

Family Responsibilities Commission

*Report to the Family Responsibilities Board and
the Minister for Aboriginal and Torres Strait Islander Partnerships*

Quarterly Report

No. 4

April – June 2009



*Report prepared by the Family Responsibilities Commission under the leadership of
Commissioner David Glasgow*

Executive Summary

The Family Responsibilities Commission commenced operation on 1 July 2008 and 12 months on the Commission has come along way from a fledgling organisation that is the first of its' kind in the world to an organisation that is starting to see evidence emerge that it is beginning to meet the objectives outlined in the *Family Responsibilities Act 2008*.

The creation of the Commission has been a challenging exercise that has been accomplished in a short period of time. The creation of a central Registry based in Cairns and a remote Registry office located in each community has been a significant achievement, taking into account, the challenges of sourcing staff, office accommodation, fittings and information technology (IT) infrastructure.

The Commission began sitting conferences one month after commencement and has sat consistently over the past 12 months receiving 1890 agency notifications that were within jurisdiction. A total of 949 conferences have been conducted, resulting in a case load of 314 clients.

From the first quarter to the fourth quarter the number of notifications received has increased by 14.34 per cent which is to be expected particularly in the first year operation. This reflects better understanding of the notifying obligations and processes by the notifying agencies. Tenancy Breach notifications remain low across the four quarters, partly because the tenancy management arrangements in Aurukun were not yet resolved. It also reflects the significant remedial action Housing and Homelessness Services takes prior to notification to the Commission.

In the fourth quarter the number of Child Safety notifications decreased by 50 per cent. Advice from Child Safety Services indicates that fluctuations in the receipt of notifications to Child Safety Services, staff shortages and unrest in Aurukun due to the removal of a number of children prevented investigation of matters. In contrast there has been a large increase of 25.42 per cent in the receipt of Magistrates Courts notifications. This could be attributed to an increased level of understanding of the legislative obligations of the notifying agencies.

During the fourth quarter the Commission began to assess and implement Show Cause proceedings on those clients that have failed to meet the obligations of their agreements or orders. This will continue to be a major focus of the Commission in the second year of operation and the ensuing years.

Conditional Income Management (CIM) orders account for 16.21 per cent of the total orders made by the Commission. Some community members are now voluntarily seeking income management as a means to provide for the priority needs of their families.

Local Commissioners continue to develop as important authority figures in their respective communities with some pleasing reports of acknowledgement by community members. Their increased levels of respect and authority is evidenced by the fact that both community members and organisations regularly seek their advice and input into significant issues that affect their communities.

School attendance statistics for Aurukun and Mossman Gorge show a remarkable increase of 25.3 per cent and 20.7 per cent increase respectively which indicates the significant efforts of both Education Queensland and Attendance Case Managers (Cape York Partnerships) to engage with parents and school aged children to ensure attendance. There is still much work to be done particularly in Aurukun in relation to this but the increases across both terms 1 and 2 are encouraging. Coen and Hope Vales statistics show consistency in attendance rates with Coen still above the state average. School attendance is a particular priority of the Commission and substantial efforts will continue in the coming year to lift school attendance at Aurukun.

During the fourth quarter the Commission worked closely with the Wellbeing Centres to increase their capacity to see clients and report accordingly. Further work needs to be done by other community support services to enable client access to a broader range of services, and in some cases establishing new services. The Commission will continue to work with all service providers to ensure clients are receiving the level of support they require to address their needs.

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Abbreviations:

ACM	Attendance Case Manager
ACMF	Attendance Case Management Framework
CDEP	Community Development Employment Projects
CIM	Conditional Income Management
CYWR	Cape York Welfare Reform
FRA	Family Responsibilities Agreement
FRC	Family Responsibilities Commission
IT	Information Technology
RFDS	Royal Flying Doctors Service
VIM	Voluntary Income Management
WBC	Wellbeing Centre
Also:	
	Cape York Institute for Policy and Leadership (the Institute)
	Family Responsibilities Commission (the Commission)
	Mr David Glasgow, Family Responsibilities Commissioner (the Commissioner)
	<i>Family Responsibilities Commission Act 2008</i> (the Act)
	Family Responsibilities Commission Registry (the Registry)
	Family Responsibilities Board (the Board)

Family Responsibilities Commission

Cape York Welfare Reforms

Report to 30 June 2009

1. Context

Cape York Welfare Reform (CYWR) envisions a process of moving people from passive welfare dependence to engagement in the real economy. This includes increasing individual responsibility through engagement in labour markets (i.e. real jobs) and private property (i.e. home ownership) and limiting the role of governments (federal, state and local) in people's lives to align with that provided by governments in mainstream Australia.

Welfare Reform is also about social development. The loss of traditional cultural values and practices has adversely impacted on the social development of Cape York communities (Aurukun, Coen, Hope Vale and Mossman Gorge). CYWR aims to rebuild basic social norms that are the fabric of any society - such as sending children to school, abiding by the law, and taking care of one's family or house.

A key plank of CYWR was the establishment of the Family Responsibilities Commission (the Commission). The *Family Responsibilities Commission Act 2008* (the Act) was passed in the Queensland Parliament on 13 March 2008 and sets out the statutory obligations of the relevant Queensland departments to notify the Commission where a parent/carer is not meeting the pre-determined obligations. For example:

- The Department of Education and Training 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 where a child of compulsory school age is not enrolled to attend school.
- The Department of Communities (Child Safety Services) must submit a Child Safety Notification where the Chief Executive becomes aware of an allegation of harm or risk to a child.
- The Magistrates Court must submit a Court Offence Notice if a person is convicted of an offence.
- The Department of Communities (Housing and Homelessness Services), or the provider of public housing, must submit a Tenancy Breach Notice if they believe that the tenant has breached their public housing tenancy agreement.

The Commission receives agency notifications from the departments mentioned above. Once received, a process is followed where it is determined if the person is within the jurisdiction of the Commission. Upon determination of jurisdiction, the matter is then referred to the Local Commissioners for a decision about whether to order the person to attend a conference.

A conference proceeds where the client may be encouraged to enter into a Family Responsibility Agreement (FRA), or an order is made to refer the person to community support services. The matter is then case managed by the Commission for the period of the order/agreement. Where a person does not comply, show cause proceedings are initiated and the client is ordered to attend before the Commission to explain reasons for non-compliance and if necessary an order for Conditional Income Management (CIM) may be made.

