



MACKAY REGIONAL
COMMUNITY LEGAL CENTRE Inc.

Annual Report 2017-2018

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.



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ANNUAL GENERAL MEETING

AGENDA

Friday 9 November 2018

Welcome to the 16th 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 10) |
| 3. | President's Report – Nina Swara | (Page 12) |
| 4. | Treasurer's Report – Mark Armstrong | (Page 13) |
| 5. | Centre Report – Jessica Brake | (Page 25) |
| 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 2017-2018

President: Nina Swara

Secretary: Bronwyn Green

Treasurer: Mark Armstrong

Committee: Craig Oliver

Ruth Wegner

Jasmine Rekowski

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 - 4pm.
Appointments available between 9am – 5pm if required.
Legal Advice Evenings twice a month between 5:30pm – 8pm.

Staff

Principal Solicitor & Manager	-	Jessica Brake
Generalist Solicitor & Senior Tenancy Solicitor	-	Simone Butschle
Tenancy Solicitor	-	Nikki Hancock
Solicitor (family law/DV and MHRT)	-	Vanessa Pranjivan (part-time, full-time from March 2018)
Administration Officers	-	Janice Storti (part-time) Sumi Hughes (part-time to November 2017) Katie Warren (part-time from December 2017)

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 or assistance with ongoing matters 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. Since November 2017 a service has also been provide once a month at the Sarina Neighbourhood Centre.



1. Whitsunday region



2. Mackay region



3. Isaac region

Region	Whitsunday	Mackay	Isaac	TOTAL
Est. population	34,831	117,064	21,199	173,094
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 2017-2018 financial year. Without their commitment, this centre could not function. Thank you all for your continuing involvement.

Legal Advice Evenings

Lawyers

Jordana Abela	McKays
Kay Abela	
Cassandra Adorni-Braccesi	SR Wallace & Wallace
Kim Back	Maurice Blackburn
James Bailey	SR Wallace & Wallace
Samantha Boardman	Maurice Blackburn
Kate Bone	Beckey Knight and Elliott
Millicent Bradley Woods	
Richard Callaghan	Kelly Legal
Nathan Crook	
Molly Elliott	McKays Solicitors
Shona Fitzgerald	Everett's Family Law
Bronwyn Green	SR Wallace and Wallace
Catherine Luck	Taylors Solicitors
Adam Moschella	
Esmeralda Reasbeck	Shine Lawyers
Lara Tom	SR Wallace and Wallace
Kane Williams	McKays Solicitors
Jessica Wilson	
Rikki-Anne Wilson	McKays

Social Workers

Chris Comben
Randina Randall

Co-ordinators

Tamyka Gallagher (Taylors)
Emily Gower (Macrossan & Amiet)
Sumi Hughes
Deirdre Kearney
Vanessa Ladewig
Brittany McIntyre
Lyn Roser

Registered Migration Agent

Samantha Sticklan Macrossan & Amiet

Day Service Volunteers

Solicitors

Vanessa Pranjivan
Esmeralda Reasbeck

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.

Patrick Fitzgerald (October 2017 – February 2018)
Syrin Martin (April 2017 – October 2017)
Fred Museta (October 2017 – current)

Law Students

Jason Kirkpatrick (July 2017 – September 2017)
Caitlin Petersen (June 2017 – January 2018)

Others

Julie Jenkinson
Mark Johnson
Supreet Kaur

Management Committee

President:	Nina Swara
Secretary:	Bronwyn Green
Treasurer:	Mark Armstrong
Committee:	Craig Oliver Jasmine Rekowski Ruth Wegner

Minutes of Mackay Regional Community Legal Centre Management Committee

Held at Suite 3/80 Victoria Street, City Court Arcade, Mackay

Friday, 3 November 2017

Meeting Open: 5.42 pm

Present: Amanda Lewis (NAB), Nina Swara (President) (Mackay Advocacy Inc), Jessica Brake, Mark Armstrong (Treasurer), Ruth Wegner (Legal Aid Qld), Simone Butschle, Craig Oliver (Shine Lawyers), Jasmine Rekowski (FRC), Bronwyn Green (Secretary, Wallace & Wallace), Erin Beer (Legal Aid Qld) and Julieanne Gilbert MP (Member for Mackay).

Chair: Nina Swara

1. Welcome and Apologies:

Apologies: Janice Storti, Sumi Hughes, Nikki Hancock, Simone Butschle, Vanessa Pranjivan, Molly Elliott, Jason Costigan MP, George Christensen MP.

2. Minutes of AGM 2016 were tabled.

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

Moved: Nina Swara
All in favour – carried.

Seconded: Mark Armstrong

3. Chairperson's Report:

Chairperson's report was tabled and read by Nina Swara.

Moved: Nina Swara
All in favour – carried.

Seconded: Jasmine Rekowski

4. Treasurer's Report:

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

Moved: Mark Armstrong
All in favour – carried.

Seconded: Ruth Wegner

5. Centre Report:

Jessica presented her Centre Report. Jessica expressed appreciation to all staff, volunteers, the Management Committee. Jessica outlined the programs operated by the centre, including the Mental Health Review Tribunal representation service that began in March 2017.

