



MACKAY REGIONAL  
COMMUNITY LEGAL CENTRE Inc.

## Annual Report 2018-2019

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 REPORT

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# CENTRE DETAILS

**Address:** Suite 9, The Dome  
134 Victoria Street  
PO Box 995  
Mackay QLD 4740

**Phone:** (07) 4953 1211

**Fax:** (07) 4953 1644

**Email:** [admin@mrclc.com.au](mailto:admin@mrclc.com.au)

**Website:** [www.mrclc.com.au](http://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.

## Current Staff

Manager and Principal Solicitor	-	Jessica Brake
Solicitors	-	Simone Butschle
	-	Vanessa Pranjivan
	-	Rikki Wilson
	-	Esmeralda Reasbeck (part-time)
	-	
Administration Officers	-	Janice Storti (part-time)
	-	Katie Warren (part-time)

**Who we are** The MRCLC provides free legal services pursuant to several programs, with a focus on people who are financially disadvantaged. It is an independent non-profit community organisation administered by a volunteer management committee, providing legal assistance through employed staff and volunteers.

## Geographical Service Area

The Centre offers a service by phone or in person to people living in the Mackay Regional Council, Isaac Regional Council or Whitsunday Regional Council local government areas. In rare cases assistance may be provided to people outside of these areas, such as where clients have recently left the area or due to another CLC having a conflict.

Advice or assistance with ongoing matters is provided once a month over 2 days in the Whitsundays; specifically, at the Bowen Neighbourhood Centre, Proserpine Community Centre and the Whitsunday Counselling & Support Service Inc. in Cannonvale. The MRCLC also provides in person advice and assistance at the Sarina Neighbourhood Centre once a month.



1. Whitsunday region



2. Mackay region



3. Isaac region

Region	Whitsunday	Mackay	Isaac	TOTAL
Est. population	35,050	116,539	20,934	172,523
Area in sq km	23,818	7,614	58,708	90,140

(ABS 2018 statistics)

#### 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 Inc., as funded by the Queensland Department of Housing and Public Works, for funding the Queensland Statewide Tenant Advice and Referral Service (QSTARS)
- Gambling Community Benefit Fund – \$9914.65 granted by the Department of Justice and Attorney-General, Queensland Government. This funding enabled the Centre to purchase and install a new laptop, 2 desktop computer, 3 desktop phones, office furniture and the publication of DL flyers and business cards.



# VALUABLE VOLUNTEERS

Mackay Regional Community Legal Centre acknowledges the invaluable contribution of volunteers during the 2018-2019 financial year. Without their commitment, more people would be turned away from receiving legal advice and waiting lists would be much longer. Thank you all for your continuing involvement.

## **Management Committee 2018 - 2019**

<b>President:</b>	Craig Oliver
<b>Secretary:</b>	Shona Fitzgerald
<b>Treasurer:</b>	Mark Armstrong
<b>Committee:</b>	Nina Swara
	Ruth Wegner
	Jasmine Rekowski
	Justine Sturgiss

## **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
Richard Callaghan	Kelly Legal
Jenna Cruickshank	Taylors
Patrick Cullinane	Barrister
Molly Elliott	McKays Solicitors
Meredith Farquhar	
Shona Fitzgerald	Everett's Family Law
Bronwyn Green	SR Wallace and Wallace
Catherine Luck	Taylors Solicitors
Sharell O'Brien	
Christine Pirani	McKays
Emlyn Quinn	Statewide Conveyancing
Lara Tom	SR Wallace and Wallace

### **Social Worker**

Chris Comben

## **Co-ordinators**

Emily Gower (Macrossan & Amiet)  
Sumi Hughes  
Brittany McIntyre (SR Wallace & Wallace)  
Vanessa Ladewig  
Maria Orcullo  
Lyn Roser

## **Day Service Volunteers**

## **Solicitors**

Kay Abela  
Marthina Shanahan

## **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.

Kyla Marshall  
Fred Museta  
Maria Orcullo

## **Law Students**

Amilia Stewart  
Dyane Norton  
Tylah Standen  
Amilia Stewart

## **Others**

Supreet Kaur



# PRESIDENT'S REPORT

After an eventful year, I am pleased to present the President's Report for the 2018/2019 year for the Mackay Regional Community Legal Centre Inc.

This has been something of a landmark year in many respects with a number of events that could have easily detracted from the actual work the centre undertakes. Therefore I would like to thank the staff for their dedication to their duties, the clients and the values of the centre in delivering a quality service and maintaining focus throughout the year. Particular thanks to Jessica Brake, Manager and Principal Solicitor, who has steered the ship through both an office move and a reaccreditation within a 6 month period with great aplomb, in addition to her usual management duties and time spent working and liaising with the Management Committee.

The office move, after some delay in finalising the lease with the local council, has resulted in a more prominent location for the centre in proximity to the main library and other community services. It has provided a better environment for staff and for clients and would permit some additional growth in the future, enabling the centre to continue to serve the community for many years to come.

