



kimberley community  
legal services

# annual report

## 2021-2022

**Kimberley  
Community Legal  
Services would like  
to acknowledge  
that we work on  
Aboriginal land and  
pay respect to elders  
past and present.**

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FRONT COVER IMAGE:

© Cox Family Dreaming, Marion Cox, 2022

*Notice of Custodial Interest of the Yiyili Community:  
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## Our mission

To support and empower Kimberley people and communities to understand their rights and responsibilities, and to overcome injustice.

## Our Vision

Dignity and justice for all people in the Kimberley.

## Our Values

### EMPATHY AND RESPECT

We will be understanding and non-judgmental, and will treat all people with acceptance and dignity, respecting culture, social and individual values, and differences.

### DEDICATION AND COMMITMENT

We will be proactive, organised, committed to excellence, and persistent in our work, driven by client needs and the pursuit of social justice.

### INTEGRITY AND HONESTY

We will be honest, fair and transparent in our dealings and will be accountable for our actions and commitments.

### TEAMWORK AND COLLABORATION

We will support each other and foster teamwork in the workplace and collaborative partnerships to achieve our mission.

### IMPROVEMENT AND INNOVATION

We will always seek to improve what we do, welcome feedback, and explore innovative approaches.

# report from chair

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2021/2022 saw KCLS emerge from the restrictions imposed during the past two years due to COVID-19 and return to providing a full service across the Kimberley region once again.



The legal and social work teams resumed outreach to communities including desert communities, ensuring that our clients in remote parts of the Kimberley were able to access justice face to face as they have in the past.

The year was largely one of transition for the service, with significant leadership changes taking place. We farewelled Chuck Berger after 5 years of service and commitment and welcomed Allan Wedderburn as an Acting CEO for a short period of time (May – July 2022). Although his time with KCLS was short, his dedication and enthusiasm placed the organisation in good stead for Christine Robinson as the incoming CEO.

Christine comes to KCLS with an extensive background in executive services, project management and stakeholder engagement. She has held various positions in Broome over the past twenty years and brings with her a sound knowledge of the issues affecting services like KCLS in the Kimberley. The Board is excited to welcome Christine and we look forward to seeing KCLS grow under her new leadership.

KCLS also welcomed Sylvia Cramer-Roberts as Principal Social Worker, based in Broome. Sylvia has a wealth of experience in Social Work and has worked in New Zealand, NSW and most recently spent six years working in Alice Springs and in the central desert communities. Sylvia's background includes working with women and children in health, statutory and in non-government organisations.

The long-anticipated move into the recently purchased and newly renovated Broome office was made early in 2022. The office is a bright and welcoming space for clients and will offer a vastly improved working environment for staff in the West Kimberley for years to come.

Throughout the year KCLS continued to be impacted by border closures and the inherent difficulty of attracting staff to our remote service area. Despite this, staff on the ground have continued to show dedication and commitment to the values of KCLS and worked tirelessly to achieve the mission of the organisation.

The high quality of service provision was acknowledged at the 2021 East Kimberley Aboriginal Achievement Awards where KCLS received the award of "Non-Aboriginal Organisation of the Year contributing to Indigenous affairs". This award is well deserved and recognises the exceptional work that the staff put into improving the lives of our clients.

A handwritten signature in black ink that reads "Whitehead". The signature is fluid and cursive, with the "W" and "H" being particularly prominent.

AMANDA WHITEHEAD CHAIR



## about KCLS

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KCLS is an independent, not-for-profit community legal and social work service based in the Kimberley Region of Western Australia and operating offices in both Broome and Kununurra. The Kimberley is home to around 38,717 people with a median age of 33 years. Approximately 40% of the population identify as Indigenous and represent more than 30 distinct language groups.<sup>1</sup> According to the Socio-Economic Indexes for Area (SEIFA) 32% of Kimberley residents live with considerable disadvantage.<sup>2</sup>



Our practice is client centric, holistic, and embedded in the community and region in which we work.

KCLS provides free legal, financial and social work services to financially disadvantaged people in the Kimberley. Typically, KCLS clients present with multiple complex issues. KCLS's legal team focuses on the civil law matters with priority areas for legal assistance set annually. KCLS currently is the only generalist legal service operating in the Kimberley region, and as such, is often the first stop for community members looking to engage in the legal system. The legal team is supported by specialised social work services with a focus on women and families experiencing family violence (DVU) and elders at risk of being abused. Client advocates provide intensive support to clients in other areas such as tenancy support and accessing a range of associated services. The financial counsellor works with clients experiencing financial hardship. If appropriate, KCLS will refer clients to other service providers if we are unable to assist.

Through this collaborative practice approach, professionals from all three branches of KCLS can work together on individual client matters to ensure a holistic approach to addressing the client's needs, legal and non-legal. Additionally, through this collaboration, the teams can work on wider, systemic issues affecting our client base and the Kimberley community generally, often teaming up to provide submissions on matters of law reform and public interest.

