



Oversight of the Family Responsibilities Commission

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Infrastructure, Planning and Natural Resources
Committee
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Infrastructure, Planning and Natural Resources Committee

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Abbreviations

DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
DET	Department of Education and Training
DVO	Domestic violence order
FRC	Family Responsibilities Commission
YJ Act	<i>Youth Justice Act 1992</i>

Chair's foreword

This report presents a summary of the Infrastructure, Planning and Natural Resources Committee's examination of the oversight of the Family Responsibilities Commission.

On 14 February 2017, the committee's jurisdiction under Schedule 6 of the Standing Orders changed and the Family Responsibilities Commission (FRC) became subject to oversight by the Infrastructure, Planning and Natural Resources Committee. This was a new area of consideration for this committee. I was greatly impressed with the interest and importance that all members of the committee brought to this role. As regional members of Parliament, the committee had first-hand experience of the significant issues that many Indigenous communities face.

The committee was able to meet Commissioner Glasgow on three occasions and gained an appreciation of the valuable work that the Commissioner, other Commissioners and staff members of the FRC do. During these discussions, several issues emerged which impact upon the FRC's ability to fulfil its legislative obligations and efficiently deliver its service now and into the future.

In this report, the committee outlines its process of oversight and highlights issues for consideration by the Legislative Assembly.

On behalf of the committee, I thank Commissioner Glasgow, other Commissioners and staff of the FRC. I would also like to thank those individuals, organisations and departmental officers who assisted the committee with its visit to Aurukun, in particular Mr Brendon McMahon. I also wish to express my thanks to the Chair of the Finance and Administration Committee who assisted in the transition of oversight between the two committees.

I commend this report to the House.



Jim Pearce MP

Chair

Recommendations

Recommendation 1

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The committee recommends that all Queensland Government service delivery departments which have a statutory relationship with the Family Responsibilities Commission consult with the Family Responsibilities Commission in regard to any proposed changes to operations and reporting that may impact the Commission.

1 Introduction

1.1 Role of the committee

The Infrastructure, Planning and Natural Resources Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 27 March 2015 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's areas of portfolio responsibility are:

- Transport, Infrastructure and Planning
- State Development, Natural Resources and Mines, and
- Local Government and Aboriginal and Torres Strait Islander Partnerships.

On 14 February 2017, the committee's jurisdiction under Schedule 6 of the Standing Orders changed and the Family Responsibilities Commission (FRC), which had previously been overseen by the Finance and Administration Committee, became subject to oversight by the Infrastructure, Planning and Natural Resources Committee.

Standing Order 194A (Oversight of entity by Portfolio Committees) states:

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.*

2 Oversight of the Family Responsibilities Commission

2.1 Process followed by the committee

In conducting its oversight functions, the committee took a briefing from the Finance and Administration Committee on 22 March 2017. Following this briefing the committee resolved to travel to Cairns to meet with the FRC Commissioner David Glasgow. It was also decided that the committee would visit a welfare reform community with Commissioner Glasgow to view firsthand the work of the FRC.

The committee chose to visit the community of Aurukun as the 2015-16 FRC Annual Report highlighted the challenging environment and the significant issues which the FRC confronts in that community. Commissioner Glasgow noted:

The indifference to the value of education shown by some families is frustrating the best efforts of many of us. This attitude, combined with unrestricted noise disturbances (loud music in the late evenings and early mornings) and drunken and violent confrontations within the Aurukun

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

community over the past eighteen months are the major cause of poor and fluctuating school attendance.

Government closure of the Aurukun school in May diverted public and community attention from these problems to the management of the school and its students. Whilst education in Aurukun has had its problems, they are insignificant when compared with the lawlessness and indifference of a small number to the needs of children for undisturbed sleep, and their right to a safe and happy life.²

A copy of the committee's Aurukun itinerary is provided at Appendix A.

Additionally, the committee asked questions of Commissioner Glasgow at the Infrastructure Planning and Natural Resources Committee's budget estimates hearing on 19 July 2017.