2. Partners / Service Providers

The Commission has been in operation for a period of 12 months and during that time key relationships have been developed between the Commission staff and service providers in the four CYWR communities.

As a result of attendance at a conference, clients either enter into agreements or are directed to attend relevant community support services such as Wellbeing Centres (WBCs) to address alcohol and/or drug misuse, gambling, parenting or social health related issues, Family Income Management (FIM) to assist with budgeting and meeting priority needs of individuals and families or school Attendance Case Managers (ACM) to ensure children attend school.

Where a client enters into an agreement or a direction is made, as mentioned above, a case plan is developed. The case plan could include a number of referrals to community support services. Service providers are required to report in writing to the Commission each month, to advise if the client has engaged with the provider and the progress they are making in their case plans.

As a result of the progress reports received, a client's case is assessed to establish whether they are meeting their obligations under the agreement or direction. Additional information is sought from partner agencies, service providers and local knowledge and recommendations for show cause proceedings or reviews are initiated. Increasingly the complexity of client obligations requires greater information sharing and cooperation between the Commission, service providers and associated agencies to ensure clients can realistically meet the requirements of their FRA.

A total of 168 referrals have been made in the period 1 April 2009 – 30 June 2009 relating to 101 individuals. Service providers are relied upon to capture the attendance, engagement and progress of clients to assist the Commission in extending further case plan options, personal responsibility actions and if necessary CIM.

As at 30 June 2009 monthly progress reports were outstanding relating to 314 individuals. Improved communication and understanding of the importance of the provision of monthly progress reports to the Commission has resulted in a concerted improvement in reporting compliance and timeliness. WBCs and ACMs have worked closely with the Family Responsibilities Commission Registry (the Registry) to ensure all referred client case plans are effectively operating.

Current negotiations with Queensland Corrective Services and Royal Flying Doctors Service (RFDS), who operate the WBCs, have seen the development of Memorandums of Understanding regarding information exchange, service delivery and training initiatives.

A recent training week for the Commission's Local Coordinators and support staff provided opportunities for updates in procedures, practices and legislation with RFDS WBC team leaders, ACMs, Centrelink specialists and Department of Families, Housing, Community Services and Indigenous Affairs (C'With) policy officers. The WBCs operation manual, Community Development Employment Project (CDEP) changes, amendments to same sex legislation, updates on privacy acts and changes to Centrelink benefits were discussed. Local Coordinators continue to develop relationships in community with service providers, agencies, federal and state bodies and visiting consultants.

On 22 May 2009 Child Safety Services and Local Commissioners jointly convened a workshop to discuss community engagement, information sharing and child safety concerns. Local

Commissioners took the opportunity to speak openly and candidly on child protection needs and best practice regarding the removal of children from communities or placement with approved carers in communities. In the second half of 2009 the progress made at this workshop will be further extended to include community based consultation and information sharing in the communities with the focus on community members understanding of the Child Safety Services procedures. It is expected that this will occur in September 2009.

The Commission will continue to work with service providers and notifying agencies throughout the life of trial to ensure best practice in the delivery of services to clients of the Commission.

3. Business Operations

Operational

In meeting obligations under Part 3 of the Act, the Registry commenced operation in Cairns on 1 July 2008 with a local Registry office operating in each of the four CYWR communities.

The Registry is managed by the Registrar, with a further eight Cairns based staff members who provide corporate and operational support to the Commissioner and Local Commissioners. The Commission has a Local Coordinator residing in each of the four CYWR communities.

Staff development and training remains a strong focus for the Registry in 2009 and subsequent years.

Significant logistical difficulties due to the inefficiencies of the current database are being addressed with a thorough business analysis conducted in March 2009. As a result of this review, recommendations for the creation of a new database have been accepted and work is currently underway to develop, test and implement a new secure database system. The consultants, Avenue, have conducted a scoping study and have completed 95 per cent of the build phase of the Commission's new client database.

A continued focus on streamlining internal policy and procedures will result in a robust and responsive managerial support of the Commission, communities, staff and service providers.

Financial

The budgeted inflow of funds consists of a Commonwealth Government grant of \$3.5M and \$9.4M from a Queensland Government grant until the expiry of the Act on 31 December 2011. These funds will be supplemented by interest on the Commission's investments and its operational bank account.

Since its inception, the Commission has faced continual challenges in managing its budget to effectively service these remote locations. There have been numerous challenges associated with staff and office accommodation, transport, communications and logistics.

Income:

- The estimated income for the year 2008/09 totalled \$3.665M. This includes Queensland Government funding of \$2.5M, Australian Government funding of \$1M and \$0.165M in Interest.

Expenditure:

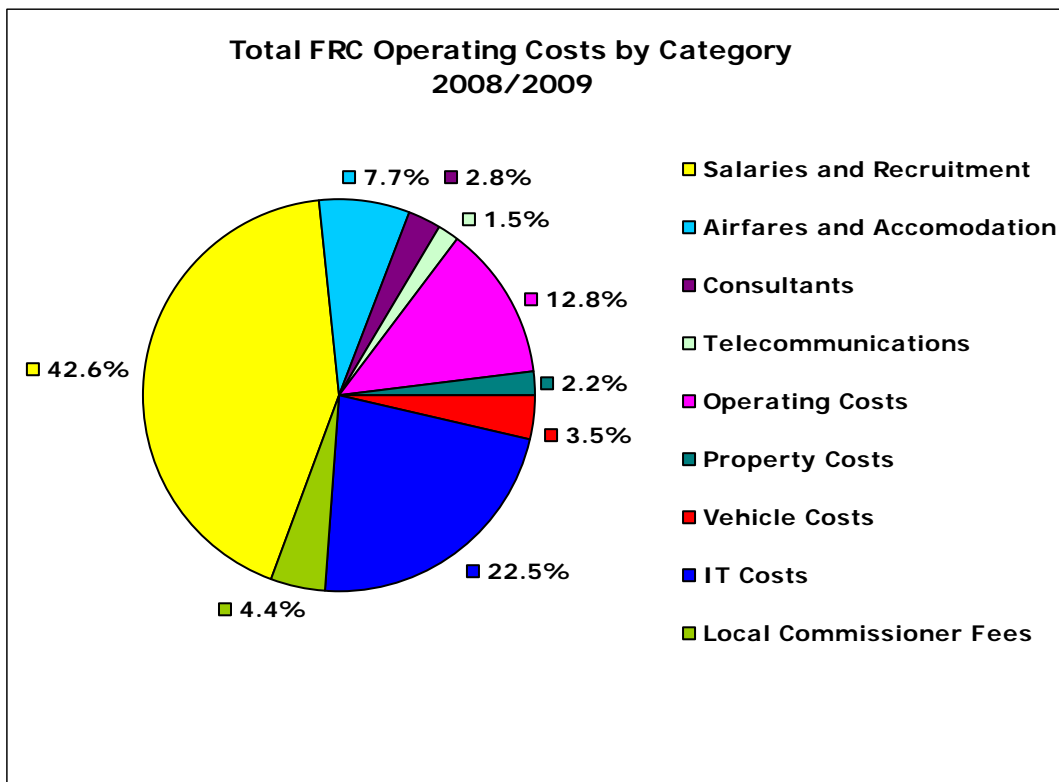
- The estimated expenditure for the period 1 July 2008 to 30 June 2009 was \$3.277M (Table1). \$0.1M funding was also received from the Service Procurement Fund and was directly allocated to offset the salary and on-costs for Principal Case Manager's position.
- The estimated expenditure for 2008/09 as provided for in the 2009/10 Service Delivery Statement was \$3.844M however actual expenditure for the 2008/09 year was \$3.277M. This under expenditure resulted from delays in finalising a Memorandum of Understanding agreement between State Agencies for the construction of staff housing in Aurukun.

