



Challenges and outlook

A lack of certainty regarding the FRC Future Directions Review, together with COVID-19 and the Omicron variant and the expiry of the Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020 contributed to significant challenges experienced this year.

COVID-19 and the Omicron variant

Queensland experienced widespread community transmission of the Omicron variant of COVID-19 during January 2022. This Omicron wave resulted in the beginning of the school year being delayed by a week, and the EMT took the decision to move to Scenario 2 of its Preparedness Framework for COVID-19. Scenario 2 required FRC operations be modified on a case-by-case basis according to a need versus risk assessment. As there were a high number of cases of COVID-19 in Cairns, and cases in each of the FRC communities, conferences were suspended and travel to community by registry staff assessed on a case-by-case basis.

Conferencing resumed in Mossman Gorge on 1 March 2022, and in the remainder of the FRC communities in the two weeks following. This delay in the beginning of conferencing is reflected in a reduction in the number of conferences from 335 in quarter 54 to 118 in quarter 55. Conference attendance however, increased during this time by 9 percent, from 61 percent in quarter 54 to 70 percent in quarter 55. These conference attendance statistics demonstrate the growing willingness of clients to engage with the FRC, especially in trying times.

Expiry of the *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020*

For the duration of the COVID-19 pandemic, the FRC had been able to utilise, where necessary, the provisions of the *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020* (the FRC COVID-19 Regulation). This permitted the FRC to be constituted by the Commissioner/Deputy Commissioner and one Local Commissioner for conferences. It further allowed the FR Board to conduct all meetings digitally. Periodic amendments and extensions were made to the temporary legislative framework, including the *Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Act 2021* which received royal assent and commenced on 9 September 2021. The Act further extended measures in the *COVID-19 Emergency Response Act 2020*, including the FRC COVID-19 Regulation to 30 April 2022, or an earlier date to be prescribed by regulation.

The Queensland Parliament Community Support and Services Committee invited the FRC to make a submission for consideration in its inquiry whether to extend the operation of public health measures. The FRC made a submission outlining concerns that should the FRC COVID-19 Regulation not be extended, the FRC's continuity of operations would be at risk because of the number of Local Commissioners available (at that time) to sit in conference to form a decision-making panel. The FRC's submission argued that transitional arrangements extending the expiry of the FRC COVID-19 Regulation would allow the FRC to facilitate the return of normal operations. Even if the appointment of new Local Commissioners were to occur, it would still take between six and nine months for new Commissioners to undertake induction and training to enable them to fulfil the legislative functions required of their roles.

Unfortunately, the Commission's submission to request a continuation of the COVID-19 regulation was unsuccessful. The *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020* expired on 30 April 2022.

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FRC Future Directions Review

On 25 March 2022, the FRC was advised by DSDSATSIP that Abt Associates had been engaged to undertake an independent review of the FRC to inform the Queensland Government's decision-making on its future. The Terms of Reference provided by Abt Associates advised that: "On 14 July 2019, the Queensland Government signed a Statement of Commitment and launched Tracks to Treaty, which commits the Queensland Government to reframing the relationship between Aboriginal and Torres Strait Islander Queenslanders and the Queensland Government. It is important that the role and future of the FRC be considered having regard to the current policy environment including the principles underlying the Statement of Commitment, Tracks to Treaty and other Queensland Government policy reforms". The review team were to be informed by the views of the program partners (Australian and Queensland Governments and CYI), the FRC, its clients and community members. The final report is to be provided to the Minister (anticipated in July 2022). The FR Board will be provided with the final report once endorsed by the Premier for release and will provide advice to the Minister in line with its statutory role under the FRC Act.

Notably, the Honourable Craig Crawford MP, Minister for Aboriginal and Torres Strait Islander Partnerships, provided a statement to the Commission on 24 June 2021 advising that:

*"...I am proposing to conduct a Future Directions Review of the FRC to inform a modernisation of the FRC, and to consider its operations in a contemporary context. I am proposing that this review will be finalised by the end of this year, to inform the future directions of the FRC. **Again, I want to confirm that this review is not about terminating the FRC.** [Emphasis added]. The FRC, Local Commissioners, FRC Communities and clients will all have an opportunity to provide their input to the review so that together we can provide a mechanism that continues to support and empowers clients and communities. I ask you all today to work with us over the coming months to consider how we evolve the FRC and what is required to improve the FRC model."*

In the development of the reviewer's recommendations, the following was to be considered: the original intent of the FRC and its enabling legislation; past reviews; analysis of data across the life of the FRC; contributing factors, challenges and reasons for outcomes; the appropriateness and effectiveness of the FR Board as a governance mechanism; the operation of the existing triggers; service and support availability (including gaps); aspirations and input of key stakeholders; analysis of risks, benefits and cost effectiveness; the ability of the FRC to meet its objectives; and lastly, any other matters considered relevant to the review.