3 Purpose and function of the Family Responsibilities Commission

The FRC is a statutory body established under the *Family Responsibilities Commission Act 2008* (the 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.³

The strategic areas for action of the FRC are:

- *Early Childhood – improving child and maternal health care, supporting good parenting and strengthening childhood education and care through early intervention*
- *Schooling – supporting the improvement of literacy and numeracy levels and year 12 or equivalent attainment of children in our communities by providing guidance, encouragement and information to families on the requirement for children to attend school and by providing better access to educational services in relation to boarding schools*
- *Health – closing the gap in health and longevity*
- *Economic Participation – closing the gap in employment outcomes between Indigenous and non-Indigenous peoples*
- *Safe Communities – addressing the problem of violence, alcohol, criminal and anti-social behaviours*
- *Governance and Leadership – enhancing government policies and systems to improve engagement mechanisms, developing and supporting community capacity and leadership and supporting the development of leadership for women and young people, and*
- *Land and Culture – promoting and affirming Aboriginal and Torres Strait Islander cultures.⁴*

3.1 FRC processes

The primary objective of the FRC, as set out in the FRC Act, is to hold conferences with community members. Conferences are held to encourage clients, individuals and families to engage in socially

² Family Responsibilities Commission, Annual Report 2015-16, p 7.

³ *Family Responsibilities Commission Act 2008*, s 4.

⁴ Family Responsibilities Commission website <http://www.frcq.org.au/about-us/strategic-overview/>, accessed on 10 July 2017

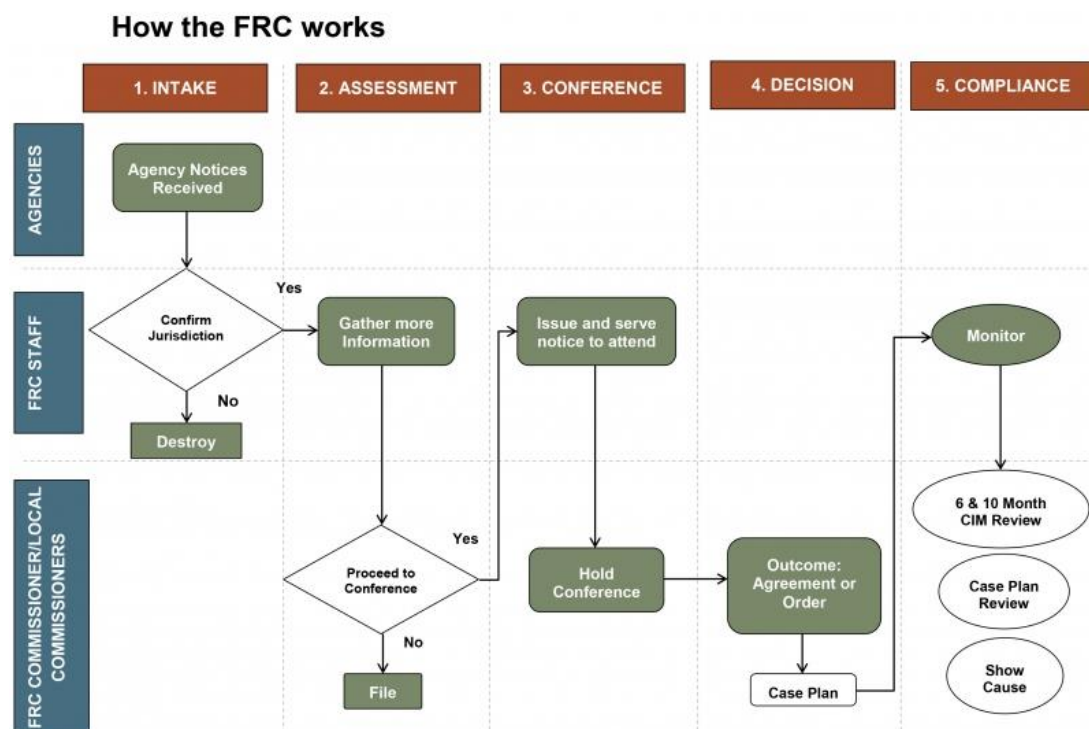
responsible standards of behaviour whilst promoting the interests, rights and wellbeing of children and other vulnerable persons living in the community.⁵

The FRC may conference a community member who is a welfare recipient living in an area prescribed by regulation as a welfare reform community if the person, or their partner, is in receipt of certain welfare payments.