<sup>1</sup> Remplan

<sup>2</sup> Kimberley Regional Profile 082020 <http://www.ruralhealthwest.com.au/docs/outreach-in-the-outback-docs/kimberley-regional-needs-analysis-060513-final.pdf?sfvrsn=2>



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KCLS focuses on encouraging clients to develop life skills to overcome disadvantage and delivers tailored educational programmes to the local community on legal and social issues impacting on people in the region. Many of KCLS' clients are based in remote towns and communities without access to regular legal and social work

services. KCLS runs one the most challenging outreach schedules in the country with staff travelling up to 600kms one way by light plane or vehicle to service the remoter communities. KCLS maintains extensive stakeholder networks to support and assist our client base to overcome issues associated with disadvantage.





## our year in review

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### Overview

During the financial year KCLS received more than 1,200 requests for assistance across all service areas. This was a fantastic result in a time when delivery was greatly impacted by the COVID-19 pandemic, with staff travel limited due to inter-regional and community restrictions.

This financial year presented several challenges to the organisation mainly in relation to staffing and recruitment. Both the CEO and Senior Social Worker left mid-financial year, increasing the pressure on the remaining staff to take on additional duties to address the gaps. The positions were successfully filled at the end of the financial year. Alongside many regional organisations, KCLS is finding it difficult to recruit qualified staff partially attributable to the regional housing crisis. KCLS is now working with specialised recruitment agencies and has reviewed its remuneration schedule to increase the potential pool of candidates for the service.

### Legal

KCLS is often the first stop for many community members that need to engage in the legal system. Given the scope and flexibility of practice, KCLS can provide legal advice and representation or alternatively, link the client with an appropriate service by way of facilitated referral. KCLS's core legal practice areas included the following matters:

- Child Protection
- Consumer Law
- Family Law – Parenting
- Guardianship / Administration
- Family and Domestic Violence, including Elder Abuse
- Criminal Injury Compensation
- Deceased Estates, Wills and Probate
- Tenancy, Homelessness and Tenancy Support and Services (tenants only)



- National Redress Scheme Assistance, for survivors of institutionalised child sexual abuse.

Demographics show that 89.1% of KCLS clients identify as Aboriginal or Torres Strait Islander and 88.5% of our clients can be defined as living below the poverty line.

The majority of KCLS clients would not be able to afford private legal advice or representation and depend on KCLS's free legal assistance service. During the financial year KCLS opened 465 legal matters and provided 127 referrals/information services to clients.

KCLS provides advice and ongoing representation in most cases and will only refer if we are unable to assist due to conflict of interest or serious capacity constraints. Employment matters (if not a union member and earning less than \$100K/year) will be referred out under a new pro-bono arrangement with Gilbert and Tobin Lawyers in 2022-23.

The legal team continued to be impacted by COVID-19 related restrictions into the 2021-2022 year, which saw limitations on typical service

delivery and travel. Following the easing of COVID-19 related travel restrictions, the team focused on the resumption of regular outreach travel to its serviced communities and towns. Given travel had been prohibited for some time, this required significant stakeholder engagement and relationship building in each region. The collected data would indicate that demand for legal advice and representation remains high across our outreach areas.

Over the 2021-2022 year, KCLS resumed its work with the Australian National University and hosted the following interns across its offices: Jocelyn Abbott, Benjamin Durkin, Aaron Bronitt, Nero Ranjan and Max Claessens. Our thanks to all interns for your work and support of the Service.

## Social Work

The social work team provide trauma informed case management offering advocacy, therapeutic and practical support to those at risk of, or who are experiencing domestic violence, linking clients with our lawyers for legal advice and

assistance. The team works with families that have had recent and or current involvement with the Department of Communities (DCP), regarding domestic violence and child protection matters. In remote communities with limited services available, KCLS can provide emotional and legal support, advocate and liaise with DCP to assist these families to achieve positive outcomes.

For KCLS non-indigenous staff, our approach is two-way learning, working with the individual communities in a way that they identify is beneficial to them. KCLS participate in yarning circles and are forming DV support groups within communities, working in partnership with relevant service providers.

In addition to legal advice and assistance KCLS offered intensive casework for clients facing eviction as part of its tenancy support unit. KCLS works to identify clients at risk of elder abuse and where appropriate provides intensive support to help them address the social and family issues causing the problems.

## Financial Counselling

The financial counselling service continued to achieve significant wins in the East Kimberley region. In this financial year the service experienced increasing demands to assist clients, particularly those with disabilities, to access superannuation-based insurance payouts. There are also several emerging issues including the additional risk of financial abuse due to increasing use of cashless transactions and easy fast credit schemes targeting vulnerable clients. During the reporting period KCLS negotiated debt waivers of \$134,864 and \$265,696 of payouts/refunds and reimbursements for its clients.

In late 2021 KCLS successfully applied to become a peak sponsor organisation under the WA Government Work and Development Permit Scheme. Eligible KCLS clients can undertake financial and other personal development activities to reduce outstanding court fines. In the last six months \$8,400 of fines were waived under the scheme. This is expected to increase considerably in the next financial year.

The financial counselling service has a focus on building literacy, financial capacity/capability and self-management to reduce the number of 'repeat' clients returning for help with the same

issues. This approach requires longer-duration case management, and a greater focus on 'counselling', education and improving (financial) life skills with a focus on creating long-term benefits for our clients and their families.

## Outreach

KCLS provides regular legal, social work and financial outreach to the four major towns and 16 remote communities in the region. The normal schedule of services was severely interrupted by on-going COVID community closures. In this financial year KCLS serviced clients mainly via phone and subsequently only 65 outreach days were completed.