Annual Report adopted.

Moved: Mark Armstrong
All in favour – carried.

Seconded: Jasmine Rekowski

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

7. Election of Management Committee:

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

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

PRESIDENT: **Nina Swara**
(written nomination)
Nominated by Jasmine Rekowski, Seconded by Mark Armstrong
There were no other nominations.
Nomination accepted. All in favour- carried

TREASURER: **Mark Armstrong**
(written nomination)
Nominated by Nina Swara, Seconded by Jasmine Rekowski
There were no other nominations.
Nomination accepted. All in favour- carried

SECRETARY: **Bronwyn Green**
(written nomination)
Nominated by Craig Oliver, Seconded by Nina Swara
There were no other nominations.
Nomination accepted. All in favour- carried

COMMITTEE MEMBERS:

Craig Oliver
(written nomination)
Nominated by Nina Swara, Seconded by Mark Armstrong
Nomination accepted. All in favour- carried

Ruth Wegner
(written nomination)
Nominated by Nina Swara, Seconded by Mark Armstrong
Nomination accepted. All in favour- carried

Nomination from the floor for Committee Members,

Jasmine Rekowski (from the floor)
Nominated by Nina Swara, Seconded by Ruth Wegner
Nomination accepted. All in favour- 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 2017 Annual General Meeting and invited everyone to stay for refreshments.

Meeting declared closed at: 6.12 pm

President's Report

I am pleased to present my President's Report for the year 2017/2018 for the Mackay Regional Community Legal Centre Inc.

I would like to thank the staff who provide a great commitment not only to their duties, but also to the people they assist. This is done successfully with the excellent leadership of Jessica Brake, Manager and Principal Solicitor.

MRCLC was established to assist people in need and particularly those who were not able to access assistance via Legal Aid Queensland and yet could not afford the cost of private representation. Family law, and now tenancy matters, continue to be prominent for those seeking advice and assistance from MRCLC. The tenancy service is also extended to monthly outreach appointments in the Whitsundays and Sarina.

The staff have also endeavoured to provide community education on various law topics to diverse sectors of the community including secondary schools, women's groups and at inter-agency meetings in this region.

It was disappointing that the new initiative of Elder Abuse funding was not allocated to community legal centres in Queensland. Jessica and I met with Julieanne Gilbert, Member for Mackay to raise the concerns of victims having access to timely legal advice and assistance as well as providing such assistance in person where possible. The effectiveness of referrals and ability to resource demand will be monitored and, hopefully, lead to most appropriate pathways for disadvantaged seniors.

I sincerely acknowledge and thank the volunteers who have supported MRCLC Legal Advice Evenings over the past year, which includes coordinators, social workers 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.

I would like to acknowledge my peers who have actively served on the Management Committee for the past 12 months. My heartfelt thanks and appreciation goes out to Jasmine Rekowksi, Craig Oliver, Ruth Wegner, Mark Armstrong and Bronwyn Green.

As a new year approaches, I look forward to more valuable ventures with MRCLC. I would like to wish all the very best to Nikki Hancock and Bronwyn Green and their professional and personal contribution to this organisation will be sincerely missed. I welcome new members, staff and volunteers from this day forward.

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 government grants, which increased by approximately \$75,000 (14% of total revenue). Revenue from the Mental Health Review Tribunal program also increased by about \$8,000 to more than \$12,000. 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 generalist services being provided to more clients and additional services in other programs, which increased by approximately \$105,000 (20% of total expenses).

At the end of June 2018, the centre held total cash holdings of approximately \$150,000 and delivered a planned operating deficit in the region of \$20,000. The cash holdings were partially committed to liabilities of approximately \$63,000 which related to employee entitlements (\$37,000) and GST/creditors (\$25,000). Nett current assets were approximately \$100,000, which included current liabilities of almost \$50,000 that were expected to be paid in the forthcoming year. Non-current liabilities of almost \$13,000 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;
- Business insurance;
- 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 2018

Mackay Regional Community Legal Centre Inc

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Mackay Regional Community Legal Centre Inc

Income Statement

For the Year Ended 30 June 2018

	2018	2017
	\$	\$
Income		
Commonwealth grant income	184,808	68,487
DV duty lawyer	17,296	11,350
MHRT program	12,096	3,780
Provision for services	4,561	6,847
State grant income	203,062	244,822
Tenancy income	182,675	182,675
	604,498	517,961
Expenditure		
Communications	10,360	10,021
Depreciation	4,933	4,537
Donations	110	30
Equipment < \$300	479	-
Finance, audit and accounting fees	12,512	11,404
Insurance	1,955	2,037
Library, resources and subscriptions	21,176	16,316
Office overheads	20,954	8,513
Oncosts	20,167	4,710
Other premises costs	11,024	10,746
Programming and planning	1,183	2,284
Recruitment costs	550	-
Rent	41,652	58,124
Repairs and maintenance	88	1,652
Salaries	408,597	330,282
Staff training	17,316	12,425
Sundry expenses	648	2,283
Superannuation contributions	38,121	31,315
Travel	12,169	12,050
	623,994	518,729
Income tax expense	-	-
Surplus/(deficit) after income tax	(19,496)	(768)
Retained profit at the beginning of the financial year	126,933	127,702
Retained surplus/(deficit) at the end of the year	107,437	126,934

The accompanying notes form part of these financial statements.