The FRC commenced discussions with Abt Associates in April 2022 with the first recorded consultation held between members of Abt Associates and FRC executive management on 19 April. Further consultations were then undertaken by Abt Associates with FRC executive management, Local Commissioners and FRC communities during May and June.

The Commission approached and participated in the review in a spirit of collaboration, and considered the review as an opportunity to celebrate successes, recognise and report challenges and seek new opportunities to continue improving the FRC model of social change. It is hoped that the results of the review will provide opportunities to improve and evolve the Commission into an organisation with greater reach and impact and lead to long-term operational stability.



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Submission to the FRC Future Directions Review

On 26 May 2022 the Commission provided a submission to Abt Associates titled '*The FRC: A Model of Self-Determination, An operational analysis of the Family Responsibilities Commission from 2008 to 2022*'. The document formed part of the Commission's response to the review consultations. It was provided on the basis it be read in conjunction with the submissions made by Local Commissioners in each of the five communities and all other feedback provided on behalf of the FRC to the review team.

The FRC's submission included evidence-based data to inform the review process. Below is a summary from the submission detailing the Commission's cost effectiveness.

Evidence of success

The FRC provides good value for money. Evidence of the FRC's workload performance shows it is a lean and agile, yet highly efficient and cost-effective organisation. Using available information and performance efficiency measures of other comparable institutions, including the Queensland Civil and Administrative Tribunal (QCAT) which has some similar quasi-judicial functions, the FRC compares favourably using the following indicators:

1. **employee expenses as a percentage of total expenses** – over a five-year period between 2016-17 to 2020-21, average employee-related expenses (including Local Commissioners) accounted for 72% of FRC's annual budget.
2. **cost per matter** – Over a period from 2017-18 to 2020-21, the average FRC cost per notice was \$426*.
3. **spend in remote and regional areas** – almost three-quarters of FRC expenses (71%) are spent on community operations.

Note: * An FRC efficiency measure calculated by considering cost per matter—that is, the total cost of the FRC per matter on the basis of the number of notices assessed—provides a true measure of the FRC's efficiency. The FRC Act imposes a statutory obligation on the FRC to assess all notices received by notifying agencies to determine jurisdiction. There is a workload created for the FRC with every notice received.¹ For instance, those matters which are determined to be within the FRC's jurisdiction, are then prioritised for conference and finalised with a decision.² There are also circumstances as defined in the FRC Act, where facts relating to a person the subject of an agency notice may change, resulting in a matter previously deemed 'outside of jurisdiction' to later fall 'within jurisdiction'.

The role of the FRC is to work in small communities which experience deep and persistent disadvantage. While the FRC's workload is high, the FRC does not work with large populations, and this is not the intended role and purpose of the FRC.

1. The type of workload generated for each notice uniquely depends on an assessment of the facts by the Registry and the applicability of processes set out in the FRC Act.
2. Section 45 of the FRC Act.

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FRC Recommendations

Seven recommendations were made in Part 4 of the submission. Each recommendation was framed to support the FRC's continued operations and the growth required to provide innovative responses to highly disadvantaged clients and their families in empowering and effective ways. The recommendations can be summarised as follows:

Recommendation 1: A permanent FRC with renewed local authority

The Queensland Government should guarantee the long-term future of the FRC so that the Crown's decision-making powers and responsibility continue to be shared with First Nations people under the FRC Act. Immediate steps must also be taken to ensure business continuity, succession planning and renewal of leadership through the appointments of the FRC Commissioner, Deputy Commissioner and Local Commissioners for multi-year terms. This is the kind of partnership and shared decision-making model that puts high level policy commitments recently made by government into action.

Recommendation 2: The FRC to be supported to expand and contract across communities

The FRC should never be imposed from the top-down. This is contrary to empowerment and self-determination which is at the heart of the FRC model. Rather the FRC partners should jointly engage with other interested communities about how an efficient, effective, agile, and responsive FRC model could be expanded to new locations.

Recommendation 3: Adding 'Opportunity' to 'Responsibility', and renaming the FRC

Given elements of the FRC are a special measure, there is a strong argument for the need to evolve and enhance the current model so opportunities increasingly complement the FRC's welfare responsibilities agenda, as was intended from the outset.

