



# halc

HIV/AIDS Legal Centre Inc. (NSW)

## ANNUAL REPORT 2009/2010



[www.halc.org.au](http://www.halc.org.au)







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# SECTION 1







## Our Vision, Mission and Values

### **Our vision:**

To see an end to the HIV/AIDS crisis

### **Our values:**

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

### **Our Mission:**

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

## Our funders

The services we provide are made possible by the funding received from the NSW and Commonwealth Governments via the Community Legal Services Plan (CLSP), and in addition the generous funding provided via the NSW Public Purpose Fund.

Importantly HALC is housed (and fed) by ACON. Without the generous use of ACON's premises and reception and telephony and mail and printing and air-conditioning and IT .... and whatever else we use, HALC would simply not be able to function.

We received funding for producing the Probate Factsheet and Immigration Factsheet in this year from the Law and Justice Foundation. We have begun work on the two factsheets to be completed early next year.

## Our Objectives and the services we provide

HALC is a community legal centre that specialises in dealing with HIV related legal matters and issues. Recognising that people living with and affected by HIV/AIDS have special legal needs, we provide free legal services to people with HIV related or Hepatitis C (HCV) related legal issues. Our clients are people who often experience significant disadvantage as a result of their medical condition, related discrimination or poverty. We provide a legal service that is accessible and supportive to assist such individuals.

Our offices are open 10.00 am to 6.00 pm Monday to Friday.

We offer a range of legal services including:

- Ongoing legal representation in courts and tribunals
- Legal advice – face to face, by telephone and by email
- Information and referrals
- Outreach services to homes, hospitals and hospices in cases where the client is unable to come to us
- Outreach services to areas outside of Sydney
- Community legal education on issues related to HIV and Hepatitis C
- Law reform and policy related work related to HIV and Hepatitis C

Our objectives are:

- Within the operational guidelines of the Association, to provide free legal advice, assistance and representation to anyone with an HIV related legal problem
- 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
- To provide legal training, education and experience to employees and volunteers
- 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
- To work with other appropriate organisations to achieve the above objectives.



## PRESIDENT'S REPORT

The reporting year 2009-2010 has been one of consolidation and progress in fulfilment of HALC's objectives within its client groups and has confirmed our capacity to operate at a higher level of funding and staff levels than in previous years. The audited annual accounts show a continuing good level of funding support including funding for dedicated projects that the Centre now has the capacity to perform to a high level.

The Committee places on record its continuing appreciation of the fine work performed by HALC's staff in this year through the Principal Solicitor Iain Brady, solicitors Indraveer Chatterjee and Melissa Woodroffe. We also acknowledge with thanks the valuable support of the extended casual employee, Alexandra Stratigos. Supporting all this "front of office" work is the Centre's Coordinator, Shehzad Mansuri and the Committee also thanks Shehzad for her tireless and effective efforts to provide administrative support services and to keep the Committee well briefed with information required to fulfill the Committee's obligations.

The reporting year has also seen sustained effort from Committee members, both new and old and I would like to thank each of them for their dedication to the time-consuming and sometimes exacting role of governance of HALC. Our sincere thanks are also due to the volunteer and paralegal resources provided generously to HALC and to each of those involved in assisting the Centre in a voluntary capacity. We place on record our appreciation for your efforts.

The range of activities and initiatives undertaken by HALC through 2009-2010 are reported in more detail by the Principal Solicitor and those activities are testament to the wide-ranging extent of HALC's activities. The Committee and staff have worked hard to refine HALC's mission statement, objectives and service standards to meet the emerging challenges. Particular focus has centred on the fostering of enhanced community support and consultation with other community organisations and groups also working in the field of support for and advocacy on behalf of those affected by HIV and hepatitis C. The Associations Incorporations Act 2009 and complementary regulations have come into operation from 1 July 2010 and the Committee is working on finalising the adjustments to rules and other operations that will be required.

In closing I want to thank all those who have provided me with invaluable assistance, support and fellowship during my period as President of HALC. My period in this office has been very rewarding and stimulating personally but has been made much easier by the warm support generously provided by my colleagues throughout HALC. I feel very confident that my successor will be able to carry forward the role of HALC in the community and look forward to the coming years with confidence.

I commend the Annual Report to the Annual General Meeting.

Lachlan Riches



## PRINCIPAL SOLICITOR'S MESSAGE

HALC continues to pioneer in deep 2nd generation specialist HIV related law. As an HIV/AIDS and Hepatitis C (HCV) specialist legal centre, HALC is likely unique in the world in terms in the scope of services it provides to HIV and HCV positive clients and the community.

The 6th National HIV Strategy, released in March 2010, recognises an increased role for Human Rights in the effort to reduce HIV prevalence and morbidity. The identified Human Rights issues for HIV are discrimination and stigma, the criminalization of HIV transmission and strictures of Public Health laws. Other issues identified include drug and sex work criminalization/ regulation and immigration.

HALC is actively engaged in constructing and maintaining the 'enabling environment' in line with the National Strategy but not confined to the core Human Rights issues mentioned in the National Strategy. HALC's role spills out into the broader health and social impacts of HIV and its prevention among core communities at risk. HALC now routinely advises and represents HIV positive people and those at most risk in respect of: housing, debt, minor criminal charges, mental health, Centrelink, family law, medical negligence, and privacy matters among others.

HALC has extended its role to provide legal services in any matters with a nexus to HIV or HCV, and where the issues are relevant to the client being enabled to get on with their life. The service

pursues its mission in line with the holistic approach promoted by the National Strategy to engender health and wellbeing. The approach encourages responsive, adaptive and evidence based action. In this way HALC provides legal services relevant to the overarching goal and specific objectives of the National HIV Strategy.

HALC is the only funded HIV specialist legal centre in Australia. In the last year our contacts and referral from HIV service providers across the country have increased. HALC is now routinely extending legal assistance to HIV positive clients throughout Australia. In recognition of this, HALC's Management Committee has adopted the goal of seeking national recognition and funding to properly provide its specialist legal services throughout Australia wherever there is need.

Brady



# THE STATE OF THE HIV EPIDEMIC IN AUSTRALIA

*Source: The National Centre  
in HIV Epidemiology and  
Clinical Research 2009 Annual  
Surveillance Report HIV/AIDS,  
viral hepatitis and  
sexually transmissible  
infections in Australia*



As at 2008, there were 17444 people living with HIV (PL HIV) Australia wide.

53% of HIV positive people reside in NSW. There were a total 9261 PL HIV living in NSW.

Of those, 8535 were male and 726 female. Females make up around 8.5% of the PL HIV.

At 2008 there were estimated to be 284,000 people living with Hep C in Australia.

## Trends

Over the past 10 years, the number of new HIV diagnoses in Australia increased by 38% from 718 in 1999 to 995 in 2008.

Trends in HIV infection differed across the States and Territories. New South Wales recorded a stable population rate at around 5.9 per 100 000 population in 2004 – 2008 whereas the rate steadily increased in Queensland from 3.4 in 1999 to 4.7 in 2008. In Victoria, the rate increased from 2.8 in 1999 to 5.5 in 2006 and was stable at 5.3 in 2007 – 2008. In recent years only around 36% of all new diagnoses occurred in NSW.