Mackay Regional Community Legal Centre Inc

Statement of Assets and liabilities

As at 30 June 2018

	Note	2018 \$	2017 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	2	151,115	142,222
Trade and other receivables	3	832	-
TOTAL CURRENT ASSETS		151,947	142,222
NON-CURRENT ASSETS			
Plant and equipment	4	18,010	19,756
TOTAL NON-CURRENT ASSETS		18,010	19,756
TOTAL ASSETS		169,957	161,978
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	5	25,109	9,008
Employee benefits	6	24,417	15,328
TOTAL CURRENT LIABILITIES		49,526	24,336
NON-CURRENT LIABILITIES			
Employee benefits	6	12,993	10,708
TOTAL NON-CURRENT LIABILITIES		12,993	10,708
TOTAL LIABILITIES		62,519	35,045
NET ASSETS		107,438	126,933
MEMBERS' FUNDS			
Retained profits	7	107,438	126,933
TOTAL MEMBERS' FUND		107,438	126,933

The accompanying notes form part of these financial statements.

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2018

1 Summary of Significant Accounting Policies

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.

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.

Subscriptions

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

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2018

1 Summary of Significant Accounting Policies

(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 assets and liabilities 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.

(f) Accounts receivable and other debtors

Accounts receivable and other debtors include amounts due from members as well as amounts receivable from donors. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets

(g) 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.

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2018

1 Summary of Significant Accounting Policies**(h) 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.

2 Cash and Cash Equivalents

	2018	2017
	\$	\$
Cash on hand	-	2
Bank balances	5,452	52,841
Short-term deposits	145,663	89,379
	<u>151,115</u>	<u>142,222</u>

3 Trade and Other Receivables

	2018	2017
	\$	\$
CURRENT		
Trade receivables	832	-
	<u>832</u>	<u>-</u>

4 Property, plant and equipment

	2018	2017
	\$	\$
Office equipment		
At cost	36,576	38,916
Accumulated depreciation	(31,442)	(36,155)
	<u>5,134</u>	<u>2,761</u>
Computer equipment		
At cost	23,142	36,263
Accumulated depreciation	(17,426)	(26,629)
	<u>5,716</u>	<u>9,634</u>
Leasehold Improvements		
At cost	8,060	8,060
Accumulated amortisation	(901)	(699)
	<u>7,159</u>	<u>7,361</u>
Total property, plant and equipment	<u><u>18,009</u></u>	<u><u>19,756</u></u>

Mackay Regional Community Legal Centre Inc

Notes to the Financial Statements

For the Year Ended 30 June 2018

5 Trade and Other Payables

	2018	2017
	\$	\$
CURRENT		
Trade payables	(604)	-
GST payable	14,680	9,018
Superannuation payable	3,321	(9)
Wages accrual	7,711	-
	<u>25,108</u>	<u>9,009</u>

6 Employee Benefits

	2018	2017
	\$	\$
CURRENT		
Provision for annual leave	<u>24,417</u>	<u>15,328</u>
	<u>24,417</u>	<u>15,328</u>
	2018	2017
	\$	\$
NON-CURRENT		
Provision for long service leave	<u>12,993</u>	<u>10,708</u>
	<u>12,993</u>	<u>10,708</u>

7 Retained Earnings

	2018	2017
	\$	\$
Retained surplus at the beginning of the year	126,933	127,702
Net surplus/(deficit) attributable to members	<u>(19,495)</u>	<u>(769)</u>
Retained earnings at end of the year	<u>107,438</u>	<u>126,933</u>

Mackay Regional Community Legal Centre Inc

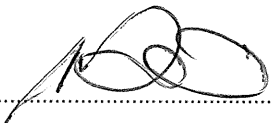
Statement by Members of the Committee

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 6:

1. Presents fairly the financial position of Mackay Regional Community Legal Centre Inc as at 30 June 2018 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.....

Treasurer

Dated this17TH..... day ofOCTOBER..... 2018



Partners
 Darryl Camilleri
 Chris Sammut
 Paul Hinton
 Therese Scotton
 Geoff O'Connor
 John Lavis
 Ryan Leach
 Brenton Lazzarini

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 comprises the statement of assets and liabilities as at 30 June 2018, the income statement for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and statement by Members' of the Committee.

In our opinion, the accompanying financial report for 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 2018 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 Association in accordance with the auditor independence requirements of 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 qualified opinion.

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

The committee of the association is 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 2018, 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-profit 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 committee members are responsible for assessing the registered entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the committee members either intend to liquidate the registered entity or to cease operations, or have no realistic alternative but to do so.

Liability limited by a scheme approved under professional standards legislation.

