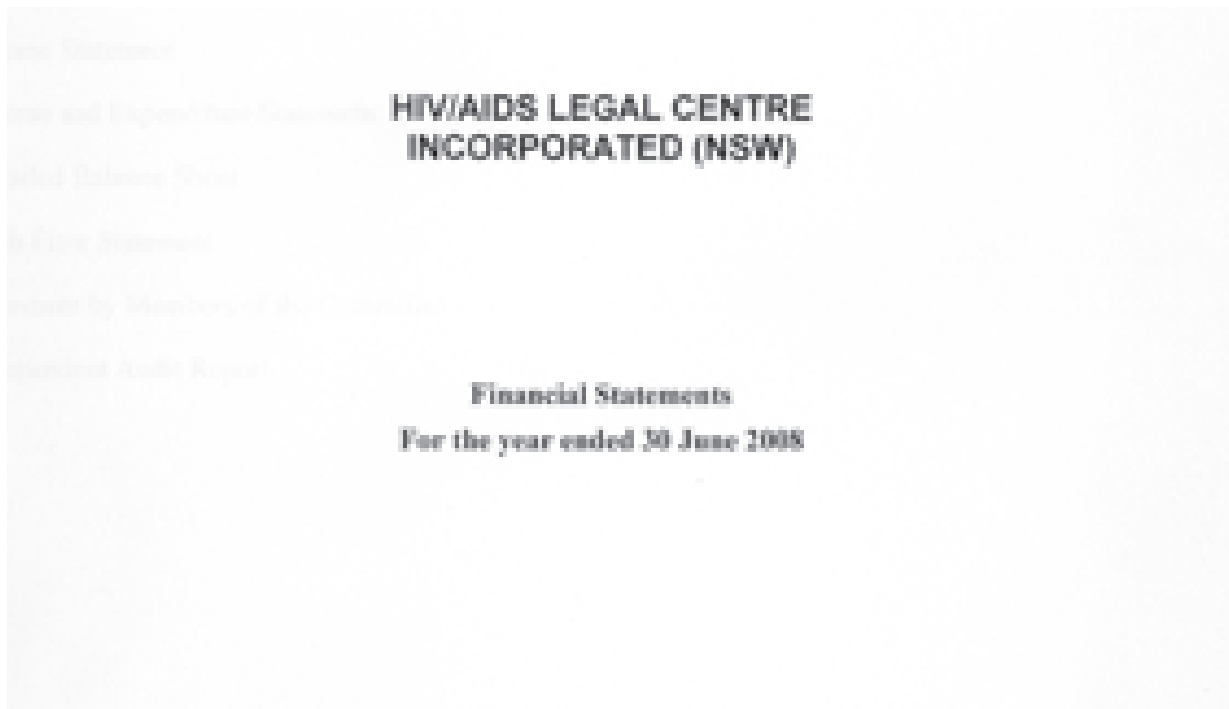
On 9 February 2008 HALC organised a successful Planning Day for members of the Committee and a representative of the volunteer solicitors. With the assistance of a professional facilitator, Lisa Heap we reviewed what we do well, what we thought we could do better and envisioned the role and function of centre for next 3 years. We resolved to build, but in small steps.

In March 2008 HALC's image had a makeover. A small grant from the Council of the City of Sydney enabled us to start a "re-badge" of HALC with new letterhead and new business cards. The labour in the new design was donated by an ACON volunteer and initial printing costs were \$1,100. Elements of the new design have been incorporated on the cover of this report. We also commissioned a redesign of the HALC website including state of the art SEO (search engine optimisation). We plan to launch this in the next reporting period.

May 2008 saw the launch of the Disclosure Project resource by The Hon Justice Michael Kirby, AC CMG at the Tim Olsen Gallery, Woollahra. President Noeline Rudland introduced the High Court Justice who gave an inspiring speech to the assembled 75 guests. He kindly stayed to talk to student and other HALC volunteers before heading off to Admiralty House for another function. Details of

the launch and the resource are included elsewhere in this report. There was an initial print run of 5000 copies and the resource is available in PDF for electronic distribution.

(o) Audited Financial Statements for the relevant financial year.



