

# **Oversight of the Family Responsibilities Commission**

**Report No. 19**

**Health and Community Services Committee**

**March 2013**

## Health and Community Services Committee

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### Acknowledgements

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**Abbreviations**

CDEP	Community Development Employment Projects
CIM	Conditional Income Management
CYWR Trial	Cape York Welfare Reform Trial
FRA	Family Responsibilities Agreement
FRC	Family Responsibilities Commission
FRC Act	<i>Family Responsibilities Commission Act 2008</i>
the committee	The Health and Community Services Committee
the Institute	Cape York Institute for Policy and Leadership

## Chair's Foreword

The Health and Community Services Committee was established in May 2012 as one of seven new portfolio committees. It has responsibility for oversight of the Family Responsibilities Commission (the FRC) under the Standing Rules and Orders of the Legislative Assembly. Between July 2011 and April 2012, this responsibility was undertaken by the former Community Affairs Committee.

This is the first report by the Health and Community Services Committee on oversight of the FRC under Standing Order 194A.

I thank the Commissioner, Mr David Glasgow, Local Commissioners from the Aurukun, Coen, Hope Vale and Mossman Gorge communities and the registrar, Mr Rob White, for their participation.

I would like to recognise the work undertaken in 2012 with respect to oversight of the FRC by the former chair of the committee, Mr Peter Dowling MP, Member for Redlands and former members of the committee, Mr Aaron Dillaway MP, Member for Bulimba, Mrs Desley Scott MP, Member for Woodridge and Mr Michael Trout MP, Member for Barron River.

Thanks also to my committee colleagues and to the secretariat and Hansard staff for assisting the committee in its work.

A handwritten signature in black ink, appearing to read 'T. Ruthenberg', with a stylized flourish at the end.

**Trevor Ruthenberg MP**  
**Chair**



# 1 Introduction

## 1.1 Role of the committee

The Health and Community Services Committee has oversight responsibility for the Family Responsibilities Commission (FRC) under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly. Standing Order 194A describes the Committee's functions:

If a portfolio committee is allocated oversight responsibility for an entity under Schedule 6, and there are no statutory provisions outlining the committee's oversight of the entity, the portfolio committee will have the following functions with respect to that entity -

- (a) to monitor and review the performance by the entity of the entity's functions;
- (b) to report to the Legislative Assembly on any matter concerning the entity, the entity's functions or the performance of the entity's functions that the committee considers should be drawn to the Legislative Assembly's attention;
- (c) to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and
- (d) to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the Act which establishes the entity.<sup>1</sup>

Representatives of the FRC appeared at the Budget Estimates hearing on 17 October 2012 and as witnesses at a public hearing on 31 October 2012. The transcript of the public hearing is published on the committee's webpage at [www.parliament.qld.gov.au/hcsc](http://www.parliament.qld.gov.au/hcsc).

Other evidence used in monitoring and reviewing the performance of the FRC includes the FRC's response to pre-hearing questions on notice, responses to committee requests for information and comment and the FRC's Annual Reports.

An evaluation of the Cape York Welfare Reform Trial (CYWR Trial), of which the FRC is part, is currently underway. This is discussed in more detail at section 4.2.

## 1.2 Functions of the FRC

The FRC is a statutory body established under the *Family Responsibilities Commission Act 2008* (FRC Act) to:

- support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and
- help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community.<sup>2</sup>

The core objectives of the FRC include safeguarding and restoring child safety, school attendance, lawful behaviour and responsible tenancy.<sup>3</sup>

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<sup>1</sup> Legislative Assembly of Queensland, Standing Rules and Orders of the Legislative Assembly, SO 194A

<sup>2</sup> *Family Responsibilities Commission Act 2008*, section 4

<sup>3</sup> FRC website, <http://www.frcq.org.au/>

### 1.3 Role of the FRC in welfare reform

The FRC plays a key role in the CYWR Trial, which seeks to restore social norms and local indigenous authority in the communities of Aurukun, Coen, Hope Vale and Mossman Gorge.

The CYWR Trial is based on the philosophy that people who are in receipt of welfare payments or participating in the Community Development Employment Projects (CDEP) program “have an obligation to their community not to behave in ways which are detrimental to their family or to the wellbeing of the general community”.<sup>4</sup>

The FRC website provides information on each of the communities participating in the CYWR Trial.