The recent reaccreditation was a real success identifying the many and significant strengths of the centre as well as enabling plans for the continued development of the centre in its aims and objectives. It was a testament to the centre and those involved that the reaccreditation occurred without the need for great diversion from existing practices and procedures.

Maintaining the contract with Tenants Queensland Inc., in a challenging economic environment was another success of the centre and those involved, and particular thanks goes to both Jessica and Mark Armstrong whose collaboration enabled the centre to make the necessary adjustments and be able to deliver the service to the community within the stringent parameters set. Efforts are ongoing as regards to entering a new QSTARS contract shortly and procurement for CLSP funding for the period 1 July 2020 – 30 June 2025, which will each have a big impact on MRCLC's services offering going forward.

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, tenancy matters, and some domestic violence matters continue to be the main services MRCLC provides to the community in Mackay and during outreach to Sarina and the Whitsundays.

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 community organisations in this region.

Acknowledgement and thanks must go to the volunteers who have supported MRCLC's Legal Advice Evenings over the past year, which includes coordinators, social workers and solicitors. Such selfless sacrifice by those involved are invaluable in enabling the centre to meet its objectives by serving a diverse range of clients with an equally diverse range of needs across our regional community.

The above accomplishments would equally have been unavailable but for the dedication of the Management Committee who have planned and delivered on goals and targets throughout the year. Robust governance and financial management have facilitated both the office move as well as the resources necessary to meet all the operational demands and goals of the centre at the same time. For this and much more the Management Committee and our very capable Treasurer, Mark Armstrong, should be commended. Thanks go to my friends Jasmine Rekowski, Ruth Wegner, Mark Armstrong, Justine Sturgiss, Nina Swara and Shona Fitzgerald.

Each year brings with it a few changes. Shona's recent relocation results in her vacation of position as Secretary of the Centre and so particular thanks go to her along with our best wishes for the future. I also thank Nikki Hancock who left in November last year. She did her volunteer Practical Legal Training placement with MRCLC around mid-2015 before joining us as the tenancy solicitor on 4 January 2016,

following our agreement to partner with TQ. She provided tenancy advice, assistance with QCAT submissions and the occasional representation in QCAT. She left on 31 October 2018 to join Lawright, a CLC in Brisbane, to work in their QCAT self-representation service.

In February we welcomed both Rikki Wilson as the new tenancy solicitor as well as taking on Mental Health Review Tribunal representation matters, and Esmeralda Reasbeck as the family law/DV solicitor, including DV duty lawyer, while Vanessa took maternity leave. Vanessa has recently rejoined the team, but we are able to retain Esmeralda on a part-time basis to provide tenancy and family law advice.

We collectively can look back with pride on this year's accomplishments and, as a result and due to the efforts of all involved in the last 12 months, look forward to a future of new members, new clients and new challenges with optimism and confidence.

**Craig Oliver**  
**President**

# 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 \$36,000 (6% of total revenue). Revenue from Services and Mental Health Review Tribunal programs also increased by about \$22,000 to almost \$39,000. 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 increased staff turnover with consequential role rotations and additional accommodation costs associated with better premises, which increased by approximately \$44,000 (7% of total expenses).

At the end of June 2019, the centre held total cash holdings of approximately \$177,000 and delivered a planned operating surplus in the region of \$13,000. The cash holdings were partially committed to liabilities of approximately \$70,000 which related to employee entitlements (\$44,000) and GST/creditors (\$26,000). Nett current assets were approximately \$134,000, which included current liabilities of almost \$50,000 that were expected to be paid in the forthcoming year. Non-current liabilities of about \$22,000 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 2019**

**Mackay Regional Community Legal Centre Inc**

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## Mackay Regional Community Legal Centre Inc

# Income Statement

## For the Year Ended 30 June 2019

	2019	2018
	\$	\$
<b>Income</b>		
Commonwealth grant income	211,956	184,808
DV duty lawyer	19,829	17,296
MHRT program	15,857	12,096
Parental leave income	9,927	-
Provision for services	22,988	4,561
State grant income	211,908	203,062
Tenancy income	188,155	182,675
	<b>680,620</b>	<b>604,498</b>
<b>Expenditure</b>		
Communications	8,029	10,360
Depreciation expense	4,701	4,933
Donations	156	110
Equipment < \$300	18	479
Finance, audit and accounting fees	16,518	12,512
Insurance	3,006	1,955
Library, resources and subscriptions	21,989	21,176
Office overheads	19,077	20,954
Oncosts	17,804	20,167
Other premises costs	12,818	11,024
Programming and planning	1,587	1,183
Recruitment costs	560	550
Rent	56,062	41,652
Repairs and maintenance	4,778	88
Salaries	431,407	408,597
Staff training	14,965	17,316
Sundry expenses	8,188	648
Superannuation contributions	39,994	38,121
Travel	6,284	12,169
	<b>667,941</b>	<b>623,994</b>
Income tax expense	-	-
Profit after income tax	<b>12,679</b>	<b>(19,496)</b>

The accompanying notes form part of these financial statements.