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Income Statement

Income and Expenditure Statement

Detailed Balance Sheet

Cash Flow Statement

Statement by Members of the Committee

Independent Audit Report

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)**Income Statement****For the year ended 30 June 2008**

| | 2008 | 2007 |
|---|-------------|-------------|
| | \$ | \$ |
| Operating surplus (deficit) before income tax | 19,474.71 | (5,345.91) |
| Income tax (credit) attributable to operating surplus (deficit) | | |
| Operating surplus (deficit) after income tax | 19,474.71 | (5,345.91) |
| Deficit at the beginning of the financial year | (218.91) | 5,127.00 |
| Total available for appropriation (surplus) | 19,255.80 | (218.91) |
| Accumulated surplus (deficit) at the end of the financial year | 19,255.80 | (218.91) |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)**Income and Expenditure Statement****For the year ended 30 June 2008**

| | 2008 | 2007 |
|--------------------------------------|------------|------------|
| | \$ | \$ |
| Income | | |
| Grant Income | 139,763.64 | 136,582.28 |
| Other Income | 547.73 | 1,423.15 |
| Interest | 349.16 | 476.91 |
| Donations/Fundraising | 12,428.05 | 2,450.00 |
| Total income | 153,088.58 | 140,932.34 |
| Expenses | | |
| Accountancy | 2,964.27 | |
| Advertising | 1,766.35 | |
| Approved Capital Expenditure | 22.73 | 701.80 |
| Finance, Audit & Accounting Fees | 5,261.59 | 7,085.16 |
| Library, Resources and Subscriptions | 3,282.13 | 2,859.64 |
| Office Overheads | 6,355.40 | 3,061.19 |
| General Expenses | 1,317.92 | 0.85 |
| Staff Related Expenses | 10,997.23 | 14,400.30 |
| Travel | 70.00 | 75.00 |
| Salaries | 100,140.62 | 118,094.31 |
| Interest expense | 426.47 | |
| Depreciation - other | 182.00 | |
| Postage | 103.54 | |
| ATO Penalty | 660.00 | |
| Telephone and Internet | 63.62 | |
| Total expenses | 133,613.87 | 146,278.25 |
| Net Surplus/(Deficit) for year | 19,474.71 | (5,345.91) |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)

Detailed Balance Sheet As At 30 June 2008

| | Note | 2008 \$ | 2007 \$ |
|--------------------------------------|------|------------------|------------------|
| Current Assets | | | |
| Cash Assets | | | |
| Cheque - Westpac | | 31,999.84 | 7,936.87 |
| Cash Management | | 5,549.80 | 19,233.72 |
| Gift Fund | | 10,551.58 | 1,699.75 |
| Petty Cash | | 9.31 | |
| | | <u>48,110.53</u> | <u>28,870.34</u> |
| Receivables | | | |
| Project Income Due | | | 1,537.00 |
| GST Overpayments | | <u>1,537.29</u> | |
| | | <u>1,537.29</u> | <u>1,537.00</u> |
| Other | | | |
| Prepaid - PII | | 60.61 | 375.00 |
| Prepaid - W. Compensation | | <u>31.35</u> | <u>312.95</u> |
| | | <u>91.96</u> | <u>687.95</u> |
| Total Current Assets | | <u>49,739.78</u> | <u>31,095.29</u> |
| Non-Current Assets | | | |
| Property, Plant and Equipment | | | |
| Fixtures & Fittings | | 1,828.18 | |
| Less: Accumulated depreciation | | (51.00) | |
| Computer equipment | | 2,525.09 | |
| Less: Accumulated amortisation | | <u>(131.00)</u> | |
| | | <u>4,171.27</u> | |
| Total Non-Current Assets | | <u>4,171.27</u> | |
| Total Assets | | <u>53,911.05</u> | <u>31,095.29</u> |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)**Detailed Balance Sheet As At 30 June 2008**

| | Note | 2008 \$ | 2007 \$ |
|----------------------------------|------|------------------|------------------|
| Current Liabilities | | | |
| Payables | | | |
| Unsecured: | | | |
| Accruals - General | | 1,850.00 | 1,923.00 |
| Group Tax Clearing (PAYG) | | 1,904.00 | 1,868.00 |
| Superannuation Clearing | | 2,069.83 | 554.90 |
| Deductions Clearing Account | | 594.00 | 94.00 |
| Wages & Salaries Payable | | | (505.46) |
| | | <u>6,417.83</u> | <u>3,934.44</u> |
| Financial Liabilities | | | |
| Unsecured: | | | |
| Trade Creditor | | 200.00 | |
| | | <u>200.00</u> | |
| Current Tax Liabilities | | | |
| GST Collected | | 3,522.17 | 3,402.72 |
| GST Paid | | (2,089.23) | (239.73) |
| Provision - Annual Leave | | 4,012.17 | 11,216.00 |
| Provision - Equip Replacement | | 2,500.00 | 2,500.00 |
| Provision - Long Service Leave | | 2,633.27 | |
| Provision - Sick Leave | | 624.23 | |
| | | <u>11,202.61</u> | <u>16,878.99</u> |
| Total Current Liabilities | | <u>17,820.44</u> | <u>20,813.43</u> |
| Total Liabilities | | <u>17,820.44</u> | <u>20,813.43</u> |
| Net Assets | | <u>36,090.61</u> | <u>10,281.86</u> |