Salaries, recruitment costs and information technology (IT) costs represent 64.45 per cent of total expenditure. This reflects the challenges encountered in establishing the Commission within this timeframe and in its remote operating locations. Expenditure during the period was as follows:

Expenditure 1 July 2008 to 30 June 2009	Amount
Salaries and recruitment	1,397,266.99
Airfares and accommodation	253,672.43
Consultants	90,786.94
Telecommunications	48,578.61
Operating costs	419,052.62
Property costs	70,550.02
Vehicle costs	115,831.51
IT costs	737,152.03
Local Commissioner fees	144,046.56
Total expenditure	\$3,276,937.71

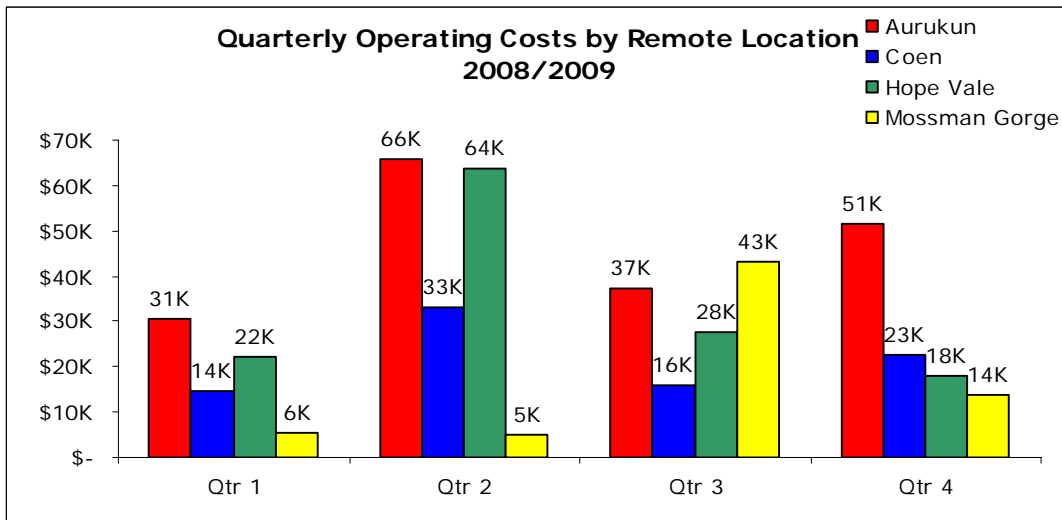
Table 1: Unaudited expenditure 1 July 2008 to 30 June 2009

The Commission's total operating costs in categories by percentage of total expenditure is represented below:



Graph 1: Total FRC Operating costs 1 July 2008 to 30 June 2009

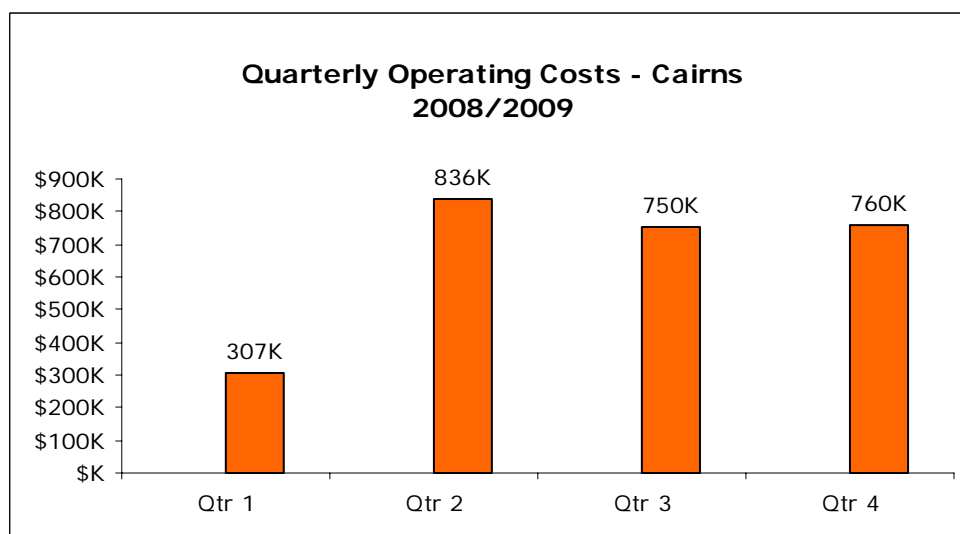
Regional operational expenditure is categorised below by location per quarter. These figures exclude Local Coordinator's salary costs, which are incorporated in the Commission's global operating costs. These figures include Local Commissioner's fees, totalling \$144,046.56 (figure excludes accrued income of \$10,322.00 which has been invoiced for recovery from the Service Procurement Fund for the sitting fees of Local Commissioners attending the joint FRC/Child Safety workshop held in Cairns in May 2009).