Aurukun is on the western coast of Cape York, approximately 900 kilometres northwest of Cairns and 200 kilometres south of Weipa. The community had an estimated resident adult population of 784 people at 30 June 2010.

The township of Coen is about halfway between Cairns and the tip of Cape York. It is not a discrete Aboriginal community and is part of Cook Shire. The township had an estimated resident adult population of 193 people at 30 June 2010.<sup>5</sup>

Hope Vale is situated on the Cape York Peninsula and is 46 kilometres northwest of Cooktown. The estimated resident adult population of Hope Vale was 588 people at 30 June 2010.<sup>6</sup>

Mossman Gorge is a small Aboriginal community 75 kilometres north of Cairns, 4 kilometres from Mossman (the nearest town), and approximately 25 kilometres by road from Port Douglas. It is not a discrete Aboriginal community and is part of the Cairns Regional Council area. The community had an estimated resident adult population of 104 people at 30 June 2010.<sup>7</sup>

Indigenous and non-Indigenous people who are living in these communities and receiving welfare or Community Development Employment Projects (CDEP) payments are within the jurisdiction of the FRC. This jurisdiction continues if the individual relocates from the community.<sup>8</sup>

Approximately 3,000 people were living in the four communities at the commencement of the CYWR Trial in July 2008. Of these, approximately 1,065 people were receiving welfare payments and 757 people were participating in the CDEP program.

#### 1.3.1 The CDEP program

The CDEP program helps Indigenous job seekers to gain the skills, training and capabilities needed to find sustainable employment and improves the economic and social well-being of communities. The program provides services and projects through two streams: the Work Readiness Stream and the Community Development Stream.

In April last year the Australian Government announced that the Remote Jobs and Communities Program will commence on 1 July 2013. The CDEP program will transition into this new program.<sup>9</sup>

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<sup>4</sup> Family Responsibilities Commission Annual Report 2011-12, p 12

<sup>5</sup> FRC website, <http://www.frcq.org.au/>

<sup>6</sup> FRC website, <http://www.frcq.org.au/>

<sup>7</sup> FRC website, <http://www.frcq.org.au/>

<sup>8</sup> FRC Annual Report 2011-12, p 12

<sup>9</sup> Department of Families, Housing, Community Services and Indigenous Affairs website, <http://www.fahcsia.gov.au>



## 2 The Family Responsibilities Commission

### 2.1 Overview

Under the FRC Act the Family Responsibilities Commission can conduct conferences where a welfare recipient in one of the communities:

- has a child who is not enrolled in school or meeting designated school attendance requirements
- has come to the attention of the Department of Communities, Child Safety and Disability Services for a child safety matter
- is convicted of an offence in the Magistrates Court, or
- is in breach of a social housing tenancy agreement.

The conferences provide a forum for the person and any other relevant party to discuss with the FRC why and how the situation occurred. At the conclusion of a hearing the FRC may give the person a reprimand, recommend or direct the person to attend community support services or give Centrelink a notice to manage all or some of the person's welfare payments, or pay all or some of the person's welfare payments to someone else e.g. someone who is looking after their child.

The FRC Act also allows the FRC to enter into an agreement with the person about attending community support services or income management arrangements, before making orders.<sup>10</sup>

### 2.2 Agency notices

The FRC may only hold a conference in relation to agency notices identified in Part 4 of the FRC Act. The FRC 2011-12 Annual Report describes the notices and administering departments as follows:

- the Department of Education, Training and Employment must submit a School Attendance Notice to the FRC if a child is absent for three full, or part, days of a school term without reasonable excuse, or submit a School Enrolment Notice where a child of compulsory school age is not enrolled to attend school.
- the Department of Communities, Child Safety and Disability Services must submit a Child Safety and Welfare Notice where the Chief Executive becomes aware of an allegation of harm or risk to a child.
- the Department of Justice and Attorney-General (Magistrates Court) must submit a Court Offence Notice if a person is convicted of an offence.
- the Department of Housing and Public Works or the provider of social housing must submit a Tenancy Breach Notice if the tenant has breached their social housing tenancy agreement.<sup>11</sup>

### 2.3 The conference process

The FRC Annual Report also outlines the FRC's process for dealing with agency notices. This includes:

- *Assessing the notice* to determine whether it is within the jurisdiction of the FRC. Section 49 of the FRC Act allows the FRC to deal with an agency notice relating to a community member. Section 7 of the FRC Act defines a community member as a person who is a welfare recipient who has lived in one of the four CYWR Trial communities for at least three months since the commencement of the Act.

