

STAY  
HOME

Basic Rights Queensland  
Annual Report 2020

States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

*UN Convention on the Rights of Persons With Disabilities, Article 5*

Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

*Universal Declaration of Human Rights, Article 23*

States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights...

*UN Convention on the Elimination of All Forms of Discrimination against Women, Article 11*

## Supporters and Donors

We are grateful for the support we receive, both financial and in-kind, from former clients, private individuals, business and organisations.

### Sponsor

The Electrical Trades Union,  
Qld and NT branch, sponsor since 2006

### Pro bono

Clayton Utz  
Minter Ellison  
Ashurst  
Holding Redlich  
Caxton Legal Service  
Hemmants List  
Murray Gleeson Chambers

### Individual Donors

BRQ receives donations from the general public and from former clients. We would like to express our sincere thanks for their support.

### Funding

Basic Rights Queensland is funded by the Queensland Department of Justice and Attorney-General, the Commonwealth Attorney-General's Department, The Queensland Office of Industrial Relations and The Ecstra Foundation. We are grateful for their support.



ecstra ...

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## What we do

Basic Rights Queensland (BRQ) is a specialist community legal centre, providing free advice, advocacy and legal services state-wide by telephone.

Our committed staff, volunteers and students assist people in matters relating to social security, disability discrimination and women's employment issues.

Where an issue has an impact on the broader community we may develop and conduct community education activities, and/or undertake research informing law reform projects where we advocate on behalf of the community.

- BRQ's specialist services are accessible via freecall numbers from anywhere in Queensland
- BRQ's client work focuses on vulnerable and disadvantaged people:
  - 47% of our clients are people with disability, including mental illness
  - 92% of our clients are financially disadvantaged
- BRQ's social work services are offered to clients in need of brief counselling or linking in with local supports
- BRQ's plain English factsheets support understanding of the law, how to access rights and any related responsibilities
- BRQ's capacity-building training assists community, private sector and government workers to understand the law and how to assist their clients
- BRQ's law reform activities arise from the client work; they focus on informing government of the impacts of laws and policies on vulnerable people and on offering positive alternatives
- BRQ has been operating for over 34 years with the support of volunteers, sponsors, donors and pro-bono assistance





## Our Values

### Fairness

We act with integrity, ensuring our resources are targeted equitably while prioritising the most vulnerable.

### Access

We are committed to enabling access to justice through innovative service provision and making the complex comprehensible.

### Inclusion

We are non-judgemental and we embrace diversity.

### Transparency

We are clearly accountable for our actions so as to maintain trust with our clients, the wider community, and funders.

### Respect

We respond to all who need our assistance with compassion and understanding, maintaining a non-judgemental perspective.

### Responsiveness

We provide our clients with an objective assessment of their situation while also being empathic to the difficulties of their situation and the challenges of dealing with it.

### Knowledge and expertise

Through continually developing our in-depth knowledge of complex areas of law, we provide expert, evidence-based advice to our clients.

## Our Vision

Basic rights for a just society

## Our Purpose

- Providing high quality, independent advice, legal services and community education
- Upholding rights to social security entitlements and freedom from discrimination
- Advocating fair and just outcomes for vulnerable people



## A MESSAGE FROM Our President

### Lurline Comerford

This report from the President is one of the usual formalities of our accountability processes and includes the Annual General Meeting (to be held on 1 December 2020). There is a multitude of information in an Annual Report and the year of 2019-2020 is no exception even though the last six months have been exceptional.

#### Farewells and Welcomes

We started July 2019 having farewelled our two valued co-directors Kerriann Dear and Georgina Warrington, appointed a new sole Director Fiona Hunt and until Fiona started in August, were ably assisted by locum Director Avryl Gration. There were systems and processes to be further developed as we moved into new organisational structures.

#### New Location

While changes were underway in administration and our workplace practices, yet another big event was organised: relocation of the office from the Maida Lilley Community Centre in the Valley to Spring Hill. We are grateful for the support of our major funding bodies, the Department of Justice and Attorney General and the Office of Industrial Relations in effecting this move and the related costs. Not an easy exercise for any brand-new Director but it was smoothly managed by all of our worthy team.

#### Legal Assistance and Service Delivery Funding 2020 - 2025

The details of the next funding period became available in October 2019 with a tight timeframe for submissions. The new round was due to start in July 2020. With valuable assistance from our state peak body Community Legal Centres Qld Inc (CLCQ), our submission was successful and not only allows BRQ to maintain our new office but also to continue our standard social security and disability discrimination service. A modest new allocation was granted for outreach to rural and remote communities over the next five years and is a much-needed addition.

#### Working Women Qld (WWQ) Funding

While we were expecting a new round of funding to be announced from the federal Fair Work Ombudsman Office (FWO) in 19/20 this did not occur. The Office of Industrial Relations (Queensland) has continued to support WWQ so that we are still able to deliver a limited part time service through to June 2021. Watch this space, as the FWO called for submissions in 20/21 and we applied, with announcements to be made November/ December 2020 to commence January 1 2021.



We have also been fortunate to partner with The Services Union (QLD) in delivering the DV Work Aware program (funded by the Office of Industrial Relations) and this valuable contribution to educate and support workers and employers to respond appropriately to Family and Domestic Violence in the workplace throughout 2020/21.

### COVID-19 Changes Everything

On March 10 2020, WWQ advised the first woman who had been made redundant due to the pandemic.

Like the rest of Australia, we started working from home as required/ redeveloped working remotely/ zoomed and teamed/ and listened assiduously to the Queensland Chief Health Officer amongst many others, including our peak bodies and funding bodies. We washed our hands. We made COVID safe plans for BRQ. In responding to the massive changes needed to combat the pandemic we have been impressed by people's willingness to adjust and transform personally and professionally.