The FRC Act provides that the FRC may conduct conferences in regard to the communities of Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge where it receives an agency notice in the following circumstances:

- *The Department of Education and Training (DET) must submit a School Attendance Notice to the Commission 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 must submit a Court Offence Notice if a person is convicted of an offence, or if a domestic violence protection order is made against a person.*
- *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.⁶*

The following diagram depicts the FRC process⁷:



⁵ Family Responsibilities Commission website <http://www.frcq.org.au/how-we-work/>, accessed on 10 July 2017.

⁶ Family Responsibilities Commission website <http://www.frcq.org.au/how-we-work/>, accessed on 10 July 2017.

⁷ Family Responsibilities Commission, Annual Report 2016-17, p 16.

4 Issues considered by the committee

The committee acknowledges the challenging work undertaken by the FRC and is greatly impressed with the significant results which the FRC has achieved and is achieving in the welfare reform communities in which it operates. The FRC over its period of operation has built strong relationships within the welfare reform communities and has become a valuable conduit for the work of many Queensland Government service agencies. The committee believes that ‘the Commission is regarded as a critical mechanism to facilitate the rebuilding of intra-community social norms and to encourage behavioural change through attaching reciprocity and communal obligations to welfare and other government payments’.⁸

The committee acknowledge the importance of the FRC and the Commissioners and staff who form the FRC. The committee agrees with a sentiment of Mr Pearson who wrote:

*... the Family Responsibilities Commission (FRC) has breathed life into the idea of restoring local authority ... in some ways the fate of our most disadvantaged families hinges upon our ability to reclaim, indeed to reimage, the Welfare Reform agenda of which the FRC has played an integral part.*⁹

During the committee’s examination of the FRC, several issues were identified as affecting the operation and outcomes of the FRC. These matters are discussed below.

4.1 Succession planning

Commissioner Glasgow was first appointed as the FRC Commissioner on 25 April 2008 and reappointed from January 1 2015 for a further term of three years. The Commissioner’s term of appointment expires in January 2018.

The committee is impressed with the achievement of Commissioner Glasgow and that under his leadership the FRC has achieved significant outcomes in the welfare communities in which it operates.

Commissioner Glasgow has led the FRC for a period of 10 years and the committee is cognisant that the Commissioner is seeking to retire. Therefore the committee proposes that timely consideration and planning be undertaken by Governor in Council in regard to succession planning for the FRC.

During the committee’s visit to Aurukun, the committee was informed that it was the intention of the long-serving Aurukun Commissioners to retire with Commissioner Glasgow.

Committee comment

The committee is concerned that at the beginning of 2018 there will be a significant loss of knowledge and expertise from the FRC compounded by the retirement of many of the long-serving Aurukun Commissioners. The committee encourages thorough consideration of these issues by Governor in Council in a timely manner.

4.2 Provision of school attendance data

The FRC quarterly report 35 identifies the provision of school attendance reports as a major challenge for the FRC. In January 2017, the DET moved from the Access database to the OneSchool database. The effect of this change resulted in reports not in a format which could be used effectively by the FRC or uploaded directly to the FRC’s customer relationship management database. Additionally, the changes to the way DET reported school absences resulted in the FRC receiving a notification each time the three day unexplained absence threshold was reached. The additional notifications resulted in a

⁸ Family Responsibilities Commission, Annual Report 2015-16, p 12

⁹ Noel Pearson, Family Responsibilities Commission, Annual Report 2015-16, p 6.

significant increase in workload as notifications increased from 544 in quarter 31 (Term 1 of 2016) to 3319 in quarter 35 (Term 1 of 2017).¹⁰

During the committee's Estimates hearing, Commissioner Glasgow explained:

Previous to this year, what happened was that we would get a notice when a child missed three days of school. Subsequent to the changeover to OneSchool, we get a notice every time a child misses three days of school. In 2016 term 1 we received in, say, for instance, Aurukun 214 notices and this year we received 1,425. That does not mean a huge blowout. It caused us great inconvenience, but every time a child missed three days of school we would get another notice. We set in place a program so we would get the repeat notice notifications. They all related to, say, about 200 children, so we knew in 2016 most children missed three days of school. If we got a notice, for instance, towards the end of term 1 in 2016, we would know that that was the first notice we got that this child missed three days. What we now do is we get notices every time a child misses three days.