Website: www.bennettpartners.com.au

Bennett Partners Pty Ltd ACN 010 430 314, ABN 65 010 430 314, AFSL 483051

Bennett Partners Pty Ltd ATF The Bennett Partners Trust ABN 21 171 313 477

Bennett Partners ABN 59 281 397 611

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Partners
 Darryl Camilleri
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 Geoff O'Connor
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Auditor's Responsibilities of 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 the 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 misstatements 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 committee members' use of 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 to 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.

Paul Hinton - CA
 Partner

MACKAY QLD
 27 August 2018

Liability limited by a scheme approved under professional standards legislation.

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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 outreach services in Proserpine, Cannonvale, Bowen and Sarina. A brief overview of these services is outlined in this report.

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. Thanks to the additional funding received in October last year and solicitors volunteering during the day service during this period, we are now booking appointments for our general service 2 weeks in advance, rather than the usual 4 – 6 weeks.

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, Janice and Katie in particular for the work they do in being the first point of contact and having the unenviable task of informing clients of the waiting times for appointments.

With the planned reduction in the second part-time administration officer role Sumi decided to accept a position elsewhere. Sumi's enthusiasm and warm nature made her a very welcome member of our team. This is also demonstrated by the fact she has volunteered for many years as a co-ordinator at our Legal Advice Evenings.

I thank Bronwyn Green for her work as secretary of the committee, and Nikki Hancock, our tenancy solicitor, for her tireless and passionate assistance to often distressed tenants. Nikki has also largely completed a law reform submission to the Queensland government's review of residential tenancy legislation which we will be submitting later this month. This is an important area of law that should be reformed and the first submission the MRCLC will make in many years. I wish them both the best with their new positions in Brisbane.

It was certainly great to see the Queensland government provide more funding in the area of elder abuse for Mackay, but it was disappointing to find that our application was unsuccessful. Nevertheless, we will endeavour to collaborate with other services to assist, inform and advise people facing elder abuse from our generalist service where possible.

For the period 1 July 2017 to 30 June 2018, the Centre assisted 1,173 clients by providing 1,263 advices, 159 duty lawyer services, and working on 101 ongoing cases, finalising 80 of these matters.

The following is a breakdown of the services provided:

- 788 legal advices under the generalist program
- 475 legal advices under QSTARS program
- Closed 42 generalist ongoing assistance matters, many of these involved drafting family law court documents
- Closed 23 tenancy ongoing assistance matters
- 2,161 referrals – the majority of these occurred during advice appointments
- Delivered 4 Community Legal Education presentations.
- 159 Domestic Violence duty lawyer services

- Completed 15 Mental Health Review Tribunal ongoing assistance matters.

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 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 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 with Tenants Queensland Inc. (TQ) and 6 other partner organisations to provide advice, ongoing assistance and representation to tenants seeking legal assistance with their residential tenancy matter throughout Queensland. 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 currently on a fortnightly 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 Inc. in Cannonvale. With the additional funding received from the Commonwealth government, the MRCLC commenced providing 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, Dysart and Collinsville, 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, 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 12 solicitors, 1 social worker, and 5 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 Legal Advice Evening roster and during work hours.

Examples of Ongoing Assistance Matters Provided by MRCLC

Case Study 1

Roger* was referred by the QSTARS Brisbane Hub and we were able to see him the following day at our office.

Roger is 87 and lives by himself. In late 2017, the owner of the rental premises did some plumbing work in the yard. The owner left a mound of dirt uncovered. Roger went into the yard and fell over the mound, fracturing a vertebra in his back. Roger suffers excruciating back pain daily as a result. The vertebra will heal itself, but it will take months.

Roger instructed a personal injuries firm to act on his behalf against the owner. Shortly after the owner was provided notice of that claim, Roger found a Notice to Leave without grounds in his mail box.

Our service attempted negotiations with the agent, requesting the time to leave be extended. All requests were denied. Roger lives in an outer suburb of Mackay. He likes the area and has many support networks there, but there are very limited number of Department of Housing or NRAS properties in that area and none that would have been appropriate were available.

The injury suffered by Roger also meant he was incapable of lifting and bending down so the task of moving would be very difficult.

He was unsuccessful in finding a new property or extending the handover date by agreement, so we assisted Roger to apply to QCAT to have the Notice to Leave set aside on the ground it was given in retaliation to Roger's personal injuries claim. We applied for leave to represent Roger and were successful with that application.

Nikki attended QCAT as Roger's legal representative and successfully argued the timing between the commencement of the personal injuries claim and the Notice to Leave was obvious and not a coincidence. The Magistrate found in Roger's favour and set aside the Notice to Leave.

Case Study 2 - Helping Tom* and his son avoid homelessness

Tenancy can be an insecure type of housing when tenants are subjected to unfair treatment and eviction. Being able to navigate the residential tenancy system can be critical to tenants keeping their home.

Tom and his son were renting a property. After a routine inspection was carried out by the real estate agent Tom was issued with a Notice to Remedy Breach. The Notice said that they had been smoking in the house. Neither of them or their minimal number of visitors smoke. 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, so Tom and his son were given a Notice to Leave.