Significant one-off funds to meet COVID-19 demand for services and information were primarily allocated to our Working Women's service as they experienced a surge of calls in March-May. While the increased cash flow is welcome, it must be noted that it is short term and one off at this stage. We are meeting the challenges organisationally at the moment.

However, future economic security for people reliant on Centrelink payments and people whose employment is so often casual, part time or otherwise insecure seems likely to deteriorate further in the face of recession. The potential for fast growth in even more levels of poverty and disadvantage is writ large.

I would like to thank everyone who has made such wonderful contributions to the development of BRQ in 2019-2020. In particular we know that we have three committee members who won't be renominating. Cale Fryer, Neisha Traill and Jessie Santelises have all provided insightful, informed advice and positive support to the committee. All three will be missed and we wish you all well in the future.

# BRQ Service Statistics 2019-20

Number of Clients 2195  
Number of Services 5170



%	
44.27	Over 50
7.35	Under 25
92.04	Financial Disadvantage
21.51	Families with Children in their care
47.02	Disability
5.68	Indigenous



%		591 Clients
		1260 Services
27.75	164	Over 50
8.3	49	Under 25
71.9	425	Financial Disadvantage
22	130	Families with Children in their care
28.93	171	Disability
5.41	32	Indigenous



%		1499 Clients
		3726 Services
50.9	793	Over 50
6.74	93	Under 25
99.7	1485	Financial Disadvantage
21.61	324	Families with Children in their care
51.5	772	Disability
5.67	85	Indigenous



%		105 Clients
		185 Services
40	42	Over 50
14.28	15	Under 25
99.05	104	Financial Disadvantage
13.33	14	Families with Children in their care
93.3	98	Disability
9.52	10	Indigenous

# Director's Report

## Fiona Hunt

I commenced as Director at Basic Rights Qld in August 2019, following on from the wonderful departing co-directors Georgina Warrington and Kerriann Dear. The organisation had been through substantial change in the preceding few years but was poised for more to improve infrastructure and positioning. By January 2020 we had relocated the service, transitioned to a cloud-based IT platform which included Sharepoint case management and digitised intake workflows, developed a new accessible web site, tendered successfully for five years of ongoing funding and achieved full NAS accreditation. The hard work, excellence and flexibility of the BRQ team enabled these improvements and they are to be commended for their resilience and commitment.

In what has been an unprecedented year on all fronts, Basic Rights Queensland has stood steadfast in its commitment to justice and equity for everyone in the community. From moving seamlessly to a working from home model, to navigating the constantly changing landscape of social security, disability discrimination and employment law in the face of the pandemic, our staff have risen admirably to the challenges presented by 2020.

While the Coronavirus Supplement provided relief from grinding poverty for many Queenslanders, we are now supporting ACOSS and EJA in the Raise the Rate for Good campaign calling for a permanent increase to the Jobseeker payment. This is imperative going into 2021 as the long-term impacts of the pandemic and recession play out in the economy and our communities. Additionally, this year we joined with others to advocate for increased investment in social housing through the Everybody's Home campaign, improved tenancy legislation in Queensland with Make Renting Fair, reversal of the Cashless Debit Card with the Accountable Income Management Network and the decriminalisation of sex work with Respect QLD. The pandemic has put economic inequity, job insecurity and the importance of basic rights into the public spotlight and we will continue to advocate for improved fairness in these areas.

In June we launched our new Rural and Remote Project, with funding provided by The Ecstra Foundation and the Department of Justice and Attorney General and the support of a newly formed project Advisory Group comprised of community sector leaders from across Queensland. The project aims to address the unmet need for social security advice in regional and remote Queensland. The project is trialling a model that works with remotely-based partner organisations to provide professional development to workers in identifying, referring and addressing social security issues supported by prioritised access for their clients. The project has had great uptake and we are excited to continue this work into 2021.

This year our Social Worker Caitlin Collins and Administration Manager Deidre Ross moved onto new opportunities and we wish them well and thank them for their valued work with BRQ and clients.

Ellia Guy stepped up into the Administration Manager role and is combining her years of experience with BRQ client service delivery and excellent organisational skills to improve systems and processes. And Jack Margaritis, after years of dedicated casual work and volunteering, is now a permanent social worker with the Social Security team.

As always, BRQ's work has been supported this year by our student volunteers and our student placements. Put simply: without their help, we would not be able to assist so many clients; we owe them all a debt of gratitude.

Finally, we would like to thank the members of BRQ's Management Committee for their diligent governance of BRQ and for their generous giving of their time and expertise. We are fortunate to have a Committee with such a breadth and depth of experience and knowledge.

# BRQ Team

## Management Committee

### Lurline Comerford, President



A Social Worker of over 40 years' experience, Lurline has been BRQ President since 2011. With a strong interest in economic independence for women, Lurline is keen to promote social justice and equity for all. Lurline aims to maintain a strong community-based organisation that can address the issues, anomalies and problems confronting BRQ clients and participate in improving the system for those who are disadvantaged. Equity is a guiding principle where people face poverty, discrimination or unfair treatment at work and where basic rights are neglected.



### Cale Fryer, Secretary

Cale holds a Bachelor of Business Management (Int. Business) degree as well as graduating with Honours with a Bachelor of Laws from the University of Queensland. Cale is a solicitor of the Supreme Court and the High Court of Australia. He has extensive experience in all aspects of general practice with particular focus on personal injury litigation. Cale is committed to helping ordinary Queenslanders achieve improvement and justice and has been on the Committee since 2013.



### Stuart McDowall, Treasurer

Stuart is a Chartered Accountant, with professional qualifications in Business and Information Technology. For nearly 20 years, he has been working with government, business and not-for-profits to help them succeed. He has a keen interest in social justice, and joined the Management Committee in 2015.

