

# **Oversight of the Family Responsibilities Commission**

**Report No. 49**

**Health and Community Services Committee**

**May 2014**



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## Health and Community Services Committee

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<b>Deputy Chair</b>	Mrs Jo-Ann Miller MP, Member for Bundamba
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## Acknowledgements

The committee acknowledges the assistance provided by the Family Responsibilities Commission.

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## Abbreviations

AFPF	Active Family Pathways Framework
CDEP	Community Development Employment Projects
CIM	Conditional Income Management
the committee	the Health and Community Services Committee
CS	Corrective Services
CYWR Trial	Cape York Welfare Reform Trial
EFV Program	Ending Family Violence Program
FRA	Family Responsibilities Agreement
FRC	Family Responsibilities Commission
FRC Act	<i>Family Responsibilities Commission Act 2008</i>
the Institute	Cape York Institute for Policy and Leadership
the Minister	the Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs
RFDS	the Royal Flying Doctor Service
SCMF	Student Case Management Framework

## 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 (FRC) under the Standing Rules and Orders of the Legislative Assembly.

This is the second 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 in the committee's oversight of the FRC.

Special thanks also to FRC staff in Cairns, and the communities of Mosman Gorge and Aurukun, for their warm welcome and hospitality during the committee's visit to Cape York in November 2013. The opportunity to meet with Local Commissioners, registry staff and representatives from agencies with whom the FRC engages was invaluable in deepening the committee's understanding of how the FRC works. I am particularly grateful to Local Commissioners and conference participants in Aurukun, who willingly allowed the committee to observe the conferencing process.

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



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





## 1 Introduction

### 1.1 Role of the committee

The Health and Community Services Committee (the 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 24 July 2013 and as witnesses at a public hearing in Cairns on 28 November 2013. Transcripts of both hearings are published on the committee's webpage at <http://www.parliament.qld.gov.au/work-of-committees/committees/H CSC/inquiries/current-inquiries/FRC>.

The public hearing was part of a four day visit to north Queensland by the committee. During this time members observed the FRC in operation and visited two communities participating in the Cape York Welfare Reform Trial (CYWR Trial).

### 1.2 Overview of the Family Responsibilities Commission

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> Information on how the FRC operates is in chapter 2.

### 1.3 Overview of the Cape York Welfare Reform Trial

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

The Trial commenced in 2008 and operates as a partnership between the Queensland and Australian Governments and the Cape York Institute for Policy and Leadership (the Institute).

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1 Legislative Assembly of Queensland, Standing Rules and Orders of the Legislative Assembly, SO 194A

2 FRC Act, s.4

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

The Trial is based on the philosophy that people who are in receipt of welfare payments or participating in funded employment programs “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>

Indigenous and non-Indigenous people who are living in those communities and receiving welfare or funded employment program payments are within the jurisdiction of the FRC. This jurisdiction continues if the individual relocates from the community.<sup>5</sup>

### *1.3.1 Participating communities*

The FRC Annual Report includes 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 969 people at 30 June 2011.

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 238 people at 30 June 2011.

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 727 people at 30 June 2011.

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 103 people at 30 June 2011.

At 30 June 2011, the total population across the four communities was just over 2,000.<sup>6</sup> In comparison, approximately 3,000 people lived 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 Community Development Employment Projects (CDEP) program.<sup>7</sup>

### *1.3.2 Employment programs*

Until mid-2013 the FRC could conference community members receiving payments from the CDEP program.

In July 2013 the Australian Government transitioned four employment, participation and community-development services programs in remote Australia, one of which was CDEP, into one integrated service – the Remote Jobs and Communities Program.<sup>8</sup> The FRC is now able to conference community members receiving payments from this program.

### *1.3.3 Independent evaluation*

An independent evaluation of the CYWR Trial was released in early 2013. Findings about the FRC are outlined in chapter 5 of this report.

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4 FRC, *Annual Report 2011-12*, p.12

5 FRC, *Annual Report 2011-12*, p.12

6 FRC, *Annual Report 2012-13*, p.108

7 FRC, *Annual Report 2011-12*, p.12

8 Department of Families, Housing, Community Services and Indigenous Affairs, *Remote Jobs and Communities Program*, accessed 3 February 2014 from <http://www.dss.gov.au/our-responsibilities/indigenous-australians/programs-services/communities-regions/community-development-employment-projects-cdep-program/remote-jobs-and-communities-program-ricp#transition>

## 2 Family Responsibilities Commission

This chapter provides an overview of the FRC's functions, processes, staffing and governance arrangements. It outlines the agencies with which the FRC engages and provides a description of the FRC's conferencing process and outcomes.

### 2.1 Functions and powers

Under the FRC Act, the FRC can conduct conferences where a welfare recipient in one of the participating communities:

- has a child who is not enrolled in school, or not 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.<sup>9</sup>

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 enables 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>

A diagram of how the FRC works is at Appendix 1.

### 2.2 Agency notices

The FRC may only hold a conference in relation to agency notices specified in Part 4 of the FRC Act. The FRC 2012-13 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:

1. *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

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9 FRC Act, part 5

10 FRC Act, s.68

11 FRC, *Annual Report 2012-13*, pp.14-15

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.