Tom required assistance with liaising with the lessor. He faced potential homelessness, which was exacerbated by a disability. We sent a letter to the real estate agent on the same day as the initial appointment with Tom, requesting the Notice to Leave for unremedied breach be withdrawn.

As a result, the real estate agent agreed for the tenants to stay until the end of the fixed term so that Tom and his son could stay in their home.

Case Study 3

Adam* sought advice from MRCLC on parenting arrangements for his child following a separation. Three (3) weeks after they separated, Bianca* removed the child from Australia without Adam's knowledge or consent. Adam later found out that the child had been taken back to his country of birth; a country from which all three had emigrated from. The country is a signatory to the Hague Convention on the Civil Aspects of International Child Abduction ("Hague Convention").

We assisted Adam to complete and file an application and affidavit with the Commonwealth Attorney-General's Office, which is the Australian Central Authority under the Hague Convention. The Australian Central Authority assessed and referred the application to their counterpart Central Authority so that they will initiate an application in their domestic courts to determine the habitual residence of the child.

Case Study 4

MRCLC assisted Cassie* who is the paternal grandmother of the children who were subject to family law parenting proceedings. Child Safety placed the children in Cassie's care and they had been living with her for several months when she came to MRCLC for help. The children had been neglected by their parents and witnessed domestic violence perpetrated between their parents. The parents were alleged to have struggled with substance abuse, mental health issues and one had been imprisoned for a short period of time.

Cassie was joined to the family law parenting proceedings by the Court. MRCLC assisted Cassie by drafting the necessary court documentation, as ordered by the Court. Cassie wanted the children to continue living with her, and for them to have a meaningful relationship with their parents. Cassie also wanted the children to receive counselling from a qualified professional to address the difficult behaviour they exhibited.

The Court ordered that Cassie have sole parental responsibility for her grandchildren, and ordered the children to spend time with each parent as could be agreed with Cassie. Cassie is free to organise counselling for her grandchildren, and make other major long-term decisions about the children's care, welfare and development. She will continue to encourage the children to spend time with their parents in an appropriate way.

* Actual names have not been used.

SERVICE DEVELOPMENT

- New clients of MRCLC can choose to complete their client information forms prior to their appointments through MRCLC's website. These forms are able to be printed in preparation for the appointment. Jessica delivered a presentation at the Community Legal Centre Queensland's conference earlier this year about MRCLC's new client application webforms.
- MRCLC commenced accepting police referrals from the Queensland Police Service ('QPS') this year. When a police officer speaks to a member of the public wanting assistance, the QPS will collect some information and provide appropriate referrals. With the person's consent, this information is sent to the MRCLC. The MRCLC will follow up by making an appointment for legal advice or refer the person to another service provider if MRCLC cannot assist.
- The MRCLC is a Make Renting Fair in Queensland Alliance member. The Alliance is lodging a submission to the Queensland government on residential tenancy reform. The MRCLC will also be lodging its own law reform submission in November addressing other issues, particularly those involving co-tenants.

The screenshot shows the QCROSS (Queensland Council of Social Service) website. The header features the QCROSS logo and navigation links: about us, our work, publications, news, events, and jobs. A search bar is located on the right. The main heading reads: "Everyone deserves to make rental properties a home – make renting fair!". The text below states: "QCROSS is proud to be one of the 12 community-based organisations launching the 'Make Renting Fair' campaign today (25 October 2018). The campaign, launched by the Make Renting Fair Alliance, gives a voice and calls for better protections to all people living in rental properties, particularly for people who are experiencing vulnerability and disadvantage in Queensland." It continues: "The campaign, launched in response to the State Government's Open Doors to Rent Reform public consultation, calls for specific law reforms to the Residential Tenancies Act. These include preventing 'no grounds' evictions, restricting rent increases to once per year and requiring the owner to justify any increase 20% greater than CPI, and making it easier for renters to retrieve their bond when moving." It then cites 2016 census data: "This comes off the back of 2016 census data showing an increasing number of people in Queensland renting their homes rather than owning them, with the electorates of Brisbane Central (53.2%), South Brisbane (52%) and Woodridge (50.8%) being the three highest rental suburbs in Queensland." Quotes from QCROSS CEO Mark Henley are included: "It is a fundamental right of every person in Queensland to have access to an affordable, safe and secure place to live," and "With the increasing number of people renting in Queensland, we need to act now to ensure tenants' rights are protected." A quote from the Make Renting Fair Alliance is also present: "Reforms need to address power imbalances between landlords and tenants to make rental properties a home, make renting fair and making renting affordable." The footer mentions: "Along with QCROSS, the broad range of organisations who are part of the Make Renting Fair Alliance includes Tenants Queensland, Community Legal Centres Queensland, Mackay Regional Community Legal Centre, LawRight, Community Plus, Queensland Youth Housing Coalition, Youth Affairs Network of Queensland, QShelter, Mission Australia, Hervey Bay Neighbourhood Centre, and the Brisbane Renters Alliance. The Alliance is committed to creating a society where renting is a secure and respected housing tenure."