There was a similar per capita rate of HIV diagnosis in the Aboriginal and Torres Strait Islander and non-Indigenous populations.

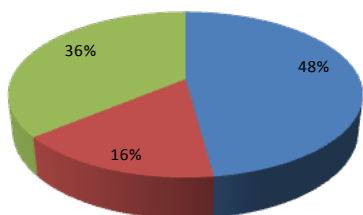
By 31 December 2008, 28 330 diagnoses of HIV infection, 10 348 diagnoses of AIDS and 6 765 deaths following AIDS had occurred in Australia.



## OUR CLIENTS

### Total Clients

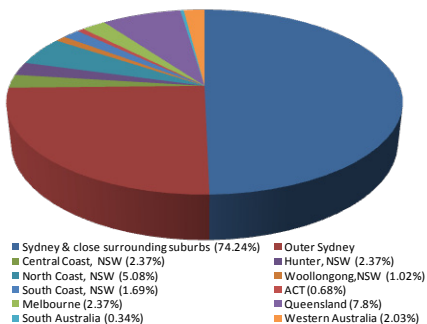
■ New clients ■ Repeat clients ■ Existing clients



### Geographical mix

Pursuant to the generous increased funding HALC received through the Public Purpose Fund, there has been a concerted effort to provide increased services to regional and rural clients. Just over a quarter of our clients are now based outside the Sydney area, with just under 50% of clients residing in Sydney and the inner Sydney suburbs—ground zero for HIV in Australia. Importantly, HALC is providing representation as well as advice to regional and rural clients.

### Profile of our clients by location



This year saw an increase in the number of clients seeking our assistance from outside NSW. Approximately 8% of the matters dealt with by us were categorized as 'Outreach Service'.

### Bio-geography of HIV

According to the NSW Health data (HIV/AIDS Care and Needs Assessment 2004 -the most recent available):

'Newly diagnosed cases of HIV are concentrated in the areas of South Eastern Sydney and Central Sydney. These are the Area Health Services' of residence for 62% of cases diagnosed in the five-year period, 1998–2002. The remaining 38% are scattered throughout the remaining 15 Area Health Services, in particular Northern Sydney (7%), Western Sydney (7%), South Western Sydney (6%), Hunter (2%), Northern Rivers (2%), Illawarra (2%) and Wentworth (2%). The Areas of Central Coast, Greater Murray, Mid North Coast, Mid Western and New England each had 1% of newly diagnosed cases and there were 5% of cases for which the Area Health Service of residence was undetermined' or unstated.

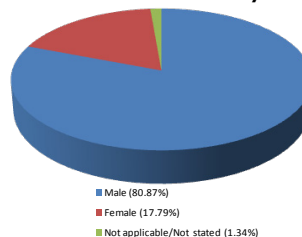
This data supports the contention that for HIV, areas outside of Sydney and the inner suburbs are regional. Using that data for comparison, HALC is providing services to regional areas in excess of the incidence rate for most areas.

## OUR CLIENTS

## Gender representation

HALC maintains a continued focus on providing services for women with HIV. Based on the incidence rate of HIV in women between 1995-1999 of 8.9%. HALC's provision of services and representation for women is high.

### Profile of our client by sex



## HIV/HCV balance

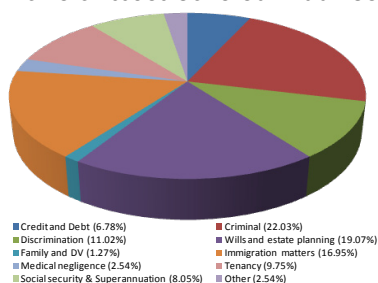
While the HIV Positive population of Australia is less than 10% of the Hepatitis C Positive population, HALC's case mix is the reverse of the population incidence figures for the two chronic illnesses. In the last year, for instance, of the 304 new clients we assisted, 16 were solely HCV positive, being 5.3% of the total new clients. HALC's work for HCV Positive clients aligns with HALC's mandate to assist in HIV related legal matters furthering an end to the HIV epidemic.

HALC's work for HCV Positive clients assists in construction of the 'enabling environment'.

## OUR LEGAL SERVICE: Advice

We provided 326 legal advices to clients through the year on different legal issues.

### Profile of issues covered in advice

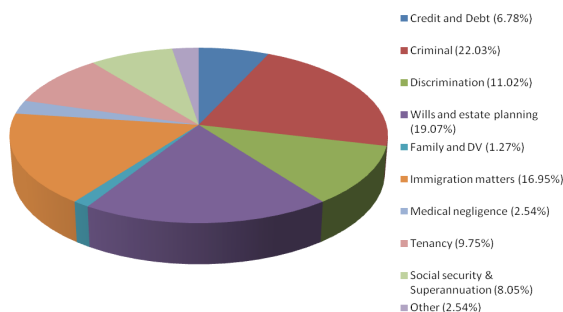


## Advice mix

The broader approach to the enabling environment is again reflected in the mix of advice HALC provides. Oftentimes the advice is accompanied with referral where the matter is one which HALC cannot undertake. Anecdotally there appears to be an increase in advice regarding deliberate or negligent infection with HIV.'



## Profile of issues covered in casework



## Casework mix

The casework mix that HALC undertakes has changed significantly over the last five years, although the broad categories do not necessarily fully describe the shift.

- In immigration the shift is evident in the significant increase in economic visa categories HALC assists with principally 457 visas and 856 ENS visas for clients with desirable skills in Australia and at risk should they return to their country of origin. The bulk of our economic visa clients are from Zimbabwe and were diagnosed after coming to Australia
- In discrimination there has been an increased priority on representing regional clients and clients with Hepatitis C and others from communities 'at risk of HIV'
- In Social Security there has been increased number of clients with Centrelink debts associated with dementia and HIV related cognitive deficits. Also HALC assists with primary DSP applications
- Criminal matters, where some nexus with HIV is made out, ranging from assault charges, AVO and breach AVO matters to driving disqualification, minor drug related charges and fines matters have become regular part of HALC casework
- Family law matters are now occasionally undertaken by HALC. Matters ranging from divorce to child custody and property settlement are underway

The increased range of matters for which HALC provides full representation reflects the broader approach to the 'enabling environment' concept which HALC has embraced.

HALC's representation of clients at various courts and tribunals has increased dramatically in the last five years. Approximately 13.5% of the closed casework matters involved court representation made by HALC on behalf of the clients.

## OUR LEGAL SERVICE: Casework

HALC has represented clients in the following courts and tribunals during the year:

- Federal Court
- Family Court
- Federal Magistrates Court
- NSW Supreme Court
- Queensland Supreme Court
- NSW District Court
- NSW Local Court
- Queensland Local Court
- Children's Court NSW
- Fair Work Australia
- Superannuation Complaints Tribunal
- Social Security Appeal Tribunal
- Administrative Appeals Tribunal
- Migration Review Tribunal
- Refugee Review Tribunal
- Mental Health review Tribunal
- Consumer, Trader and Tenancy Tribunal



## Case Studies

### HIV vilification matter

A complaint of HIV vilification was upheld by the Administrative Decisions Tribunal. As far as we are aware, this is the first complaint upheld since legislation prohibiting HIV vilification was included in the Anti Discrimination Act in 1994.