2. *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.
3. *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. Section 50A of the FRC Act also allows for three Local Commissioners to conference their community members without the Commissioner (or Deputy Commissioner), if the Commissioner considers it appropriate.<sup>12</sup> 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.<sup>13</sup>

## 2.4 Conference outcomes

Conferencing can result in a number of outcomes, including:

1. *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 (SCMF) and the Ending Family Violence Program (EFV Program).
2. *Issue of a notice to Centrelink for a CIM order* if Commissioners believe a client's financial circumstances need to be stabilised. A CIM order is 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.

A CIM order is normally for 12 months and is reviewed at six and nine months. The Commissioners determine the proportion 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.

3. *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.
4. *Engagement of the Active Family Pathways Framework (AFPF)*, if Commissioners believe clients require support to navigate the various services and agencies which can provide clients with the personal assistance they require.

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<sup>12</sup> FRC Act, s.50 (A)

<sup>13</sup> FRC, *Annual Report 2012-13*, pp.15-17

The FRC may 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.

Clients of the FRC 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>14</sup>

## **2.5 Staffing structure and governance**

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

### *2.5.1 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. Commissioner Glasgow was selected to work with government on the implementation of the FRC and was appointed to the role of Commissioner on 25 April 2008.<sup>15</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>16</sup>

Commissioner Glasgow and Deputy Commissioner Curtin are supported in their roles by Local Commissioners from each of the four participating Cape York communities. At 30 June 2013, the FRC had six Local Commissioners in Aurukun, four in Coen, five in Hope Vale and three in Mosman Gorge.<sup>17</sup>

### *2.5.2 Local coordinators and registry staff*

Three local coordinators provide support at the local level in each of the communities. A central registry in Cairns provides administrative and logistical support. The registry is overseen by Registrar Rob White and has 18 staff, including case managers, information officers, administration and IT support officers.<sup>18</sup>

### *2.5.3 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 Institute. The members at March 2014 are:

- Mr James Purtill (Chair), Director-General of the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs,
- Ms Liza Carroll, Associate Secretary of the Department of Prime Minister and Cabinet, and
- Mr Noel Pearson, Chair of the Cape York Group.

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.<sup>19</sup>

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14 FRC, *Annual Report 2012-13*, pp.16-17

15 FRC, *Annual Report 2012-13*, p.22

16 FRC, *Annual Report 2012-13*, p.26

17 FRC, *Annual Report 2012-13*, pp.23-26

18 FRC, *Annual Report 2012-13*, p.27

19 FRC, *Annual Report 2012-13*, p.58

### 3 Family Responsibilities Commission 2012-13

This chapter discusses key performance data and achievements for 2012-13, provides a summary of the FRC's income and expenditure for the period and assesses the FRC's compliance with reporting requirements for Queensland Government agencies.

#### 3.1 Notices and conferences by community

The FRC's 2012-13 Annual Report provides a breakdown of notifications and conferences by community between 1 July 2012 and 30 June 2013.<sup>20</sup> Table 1 summarises this information. The figures 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 (see section 3.3 below) received by the FRC.

**Table 1: Notifications and conferences by type and community – 1 July 2012 to 30 June 2013**

	Magistrates Court Notices	School Attendance Notices	Child Safety and Welfare Notices	Housing Tenancy Notices	All Notices	Out of Jurisdiction Notices	FRC Conferences
Aurukun (Pop. 969)	490	1089	64	38	1681	155	947
Coen (Pop. 238)	47	119	16	49	231	59	117
Hope Vale (Pop. 727)	380	699	71	15	1165	217	414
Mossman Gorge (Pop. 103)	167	80	14	18	279	991	208
<b>Total</b>	<b>1084</b>	<b>1987</b>	<b>165</b>	<b>120</b>	<b>3356</b>	<b>1422</b>	<b>1686</b>

Notes: Shaded columns are notices within the FRC's jurisdiction.

Population figures reflect estimated resident adult population based on the 2011 Census

The proportion of notifications in each community, and the most common source of notifications in each community, in 2012-13<sup>21</sup> were as follows:

- *Aurukun* accounted for approximately 50 per cent of the total number of notices. Sixty-five per cent of notices for Aurukun relate to *school attendance* and 29 per cent to *Magistrates Court convictions*.
- *Hope Vale* accounted for approximately 35 per cent of the total number of notices. Sixty per cent of notices for Hope Vale relate to *school attendance* and 33 per cent to *Magistrates Court convictions*.
- *Mossman Gorge* accounted for approximately 8 per cent of the total number of notices. Sixty per cent of notices for Mossman Gorge relate to *Magistrates Court convictions* and 29 per cent to *school attendance*.
- *Coen* accounted for approximately 7 per cent of the total number of notices. Fifty two per cent of notices for Coen relate to *school attendance* and 20 per cent to *Magistrates Court convictions* and 21 per cent to *housing tenancy*.

