



# ***HEALTH AND COMMUNITY SERVICES COMMITTEE***

**Members present:**

Mr PJ Dowling MP (Chair)  
Mrs JR Miller MP (Deputy Chair)  
Mr SW Davies MP  
Mr AS Dillaway MP  
Mr JD Hathaway MP  
Mr DE Shuttleworth MP

**Staff present:**

Ms S Cawcutt (Research Director)

## **PUBLIC BRIEFING—INQUIRY INTO THE FAMILY RESPONSIBILITIES COMMISSION AMENDMENT BILL**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 8 OCTOBER 2012**

**Brisbane**

## MONDAY, 8 OCTOBER 2012

---

Committee met at 1.59 pm

**BRISCOE, Mr Wayne, Acting Deputy Director-General, Department of Aboriginal and Torres Strait Islander and Multicultural Affairs**

**YBARLUCEA, Ms Carmel, Acting Executive Director, Policy, Department of Aboriginal and Torres Strait Islander and Multicultural Affairs**

**CHAIR:** Good afternoon, ladies and gentlemen. Welcome to the Health and Community Services Committee public briefing. Thank you for your attendance. I declare this public briefing of the Health and Community Services Committee inquiry into the Family Responsibilities Commission Amendment Bill open. My name is Peter Dowling. I am the chair of the committee and member for Redlands. Other members of the committee are: Ms Jo-Ann Miller, deputy chair and member for Bundamba; Mr Steve Davies, member for Capalaba; Mr Aaron Dillaway, member for Bulimba; Mr John Hathaway, member for Townsville; and Mr Dale Shuttleworth, member for Ferny Grove. We do have apologies today from Mrs Desley Scott, member for Woodridge, who is involved in committee hearings with other portfolio committees, and also from Michael Trout, member for Barron River.

I remind those present that these proceedings are similar to parliament and are subject to the Legislative Assembly's standing orders. I ask that mobile phones be turned off or put to silent mode. Hansard is making a transcript of the proceedings and the committee does intend to publish the transcript of today's proceedings unless there is good reason not to do so.

The purpose of this briefing is to receive information from the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs about the bill. The objective of the bill is to amend the act to expand the operation of the Family Responsibilities Commission by 12 months. It is a short bill. I would invite Mr Briscoe and Ms Ybarlucea to address the briefing. We have allowed 15 minutes for this briefing, so if you could speak for about 10 minutes that will give us an opportunity to ask questions afterwards.

**Mr Briscoe:** Thank you. This bill, as you said, Mr Dowling, is to extend the operation of the Family Responsibilities Commission. The Family Responsibilities Commission is a key part of the Cape York Welfare Reform trial, which operates over four communities in Cape York and is a partnership, or has in the past been a partnership, between the Australian government, the Queensland government and the Cape York Institute, which is headed by Noel Pearson.

The Family Responsibilities Commission is set up by legislation dated 2008 and currently has an expiry date of the end of this calendar year. So unless this bill is passed the Family Responsibilities Commission will dissolve. The Australian government requested the Queensland government to consider extending the operation of the Family Responsibilities Commission and its commitment to the Cape York Welfare Reform trial for an extra 12 months, which the Queensland government has agreed to. Provision is made in the state budget to contribute financially to the extension of the Family Responsibilities Commission but also to some of the programs that hang off the Family Responsibilities Commission.

As you would be aware, the Family Responsibilities Commission operates in each of those four communities and acts initially as a referral point for families needing assistance to ensure that their children go to school or if the family is having issues with tenancy matters or child protection matters or if there has been a criminal conviction recorded. The Family Responsibilities Commission refers people to programs in each of the communities but also has the ability to order compulsory income management as an incentive for families to ensure that their children go to school, for example. This is an arrangement between the Queensland government and the Australian government through Centrelink. Once this legislation is passed, the Australian government will also need to pass legislation to ensure that those arrangements continue.

The ability to impose compulsory income management is, on the face of it, or would appear to be, a breach of the Racial Discrimination Act because it only applies to those four communities, which are primarily Indigenous communities. To ensure that we are not in breach of the Racial Discrimination Act and that the FRC in particular continues as what is referred to as a 'special measure', we have to ensure that we consult with each of the communities before proposing an extension, and we have done that. We did that prior to the first extension happening and we did it most recently in June this year. In each of the communities that we consulted there was a very strong view that the FRC should be continued primarily because a number of positives were at least perceived to be happening in those communities, including increased school attendance. There was also a perception that the communities were quieter as a result of welfare reform and also potentially as a result of other initiatives that have been happening at a state and Commonwealth level.

For the FRC to continue we need to change the date of the expiry of the legislation in the act itself from the end of 2012 to the end of 2013. We are also proposing in this bill to introduce a quorum for meetings of the governing body, which is the Family Responsibilities Board. At the moment there are three members and there is a requirement that all three members be present for the board to be properly constituted. It is proposed in the bill that there be a quorum of two. As you indicated Mr Dowling, it is a very simple bill. It is simply extending the operations of the FRC for 12 months and introducing the quorum. I am happy to take any questions.

**CHAIR:** I have a question about the change to the quorum. Obviously it is a decision that the government has made and I suspect the department supported. What were the reasons for that? Are you aware of the reasoning behind that change to the quorum?

**Mr Briscoe:** There was not a quorum under the existing act which meant that all three people needed to be present at the same time. There is a funny provision in the legislation which says that a person could be participating electronically at the meeting, but to make it clearer we would prefer to see a quorum.

**CHAIR:** Following on from that—being the optimist, I believe this legislation will get through—what is the time line for the federal government to fall into line because we are getting perilously close to the end of the year?

**Mr Briscoe:** I understand they are ready to go.

**CHAIR:** And their proceeding is subject to ours passing first?

**Mr Briscoe:** Yes. There are a few things hanging off this legislation going through. The other thing that we will need to do very quickly is to ensure that significant appointments are made or continued for the Family Responsibilities Commissioner and local commissioners as well.

**CHAIR:** Are there any questions?

**Mr HATHAWAY:** You may not be able to answer this, but in the submission from the Cape York Institute they indicate that they are foreshadowing further amendments or a paper. Do you have any idea what the progress is with that paper or have they telegraphed to the department when they expect to submit it?

**Mr Briscoe:** No. I understand there have been discussions at a higher level with the Cape York Institute about proposed amendments, but we would not anticipate that they would happen prior to the end of this year. What we would need to take into account in our advice to our minister would be the practicality of introducing any further amendments given that the trial is only for a further 12 months if this goes through.

**Mr DILLAWAY:** Do you see any impact from the quorum being only two people actually present and do you have any concerns surrounding decisions made at the board level?

**Mr Briscoe:** The board only provides advice. The board's decision-making capacity is very, very limited under the act. It simply provides advice and oversees the operation of the FRC. In actual fact, there have been very few meetings where we have not had all three members in attendance. It is just to cover the eventuality that one may not be able to make it, in which case we would seek their views prior to the meeting in any event.

**Mr DILLAWAY:** Do the three members of the board step down and then are they reappointed to that board because of this extension or do they automatically roll on as well?

**Mr Briscoe:** There will be a process to reappoint them, to continue them on. The members are currently the director-general of the Department of the Premier and Cabinet, the secretary of the Australian government department responsible for Indigenous affairs and the Director of the Cape York Institute, Noel Pearson. The only change that has been contemplated is administrative, and those arrangements are that the director-general of my department would take over from the director-general of the Department of the Premier and Cabinet.

**CHAIR:** Are there any other questions? That was a nice straightforward one to start the day. Thank you both very much for your contribution.

**Committee adjourned at 2.10 pm**