## Mackay Regional Community Legal Centre Inc

## Statement of Assets and Liabilities

As at 30 June 2019

	Note	2019 \$	2018 \$
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	2	177,197	151,116
Trade and other receivables	3	-	832
Prepayments	5	5,333	-
<b>Total Current Assets</b>		<b>182,530</b>	<b>151,948</b>
<b>Non-Current Assets</b>			
Plant and equipment	4	8,226	18,010
<b>Total Non-Current Assets</b>		<b>8,226</b>	<b>18,010</b>
<b>Total Assets</b>		<b>190,756</b>	<b>169,958</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Trade and other payables	6	26,464	25,109
Employee benefits	7	22,107	24,417
<b>Total Current Liabilities</b>		<b>48,571</b>	<b>49,526</b>
<b>Non-Current Liabilities</b>			
Employee benefits	7	22,068	12,993
<b>Total Non-Current Liabilities</b>		<b>22,068</b>	<b>12,993</b>
<b>Total Liabilities</b>		<b>70,639</b>	<b>62,519</b>
<b>Net Assets</b>		<b>120,117</b>	<b>107,439</b>
<b>Members' Funds</b>			
Retained profits	8	120,116	107,438
<b>Total Members' Funds</b>		<b>120,116</b>	<b>107,438</b>

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 2019**

**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.

**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 2019**

**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:

<b>Fixed asset class</b>	<b>Depreciation rate</b>
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 2019

## 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

	2019	2018
	\$	\$
Cash at bank	27,297	5,452
Short-term deposits	149,900	145,663
	<u>177,197</u>	<u>151,115</u>

## 3 Trade and Other Receivables

	2019	2018
	\$	\$
Current		
Trade receivables	-	832
	<u>-</u>	<u>832</u>

## 4 Property, plant and equipment

	2019	2018
	\$	\$
Office equipment		
At cost	4,013	36,576
Accumulated depreciation	(1,721)	(31,442)
	<u>2,292</u>	<u>5,134</u>
Computer equipment		
At cost	23,901	23,142
Accumulated depreciation	(17,967)	(17,426)
	<u>5,934</u>	<u>5,716</u>
Leasehold Improvements		
At cost	-	8,060
Accumulated amortisation	-	(901)
	<u>-</u>	<u>7,159</u>
<b>Total property, plant and equipment</b>	<u><b>8,226</b></u>	<u><b>18,009</b></u>

## Mackay Regional Community Legal Centre Inc

## Notes to the Financial Statements

For the Year Ended 30 June 2019

## 5 Other Assets

	2019	2018
	\$	\$
Current		
Prepayments	5,333	-
	<u>5,333</u>	<u>-</u>

## 6 Trade and Other Payables

	2019	2018
	\$	\$
Current		
Trade payables	1,033	(604)
GST payable	14,273	14,680
Superannuation payable	2,935	3,321
Wages accrual	8,224	7,711
	<u>26,465</u>	<u>25,108</u>

## 7 Employee Benefits

	2019	2018
	\$	\$
Current		
Provision for annual leave	22,107	24,417
	<u>22,107</u>	<u>24,417</u>
	2019	2018
	\$	\$
NON-CURRENT		
Provision for long service leave	22,068	12,993
	<u>22,068</u>	<u>12,993</u>

## 8 Retained Earnings

	2019	2018
	\$	\$
Retained surplus at the beginning of the year	107,438	126,933
Net surplus/(deficit) attributable to members	12,678	(19,495)
<b>Retained earnings at end of the year</b>	<u>120,116</u>	<u>107,438</u>

**Mackay Regional Community Legal Centre Inc**

**Statement by Members of the Committee**

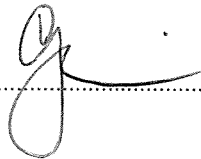
The committee has determined that the Association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

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 2019 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 this 25<sup>th</sup> day of October 2019

**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**

**Qualified Opinion**

We have audited the accompanying financial report, being a special purpose financial report of Mackay Regional Community Legal Centre Inc (the Association), which comprises the statement of assets and liabilities as at 30 June 2019, the income statement for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and the statement by members of the committee.

In our opinion, except for the effects of the matter described in the *Basis for Qualified Opinion* section of our report, the accompanying financial report of the Association for the year ended 30 June 2019 is prepared, in all material respects, in accordance with the Associations Incorporation Act (QLD) 1981 (as amended by the Associations Incorporation and Other Legislation Amendment Act (QLD) 2007).

**Basis for Qualified Opinion**

It is not practical for the Association to maintain an effective system of internal control over cash receipts until their initial entry in the accounting records. Accordingly, our audit in relation to cash receipts was limited to the amounts recorded in the accounting records.

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.

**Emphasis of Matter - Basis of Accounting**

We draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report is prepared to assist the Association in meeting the requirements of the Associations Incorporation Act (QLD) 1981 (as amended by the Associations Incorporation and Other Legislation Amendment Act (QLD) 2007). As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the Association and should not be distributed to or used by parties other than the Association. Our opinion is not modified in respect of this matter.