20 FRC, *Annual Report 2012-13*, pp.44 and 108

21 FRC, *Annual Report 2012-13*, pp.44-45

### 3.2 Individuals who receive multiple notices

In 2012-13 approximately 24 per cent of FRC clients received more than five notices. This reflects clients with multiple school absences for one child or multiple Magistrates Court notices relating to one incident. It also reflects clients with complex needs who require long term engagement and assistance. The FRC reported that reduced funding for preventative health and social wellbeing services in remote communities has had an impact on clients remaining stable.<sup>22</sup>

### 3.3 Out of jurisdiction notices

The FRC received 1,422 out of jurisdiction notices in 2012-13, of which approximately 70 per cent were associated with Mossman Gorge.<sup>23</sup> This is attributable to the Department of Justice and Attorney-General providing the FRC with notices of all convictions in the Mossman Court, which hears charges against people north of Cairns.<sup>24</sup>

### 3.4 Referrals by service provider

The FRC's 2012-13 Annual Report provides a breakdown of referrals made to service providers between 1 July 2012 and 30 June 2013. **Error! Reference source not found.** summarises this information.<sup>25</sup>

**Table 2: Referrals by service provider – 1 July 2012 to 30 June 2013**

Service Provider	Referrals
MPower	77
WellBeing Centre	107
Student Case Management Framework	5
Parenting Program	35
Probation and Parole Ending Family Violence Program	49
FRC Ending Family Violence Program	35
Active Family Pathways Framework	18
Other	13
<b>Total</b>	<b>339</b>

The FRC most frequently referred clients to:

- Wellbeing Centres (32 per cent of all referrals), which assist clients to address alcohol and or drug misuse, gambling, parenting or social health related issues
- the EFV Program (24 per cent of all referrals), which assist clients to address offending and violent behaviours and misuse of drugs or alcohol
- MPower (23 per cent of all referrals), which assists clients to budget, prioritise and meet financial needs.<sup>26</sup>

The FRC reported that services were closed at various times during the year, due to staff unavailability, violence in the community and unpredictable weather, and that there is value in developing community based solutions to ensure service providers are available in peak times like

<sup>22</sup> FRC, *Annual Report 2012-13*, p.45

<sup>23</sup> FRC, *Annual Report 2012-13*, p.44

<sup>24</sup> Health and Community Services Committee Estimates Hearing, *Transcript of Proceedings*, 17 October 2012, p.20

<sup>25</sup> FRC, *Annual Report 2012-13*, p.46

<sup>26</sup> FRC, *Annual Report 2012-13*, pp.15 and 46

Christmas and Easter. The FRC also encouraged providers to adapt and review their service delivery to ensure it meets the needs of each community.<sup>27</sup>

The FRC reported a number of concerns about the Wellbeing Centres. This issue was also raised during the committee's November 2013 public hearing.

### **3.5 Conditional income management orders by community**

The FRC issued 304 CIM orders to 268 clients in 2012-13. One hundred and ninety-six of those orders (approximately 64 per cent of the total) were issued to clients in Aurukun. In contrast, 52 CIM orders were issued to clients in Hopevale, 43 in Mossman Gorge and 13 in Coen.<sup>28</sup>

The FRC reported that the majority of orders issued were extensions to existing orders and that placing orders on clients who failed to appear for their second scheduled conference is effective in gaining the clients attention. The FRC also reported that a number of clients use voluntary income management for financial management and protection from family.<sup>29</sup>

Issues relating to the use of BasicsCards were also raised during the public hearing in Cairns. Stakeholders stated that family members often share cards and that the goods purchased with BasicCards can be readily traded in "culturally sanctioned reciprocal sharing of alcohol and tobacco".<sup>30</sup>

### **3.6 Achievements**

The FRC 2012-13 Annual Report notes a number of achievements, including:

- moving accounting, human resource and payroll functions in-house. The FRC reported this had resulted in a significant reduction in expenditure
- taking responsibility for the delivery of the EFV Program. The program had previously been implemented in partnership with Queensland Corrective Services. The FRC describes this as "a strategic move to initiate the delivery of community programs by those resident in community, who have links to the community".
- assisting core agencies and organisations with the induction of new employees entering the CYWR Trial communities for the first time.
- holding a Local Commissioners training and development week in Cairns.<sup>31</sup>

### **3.7 Finances**

The FRC Annual Report 2012-13 reported that it received Queensland Government funding of \$1.849 million (\$0.049 million was for the delivery of the EFV Program), Australian Government funding of \$1.5 million, \$0.030 million in bank interest and \$0.086 million in other expense recoveries.<sup>32</sup>

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27 FRC, *Annual Report 2012-13*, p.46

28 FRC, *Annual Report 2012-13*, p.46

29 FRC, *Annual Report 2012-13*, p.46

30 Ms Alison Brown, Royal Flying Doctor Service (RFDS), Public Hearing Transcript, 28 November 2013, p.8

31 FRC, *Annual Report 2012-13*, pp.36-37

32 FRC, *Annual Report 2012-13*, p.50



## 4 Family Responsibilities Commission 2009-2013

This chapter examines trends in the FRC's performance and operation over a four year period, from 2009-10 to 2012-13. Overall performance is based on identified performance measures across all four CYWR Trial communities. Consolidated data relating to the FRC's four core objectives of safeguarding and restoring child safety, school attendance, lawful behaviour and responsible tenancy is examined.

