



Mackay Regional Community Legal Centre Inc.



Annual Report 2016-2017



The MRCLC provides a high quality, accessible and holistic legal service to the Mackay, Isaac and Whitsunday communities within a social justice framework, including by incorporating advocacy, community education and to seek legal change where there are inequalities in the law.

ANNUAL GENERAL MEETING

AGENDA

Friday 3 November 2017

Welcome to the 15th Annual General Meeting of the Mackay Regional Community Legal Centre Inc.

- 5.30pm Opening
1. Welcome and Apologies
 2. Minutes of previous Annual General Meeting (page 9)
 3. President's Report – Nina Swara (page 12)
 4. Treasurer's Report – Mark Armstrong (page 13)
 5. Centre Report – Jessica Brake (page 26)
 6. Public liability insurance held - \$20 million
 7. Election of Management Committee Executive and Committee Members
 8. Appointment of Auditor
 9. Thank You and Close

MANAGEMENT COMMITTEE 2016-2017

President: Nina Swara

Vice President: Jasmine Rekowski

Secretary: Bronwyn Green

Treasurer: Marissa Watt (resigned September 2017)

Mark Armstrong (from September 2017)

Committee: Mark Armstrong

Aisling Cross (resigned April 2017)

Molly Elliot (resigned October 2017)

Amanda Lewis

Craig Oliver (from April 2017)

Ruth Wegner



CENTRE DETAILS

Address: Suite 4
City Court Arcade
80 Victoria Street
PO Box 995
Mackay QLD 4740

Phone: (07) 4953 1211

Fax: (07) 4953 1644

Email: admin@mrclc.com.au

Website: www.mrclc.com.au and on Facebook

Office hours: Monday to Friday, 9am – 1pm, 2pm - 3pm

Staff

Principal Solicitor & Manager	-	Jessica Brake
Generalist Solicitor & Senior Tenancy Solicitor	-	Simone Butschle
Tenancy Solicitor	-	Nikki Hancock
Generalist Solicitor	-	Vanessa Pranjivan (part-time from March 2017)
Solicitor, accreditation and CLSP funding application:		
	-	Emma Lanigan (part-time to October 2016)
Accreditation worker	-	Sheree Ellwood (part-time September 2016 – November 2016)
Administration Officers	-	Janice Storti (part-time)
	-	Sumi Hughes (part-time)

Who we are: The Mackay Regional Community Legal Centre Inc. is an independent non-profit community organisation administered by a volunteer management committee. The MRCLC provides free legal services pursuant to several programs. Further detail is provided in the Centre Report.

Geographical Service Area:

The Centre offers a service – either in person or by telephone to people living in the Mackay Regional Council, Isaac Regional Council and Whitsunday Regional Council local government areas.

Advice is provided once a month over 2 days at the Bowen Neighbourhood Centre, Proserpine Community Centre and the Whitsunday Counselling & Support Service Inc. in Cannonvale.



1. Whitsunday region



2. Mackay region



3. Isaac region

Region	Whitsunday	Mackay	Isaac	TOTAL
Est. population	35,500	118,000	24,200	177,700
Area in sq km	23,862	7,622	58,862	90,346

Distances (km) between major towns in the Mackay, Whitsunday and Isaac regions

	Airlie Beach	Bowen	Clermont	Collinsville	Dysart	Mackay	Moranbah	Proserpine	Sarina
Airlie Beach	-	78	395	159	364	149	308	25	183
Bowen	78	-	438	89	407	192	351	68	226
Clermont	395	438	-	348	85	280	113	371	255
Collinsville	159	89	348	-	303	273	223	149	307
Dysart	364	407	85	303	-	250	82	341	224
Mackay	149	192	280	273	250	-	193	126	36
Moranbah	308	351	113	223	82	193	-	284	168
Proserpine	25	68	371	149	341	126	284	-	159
Sarina	183	226	255	307	224	36	168	159	-

MRCLC Objectives:

The public charitable purposes and objects of the Association are—

- (1) To provide a free and accessible legal service;
- (2) To seek legal and social change in order to create a more just society;
- (3) To address inequalities within the law and society;
- (4) To promote legal education;
- (5) To provide a legal service that recognises the social/welfare issues facing its clients;
- (6) To provide counselling and support and/or referral to appropriate agencies;
- (7) To encourage community participation in the delivery of the legal services it provides;
- (8) To develop and support self-help strategies and alternate methods of dispute resolution;

for the benefit of disadvantaged and marginalised people in the Mackay, Whitsunday and Isaac Regional Council areas.

CENTRE FUNDING

The Centre acknowledges and appreciates the financial support received from the following major contributors:

- Queensland Department of Justice and Attorney General for funding the Community Legal Services Program
- Commonwealth Attorney-General's Department for funding the Community Legal Services Program
- Legal Aid Queensland for funding the Mental Health Review Tribunal Representation Service and the Domestic Violence Duty Lawyer Service
- Tenants Queensland, as funded by the Queensland Department of Housing and Public Works, for funding the Queensland Statewide Tenant Advice and Referral Service (QSTARS)

VALUABLE VOLUNTEERS

Mackay Regional Community Legal Centre acknowledges the invaluable contribution of volunteers during the 2016-2017 financial year. Without their commitment, this centre could not function. Thank you all for your continuing involvement.

Legal Advice Evenings

Lawyers

Jordana Abela	Kelly Legal
Cassandra Adorni-Braccesi	SR Wallace & Wallace
Kim Back	Maurice Blackburn
James Bailey	SR Wallace & Wallace
Conrad Banasik	McKays Solicitors
Kate Bone	Beckey Knight and Elliott
Millicent Bradley Woods	McKays Solicitors
Richard Callaghan	Kelly Legal
Christopher Colwill	
Aisling Cross	Shine Lawyers
Robert Cunningham	Taylor's Solicitors
Molly Elliott	McKays Solicitors
Bronwyn Green	SR Wallace and Wallace
Siobhan Harrison	
Catherine Luck	Taylor's Solicitors
Ebony Morrison	SR Wallace and Wallace
Adam Moschella	Macrossan and Amiet
Benjamin O'Sullivan	
Lara Tom	SR Wallace and Wallace
Kane Williams	McKays Solicitors
Jessica Wilson	Everett's Family Law
Rikki-Anne Wilson	Statewide Conveyancing

Social Workers

Chris Comben
Randina Randall

Co-ordinators

Tamyka Gallagher (Taylor's)
Deirdre Kearney
Jamie Pick
Lyn Roser

Registered Migration Agent

Samantha Sticklan	McKays Solicitors
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Day Service Volunteers

Practical Legal Training Law Students

These are law students who have either completed or nearly completed their degree and undertaking a practical work experience component to their further study in order to be admitted as a solicitor.