The couple — whose identities and location were suppressed by the Tribunal to protect them — were awarded \$10,000 by the NSW Administrative Decisions Tribunal, for the emotional toll they paid after former friends threatened to shoot them and began telling other townsfolk they had AIDS.

The ADT agreed the comments were intended to incite hatred and ridicule. To prove HIV vilification, you need conduct that is in public and that incites hatred or contempt, which can be very difficult to substantiate.

### Criminal matter

A man was approached by police whilst sunbathing on a secluded beach. One of the items in his possession was a bottle of amyl nitrate (poppers). He was charged with possession of a restricted substance. We represented the man who pleaded guilty to the charge, but explained to the court the difficulty for clients of being aware that amyl nitrate is in fact a restricted substance when it can be readily purchased from adult stores in the city. The man had no previous convictions and was discharged without conviction on this occasion.

### Victimisation in Employment

A man from a country NSW town was victimized by his employer on the basis of his HIV status. The matter went to hearing at the Administrative Decisions Tribunal, and the decision was appealed to the Appeal Panel of the Administrative Decisions Tribunal. The matter is now before the Court of Appeal of the Supreme Court where pro bono assistance from counsel has been obtained.

### Criminal matter

A man was charged with assault after his ex-partner called the police during a heated verbal argument. The client had been preparing dinner when the argument began, and had a knife in his hand. He pleaded guilty to the charge of assault, but requested that the court take into account his previous good character, his lack of prior convictions and the surrounding circumstances of the incident. The local court magistrate convicted him and fined him \$450. On appeal at the District Court, the appeal was allowed, and the client was discharged without conviction, on condition of being of good behaviour for a period of 12 months.

### Will

Our client was diagnosed with inoperable terminal cancer. He was hospitalised within a week of the diagnosis. He realised he did not have very long to live and had not made a will. He wanted to leave his Estate in good order for his partner but also ensure that his nephew's and nieces were provided some inheritance. He called HALC and made an appointment for the next day.

HALC attended the hospital and drafted and finalised his will, working into the mid evening. Our client died two days later. HALC is assisting his executor in relation to administration of the Estate.





### Prison/Custody matter

A client's mother called us concerned about her son who was interstate and had recently been arrested. He had a highly colourful criminal history dating maybe to the 70s and had spent a significant portion of time in custody (all non violent offences). On this occasion, based on the offences committed, including some whilst on bail he was likely to serve another custodial sentence.

He was diagnosed with AIDS and was drug resistant to all APA certified drugs and he also had advanced testicular cancer. The longer he remained in custody the longer his life was in jeopardy.

He had pled guilty to all offences and was waiting in a correctional facility on remand. With the assistance of both individuals and various organisations, including; the Bobby Goldsmith Foundation, ACON Drug and Alcohol counseling services, RPA, recommendations sought from Justice Health and the advices and whispered instructions from the bar table by Penelope Purcell, we were able to make submissions in support of his immediate release.

We are told that he successfully had surgery for the testicular cancer, has been compliant with his counseling and drug rehabilitation, and is on a trial drug program to treat HIV.

### Insemination matter

When an Australian HIV positive woman and her West African husband found out that they couldn't conceive naturally they were prepared to do whatever it took to become a family, unfortunately his country of origin didn't have IFV facilities and they knew that the best option was for him to come to Australia.

First he tried to make a tourist visa application, which because of their relationship and his country of origin was unsuccessful. Then they decided and made arrangements to both go to a different third country to have the procedure, but right before their departure her treating doctor strongly advised against potentially damaging medical procedures abroad.

Following the birth of their baby the couple intended to move back to his country of origin, where he was a successful professional with his own business. They had no intention of him permanently migrating to Australia.

We helped them apply for them a medical treatment visa for him to come to Australia to donate sperm so they could become a family. He will shortly be arriving in Australia to (fingers crossed) conceive a baby.

### Centrelink debt matter

Our client was maintaining part time work while he was on the disability support pension. His health declined and he began to have increasing cognitive problems leading to his becoming unable to continue working. Unfortunately during this period his correctly notifying Centrelink of his earned income became erratic. Sometimes he overstated his income and sometimes he understated it. HALC defended him against charges of Centrelink fraud based on his cognitive deficits. He is repaying his debt at a sustainable rate, and has avoided a criminal record and penalty.



## HALC Work Statistics

These statistics are generated from the Centre data reported to the Commonwealth under the funding agreement with the Commonwealth and the State Governments. They represent aggregate data for the Centre's work during the financial year 2009/2010.

New clients	304
Repeat clients	102
Existing clients	229
<b>Total Clients</b>	<b>635</b>

*An information activity is provision of general legal information or referral*

*Advice is legal information specific to the circumstances of the client and their problem/s and needs*

Cases

*A case is ongoing work to solve a client's legal problem*

<b>Total cases open during the period</b>	<b>502</b>
Cases open at start of period	260
New	242
Continuing cases	325

<b>Total cases closed</b>	<b>177</b>
Minor cases	101
Medium cases	55
Major cases	21
Cases closed with court representation	44
Cases closed with primary dispute resolution	14
Closed test case	1
Closed Public Interest cases	6

Projects opened during the period 38

*Projects are work undertaken by the Centre for community legal education or to advance law reform*

<b>Total Projects completed</b>	<b>35</b>
Minor	22
Medium	10
Major	3
CLE projects	11
Law Reform Projects	8

### Legend:

Minor cases/projects involves 0-5 hours work

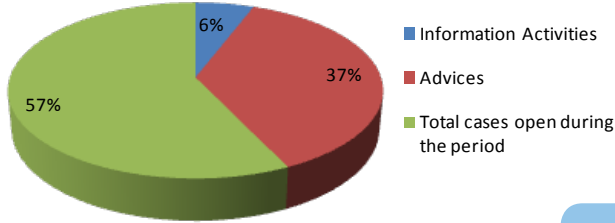
Medium cases/projects involves 6-20 hours work

Major cases/projects involves 20+ hours work

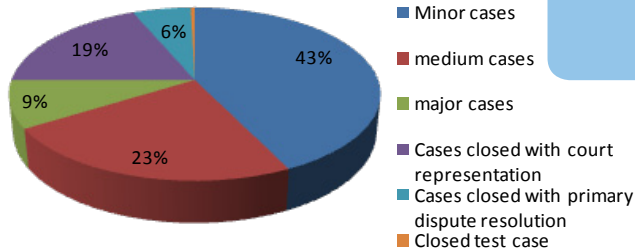


## HALC Work Statistics

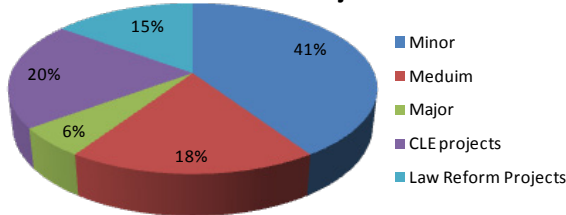
### Activities



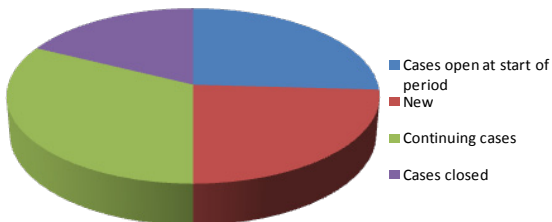
### Cases Closed



### Projects



### Work Flow



This pie chart shows the flow of case work in the Centre through the year. HALC ends this year with more continuing cases than it started the previous year with.