### Jessie Santelises, Committee Member



Jessie works at Tenants Queensland as a Data Analyst and Tenancy Advice Worker. Prior to her work with TQ, Jessie worked as an Industrial Officer at The Services Union and Senior Industrial Officer at Queensland Working Women's Service (now Working Women Queensland). Jessie is passionate about issues involving human rights, women's rights and the promotion of strong social justice values. Jessie has been a member of the Committee since 2017.

### Lyndal Sleep, Committee Member



Dr Lyndal Sleep is a research and teaching academic at Griffith University. She researches social security law, gender and technology. Her most recent research has been on the couple rule in Australian social security law and domestic violence.

### Neisha Traill, Committee Member



Neisha, who joined the Committee in November 2016 and is an Industrial Officer with the Electrical Trades Union. Neisha has worked in Unions for 12 years and has a keen interest in social justice and equity. She is particularly focused on workplace relations and protecting individual's rights at work.

## Basic rights for a just society



**Wylie Thorpe,  
Committee Member**

Wylie Thorpe is a solicitor of the Supreme Court of Queensland. Wylie has over 8 years of experience in commercial litigation and all forms of dispute resolution. Wylie is a Special Counsel at Holding Redlich. Wylie has a strong belief in social justice and the value of pro bono work in our community. Wylie has been a member of the management committee since 2018.

**Rodney Holmes,  
Committee Member**



Rodney holds a Masters in Politics and Policy and has over 16 years experience in the social services sector covering community housing, child and family support and addictions. For the last three years Rodney has been working in social policy and is currently the Senior Policy Advisor with the Foundation for Alcohol Research and Education.

BRQ Permanent Staff	Roles
Jennifer Carman	Industrial Officer
Jayne Carter	Industrial Officer
Tamara Chin	Law Clerk
Caitlin Collins	Social Worker
Maddison Dantu-Hann	Solicitor
Andrew Davison	Senior Solicitor
Kerriann Dear	DV Work Aware Trainer
Teresa Grahame	Senior Social Worker
Ellia Guy	Administration Assistant
Fiona Hunt	Director
Steve Irvine	Principal Solicitor
Terri Kempton	Solicitor
Jack Margaritis	Social Worker
Mark McKeon	Finance Administrator
Isabella Morosan	Law Clerk
Deidre Ross	Intake and Administration Manager
'Sam' Simon Tracy	Solicitor

Casual Staff
Kelly Browne
Joanne Clinch
Laura Dawson
Avryl Gration
Brooke Hannan
Nicole Harrison
Amanda Hubert
Kristy Villalba
Madison Waldby

*"As a BRQ volunteer, I have learned how to communicate effectively with vulnerable clients, use my discretion and keep organised in a busy environment. The most rewarding aspect has been the direct contact with clients and learning to manage those interactions. The BRQ staff are also a particularly kind and relaxed group of people who will help you develop skills such as providing advice and client interviewing, which is great for your CV."*  
Maddy

# Volunteers

**Ellia Guy, Administration Coordinator & Jack Margaritis, Social Worker**

The volunteer program had a strong start in 2020, with a total of nine volunteers engaged with our service. The new year saw the program move from a focus on client support on intake, to working more closely with our social workers and lawyers around research and advice. This move has enhanced the volunteer experience, providing them with the opportunity to dive more deeply into the nuances and complexities of administration law, social security legislation, disability discrimination and employment law.

With the advent of COVID-19, we were saddened to put a hold on our volunteer program as our staff transitioned to a working from home model. It is testament to our volunteers that, even while they were not able to work with us across this time, they have remained engaged and connected with BRQ and we have all been eagerly awaiting their return. As of October, we've kickstarted our program again and are overjoyed to have our volunteers return to the office to provide valued assistance to our advisors in their work.

Volunteers 2019 - 2020		Law Students	Social Work Students
Alicia Hahn	Lorie Robinson	Isabella Morosan	Terina Hegarty
Anke Joubert	Kristy Vilalba	Jane Andrews	
Amanda Hubert	Madison Waldby	Tamara Chin	
Bonnie Kubler-Shaw	Osanna Faataape		
Dahye Jung	Ruby Clarke		
Lachlan Schofield	Zarin Nunis		
Laura Dawson			





# Community Legal Education

In 2019-20 BRQ provided community education to 180 workers over 20 workshops and community events. This included education to community organisations and tertiary institutions, participation in social security forums, attendance at targeted community events, interviews for media, and continued networking within the social security and legal communities. Additionally, BRQ bolstered its social media profile, with a specific focus on the Working Women Queensland program and participated in reform campaigns including Raise the Rate, Everybody's Home and Respect Qld.

The COVID-19 pandemic presented incredible challenges for Queenslanders with many people accessing income support payments for the first time, others experiencing fluctuating payments and obligations and job losses across the state. BRQ worked with our national peak body Economic Justice Australia to create and regularly update fact sheets relating to the COVID-19 payments and provisions, providing both services and individuals with accurate and up-to-date information. The Coronavirus Supplement was warmly welcomed, particularly for the Jobseeker payment, and lifted many long-term recipients out of the crushing poverty caused by the previously insufficient Jobseeker payment base rate. We are actively campaigning alongside local and national groups for the supplement to be retained beyond 2020.

Participating in community events and forums is a great opportunity for BRQ to educate other services, and the general public, about social security issues. COVID-19 severely impacted face-to-face gatherings but the team joined many virtual forums and workshops during the period to maintain relationships and promote awareness of our services.