If the matter is within jurisdiction, a referral is made to Local Commissioners who decide whether the client should be ordered to attend a conference and whether other relevant persons should be invited or directed to attend the conference.

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<sup>10</sup> *Family Responsibilities Commission Act 2008*, section 68

<sup>11</sup> FRC Annual Report 2011-12, p 15-16

- *Serving a 'Notice to Attend Conference'* where a decision is made to proceed to conference. The client is advised of the time, date and place of the conference, the purpose of the conference, what they can expect to occur and the ramifications if they fail to attend.
- *Conducting a conference* to discuss the subject of the notice and any related problems the client wishes to raise. Conferences are conducted in the local language where the client's first language is not English, are informal and confidential. Local Commissioners translate as required.

Conferences are heard by the Commissioner (or Deputy Commissioner) together with two or three Local Commissioners. All Commissioners have equal authority in the decision-making process and must attempt to reach a unanimous decision.

At the conclusion of the conference the Commissioners may decide that no action is necessary, reprimand the client, encourage the client to enter into an Family Responsibilities Agreement (FRA), direct the client to relevant community support services or place the client on a Conditional Income Management (CIM) order. Further information on each of these areas is provided in section 2.3.1.

### 2.3.1 Conference outcomes

Conferencing can result in a number of outcomes, including:

- *A referral or referrals* if Commissioners establish that clients would benefit from one or more support services. Support services include Wellbeing Centres, parenting programs, budgeting and financial programs, the Student Case Management Framework and the Ending Family Violence program.
- *Issue of a notice to Centrelink for a CIM order* if Commissioners believe a client's financial circumstances need to be stabilised. CIM orders are often issued where children or other vulnerable people are affected, when a client fails to attend two scheduled conferences, when a client is not complying with their agreement or order, or when the FRC continues to receive additional notices in relation to their behaviour.

CIM orders are normally for 12 months and are reviewed at six and nine months. The Commissioners determine whether 60 or 75 per cent of fortnightly welfare payments are to be managed, and Centrelink implements the notice. This includes a meeting between Centrelink and the client to discuss their priority needs and financial obligations, and allocating the remainder of their funds to a BasicsCard for the purchase of food and other consumables.

- *Case management* for clients who enter into an agreement or who are ordered to attend community support services. This includes review of monthly progress reports from service providers in which providers advise whether the client has attended and engaged with the provider and the progress made towards achieving their goals.
- *Engagement of the Active Family Pathways framework*, if Commissioners believe clients require support to navigate the various services and agencies which can provide clients with the personal assistance they require.

The FRC may also serve a 'Show Cause Notice' if a client does not comply with their agreement or order. A client may be ordered to appear before the FRC to explain their reasons for non-compliance with their agreement or order.

On the other hand, FRC clients are also able to apply to amend or end an agreement or order. This generally involves a hearing during which clients present evidence about why the order or agreement should be amended or cease.<sup>12</sup>

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<sup>12</sup> FRC Annual Report 2011-12, p 17-18

## 2.4 Staffing and structure

The FRC is comprised of a Commissioner, Deputy Commissioner, Local Commissioners from each of the participating communities, local coordinators, a registrar and administrative staff.

### 2.4.1 *The Commissioners*

The FRC is led by David Glasgow, a former solicitor and magistrate who spent much of his legal career working in Queensland's indigenous communities. Mr Glasgow was selected by the then Premier to work with the Department of Premier and Cabinet on the implementation of the FRC and was appointed to the role of Commissioner on 25 April 2008.<sup>13</sup>

Commissioner Glasgow is assisted by Deputy Commissioner Rod Curtin, who was appointed to the position in July 2010. Deputy Commissioner Curtin is a barrister with significant experience practising family and criminal law in the Cape York Peninsula and Torres Strait Region.<sup>14</sup>

Commissioner Glasgow and Deputy Commissioner Curtin are supported in their roles by local commissioners from each of the four participating Cape York communities. The FRC currently has six local commissioners from Aurukun, four from Coen, five from Hope Vale and four from Mosman Gorge.<sup>15</sup>

### 2.4.2 *Local coordinators and registry staff*

Three local coordinators have been appointed to provide support at the local level in each of the communities.