This is indicative of increasing caseload and increased complexity of matters undertaken by HALC.



## OUR NIGHT SERVICE

We conducted Night Service from September to December 2009. Night Advice presented an opportunity to clients who are unable to visit HALC during normal working hours to be able to come in for face to face legal advice rather than phone advice.

We liaised with Solicitors from different law firms with their individual legal expertise to volunteer with us for night advice to work on already existing matters as well as conduct client interviews and provide legal advice after consultation with the Principal Solicitor.

Night Service was suspended from December 2009. The night service provided us with a good opportunity to meet with solicitors keen to do pro bono work helping us to make more effective referrals in the future.

## CLIENT SATISFACTION SURVEY

During the period, clients whose cases were closed were asked to provide feedback on the service they received

Out of the 176 files closed, at the end of the financial year, total 33 surveys were returned.

### Some responses on our service delivery:

- 100% of respondents indicated that they were seen quickly when they attended the centre for an appointment
- 100% of respondents found the Centre's advice easy to understand and the person providing advice made them feel comfortable
- 89% of the respondents found that the Centre returned it's calls promptly, while 11% disagree
- 90% of respondents agreed that the Centre kept them informed about their matter, while 10% disagreed
- 75% of respondents who were referred to another service found the referred service helpful
- 38% of respondents indicated that advice on more than one type of matter was provided

### Some comments we received:

- The HALC team were so helpful to me and my partner during an extremely difficult time in our lives
- The assistance HALC provided was without a doubt vital
- Please don't change a thing! HALC were wonderful to me during a very difficult time in my life
- I particularly like the idea of having young students on staff
- They are an exceptional group of individuals that should be commended on their high standard of professionalism
- Overall the service is great. The only area for improvement is diarizing follow up and returning calls
- Attending an appointment I was kept waiting an hour



## OUR OUTREACH WORK

### Outreach at the Positive Living Centre, Sydney

ACON's Positive Living Centre (PLC) is a drop-in centre with almost 800 registered clients. PLC run a range of support and wellness programs for people living with HIV including vitamin, counseling and therapy services, diet and nutrition programs including Friday lunch and Tuesday breakfast service.

We visit PLC every fortnight on a Tuesday breakfast session and conduct one to one legal advice sessions. Outreach at PLC was started because a considerable number of PLC clients expressed the need for legal assistance but were more comfortable accessing the same from PLC rather than having to travel to another place.

### Outreach at Northern Rivers

We have developed a strong relationship with organizations in Northern Rivers in the past year. Lismore has the second highest number of people living with HIV in NSW after Sydney.

We visited Northern Rivers thrice this year. The first visit was to conduct a Community Legal Education Session with healthcare and community workers from ACON Northern Rivers and Lismore Sexual Health Service. We were able to talk to these organizations about people living with HIV in the area and the services available to them. It also gave us an opportunity to interview an existing client while we were there. There was an expressed need for us to visit Northern Rivers regularly to conduct training sessions but also to conduct legal advice to individual clients.

At the second visit we met with the Northern Rivers Community Legal Centre along with ACON and discussed the possibility of the role HALC could play in assisting clients affected by HIV living regionally. We met with a few clients and provided legal advice on matters like wills and insurance.

At the third visit we conducted a half day workshop at a retreat for HIV positive gay men on legal issues around HIV, and also gave individual advice to some of the participants of the workshop.

### Outreach in ACT

In May 2010, HALC's Principal Solicitor Brady was invited to make a keynote address at a Candlelight Vigil organized by the AIDS Action Council of ACT marking their 25th anniversary. The vigil was attended by about 100 people and the keynote address was very well received. Brady's speech touched upon the legal and human rights aspect of HIV.

In June 2010 we conducted a legal information night conducted by PLWHA, ACT and AIDS Action Council, ACT with the HIV positive community and workers in ACT. There was discussion followed by a question-answer session on legal issues such as insurance, discrimination, privacy and disclosure.



## OUR OUTREACH WORK

### Outreach in Queanbeyan

In June 2010 we contacted the Greater Southern Area Health Service to inquire if their workers and staff felt the need to have a training session on legal issues related to HIV and HCV. We received a tremendous response with sexual health clinics in the entire Greater Southern Area wanting to participate. A training session was arranged at Queanbeyan. A presentation followed by discussion and a question answer session on criminalization, discrimination, disclosure, wills and enduring guardianships, immigration and social security were covered.

### Court appearances in regional areas

Apart from the above, we attended to court matters in rural areas including Wagga Wagga, Wyong, Newcastle and Wollongong.

### Home, hospital and hospice outreach for clients

We continued to operate hospital, home and hospice visits for clients who are unable to come to office. This is particularly in cases where ill clients seek assistance in preparing their Will and Enduring Guardianships.

We assisted a client whose HIV positive child was admitted in hospital and was discriminated against by the hospital staff. We visited the client upon request as they could not leave their child and come to us to seek legal advice.



## COMMUNITY LEGAL EDUCATION AND TRAINING

We maintain a strong commitment to Community Legal Education (CLE) as part of our overall social justice strategy. Our service delivery approach includes a strategic linking of casework with community legal education and law reform work.

The term 'community legal education' encompasses a broad range of activities that are designed to give assistance to clients with legal problems, to create awareness of important HIV related issues, and to help people in their access to justice.

### **With the community and community workers**

We conducted training and education sessions on legal issues related to HIV and HCV through the year. The following are some of the organizations that approached us through the year:

- Bobby Goldsmith Foundation
- Positive Heterosexuals – 'Pozhets'
- Multicultural HIV/AIDS and Hepatitis C Service NSW
- African Women's Support group – Positive Living Centre and Pozhets
- Annual meeting with clients of Pozhets
- HIV Co-workers training organized by Multicultural HIV/AIDS and Hepatitis C Service NSW

At most sessions the general topics covered were

- HIV and HCV related discrimination
- disclosure and privacy of HIV or HCV status
- Insurance and social security related issues
- Wills and enduring guardianships
- Immigration and health waivers

### **With legal practitioners**

This year we have been successful in making contact with law firms and sensitizing legal practitioners to issues related to HIV/AIDS. We ran a training session with legal practitioners from Gadens Lawyers which was very well received with a response that they would like to have similar sessions on a regular basis.

### **With (law) students**

We held an information table at the Social Justice Careers Fair conducted by the Social Justice Program of the Sydney University Law Society. The fair was an excellent way for organizations such as ours to connect with students, provide them information not only on the work we do and but also on the human rights and legal issues related to HIV. Students from Sydney University visited our table and were interested to know more about and understand the link between HIV prevention and control and human rights.

### **With the Police**

We were invited to be on a Panel of experts at Panel Discussion. The discussion was a part of the three Gay and Lesbian Liaison Officer's training conducted at the Parramatta Police Headquarters. The panel included representatives from key Gay, Lesbian, Bisexual and Transgender (GLBT) organisations to allow participants an opportunity to talk directly to a range of people representing different issues facing GLBT people they may come into contact with. It also served as an introduction to a referral network for the 140 GLLOs located across commands in NSW.