Graph 2: Operating costs by remote location July 2008 to June 2009

(Note: The increased costs for Aurukun, Coen and Hope Vale in Quarter 2 reflect the provisioning of these remote offices with office equipment, furniture and vehicles. In Quarter 3, the Mossman Gorge office refurbishment costs are recorded. The operational costs attributed to the Aurukun and Hope Vale offices reflect the higher number of conferences held in these communities when compared with number of conferences held in Coen and Mossman Gorge.)

Cairns office operational costs (below) in Quarter 1 reflect the inclusion of the 2007/08 accrued expenses. The spike in expenses in Quarter 2 is due to the settlement of accrued expenses transferred from the previous financial year. The Quarter 3 expenditure includes accrued IT acquisitions and ongoing IT service costs for the period from July 2008 to February 2009. Much of this expenditure relates to costs incurred by the Department of the Premier and Cabinet in establishing the Commission.



Graph 3: Quarterly operating costs, Cairns July 2008 to June 2009

4. Activities / Achievements

Intake and Assessment Phase

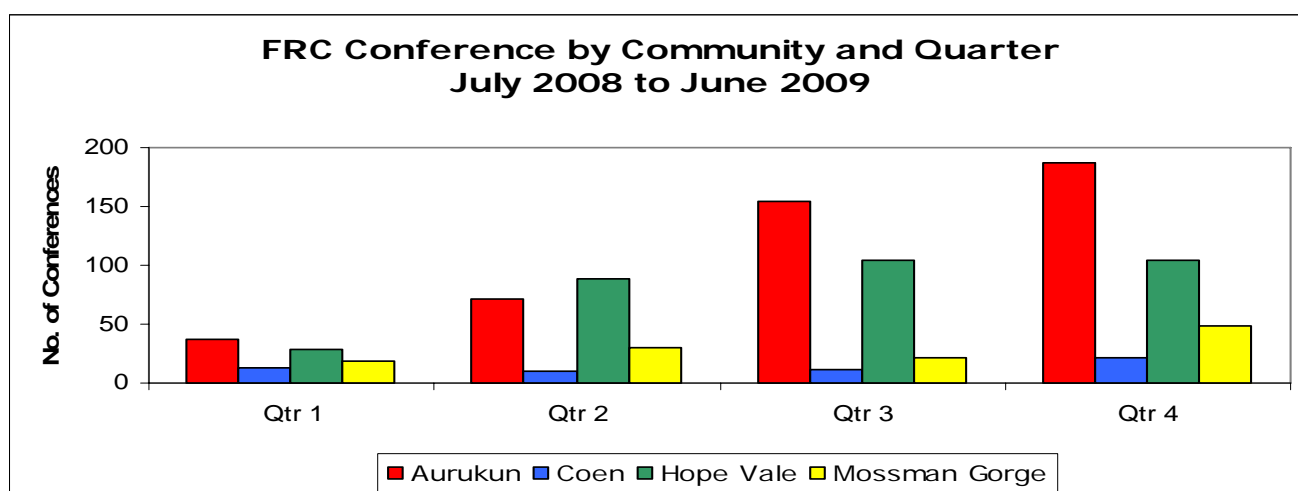
The Commission became operational on 1 July 2008 and commenced conferencing on 12 August 2008. Up to 30 June 2009 a total of 2791 agency notifications were received by the Commission of which 1890 notifications (68 per cent) were within the Commission's jurisdiction. During the fourth quarter of operation the Commission received 1042 agency notifications, some of which related to more than one person. Of that figure 636 notifications (61 per cent) were within Commission's jurisdiction and 406 notifications (39 per cent) received were outside the Commission's jurisdiction and therefore could not be dealt with.

During the intake phase notifications are assessed to establish whether the persons mentioned 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 notification 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 3 months. Therefore a person who is working (and therefore not receiving welfare payments) and lives in a CYWR community or who has been convicted of an offence in a CYWR community but lives elsewhere is not within jurisdiction and cannot be dealt with by the Commission. Of the 2791 agency notifications received by the Commission 901 were assessed as "not within jurisdiction" accounting for 32 per cent of the total number of notifications received for the year.

Conferences

The objective of the Commission, as set out in the Act, is primarily to hold conferences with community members and accordingly 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 CYWR communities.

In the fourth quarter a total of 361 conferences have been held which resulted in 97 FRA being entered into and six directions made to attend community support services.



Graph 4: Conference by community and quarter July 2008 to 30 June 2009

63 notifications did not proceed to conference (for various reasons including change in circumstances since the date of the notification occurred, severity of the notification and depth of information in the notification), 39 notifications are currently under enquiry and 92 are currently

being monitored pending action from individuals or carers (incarcerated, rehabilitation, hospital or out of community).

Case Management

Up to 30 June 2009, 314 clients were being case managed. The availability and quality of services in the communities is slowly standardising as WBC, ACM and FIM services review internal operations and seek feedback from Commissioners and Registry staff on the needs of clients and communities. Client case management continues to adapt to meet the complexities of individuals and the communities in which they live. Clients facing significant barriers such as addiction, cycle of violence and homelessness may lack the capacity to comply with all aspects of a case plan and these personal details may not be revealed in the first contact with the Commission. Clients cases are reviewed on a monthly basis to ensure not only that the client is meeting their obligations but also to ensure that the services required are available to the client.

REFERRAL TYPE	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
FIM	15	38	61	27	141
WBC	27	51	132	66	276
ACM	7	6	24	55	92
Parenting Program	8	3	4	1	16
Other	17	31	24	19	91
TOTAL	74	129	245	168	616

Table 2: Referral services by quarter as at 30 June 2009

Improved relations and understanding of the role of the Commission with Centrelink remote servicing, Queensland Corrective Services, Magistrates Courts, State Penalties Enforcement Registry, Child Safety Services, Disability Services and Queensland Health in communities has improved client referrals and assistance. Although the primary focus of conferences is to discuss the notifications relating to the client, rarely is this the sole outcome of a conference as clients often require specialised assistance in navigating the multiple commitments of agencies such as obtaining birth certificates and payment of fines.

As client case management increases and some clients gain a history over time, show cause hearings to explain non compliance with service provider referrals will continue to grow. Show cause assessments draw upon service provider's monthly progress reports, other referrals and personal responsibility compliance, local knowledge and client explanations to the Commissioners.