### 4.1 Performance measures

Each of the FRC's annual reports includes a 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 to 2012-13 are shown in the table below to provide a picture of the FRC's operation across the four CYWR Trial communities during a four 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>33</sup>	2010-11 <sup>34</sup>	2011-12 <sup>35</sup>	2012-13 <sup>36</sup>
Number of clients subject to agency notices	833	763	832	847
Number of agency notices received	4,364	3,669	4,434	4,778
Number of child safety and welfare notices received	369	248	183	178
Number of school attendance notices received	1,353	1,418	1,982	2,192
Number of school enrolment notices received	0	0	0	0
Number of housing tenancy notices received	126	34	34	129
Number of Magistrates Court notices received	2,516	1,969	2,235	2,279
Number of notices of conference issued	1,542	1,745	1,587	1,686
Number of clients who are on orders to attend support services	208	140	189	166
Number of client service referrals	583	374	465	339
Number of clients with conference outcomes recommending no further action	501	479	321	240
Number of clients subject to CIM	232	223	208	268

33 FRC, *Annual Report 2009-10*, p.32

34 FRC, *Annual Report 2011-12*, p.44

35 FRC, *Annual Report 2011-12*, p.47

36 FRC, *Annual Report 2012-13*, p.43

## 4.2 Child safety

The FRC uses the number of notices about child safety and welfare matters received from the Department of Communities, Child Safety and Disability Services to measure child safety within the participating communities. The performance indicator for this measure is a decrease in the number of notices received.<sup>37</sup>

Table 4 shows the number of in-jurisdiction child safety and welfare notices received by the FRC between 2009-10 and 2012-13.

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

	<b>2009-10<sup>38</sup></b>	<b>2010-11<sup>39</sup></b>	<b>2011-12<sup>40</sup></b>	<b>2012-13<sup>41</sup></b>
Aurukun	156	104	49	64
Coen	41	22	30	16
Hope Vale	99	84	71	71
Mossman Gorge	21	17	11	14
<b>Total</b>	<b>317</b>	<b>227</b>	<b>161</b>	<b>165</b>

The total number of child safety and welfare notices received by the FRC has decreased by approximately 48 per cent between 2009-10 and 2012-13. While the FRC has received fewer notices over time in relation to all four communities, the greatest decrease has occurred in Aurukun. The FRC has identified a number of initiatives which may have contributed to this result, including:

- delivering the EFV Program<sup>42</sup>
- Local Commissioners assisting in the induction of new Child Safety Services team members<sup>43</sup>
- engaging a full-time school nurse at Aurukun's Cape York Aboriginal Australian Academy<sup>44</sup>
- improving community understanding of "how our children should be nurtured and how the system works".<sup>45</sup>

## 4.3 School attendance

The FRC uses the number of notices about school attendance matters received from the Department of Education, Training and Employment to measure school attendance in the participating communities. The performance indicator for this measure is a decrease in the number of notices received.<sup>46</sup>

Table 5 summarises the number of in-jurisdiction school attendance notices received by the FRC between 2009-10 and 2012-13.

37 FRC, *Annual Report 2011-12*, p.14

38 FRC, *Annual Report 2009-10*, p.40

39 FRC, *Annual Report 2010-11*, p.54

40 FRC, *Annual Report 2011-12*, p.48

41 FRC, *Annual Report 2012-13*, p.44

42 FRC, *Annual Report 2011-12*, p.34

43 FRC, *Annual Report 2011-12*, p.37

44 FRC, *Annual Report 2011-12*, p.74

45 FRC, *Annual Report 2011-12*, p.74

46 FRC, *Annual Report 2011-12*, p.14

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

	<b>2009-10<sup>47</sup></b>	<b>2010-11<sup>48</sup></b>	<b>2011-12<sup>49</sup></b>	<b>2012-13<sup>50</sup></b>
Aurukun	826	871	1,106	1,089
Coen	38	24	33	119
Hope Vale	305	386	567	699
Mossman Gorge	56	55	70	80
<b>Total</b>	<b>1,225</b>	<b>1,336</b>	<b>1,776</b>	<b>1,987</b>

The total number of school attendance notifications received by the FRC has increased by 62 per cent between 2009-10 and 2012-13, with the most significant increase occurring between 2010-11 and 2011-12.

This trend is particularly apparent in Aurukun. Commissioner Glasgow has identified a number of factors which have contributed to lower school attendance rates in the Aurukun community, including the deaths of prominent community members<sup>51</sup> and the difficulties associated with ensuring children from year eight onwards leave the community to go to boarding school. Commissioner Glasgow told the committee that 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.<sup>52</sup>

Other noticeable trends include a 261 per cent increase in the number of school attendance notices received for Coen between 2011-12 and 2012-13.<sup>53</sup>

#### **4.4 Lawful behaviour**

The FRC uses the number of notices about offences received from Magistrates Courts to measure lawful behaviour within the participating communities. The performance indicator for this measure is a decrease in the number of notices received.<sup>54</sup>

Table 6 summarises the number of in-jurisdiction Magistrates Court attendance notices received by the FRC between 2009-10 and 2012-13.