Sheree Ellwood
Syrin Martin

Law Students

Sharifa Al-Edrus
Paigen-Anne Hunter
Deborah Jenkins
Kyla Marshall
Samin Sekander
Rachel Van Der Veen

Others

Julie Armstrong
Janet Rasmussen
Nadya Theovicka

Minutes of Mackay Regional Community Legal Centre Management Committee

Held at Suite 3/80 Victoria Street, City Court Arcade, Mackay
Friday, 11 November 2016

Meeting Open: 5.31 pm

Present: Amanda Lewis (NAB), Nina Swara (Secretary) (Mackay Advocacy Inc), Jessica Brake, Marissa Watt (Treasurer), Mark Armstrong, Ruth Wegner (Legal Aid Qld), Simone Butschle, Aisling Cross (Shine Lawyers), Jasmine Rekowski (FRC), Deborah Jenkins (MRCLC Volunteer Law Student), Molly Elliott (McKay's Solicitors), Bronwyn Green (SR Wallace & Wallace).

Chair: Amanda Lewis

1. Welcome and Apologies:

Bernadette Stein (President), Janice Storti, Sumi Hughes, Nikki Hancock.

2. Minutes of AGM 2015 were tabled.

Motion: That the minutes of the previous Annual General Meeting be accepted as a true and accurate record.

Moved: Mark Armstrong
All in favour – carried.

Seconded: Ruth Wegner

3. Chairperson's Report: Bernadette Stein's report was tabled and Jessica read out the report on behalf of Bernadette.

Moved: Nina Swara
All in favour – carried.

Seconded: Jasmine Rekowski

4. Treasurer's Report:

Treasurer's Report was tabled and read by Marissa Watt.
Recommendations from this report will be addressed this financial year.

Moved: Marissa Watt
All in favour – carried.

Seconded: Mark Armstrong

5. Centre Report:

Jessica presented her Centre Report. Jessica expressed appreciation to all staff, volunteers, the Management Committee. Jessica outlined the new programs that the organisation is now running being the Queensland Statewide Tenant Advice and Referral Service (QSTARS) and Domestic Violence Duty Lawyer self-representation service.

Annual Report adopted.

Moved: Jasmine Rekowski
All in favour – carried.

Seconded: Marissa Watt

6. It was duly declared that MRCLC has Public Liability Insurance of \$20 million.

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7. Election of Management Committee:

The current members of the Management Committee stood down and Bronwyn Green took the chair and declared all positions vacant.

Bronwyn then read out the nominations of each position for the new Management Committee:

PRESIDENT: Nina Swara

Nominated by Bernadette Stein (in writing), Seconded by Amanda Lewis

There were no other nominations.

- accepted

TREASURER: Marissa Watt

Nominated by Nina Swara, Seconded by Ruth Wegner

There were no other nominations.

-accepted

SECRETARY: Bronwyn Green (from the floor)

Nominated by Nina Swara, Seconded by Amanda Lewis

There were no other nominations.

- accepted

Carried.

COMMITTEE MEMBERS: Mark Armstrong

Nominated by Nina Swara, Seconded by Amanda Lewis

-accepted

Amanda Lewis

Nominated by Bernadette Stein (in writing), Seconded by Nina Swara

-accepted

Jasmine Rekowski

Nominated by Amanda Lewis, Seconded by Mark Armstrong.

Aisling Cross (from the floor)

Nominated by Marissa Watt, Seconded by Amanda Lewis

– accepted

Carried.

Ruth Wegner (from the floor)

Nominated by Amanda Lewis, Seconded by Jasmine Rekowski

– accepted

Carried.

Molly Elliott (from the floor)

Nominated by Marissa Watt, Seconded by Ruth Wegner

– accepted

Carried.

Nomination from the floor for Vice President:- Jasmine Rekowski

Nominated by Marissa Watt, Seconded by Nina Swara

– accepted

Carried.

Bronwyn then invited everyone present to welcome the new Management Committee.

Nina Swara, President, then announced that the appointment of auditor must now be determined.

8. Appointment of Financial Auditor:

It was moved that Mackay Regional Community Legal Centre again appoints Bennett Partners as the annual Auditor of MRCLC's financial records.

Moved: Mark Armstrong
Carried.

Seconded: Jasmine Rekowski

Nina Swara thanked everyone for attending the 2016 Annual General Meeting and invited everyone to stay for refreshments.

Meeting declared closed at: 6.04 pm

President's Report

I am pleased to present my first President's Report for the year 2016/2017 for the Mackay Regional Community Legal Centre Inc. I take such a role seriously but am gratefully supported by the encouragement of my fellow Management Committee members. Marissa Watt served as Treasurer, but due to personal commitments, has had to leave us and I would like to acknowledge her contribution. Mark Armstrong kindly took the reins of this role and has fulfilled same with tenacity. Bronwyn Green has been eloquent in fulfilling the role of Secretary. Jasmine Rekowski has been a great support as Vice-President. Ruth Wegner is currently the longest serving member and her valuable commitment is most appreciated. We say goodbye to Amanda Loughran, Aisling Cross and Molly Elliott who are taking on new exciting roles both at home and abroad and I, on behalf of the Staff and Committee, acknowledge their effective contribution and wish them sincerely all the very best. We also welcomed Craig Oliver who has complemented the team with his knowledge and dedication – all in all, we have a great team that give their personal time, skills and passion in supporting this valuable service in our community.