Equity

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)**Detailed Balance Sheet As At 30 June 2008**

| | Note | 2008 \$ | 2007 \$ |
|--|------|------------------|------------------|
| Reserves | | | |
| Reserve for Provision | | 10,500.77 | 10,500.77 |
| Prior year adjustment | | 6,334.04 | |
| Accumulated Surplus (Deficit) | | 19,255.80 | (218.91) |
| Total Accumulated Surplus (Deficit) | | 36,090.61 | 10,281.86 |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)

Statement of Cash Flows

For the year ended 30 June 2008

| | 2008 \$ | 2007 \$ |
|---|--------------|--------------|
| Cash Flow From Operating Activities | | |
| Receipts grant bodies & others | 153,088.29 | 162,114.99 |
| Payments to Suppliers and employees | (134,397.26) | (169,595.65) |
| Interest | 349.16 | 476.00 |
| Net cash provided by (used in) operating activities | 19,040.19 | (7,004.66) |
| Cash Flow From Financing Activities | | |
| Proceeds of borrowings | 200.00 | |
| Net cash provided by (used in) financing activities | 200.00 | |
| Net increase (decrease) in cash held | 19,240.19 | (7,004.66) |
| Cash at the beginning of the year | 28,870.34 | 35,875.00 |
| Cash at the end of the year (note 1) | 48,110.53 | 28,870.34 |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)

Statement of Cash Flows

For the year ended 30 June 2008

2008

2007

Note 1. Reconciliation Of Cash

For the purposes of the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts.

Cash at the end of the year as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:

| | | |
|------------------|------------------|------------------|
| Cheque - Westpac | 31,999.84 | 7,936.87 |
| Cash Management | 5,549.80 | 19,233.72 |
| Gift Fund | 10,531.58 | 1,699.75 |
| Petty Cash | 9.31 | |
| | <u>48,110.53</u> | <u>28,870.34</u> |

The accompanying notes form part of these financial statements. These statements should be read in conjunction with the attached audit report.

HIV/AIDS LEGAL CENTRE INCORPORATED (NSW)
STATEMENT BY MEMBERS OF THE COMMITTEE

In the opinion of the committee the financial report as set out:

1. Presents a true and fair view of the financial position of the HIV/AIDS Legal Centre Incorporated (NSW) as at 30 June 2008 and its performance for the year ended on that date in accordance with the Australian Accounting Standards, mandatory professional reporting requirements and other authoritative pronouncements of the Australian Accounting Standards Board.
2. At the date of this statement, there are reasonable grounds to believe that the HIV/AIDS Legal Centre Incorporated (NSW) will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

X 
Iain Stuart Brady
Principal Solicitor

X 
Lucy Gray
Treasurer

Dated: 6 November 2008

K M Y**K M YAP & COMPANY** Chartered Accountant

ABN 79 502 553 553

George Kai Ming Yap

CA (ICAA / ICAEW / MIA), AFPA, ADIS(FP) & DS(FP)

Managing Principal

**Chartered
Accountants**

NUMBER ONE IN NUMBERS

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
HIV/AIDS LEGAL CENTRE INCORPORATED (NSW) ABN 39 045 530 926****Scope**

I have audited the special purpose financial report of HIV/AIDS Legal Centre Incorporated (NSW) (the Company) for the year ended 30 June 2008. The financial report comprise the Income Statement, Balance Sheet and Cash Flow Statement for the year ended 30 June 2008 and Notes to the Financial Statements for the year ended 30 June 2008, as set out in pages to .

Committee of Management' Responsibility for the Financial Report

The Management Committee of the Company are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Corporations Act 2001 in Australia. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement whether due to fraud or error, selecting and applying appropriate accounting policies and making estimates that are measurable in the circumstances. In note 1, the Committee of Management state, in accordance with Australian Accounting Standards AASB 101 Presentation of Financial Statements, that the financial report comprising the financial statements and notes, complies with International Financial Reporting Standards.