## LAW REFORM AND COMMUNITY DEVELOPMENT

Our law reform work encompasses a broad range of activities that are designed to pursue the overarching goal of making the law and its administration more socially just.

### Public Health Bill submissions

In 2005 the Department of Health undertook a Review of the Public Health Act 1991. The Health Department then released a draft of the Public Health Bill 2010. Submissions regarding this Bill closed on 19 April 2010.

We were pleased to have had the opportunity, along with other HIV organizations, to prepare submissions with respect to the Draft Public Health Bill. These submissions are available in full at [www.halc.org.au](http://www.halc.org.au).

We further endorsed and/or contributed to submissions made by AFAO, ACON and ASHM. We hope the submissions made by us and other HIV organizations will prove persuasive in amending the draft Bill prior to its enactment.

### Insurance

Insurance has routinely been limited or denied to people with HIV despite effective treatments which mean that HIV is increasingly being seen as a chronic manageable disease. An improved life expectancy has led to an increase in demand for access to life and travel insurance, income and mortgage protection and also an increased demand by customers for information about insurance.

The Council of Social Service of NSW (NCOSS) as the peak body for the non-government and social and community services sector invited a small number of stakeholders from HIV organizations and the insurance industry to attend a meeting to discuss ways of addressing the issues. We participated in this initial meeting with a commitment to liaise and work on the issue with other stakeholder organizations.

### National Centre in HIV Epidemiology and Clinical Research (NCHECR)

We worked with the NCHECR on a serodiscordant

cohort research proposal. They sought advice from us in relation to the study participants that they intended to recruit in NSW and in Victoria.

We provided advice on legal aspects around the study and Public Health and Criminal legislation.

### Review of the Australasian Society of HIV Medication (ASHM) Resource

We were approached by ASHM to review a resource produced by them on Health Care Workers with Blood Borne Viruses. We provided our comments and suggestions on this very useful resource.

### HIV and Immigration Health Requirement Workshop

We presented a paper on health waivers and how they work at the workshop conducted by the Australian Federation of AIDS Organisations (AFAO).

### Submissions on Immigration Health Waiver

The Joint Standing Committee on Migration was conducting an inquiry on issues relating to immigration and disability. We have over the years represented a large number of HIV positive clients / their spouses on issues relating to Migration and Health Waivers. We made submissions and gave oral evidence before the committee.

### Mardi Gras Fair Day

Like the last year, we held a stall at the Mardi Gras Fair Day this year as well. The theme for our stall was to illustrate the dichotomy in common law restricting certain sexual acts as sexual 'injuries' and 'harm against the public good' irrespective of whether or not they were consented to by the concerned individual. The law in other instances such as cosmetic surgeries and body piercings allows equally harmful acts because they are with consent. The lines of when you can and cannot consent in Australia are still undecided. We had an interactive exercise at our Stall where we displayed pictures of different acts such as tongue bifurcations, labia-plasty, boxing match and body piercing and invited people to take a guess (after explaining the background on Dica and Brown cases to them) on which of the acts, in their opinion could amount to an unlawful act.

The HALC stall was closed down when NSW Police requested that the display be removed as it constituted obscene material inappropriate to the family orientation of 'Fairday'. HALC is reviewing its participation in further Mardi Gras 'Fairday' events.

We also displayed posters on issues such as discrimination, immigration, disclosure and end of life planning. We distributed resources such as our disclosure guide and criminalization guide.





### **Vietnamese Delegation**

We met with the Vietnamese delegation led by the Director of Consultancy Center on laws and policies for people living with HIV/AIDS, Vietnam Lawyers Association. The meeting was aimed to discuss law reform work being done in Australia in the area of HIV and whether any of its aspects can be replicated in Vietnam.

### **Papua New Guinea**

We met with Igat Hope Coordinator Annie Macpherson regarding the possibility for setting up an HIV specialist legal service in PNG. The meeting was arranged by NAPWA, Igat Hope being the PNG NAPWA sister organisation. We offered to provide ongoing advice and consultation in respect of the service and regarding issues Igat Hope request assistance on.

- 
- The 19 March 2010 issue of the Sydney Morning Herald covered the proceedings before the Administrative Decisions Tribunal claiming that the policy of not reconstructing bodies of HIV positive persons after an autopsy is discriminatory. Our Solicitor Indraveer Chatterjee was interviewed as a part of this story.
  - The 14 April 2010 issue of the Sydney Star Observer (SSO) covered on its front page, one of our landmark successes before the Administrative Decisions Tribunal. Melissa Woodroffe, the HALC Solicitor who had worked on the matter was interviewed in one page feature.
  - The 28 April 2010 issue of the SSO covered a centre page story on a matter where a man was awarded \$750,000 for HIV infection. Our Principal Solicitor Brady, among other HIV related law and policy experts, was interviewed as a part of this story.
- 

### **Training on Hepatitis and related issues**

Our staff and one of our Committee members attended a half day training session on issues related to Hepatitis. The training was scheduled on request from us to understand the different types of hepatitis and how infectious they are.

### **Training on HIV and Mental Health**

Our Principal Solicitor attended a training session conducted by the Albion Street Centre on HIV and Mental Health. The training was helpful in understanding the issue of HIV related dementia which we often deal with in our casework.

### **Training on Community Education**

The Tenant's Union run a two day training twice a year on methods and strategies to conduct an effective community education session. Our coordinator and one of our solicitors attended this training.

## **INTERNATIONAL LIAISONS**

## **MEDIA**

## **STAFF TRAININGS AND CAPACITY BUILDING**



## FUTURE PROSPECTS

HALC has undergone significant service expansions over the last five years. Volunteer staffing was increased from 2005 onward from one volunteer position per day, to five volunteer positions per day. Thanks to a generous funding boost from the State Government Public Purpose Fund, HALC staffing increased from 1.5 solicitors to three solicitors. The Centre has more than doubled in size during the quinquennium.

HALC has expanded the types of matters it assists with. HALC now regularly undertakes a greater range of legal matters than ever before. With the assistance and guidance of experienced and specialist practitioners in various fields HALC is significantly increasing its own capacity and expertise base to handle a broader range of legal matters.

In the last five years HALC has expanded its client base. HALC is building links and making regular outreach visits to sites from Queanbeyan to Lismore to extend services to rural and regionally based HIV Positive clients. HALC entered a Memorandum of Understanding with Hepatitis NSW and has expanded its services to assist Hepatitis C positive clients.

Now HALC has adopted a policy to further expand the scope of services to extend assistance to clients effected and affected with HIV and HCV, and those from communities most at risk of HIV or HCV. Those communities include the

intersex, transgender, bi-sexual, lesbian and gay communities, sex industry workers, and IV drug users. In this way HALC is helping to construct and maintain the 'enabling environment' essential to the containment of the HIV epidemic. This also represents the sophisticated approach to 'mainstreaming' of services in the context of the ongoing need for specialist expertise in HIV related human rights and legal services.

Given that 47% of HIV Positive people in Australia live outside NSW, it is timely that HALC now seeks to expand its assistance to those people. HALC is building networks with service providers in each State and Territory to extend services and build capacity for HIV specialist legal services to protect and improve human rights for People Living with HIV and People Living with Hepatitis C across Australia. HALC is seeking to become a National Centre for HIV specialist law.