## Community Education

KCLS provides regular community education as part of its outreach services for legal, social work and financial counselling services.

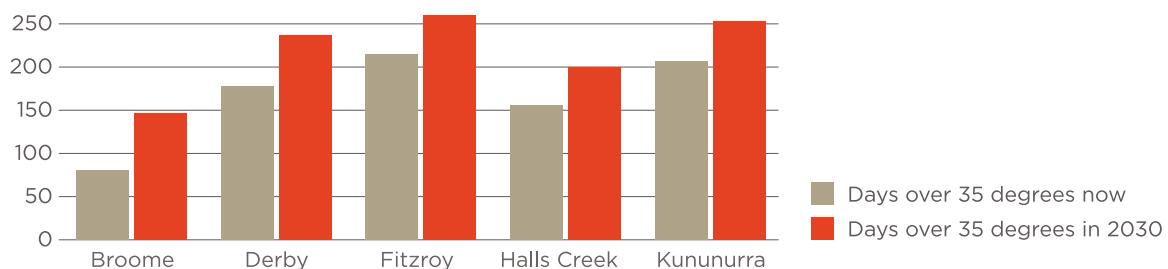
Key focus areas include:

- Tenancy Rights and Responsibilities
- Child Protection Laws
- Safe Relationships and Domestic Violence
- General Legal Rights
- Credit and Debt Management
- Cyberbullying and Sexting for High School Students
- Elders Abuse.

## Advocacy

Our systemic change priorities have largely focused on housing standards and tenancy law reform. KCLS undertook a research project about the experience of tenants in public housing during periods of extreme heat. The Kimberley region is going to get hotter under current climate change projections in WA.<sup>3</sup> In the coming decades the Kimberley region will experience a significant increase in days over 35 to 40 degrees. By 2090 Kununurra is expected to experience 40-degree days for most of the year. Without sufficient shelter, this increase in hot days will be above a survivable human threshold.<sup>4</sup>

Table 1: Days over 35 degrees in the Kimberley



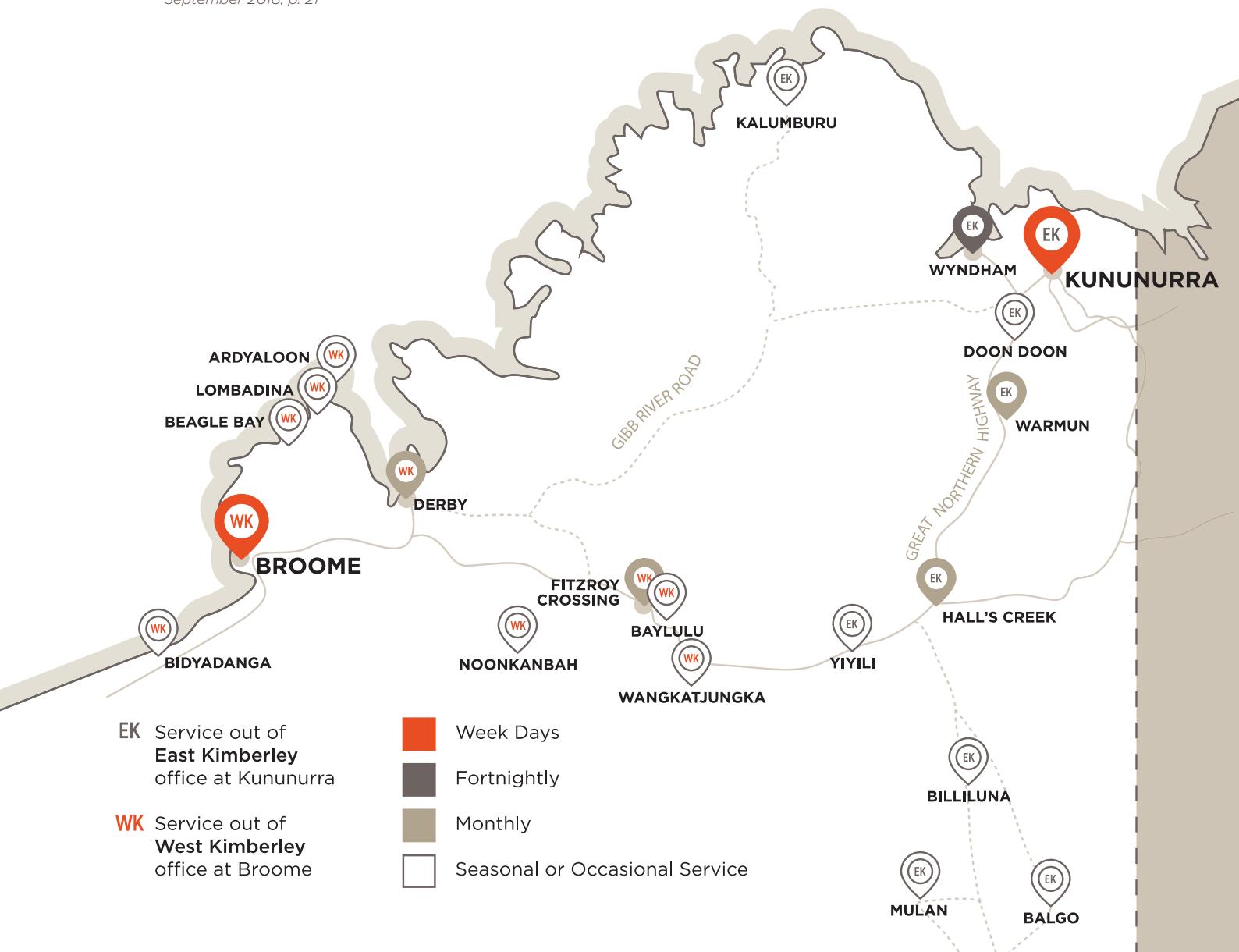
Source: Kimberley HeatWatch data, 2019.