Auditor's Responsibility

My responsibility is to express an opinion to the members of the Company on the financial report based on my audit. I conducted my audit in accordance with Australian Auditing Standard in Australia. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. These procedures selected depend on the auditor's judgment, including the assessment of risks of material misstatement of the financial report, whether due to fraud or error. In making those risks assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of financial report in order to design audit procedures that are appropriate in the circumstance, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Directors, as well as evaluating the overall presentation of the financial report.

I performed the procedures assess whether in all material respects the financial report presents fairly, in accordance with the Corporations Act 2001 and Australian Accounting Standards (including the Australian Accounting Interpretations), a view which is consistent with our understanding of the Company's financial position, and of its performance.

Liability limited by a scheme approved under Professional Standards Legislation

34 Peartree Circuit West Pennant Hills NSW 2125 AUSTRALIA
P.O. Box 2381 Carlingford Court Carlingford NSW 2118 AUSTRALIA

Mobile : +61 433 1818 95

Tel : +61 2 9872 5502

Fax : +61 2 9872 5570

E-mail : georgeyap@yapkm.com

Website: www.yapkm.com

K M Y: K M Yap & Company

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting my audit, I followed applicable independence requirements of Australian professional ethical pronouncements.

AUDIT OPINION

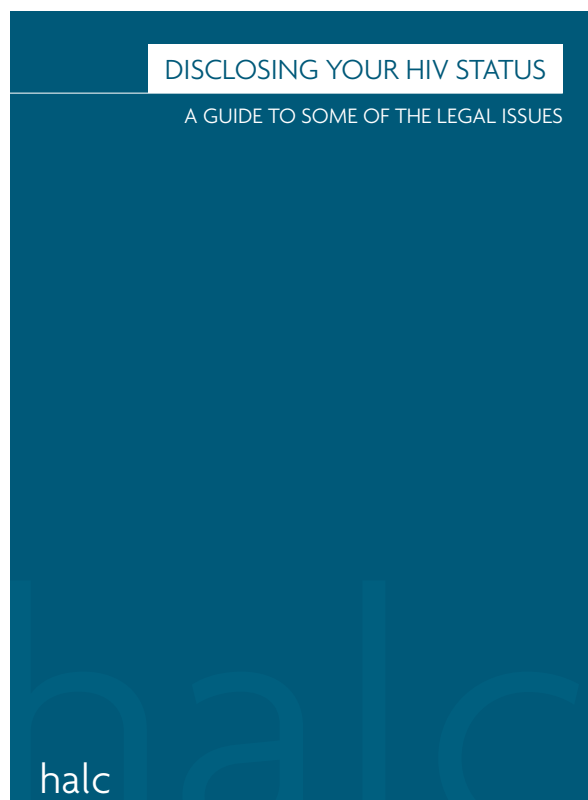
In my opinion:

- (a) the financial report of the Company is in accordance with the Corporations Act 2001 including:
 - i) giving a true and fair view of the Company's financial position as at 30 June 2008 and of the performance for the year ended on that date; and
 - ii) complying with Australian Accounting Standards (including the Australian Accounting Interpretation) and the Corporations Regulations 2001.
- (b) the financial report also complies with International Financial Reporting Standards as disclosed in Note 1.



Koi Ming Yap
Registered Company Auditor (4540)
KM Yap and Company
Chartered Accountant

Sydney
8 October 2008



HIV/AIDS Legal Centre Incorporated (NSW) ABN 39 045 530 926

Disclosing Your HIV Status
A guide to some of the legal issues

2008

ISBN 978-0-9804796-0-7

A6 format, 28 pages

Contents

Introduction

Sex and Relationships

Employment

Superannuation

Insurance

Travel and Immigration

Medical Care and Treatment

Centrelink

Housing, Education and Finances

Sport

Police and the Courts

Privacy Protection

Discrimination

Useful Contacts

This booklet contains the relevant law on disclosure of HIV status as it applies in New South Wales as at 1 January 2008. It was prepared by the HIV/AIDS Legal Centre and funded by the Law and

Justice Foundation of New South Wales and the Community Development Fund of the Sydney Gay and Lesbian Mardi Gras.

From the Introduction:

Disclosure of HIV status is one of the main areas where the law impacts on the lives of people living with HIV.