- MRCLC has started the process of collaborative regional service planning with the Mackay Legal Aid Queensland (LAQ) office and Mackay Aboriginal and Torres Strait Islander Legal Service (ATSILS). Our 3 services see the importance in identifying and attempting to address legal service gaps in the Mackay, Whitsunday and Isaac Regional Council areas. We will be hosting a workshop early next year with the assistance of Community Legal Centres Queensland.
- The MRCLC was accredited by the National Association of Community Legal Centres on 24 August 2016 for a further 3 years.

- 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 incomes in this region.

COMMUNITY LEGAL EDUCATION (CLE)

- Vanessa presented a family law CLE at Relationships Australia in Mackay.
- Simone delivered Community Education to Northern Beaches High School students about the MRCLC and how to become a solicitor.
- Vanessa delivered CLE on family law and domestic violence in Moranbah.
- Simone delivered an information session at George Street Neighbourhood Centre on family law.
- Simone delivered an information session on family law in Moranbah in collaboration with George Street Neighbourhood Centre's World Café program

COMMUNITY LINKS, MEMBERSHIP AND STAFF DEVELOPMENT

MRCLC enjoyed the support from 9 individual financial members. Thank you for your support of the MRCLC.

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.

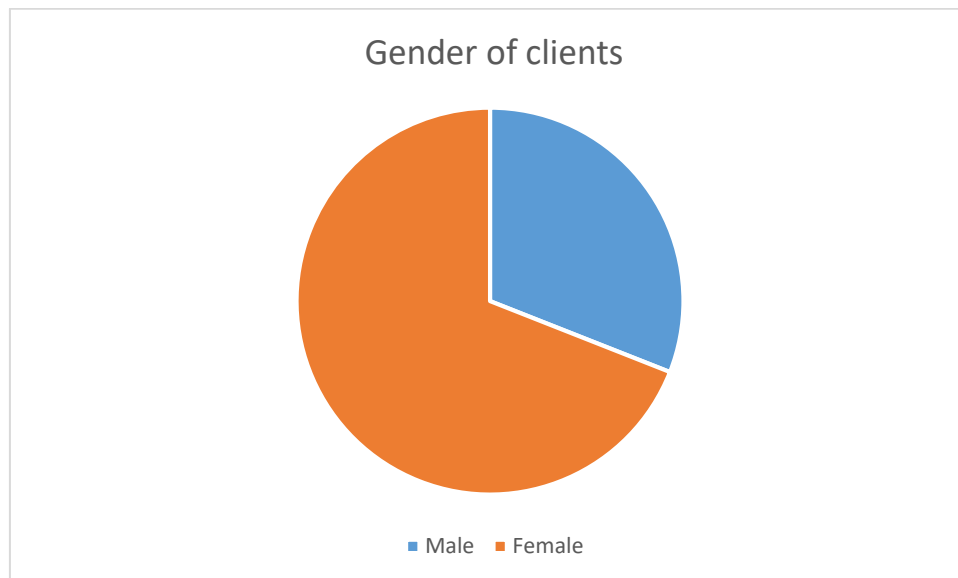
It is important for any community organisation to maintain links in the community. We have done so by undertaking, amongst others, the following:

- Jessica continues to be a management committee member of a Mackay women's shelter and is a steering committee member of the Family Law Pathways Network (Mackay & Whitsundays) since its inception in 2012
- Various staff attend interagency and other meetings. Nikki in particular over the past year has attended interagency meetings in Mackay, Whitsundays, Dysart, Moranbah and Proserpine.
- Other meetings staff attended included the Mackay Regional Mental Health Network (Jessica) and Binbi Tok Olegeta meetings (Nikki).
- Jessica attended the Mackay Regional Legal Assistance Forum meetings in September 2017 and February 2018. ATSILS and Legal Aid principal solicitors and LAQ state program manager attend these meetings along with guests. Nina Swara of Mackay Advocacy attended the February meeting as the guest presenter.
- Simone and Jessica attended the National Association of Community Legal Centres' Conference held in Canberra in August 2017
- Simone attended the Mackay Region Domestic Violence Forum in September 2017
- Nikki and Simone attended the Queensland Statewide Tenant Advice and Referral Service Forum in Brisbane in October 2017
- Staff attended and completed Aboriginal & Torres Strait Islander Cultural Competence Training in June 2018
- Vanessa and Simone attended and completed Mental Health First Aid Training
- Jessica, Simone and Vanessa attended the Community Legal Centres Queensland Conference in March 2018
- Simone and Jessica met with Mrs Julieanne Gilbert, Member for Mackay.
- Jessica attended a Government Reception with the Queensland Premier and various Queensland Ministers.