The Australian Government's current commitment to co-design and replace the Community Development Program, including to ensure there are more job opportunities available, especially in remote locations, allows the partners to revisit the opportunities that must accompany responsibility for real empowerment. The FRC is ideally placed to play a central role as job opportunities are increased. This could be through a 'work obligation' trigger where the FRC receives notifications when participants are not meeting agreed obligations. The FRC could then utilise the conferencing process to identify barriers to a participant's employment, for example substance misuse or interpersonal issues, and make appropriate referrals to support service. It could then be appropriate to rename the FRC, the Family Responsibilities and Opportunities Commission (FROC).



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Recommendation 4: FRC supported to ensure the service ecosystem is working as required

The FRC's ability to restore local authority, provide support to community members to deal with everyday challenges, and encourage clients to take up personal responsibility, is crucial but of course limited. The FRC cannot be effective where services are unaware of, and/or not meeting their professional obligations to the FRC. Such obligations include but are not limited to government agencies providing trigger notices as required under the law, and service providers engaging FRC clients and/or meeting their legal obligations to report back to the FRC against case plans.

Change is needed so there is more support provided across the partnership to promote and leverage the potential benefits of the FRC's case plan, referral, case management and monitoring, and information sharing functions with service providers and government agencies. This includes putting in place agreed processes for information sharing so FRC input is provided into relevant decision-making of Courts, Queensland Corrective Services and Education Queensland. This will ensure that these disparate agencies are working as a cohesive unit to incentivise and support positive behavioural change within clients. This could take the form of FRC advice or 'certification' issued by the FRC Commissioner to the relevant agency as to whether a person is engaging with the FRC and attending referral agencies. This information could provide input into critical decisions being made by these agencies with respect to joint FRC clients.

Recommendation 5: FRC to administer Voluntary Income Management (VIM) state-wide to help those suffering entrenched disadvantage to protect income

Given the success of VIM since the introduction of the CDC, consideration should be given to the FRC administering VIM in other geographical areas. In this way VIM could be applied on request in any location where a person believes the tool will assist them manage their income so that bills can be paid, and money is available for food and other essentials despite challenging factors such as addictions and/or relationships with others. Women in FRC communities have found VIM helpful in protecting their income in DV and/or coercive relationships, for example.

The FRC's administration of VIM across the state, or to other geographical areas as required, would provide an additional tool for those experiencing disadvantage, and allow for the efficient delivery of this innovation utilising the existing systems and back-end support of the FRC.

Recommendation 6: Changes to strengthen the FRC model

There are straightforward changes needed to strengthen the FRC model:

- Activating all the FRC triggers in Doomadgee would enhance local authority and assist the community to respond to high levels of offending (including DV) and breaches of social housing tenancy obligations.
- Reactivate the Childrens Court trigger notice as provided for, and intended to operate, under the FRC Act.

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- A new trigger for those cautioned by police would be consistent with the FRC's intention to provide early community-based intervention.
- A stronger formal partnership with Queensland Corrective Services to assist the reintegration of released prisoners into FRC communities to tackle recidivism and high rates of incarceration. A trigger notice to advise of a prisoner's release would provide a more closely coordinated approach to offender and prisoner re-integration, which is much needed in the community.

Recommendation 7: Reinvigorated, aligned, learning focused leadership and governance

Given its success, the FRC partners should continue to support the FR Board to perform its limited and defined statutory role. The form of the FR Board has been largely successful, although the FR Board has worked best when its membership has been able to reflect a 'whole-of-government' perspective and influence. The FR Board's governance practices may benefit from establishing FR Board protocols setting out details of how the FR Board performs its functions.

The partners' reinvigoration of a holistic approach to support the work of the FRC must also include establishing complementary governance processes, or an additional board, distinct from the FR Board. The early successes of the FRC coincided with the effective operations of the Welfare Reform Advisory Board (WRAB) which drove the 'whole-of-government' and system changes that were needed. Representation from senior representatives from local, state, and national governments and community leaders on such a complementary governance mechanism could form a key plank in the Queensland Government's 'Reframing the Relationship' and 'Local Thriving Communities' reform programs.

Elevated response in Coen

Tensions escalated in Coen between clan groups during January and early February 2022. On 8 February 2022 the unrest culminated in a vicious community fight resulting in over 40 people being charged with various offences, including the use of weapons. Individuals came out of isolation to participate in the fighting, which resulted in a sharp spike in Omicron cases.

Local service delivery in Coen was subsequently affected with many of the offices in the CRAC building closed. The Coen Justice Group informed the Commission's Local Registry Coordinator that the unrest stemmed from youth in the community, many of whom had not returned to boarding school at the beginning of the school year. Due to the delay in the commencement of conferencing attributed to COVID-19, the progression of the ICM framework became a key priority. FRC clients were directly affected by the unrest, and there was a lack of trust and coordinated support between community members and local services.