**Mackay Regional Community Legal Centre Inc**

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

**Responsibilities of Committee**

The Committee is responsible for the preparation and fair presentation of the financial report in accordance with the Associations Incorporation Act (QLD) 1981 (as amended by the Associations Incorporation and Other Legislation Amendment Act (QLD) 2007), and for such internal control as the committee determines is necessary to enable the preparation of the financial report is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee is responsible for assessing the Association'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 committee either intends to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

The committee are responsible for overseeing the Association's financial reporting process.

**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.

Paul Hinton - CA  
Partner

Mackay QLD

# CENTRE REPORT

The MRCLC provides free and confidential legal information, 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 as well as outreach services in Proserpine, Cannonvale, Bowen and Sarina. A brief overview of these services are 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 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 can provide remains far less than the high need for our services..

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 Marthina Shanahan for stepping up from volunteering during the daytime service to become a tenancy solicitor for approximately 4 months following Nikki's departure to work at a Brisbane based community legal centre towards the end of last year. My thanks to her was conveyed in last year's Annual Report.



On a very sad note, Sumi Hughes passed away on 11 October due to ill health. She has been a long-term volunteer of the centre, where she volunteered as a co-ordinator at Legal Advice Evenings from November 2011 to February 2019 and was appointed as a management committee member for most of the time between being elected at the 2011 AGM through to September 2014. She was employed part-time on reception from October 2015 to November 2017. I've looked back and saw she even attended the AGM back in September, 2005, where she was elected to the committee. Her potluck lunches, determination and smile will be missed.

*Nina Swara with Sumi Hughes (right)*

I thank Shona Fitzgerald for her work as secretary of the committee. I wish Shona all the best with her new position that unfortunately takes her away from Mackay.

For the period 1 July 2018 to 30 June 2019, the Centre assisted 1,018 clients by providing 1,201 advices, 161 duty lawyer services, and working on 83 ongoing cases, finalising 71 of these matters. Most advice appointments are booked for 1 hour, however shorter appointments are provided at Legal Advice Evenings.

The following is a breakdown of the services provided:

- 775 legal advices under the generalist program
- 426 legal advices under QSTARS program
- Closed 31 generalist ongoing assistance matters, many of these involved drafting family law court documents
- Closed 17 tenancy ongoing assistance matters
- 2,255 referrals
- Delivered 4 Community Legal Education presentations.
- 161 Domestic Violence duty lawyer services
- Completed 23 Mental Health Review Tribunal representation 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.

We thank both levels of government for this support.

2. The **Queensland Statewide Tenant Advice and Referral Service (QSTARS)**  
This program commenced in October 2015. The MRCLC works with Tenants Queensland Inc. (TQ) and 6 other partner organisations throughout Queensland to provide advice, ongoing assistance and representation to tenants and rooming accommodation residents seeking legal assistance pursuant to the *Residential Tenancies and Rooming Accommodation Act 2008*. 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 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 Queensland 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 two days at the Proserpine Community Centre, Bowen Neighbourhood Centre and Whitsunday Counselling and Support Inc. in Cannonvale. MRCLC commenced providing advice one 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 two months.

This service can only be provided through the generosity of our volunteers. Currently there are 19 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.

## **Examples of Ongoing Assistance Matters Provided by MRCLC**

### **Case Study 1 – “Robodebt”**

Jenny\* was being pursued by Centrelink for a “robodebt”. Centrelink alleged she had been overpaid approximately \$3,000 during a period of time over seven years ago. Jenny was employed during the overpayment period, but she could not prove her earnings to Centrelink as her former employer paid her in cash and did not issue her any payslips. During the overpayment period Jenny’s daughter took her own life. Jenny therefore found it difficult to provide instructions about that period of time. Jenny has a diagnosis of PTSD.

Jenny was in severe financial hardship when she contacted MRCLC as Centrelink was withholding amounts from her Disability Support Pension. We assisted Jenny by speaking with Centrelink on her behalf, as her PTSD prevented her from doing so herself. We arranged for Centrelink to pause the debt recovery during the debt reassessment process. We then successfully requested a waiver of the overpayment debt based on Jenny’s special circumstances. Jenny was also refunded the money that Centrelink had withheld from her pension.

### **Case Study 2 – Tenancy: Return of Bond and Compensation**

Amy\* was referred to MRCLC as she required advice and assistance regarding a former tenancy. The primary issues were:

- A disputed bond claim where both parties (i.e. Amy and the Lessor) were seeking the full bond;
- The Lessor’s claim for over \$2,000 compensation;
- Amy’s claim for compensation for damage to her furniture during the tenancy due to the poor state of the premises; and
- Amy’s claim for a rent reduction due to the loss of amenity of the premises.

The property Amy rented suffered extensive water leaks. This resulted in damage to Amy’s furniture, as well as the standard of the property deteriorating significantly during the tenancy. On the other hand, the Lessor alleged that Amy caused damage to the property, and that she failed to report issues.