If you are considering disclosing your HIV status and want to know your legal position, this booklet will help you understand some of the issues involved. It will also be helpful for people like counsellors and social workers who offer support services to those living with HIV.

There are some situations where you are legally required to disclose your HIV status, for example where you have sex with someone or if your work involves performing “exposure prone procedures”. However in most other situations it is entirely up to you whether you disclose your HIV status. As a general rule the principle underlying the law is that disclosure is necessary where there is a risk of infecting others. If you have HIV you do have a duty to try not to infect others.

This booklet looks at a range of situations and sets out the relevant legal considerations regarding disclosure of HIV status in New South Wales. It includes information on your right to privacy and protection against discrimination on the basis of your HIV status.

Every effort has been made to ensure the information here is as up to date and accurate as possible but it is no substitute for legal advice.

Print and electronic copies of the booklet are available from HALC.

May 2008 Launch of *Disclosing Your HIV Status: a guide to some of the legal issues* by The Hon Justice Michael Kirby, AC CMG



Justice Kirby with HALC volunteers and staff holding copies of "the little blue book" at the launch.

In the splendid setting of the *Tim Olsen Gallery*, Jersey Road, Woollahra (who kindly loaned us their venue without charge) HALC launched the resource produced by the Disclosure Project.

Buon Ricordo donated food and services (additional thanks to Kyle who donated magnificent *prosciutto crudo*), the *Woollahra Hotel* donated champagne and loaned glassware and Richard donated his services as a waiter.

HALC President Noeline Rudland welcomed the 75 guests and introduced The Hon Justice Michael Kirby, AC CMG.

His speech began with a sober note that we appear to be no closer to a vaccine nor a cure and then inspired us as legal workers by reminding us of our successes in dealing with the legal issues that have come with HIV/AIDS.

At the conclusion of his speech, HALC Principal Solicitor presented him with a gift of a selection of teas in a presentation case as a gesture of thanks.



Applicant Y v Minister for Immigration and Citizenship [2008] FCA 367

On the 19th March 2008, the Federal Court of Australia (Tamberlin J) ruled in favour of a HALC client. The client had been referred to HALC by another legal service provider. The case illustrates how the specialist expertise of a Community Legal Centre can make a difference and set an important human rights precedent. The following media release sets out the background.

MEDIA RELEASE

12 May 2008

COURT RULING FAVOURS HIV POSITIVE MIGRANTS

HIV positive migrants who have been denied a visa to live in Australia may have a new avenue of appeal following a recent court ruling.

The Federal Court of Appeal ruled last month that medical assessments used by the Department of Immigration to determine an applicant's suitability for a visa must be made within a reasonable timeframe, such as 12 months.

Previously, the Department had been using medical reports from HIV positive applicants that were often several years old and which did not reflect the applicant's current health status.

The ruling was made following representations to the Federal Court of Appeal by the Sydney-based HIV/AIDS Legal Centre (HALC).

HALCs principal solicitor Iain Brady says the ruling provides more certainty for HIV positive migrants during their assessment process.

"Visa assessments can sometimes take years to complete and require a whole range of supporting documentation, including a medical assessment," says Brady.

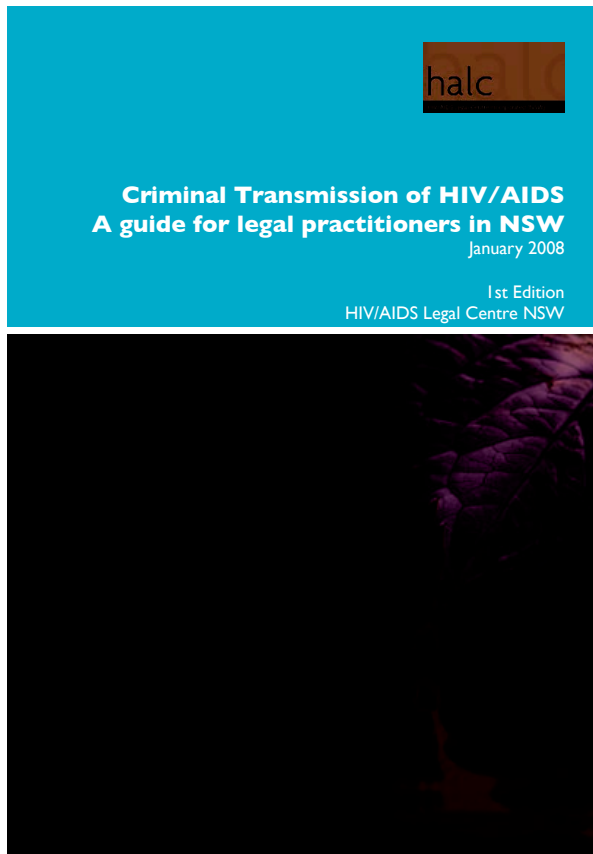
"Prior to this ruling, HIV positive migrants could have their visa applications denied based on information that was years out of date," says Brady.