KCLS worked in conjunction with **Kimberley Jiyigas** to consult with public housing tenants to understand their lived experience. This project highlighted the inability of current housing stock to provide liveable conditions, and advocates for tenants right to adequate cooling to improve health and living standards. The report also recommends the need for improved housing and

maintenance systems for public housing stock and the housing need to address overcrowding in the region. The full report is due for release towards the end of 2022 and will be used to as part of KCLS on-going advocacy for improved public housing that is adaptive to regional conditions.

<sup>3</sup> Audrey Quicke, Heatwatch - Extreme heat in the Kimberley, The Australia Institute, November 2019, p.1.

<sup>4</sup> Sharon Campbell, Tomas Remenyi, Christopher White, Fay Johnston, Heatwave and Health Impact Research: A Global Review, 4 September 2018, p. 21



## Stakeholder Engagement

**KCLS collaborates with a diverse range of stakeholders servicing the Kimberley region and the wider West Australian population. Important engagements include:**

- Cross-referral and coordination with other legal service providers (including ALS, AFLS, Legal Aid WA, Circle Green, pro bono providers)
- Cross-referral and coordination with other social work service providers (including Anglicare, Broome Circle, Gwooleng Yawoodeng Women's Shelter, Milliya Rumera Rehabilitation Centre, and many others)
- Stakeholders include the Dept of Communities, Dept of Child Protection, Dept of Consumer Protection, Community Legal Western Australia (CLWA), Legal Aid, Kimberley Jiyagas, community resource agencies, community health clinics, women's groups and local high schools
- As part of its tenancy and housing program, KCLS is an active member of the Tenancy Network run by Circle Green and the WA Healthy Homes for Renters Coalition led by national body Better Renting, designed to lobby for minimum energy efficiency standards in rentals.
- As part of Financial Counselling KCLS is a member of the Elder Abuse Community of Practice; Kimberley Financial Counsellors Group; Commonwealth Bank Indigenous Community of Practice; Funerals Financial Hardship initiative; Financial Counsellors Community of Practice
- NT/WA Redress Support Services Network,

wherein we collaborate with other Redress Support providers across the Northern Territory and Western Australia with a view to best and most effective practice; RRRR (Regional, Rural, Remote and Very Remote) Legal Network, allowing us to collaborate with similar legal services across the country on various issues facing both clients and services; and CLEWs (Community Legal Education Workers) Network.

**We would like to thank and acknowledge all those have supported KCLS being able to deliver services in the past year, including:**

### COMMONWEALTH OF AUSTRALIA

- Attorney-General's Department - funding our Elder Abuse support and prevention pilot project
- National Indigenous Australians Agency (NIAA)- funding our outreach and education work through our Indigenous Women's Program.

### STATE OF WESTERN AUSTRALIA

- Department of Communities - funding our Public Tenancy Support Service and our Financial Counselling Service and traineeship
- Department of Mines, Industry Regulation and Safety - funding our Tenancy Advice and Education Service
- Department of Justice - funding our general legal work and specialist Family Violence Support Services through a National Legal Assistance Partnership (NLAP) agreement with the Commonwealth Government.



## KEY PARTNERS

- Australian National University, College of Law - supports KCLS through academic collaboration, our internship program, and clinical legal education programs
- Clayton Utz, Barry Nilsson Lawyers and Gilbert + Tobin Lawyers provide pro bono advice to KCLS and accepts client referrals on a pro bono basis

- knowmore - supports KCLS in delivering specialist services to applicants under the National Redress Scheme for survivors of institutional child sexual abuse
- Donors - KCLS would like to acknowledge its donors who contribute to our on-going work with complex and urgent needs.



# our board

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**Amanda Whitehead**  
Acting Chair



**Kylie Kerin**  
Secretary



**Caroline Constant**  
Treasurer



**Jaime Parriman**  
Deputy Chair



**Victoria Baird**  
Board Member



**Claire Saffery**  
Board Member



**Karyn Apperley**  
Board Member



**Raymond de Silva**  
Board Member



**Brianna Lonnie**  
Board Member



# our staff

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Chuck Berger	Manager resigned December 2021
Carol Wei	Manager (acting) commenced December 2021
Allan Wedderburn	Manager (acting) commenced May 2022
Hannah Levy	Principal Solicitor (East Kimberley)
Carol Wei	Principal Solicitor (West Kimberley)
Elliana Sarmiento	Principal Social Worker (Kimberley) resigned December 2021
Sylvia Cramer-Roberts	Principal Social Worker (Kimberley) commenced May 2022
Lachlan Withnall	Senior Solicitor
Lauren Reed	Solicitor
Grace Dudley	Solicitor
Claire Neo	Solicitor
Priya Mittel	Solicitor resigned May 2022 - Vacant
Kelvin Rajmano	Solicitor resigned April 2022 - Vacant
Eliza Parry-Okeden	Para Legal
Marie Watts	Financial Counsellor
Paul McDonnell	Administration (Short term)
Tallulah Bieundurry	Community Outreach Education Officer
Celeste Hunter	Client Advocate
Lina Bleazby	Client Advocate
Taryn Cox	Client Advocate
Rose Treacy	Client Advocate
Lai Chan	Client Services Officer
Annabelle Cominetti	Support Officer
Lizete Manning	Admin Officer
Clare Oakes	Admin Officer





# **financial report**

## **For the Year Ended**

### **30 June 2022**

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## BOARD'S REPORT

Your board members submit the financial report of the Kimberley Community Legal Services Inc for the financial year ended 30 June 2022.