Collaboration both within the sector, and with external stakeholders, plays an important role in the dissemination of social security information. BRQ maintained involvement with other Queensland community legal services via the CLE Legal Assistance Forum Network (CLAF), as well as the weekly leadership forum for centre managers initiated by Community Legal Centres Queensland, to share knowledge and experiences during the pandemic. BRQ also regularly contributes to Economic Justice Australia's advocacy campaigns; attending monthly meetings and contributing to the development of fact sheets on social security, disability discrimination and employment issues, as well as submissions on relevant issues.

Student placements are core to BRQ's service, with many of our team having completed placements with BRQ prior to taking up paid roles in the service. Placements provide an opportunity to highlight the important role Community Legal Centres play in the lives of disadvantaged people, the legal profession and the community sector. BRQ has great support in this sphere from Bond University and The University of Queensland student placement programs. Through these programs, BRQ provides students with opportunities to gain practical experience within the sector and experience in how administration law 'works' in a practical setting. Four students completed their placements with BRQ during the year and are to be commended for adapting to the virtual environment and for their commitment to clients.

# Social Work

## Teresa Grahame, Senior Social Worker

In early 2020 we said goodbye to social worker Caitlin Collins who had been with BRQ since late 2016. Caitlin was a valued part of the social security team and will be missed. At the same time, we welcomed back Jack Margaritis, who had previously completed his social work placement at BRQ in 2017 and continued as a casual volunteer; Jack also brings experience from the Employment Services and Disability Support Sector and has been able to hit the ground running in his role at BRQ.

Overall, this year will be remembered for the commencement of the COVID-19 restrictions in March and the transition to working from home. Overall, the social work team noticed fewer clients presenting in crisis following the commencement of the Coronavirus Supplement payments and the reduction in job search requirements and penalties. We expect this to change as payments drop and job search requirements and penalties are stepped up again. We also noticed a greater number of individuals who do not meet income

support residency requirements seeking advice; unfortunately, in most cases, there is little we can do in terms of getting these clients onto a Centrelink payment and can only refer them to other organisations for advice and support.

The transition to working from home was smooth and our primary focus has continued to be providing telephone advice and casework services with an emphasis on assisting BRQ's more vulnerable clients: those presenting with poor mental health, suicidality, homelessness, relationship breakdown and social isolation. Further to this, online illiteracy is emerging as a key vulnerability. Whilst many of our clients value Centrelink's online services, for others, lack of computer literacy is an additional barrier in a world where Centrelink is strongly encouraging individuals to do their Centrelink business online and, in some cases, making it compulsory.

We are very grateful for the assistance of our Centrelink liaison contacts who have been invaluable in assisting us to resolve the often-complex Centrelink problems encountered by our most vulnerable clients. Increasingly, we are finding it a necessity to liaise with Centrelink on behalf of clients, due to a growing number that present with confusion regarding their Centrelink issue, as well as frustration in their communications with Centrelink.

We are hopeful, like everyone else, that the COVID-19 threat will subside, and we can focus our energies in 2021 on continuing to improve our services to clients and finding ways to serve them more effectively.



# Social Security

## Andrew Davison, Acting Co-Principal Solicitor

Given the upheaval of moving premises in late 2019, followed by moving to a fully virtual office in early 2020, our advice and caseworkers should be commended for managing to maintain our casework and advice services with only minimal disruptions to clients throughout. Indeed, after moving to a fully virtual office at short notice in March, our staff actually provided more advice in April than in any prior month this financial year!

The temporary increase to the Jobseeker rate (via the Coronavirus Supplement) has led to a slight reduction in social security clients calling for advice in the latter quarter of the financial year, however we have been kept equally busy through the increasing complexity of client matters both independently of and due to constantly changing COVID-19 rules. Thankfully, although we had some staff changes this year, we were able to employ our long-term experienced volunteers Jack Margaritis and Tamara Chin to fill the gaps amidst these changes.

Notably this financial year, the Federal Court decision in Amato in November 2019 overturned the Robodebt process that had been used by Centrelink to automatically raise debts based on averaging ATO annual incomes across the entire year's fortnights. This practice was found to be unlawful and inaccurate given income support payments are based on fortnightly income which averaging of ATO figures rarely gave the correct debt calculation. BRQ has worked closely with Economic Justice Australia (formerly the National Social Security Rights Network) to provide ongoing updates to clients

around the fallout from this decision (including the impacts of the Gordon Legal Class Action), for more than 300,000 people who had Robodebt raised against them and will now receive refunds.

### Social Security Advices

In 2019-20 we provided over 1800 legal advices to clients, as well as an additional 428 legal tasks where those clients needed greater assistance with taking further steps. 141 of those advices were the more intensive duty lawyer advice sessions, in which we examined the client's Tribunal file before giving advice on it and regularly tailoring letters to doctors etc. Often those legal tasks and duty lawyer tailored letters enable clients to succeed in a new claim or self-represent in their appeal where they do not meet our casework criteria (for example, if they do not meet our vulnerability criteria or their hearing is too soon for us to prepare an appeal).

### Social Security Casework

In 2019-20 we opened cases for 89 clients, closing 97 cases in the reporting period. We have had a high success rate with cases where we have represented at Tribunal hearings. The cases remain predominately Disability Support Pension, many with very complex medical issues. However, we have also had many successes at hearings in other areas of social security such as special benefit, compensation preclusion periods, member of a couple relationships and debt matters.

## CLIENT STORIES

# Member of a Couple

Tom\* was considered as being a member of a couple by Centrelink since 2018, despite evidence of a significant deterioration of the relationship and Tom experiencing domestic violence from his ex-partner. As Tom was considered a member of a couple he could not receive the single rate of payment which significantly undermined his ability to provide for himself.