<sup>47</sup> FRC, *Annual Report 2009-10*, p.40

<sup>48</sup> FRC, *Annual Report 2010-11*, p.54

<sup>49</sup> FRC, *Annual Report 2011-12*, p.48

<sup>50</sup> FRC, *Annual Report 2012-13*, p.44

<sup>51</sup> FRC, *Annual Report 2011-12*, p.61

<sup>52</sup> Commissioner David Glasgow, FRC, Public Hearing, Transcript of Proceedings, 31 October 2012, p.2

<sup>53</sup> FRC, *Annual Report 2010-11*, p.54; FRC, *Annual Report 2011-12*, p.48; FRC, *Annual Report 2012-13*, p.44

<sup>54</sup> FRC, *Annual Report 2011-12*, p.14

**Table 6: In-jurisdiction Magistrates Court notices by community by year**

	<b>2009-10<sup>55</sup></b>	<b>2010-11<sup>56</sup></b>	<b>2011-12<sup>57</sup></b>	<b>2012-13<sup>58</sup></b>
Aurukun	753	687	471	490
Coen	120	72	123	47
Hope Vale	376	264	350	380
Mossman Gorge	95	119	142	167
<b>Total</b>	<b>1,344</b>	<b>1,142</b>	<b>1,086</b>	<b>1,084</b>

The total number of Magistrates Court notices received by the FRC decreased by approximately 19 per cent between 2009-10 and 2012-13. The greatest decreases occurred in Aurukun, with 35 per cent fewer notices received, and Coen, with 61 per cent fewer notices received in 2012-13, compared to 2009-10.

In contrast, the FRC received approximately 76 per cent more Magistrates Court notices for Mossman Gorge in 2012-13 than it did in 2009-10.

#### **4.5 Responsible tenancy**

The FRC uses the number of notices about residential tenancy agreements received from housing providers to measure responsible tenancy within the participating communities. The performance indicator for this measure is a decrease in the number of notices received.<sup>59</sup>

Table 7 summarises the number of in-jurisdiction housing tenancy notices received by the FRC between 2009-10 and 2012-13.

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

	<b>2009-10<sup>60</sup></b>	<b>2010-11<sup>61</sup></b>	<b>2011-12<sup>62</sup></b>	<b>2012-13<sup>63</sup></b>
Aurukun	18	14	12	38
Coen	6	1	4	49
Hope Vale	69	10	0	15
Mossman Gorge	9	6	16	18
<b>Total</b>	<b>102</b>	<b>31</b>	<b>32</b>	<b>120</b>

The total number of housing tenancy notices received by the FRC has increased by almost 18 per cent between 2009-10 and 2012-13.

55 FRC, *Annual Report 2009-10*, p.40

56 FRC, *Annual Report 2010-11*, p.54

57 FRC, *Annual Report 2011-12*, p.48

58 FRC, *Annual Report 2012-13*, p.44

59 FRC, *Annual Report 2011-12*, p.14

60 FRC, *Annual Report 2009-10*, p.40

61 FRC, *Annual Report 2010-11*, p.54

62 FRC, *Annual Report 2011-12*, p.48

63 FRC, *Annual Report 2012-13*, p.44

## 5 Restoring social norms and local authority

This chapter discusses the role the FRC has played in helping to restore social norms and local authority in the CYWR Trial communities. Relevant outcomes from an evaluation of the Trial are identified and stakeholder views are discussed.

### 5.1 CYWR Trial evaluation

A report on an independent evaluation of the CYWR Trial was released in early 2013. The evaluation framework was developed by consultants, in conjunction with the Queensland and Australian Governments and the Institute, and builds on an implementation review released in 2010.

The central questions considered in the evaluation included whether the Trial has been implemented as agreed, whether social norms and behaviours are changing as intended and whether governance and service delivery have supported the intended change.<sup>64</sup> The question of whether social norms and behaviours are changing is directly linked to the establishment and operation of the FRC.

#### 5.1.1 *Role of the Family Responsibilities Commission*

The main objectives of the FRC Act are to support the restoration of socially responsible standards of behaviour and local authority in welfare reform communities and to help the people in those communities resume primary responsibility for their wellbeing.<sup>65</sup> The Act is intended to achieve this by establishing the FRC, which conferences community members about agency notices. The FRC deals with the matters to which the notices relate in a way that encourages community members to engage in socially responsible standards of behaviour and promotes the interests, rights and wellbeing of vulnerable people.<sup>66</sup>

#### 5.1.2 *Difficulties measuring change*

The FRC noted that evaluators found it difficult to reliably measure social change as they were dependent on community perception data and needed to be realistic about the extent of change they might reasonably expect given the Trial had only been in operation for four years. Consequently, the evaluators chose to assess “whether the Trial has set the foundations for and made progress towards changing social norms and rebuilding the four participating communities”.<sup>67</sup>

## 5.2 Restoring socially responsible behaviour

### 5.2.1 *Evaluation findings*

The evaluation report stated there is a general perception in communities that the combination of conferencing with Local Commissioners and accessing support services “has encouraged and enabled individuals and families to identify and start to address problems that are affecting their lives”.<sup>68</sup>

The report also stated that the large number of people accessing support services of their own will suggests the Trial has been successful in “reinforcing behaviours that reflect individual responsibility for improving one’s life, in contrast to passivity and dependence”. Participants were described as starting to take “responsibility for their life challenges and engaging in self-help behaviour”.<sup>69</sup>

Anthropologist John von Sturmer, who conducted social change interviews in communities as part of the evaluation, described this dynamic in Aurukun:

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64 Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), *Cape York Welfare Reform Evaluation 2012*, p.iii, accessed from [http://www.dss.gov.au/sites/default/files/documents/03\\_2013/cywr\\_evaluation\\_report\\_v1.2\\_0.pdf](http://www.dss.gov.au/sites/default/files/documents/03_2013/cywr_evaluation_report_v1.2_0.pdf)