A central registry has also been established in Cairns to provide administrative and logistical support. The Registry is overseen by Registrar Rob White and comprises 17 staff, including case managers, information officers, administration and IT support officers and a government liaison officer.<sup>16</sup>

## 2.5 Family Responsibilities Board

Part 12 of the FRC Act provides for the establishment of the Family Responsibilities Board, which consists of one person nominated by the Minister (chairperson of the Board), one person nominated by the Australian Government and one person nominated by the Cape York Institute for Policy and Leadership (the Institute).

The Board provides advice and makes recommendations to the Minister about the operation of the FRC, and to the Commissioner about the performance of the FRC's functions.

The Board must meet at least quarterly. The current Board Members are:

- Mr Jon Grayson, Director-General, Department of the Premier and Cabinet
- Mr Finn Pratt, Secretary, Australian Government Department of Families, Housing, Community Services and Indigenous Affairs
- Mr Noel Pearson, Director, Cape York Institute for Policy and Leadership.<sup>17</sup>

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<sup>13</sup> FRC Annual Report 2011-12, p 21

<sup>14</sup> FRC Annual Report 2011-12, p 24

<sup>15</sup> FRC Annual Report 2011-12, p 21-24

<sup>16</sup> FRC Annual Report 2011-12, p 25

<sup>17</sup> FRC Annual Report 2011-12, p 66

### 3 The Family Responsibilities Commission performance for 2011-12

This section identifies key performance trends during the 2011-12 financial year, provides a summary of the FRC's income and expenditure for 2011-12 and assesses the FRC's compliance with reporting requirements for Queensland Government agencies.

#### 3.1 Notices and conferences by community

The FRC's 2011-12 Annual Report provide a breakdown of notifications and conferences by community between 1 July 2011 and 30 June 2012.<sup>18</sup> Table 1 summarises this information. The figures included in the shaded columns reflect the number of 'in jurisdiction' notices received by the FRC. Column six identifies the number of additional 'out of jurisdiction' notices received by the FRC.

**Table 1: Notifications and conferences by type and community - 1 July 2011 to 30 June 2012**

	Magistrates Court Notices	School Attendance Notices	Child Safety and Welfare Notices	Housing Tenancy Notices	All Notices	Out of Jurisdiction Notices	FRC Conferences
Aurukun	471	1106	49	12	1,638 (53.62%)	192 (13.92%)	964
Coen	123	33	30	4	190 (6.22%)	29 (2.10%)	86
Hope Vale	350	567	71	0	988 (32.34%)	225 (16.32%)	353
Mossman Gorge	142	70	11	16	239 (7.82%)	933 (67.66%)	184
<b>TOTAL</b>	<b>1,086</b>	<b>1,776</b>	<b>161</b>	<b>32</b>	<b>3,055</b>	<b>1,379</b>	<b>1,587</b>

Note: shaded columns are notices within the FRC's jurisdiction

Two notable trends emerge – the large number of out of jurisdiction notices received by the FRC and poor school attendance in Aurukun.

##### 3.1.1 Out of jurisdiction notices

Thirty-one per cent of the total number of agency notices received by the FRC in 2011-12 were not within the FRC's jurisdiction. Approximately 68 per cent of these notices were associated with the Mossman Gorge community.

Commissioner Glasgow advised the committee during the estimates hearing of 17 October 2012 that this was the result of the Department of Justice providing the FRC with all the notices from the Mossman Court, which covers people north of Cairns, and described the process that the FRC had established to identify people within the community from the court lists, as it was too expensive for the Department to reorganise their computer system.<sup>19</sup>

##### 3.1.2 School attendance notices

Thirty-six per cent of all in jurisdiction agency notices received by the FRC are associated with school attendance at Aurukun. This was a significant issue for the FRC in 2011-12 and is directly linked to the high number of FRC conferences conducted in the community. Further detail is provided in section 4.3.

<sup>18</sup> Pages 48 and 49

<sup>19</sup> Health and Community Services Committee Estimates Hearing, Transcript of Proceedings, 17 October 2012, p 20

### 3.2 Financial summary

In 2011-12 the FRC received Queensland Government funding of \$3.412 million, Australian Government funding of \$0.5 million, \$0.049 million in bank interest and \$0.043 million in other expense recoveries.