The names of board members throughout the financial year and at the date of this report are:

Karyn Apperley	Victoria Baird
Amanda Whitehead	Caroline Constant
Jaime Parriman	Kylie Kerin
Raymond De Silva	Claire Saffery
Brianna Leonnie	

### Principal Activities

The principal activities of the corporation during the financial year were to provide legal services, counselling service, tenancy advocates services, financial counselling services and community legal education outreach program.

### Significant Changes

No significant change in the nature of these activities occurred during the financial year.

### Operating Result

The surplus from ordinary activities amounted to \$162,549 The surplus for the previous financial year amounted to \$69,748.

Signed in accordance with a resolution of the members of the board.



Amanda Whitehead, Chair



Caroline Constant, Treasurer

Dated this 31<sup>st</sup> day of October 2022

## AUDITOR'S INDEPENDENCE DECLARATION TO THE RESPONSIBLE PERSONS OF KIMBERLEY COMMUNITY LEGAL SERVICES INC

In accordance with the requirements of section 60-40 of the Australian Charities and Not-for-Profits Commission Act 2012 for the audit of Kimberley Community Legal Services Inc for the year ended 30 June 2022, I declare that, to the best of my knowledge and belief, there have been:

1. No contraventions of the auditor independence requirements of the Australian Charities and Not for Profits Commission Act 2012 in relation to the audit; and
2. No contraventions of any applicable code of professional conduct in relation to the audit

LBW Business & Wealth Advisors



.....  
Sripathy Sarma, Principal

Dated this day ..... <sup>1<sup>st</sup></sup> the of November 2022

## STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2022

	Note	2022 \$	2021 \$
Revenue from Grant Funding & Operations		2,402,133	1,683,431
Interest received		-	805
Employee / Payroll expenses		(1,792,639)	(1,713,227)
Depreciation and Amortisation expenses		(125,149)	(107,306)
Other expenses from ordinary activities		(629,520)	(544,406)
<b>Surplus / (Deficit) from Ordinary activities for the financial year</b>		<b>162,549</b>	<b>69,748</b>
Income tax expense	1a	-	-
<b>Surplus / (Deficit) from Ordinary activities for the financial year</b>		<b>162,549</b>	<b>69,748</b>
Income tax expense		-	-
<b>Surplus / (Deficit) after income tax from ordinary activities</b>		<b>77,691</b>	<b>(76,195)</b>
<b>Other Comprehensive Income</b>			
Items that will not be reclassified to profit or loss:		-	-
Items that will be reclassified subsequently to profit or loss when specific conditions are met:		-	-
<b>Total Comprehensive Income for the financial year</b>		<b>162,549</b>	<b>69,748</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2022

	Note	2022 \$	2021 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash	2	984,253	708,834
Receivables	3	24,068	327,003
Prepayments		19,659	10,918
<b>TOTAL CURRENT ASSETS</b>		<b>1,027,980</b>	<b>1,046,755</b>
<b>NON-CURRENT ASSETS</b>			
Property, Plant & Equipment	4	815,545	91,999
Right of Use Assets	5	74,222	127,584
Investments	6	10,360	10,360
<b>TOTAL NON-CURRENT ASSETS</b>		<b>900,127</b>	<b>229,943</b>
<b>TOTAL ASSETS</b>		<b>1,928,107</b>	<b>1,276,698</b>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Payables	7	140,101	90,593
Provisions	8	111,963	157,662
Lease Liability	9	43,108	58,309
Unexpended Grants	10	1,064,424	570,242
Borrowings	11	34,620	-
<b>TOTAL CURRENT LIABILITIES</b>		<b>1,394,216</b>	<b>876,806</b>
<b>NON-CURRENT LIABILITIES</b>			
Lease Liability	9	38,341	66,891
<b>TOTAL NON-CURRENT LIABILITIES</b>		<b>38,341</b>	<b>66,891</b>
<b>TOTAL LIABILITIES</b>		<b>1,432,557</b>	<b>943,697</b>
<b>NET ASSETS</b>		<b>495,550</b>	<b>333,001</b>
<b>EQUITY</b>			
Retained surplus / (deficit)		495,550	333,001
<b>TOTAL EQUITY</b>		<b>495,550</b>	<b>333,001</b>

## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2022

	Retained Surplus \$	Total \$
<b>Balance at 1 July 2020</b>	<b>263,253</b>	<b>263,253</b>
Comprehensive income		
Net surplus / (deficit) for the financial year	69,748	69,748
Other comprehensive income for the financial year	-	-
<b>Balance at 30 June 2021</b>	<b>333,001</b>	<b>333,001</b>
Comprehensive income		
Net surplus / (deficit) for the financial year	162,549	162,549
Other comprehensive income for the financial year	-	-
<b>Balance at 30 June 2022</b>	<b>495,550</b>	<b>495,550</b>

The accompanying notes form part of these financial statements.