65 FRC Act 2008, s.4

66 FRC Act 2008, s.4

67 FRC, *Annual Report 2012-13*, p.39

68 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.40

69 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.41

*We now see the emergence of a narrative 'I' which did not exist in the past. We find people being able to articulate their own feelings and fears where once they were inclined to enactment. People report modifications in their own behaviour or attitudes.<sup>70</sup>*

### 5.2.2 Stakeholder views

The committee heard similar views about restoration of social norms from stakeholders during a public hearing in Cairns. Ms Zoe Ellerman from the Institute stated that the FRC has been successful in “changing the conversation”. She claimed that people in the communities are no longer screaming at government to fix things. Rather, they are saying we have to fix this for ourselves.<sup>71</sup>

Similarly, Ms Alison Brown from the Royal Flying Doctor Service stated the FRC has “clearly raised community expectations of behaviour and empowered individuals within these communities to express their own desire for change in a meaningful way”.<sup>72</sup>

## 5.3 Restoring local authority

### 5.3.1 Evaluation findings

The evaluation found that the FRC has been successful in rebuilding local authority in participating communities. This success is largely attributed to Local Commissioners, who are now able to conference community members without either the Commissioner or Deputy Commissioner.<sup>73</sup>

*Most community members and other stakeholders believe that the FRC has strengthened leadership, particularly through the Local Commissioners' listening, guiding and supporting role. The FRC conferencing process resonates with traditional Aboriginal dispute resolution practices and is consistent with restorative justice principles.<sup>74</sup>*

The evaluation also linked the positive impact of the conferencing process with the supportive role adopted by the Local Commissioners, who are described as taking pride in their capacity to listen and to attend to the real nature of problems.<sup>75</sup>

This view is supported by the majority of Trial participants. Many community members interviewed during the social change survey component of the evaluation “expressed positive opinions about the local FRC Commissioners, particularly their willingness to listen and help.” Similarly, many respondents to the service provider survey also praised the Commissioners.<sup>76</sup>

The evaluation report also referred to the election of Local Commissioners in some communities to local councils, and concluded that this “indicates a level of support for the FRC Commissioners, and the authority that they have built through their roles as commissioners.”<sup>77</sup> The Commissioner put similar views to the committee during its visit to Aurukun.

### 5.3.2 Stakeholder views

Stakeholders are also extremely complimentary of the role played by Local Commissioners. Ms Zoe Ellerman told the committee during the Cairns public hearing that the growth and change in the Local Commissioners is “one of the real delights of the Trial” and described the commissioners as “the very real leaders and the very real success of the FRC”.<sup>78</sup>

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70 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, pp. 40-41

71 Ms Zoe Ellerman, Cape York Institute for Policy and Leadership (the Institute), Public Hearing, Transcript of Proceedings, 28 November 2013, p.4

72 Ms Alison Brown, RFDS, Public Hearing, Transcript of Proceedings, 28 November 2013, pp.9-10

73 FRC Act 2008, s.50

74 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.6

75 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.38

76 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.49

77 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.113

78 Ms Zoe Ellerman, the Institute, Public Hearing, Transcript of Proceedings, 28 November 2013, p.4

Ms Alison Brown expressed similar sentiments, complimenting the FRC on its training and up-skilling of Local Commissioners and acknowledging the contribution this had made to the commissioners' self-esteem and drive to create change in their community.<sup>79</sup>

Commissioner Glasgow has consistently praised the work of the Local Commissioners. In the FRC's 2012-13 Annual Report he attributed the strength of the FRC and its success to their leadership and determination.<sup>80</sup> The report foreword by Mr Noel Pearson stated

*The FRC continues to rebuild local Indigenous authority and social norms from the ground up. I am immensely proud of what the Local Commissioners have achieved — with the unfailing support of Commissioner Glasgow and his team. The success of the FRC stands as testament that change can occur when local leaders are properly empowered to ask those around them to step up and take responsibility for their own lives, and the lives of their children.*<sup>81</sup>

#### **5.4 Other findings about the Family Responsibilities Commission**

The evaluation found that, in the first three years of the Trial, half of the adult population in the participating communities had direct contact with the FRC for breaching at least one social obligation. The most common breaches related to people committing crimes or not sending their children to school. Key findings about this group included:

- 82 per cent of those who breached a social obligation were asked to attend a FRC conference – two thirds of those asked to attend did so.
- 62 per cent of FRC clients who were asked to attend a conference were put on a case plan.
- Over 90 per cent of FRC clients who were referred to services attended at least one of their service referral appointments.<sup>82</sup>

The evaluation report notes that there are challenges in using FRC data to determine its effectiveness as the data was designed for case management rather than evaluation or reporting purposes.

The report also presents the findings of a social change survey conducted in each of the participating communities. The survey identified a relatively high level of support for the FRC in these communities. For example:

- more than half of community members felt the FRC is good for the community, want the FRC to keep helping people and support people when they are being helped by the FRC, and
- two-thirds of community members felt the community would be a better place to live if everyone followed up on their talks and conferences with the FRC.<sup>83</sup>

##### **5.4.1 Local language**

The evaluation report acknowledged the importance of conferences being conducted in a community language, particularly in Aurukun. People are said to be more confident and forthcoming in their own language. The Wik-Mungkan language of Aurukun is described as the “language of equality”, in contrast to English which is described as a “language of hierarchies and externally-derived statuses”.<sup>84</sup>

##### **5.4.2 Community acceptance**

During the evaluation a local commissioner from Aurukun commented on changes in the level of community acceptance of the FRC. The local commissioner said that in the early stages of the Trial

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79 Ms Alison Brown, RFDS, Public Hearing, Transcript of Proceedings, 28 November 2013, p.9

80 FRC, *Annual Report 2012-13*, p.7

81 FRC, *Annual Report 2012-13*, Preamble

82 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.185

83 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.186

84 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.38

people directed a lot of anger, animosity and abuse towards the commissioners as they did not understand the role of the FRC, were frustrated by their problems and circumstances and angry and annoyed at being summoned and held accountable.