The operating result for the FRC in 2011-12 was a deficit of \$0.221 million.<sup>20</sup>

**Table 2: Income statement for 2011-12**

	<b>30 Jun 2012 \$,000</b>	<b>30 Jun 2011 \$,000</b>
Income	4,004	3,701
Less: Operating expenses	4,225	4,624
Net result for financial year – surplus/(deficit)	(221)	(923)

### 3.3 Reporting

The FRC Annual Report 2011-12 was tabled in Parliament on 31 October 2012. The Annual Report has been examined by the committee, as referenced throughout this report. The committee considers that the Annual Report 2011-12 complies with the Queensland Government Annual Reporting Requirements for Queensland Government Agencies.

<sup>20</sup> FRC Annual Report 2011-12, p 54-55

## 4 The Family Responsibilities Commission performance for 2009-2012

This section identifies trends in the FRC's performance and operation over a three year period, from 2009 to 2012. Overall performance is based on identified performance measures across all four CYWR Trial communities.

Data relating to the FRC's four core objectives of safeguarding and restoring child safety, school attendance, lawful behaviour and responsible tenancy is also consolidated and discussed in this section.

### 4.1.1 Performance measures

Each of the FRC's annual reports includes a performance statement against 12 performance measures. Measures encompass two separate but related sources of data – agency notice data, which the FRC must respond to but has no control over, and FRC data, which reflects the action taken by the FRC in response to agency notices.

Figures for the 12 performance measures from 2009-10, 2010-11 and 2011-12 have been combined in the table below to provide a picture of the FRC's operation across the four CYWR Trial communities during a three year period.

The numbers of agency notices received in Table 3 are the total number of notices received by the FRC – that is, both notices which are within the FRC's jurisdiction and notices which are not within the FRC's jurisdiction.

**Table 3: Performance measures by type by year**

Performance Measures	2009-10 <sup>21</sup>	2010-11 <sup>22</sup>	2011-12 <sup>23</sup>
Number of clients subject to agency notices	833	763	832
Number of agency notices received	4,364	3,669	4,434
Number of child safety and welfare notices received	369	248	183
Number of school attendance notices received	1,353	1,418	1,982
Number of school enrolment notices received	0	0	0
Number of housing tenancy notices received	126	34	34
Number of Magistrates Court notices received	2,516	1,969	2,235
Number of notices of conference issued	1,542	1,745	1,587
Number of clients who are on orders to attend support services	208	140	189
Number of client service referrals	583	374	465
Number of clients with conference outcomes recommending no further action	501	479	321
Number of clients subject to Conditional Income Management (CIM)	232	223	208

<sup>21</sup> FRC Annual Report 2009-10, p 32

<sup>22</sup> FRC Annual Report 2011-12, p 47

<sup>23</sup> FRC Annual Report 2011-12, p 47

#### 4.1.2 Measures which show little change

Performance against the majority of the measures remains stable over the three year period, with little significant difference noted in relation to the number of clients subject to CIM, the number of client service referrals, the number of clients ordered to attend support services, the number of Magistrates Court notices received, the number of school enrolment notices received, the total number of agency notices received and the number of clients subject to agency notices.

#### 4.1.3 Measures which show trends over two years

Trends between two consecutive financial years are evident in a small number of measures. For example, there was a 21 per cent increase in the total number of agency notices received by the FRC between 2010-11 and 2011-12. This is largely attributable to an increase in the number of school attendance notices received, which increased by 40 per cent in 2011-12 compared to 2010-11. This trend is discussed in more detail at section 4.3.

The other noticeable two year trend is a 73 per cent decrease in the number of housing tenancy notices received by the FRC between 2009-10 and 2010-11.

#### 4.1.4 Measures which show trends over three years

Only two measures show a significant and consistent trend over the entire three year period.

The first is child safety and welfare notices – the FRC received significantly fewer of these notices year to year between 2009 and 2012. In contrast, the FRC has consistently received more school attendance notices, year to year, in the same period. Both trends are discussed in more detail at sections 4.2 and 4.3.

## 4.2 Child safety

The FRC's performance indicator for child safety is

*Children at risk of harm and/or actually harmed decreases - notices from Department of Communities, Child Safety and Disability Services decrease.*<sup>24</sup>

Table 4 shows the number of in jurisdiction child safety and welfare notices received by the FRC between 2009-10 and 2011-12.