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2022

	Note	2022 \$	2021 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts from funding and operations		3,146,974	2,456,655
Interest received		-	805
Payments to suppliers and employees		(2,067,091)	(2,218,122)
<b>Net cash provided by operating activities</b>		<b>1,079,883</b>	<b>239,338</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Purchases of property, plant & equipment		(795,333)	(33,305)
Purchases of Investments		-	(3,562)
<b>Net cash used by investing activities</b>		<b>(795,333)</b>	<b>(36,867)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Payments for lease liabilities		(43,751)	(83,831)
<b>Movement in borrowings</b>		<b>34,620</b>	-
<b>Net cash used by financing activities</b>		<b>(9,131)</b>	<b>(83,831)</b>
Net Increase / (decrease) in Cash Held		275,419	118,640
Cash at the Beginning of the financial year		708,834	590,194
<b>Cash at the End of the financial year</b>	<b>2</b>	<b>984,253</b>	<b>708,834</b>

The accompanying notes form part of this financial report.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

### NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### **Financial Reporting Framework**

The financial statements are special purpose financial statements prepared in order to satisfy the financial reporting requirements of the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act). The board has determined that the association is not a reporting entity. The entity is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

#### **Statement of Compliance**

The financial report has been prepared in accordance with *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act), the basis of accounting specified by all Australian Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101: *Presentation of Financial Statements*, AASB 107: *Cash Flow Statements*, AASB 108: *Accounting Policies, Changes in Accounting Estimates and Errors* and AASB 1054: *Australian Additional Disclosures*.

The association has concluded that the requirements set out in AASB 10 and AASB 128 are not applicable as the initial assessment on its interests in other entities indicated that it does not have any subsidiaries, associates or joint ventures. Hence, the financial statements comply with all the recognition and measurement requirements in Australian Accounting Standards.

#### **Basis of Preparation**

The financial statements have been prepared on an accrual basis and are based on historical costs. They do not take into account changing money values or, except where stated specifically, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless stated otherwise, have been adopted in the preparation of these financial statements.

#### **a. Income Tax**

The association is exempt from Income Tax under the Income Tax Assessment Act as recorded on the Australian Business Register.

#### **b. Property, Plant and Equipment (PPE)**

##### **Cost or Valuation**

Property, Plant & Equipment are carried at cost.

##### **Depreciation**

Depreciation is provided on the straight line basis. The depreciable amount of all fixed assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

#### **c. Revenue**

##### **Revenue Recognition**

The corporation has applied AASB 15: Revenue from Contracts with Customers (AASB 15) and AASB 1058: Income of Not-for-Profit Entities (AASB 1058).

##### **In the current year**

##### **Operating Grants, Donations and Bequests**

When the entity receives operating grant revenue, donations or bequests, it assesses whether the contract is enforceable and has sufficiently specific performance obligations in accordance with AASB 15.

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

### NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

When both these conditions are satisfied, the Entity:

- identifies each performance obligation relating to the grant
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations.

Where the contract is not enforceable or does not have sufficiently specific performance obligations, the Entity:

- recognises the asset received in accordance with the recognition requirements of other applicable accounting standards (eg AASB 9, AASB 16, AASB 116 and AASB 138)
- recognises related amounts (being contributions by owners, lease liability, financial instruments, provisions, revenue or contract liability arising from a contract with a customer)
- recognises income immediately in profit or loss as the difference between the initial carrying amount of the asset and the related amount.

If a contract liability is recognised as a related amount above, the Entity recognises income in profit or loss when or as it satisfies its obligations under the contract.

#### ***Interest Income***

Interest income is recognised using the effective interest method.

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

#### **d. Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

#### **e. Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of the acquisition of the asset or as part of an item of expense. Receivables and payables shown in the balance sheet are recognised inclusive of GST.

#### **f. Employee Entitlements**

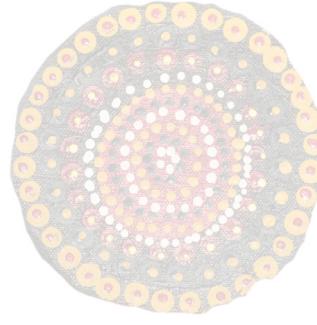
Provision is made for entitlements payable to employees on the basis of statutory and contractual requirements.

#### **g. Comparative Figures**

Where required by Accounting Standards, or a change in accounting policies, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

#### **h. Going Concern**

The future operations of Kimberley Community Legal Services Incorporated are dependent upon adequate future funding from relevant funding bodies and the association being able to pay its debts as and when they fall due.



## i. Leases

### ***The Entity as lessee***

At inception of a contract, the Entity assesses if the contract contains or is a lease. If there is a lease present, a right-of-use asset and a corresponding lease liability is recognised by the Entity where the Entity is a lessee. However all contracts that are classified as short-term leases (lease with remaining lease term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

Initially the lease liability is measured at the present value of the lease payments still to be paid at commencement date. The lease payments are discounted at the interest rate implicit in the lease. If this rate cannot be readily determined, the Entity uses the incremental borrowing rate.