The evidence available, including photographs and videos taken by Amy, supported Amy’s version of events. Amy also had written evidence to prove she reported maintenance issues to the Lessor’s agent in a timely manner.

The parties ended the tenancy via a Mutual Termination Agreement (“MTA”). The terms of the MTA were partially written and partially oral. The Lessor disputed the existence of the MTA entirely, claiming Amy broke-lease and owed money arising from a break-lease.

MRCLC provided advice to Amy in relation to the above issues and outlined the options available to Amy moving forward. Amy then participated in the RTA’s free dispute resolution process with the Lessor as the

first step in trying to resolve the issues in dispute, however no agreement was reached. The Lessor then filed a QCAT Form 2 Application seeking the bond as well as compensation in excess of the bond.

MRCLC assisted Amy by drafting a Response to the Lessor's QCAT Application. MRCLC referred Amy to the Tenants Queensland Inc website so that she could watch videos to prepare for the upcoming hearing.

At the QCAT hearing, the Magistrate decided in favour of Amy and ordered a full bond refund to this effect. In addition, the Magistrate asked the parties to attempt to negotiate compensation in favour of Amy for the damage to her furniture and decrease in the property standard. Amy and the Lessor were able to negotiate a sum of money in favour of Amy. The Lessor paid Amy the agreed sum of money that same day.

Amy was extremely satisfied with the outcome of the hearing. She was glad all issues were able to be resolved.

### Case study 3 – Ensuring History of Domestic Violence Provided to Court

Tanya\* sought advice from MRCLC on family law matters in relation to her child. Her ex-partner, Tom, had filed an Initiating Application seeking orders that he be informed of her address and an order for parentage testing. Tanya consented to the paternity test, which confirmed he almost certainly was the father. There was a history of serious domestic violence. He also threatened to shoot Tanya with a gun he kept on the premises. Two (2) Protection Orders were made naming him as the Respondent during their three (3) year relationship.

We assisted Tanya to draft her Response to the Initiating Application, Affidavit and Notice of Risk. Tom then filed a Notice of Discontinuance, which ceased his involvement in the matter. The Federal Circuit Court made orders giving Tanya sole parental responsibility in respect of all major long-term issues of the child. The order stated that the child was to live with Tanya and spend time with the Applicant as agreed between the parties.

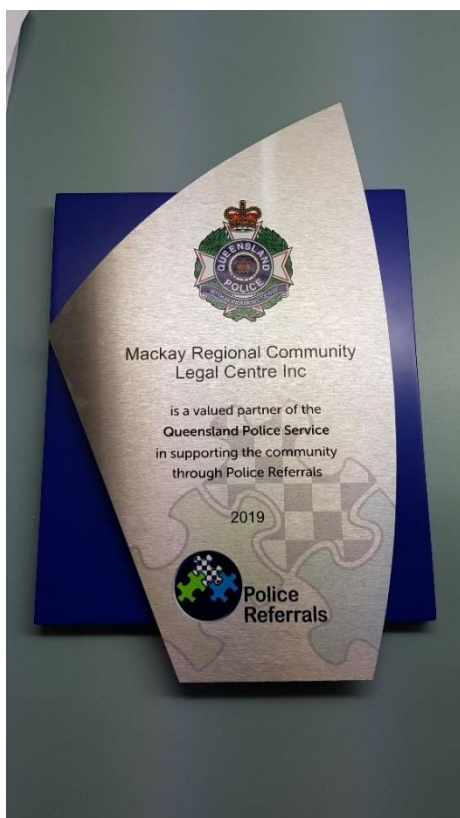
\* Actual names have not been used.

### **SERVICE DEVELOPMENT**

- MRCLC commenced accepting police referrals from the Queensland Police Service ('QPS') Referral system this year. We were the second service in Mackay to do so.

This is a system where police connect at risk and vulnerable community members to external support service providers at the time when they are engaging with the vulnerable person. By directing at-risk people to relevant support providers, there is an opportunity for their problem or concerns to be addressed. Early and effective intervention means at-risk clients are engaged to achieve more sustainable outcomes.

With the person's consent, their 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 has continued the process of collaborative regional service planning with the Mackay Legal Aid Queensland (LAQ) office, Mackay Aboriginal and Torres Strait Islander Legal Service (ATSILS) and Relationships Australia by developing our region's first Regional Legal Assistance Collaborative Plan in August 2019. Our services see the importance in identifying and attempting to address legal service gaps in the Mackay, Whitsunday and Isaac Regional Council areas.
- The MRCLC is a Make Renting Fair in Queensland Alliance member. The Alliance lodged a submission to the Queensland government on residential tenancy reform, which the MRCLC supports. The MRCLC also lodged its own law reform submission in November 2018 addressing other issues, particularly those involving co-tenants.
- 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 in early 2018 about MRCLC's new client application webforms.
- The MRCLC was accredited by the National Association of Community Legal Centres on 23 August 2019 for a further three 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.
- Guest wifi has been established in the Mackay office so that clients can access the internet to forward copies of relevant documents or emails during their appointment if required.