The local commissioner stated there is almost no aggression towards the FRC now;

*the clients that are here today, they are quite happy to be here, they are dealing with their problems in a positive way and they can see that there are solutions to their problems. That is the really big change in the last four years.*<sup>85</sup>

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85 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.38



## 6 The future of the FRC

### 6.1.1 Long term nature of welfare reform

The evaluation report states that participants believe “there should be a clear exit strategy and a smooth transition to the next phase of the CYWR Trial” and notes that indigenous communities often receive initiatives which are withdrawn after short periods.<sup>86</sup> The long term nature of welfare reform was also described at the committee’s hearing in Cairns:

*There is no such thing as a silver bullet or an overnight magical success that is going to transform these communities into white-picket-fence communities where people are happy and have shiny families and are sending their kids off to school every day.<sup>87</sup>*

### 6.1.2 Evolving the model

The future of the FRC and the need to evolve and strengthen the model on which it is based was the subject of significant discussion during the committee’s public hearing in Cairns. Suggestions included:

- increasing the FRC’s powers to enable 100 per cent income management<sup>88</sup>, particularly in Aurukun where there is a perception that there is still a way to go to reach “the tipping point”<sup>89</sup>
- expanding the triggers for conferencing by the FRC, such as work participation breaches and issues around gambling, which are prevalent in Aurukun
- long-term planning rather than 12 month extensions as have occurred in the past<sup>90</sup>
- determining whether elements of the Trial are transferrable to other communities and the dangers associated with cherry picking bits and pieces of the model, rather than undertaking a comprehensive, community based approach to development,<sup>91</sup> and
- adopting a “rewarding function” rather than “penalising dysfunction” approach and the importance of getting the balance right to ensure people are not incentivised to “get to a point of normal” or do something they should be doing anyway.<sup>92</sup>

The importance of maintaining good working relationships between the FRC and the service providers to whom participants are referred was also discussed at the committee’s public hearing.<sup>93</sup> The committee noted the importance of constructive inter-agency relationships during its visit to two communities in November 2013.

### 6.1.3 When to leave

The issues of how to determine when the optimal effect of the FRC has been achieved and when is an appropriate time to leave was also discussed during the Cairns public hearing. For example, Commissioner Glasgow asked whether 75 per cent school attendance in Aurukun was the maximum that is going to be achieved and whether this is equivalent to 75 per cent attendance in the state school in Cairns.<sup>94</sup> Commissioner Glasgow stated the Trial was designed to be a “short, sharp, shell shock” and emphasised the need for somebody to determine when is the appropriate time to leave a community.<sup>95</sup>

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86 FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.213

87 Ms Zoe Ellerman, the Institute, Public Hearing, Transcript of Proceedings, 28 November 2013, p.4

88 CIM clients currently have a 10 per cent discretionary spend

89 The term “tipping point” is used to describe the point at which only a minority of families are not living within social norms

90 Ms Zoe Ellerman, the Institute, Public Hearing, Transcript of Proceedings, 28 November 2013, pp.2-4

91 Public Hearing, Transcript of Proceedings, 28 November 2013, p.6

92 Public Hearing, Transcript of Proceedings, 28 November 2013, p.5

93 Ms Alison Brown, RFDS, Public Hearing, Transcript of Proceedings, 28 November 2013, p.9

94 Commissioner David Glasgow, FRC, Public Hearing, Transcript of Proceedings, 28 November 2013, p.17

95 Commissioner David Glasgow, FRC, Public Hearing, Transcript of Proceedings, 28 November 2013, pp.17-18

#### 6.1.4 *Other social determinants*

A number of witnesses expressed the view that other social determinants, such as jobs and private housing, still need to be addressed in the participating communities.<sup>96</sup> The evaluation report made similar conclusions. It noted that while improvements such as those fostered by the FRC set the foundation for greater engagement in the “real economy”, the continuing lack of opportunities for employment and business development will make it difficult to achieve significant long-term improvements in living circumstances.<sup>97</sup>

#### 6.1.5 *Committee reflections*

The data reported over the past four years by the FRC on notices received about school attendance, Magistrates Court convictions, child protection and tenancy matters, and data about FRC conferencing and referrals does not give a clear picture of positive social change. The number of notifications received by the FRC has not consistently decreased over time, from any of the four sources. While not a consistent decrease, child safety notices have declined. Changes that may be evident from the data vary in each community, and vary over time. The committee recognises the limitations of using data about notices and FRC conferencing alone to assess the effectiveness of the FRC in supporting the restoration of socially responsible behaviour and local authority. The data is designed for case management purposes, rather than for evaluation of effectiveness. It does not readily lend itself to measuring social outcomes or the effectiveness of the FRC.