"Essentially, what the court has now decided is that migrants are entitled to have the health criteria component of their visa applications assessed within a reasonable time or the Department of Immigration will need to obtain an updated medical assessment if the processing of their application does not take place within a reasonable timeframe.

"What this means is that HIV positive migrants who have had their visa applications rejected will now be able to appeal against that decision if their application was denied based on an outdated medical assessment.

"This is an important ruling that ensures HIV positive migrants will now get a much fairer go.

"It will also have a far reaching effect on the immigration sector generally as it creates a precedent that migrants are entitled to have the health criteria component their visa applications assessed against information that is current and up to date."



Criminal Transmission of HIV/AIDS
A guide for legal practitioners in NSW

Authored by Gina Mitchell, DLA Phillips Fox
 and edited by William Dawe QC of Ada Evans
 Chambers, Sydney and Nicolas Patrick, DLA
 Phillips Fox.

A4 format, 52 pages

Sections and Chapters:

AIDS and HIV: General Facts

- 1 Introduction
- 2 The Human Immunodeficiency Virus
- 3 The Progression from HIV to AIDS
- 4 The Life Expectancy of Persons with HIV/AIDS
- 5 HIV testing
- 6 The Transmission of HIV
- 7 HIV Treatment and Drug Regimes
- 8 Side effects to treatments
- 9 New Developments in HIV Medicine
- 10 Post-Exposure Prophylaxis (PEP)
- 11 Re-infection and Superinfection
- 12 Post-Diagnosis Counselling and the Law
- 13 Where to find the latest medical information?
- 14 References

Human rights and HIV/AIDS

- 15 International Guidelines on HIV/AIDS
- 16 Human Rights, HIV/AIDS and the Criminal Law
- 17 The decision to prosecute
- 18 Consent and International Law

NSW criminal offences and the prosecution case

- 19 Who can be held liable for the transmission of HIV?
- 20 Legal Analysis in a criminal trial in NSW
- 21 Onus and burden of proof
- 22 Statutory Offences
- 23 The Defence Case
- 24 Evidence

Criminal Trials and the Media

- 25 Sub Judice Contempt
- 26 Suppression Orders
- 27 Restrictions on publication under the *Public Health Act 1991* (NSW)

- 28 Case Summaries

This booklet will be available in early 2009.

Client Satisfaction Survey Results 2008**1 July 2007 – 30 June 2008**

11 clients returned survey forms.

1. Nature of inquiry

Some respondents indicated that the nature of their inquiry fit into more than one category. Clients were assisted with Will (2), Power of attorney (1), Enduring guardianship (1), Superannuation/insurance (1), Discrimination (2), Debt (1), Immigration (2), Employment (2), Social security (1), Other (1 - Interdependency application).

2. Gender

Female = 1, Male = 10.

3. Postcode

Sydney CDB (1), Sydney – East (2), Sydney – South (2), Inner Sydney – Leichhardt (1), Sydney Eastern Suburbs – Randwick (1), Canterbury-Bankstown (2), Central Coast (1), Not stated (1).

4. How respondents heard about HALC

Some respondents indicated more than one: as a previous client (3), PLWH/A (NSW) Inc (2), ACON (3), Other service provider (3), Health care professional (3), Website/internet (1).

5. How HALC provided advice or information

Weekday appointment (9), Other (2 - Representation at Tribunal, Meetings).

6. How easy was it to get to the Centre?

Easy (11), Difficult (0).

7. Appointment – did some see you fairly quickly?

Yes (10), No (0), Not stated (1).

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

Yes (11), No (0).

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

Yes (10), No (1)

Comment: "Not at times & long waiting time".

10. Was the advice / information obtained able to help solve the client's enquiry?

Yes (10), No (1).

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

Yes (10), No (0), Not stated (1).

12. Was the client adequately kept informed about the progress of their matter?

Yes (10), No (1).

13. If HALC was unable to offer the client a service, was the client referred to another service?

Yes (6), No (1), Not Applicable (3), Not stated (1).