*For instance, in Doomadgee in 2016 term 1 we received 222 notices and this year we received 1,906 notices. That does not mean there was a great increase in children missing school; it just meant we got those notices repeatedly.*¹¹

Commissioner Glasgow outlined for the committee the implication of this change and the resulting additional workload for the FRC and for each school principal in the welfare reform communities:

Once I receive a notice, my obligation is to check that the notice is within jurisdiction—that the person is a welfare recipient and has had the appropriate residency qualifications. We worked out that, roughly, it takes 15 minutes a notice. If I had to do all of those notices, that is the additional work. We looked at a group of notices that came in. If a second set of notices came in that related to the same child, we had a computer system that noted those notices as 'R'—as a repeat—so that we did not have to duplicate. Effectively, we very quickly got back to a system where we had the exact number of notices for the children. It gave us a little bit more information, in a sense, that a child may have received five notices. We knew on the face of it that that meant 15 days of school...

*Because matters were in some sort of flux, we then went to the principals of the school and got day-to-day information about how children were attending. I think subsequent to your visit I had further meetings with the principal and got far more detail. We are getting access to the data from the principal, which is a fairly onerous job.*¹²

The Commissioner is working with DET to seek a resolution of this issue and if it is possible for this information to be provided by DET regional offices rather than directly from principals in each community.¹³

The committee was informed that this matter was raised at a board meeting on 28 April 2017 where the 'Deputy Director-General (Policy) (DATSIP) ... undertook to discuss it with the Assistant Director-General of Education.'¹⁴ Additionally, Commissioner Glasgow informed the committee that he had met with senior DET officers regarding the efficient provision of information and to 'revert to an older system which was far more of assistance to the commissioners in their day-to-day management of conferences.'¹⁵

¹⁰ Family Responsibilities Commission website <http://www.frcq.org.au/files/Final%20FRC%20Quarterly%20Report%20No%2035.pdf>, accessed on 10 July 2017.

¹¹ Estimates public hearing transcript, 19 July 2017, p 109.

¹² Estimates public hearing transcript, 19 July 2017, p 110.

¹³ Estimates public hearing transcript, 19 July 2017, p 110.

¹⁴ Estimates public hearing transcript, 19 July 2017, p 108.

¹⁵ Estimates public hearing transcript, 19 July 2017, p 109.

Committee comment

The committee is greatly concerned that DET did not advise the FRC regarding these significant changes to school attendance reporting and which resulted in a considerable operational burden for the FRC. The committee acknowledges the attempts made by DET to resolve this matter but is disappointed that the issue has not been resolved in a timely manner. The committee encourages the Department of Education and Training to continue to work with the Family Responsibilities Commission to resolve, without delay, the provision of reported school absences to the Family Responsibilities Commission in a format which supports the Commission's work.

Recommendation 1

The committee recommends that all Queensland Government service delivery departments which have a statutory relationship with the Family Responsibilities Commission consult with the Family Responsibilities Commission in regard to any proposed changes to operations and reporting that may impact the Commission.

4.3 School hours in Doomadgee and Hope Vale

The committee understands that until recently school finished on Fridays at 11.30am in the communities of Doomadgee and Hope Vale. This mirrored the early closure on Fridays of a number of community organisations. The committee appreciates that significant efforts have been made to address the issue of very poor school attendance in these communities on Fridays. However, this continues to be a significant issue in regard to high school attendance.

Committee comment

The committee is concerned that a different standard and expectation in regard to school attendance is present in these communities and that this impacts upon the outcomes of the FRC. The committee will seek a briefing from officers from DATSIP and DET in regard to this matter.

4.4 Domestic and family violence support services

The committee understands that the Wellbeing Centres in the Welfare Reform communities have received no additional funding or expansion of services, and have minimal capacity to deal with the new Domestic Violence Order (DVO) referrals. The lack of additional resources and support for domestic violence influence the work of the FRC. The committee became aware of the significant gap in targeted support services for Aboriginal and Torres Strait Islander families living in remote communities. The FRC 2015-16 Annual Report notes:

Services, tools and strategies targeting domestic and family violence are almost universally designed for metropolitan or regional settings. Mainstream domestic and family violence responses focus on removing women and children from the domestic situation and dealing with the legal repercussions for perpetrators. Where available, these elements can help to provide options for Aboriginal and Torres Strait Islander families, however, they are not always the most effective way of responding. Separating families and relying on policing and court responses is not always practical or possible in remote communities. Women's shelters or other crisis services are not always available. As an example, Hope Vale families only have access to the Cooktown Women's Shelter, 45 kilometres away. Whilst services in communities are able to provide general counselling, there are not often sufficient resources for specialised professionals or programs specifically targeting domestic and family violence. There is no structured support for either perpetrators or victims when perpetrators are returning to community on release from prison and wish to re-enter community life and the family home.¹⁶

¹⁶ Family Responsibilities Commission, Annual Report 2015-16, p 32.