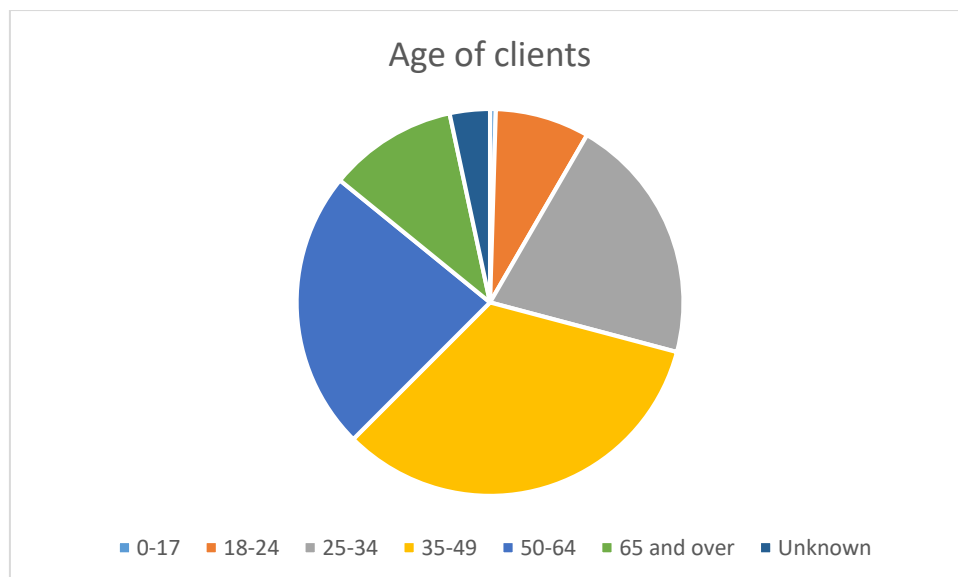
CENTRE STATISTICS

In relation to the generalist and tenancy programs combined:

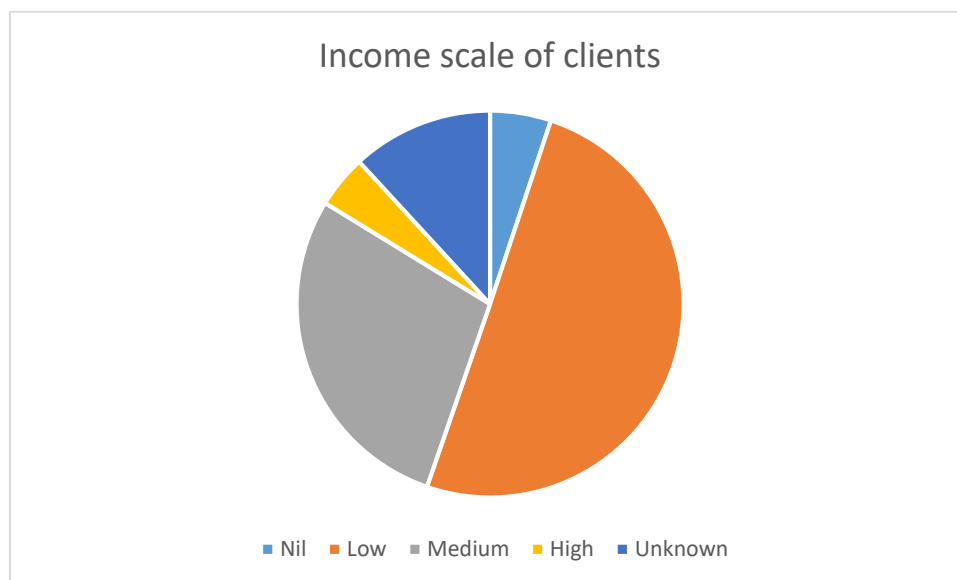
Gender of Clients



Age of Clients



Income Scale of Clients

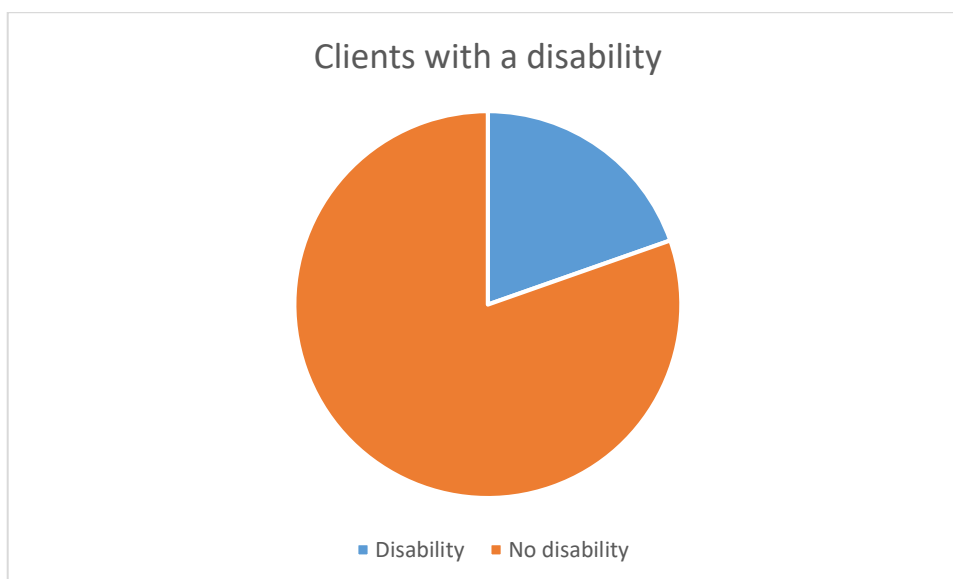


Low income = under \$31,200
High income = above \$65,000

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

Note: MRCLC's previous client information system classified low income as being below \$26,000 and high income above \$52,000. As the migration to the new system (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.