Lease payments included in the measurement of the lease liability are as follows:

- fixed lease payments less any lease incentives;
- variable lease payments that depend on an index or rate, initially measured using the index or rate at the commencement date;
- the amount expected to be payable by the lessee under residual value guarantees;
- the exercise price of purchase options, if the lessee is reasonably certain to exercise the options;
- lease payments under extension options if lessee is reasonably certain to exercise the options; and
- payments of penalties for terminating the lease, if the lease term reflects the exercise of an option to terminate the lease

The right-of-use assets comprise the initial measurement of the corresponding lease liability as mentioned above, any lease payments made at or before the commencement date as well as any initial direct costs. The subsequent measurement of the right-of-use assets is at cost less accumulated depreciation and impairment losses.

Right-of-use assets are depreciated over the lease term or useful life of the underlying asset whichever is the shortest.

Where a lease transfers ownership of the underlying asset or the cost of the right-of-use asset reflects that the Entity anticipates to exercise a purchase option, the specific asset is depreciated over the useful life of the underlying asset.

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

	2022 \$	2021 \$
<b>NOTE 2: CASH</b>		
Operating Account	974,253	708,834
Prepaid Cards	10,000	-
	<b>984,253</b>	<b>708,834</b>
<b>NOTE 3: RECEIVABLES</b>		
Accounts Receivable	23,618	324,711
Rent Receivables	450	2,292
	<b>24,068</b>	<b>327,003</b>
<b>NOTE 4: PROPERTY, PLANT &amp; EQUIPMENT</b>		
Plant & Equipment at cost	279,789	274,600
Less: Accumulated Depreciation	(251,243)	(233,331)
	<b>28,546</b>	<b>41,269</b>
Motor Vehicles at cost	259,884	259,884
Less: Accumulated Depreciation	(233,253)	(219,937)
	<b>26,631</b>	<b>39,947</b>
Land & Buildings at cost	600,000	5,000
Less: Accumulated Depreciation	(27,521)	-
	<b>572,479</b>	<b>5,000</b>
Leasehold Improvements at cost	254,800	58,232
Less: Accumulated Depreciation	(72,266)	(58,232)
	<b>182,534</b>	<b>-</b>
Furniture & Fittings at cost	41,413	40,096
Less: Accumulated Depreciation	(36,058)	(34,313)
	<b>5,355</b>	<b>5,783</b>
<b>Total Property, Plant &amp; Equipment</b>	<b>815,545</b>	<b>91,999</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

	2022	2021
	\$	\$

### NOTE 5: RIGHT OF USE ASSETS

Premises	185,556	266,811
Less: Accumulated Depreciation	(111,334)	(139,227)
	<b>74,222</b>	<b>127,584</b>

### NOTE 6: INVESTMENTS

Artwork	10,360	10,360
	<b>10,360</b>	<b>10,360</b>

### NOTE 7: PAYABLES

Accounts Payable	52,158	6,781
Tax Payable	65,433	67,167
Superannuation Payable	-	(2,225)
Salary Accrual	22,510	18,870
	<b>140,101</b>	<b>90,593</b>

### NOTE 8: PROVISIONS

Annual Leave	58,886	97,059
Long Service Leave	53,077	60,603
	<b>111,963</b>	<b>157,662</b>

### NOTE 9: LEASE LIABILITY

#### CURRENT

Lease Liability	43,108	58,309
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#### NON-CURRENT

Lease Liability	38,341	66,891
<b>Total Lease Liability</b>	<b>81,449</b>	<b>125,200</b>

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022

	2022 \$	2021 \$
<b>NOTE 10: UNEXPENDED GRANTS</b>		
Elder Abuse	94,099	237,249
NLAP Baseline (formerly CCLSP)	321,219	224,324
DVU / HJ Partnerships (formerly WSP)	335,952	68,986
Indigenous Women's Program	115,729	-
Australian National University	20,000	-
Financial Counselling Services	141,806	32,124
Public Tenancy Support Service	21,325	7,559
Tenancy Advice & Education Services	14,294	-
	<b>1,064,424</b>	<b>570,242</b>

The unexpended grants detailed above arise on the basis of allocating expenses to the listed funding bodies at management's discretion. The excess of income received from a particular funding body plus the carried forward balance (from 2021), less the related expenses gives the figure for each in Note 10 above.

Due to the above the only items which will make up the final surplus / (deficit) shown in the Income Statement for the association are expenses left un-classified by management.

## NOTE 11: BORROWINGS

Business Loan	34,620	-
	<b>34,620</b>	<b>-</b>

Westpac bank loan facility has the following securities pledged by Kimberley Community Legal Services Inc:

- Mortgage over the property at Lot 6 41 Carnavon Street Broome WA 3725

The Responsible Persons have determined that the Association is not a reporting entity and that these special purpose financial statements should be prepared in accordance with the accounting policies described in Note 1 of the financial statements.

## RESPONSIBLE PERSONS' DECLARATION

The Responsible Persons have determined that the Association is not a reporting entity and that these special purpose financial statements should be prepared in accordance with the accounting polices described in Note 1 of the financial statements.