I would like to thank the staff – tenancy support solicitor Nikki Hancock, generalist solicitor and senior tenancy solicitor Simone Butschle, generalist solicitor Vanessa Pranjivan and our wonderful administration officers Janice Storti and Sumi Hughes. All staff provide a great commitment not only to their duties but also to the people they assist and such is done successfully with the excellent leadership of Jessica Brake, Principal Solicitor/Manager.

As well as the new services that commenced in October 2015 (being the DV duty lawyer service and QSTARS tenancy service), MRCLC has been successful in acquiring additional recurrent funding from the Commonwealth government in relation to delivering more family law and domestic violence legal assistance services. This funding was allocated to the MRCLC by the Queensland government and is the sum of \$234,000 for the period 1 October 2017 – 30 June 2020. An additional role has been the representation of people at the Mental Health Review Tribunal due to mandatory requirements for representation in certain circumstances in the new Mental Health Act 2016, which was implemented in March 2017. Due to the exciting new programs fostered by MRCLC, all staff, in particular, Jessica, have had to rise to the occasion: because, whilst it is most satisfying to expand, such programs include new targets and reporting requirements along with more staff hours and supervision.

I sincerely acknowledge and thank the volunteers who have supported MRCLC Legal Advice Evenings over the past year, which includes coordinators, social workers, a migration agent and solicitors. Due to the demand and diversity of the disadvantaged in our regional community, MRCLC would not be able to provide free and confidential advice to the extent that it does without this valuable evening service.

Overall, the past year has been most eventful with threats of funding being withdrawn to maintaining same and gaining more. It is a fabulous and rewarding journey to be a part of.



Nina Swara
President, MRCLC

TREASURER'S REPORT

The financial performance and financial position of the centre was sound and in accordance with strategic and operational plans. The organisation was solvent and all expenses were paid as and when they fell due. Grants funding and contract revenue were up to date and recorded in the accounts. All compliance activities have been performed, including superannuation and taxation payments, bank reconciliations and funding acquittals.

The main change in funding over the past year pertained to the contract for tenancy services, which increased by approximately \$40,000 (8% of total revenue). A new program of services relating to the Mental Health Review Tribunal commenced on a fee for service arrangement and earned about \$4,000. Total expenditure increased in line with available funding and was applied proportionately to deliver the services of each program. The main changes in costs related to more tenancy services and additional services in other programs, which increased by approximately \$77,000 (15% of total expenses).

At the end of June 2017, the centre held total cash holdings of approximately \$140,000 and delivered a small operating deficit in the region of \$1,000. The cash holdings were partially committed to liabilities of approximately \$35,000 which related to employee entitlements (\$26,000) and GST (\$9,000). Nett current assets were approximately \$115,000, which included current liabilities of approximately \$24,000 that were expected to be paid in the forthcoming year. Non-current liabilities of almost \$11,000 related to long service leave entitlements that were expected to be paid beyond the next 12 months.

Financial Risk Management

The centre undertook to provide reliable and accessible legal services that were delivered professionally. Supporting business processes were designed to deliver quality outcomes and minimise business risk. Key risk areas that could result in significant financial impacts included accidental injury, property access/usage, business operations, legal advice and association arrangements. Accordingly, insurance policies were held to manage those risks:-

- WorkCover accident;
- Voluntary worker's personal accident;
- Property loss/damage and business interruption;
- Public liability and products liability;
- Professional indemnity; and
- Association liability.

Financial Governance

Financial reports were prepared by an independent professional bookkeeping business, Blitzin Books, and reviewed against operational plans each month by the Manager/Principal Solicitor and management committee. Financial transactions were processed in accordance with delegations of authority that were clearly defined in the centre's policies and procedures. Business operations were underpinned and supported by a comprehensive framework of internal control which included effective segregation of financial duties and reconciliations of accounts. The financial systems, processes and organisation of the centre were designed to provide a high level of financial assurance to stakeholders.



Mark Armstrong
Treasurer

Mackay Regional Community Legal Centre Inc

Financial Statements

For the Year Ended 30 June 2017

Mackay Regional Community Legal Centre Inc

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For the Year Ended 30 June 2017

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Mackay Regional Community Legal Centre Inc

Income Statement

For the Year Ended 30 June 2017

	Note	2017 \$	2016 \$
Income			
Commonwealth grant income		68,487	61,734
DV duty lawyer		11,350	7,054
MHRT program		3,780	-
Provision of services		6,847	7,136
SAC remuneration		-	4,075
State grant income		244,822	237,980
Tenancy income		182,675	142,609
		517,961	460,588
Expenditure			
Communications		10,021	6,912
Depreciation		4,537	6,397
Donations		30	133
Finance, audit and accounting fees		11,404	10,677
Insurance		2,037	2,768
Library, resources and subscriptions		16,316	17,698
Office overheads		8,513	11,840
Oncosts		4,710	6,972
Other premises costs		10,746	6,641
Programming and planning		2,284	1,328
Recruitment costs		-	263
Rent		58,124	49,594
Repairs and maintenance		1,652	6,309
Salaries		330,282	260,699
Staff training		12,425	4,854
Sundry expenses		2,283	35
Superannuation contributions		31,315	24,465
Travel		12,050	11,366
		518,729	428,951
Income tax expense		-	-
Surplus/(deficit) after income tax		(768)	31,637

Mackay Regional Community Legal Centre Inc

Statement of Financial Position

30 June 2017

	Note	2017 \$	2016 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	2	142,222	164,594
TOTAL CURRENT ASSETS		142,222	164,594
NON-CURRENT ASSETS			
Plant and equipment	3	19,756	18,748
TOTAL NON-CURRENT ASSETS		19,756	18,748
TOTAL ASSETS		161,978	183,342
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	4	9,009	33,249
Employee benefits	5	15,328	14,322
TOTAL CURRENT LIABILITIES		24,337	47,571
NON-CURRENT LIABILITIES			
Employee benefits	5	10,708	8,069
TOTAL NON-CURRENT LIABILITIES		10,708	8,069
TOTAL LIABILITIES		35,045	55,640
NET ASSETS		126,933	127,702
MEMBERS' FUNDS			
Retained profits	6	126,933	127,702
TOTAL MEMBERS' FUND		126,933	127,702

Mackay Regional Community Legal Centre Inc

Summary of Significant Accounting Policies

For the Year Ended 30 June 2017

1 Summary of Significant Accounting Policies

Basis of Preparation

The financial statements cover Mackay Regional Community Legal Centre Inc as an individual entity. Mackay Regional Community Legal Centre Inc is a not-for-profit Association incorporated in Queensland under the *Associations Incorporation Act (QLD) 1981* (as amended by the *Associations Incorporation and Other Legislation Amendment Act (QLD) 2007*) ('the Act'). The committee has determined that the association is not a reporting entity.