## OUR PERSONNEL

### Our Committee

Being a member of a Management Committee of a Legal centre can be a burdensome task. Small organizations with limited resources undergoing significant change are often required to make difficult and brave decisions. The work may seem thankless and unnoticed.

We greatly appreciate the work, effort and commitment of our management committee members at HALC.

HALC marks its appreciation of the stalwart work of Ian Jordan as a longstanding member of the Committee and as Secretary for the organizations for three years. Ian's organizational and procedural expertise has at various times been crucial to HALC's good governance.

In particular we extend special thanks and appreciation to Lachlan Riches who has presided over HALC for the last three years. Lachlan was invited onto the HALC board by Noeline Rudland who shortly thereafter became President of HALC at a time of some turbulence and significant positive transition. Noeline's strength and direction was critical in stabilizing HALC and setting in on a clear path towards sustainable growth and improvement. Her mentoring and discipline has had a lasting positive impact on the Centre and its staff. When Noeline resigned Lachlan was made President of the organisation.

Lachlan's steady and sagely guidance has steered HALC through some turbulent growth and ensured it has continued to improve services and standards. Lachlan has provided mentoring for the Centre legal staff and in particular it's Principal Solicitor, which has been generative of confidence and sound professionalism in respect of the legal work HALC undertakes.

Community Legal Centres often become unstable and turbulent organizations partly due to the 'political' nature of the work, and partly due to constrained resources. Lachlan's Presidency has been critical in stabilizing the governance of the Centre and readying HALC for its next wave of growth. His leadership on the HALC Management Committee is well respected and admired by the Committee and staff of the Centre. His wise, expert and diplomatic contributions to the Centre and its governance will be greatly missed. HALC wishes Lachlan a great life in Second Valley.

We thank our committee members for their time and commitment in guiding the organization through the year –

Lachlan Riches  
Denis Fuelling  
Penelope Purcell  
Ian Jordan  
Tess Ziems  
Nadine Behan  
Linda Forbes  
Jason Appleby

President  
Secretary  
Treasurer  
Committee member  
Committee member  
Committee member  
Committee member



## OUR PERSONNEL



### Our staff

Brady  
Shehzad Mansuri  
Indraveer Chatterjee  
Melissa Woodroffe  
Alexandra Stratigos

Principal Solicitor  
Coordinator  
Solicitor  
Solicitor  
Solicitor (Casual)

### Volunteer and Practical Legal Training Staff:

Meena Aresh	University of New South Wales
John Williams	Solicitor
Rachel Teo	University of Sydney
Jonathan Baskin	University of Sydney
Lawrence Kariithi	University of Wollongong
Jessica Duffy	Australian National University
Robyn Boucher	Bond University
Nicholas Behr	Fordham University, New York
Adria Poljak	University of Technology Sydney
Francesca Ciantar	University of Technology Sydney
Andrej Vrana	University of Western Sydney
Angela Chon	University of Western Sydney
Andrea Purdon	Bond University
Angela Mills	University of Sydney
Jonathan Choi	University of Sydney
Roneel Kamiya	University of New England
Brendan Cook	University of Wollongong
Marcus Lee	University of Sydney
Neil Driscoll	Augustana College, Chicago
Karen Chen	University of Sydney
Josh Marks	Australian National University
Jennifer Smythe	University of Western Sydney
Rohan Pratt	University of Western Sydney
Debra Humphrey	Fordham University, New York
Shannon Macaulay	University of Technology Sydney
Aikoo Lee	University of New South Wales
Nicol Herbert	University of Technology Sydney
Nic Van Stom	Legal Profession Admission Board



## ACKNOWLEDGEMENTS

We at HALC would like to  
thank the following for their  
support, work and assistance  
this year...

ACON  
Attorney General's Department  
AIDS Action Council, ACT  
Albion Street Centre  
Australian Federation of AIDS Organisation  
Australasian Society for HIV Medicine (ASHM)  
Arts Law Legal Centre  
Bobby Goldsmith Foundation  
Community Legal Centres NSW  
Consumer Credit Legal Centre  
Greater Southern Area Health Service  
Hepatitis C Council of NSW  
Heterosexual HIV/AIDS Service (Pozhets)  
Illawarra Legal Centre  
Law and Justice Foundation  
Law Society of NSW  
Legal Aid NSW  
Lismore Sexual Health Service  
Multicultural HIV/AIDS and Hepatitis Service  
National Association of Community Legal Centres  
National Association of People with HIV/AIDS  
Positive Life NSW  
Positive Central

Positive Directions Queensland  
Queensland Positive People  
Scarlet Alliance  
Sydney Sexual Health  
Charles Abbott  
Chris Watson  
Deslie Billich  
Abby Hamdan  
Stephen Walsh the Elder  
Stephen Walsh the Younger  
David Shoebridge  
Lachlan Robison  
Peta McDowell  
Angela Harvey  
Ian Cheney  
Sally Head  
Vaughan Williams  
Shawn Lambert  
Nicholas Patrick  
Lucy Gray  
Jennifer Turner  
Alex Craig



## **SECTION 2: FINANCIAL STATEMENT**

HIV/AIDS Legal  
Centre Incorporated  
(an incorporated association)  
ABN 39 045 530 926

**FINANCIAL  
REPORT  
30 JUNE 2010**



# HIV/AIDS Legal Centre Incorporated

(an incorporated association)

ABN 39 045 530 928

## Financial Report 30 June 2010

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HIV/AIDS Legal Centre Incorporated

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# Committees' Report

HIV/AIDS Legal Centre Incorporated

Your committee members present this financial report to the members of the association for the year ended 30 June 2010.

## Directors

The names of the committee members in office during the year and until the date of this report are:

	Date appointed	Date of cessation	Committee A	Committee B
L Riches (President)	19 Dec 07		7	9
D Fivelling (Secretary)	25 Feb 09		8	9
P Purcell (Treasurer)	17 Nov 08		5	9
J Appleby	25 Nov 09		2	4
N Behan	19 Dec 07		9	9
L Forbes	25 Nov 09		3	4
I Jordan	1 Jan 07		8	9
T Ziems	28 Jan 09		3	9

A Number of meetings attended

B Number of meetings held during the time the director held office during the year

## Principal activities

The association's principal activities during the year were the provision of legal services for HIV/AIDS related legal matters. There were no significant changes in the nature of the activities of the company during the year.

## Operating result

The deficit for the year amounted to \$10,738 (2009: deficit of \$2,784).

# Committees' Report

HIV/AIDS Legal Centre Incorporated

## After balance date events

An employee has announced to the Committee during the July 2010 meeting that she will be taking 12 months maternity leave as of 27 October 2010 and accordingly will be paid out 9 days maternity leave and the balance of annual leave entitlements. There has not arisen in the interval between the end of the financial year and the date of this report any item, transaction, or event of a material and unusual nature that in the opinion of the committee members, is likely to affect significantly the operations of the association, the results of those operations, or the state of affairs of the association in subsequent financial years.

## Future developments

The association will continue to carry on the principal activities as noted above. There are no likely developments in the activities in future years which will affect the results and therefore require disclosure.