BRQ provided advocacy at the Administrative Appeals Tribunal and argued that there were special circumstances based on the domestic violence the client had experienced, in addition to showing that there had been a significant deterioration of the previous relationship. Tom was able to provide evidence about the deterioration of the relationship during the period he was still considered a member of couple. The Administrative Appeals Tribunal found that Tom was not a member of a couple during the period and he received arrears.

\*not his real name

# Disability Support Pension

Margaret\* contacted BRQ regarding the rejection of her Disability Support Pension (DSP) claim. Margaret has multiple conditions including spinal problems and post-traumatic stress disorder. Centrelink rejected her claim because they stated that her conditions may improve with further treatment. To add to the already complicated situation, Margaret is a New Zealand citizen living in Australia, which means there is a higher test to qualify for the DSP and limited access to other income support payments. Because of this, Margaret was in severe financial hardship.

BRQ supported Margaret in obtaining additional medical evidence from her GP, clinical psychologist and other specialists. Margaret's claim was eventually granted on appeal to the Authorised Review Officer within Centrelink. Margaret was so overjoyed about the result, she bought a tree and named it after the adviser at BRQ.

\*not her real name

# Compensation Preclusion Period

Sally\* is a woman with an acquired brain injury and post-traumatic stress disorder, as well as physical challenges, who came to us at risk of homelessness and in significant debt with only family tax benefit (FTB) income from Centrelink due to a compensation preclusion period. Her compensation money had been spent on a business that never made a profit and was otherwise ripped off her by dodgy business partners which left her in significant debt to numerous sources.

BRQ represented Sally at the first level of the Administrative Appeals Tribunal after a long evidence gathering process (with over 20 attachments, including years of bank statements) and were successful in getting her preclusion period reduced so she could start receiving payments.

\*not her real name

In addition to the appeal we also helped her with:

- getting multiple extensions of time to lodge tax returns so she can keep getting FTB;
- helped her gather evidence for Disability Support Pension application;
- helped her apply for LawRight referral to a private firm for her multiple legal disputes with dodgy business partners and lenders;
- discovered she had income protection before the 31/03/2020 opt in date and helped her preserve her entitlements and referred her for advice on claiming income protection;
- gathered evidence to determine her tax liabilities and referred on to an accountant;
- referred her for budgeting and debt advice through the National Debt Helpline
- ...not to mention helping her to navigate all of this in very small steps to stop her getting overwhelmed.

## 13 week appeal time frame

Jimmy\* was not on a payment when he contacted BRQ – his Youth Allowance (Jobseeker) payment had been rejected several months before. Jimmy had language barriers as well as chronic anxiety issues that made communicating effectively with Centrelink difficult. His application was rejected for failure to provide correct proof of identity documents. BRQ lodged an appeal and the payment was granted as identity requirements were subsequently met. However, Centrelink only agreed to pay Jimmy from the date the appeal was lodged, rather than the date of claim, on the basis that the appeal was not lodged within 13 weeks of the decision. BRQ assisted Jimmy to appeal the matter to the Administrative Appeals Tribunal, Level One on the basis that the appeal was lodged within 13 weeks of receipt of the decision, allowing for a public holiday and postage times. The appeal was successful and Jimmy's payment was backdated to the date of claim meaning he received around four months of arrears.

\*not his real name

# Working Women Queensland

## Lee Matahaere Senior Industrial Officer

Working Women Queensland (WWQ) has proudly operated for over 21 years, the last three of these as a program of Basic Rights Qld Inc.

Clients who contact WWQ for assistance are seeking information on their rights and options of action available to them to remedy their situation via applications to the Fair Work Commission, Queensland Industrial Commission, the Queensland Human Rights Commission and the Australian Human Rights Commission.

WWQ supports women through provision of free information, advice, support, advocacy and representation. Services are provided state-wide via telephone, web and in-person representation where women are unable to represent themselves.

WWQ worked with 611 women and provided 1260 advice services across the 2019-20 financial year, with funding from the Queensland Office of Industrial Relations and the Queensland Department of Justice and Attorney General. This high number of services continues an upward trend from 247 clients in 2018 and indicates the overall level of demand, alongside the commitment of staff. 399 WWQ clients in 2019-20 live in rural, regional or remote areas of Queensland, 5.5% identify as Aboriginal or Torres Strait Islander people, and 16% come from Culturally and Linguistically Diverse heritage. 40% of women were over 45 and 8% were under 25. These statistics illustrate the successful, accessible service model as well as the long term good reputation and skill of the WWQ industrial officers.

COVID-19 impacted heavily on marginalised women in Queensland and WWQ experienced a surge in demand between March and June 2020. Women particularly affected were those in marginal

employment, Indigenous women, and women in sectors severely impacted by the pandemic including hospitality and retail workers, as well as front-line health and community employees. The team worked consistently to meet this demand and transitioned to home based work seamlessly with the support of the Director Fiona Hunt and Principle Solicitor Steve Irvine. WWQ quickly adapted resources and knowledge to be current with presenting COVID-19 industrial concerns and provisions and worked synergistically with the BRQ social security team to assist women who needed to access income support. WWQ provided information to women's media outlets and government departments to advocate for recognition of the gendered impact of COVID-19 on women.

WWQ facilitated fantastic outcomes for Queensland women this year including reinstatement of employment, anti-bullying stop orders, negotiation of resignation terms, statements of service and the provision of appropriate references for time worked. WWQ also assisted in women to recover \$342, 545 from employers by way of payment of outstanding statutory entitlements (notice, long service leave, under payment) compensation and/or damages for unfair dismissals, general protection disputes, sexual harassment, unmet concessions for family responsibilities, pregnancy discrimination and disability discrimination

WWQ has played a valuable role for marginalised Queensland working women in 2020 ensuring that industrial rights were upheld and not eroded during the dynamic economic circumstances created by COVID-19, that individual women were supported and that the concerns of working women were made known.