The financial statements have been prepared on an accruals basis and are based on historical costs modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities.

Significant accounting policies adopted in the preparation of these financial statements are presented below and are consistent with prior reporting periods unless otherwise stated.

(a) Income Tax

The Association is exempt from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

(b) Revenue and other income

Revenue is recognised when the amount of the revenue can be measured reliably, it is probable that economic benefits associated with the transaction will flow to the Association and specific criteria relating to the type of revenue as noted below, has been satisfied.

Revenue is measured at the fair value of the consideration received or receivable and is presented net of returns, discounts and rebates.

All revenue is stated net of the amount of goods and services tax (GST).

Grant revenue

Government grants are recognised at fair value where there is reasonable assurance that the grant will be received and all grant conditions will be met. Grants relating to expense items are recognised as income over the periods necessary to match the grant to the costs they are compensating. Grants relating to assets are credited to deferred income at fair value and are credited to income over the expected useful life of the asset on a straight-line basis.

Interest revenue

Interest is recognised using the effective interest method.

Rendering of services

Revenue in relation to rendering of services is recognised depending on whether the outcome of the services can be estimated reliably. If the outcome can be estimated reliably then the stage of completion of the services is used to determine the appropriate level of revenue to be recognised in the period.

If the outcome cannot be reliably estimated then revenue is recognised to the extent of expenses recognised that are recoverable.

Mackay Regional Community Legal Centre Inc

Summary of Significant Accounting Policies

For the Year Ended 30 June 2017

1 Summary of Significant Accounting Policies**(b) Revenue and other income****Subscriptions**

Revenue from the provision of membership subscriptions is recognised on a straight line basis over the financial year.

(c) Goods and services tax (GST)

Revenue, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

(d) Property, plant and equipment

Each class of property, plant and equipment is carried at cost or fair value less, where applicable, any accumulated depreciation and impairment.

Items of property, plant and equipment acquired for nil or nominal consideration have been recorded at the acquisition date fair value.

Depreciation

Property, plant and equipment, excluding freehold land, is depreciated on a reducing balance basis over the assets useful life to the Association, commencing when the asset is ready for use.

Leased assets and leasehold improvements are amortised over the shorter of either the unexpired period of the lease or their estimated useful life.

Leased assets and leasehold improvements are amortised over the shorter of either the unexpired period of the lease or their estimated useful life.

The depreciation rates used for each class of depreciable asset are shown below:

Fixed asset class	Depreciation rate
Office Equipment	37.5%
Computer Equipment	37.5%
Leasehold improvements	2.5%

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

(e) Cash and cash equivalents

Cash and cash equivalents comprises cash on hand, demand deposits and short-term investments which are readily convertible to known amounts of cash and which are subject to an insignificant risk of change in value.

Mackay Regional Community Legal Centre Inc**Summary of Significant Accounting Policies**
For the Year Ended 30 June 2017**1 Summary of Significant Accounting Policies****(f) Employee benefits**

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be wholly settled within one year have been measured at the amounts expected to be paid when the liability is settled.

(g) Accounts payable and other payables

Accounts payable and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the association during the reporting period that remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2017

2 Cash and Cash Equivalents

	2017	2016
	\$	\$
Cash on hand	2	77
Cash at bank	52,841	95,265
Short-term deposits	89,379	69,252
	<u>142,222</u>	<u>164,594</u>

3 Property, plant and equipment

	2017	2016
	\$	\$
Office equipment		
At cost	38,916	38,440
Accumulated depreciation	(36,155)	(34,569)
Total office equipment	<u>2,761</u>	<u>3,871</u>
Computer equipment		
At cost	36,263	29,204
Accumulated depreciation	(26,629)	(21,890)
Total computer equipment	<u>9,634</u>	<u>7,314</u>
Leasehold Improvements		
At cost	8,060	8,060
Accumulated amortisation	(699)	(498)
Total leasehold improvements	<u>7,361</u>	<u>7,562</u>
Total property, plant and equipment	<u>19,756</u>	<u>18,747</u>

4 Trade and Other Payables

	2017	2016
	\$	\$
Current		
Trade payables	-	759
GST payable	9,018	9,986
Superannuation payable	(9)	22,505
	<u>9,009</u>	<u>33,250</u>

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2017

5 Employee Benefits

	2017	2016
	\$	\$
Current liabilities		
Provision for annual leave	15,328	14,322
	<u>15,328</u>	<u>14,322</u>
	2017	2016
	\$	\$
Non-current liabilities		
Provision for long service leave	10,708	8,069
	<u>10,708</u>	<u>8,069</u>

6 Retained Earnings

	2017	2016
	\$	\$
Retained surplus at the beginning of the year	127,702	96,064
Net surplus/(deficit) attributable to members	(769)	31,638
Retained surplus at end of the year	<u>126,933</u>	<u>127,702</u>

Mackay Regional Community Legal Centre Inc


Statement by Members of the Committee


The committee has determined that the Association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 1 to 7:

1. Presents fairly the financial position of Mackay Regional Community Legal Centre Inc as at 30 June 2017 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Mackay Regional Community Legal Centre Inc 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:

President..... NINA SWARA, .....

Treasurer..... MARK ARMSTRONG, .....