The Responsible Persons of the Association declare that:

- A. The financial statements and notes, as set out on pages 4 to 12, are in accordance with the *Australian Charities and Not- for- Profits Commission Act 2012*, including:
  - i. Giving a true and fair view of its financial position as at 30 June 2022 and of its performance for the financial year ended on that date; and
  - ii. Complying with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Australian Charities and Not- for-Profits Commission Regulation 2013*.
- B. In the Responsible Persons' opinion there are reasonable grounds to believe that the Association will be able to pay its debts as and when they become due and payable.

Signed in accordance with subsection 60.15(2) of the *Australian Charities and Not-for-profit Commission Regulation 2013*.

Board Member .....

Amanda Whitehead, Chair

Board Member .....

Caroline Constant, Treasurer

Dated this 31<sup>st</sup> day of October 2022

## INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF KIMBERLEY COMMUNITY LEGAL SERVICES INCORPORATED

### Report on the Audit of the Financial Report

#### OPINION

We have audited the financial report of Kimberley Community Legal Services Incorporated (the association), which comprises the statement of financial position as at 30 June 2022, the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the certification by the responsible persons' on the annual statements giving a true and fair view of the financial position and performance of the association.

In our opinion, the accompanying financial report of Kimberley Community Legal Services Incorporated has been prepared in accordance with Div. 60 of the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act), including:

- (i) giving a true and fair view of the association's financial position as at 30 June 2022 and of its performance for the year then ended; and
- (ii) that the financial records kept by the association are such as to enable financial statements to be prepared in accordance with Australian Accounting Standards and Division 60 of the *Australian Charities and Not-for-profits 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 *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) and 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 confirm that the independence declaration required by the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act), which has been given to the members of Ewin Early Learning Centre Inc, would be in the same terms if given to the members as at the time of this auditor's report.

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

#### EMPHASIS OF MATTER

##### **Basis of Accounting**

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the registered entity's financial reporting responsibilities under the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act). As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### Expense Classification

Kimberley Community Legal Services Incorporated receives funding from a number of funding bodies. As such, shared expenses on a number of occasions have been split and classified to different funding bodies' sub accounts. The split and classification of these expenses for the financial year has been based on allocations approved by board.

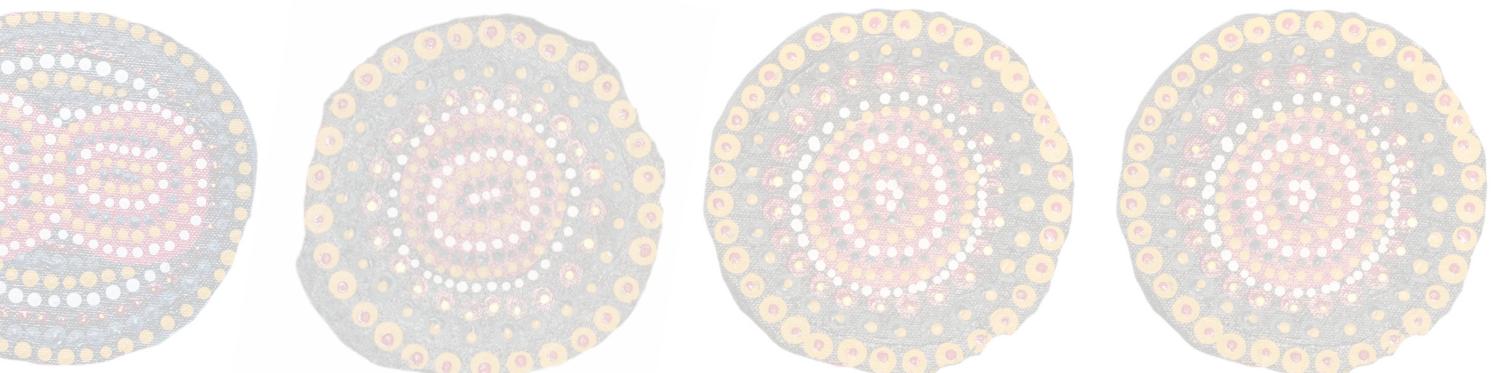
These shared expenses include a set fee charged by Kimberley Community Legal Services Incorporated for use of their assets being premises and motor vehicles. This set fee has been approved by the board.

### RESPONSIBILITIES OF THE BOARD FOR THE FINANCIAL REPORT

The board is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) and for such internal control as the board determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the board 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 board either intends to liquidate the association or to cease operations, or have no realistic alternative but to do so.

The board is 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.

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

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



LBW Business & Wealth Advisors



Sripathy Sarma

Principal

Dated this ..... 31<sup>st</sup> day of ..... October ..... 2022

# glossary

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AASB	Australian Accounting Standards Board
ACNC Act	Australian Charities and Not-for-profits Commission Act 2012
AFLS	Aboriginal Family Legal Services
ALS	Aboriginal Legal Service
APES	Accounting Professional and Ethical Standards
CLWA	Community Legal Western Australia
CLEWs	Community Legal Education Workers
DCP	Department of Communities
DV	Domestic Violence
DVU	Domestic Violence Unit
EK	East Kimberley
GST	Goods and Services Tax
NIAA	National Indigenous Australians Agency
NLAP	National Legal Assistance Partnership
PPE	Property, Plant and Equipment
RRRR	Regional, Rural, Remote and Very Remote
SEIFA	Socio-Economic Indexes for Area
WK	West Kimberley





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