## CLIENT STORIES

# Unfair Dismissal

Beth\* was instrumental in setting up a dental practice, working for the employer for 18 months. The client spoke to the Business Manager about the way she was being spoken to by the Dentist, which resulted in the Business Manager suggesting that she should resign. When client advised that she did not want to resign, she was terminated. Further discussions with the Business Manager were unsuccessful so the client filed an unfair dismissal claim in which WWQ represented the client. This resulted in a settlement of six weeks loss of wages, together with a statement of Service on company letterhead, termination recorded as a resignation, positive reference and the signing of a FWC Deed.

\*not her real name

# Protection Dispute

Trish\*, an Indigenous client, had worked for her employer for approximately three months. She was assisted by WWQ to lodge a Form F8 in relation to Race Discrimination, and the impact to her health. The matter did not settle at first instance at the conference, so WWQ supported her to negotiate \$15 000 in general damages.

\*not her real name

# Discrimination

A large Workplace enacted a work practice requiring all employees to be available for 24/7 shift coverage in accordance with their new rostering system.

As a result, Lucy\*, a single mum of two small children, was unable to comply due to her caring responsibilities. Lucy was cut from the roster and quickly faced poverty and homelessness.

WWQ lodged an urgent discrimination complaint in the QHRC and represented her at conference. Lucy was returned to the roster and a flexible working arrangement to suit her family responsibilities and parental status was put in place.

\*not her real name

# Disability Discrimination

## 'Sam' Simon Tracy, Acting Co-Principal Solicitor

BRQ's Disability Discrimination Advocacy Service provides advice and representation to people who believe they have been subjected to unlawful discrimination on the basis of their disability.

Our advisor Terri had some great outcomes for clients in 2019 with amazing dedication in advice, early intervention and representation. Late in 2019, Terri trained Sam to assist in disability discrimination advice in anticipation of leave in 2020. Together, they finalised some important matters and then Sam continued advising and representing into 2020.

This year we have worked closely on referrals from the Australian Human Rights Commission and the Queensland Human Rights Commission, as well as working internally with our Working Women Queensland program in employment disability discrimination matters that crossover in jurisdiction.

A total of 220 advice and task sessions were provided, with nine files closed for dispute resolution and representation; the service has been busy providing much needed assistance to vulnerable clients.

The matters of importance this year that resulted in additional service and representation in the Australian and Queensland Human Rights Commission included those relating to access to goods and services, assistance animals, and employment.

COVID-19 has had a wide impact on the organisation (and the world) and has been directly implicated in discrimination matters on eight occasions, including representation in an employment matter.

In what was a big success after years of effort in the sector, the Queensland Human Rights Act was implemented on January 1 2020 and our advice sessions have identified potential for these actions assisting in several matters including on employment, education and access to services.

We have also participated in extensive Queensland Human Rights Act training opportunities and have tailored our services to suit compliance to the Act in a best practice method.



In a recent disability discrimination matter, a client gave the following feedback to advisor Terri for a matter dealt with in the Queensland Human Rights Commission:

“ You were literally beyond my last hope and came through like a knight on a shining charger. Until they mentioned you I was pretty sure I'd already exhausted my last hope.

Your work has not only changed my life, it has changed the lives (and legal circumstances) of all who live here... It is a reassurance to know that people like you exist in Queensland after all.

You have more than brightened my day; you've brightened my outlook.

”



“ We must not lose sight of the social impacts - to ensure the decisions being made today and during the recovery phase leverage the social gains and continue to protect those who are most at risk. ”

The social impacts of COVID-19 report, Deloitte 2020



“ This pandemic was marked not only by the health impacts but also the social and economic. The number of people receiving unemployment payments doubled from 800,000 in October 2019 to 1.6 million by March 2020 and Australia plunged into its first recession in almost 30 years, and the worst since the Great Depression of the 1930's. ”

ACOSS Annual Report 2019-20

# Rural and Remote Project

## Paul MacKay, Rural and Remote Project Worker

BRQ has been funded by the Ecstra Foundation to undertake a six-month project to address the unmet need for social security advice for citizens in regional and remote Queensland. BRQ also received additional funding from the Queensland Department of Justice and Attorney-General to continue this work for the next five years. The project seeks to increase awareness of legal rights, support, and referral pathways relating to social security issues for rural and remote communities, enhancing both community capacity and individual empowerment.

A project Advisory Group of community sector leaders from Neighbourhood Centres and Services provided to people from Aboriginal and Torres Strait Islander communities was formed and includes:

- Queensland Families & Communities Association
- Toowoomba Regional Council
- Queensland Human Rights Commission
- Caxton Legal Centre
- The Aboriginal & Torres Strait Islander Legal Service
- Murilla Community Centre Inc.
- Community Legal Centres Queensland

In addition to the relationships developed with the Advisory Group, BRQ has partnered with ten organisations who work with rural and remote citizens.

The Rural and Remote model focuses on place-based support being provided by these ten community organisations through Community Legal Education to workers and prioritised access for their communities. The project framework of working with community workers seeks to address cultural, digital and literacy barriers for people in rural and remote communities. The Community Legal Education component has provided professional development to geographically isolated workers and developed community capacity to identify and address social security issues and to refer appropriately when required.

Five of the organisations are controlled and delivered by Aboriginal and Torres Strait Islander people, with the remaining five being Community Centres. These organisations often have satellite services (broadening the number of communities the project is reaching) and have existing infrastructure, client relationships and capacity to provide additional supports and local referral networks, thus delivering a tailored service to individuals within a localised context.

Our partner organisations describe very high levels of unmet need, including a significant number of people who do not receive any social security payment because they have been unable to navigate the system or have barriers in accessing. We are very pleased to be their 'phone an expert friend' option and to be making a difference in the lives of individuals and for disadvantaged communities.