Dated this 21ST day of SEPTEMBER 2017



Mackay Regional Community Legal Centre Inc

Independent Auditor's Report to the members of Mackay Regional Community Legal Centre Inc

Report on the Audit of the Financial Report

Opinion

We have audited the financial report of Mackay Regional Community Legal Centre Inc, which comprise of the statement of financial position as at 30 June 2017, the income statement and the notes to the financial statement, including a summary of significant accounting policies, and statement by Members' of the Committee.

In our opinion, the accompanying financial report of Mackay Regional Community Legal Centre Inc, has been prepared in accordance with Div 60 of the *Australian Charities and Not-for-profits Commission Act 2012*, including:

- i) giving a true and fair view of the registered entity's financial position as at 30 June 2017 and of its financial performance for the year then ended; and
- ii) complying with Australian Accounting Standards and Div 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the registered entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110: *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Information Other than the Financial Report and Auditor's Report Thereon

The committee of the association are responsible for the other information. The other information comprises the information included in the registered entity's annual report for the year ended 30 June 2017, but does not include the financial report and our auditor's report thereon. Our opinion on the financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon. In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of the Committee for the Financial Report

The committee of the association are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Australian Charities and Not-for-profits Commission Act 2012* and for such internal control as the directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors are responsible for assessing the registered entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the registered entity or to cease operations, or have no realistic alternative but to do so.



Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the registered entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the registered entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the registered entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

A handwritten signature in black ink, appearing to read "P. Hinton".

Paul Hinton - CA
Partner
Mackay

Dated this 4th day of September 2017

CENTRE REPORT

The MRCLC provides free and confidential legal information, advice, limited migration advice, community legal education and ongoing legal assistance in person or by phone to residents of the Mackay, Whitsunday and Isaac Regional Council areas. This is done through a daytime service, Legal Advice Evenings staffed by volunteers and an outreach service in the Whitsundays. A brief overview of these services are outlined in this report.

For the period 1 July 2016 to 30 June 2017, the Centre assisted 953 clients by providing 1,051 advices, 133 duty lawyer services and finalised 74 ongoing assistance matters.

The following is a breakdown of the services provided:

- 629 advices under the generalist program
- 421 tenancy advices under QSTARS program
- Closed 29 generalist ongoing assistance matters, many of these involved drafting family law court documents
- Closed 45 tenancy ongoing assistance matters, including 1 representation in the Queensland Civil and Administrative Tribunal
- 1,966 referrals
- Prepared 1 community legal education (CLE) presentation
- Delivered 10 CLE
- 133 DV duty lawyer services
- Completed 5 Mental Health Review Tribunal ongoing assistance matters. All but 1 involved representing the client at the Mental Health Review Tribunal.

The MRCLC operates the following services and programs:

1. A **generalist legal service** is the main program operated by the MRCLC. Legal advice and casework is provided in many areas of law, predominantly family law, but also areas such as employment, debt, consumer disputes and neighbourhood disputes. The most notable exceptions are conveyancing, criminal law, personal injuries and preparation of wills. The MRCLC conducts free community legal education information sessions from time to time on various topics, in particular on family law and domestic violence.

This program is funded through the Community Legal Services Program by the Queensland Department of Justice & Attorney-General and the Commonwealth Attorney-General's Department. It is administered by Legal Aid Queensland.

The MRCLC recently received additional recurrent funding under this program to provide more assistance in family law and domestic violence matters. The funding has come from the Commonwealth Attorney-General's Department and was allocated to the MRCLC by the Queensland Department of Justice & Attorney-General. The funding commenced on 1 October 2017. We thank both levels of government for this support.

2. The **Queensland Statewide Tenant Advice and Referral Service (QSTARS)** program commenced in October 2015. The MRCLC works as a partner of Tenants Queensland Inc. (TQ) to provide advice, ongoing assistance and representation to tenants seeking legal assistance with their residential tenancy. TQ receives its funding from the Queensland Department of Housing and Public Works.
3. **Domestic Violence Duty Lawyer Service** is performed at the Mackay courthouse on a rostered basis through an agreement with Legal Aid Queensland. The MRCLC will mostly assist respondents, with Legal Aid assisting the aggrieved. This program commenced in October 2015.

4. The **Mental Health Review Tribunal Representation Service** is a program that commenced in March 2017. The MRCLC accepts referrals from Legal Aid to provide advice and representation at the Mental Health Review Tribunal where legal representation is mandated in the *Mental Health Act 2016*.

5. **Outreach in the Whitsundays and Sarina**

As part of the generalist and tenancy services, the MRCLC provides advice every month over 2 days at the Proserpine Community Centre, Bowen Neighbourhood Centre and the Whitsunday Counselling and Support Service Inc. in Cannonvale. With the recent additional funding, the MRCLC will provide advice 1 day a month at the Sarina Neighbourhood Centre from November 2017.

Outreach services are greatly facilitated by the assistance of these organisations, particularly with copying, sending or receiving documents and referrals to our service.

We are aware of clients making up to a 5 hour round trip in order to see us in person. Ideally we would like to be able to extend outreach services to towns such as Moranbah and Dysart, but given the distances involved and our resources this is not feasible. We endeavour to meet demand in these areas by providing phone appointments and corresponding through email. We also try to ensure that local community organisations are aware of our service so that we can assist their clients in a linked up way. We also provide community legal education to workers in those areas upon request.

6. **Legal Advice Evenings**

The MRCLC continues to operate its Legal Advice Evenings, staffed by volunteer lawyers, co-ordinators, a migration agent and a social worker. Each volunteer is rostered on an evening once every 2 months.

This service can only be provided through the generosity of our volunteers. Currently there are 17 solicitors, 2 social workers, 1 migration agent and 3 co-ordinators who volunteer at Legal Advice Evenings on a rostered basis. This allows the service to reach many more clients than would otherwise be possible.

Over the past twelve months, MRCLC has welcomed new volunteers and farewelled existing volunteers. We have always been fortunate with our volunteers, and very appreciative of the willingness of new people to fill the gaps in the roster and during work hours.