During the fourth quarter 18 Show Cause hearings have been completed in Aurukun, Coen and Hope Vale (see Table 3). These matters resulted in:

- 3 clients' previous FRAs being revoked and new FRA entered into;
- 3 clients received CIM orders (at a rate of 75 per cent of Centrelink income for a period of 12 months) being made as the client failed to attend;
- 5 clients' FRA Case Plans were re-enforced;
- 1 client's Show Cause Notice was dismissed;
- 6 client's conferences are still pending as they have been adjourned to July 2009.

COMMUNITY	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Aurukun	0	0	2	9	11
Coen	0	0	1	6	7
Hope Vale	0	0	0	3	3
Mossman Gorge	0	0	0	0	0
TOTAL	0	0	3	18	21

Table 3: Show Cause Notice

Proportionally, as the number of clients grows the number of applications to Amend or End a FRA grow. This indicates that community members are gaining an understanding of processes and their ability to question decision making.

During the fourth quarter, a total of 12 applications to Amend or End a FRA or Orders were received (see Table 4). The matters received resulted in:

- 3 CIM order revoked and a new FRA/Case Plan completed;
- 1 Client failed to appear, thus application was dismissed;
- 7 Applications are not scheduled to be heard until July 2009;
- 1 Application was not granted.

COMMUNITY	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Aurukun	0	0	2	7	9
Coen	0	0	0	0	0
Hope Vale	0	0	5	2	7
Mossman Gorge	0	0	1	3	4
TOTAL	0	0	8	12	20

Table 4: Applications to Amend or End Family Responsibilities Agreements or Orders

Conditional Income Management

31 Conditional Income Management (CIM) orders were made in the fourth quarter with a total of 89 CIM orders made to 30 June 2009 (see Tables 5 and 6). CIM orders are made where the client either failed to attend two scheduled conferences, or where a client is not complying with case plan requirements and/or continuing to receive additional notifications.

Local Coordinators and Commissioners report increasing enquires by Commission clients and community members to apply for Voluntary Income Management (VIM). Most enquiries indicate VIM is a feasible antidote to family and social pressure to hand over cash for non-essential items and contraband. There are currently three clients/community members who have successfully applied for VIM and one withdrawn application due to CDEP incompatibility.

VIM is not available to community members on an Aged Pension and Carers Payment (Category R under the *Social Security Administration Act 1999*). The Commission is working with the Commonwealth Government to develop an approach which will enable VIM of Aged Pension and Carer's Payment.

CONDITIONAL INCOME MANAGEMENT (CIM) INDIVIDUALS	TOTAL
Currently CIM	53
Currently with Centrelink to be CIM	6
CIM period Expired	6
Currently waiting on client to be removed from CDEP	4
CIM Order revoked	4
Currently not receiving any benefits and not being CIM	13
Currently in prison and not being CIM	3
TOTAL CIM ORDERS	89

Table 5: Clients Conditionally Income Managed as at 30 June 2009

COMMUNITY	QTR 1	QTR 2	QTR 3	QTR 4	TOTAL
Aurukun	0	6	10	19	35
Coen	1	0	0	0	1
Hope Vale	0	7	18	8	33
Mossman Gorge	1	11	4	4	20
TOTAL	2	24	32	31	89

Table 6: Quarterly Conditionally Income Managed clients as at 30 June 2009

Notices

For the period 1 April 2009 to 30 June 2009, the Commission received a total of 1042 agency notifications¹ of which 636 or **61.03 per cent** agency notifications were within jurisdiction. Of the 636 notices that were within the Commission's jurisdiction, this comprises:

- 252 School Attendance notices;
- 46 Child Safety notices;
- 336 Magistrates Courts notices;
- 2 Housing Tenancy notices.

Of the 406 or **38.97 per cent** of agency notifications not within the Commission's jurisdiction, there were 365 Magistrates Courts notices, 27 School Attendance notices, 12 Child Safety notices and 2 Housing notices.²

Details for each community are as follows:

- **Aurukun** notices comprise approximately **43.71 per cent** of the total notices in jurisdiction:
 - 164 School Attendance notices;
 - 12 Child Safety notices;
 - 102 Magistrates Courts notices.

29 Magistrates Courts notices, 3 Child Safety notices and 14 School Attendance notices were processed as not within jurisdiction.

187 conferences have been held in Aurukun this quarter.³

¹ Counting rules are that an agency notification is counted on the basis of number of "clients" on the notification, for example: a child safety notification relating to two parents is counted as 2 notifications.

² 365 of the 406 notices processed as "not within jurisdiction" are Magistrates Courts notifications. The Magistrates Court boundaries and their data collection system prevent the identification of Commission clients who reside within the Commission's gazetted areas of jurisdiction.

³ The number of conferences held relates to the number of conferences listed, which includes where a client was served with a Notice to Attend Conference and subsequently failed to attend.

- **Hope Vale** notices comprise **39.46 per cent** of the total notices in jurisdiction:
 - 67 School Attendance notices;
 - 20 Child Safety notices;
 - 163 Magistrates Courts notices;
 - 1 Housing Tenancy notices.

86 Magistrates Courts notices, 6 Child Safety notices, 2 Housing Tenancy notices and 9 School Attendance notices were processed as not within jurisdiction.

104 conferences have been held in Hope Vale this quarter.⁴

- **Coen** notices comprise **7.86 per cent** of the total notices in jurisdiction:
 - 10 School Attendance notices;
 - 8 Child Safety notices;
 - 31 Magistrates Courts notices;
 - 1 Housing Tenancy notices.

7 Magistrates Courts notices and 4 School Attendance Notices were processed as not within jurisdiction.

21 Conferences have been held in Coen this quarter.⁵

- **Mossman Gorge** comprises **8.96 per cent** of the total notices in jurisdiction:
 - 11 School Attendance notices;
 - 6 Child Safety notices;
 - 40 Magistrates Court notices.