If referred, was that service able to help

Yes (5), No (0), Not stated (1).

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

Yes (10), No (0), Not stated (1).

Comments: "Very", "partly helpful"

Open-ended comments:

No response 3

"I am very happy with the help I received from HALC. Thank you. " – made a donation of \$100.

"Thank you for all your help with achieving a successful outcome for my case. Iain, you made me feel very comfortable with pursuing the case to the end."

"I was extremely pleased with the quality of service / help / assistance from BGF & halc. They have helped me in the past and without their assistance I would have been lost. Kindest regards & grateful thanks."

"HALC have been tremendous & I am very grateful for their assistance."

"Indraveer was very helpful – good listening skills & sympathetic to situation. Was also prompt to follow up & always was calling to see if able to assist further."

"Thank you HALC for your on-going support & assistance with our application. Looking forward to seeing you again in the future."

"Yes your services to me have been very good."

"Thank you to all the staff at HALC for the help. Many thanks."

Thank you for your support and assistance throughout the year:

Organisations

AIDS Council of New South Wales (ACON)
Albion Street Centre
Anti-Discrimination Board of NSW (ADB)
Attorney-General's 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)
Consumer Credit Legal Centre
Gadens Lawyers
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)
National Association of Community Legal Centres (NACLC)
National Association of People With HIV/AIDS (NAPWA)
NSW Department of Health
Positive Life NSW - before 15 February, 2008 known as People Living with HIV/AIDS (NSW) (PLWH/A NSW Inc)
Public Interest Law Clearing House (PILCH)
Sacred Heart Hospice
St Vincent's Hospital
Taylor & Scott Lawyers

Individuals

| | |
|---------------------------|-------------------|
| Aimee Chan | Mariah Maltezos |
| Anurag Kanwar | Mary Egan |
| Bonny Loo | Maureen David |
| Breduon Robin | Michele Clayton |
| Carolyn Dearing | Mina Aresh |
| Carl Piraino | Nadine Behan |
| Chompol Chaimongkol (New) | Nicholas Patrick |
| Daryl O'Donnell | Nicholas van Stom |
| David Porter | Niklas Elsmann |
| David Law | Noeline Rudland |
| David Muir | Owen Ow |
| David Puls | Peter Parkash |
| Deslie Billich | Robert Kneepman |
| Elizabeth Gardner | Sandra Kibeuge |
| Elly Krimotat | Shehzad Mansuri |
| Eryl Brady | Sîan Aldis |
| Eylem | Sjorji Green |
| Gina Mitchell | Teena Balgi |
| Grace Mak | Thomas Costa |
| Hugo De Jong | Virginia Furner |
| Ian Jordan | William Klaasen |
| Jason Michael | |
| Jeanette Leggo | |
| Jennifer Raguso | |
| Jia Zhu | |
| John Cumming | |
| John Williams | |
| José da Costa | |
| Katheryn Viegas | |
| Kristen Duff | |
| Lachlan Riches | |
| Lucy Gray | |
| Manuj Yadav | |

**Statement
s26(6), Associations Incorporation Act 1984 (NSW)**

(a) the income and expenditure of the association during its last financial year:

Income:

Total income for the financial year was: \$153,088.58

| | | |
|-------------------------------------|------------|------------|
| <i>Major Grants:</i> | | 139,763.64 |
| Attorney-General's Department (Cth) | 31,976.36 | |
| Legal Aid Commission of NSW | 107,787.28 | |
| | | |
| <i>Other Income:</i> | | 13,049.94 |
| Interest Received | 349.16 | |
| Sundry Income | 0.00 | |
| Donations | 12,428.05 | |
| Memberships | 0.00 | |
| Legal Fees | 272.73 | |

Expenditure:

Total income for the financial year was: \$132,654.22

| | | |
|--------------------------------|-----------|------------|
| <i>Salaries and related</i> | | 100,140.62 |
| Salaries & Wages | 92,643.43 | |
| Annual Leave | 4,056.71 | |
| Sick Leave Expenses | 182.98 | |
| Provision - Long Service Leave | 2,633.27 | |
| Provision for Sick Leave | 624.23 | |
| Parenting Leave | 0.00 | |
| | | |
| <i>On costs</i> | | 9,721.10 |
| Superannuation | | |
| Workers Compensation | | |
| | | |
| <i>Staff related expenses</i> | | 1,133.64 |
| Practising Certificate | 470.00 | |
| Staff Training | 663.64 | |
| | | |
| <i>Premises</i> | | 68.18 |
| Cleaning | 68.18 | |