**Table 4: In jurisdiction child safety and welfare notices by community by year**

	2009-10 <sup>25</sup>	2010-11 <sup>26</sup>	2011-12 <sup>27</sup>
Aurukun	156	104	49
Coen	41	22	30
Hope Vale	99	84	71
Mossman Gorge	21	17	11
<b>TOTAL</b>	<b>317</b>	<b>227</b>	<b>161</b>

<sup>24</sup> FRC Annual Report 2011-12, p 14

<sup>25</sup> FRC Annual Report 2009-10, p 40

<sup>26</sup> FRC Annual Report 2010-11, p 54

<sup>27</sup> FRC Annual Report 2011-12, p 48

The total number of child safety and welfare notices received by the FRC has decreased by almost 50 per cent between 2009-10 and 2011-12. The greatest decrease has occurred in Aurukun. While no specific reasons are provided for this decrease, the committee notes that the 2011-12 Annual Report refers to a number of initiatives which may have contributed to this result, including:

- delivering the Ending Family Violence Program<sup>28</sup>
- Local Commissioners assisting in the induction of new Child Safety Services team members<sup>29</sup>
- engaging a full-time school nurse at Aurukun's Cape York Aboriginal Australian Academy<sup>30</sup>
- improving community understanding of "how our children should be nurtured and how the system works".<sup>31</sup>

### 4.3 School attendance

The FRC's performance indicator for school attendance is

*School attendance increases – notices from the Department of Education, Training and Employment decrease.*<sup>32</sup>

Table 5 summarises the number of in jurisdiction school attendance notices received by the FRC between 2009-10 and 2011-12.

**Table 5: In-jurisdiction school attendance notices by community by year**

	2009-10 <sup>33</sup>	2010-11 <sup>34</sup>	2011-12 <sup>35</sup>
Aurukun	826	871	1,106
Coen	38	24	33
Hope Vale	305	386	567
Mossman Gorge	56	55	70
<b>TOTAL</b>	<b>1,225</b>	<b>1,336</b>	<b>1,776</b>

The total number of school attendance notifications received by the FRC has increased by 45 per cent between 2009-10 and 2011-12. The most significant period of increase was over the last two years, with the greatest number of notifications received in 2011-12. This trend is particularly apparent in Aurukun.

The FRC's 2011-12 Annual Report states school attendance in Aurukun was "... significantly affected during the last quarter of the year by the deaths of prominent community members including the Mayor, his father and brother, and other Elders".<sup>36</sup>

During the 31 October 2012 hearing Commissioner Glasgow identified a number of other factors which have also contributed to lower school attendance rates in the Aurukun community. He referred to students from year eight onwards leaving to go to boarding school and described the difficulties associated with this practice. Many children do not want to leave their community; families and carers have difficulty getting children to and on the plane; children are often

<sup>28</sup> FRC Annual Report 2011-12, p 34

<sup>29</sup> FRC Annual Report 2011-12, p 37

<sup>30</sup> FRC Annual Report 2011-12, p 74

<sup>31</sup> FRC Annual Report 2011-12, p 74

<sup>32</sup> FRC Annual Report 2011-12, p 14

<sup>33</sup> FRC Annual Report 2009-10, p 40

<sup>34</sup> FRC Annual Report 2010-11, p 54

<sup>35</sup> FRC Annual Report 2011-12, p 48

<sup>36</sup> FRC Annual Report 2011-12, p 61



ill-prepared, academically and behaviourally, for school and experience a real sense of loneliness and isolation from their community.

Commissioner Glasgow spoke of how this dynamic has been exacerbated, in the past, by liberal Abstudy provisions, which allow children to come back, midterm, for funerals, making it all the more difficult to get them to return at the conclusion of the ceremonies. He said that Local Commissioners have been “very firm that they only come back in relation to needed funerals, those that are directly related to their families or kin carers who have raised the children”.<sup>37</sup>

In contrast to Aurukun, students at Coen and Mossman Gorge have maintained a relatively consistent attendance rate over the past three years.<sup>38</sup>

#### 4.3.1 Committee comment

The committee notes that the 2010-11 Annual report includes two different in jurisdiction figures for school attendance notifications in Aurukun. The number of in jurisdiction school attendance notifications for Aurukun is 687 on page 54 and 871 on page 56. It appears the figure for Magistrates Court notifications in Aurukun has been recorded against school attendance notifications on page 54, and that the 871 is the correct number.