243 Magistrates Courts notices and 3 Child Safety notices were processed as not within jurisdiction.

49 Conferences have been held in Mossman Gorge this quarter.⁶

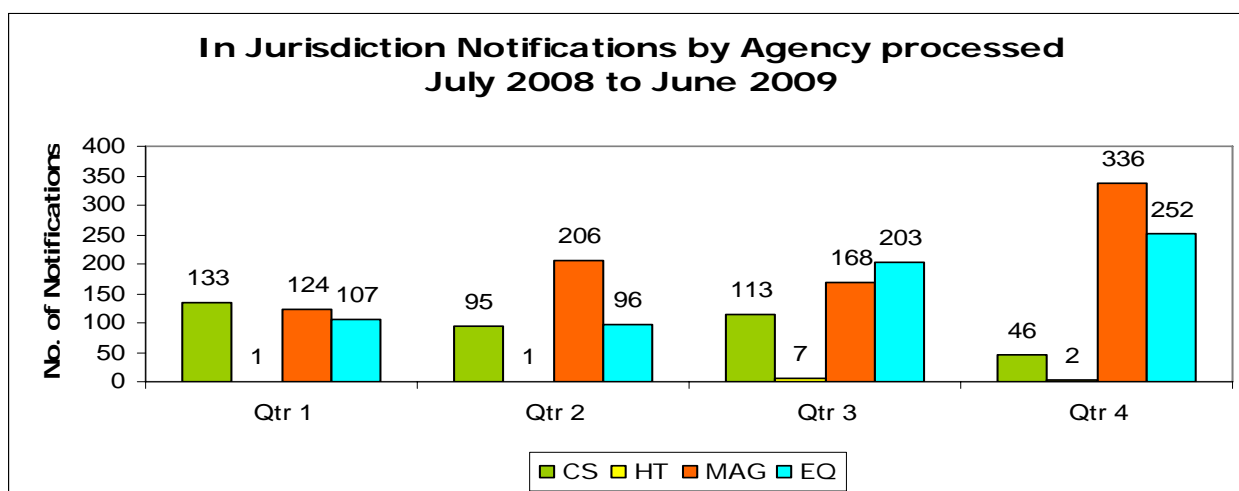
⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

5. Data Summary and Trends

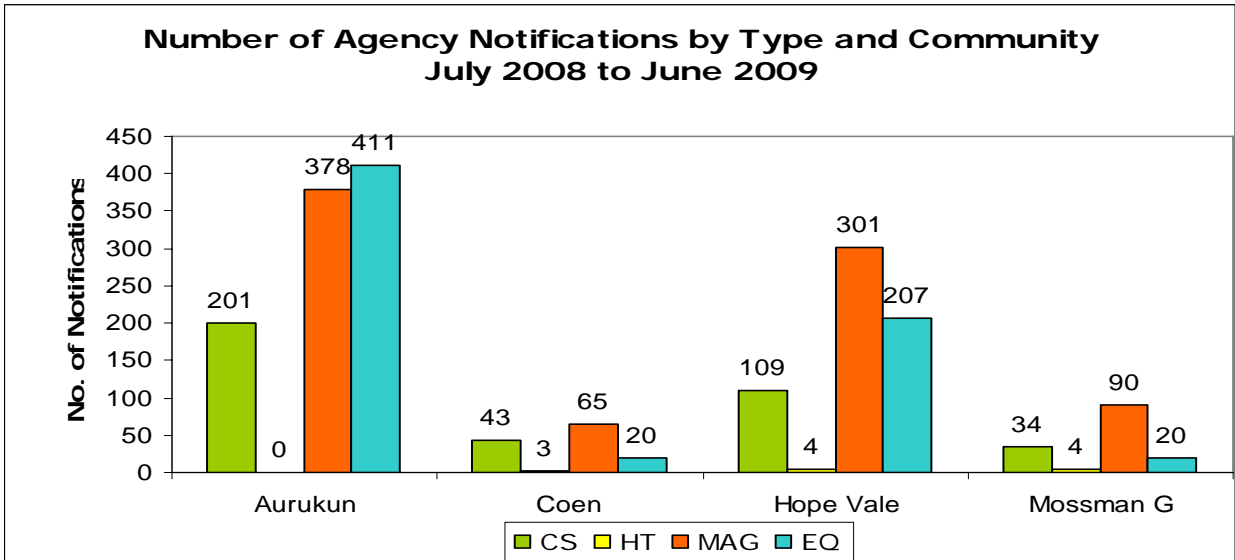
The fourth quarter (see Graph 5) continued to experience growth in School Attendance and Magistrates Court notifications reflecting greater awareness and refinement of processes by notifying agencies. Child Safety Services notifications decreased by over 50 per cent in the fourth quarter. Advice from Child Safety Services is that the decrease can be attributed to a number of causal factors such as normal fluctuations in incoming notifications to Child Safety Services, staff shortages impacting data entry in respect of Child Concern Reports and community unrest in Aurukun due to the removal of a number of children in that period significantly impacting Child Safety Services ability to work in that community.



Graph 5: Notices by agency processed July 2008 to 30 June 2009

Despite the increases in school attendance at Aurukun (25.3 per cent increase in term 2, 2009 as compared against term 2, 2008) low school attendance rates in Aurukun reflect the large number of School Attendance notifications for Aurukun increasing in Quarter 4. It is noted that notifications are per child not by parent, hence large families may have multiple notifications for one day of family absence. In Hope Vale school attendance notifications are now second to Magistrates Court notifications reflecting stronger school attendance.

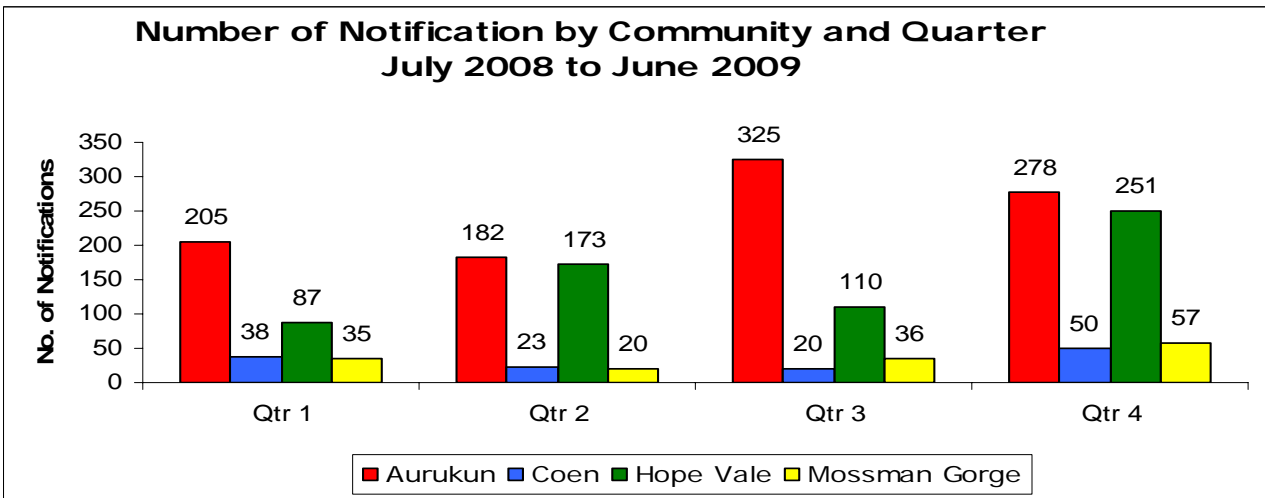
Magistrates Court notifications trend towards alcohol and driving related offences in both Aurukun and Hope Vale although Commissioners advise violence related charges in Aurukun continue to fall with the closure of the Three Rivers Tavern. Mossman Gorge Magistrates Court notifications trend towards public nuisance and low level offences relating to alcohol reflecting the ease of access of liquor for the community. Coen community records one third of notifications relating to Child Safety reflecting confidence in the community in understanding Child Safety practices especially anonymity and continuity and consistency of services and responsiveness as confirmed by Coen Community Justice Group.