## **COMMUNITY LEGAL EDUCATION (CLE)**

- Simone delivered a family law presentation with George St Neighbourhood Centre in Moranbah.
- Nikki and Vanessa delivered a family law and tenancy presentation at Act for Kids.
- Vanessa and Rikki attended the Mental Health Services Expo.
- Janice and Rikki attended the Mackay Homelessness Expo.
- Simone delivered a family law information session to culturally and linguistically diverse women at the George Street Neighbourhood Centre in Mackay.

## **COMMUNITY LINKS, MEMBERSHIP AND STAFF DEVELOPMENT**

MRCLC enjoyed the support from 15 individual financial members as well as Kelly Legal Pty Ltd. 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 steering committee member of the Family Law Pathways Network (Mackay & Whitsundays) since its inception in 2012
- Simone joined the Lowanna House management committee at its 2018 AGM
- Staff have attended interagency meetings in Moranbah, Proserpine and Mackay.
- MRCLC continues to be an active member of the Make Renting Fair Alliance, and participated in monthly teleconference calls with other members.
- Other meetings staff attended included the Mackay Regional Mental Health Network and Binbi Tok Olgeta meetings.
- Jessica attended the Aged Care Roadshow in July 2018.
- Vanessa attended the Working Together for Safe Outcomes in the Domestic and Family Violence Courts workshop in July 2018, which was held in Southport
- MRCLC held a stall at the 2018 Mackay Seniors Expo
- Simone and Nikki attended the National Association of Community Legal Centres' Conference held in Sydney in August 2018
- Jessica attended the 2018 AGM of the Mackay Children Contact Service and chaired the election of its new members
- Rikki and Janice held a stall at the Mackay Homeless Expo in May 2019

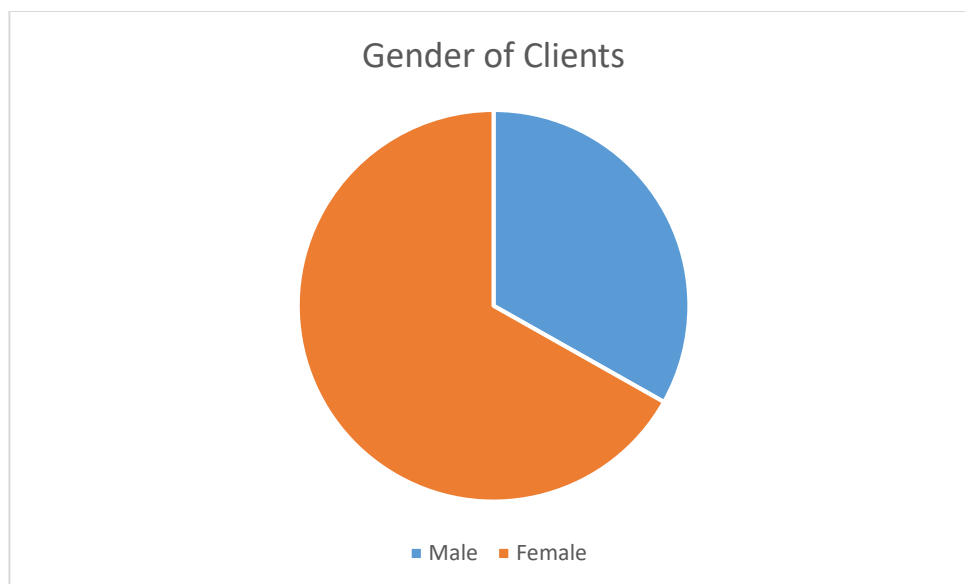
- Jessica attended the Queensland Indigenous Family Violence Forum at the Mackay Entertainment and Convention Centre in May 2019.



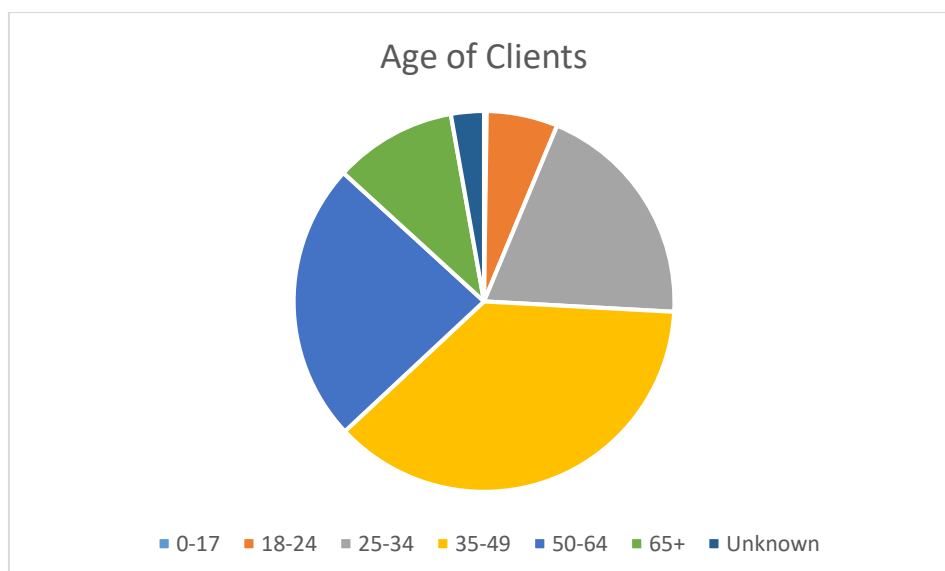
## **CENTRE STATISTICS**

In relation to the generalist and tenancy programs combined:

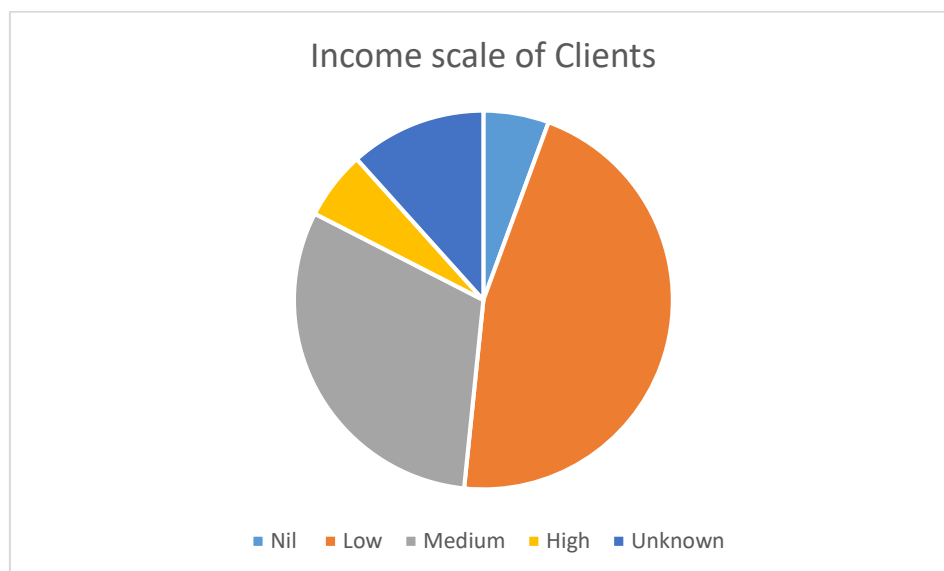
### **Gender of Clients**



### **Age of Clients**



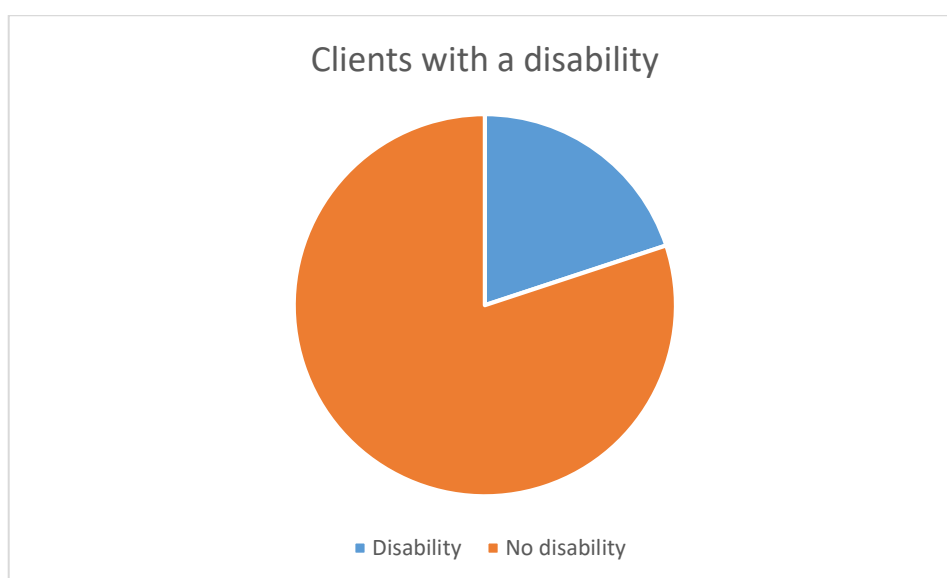
### Income Scale of Clients



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

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

### Clients Disclosing Disability



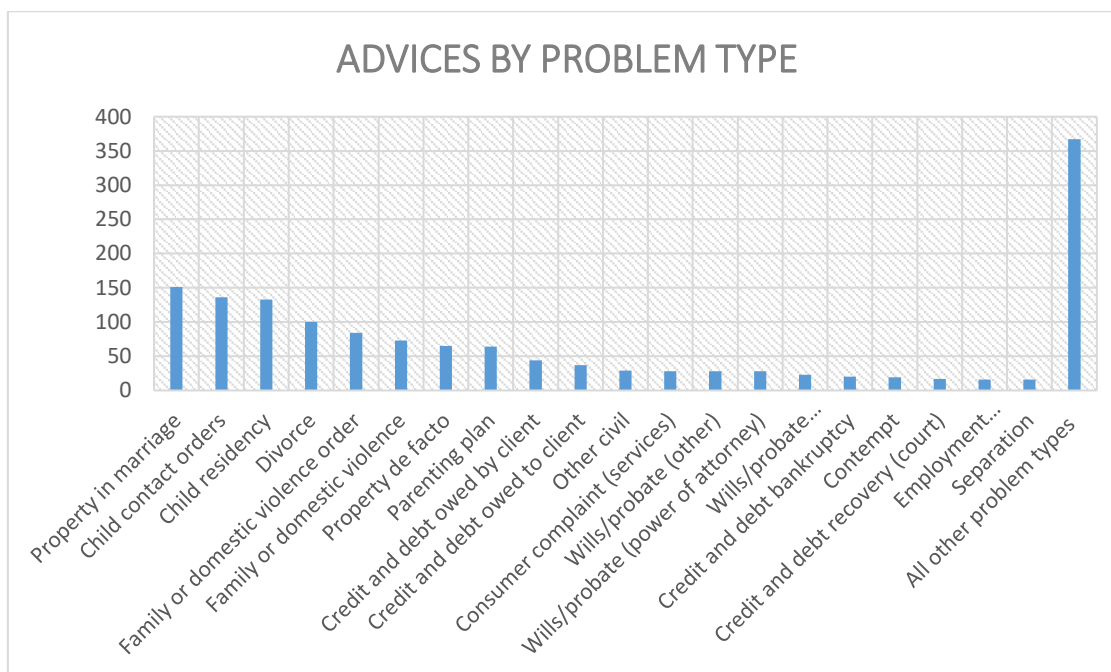
## Ongoing assistance

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

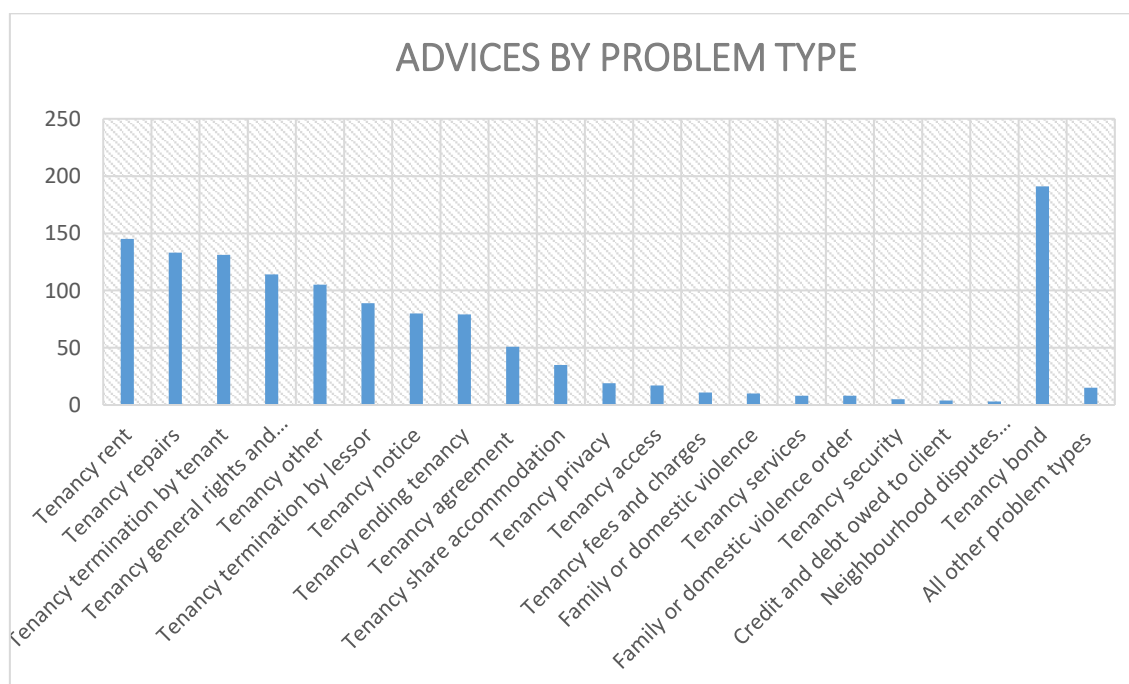
A total of 83 cases were worked on during this period, with 62 files being opened and 71 closed.

### 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.



### Advice by Problem Types (tenancy service)



# CONCLUSION

The Mackay Regional Council, Whitsunday Regional Council and Isaac Regional Council areas, containing a population of 172,523 over an area of 90,140 sq km, are serviced by the Mackay Regional Community Legal Centre (MRCLC). The statistics for 2018 - 2019 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 1,018 people, 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, 1,201 advices, 161 DV duty lawyer services and by working on 83 ongoing casework files.

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

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