| | | |
|---------------------------------------|----------|----------|
| Office Overheads | | 6,287.22 |
| Computer Consumables | 971.87 | |
| Computer Support | 380.91 | |
| Printing | 3,250.63 | |
| Stationery | 1,103.10 | |
| Catering Meetings | 580.71 | |
| | | |
| Communications | | 167.16 |
| Telephone & Fax | 18.18 | |
| Internet | 45.44 | |
| Courier & Postage | 103.54 | |
| | | |
| Financial & Accountability | | 5,261.59 |
| Bank Charges | 86.52 | |
| Audit | 3,000.00 | |
| PI Insurance | 1,155.30 | |
| Office Insurance | 1,019.77 | |
| | | |
| Library & Resources | | 3,282.13 |
| Loose Leaf Services | 2,209.63 | |
| Memberships & Affiliations | 957.95 | |
| Reference Materials | 114.55 | |
| | | |
| Travel | | 70.00 |
| Metro Travel | 70.00 | |
| | | |
| Program & Planning | | 2,964.27 |
| Accounting Expense | 2,964.27 | |
| | | |
| Office Assets | | 22.37 |
| Office Furniture Exp | 22.37 | |
| | | |
| Depreciation | | 182.00 |
| Depreciation Expenses | 182.00 | |
| | | |
| Other Costs | | 3,353.58 |
| General Expenses | 897.23 | |
| Freight & Cartage | 30.00 | |
| ATO Penalty | 660.00 | |
| Advertising Expenses | 1,766.35 | |

(b) the assets and liabilities of the association at the end of its last financial year:

Assets:

The assets of the Association at the end of the financial year were:

| | | |
|--|-----------|--------------------|
| Current Assests | | |
| <i>Cash</i> | | |
| Cheque - Westpac | 31,999.84 | |
| Cash Management | 5,549.80 | |
| Gift Fund | 10,551.58 | |
| Petty Cash | 400.00 | |
| | | |
| <i>Receivables</i> | | |
| Overpayment to ATO | 1,537.29 | |
| Prepaid - PII | 60.61 | |
| Prepaid - Workers Compensation | 31.35 | |
| Total Current Assests | | 50,130.47 |
| | | |
| Non-current Assets | | |
| <i>Property, Plant & Equipment</i> | | |
| Computer Equipment | 2,525.09 | |
| Less accumulated depreciation | (131.00) | |
| Furniture & Fittings | 1,828.18 | |
| Less accumulated depreciation | (51.00) | |
| Total Non-Current Assets | | 4,171.27 |
| | | |
| Total Assets | | \$54,301.74 |

Liabilities:

The liabilities of the Association at the end of the financial year were:

| | | |
|-----------------------------------|----------|----------|
| Current Liabilities | | |
| Trade Creditors | | 200.00 |
| Accruals General | | 1,850.00 |
| Group Tax Clearing (PAYG) | | 1,904.00 |
| Superannuation Clearing | | 1,927.34 |
| Deductions General Account | | 594.00 |
| Grants in advance | | |
| <i>Current Provisions</i> | | |
| Provision - Annual Leave | 4,012.17 | |
| Provision - Long Service Leave | 2,633.27 | |
| Provision - sick leave | 624.23 | |
| Provision - Equipment Replacement | 2,500.00 | |

| | | |
|-------------------------------|------------|--------------------|
| Total Current Provisions | | 9,769.67 |
| <i>GST Liabilities</i> | | |
| GST Collected | 3,522.17 | |
| GST Paid | (2,089.23) | |
| Total GST Liabilities | 1,432.94 | |
| Total Current Liabilities | | 1,432.94 |
| Non-Current Liabilities | | 17,677.95 |
| | | |
| Total Liabilities | | \$17,677.95 |

(c) the mortgages, charges and other securities of any description affecting any of the property of the association at the end of its last financial year,

None.

(d) in respect of each trust of which the association was trustee during a period, being the whole or any part of the last financial year of the association:

(i) the income and expenditure of the trust during that period,

(ii) the assets and liabilities of the trust during that period, and

(iii) the mortgages, charges and other securities of any description affecting any of the property of the trust at the end of that period.

None.

(This statement was adopted by the Committee on 17 November 2008.)



HIV/AIDS Legal Centre Incorporated (NSW) ABN 39 045 530 926