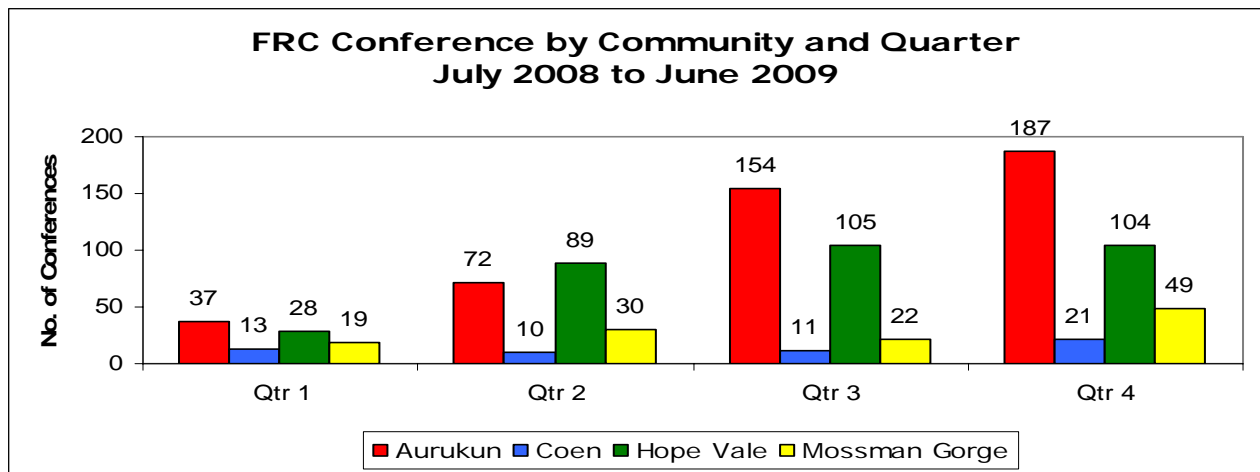
Graph 6: Notifications by type and community July 2008 to 30 June 2009.

Although Aurukun experienced a 14 per cent decrease in notifications, the number of conferences held increased by 21 per cent. The Commissioners advise a large number of School Attendance notifications relate to more than one adult in the household, hence this generates multiple conferences from one notification.

Aurukun experiences high attendance rates for conferences generally in the 90 per cent range. Conversely, Hope Vale experiences low attendance rates in the 50 per cent range, resulting in many conferences being rescheduled. The transient nature of Hope Vale clients and proximity to Cooktown results in inability to serve attendance notices which results in a high level of non-attendance at conferences. Hope Vale experienced a drop in notifications last quarter attributed to changes in personnel and processes within the Cooktown Magistrates Court which resulted in a backlog of Magistrates Court notifications and is reflected in Quarter 4. Coen and Mossman Gorge increased in both receipt of notifications and number of conferences held in Quarter 4.