## Committee members' benefits

Since the end of the previous financial year no committee member of the association has received or become entitled to receive any benefit because of a contract made by the association with the committee member or with a firm of which the committee member is a member, or with an entity in which the committee member has a substantial interest. In addition, Nadine Behan was contracted during the year to provide consultancy services to the association and was paid \$2,350 in fees.

## Proceedings on behalf of the entity

No person has applied for leave of Court to bring proceedings on behalf of the entity or intervene in any proceedings to which the entity is a party for the purpose of taking responsibility on behalf of the entity for all or any part of those proceedings.

## Indemnification and insurance of directors and officers



# Income Statement

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

	Note	2010	2009
		\$	\$
<b>Revenue</b>			
4		315,256	281,105
<b>Expenses</b>			
Employee benefits expense	5	(295,207)	(245,330)
Depreciation and amortisation expenses	5	(2,089)	(1,089)
Accounting and audit fees		(7,016)	(16,039)
Administration expenses		(17,142)	(19,290)
Office overheads		(4,540)	(2,141)
<b>Net deficit for the year</b>		<b>(10,738)</b>	<b>(2,794)</b>

# Balance Sheet

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

	Note	2010	2009
		\$	\$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	6	57,369	84,344
Trade and other receivables	7	-	2,107
Inventories	8	1,723	2,544
Prepayments		-	455
<b>Total current assets</b>		<b>59,092</b>	<b>89,450</b>
<b>Non-current assets</b>			
Plant and equipment	9	9,977	6,714
Intangibles	10	716	1,171
<b>Total non-current assets</b>		<b>10,693</b>	<b>7,885</b>
<b>TOTAL ASSETS</b>		<b>69,785</b>	<b>97,335</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	11	17,172	26,757
Government grants	12	2,816	22,816
Provisions	13	23,662	12,562

# Statement of Changes in Equity

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

	2010 \$	2009 \$
<b>Balance at 1 July</b>		
Net deficit for the year	33,306	36,090
<b>Balance at 30 June</b>	(10,738)	(2,784)
	22,568	33,306

# Cash Flow Statement

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

	Note	2010 \$	2009 \$
<b>Cash flows from operating activities</b>			
<i>Receipts</i>			
Interest received		3,595	1,497
Receipts from grants		310,063	328,379
Receipts from donors		2,209	1,375
Receipts from customers		10,652	1,521
<i>Payments</i>			
Other suppliers		(90,121)	(78,309)
Wages and salaries		(258,480)	(213,427)
<b>Net cash (outflow)/inflow from operating activities</b>	15	(22,078)	41,036
<b>Cash flows from investing activities</b>			
Payments for plant and equipment	9	(4,897)	(3,439)
Payments for intangibles	10	-	(1,364)
<b>Net cash outflow from investing activities</b>		(4,897)	(4,803)
<b>Net (decrease)/increase in cash and cash equivalents held</b>		(26,975)	36,233
Cash and cash equivalents at the			

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

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## 1 Corporate information

The financial report of the HIV/AIDS Legal Centre Incorporated for 30 June 2010 was authorised for issue in accordance with a resolution of the committee members.

The HIV/AIDS Legal Centre Incorporated is an incorporated association under the Associations Incorporation Act 1984 (NSW), incorporated and domiciled in Australia.

## 2 Summary of significant accounting policies

### (a) Basis of preparation

The financial report is a special purpose financial report, which has been prepared in Accounting Standards, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the requirements of the *Associations Incorporation Act 1984*.

The report has been prepared on an accruals basis and is based on historical costs. It does not take into account changing money values or, except where stated, current valuations of non-current assets. Cost is based on the fair values of the consideration given in exchange for assets.

The financial report is presented in Australian dollars.

### (b) Significant accounting judgements, estimates and assumptions

The presentation of financial statements requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts

Notes to the  
Financial  
Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

2 Summary of significant accounting policies continued

(b) Significant accounting judgements, estimates and assumptions continued

**Provisions for employee benefits**

Provisions for employee benefits payable after 12 months from the reporting date are based on future wage and salary levels, experience of employment departures, and periods of service. The amount of these provisions would change should any of these factors change within the next 12 months.

**(c) Taxation**

**Income tax**

The association has received a private ruling from the Australian Taxation Office (ATO) and is exempt from income tax.

**Goods and services tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST except where the amount of GST is not recoverable from the ATO. In which case it is recognised as part of the cost of acquisition of an asset or as part of an item of expense.

Receivables and payables are recognised inclusive of GST.

The net amount of GST recoverable from or payable to the ATO is included as part of receivables or payables.

Notes to the  
Financial  
Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

2 Summary of significant accounting policies continued

**(e) Depreciation of plant and equipment**

Each class of plant and equipment are carried at cost or fair value less, where applicable, any accumulated depreciation and less any impairment losses recognised after the date of revaluation.

Items of plant and equipment are depreciated over their useful lives to the association from the time the asset is held ready for use. Depreciation is calculated on a straight line basis over the expected useful economic lives of the assets as follows:

The useful life for each class of depreciable asset are:

Computer equipment	4-10 years
Furniture and fittings	6-10 years
Website	3 years

**Impairment**

The carrying values of plant and equipment are reviewed for impairment at each reporting date, with recoverable amounts being estimated when events or changes in circumstances indicate that the carrying values may be impaired.

The recoverable amount of plant and equipment is the higher of fair value less costs to sell and value in use. Depreciated replacement cost is used to determine value in use. Depreciated replacement cost is the current replacement cost of an item of plant and equipment less, where applicable, accumulated depreciation to date, calculated on the

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 2 Summary of significant accounting policies *continued*

### (f) Employee benefits

Employee benefits comprise wages and salaries, annual, non-accumulating sick and long service leave, and contributions to superannuation plans.

Liabilities for wages and salaries expected to be settled within 12 months of balance date are recognised in other payables in respect of employees' services up to the reporting date. Liabilities for annual leave in respect of employees' services up to the reporting date which are expected to be settled within 12 months of balance date are recognised in the provision for annual leave. Both liabilities are measured at the amounts expected to be paid when the liabilities are settled. Liabilities for non-accumulating sick leave are recognised when the leave is taken and are measured at the rates paid or payable.

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to anticipated future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currencies that match, as closely as possible, the estimated future cash outflows.

The association pays contributions to certain defined contribution superannuation plans. Contributions are recognised in the income statement when they are due. The association has no obligation to pay further contributions to these plans if the plans do not hold sufficient assets to pay all employees benefits relative to employees service in

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 2 Summary of significant accounting policies *continued*

### (g) Revenue recognition *continued*

#### Interest income

Revenue is recognised as interest accrues using the effective interest method. This is a method of calculating the amortised cost of a financial asset and allocating the interest income over the relevant period using the effective interest rate, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to the net carrying amount of the financial asset.

#### Donations

All donations are brought to account as income in the year that they are received.

### (h) Trade and other receivables

Trade receivables are recognised and carried at original invoice amount less allowance for doubtful receivables. Trade receivables are due for settlement no more than 30 days from the date of recognition.

Collectibility of trade receivables is reviewed on an ongoing basis. Receivables which are known to be uncollectible are written off. An allowance for doubtful receivables is established when there is objective evidence that the association will not be able to collect all amounts due according to the original terms of receivables. The amount of the allowance is recognised in the income statement.