It is more telling, perhaps, to consider the views of the communities and people who work in those communities. The information available to the committee suggests that the people in some of the four communities believe the FRC has had a very positive impact on social change; in other communities divergent and less positive views have been expressed. Evidence presented to the committee at its Cairns hearing by the Commissioner, the Institute and others suggests that significant progress is being made in some areas.

The committee is confident that the FRC is satisfactorily performing its statutory functions.

It is more difficult for the committee to assess whether the FRC’s role is one that is effective in contributing to the original rationale for its establishment.

Broadly, the FRC and other components of the CYWR Trial were intended to restore social norms and local authority, to change dysfunctional behaviours in response to chronic welfare dependency, social dysfunction and economic exclusion.

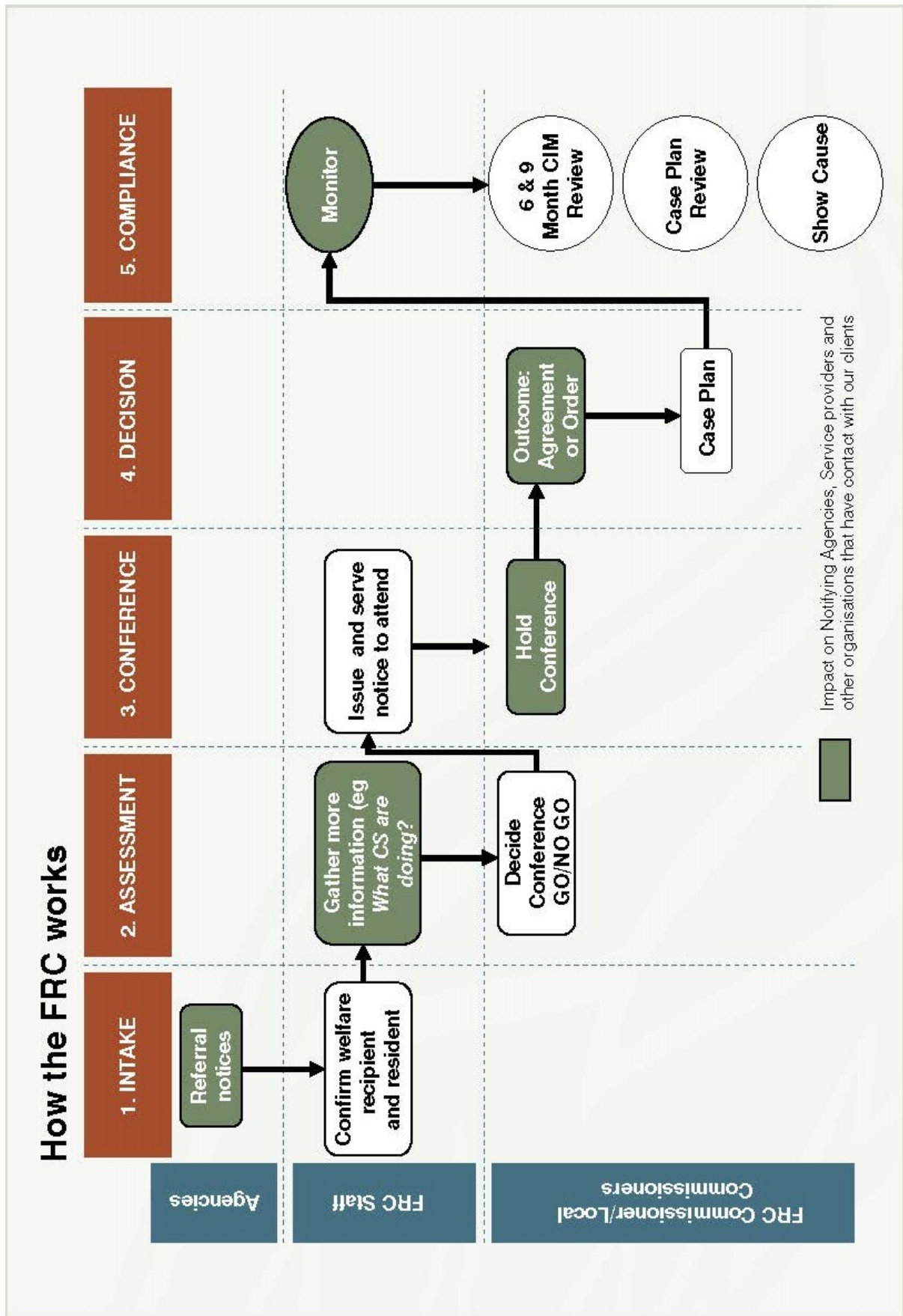
To restore social norms, responsible behaviour and local authority, the committee considers that a holistic approach and long term government support is necessary; significant social change is not achieved from short term initiatives. This is complex and challenging welfare reform, which requires more than the conferencing and income management provided by the FRC. Change must be fostered across years and across generations. Communities must be engaged, policy makers must be prepared to listen and to try diverse and innovative approaches that will be accepted by the communities in which they are to be implemented.

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<sup>96</sup> Ms Alison Brown, RFDS, Public Hearing, Transcript of Proceedings, 28 November 2013, p.9

<sup>97</sup> FaHCSIA, *Cape York Welfare Reform Evaluation 2012*, p.41

## Appendix 1 – How the FRC works



Source: FRC, Annual Report 2012-13, p.14