Examples of Ongoing Assistance Matters Provided by MRCLC

Case Study 1

Anne sought advice from the MRCLC about family law parenting matters. Anne's former partner David was denying her a meaningful relationship with their children. Anne was experiencing domestic violence from her new partner and mental health issues. Both Anne and David had a history of drug use. Child Safety had also been involved with the family. Communication between Anne and David had completely broken down. There were ongoing court proceedings when Anne sought assistance from us.

We assisted Anne to complete and file her court documents. At first, Anne did not want to participate in the court proceedings. We supported and guided Anne throughout the court process by answering her queries and corresponding with David's solicitor. Anne sought help for her mental health issues and gradually became more confident attending court. Final orders were made so Anne now shares parental responsibility for the children with David and is confident she can enjoy a meaningful relationship with them.

Case Study 2

Tom and his son were renting a property on a fixed term agreement. The fixed term period would end in 6 weeks time. A new real estate agency took over as the property manager and issued Tom a Notice to Leave without grounds, which provides the tenant with 2 months' notice to leave.

The day after the Notice to Leave a routine inspection was carried out. He was issued with a Notice to Remedy Breach which stated the tenants had been smoking in the house. Neither of them smoke. They were required to clean the entire property inside and out. The tenants did the best they could in the 7 days provided for in the Notice, and when the property manager came back to check the breach was remedied they noticed there was still dust on the fans and a window sill.

Tom and his son were given a Notice to Leave with the handover date being in 7 days, which was several weeks before the end of the fixed term agreement. Tom required assistance with liaising with the lessor. He faced potential homelessness, which was exacerbated by a disability. He was also unaware of this shortened time to vacate as he was not able to access his emails until 4 days before the new handover date.

We sent a letter to the real estate agent on the same day as the initial appointment with Tom and requested the Notice to Leave for unremedied breach be withdrawn and that the parties come to an agreement to end the tenancy at the end of the fixed term, particularly given that the cleaning issue relied upon was minor and not serious enough to justify ending the agreement. At 4pm on the handover day, the real estate agent agreed for the tenants to stay until the end of the fixed term.

We referred Tom to Rent Connect and he was able to secure a property for himself and his son by the handover date, thus avoiding a period of homelessness for them both and also avoiding proceedings in the Queensland Civil and Administrative Tribunal.

Case Study 3

Julie had agreed for Liam to move with their daughter from Mackay, provided that she would be able to see their daughter in the new city monthly and be able to frequently call her daughter. This was reflected in final parenting orders. Julie came to see us 2 years later as she was having difficulty contacting her daughter or being able to see her daughter in accordance with the orders. She had not been able to see her daughter for almost a year. Travel expenses were also difficult for either parent to pay for and there was disagreement about who should be responsible for them. Liam requested Julie undergo a mental health assessment.

Julie tried mediation through Legal Aid, but agreement was reached only on a small number of issues. We assisted Julie to file documents in the Federal Circuit Court seeking to change the orders and being more specific where needed, as well as seeking make up time with her daughter. During this time we were able to explain that some of the orders she was seeking were unrealistic given the circumstances and amended her draft accordingly. Julie represented herself in court.

We encouraged Julie to undertake a post separation co-operative parenting program as she had not attended one for years. We explained the orders made by the Judge and what she needed to do to comply with them. We assisted her to be able to see her daughter in Mackay from time to time, promoted communication strategies to improve the communication and decision making of Julie and Liam about their daughter, for flights to be paid equally, and for Julie's time with her daughter to be increased in Mackay and her daughter's new location in a way that would reduce cost and not impede their daughter's schooling or extracurricular activities.

*** Actual names have not been used.

I believe through volunteers, employed staff and the management committee we have addressed the shortfall in legal services throughout our service area in an appropriately targeted way, including by offering legal information sessions to staff of community organisations. This then enables those staff members to provide information and appropriate referrals to their clients by recognising legal issues when they arise, where they can be addressed promptly and thus often avoiding further costly and stressful escalation of the initial issue.

Unfortunately, the number of legal advices and ongoing casework assistance our service is able to provide remains far less than the high need for our services. This is demonstrated by currently being required to book appointments 4 - 6 weeks in advance for the generalist service. However with the recent receipt of additional recurrent funding, being \$234,000 over the period October 2017 – 30 June 2020 to deliver additional family law and domestic violence services, we hope to reduce these times considerably.

I wholeheartedly thank all our volunteers, staff and volunteer management committee for their support and hard work to ensure the MRCLC continues to provide high quality legal services to those who are unable to obtain legal assistance elsewhere. I thank Sumi and Janice in particular for the work they do in being the first port of call for often very distressed clients and having the unenviable task of informing clients of the waiting times for appointments.

ACCREDITATION

The MRCLC was accredited by the National Association of Community Legal Centres on August 2016 for a further 3 years and continues to meet the requirement of providing 6 monthly progress reports against those standards.

SERVICE DEVELOPMENT

Mackay Regional Community Legal Centre Inc. is a shareholder in the Mackay Regional Housing Company and Ruth Wegner, management committee member, is our representative. The company is focused on addressing the housing shortage for those on low income in this region.

COMMUNITY LEGAL EDUCATION (CLE)

- Emma and Jessica each delivered presentations on Wills and Enduring Powers of Attorney at several locations, including RSL Bicentennial, Good Shepherd Lodge and RSL Breezes. Emma created a powerpoint presentation for this purpose.
- Jessica provided domestic violence and family law information as part of the women's DV education program at the Women's Centre.
- Simone gave information about family law at Central Queensland University as part of the Adult Migrant English Program.

COMMUNITY LINKS, MEMBERSHIP AND STAFF DEVELOPMENT

MRCLC enjoyed the support of 10 individual financial members and the following organisation members: Mackay Advocacy Inc., Mackay Children's Contact Service Inc., Taylors Solicitors and Kelly Legal. Thank you for your support of the MRCLC.

