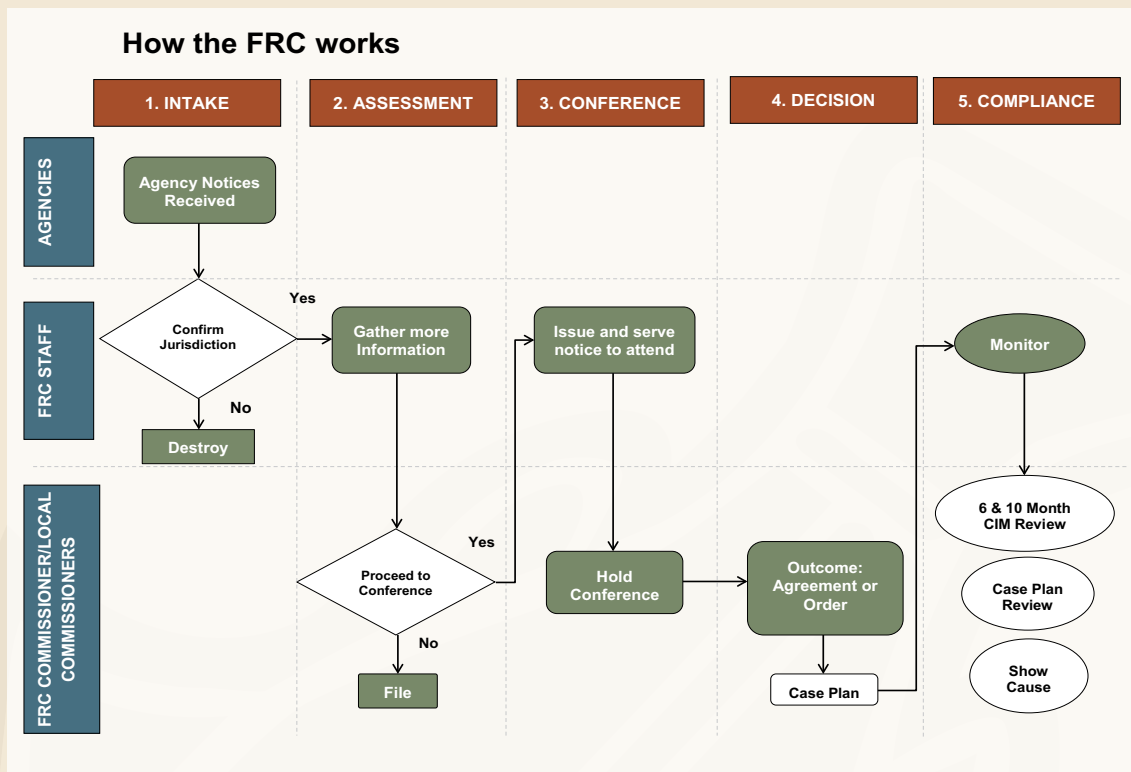


# HOW THE FAMILY RESPONSIBILITIES COMMISSION WORKS



The objectives of the Commission, as set out in the Act, are primarily to hold conferences with community members. Conferences are held to encourage clients, individuals and families to engage in socially responsible standards of behaviour whilst promoting the interests, rights and wellbeing of children and other vulnerable persons living in the community.

The Commission may conference a welfare recipient living in a CYWR community from 1 July 2008 (a community member) if the person, or their partner, is in receipt of certain welfare payments. The full list of payments subject to income management under the Cape York initiative is available at <http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/cape-york-welfare-reform-fact-sheets/income-management-for-cape-york-welfare-reform>.

## Intake and assessment

The Act, passed by the Queensland Parliament on 13 March 2008, sets out the statutory obligations of relevant Queensland departments to notify the Commission when a community member is not meeting pre-determined obligations.

Agency notices are received in the following circumstances:

- The Department of Education, Training and Employment (DETE) 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 (Magistrates Court) must submit a Court Offence Notice if a person is convicted of an offence.



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- 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.

Once an agency notice is received, a determination is made as to whether the person/s notified are within the jurisdiction of the Commission in accordance with the Act. Section 49 of the Act provides that the Commission can deal with an agency notice relating to a community member. Section 7 of the Act defines a community member as being a person who is a welfare recipient and who also lives in one of the four CYWR communities, or has lived there for a period of three months since 1 July 2008. Upon a determination that the matter meets the relevant criteria it is deemed to be within jurisdiction. The matter is then referred to the Local Commissioners for a decision as to whether the client should be ordered to attend a conference and if other relevant persons should be invited or directed to attend the conference.

## Service of Notice to Attend Conference

Following a determination to proceed to conference, the client is served with a 'Notice to Attend Conference' at which time the client is informed 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. The notice is served at least 7 days prior to the conference date. In the event that a client fails to attend as per the notice, the Commission re-schedules the conference and again a notice is served 7 days prior to the re-scheduled conference.