It is anticipated that by December 2020, 110 workers from 28 communities throughout rural and remote Queensland will have participated in the project.

### Feedback on the project so far

Project participants agree that the social security system is a maze and that, as community workers, they are not equipped to provide the advice their clients require.

After the training sessions, workers report that they feel empowered by being more informed regarding the social security rights and obligations of their clients. Participants particularly appreciate the breakdown of complex administrative (social security) law into plain English, access to resources and the prioritised access to BRQ's solicitors and social workers provided through the Rural and Remote Project.



## Project Partner Organisations

### Aboriginal and Torres Strait Islander Organisations

#### **Girudala Community Co-op**

Bowen (HQ) / Sarina / Mackay

#### **Northern Peninsula Area Family & Community Service**

Bamaga (HQ) / Injinoo / Umagico / New Mapoon / Seisia

#### **Goolburri Aboriginal Health Advancement**

Toowoomba (HQ) / St George / Goondiwindi / Roma / Charleville

#### **The Indigenous Consumer Assistance Network (iCAN)**

Cairns (HQ) / Yarrabah / Townsville / Palm Island  
Atherton Tablelands

#### **Bynoe CACS**

Normanton

### Community Centres

#### **Care Goondiwindi**

Goondiwindi

#### **Cloncurry Neighbourhood Centre**

Cloncurry / Mount Isa (Centacare HQ) / Longreach / Normanton

#### **Weipa Community Care Association**

Weipa / Napranum / Mapoon

#### **Boulia Community Support Service**

Boulia

#### **Charleville & District Community support Association**

Charleville

## Geographic spread of Partner Organisations





# Financial Report

## Stuart McDowall, Treasurer

I am pleased to present the Basic Rights Queensland (BRQ) Treasurer's Report, for the 2019/20 financial year.

The BRQ Management Committee would like to thank our funders for their financial support.

BRQ's ongoing social security and disability discrimination services are funded through the Community Legal Services Program. Program funding of \$999,000 was provided by the State Department of Justice and Attorney-General (DJAG), and the Commonwealth Attorney-General's Department.

Funding for the Working Women Queensland program of \$262,000 is provided by the Queensland Office of Industrial Relations.

Other funding received includes the Commonwealth Cash Flow Boost and donations, which are of assistance in our work to provide specialist legal advice, information and advocacy to the community. We particularly thank the Electrical Trades Union for their regular sponsorship since 2006.

Salaries and staffing costs are BRQ's major expenditure item (\$1.1m).

I am also pleased to highlight that BRQ has been awarded with additional funding from Ecstra Foundation and DJAG, to support development of our services to rural and remote communities. We are grateful for this support, which will assist us in making a difference to our clients. The financial impact of this funding will be seen in the next financial year.

BRQ has finished the year in a strong financial position and we are confident in our ability to meet our financial commitments in the coming year. Financial sustainability remains a focus for the Director and the Management Committee. BRQ will continue to manage its funding and operations to ensure ongoing sustainability, so we can continue to provide our clients with the services they need.

BRQ's performance and position is a reflection of the contributions made by our talented and invaluable staff and volunteers, who exhibit great passion, energy and innovation in delivering their important work.

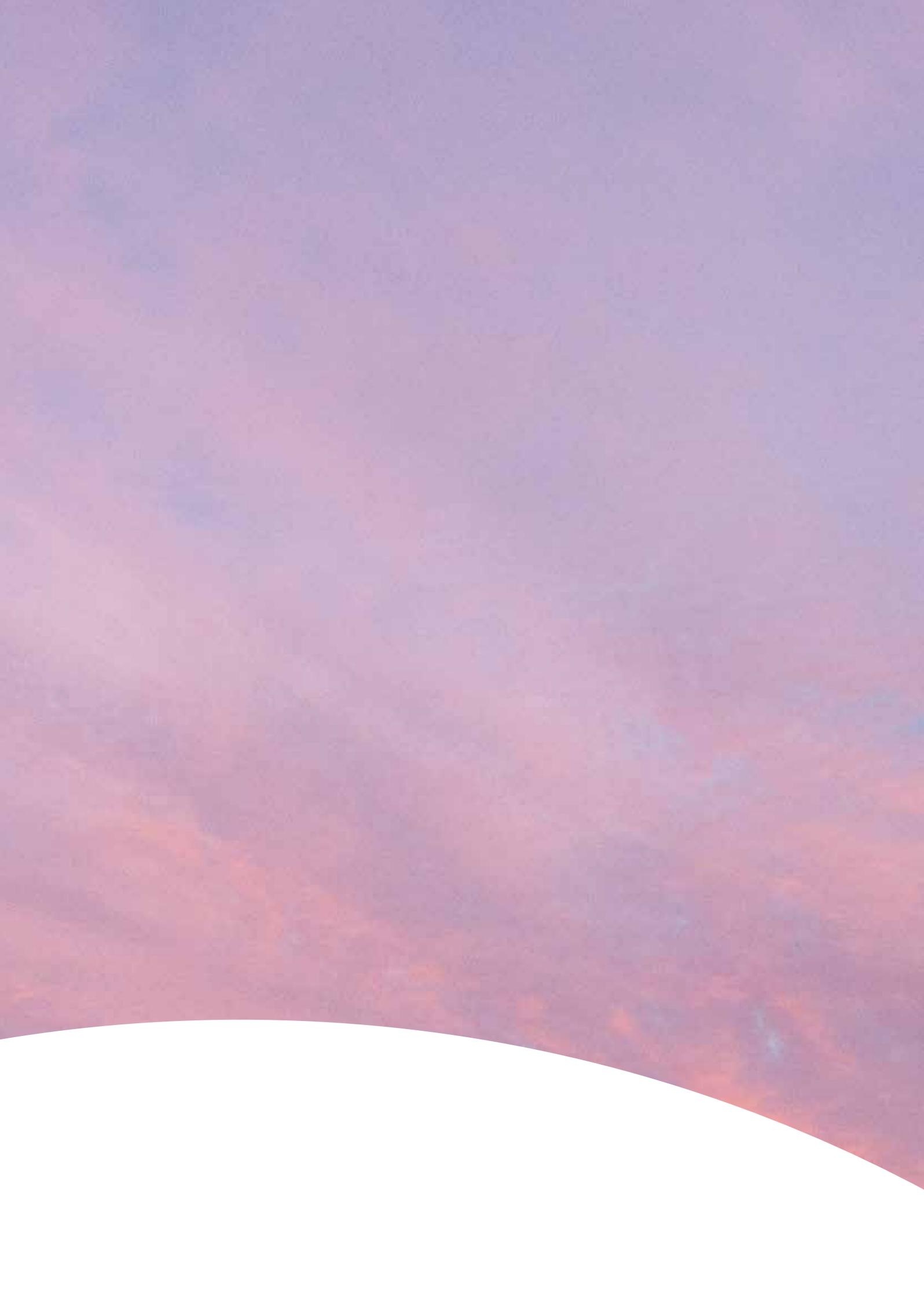
Statement of Profit or Loss and Other Comprehensive Income for  
the Year Ended 30 June