Clients Disclosing Disability



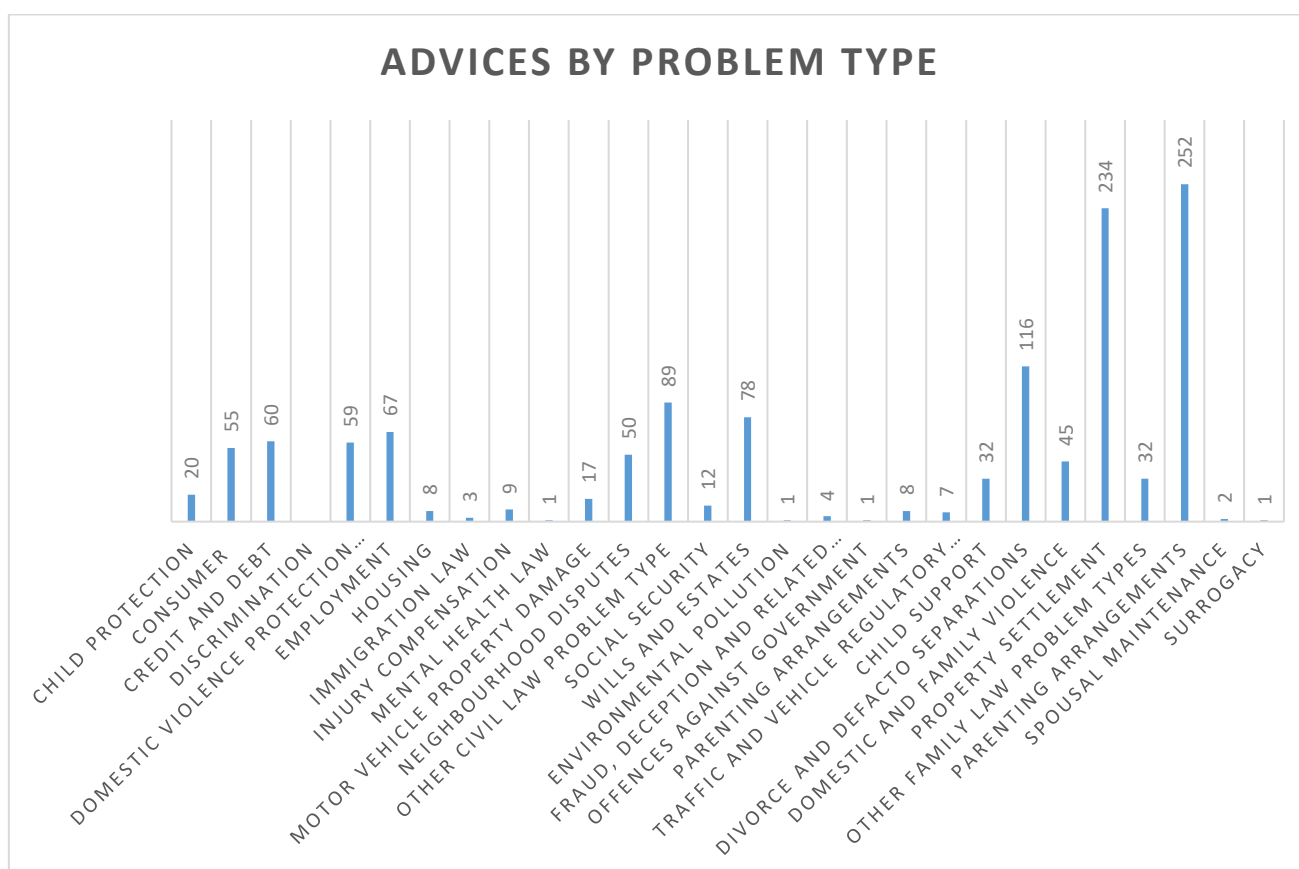
Ongoing assistance

This includes assisting the client to document an agreement, draft court documents, negotiations, or seeking redress through an Ombudsman.

A total of 101 cases were worked on during this period, with 73 files being opened and 80 closed.

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.



CONCLUSION

The Mackay Regional Council, Whitsunday Regional Council and Isaac Regional Council areas, containing a population of 173,094 over an area of 90,346 sq km, are serviced by the Mackay Regional Community Legal Centre (MRCLC). The statistics for 2017 - 2018 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.

Even though we have provided assistance to 1,173 people, which is an increase from 1,007 last year, there are still many people that are turned away and those located in rural or remote areas are not being reached to the extent we would like to see. Nevertheless, the MRCLC was able to significantly assist our community through the provision of Community Legal Education, 1,263 advices, 159 DV duty lawyer services and by working on 101 ongoing casework files.

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.