## Conference

At the conference Commissioners discuss with the client the matter/s subject of the agency notice and any related problems the client wishes to raise. The conference is held in an atmosphere which is informal and confidential. Where the client's first language is not English, the conference is conducted in the local language of the client with Local Commissioners translating as required. Conferences are convened either with a panel comprising of the Commissioner (or Deputy Commissioner) and two Local Commissioners, or with a panel of three Local Commissioners. All Commissioners have equal authority in the decision-making process. The Commissioners must attempt to reach a unanimous decision. If a unanimous decision cannot be reached a majority decision is acceptable, however, the reasons as to why it was not unanimous must be documented. Decisions made at conference are made fairly and with the best interests of the client and their family in mind. At the conclusion of the conference 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.

## Referrals

During the conferencing process Commissioners may decide to refer the client to support services such as:

- Wellbeing Centres (WBCs) to address alcohol and/or drug misuse, gambling, parenting or social health related issues
- Parenting Programs to assist in implementing good parenting practices
- MPower, a money management program, to assist with budgeting and meeting priority financial needs
- Student Case Managers (SCMs) to assist parents to ensure children attend school
- Anger management programs (Ending Family Violence (EFV) program up to 31 December 2013) to assist the client in addressing offending and violent behaviours, and misuse of drugs and alcohol or
- other appropriate support services.

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## Conditional Income Management

A conference decision may include the issue of a notice to the Department of Human Services, Centrelink or a CIM order. Due consideration is given firstly to the individual circumstances of the client and whether it may be more appropriate to take alternative action. Primarily CIM orders are issued to stabilise a client's circumstances, particularly where children or other vulnerable people are concerned. CIM orders are also made where a client fails to attend two scheduled conferences, is not complying with their agreement or order, or the Commission is continuing to receive additional notices in relation to their behaviour. CIM orders are issued for a defined period (normally 12 months) with the Commissioners determining whether 60, 75 or 90 percent of fortnightly welfare payments are managed.

Centrelink enacts the notice and meets with the client to discuss their priority needs and financial obligations such as rent and bills and allocates the remainder of funds to a BasicsCard for the purchase of food and other consumables. The client receives the remaining funds (40, 25 or 10 percent) as discretionary spending. CIM orders are reviewed at the six and ten month point of the order. Some clients request extensions of the CIM order or a decrease of the percentage managed to ensure stability of their finances is maintained. Clients may also enter into a Voluntary Income Management (VIM) arrangement to assist them to manage their budgets and meet the costs of everyday essentials.

## Case management

Clients who enter into an agreement, or who are ordered to attend community support services are case managed by the Commission. Service providers are required to submit a monthly progress report by the fifth day of each month advising if the client has attended and engaged with the provider and the progress they are making towards achieving their goals. The Commission collaborates with service providers to maintain consistent reporting criteria, encourages each service provider to engage in a quality assurance process in regard to the quality of information provided and conducts information sessions and updates in the communities. Service providers are encouraged to attend conference proceedings in each CYWR community and discuss with the Commissioners the decision-making processes.

Each agreement or order is monitored by the Commission for the period of the agreement/order. As a result of the progress reports received from service providers, clients are assessed to determine if they are fulfilling their obligations under the agreement or order. Together with local knowledge, additional information is sought from agencies and service providers where appropriate to decide upon the best course of action for the client.

It should be noted that the number of clients case managed includes those who are incarcerated, out of community, in hospital and on probation orders. Their circumstances are monitored to ensure that where change occurs, such as release from prison, they are supported on their return to the community.



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## Show Cause Notices

Where a client is suspected of not complying with their agreement or order, a preliminary assessment review is conducted in regard to their attendance and engagement with service providers. Subsequent to this review of the client's compliance with the case plan, the Commissioners may request an update on the client's current income management status. If the client is already on an existing income management order with a substantial amount of time remaining, the Commissioners may either elect to continue with the current income management order and review it at the six and ten month review periods, or may increase the percentage of income management. The client may also then continue to be conferenced throughout this period should new notices be received.

Where the Commissioners recommend proceeding to a Show Cause conference the client is ordered to attend before the Commission to explain their non-compliance. After due consideration where considered appropriate a CIM order may be made.

The complexity of client obligations requires comprehensive information sharing and cooperation between the Commission, service providers and associated agencies to ensure clients can realistically meet the requirements of their agreements or orders. Each Show Cause is therefore assessed on a case by case basis to ensure that clients are treated in a fair and just manner.

## Applications to Amend or End Agreements or Orders

Clients may submit an Application to Amend or End their Agreement or Order. Commissioners view the hearing of the applications as an opportunity to engage with clients. For some clients this may be their first conference attendance as the CIM order may have been invoked due to their non-attendance at two previous conferences. The client is encouraged to provide evidence as to why the application should be heard and each application is considered on its own merit. When CIM orders are revoked clients are encouraged to continue to address any remaining challenges and to exercise personal responsibility in their lives.



*Coen Commissioner Elaine Liddy and Aurukun Commissioner Doris Poonkamelya*