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The Commission considered that an elevated response to support families and individuals was required, with face-to-face contact for clients who were not available by telephone. The Commission's EMT approved the Local Registry Coordinator to travel to Coen and:

- engage with prioritised clients and service providers to initiate intensive case management of vulnerable community members
- offer support to FRC clients and families affected by the unrest
- discuss voluntary case plans and/or income management with vulnerable FRC clients
- provide support to the Local Commissioners
- engage with service providers in response to the unrest and in preparation for conferencing in March (including the Coen Justice Group Coordinator, Apunipima Wellbeing Centre and the Officer-in-Charge of Coen Police) and
- provide support to families to complete boarding school requirements for the return of boarding students.

For months following the public unrest the community received only limited support service provision due to a lack of skilled staff available to undertake the roles. As at the end of this reporting period the community unrest had settled, however, clan group differences continue to affect community cohesion with largely historical issues not forgotten.

FRC's partnerships with community support services in welfare reform communities

Case plan reporting

The Commission has a legislative mandate to receive information from support services in order to monitor case plan compliance and progress, and further assist the Commissioners to make appropriate decisions. Part 8, Information exchange, of the FRC Act defines the information which can be requested by the Commissioner, and from whom this information can be requested, including community support services that are attended by a person under a case plan.

It is a requirement under section 35 of the FRC Act for the Registrar to monitor and report on a person's compliance with a case plan to attend a community support service under an FRA or order. The Commission seeks information from service providers via a user-friendly online portal through which service providers are requested to provide information on their attempts to engage the client, the client's attendance at the service, and assessment of progress made under the case plan. Training is provided in the use of the portal. Emailed requests are sent monthly from the Commission to service providers for progress reports for specific clients at key stages of case plans.

During this reporting period the Commission continued to experience challenges in receiving timely and informative reports from some support services. The Commission will continue to strengthen relationships with support services through the drafting and negotiation of MoUs, and the provision of additional training in the use of the FRC portal and the legislative requirements of the FRC Act.

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FRC's partnerships with notifying agencies

Legislative compliance

The FRC operates within a legal framework to assist clients and their families living in welfare reform communities to address complex antisocial behaviours. The FRC Act sets out the statutory obligations of relevant Queensland Government departments to notify the Commission when a community member is not meeting pre-determined obligations. In most instances, time limits apply within which an agency must provide the Commission with a notice. Should this time limit not be met by the notifying agency, the notice is deemed invalid for conferencing purposes. There have been occasions where notices have been received out of time and therefore deemed invalid. During this reporting period 90 agency notices were received outside of the legislated timeframe. The Commission has implemented quality control audit practices overseen by the Manager (Case Management and Monitoring) and continues to work with the relevant notifying agencies in a proactive and collaborative manner to resolve the issue.

A going concern

Each year, as part of the preparation of the Commission's financial statements, the responsible person (FRC Commissioner) is required to undertake an assessment as to whether it is appropriate to prepare the financial statements on a going concern basis. This requires the FRC Commissioner to contemplate the continuity of a significant portion of normal business activities and the realisation of assets and settlement of liabilities in the normal course of business for a minimum of 12 months from date of signing of the financial statements (which usually occurs in August of each year for the preceding financial year ending in June). In making the assessment of continuity, the FRC Commissioner needs to consider future funding to be received, the term/s of such funding and any conditions or changes anticipated that will significantly impact operations. Where this information is not available to inform such decisions, the Commissioner may be required to 'not prepare' the financial statements on a going concern basis.

On this basis, the Commission finalised its financial statements for the 2021-22 year on a going concern basis. This disclosure can be found at Note 1(i) on page 7 of the financial statements in this annual report. The Commission has been aware of material uncertainties and making the necessary disclosures since the 2015-16 year.

An additional consequence of the above, is that the Queensland Audit Office has issued the Commission with an 'Emphasis of Matter' audit opinion referencing the material uncertainty related to going concern since the 2017-18 financial year.

The strategic and operational challenges experienced by the Commission's EMT in managing a going concern environment for the past five years has led to a conservative approach being exercised in relation to expenditure and commencing any significant projects.

On occasion, the Commissioner is required to enter into agreements which bind the Commission into the future. Agreements include various contractual obligations including office leases, motor vehicle leases and staff accommodation, as well as contracts to address pressing operational requirements. Long-term strategic and operational planning has been inhibited by the uncertainty of continuing government funding, and the term of such funding.