Committee comment

The committee believes that domestic and family violence is a significant issue in the communities in which the FRC works. The committee appreciates that solutions are socially complex and generational, but encourages further support be considered to deal with the additional DVO referrals in these communities.

4.5 Youth Justice (Childrens Court) trigger

On 27 October 2014, the FRC Act was amended to include a new Youth Justice ‘trigger’ requiring notices to be provided to the FRC regarding convictions of a child in a court.¹⁷

The *Youth Justice Act 1992* (YJ Act) was amended by the *Youth Justice and Other Legislation Act (No.1) 2016* and the *Youth Justice and Other Legislation Act (No.2) 2016*. As a result, the publication of identifying information about all children dealt with under the YJ Act was prohibited. Consequently, there is no obligation for the Childrens Court to provide notices to the FRC if the publication of identifying information is prohibited under the YJ Act. As of 1 July 2016, publication of all identifying information of children appearing before the court is prohibited under s301 of the YJ Act.¹⁸

*Discussions held with the State Government reveal there is no intention to legislate to provide Youth Justice notices to the Commission. Commissioners will, however, continue to assist families and carers who fall within the jurisdiction of the Commission, if and when they seek support and assistance with children in their care who have been before the Children’s Court.*¹⁹

Commission Glasgow informed the committee:

We approached the director-general to see whether we could have any change in policy about that. The government indicated that it was an election commitment to change that legislation and, unfortunately, it caught up the FRC and prevented us from receiving those notices. I had some discussions with Sean Harvey, the deputy director-general of the Department of Justice and the Attorney-General, and we worked on a system to try to get around that.

We do not get those notifications but, as you know from the communities—and as I explained to you—it is community knowledge of who did what to whom. We try to use other triggers such as Child Safety triggers to bring in the parents and the children or young people with those notices so that we can try to get the families to work together and work with youth justice.

*We lost the capacity to deal with those notices—or we never get them—but we have not walked away from that. If any of the notices involve young people, then we will try to get them in. As you probably know in your own areas, 12-, 13- and 14-year-old young people will choose themselves whether they visit us, but quite a number come in at the appropriate time. Whether we can assist them and assist their families is what we are there for.*²⁰

Committee comment

The committee is satisfied that this issue is being considered by the necessary parties and commends the FRC in seeking a resolution to this matter. The committee will continue to monitor this issue and will revisit this matter with the FRC in 2018.

¹⁷ Family Responsibilities Commission website <http://www.frcq.org.au/files/Final%20FRC%20Quarterly%20Report%20No%2035.pdf>, accessed on 10 July 2017.

¹⁸ Family Responsibilities Commission website <http://www.frcq.org.au/files/Final%20FRC%20Quarterly%20Report%20No%2035.pdf>, accessed on 10 July 2017.

¹⁹ Family Responsibilities Commission website <http://www.frcq.org.au/files/Final%20FRC%20Quarterly%20Report%20No%2035.pdf>, accessed on 10 July 2017.

²⁰ Estimates public hearing transcript, 19 July 2017, p 110.

ATTACHMENT A

Itinerary

Infrastructure, Planning and Natural Resources Committee

Cairns and Aurukun trip – oversight of the Family Responsibilities Commission

Day 1 - 29 May 2017 - Cairns

2.00pm	4.30pm	Family Responsibilities Commission meeting

DAY 2 –30 May 2017 - Aurukun

9.30am	10.00am	Aurukun Shire Council Meet with Mayor, CEO and Councillors.
10.00am	10:30am	Visit to Arts Centre
10:30am	12.00pm	Visit FRC (View conference, view old and new housing, inspect the PCYC, visit the Old People's Centre)
12.00pm	1.00pm	Meet with the Commissioners at the FRC Office
1.00pm	2.30pm	Visit to Aurukun School
2.30pm	3.00pm	Visit Cape York Employment
3:00pm	3.30pm	Visit the Aurukun Wellbeing Centre
3.30pm	4.00pm	Visit to Police Station