#### 4.4 Lawful behaviour

The FRC’s performance indicator for lawful behaviour is

*Criminal offending decreases – notices from the Magistrates Court decrease.*<sup>39</sup>

Table 6 summarises the number of in jurisdiction magistrates court attendance notices received by the FRC between 2009-10 and 2011-12.

**Table 6: In jurisdiction magistrates court notices by community by year**

	2009-10 <sup>40</sup>	2010-11 <sup>41</sup>	2011-12 <sup>42</sup>
Aurukun	753	687	471
Coen	120	72	123
Hope Vale	376	264	350
Mossman Gorge	95	119	142
<b>TOTAL</b>	<b>1,344</b>	<b>1,142</b>	<b>1,086</b>

The total number of Magistrates Court notices received by the FRC decreased by almost 20 per cent between 2009-10 and 2011-12. The greatest decrease occurred in Aurukun, with 37 per cent fewer notices received in 2011-12

In contrast, the FRC has received almost 50 per cent more Magistrates Court notices for Mossman Gorge in 2011-12 than it did in 2009-10.

<sup>37</sup> Public Hearing – Oversight of the Family Responsibilities Commission, Transcript of Proceedings, 31 October 2012, p 2

<sup>38</sup> FRC Annual Report 2011-12, p 61

<sup>39</sup> FRC Annual Report 2011-12, p 14

<sup>40</sup> FRC Annual Report 2009-10, p 40

<sup>41</sup> FRC Annual Report 2010-11, p 54

<sup>42</sup> FRC Annual Report 2011-12, p 48

#### 4.5 Responsible tenancy

The FRC's performance indicator for responsible tenancy is

*Breach of tenancy decreases – notices from housing providers decrease.*<sup>43</sup>

Table 7 summarises the number of in jurisdiction housing tenancy notices received by the FRC between 2009-10 and 2011-12.

**Table 7: In-jurisdiction housing tenancy notices by community by year**

	2009-10 <sup>44</sup>	2010-11 <sup>45</sup>	2011-12 <sup>46</sup>
Aurukun	18	14	12
Coen	6	1	4
Hope Vale	69	10	0
Mossman Gorge	9	6	16
<b>TOTAL</b>	<b>102</b>	<b>31</b>	<b>32</b>

The total number of housing tenancy notices received by the FRC has decreased by almost 70 per cent between 2009-10 and 2011-12.

The decrease in housing tenancy notifications is largely attributable to the significant decrease in notices in Hope Vale between 2009-10 and 2010-11. The FRC's 2009-10 Annual Report associated this trend with a change in rental policies for indigenous communities in 2009, which altered the amount of rent required for each household and resulted in a "... significant rise in the number of housing tenancy notifications due to arrears".<sup>47</sup>

<sup>43</sup> FRC Annual Report 2011-12, p 14

<sup>44</sup> FRC Annual Report 2009-10, p 40

<sup>45</sup> FRC Annual Report 2010-11, p 54

<sup>46</sup> FRC Annual Report 2011-12, p 48

<sup>47</sup> FRC Annual Report 2009-10, p 41

## 5 External evaluation and exit strategy

During the committee's estimates hearing of 17 October 2012 Minister Elmes noted that the Queensland and Australian Government had agreed, on two separate occasions, to extend the CYWR Trial by a further 12 months. Both extensions involved "... a financial commitment for the continued operations of the Family Responsibilities Commission and to programs associated with the trial and an amendment to the *Family Responsibilities Commission Act 2008* to extend that expiry date".<sup>48</sup> Both the trial and FRC are now due to cease on 31 December 2013.

### 5.1 Exit strategy

During the committee's 31 October 2012 public hearing Commissioner Glasgow advised the committee that he had met with Minister Elmes about an exit strategy for the FRC and that there was a need for some "...fairly frank discussions between the federal government and the state government about a number of issues" prior to the development of a strategy.<sup>49</sup> Issues identified by the Commissioner included:

- the status of income management orders and BasicsCards at 1 January 2014, as orders will cease and BasicsCards will become ineffective once the FRC Act expires
- how to transition clients whose FRC orders extend beyond 31 December 2013. For example, will services providers case manage clients or is it possible to phase out orders and case plans in the last quarter of the FRC's operation
- providing opportunities to retain and expand on the leadership role of Local Commissioners, and.
- contracting arrangements for FRC staff.<sup>50</sup>

During the hearing Commissioner Glasgow advised he would contract key staff until the end of 2013 and the remaining staff until the end of September 2013 "because I just do not know whether they are going to be fully occupied for that last period and I need to know that" and said he wanted to "run the FRC full-on, at least until 30 June, without any thought of reducing our circuiting and conferencing processes".