### (i) Trade creditors and other payables

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 2 Summary of significant accounting policies continued

### (k) New standards and interpretations not yet adopted

The association has adopted new and amended Australian Accounting Standards (ASAs) and AASB interpretations as of 1 January 2009. Amendments resulting from these new and amended ASAs and AASB interpretations did not have any impact on the accounting policies, financial position or performance of the association except for:

Revised AASB 101 Presentation of Financial Statements (2007) became mandatory for the association's financial report for the year ended 31 December 2009. The revised AASB 101 introduces the term 'total comprehensive income' which is defined as the change in equity during a period resulting from transactions other than those changes resulting from transactions with owners in their capacity as owners. It also allows for the presentation of total comprehensive income in either a single statement of comprehensive income or an income statement and a separate statement of comprehensive income.

The association has elected to present the single statement format. The use of the terminology 'statement of comprehensive income' and 'statement of financial position' is not mandatory under AASB 101. The association has therefore elected to retain the title 'income statement' and 'balance sheet' in the financial statements.

### (l) Intangibles

#### **Basis of measurement of carrying amount**

Intangibles are stated at cost less accumulated amortisation and any accumulated impairment losses.

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 2 Summary of significant accounting policies continued

### (m) Going concern

The financial report has been prepared on a going concern basis, which contemplates continuity of normal trading activities and the realisation of assets and settlement of liabilities in the normal course of business. The association's continued existence is ultimately dependent upon the success of future productions, sponsorships and government support.

If the association is unable to continue as a going concern it may be required to realise its assets and extinguish its liabilities other than in the normal course of business and in amounts different from those stated in the financial report.

At the date of the report, the association has received notification that 2010 grant funding has been approved and it is expected the association will be able to continue in its normal capacity.

## 3 Financial risk management

The association's activities expose it to a variety of financial risks (including fair value interest rate risk and price risk), credit risk, liquidity risk and cash flow interest rate risk. The association's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the association.

*Credit risk*

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 4 Revenue

### From continuing operations

	2010	2009
	\$	\$
Grants received		
Legal Aid NSW – State	80,208	78,313
Legal Aid NSW – Commonwealth	66,667	65,233
Legal Aid NSW – Public Purpose Fund	130,000	130,000
Legal Aid NSW – One-off Funding	20,000	20,000
Law & Justice Foundation – Project	5,000	-
City of Sydney – Project brought forward	2,816	4,981
Less: Unexpended grants – 30 June 2010	(2,816)	(2,816)
City of Sydney – Project	-	(20,000)
Legal Aid NSW – One-off Funding	301,875	275,711

### Other revenue

Donations	2,208	1,375
Interest received	3,595	1,497
Sundry income	7,577	2,522

### Total revenue

	315,256	281,105
--	---------	---------

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 5 Expenses

The surplus includes the following specific expenses:

	2010	2009
	\$	\$
Depreciation and amortisation expense		
Intangibles	455	193
Plant and equipment	1,534	896
	2,089	1,089
Employee benefits expense		
Annual leave provided	11,100	8,550
Long service leave provided/(written-back)	1,874	(740)
Recruitment and relocation	-	1,741
Salaries and wages	255,193	210,927
Sick leave written-back	-	(524)
Staff training	1,022	4,552
Superannuation	25,097	20,248
Workers compensation insurance	1,121	676
	295,207	245,330

## 6 Cash and cash equivalents

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 7 Trade and other receivables

### Current

Sundry receivables

2010	2009
\$	\$
-	2,107
1,723	2,544

## 8 Inventories

### Current

Inventory held for distribution

## 9 Plant and equipment

### Computer equipment

Computer equipment - at cost  
Accumulated depreciation

Total computer equipment

### Furniture and fittings

Furniture and fittings - at cost  
Accumulated depreciation

Total furniture and fittings

9,953	5,056
(2,130)	(789)
7,823	4,267
2,736	2,736
(582)	(289)
2,154	2,447

# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 10 Intangibles

### Website development

Website development - at cost  
Accumulated amortisation

Total website development

Total intangibles

2010	2009
\$	\$
1,364	1,364
(648)	(193)
716	1,171
716	1,171

### Reconciliations

Reconciliation of the carrying amount of  
plant and equipment at the beginning and  
end of the current financial year:

2010	2009
\$	\$
1,171	-
(455)	1,364
716	(193)
716	1,171



# Notes to the Financial Statements

for the year ended 30 June 2010  
HIV/AIDS Legal Centre Incorporated

## 13 Provisions

	2010 \$	2009 \$
<b>Current</b>		
Annual leave	23,662	12,562
<b>Non-current</b>		
Long service leave	3,567	1,894

## 14 Auditor's remuneration

The auditor of the HIV/AIDS Legal Centre Incorporated is Steven J Miller & Co.

<b>Assurance services</b>	5,500	5,500
Audit services		
Audit of the financial report		

## 15 Reconciliation of deficit from ordinary activities to net cash (outflow)/inflow from operating activities

Deficit from ordinary activities	(10,738)	(2,784)
----------------------------------	----------	---------

# Certificate by Members of the Committee

In the opinion of the committee the financial report as set out on pages 6 to 22:

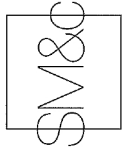
1 Presents a true and fair view of the financial position of HIV/AIDS Legal Centre Incorporated as at 30 June 2010 and its performance for the year ended on that date in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other authoritative pronouncements 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 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:

  
LACHLAN RICHIES  
President

Sydney  
Dated 1A/09/2010.



# Independent Audit Report

To the members of the HIV/AIDS Legal Centre Incorporated

## Report on the financial report

I have audited the accompanying financial report of the HIV/AIDS Legal Centre Incorporated which comprises the balance sheet as at 30 June 2010 and the income statement, statement of changes in equity and cash flow statement for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the statement by members of the committee.

### Committee's responsibility for the financial report

The members of the association 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 *Associations Incorporation Act 1984*. This responsibility includes designing, implementing 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 accounting estimates that are reasonable in the circumstances. In Note 2, the Committee also 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 on the financial report based on my audit. I have conducted my audit in accordance with Australian Auditing Standards. 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. The procedures selected depend on the auditor's

# Independent Audit Report

To the members of the HIV/AIDS Legal Centre Incorporated

## Independence

In conducting my audit, I have complied with the independence requirements of the *Associations Incorporation Act 1984*.

## Auditor's opinion pursuant to the *Associations Incorporation Act 1984*

In my opinion, the financial report of the HIV/AIDS Legal Centre Incorporated as of 30 June 2010 is in accordance with:

- a) the *Associations Incorporation Act 1984*, including:
  - i. giving a true and fair view of the Association's financial position as at 30 June 2010 and of its performance for the year ended on that date; and
  - ii. complying Australian Accounting Standards and the *Associations Incorporation Act 1984*; and
- b) the financial report also complies with the International Financial Reporting Standards as disclosed in Note 2.

*Steven J Miller & Co*

STEVEN J MILLER & CO  
Chartered Accountant

*S J Miller*

S J MILLER  
Principal





# halc

HIV/AIDS Legal Centre Inc. (NSW)

[www.halc.org.au](http://www.halc.org.au)