I have successfully completed a Master of Laws (Applied Law) majoring in Family Law. I thank the committee for providing some financial assistance with the first subject which helped me to get started. All staff undertake training to ensure the centre is able to maintain a high standard of service delivery in such wide ranging areas of law that we encounter.

It is important for any community organisation to maintain links in the community. We have done so by undertaking, amongst others, the following:

- Jessica continues to be a management committee member of a Mackay women's shelter and a steering committee member of the Family Law Pathways Network (Mackay & Whitsundays)
- Various staff attend interagency and other meetings. Nikki in particular over the past year has attended interagency meetings in Mackay, Whitsundays, Dysart and Moranbah. Other meetings staff attended included the Mackay Regional Mental Health Network (Jessica) and Binbi Tok Olegeta meetings (Nikki).
- The MRCLC attended meetings of other organisations to discuss the services of the MRCLC and learn about those organisations. This included: Connect Housing (Nikki), Mackay Mental Health Unit (Jessica), Mackay-Whitsundays Dispute Resolution Centre (Jessica) and Relationships Australia (Jessica).
- Nikki attended the National Association of Tenancy Organisations meeting in August 2016.
- Nikki and Janice attended the National Association of Community Legal Centres conference in August 2016.
- Jessica undertook First Aid training in September 2016 and deafness awareness training in October 2016 at Deaf Services Queensland.
- Jessica attended the Domestic and Family Violence Breakfast on 14 October 2016 with a presentation delivered by Dame Quentin Bryce.
- Simone and Nikki attended the Community Legal Centres Queensland conference and AGM in October 2016.
- Senator Chris Ketter visited our office and met staff on 7 March 2017.
- On 13 April the Queensland Attorney-General Yvette D'Ath, Julieanne Gilbert MP, the President of the Queensland Law Society (QLS) Christine Smyth and QLS ethics solicitor Stafford Shepherd attended at the MRCLC office.

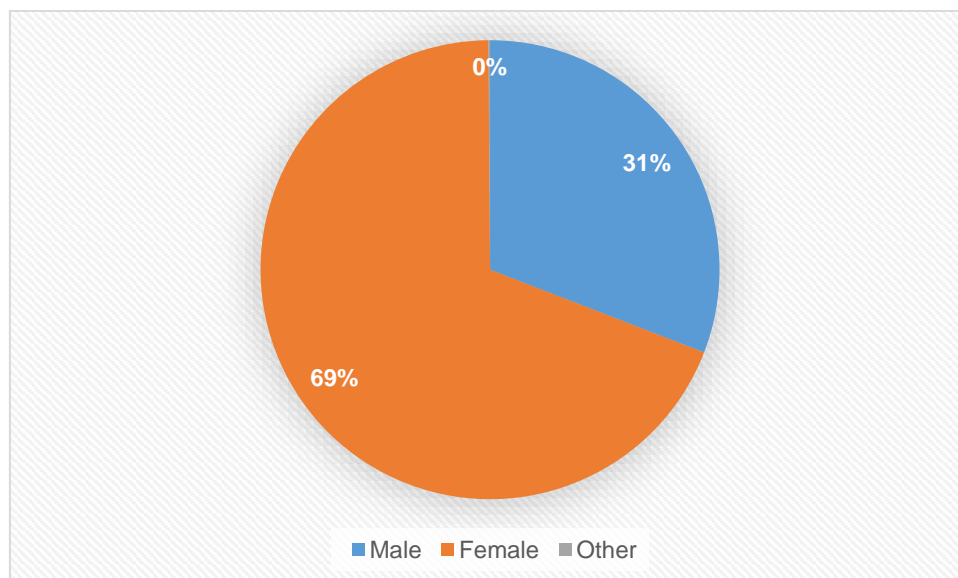


- Jessica attended the Regional Legal Assistance forum on 10 May 2017. This was attended by the principal solicitors of Mackay Legal Aid office and Mackay Aboriginal and Torres Strait Island Legal Service (ATSILS) as well as the Legal Aid State Program Manager for community legal centres. Mackay Advocacy attended as a guest presenter.
- Jessica attended the Community Legal Centres Queensland conference in May 2017.
- Jessica attended Mental Health First Aid training in May 2017.

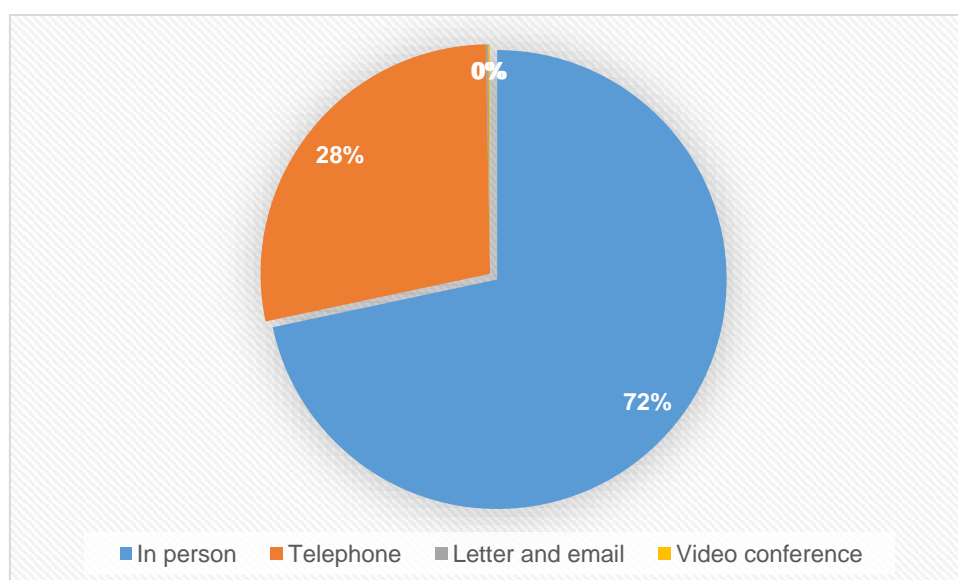
CENTRE STATISTICS

In relation to the generalist and tenancy programs combined:

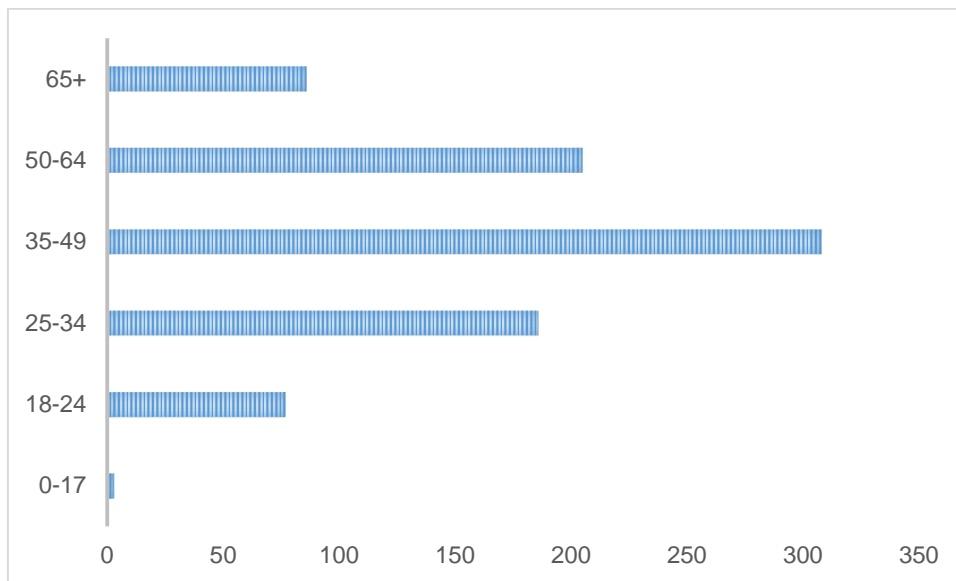
Gender of Clients Seeking Advice



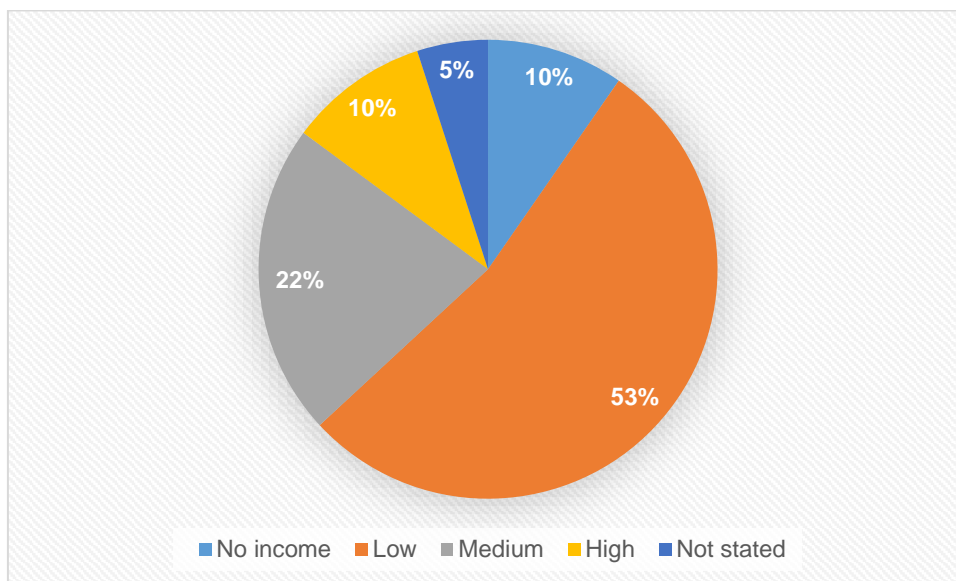
Advice Contact Type



Age of Clients



Income Scale of Clients



Low income = under \$31,200
High income = above \$65,000

Medium income = \$31,200 - \$65,000

Please note that MRCLC's previous client information system, CLSIS, classified low income as being below \$26,000 and high income above \$52,000. As the migration to CLASS occurred in March 2017, income may be shown as medium or high in CLASS when it should be in a lower category due to this change in definition.

Ongoing assistance

This could include assisting the client to document an agreement, draft court documents, negotiate with the other party and recommend practical solutions to resolve the dispute, seeking redress through an Ombudsman or to undertake research and assist the client to obtain further assistance through LawRight, a community legal centre in Brisbane or from a private law firm.

A total of 100 cases were worked on during this period and 79 of these were commenced during the period.

Advice by Problem Types (for generalist service only)

Note: There may be more than one problem type for each advice. For example an advice on divorce may also include property settlement, child custody and child maintenance.

	Number	Proportion %
Parenting arrangements	281	24.16%
Family law property	191	16.42%
Other civil law problem type	105	9.03%
Divorce de-facto separations and/or annulment	104	8.94%
Employment	90	7.74%
Credit and debt	72	6.19%
Wills and estates	65	5.59%
Domestic violence protection orders	59	5.07%
Consumer	32	2.75%
Domestic/Family violence	30	2.58%
Other family law problem type	28	2.41%
Neighbourhood disputes	22	1.89%
Child support	17	1.46%
Motor vehicle property damage	12	1.03%
Child protection	11	0.95%
Injury compensation	10	0.86%
Traffic and vehicle regulatory offences	9	0.77%
Social Security	8	0.69%
Spouse maintenance	4	0.34%
Theft and related offences	3	0.26%
All Other Problem Types	10	0.86%
Grand Total	1163	100.00%

CONCLUSION

The Mackay Regional Council, Whitsunday Regional Council and Isaac Regional Council areas, containing a population of 177,700 over an area of 90,346 sq km, are serviced by the Mackay Regional Community Legal Centre (MRCLC). The statistics for 2016 - 2017 demonstrate the continuing need for a community legal centre within Mackay and regional communities and highlights the challenges of providing an appropriate level of service to the most disadvantaged in our community.

I would like to thank the management committee for their commitment, hard work and their support.

We thank our staff, volunteers, management committee, funders and all those in the community who support our service.