Commissioner Glasgow also stated he hoped the FRC Board would be able to progress work on an exit strategy in March 2013 once "some policy decisions are made between the state and federal governments about some key issues".<sup>51</sup>

### 5.2 External evaluation

The evaluation of the CYWR Trial is being undertaken by the Social Policy Research Centre of the University of New South Wales. The FRC's 2011-12 annual report states the evaluation is comprised of "... a number of components, each undertaken by various contractors to achieve an independent and balanced analysis of the trial".<sup>52</sup>

The report says the final evaluation report will include results from a Social Change Survey, conducted in each of the CYWR Trial communities during 2011-12, and notes that the outcomes of the evaluation "...will inform future Queensland and Australian Government welfare reform policy".<sup>53</sup>

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<sup>48</sup> Estimates Transcript, p 25

<sup>49</sup> Public Hearing Transcript, p 3; FRC Annual Report 2011-12, p 63

<sup>50</sup> Public Hearing Transcript, p 3

<sup>51</sup> Public Hearing Transcript, p 3

<sup>52</sup> FRC Annual Report 2011-12, p 62

<sup>53</sup> FRC Annual Report 2011-12, p 62

On 17 October 2012 Minister Elmes advised the Committee that the latest extension to the CYWR Trial and FRC was necessary as the final evaluation report was not yet available.

*The report was originally due at the end of last year, and then in the middle of this year. Now, we are advised that we will have the report at some point in November of this year. This trial is an important and costly initiative. It is disappointing that the federal government has not regarded it with sufficient priority to get the evaluation report completed in a timely manner. If I could just add that both the Queensland state government and the federal government are contributing, I think from memory, \$850,000 each to this evaluation.*<sup>54</sup>

In the absence of the evaluation report, Minister Elmes outlined the findings of an implementation review of the FRC in 2010, which identified a number of benefits, including

- the development and restoration of local leadership and authority through the appointment of emerging leaders, who model positive behaviours and authority, as Local Commissioners,
- improved school attendance and readiness,
- quieter and calmer communities,
- effective case management, which assists families to address issues relating to school attendance, tenancy, criminal behaviour, child welfare and neglect, and
- a positive community response to parenting, ending family violence and economic development programs.<sup>55</sup>

Minister Elmes also expressed support for extending elements of the CYWR Trial beyond 2013 and into other indigenous communities. Minister Elmes qualified this support by stating that the Newman government will not commit to any further extensions of the trial, rather it will use the outcomes of the trial to “... inform our future work with Aboriginal and Torres Strait Islander communities across Queensland”.<sup>56</sup>

*... the last thing that we want is for everyone to pack up their bags and leave, losing the legacy of the trial and losing the knowledge and expertise of the people who work for the Families Responsibilities Commission. One of the conversations that I had with Commissioner Glasgow in Cairns a few weeks ago was beside a rack that was full of files on people whom the FRC Commissioners had come into contact with. That we could get to the end of 2013 and somehow burn or shred those files is something that cannot happen and cannot be allowed to happen. We need to be able to find some money and keep the expertise, to try to do what we can to extend across all 19 Indigenous communities the benefits that we have learned over the past few years through this trial. That is something that we will spend a lot of time discussing in the calendar year 2013.*<sup>57</sup>

#### 5.2.1 Committee comment

The committee looks forward to the outcomes of the independent evaluation of the CYWR Trial and any findings relevant to the FRC.

The committee recognises that the outcomes of the evaluation and considered policy advice from both levels of government are required before the FRC can develop an effective exit strategy.

The committee acknowledges the pivotal role Local Commissioners have played in the operation of the FRC and the restoration of socially responsible standards of behaviour and local authority within their communities and supports identifying opportunities to build on this role.

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<sup>54</sup> Estimates Transcript, p.21

<sup>55</sup> Estimates Transcript, p.24-25

<sup>56</sup> Estimates Transcript, p.24

<sup>57</sup> Estimates Transcript, p 25