REVENUE	2020	2019
Community Legal Services Program grants	998,974	913,933
Employment Advisory Services for Women grant	261,876	231,136
Commonwealth Cash Flow Boost income	50,000	–
Donations	2,042	4,122
Services revenue	42,032	19,820
Finance income	5,884	10,484
Other revenue	9,035	9,725
<b>Total revenue</b>	<b>1,369,843</b>	<b>1,189,220</b>
EXPENSES		
Staff expenses	(1,123,976)	(1,099,120)
Premises costs	(36,514)	(41,683)
IT & communication expenses	(47,698)	(47,915)
Print, postage & document management expenses	(10,139)	(9,517)
Membership, subscriptions & conference expenses	(11,014)	(17,499)
Depreciation and amortisation	(60,012)	(28,182)
Assets written off	(42,637)	–
Office renewal costs	(39,470)	–
Training & workshop consultants	(12,894)	(8,640)
Audit fees	(6,600)	(6,380)
Insurance costs	(3,375)	(2,443)
Travel expenses	(6,137)	(8,184)
Programming & planning costs	(1,521)	(4,763)
Interest expense – Leased property	(4,806)	–
Other expenses	(7,663)	(7,694)
<b>Total expenses</b>	<b>(1,414,456)</b>	<b>(1,282,020)</b>
<b>SURPLUS/(DEFICIT) BEFORE INCOME TAX</b>	<b>(44,613)</b>	<b>(92,800)</b>
Income tax expense	–	–
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>	<b>(44,613)</b>	<b>(92,800)</b>
OTHER COMPREHENSIVE INCOME		
Items that will not be reclassified subsequently to profit or loss	–	–
Items that may be reclassified to profit or loss	–	–
Total other comprehensive income, net of tax	–	–
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>	<b>\$(44,613)</b>	<b>\$(92,800)</b>

## Statement of Financial Position as at 30 June

<b>CURRENT ASSETS</b>	<b>2020</b>	<b>2019</b>
Cash and cash equivalents	601,090	498,337
Trade and other receivables	2,685	4,483
Other current assets	7,921	7,905
<b>TOTAL CURRENT ASSETS</b>	<b>611,696</b>	<b>510,725</b>
<b>NON-CURRENT ASSETS</b>		
Property, plant and equipment	53,093	94,489
Right-of-use asset	123,519	–
<b>TOTAL NON-CURRENT ASSETS</b>	<b>176,612</b>	<b>94,489</b>
<b>TOTAL ASSETS</b>	<b>788,308</b>	<b>605,214</b>
<b>CURRENT LIABILITIES</b>		
Trade and other payables	119,737	59,524
Employee benefits	149,508	114,019
Revenue received in advance	104,151	27,259
<b>TOTAL CURRENT LIABILITIES</b>	<b>373,396</b>	<b>200,802</b>
<b>NON-CURRENT LIABILITIES</b>		
Trade and other payables	69,717	–
Employee benefits	18,502	33,106
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>88,219</b>	<b>33,106</b>
<b>TOTAL LIABILITIES</b>	<b>461,615</b>	<b>233,908</b>
<b>NET ASSETS</b>	<b>\$326,693</b>	<b>\$371,306</b>
<b>EQUITY</b>		
Accumulated surplus	326,693	371,306
<b>Total equity</b>	<b>\$326,693</b>	<b>\$371,306</b>

\* Copies of our full audited Financial Report are available via email: [brq@brq.org.au](mailto:brq@brq.org.au)



# Contact Us

To book a telephone advice session for  
Social Security or Disability Discrimination

9:30am - 4:30pm Monday - Thursday

9:30am - 12:30pm Friday

07 3847 5532 | 1800 358 511 (free call)

For telephone advice on a Women's employment issue

9:00am - 4:00pm Monday, Tuesday, Friday

1800 621 458 (freecall)

Administration line

9:30am - 4:30pm Monday - Thursday

9:30am - 12:30pm Friday

07 3847 5532

For enquiries about our Rural and Remote Project  
and DV Work Aware Training

07 3847 5532 | 1800 358 511 (free call)

Postal Address

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Brisbane Qld 4001

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**Website** [www.brq.org.au](http://www.brq.org.au)



Community Legal Centres  
Australia



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