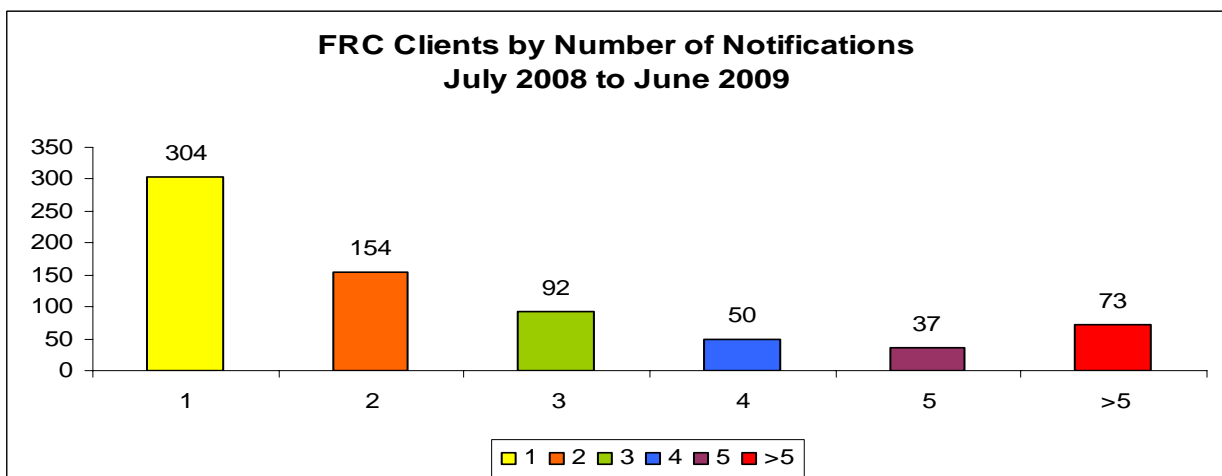


Graph 7: Notices by community and quarter July 2008 to 30 June 2009



Graph 8: Conference by community and quarter July 2008 to 30 June 2009

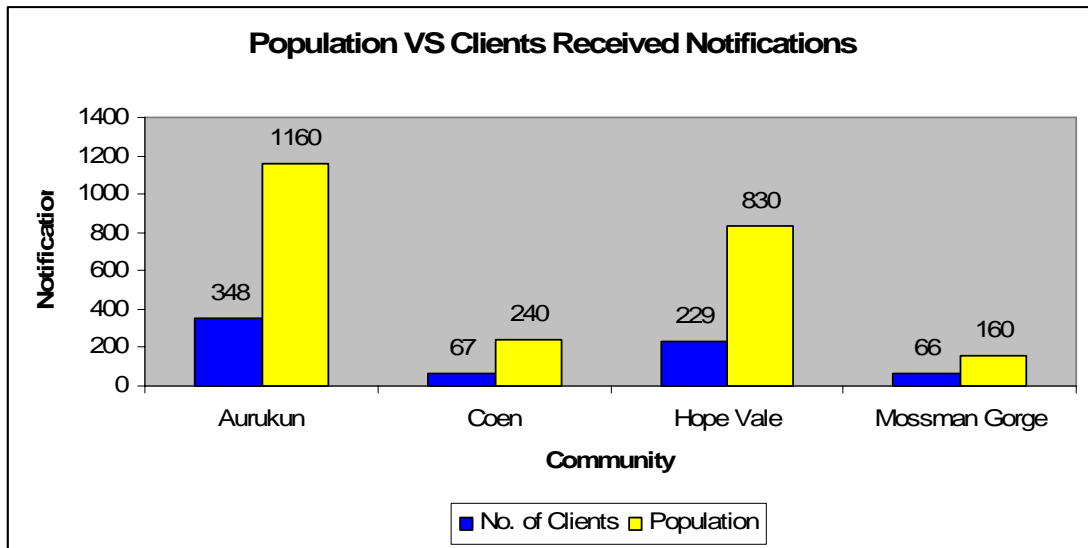
10 per cent of FRC clients have received more than five notifications over the past year. In many instances this illustrates the multiple child absences or multiple Magistrates Court notices relating to one incident. A small number of clients are regularly receiving notifications and are subsequently subjected to CIM orders. The majority of clients have to date received only one notification, engaged in case plan recommendations and as yet have come before the Commission.



Graph 9: Clients by number of notifications July 2008 to 30 June 2009

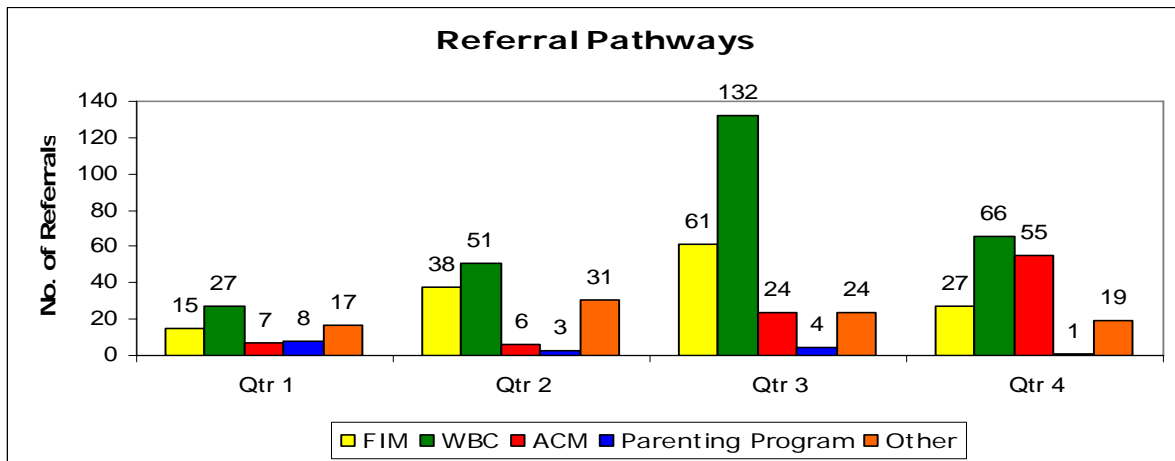
(Note: Counting rules stipulate that where multiple charges are received each charge is counted as an individual notification or each child's absence is counted as one notification for example if three children from the one family were absent, that is counted as three notifications.)

Both WBC and FIM referrals decreased significantly in Quarter 4 for a variety of reasons, the most significant being that the Commission concentrated on school attendance related notifications and subsequently made a significant number of referrals to ACMs. The referrals to WBC and FIM services are expected to increase again with stronger emphasis from these service providers to improve intake mechanisms and stability in Commissioners and referral options.



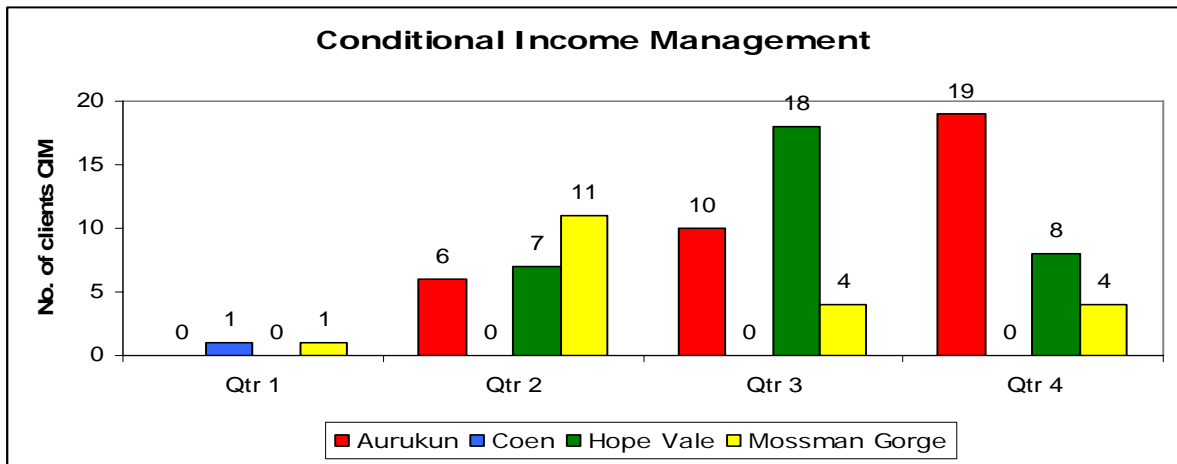
Graph 10: No. of client's who have received notifications in relation to population, up until 30 June 2009

(Note: The population statistic includes all people living within community, including children.)

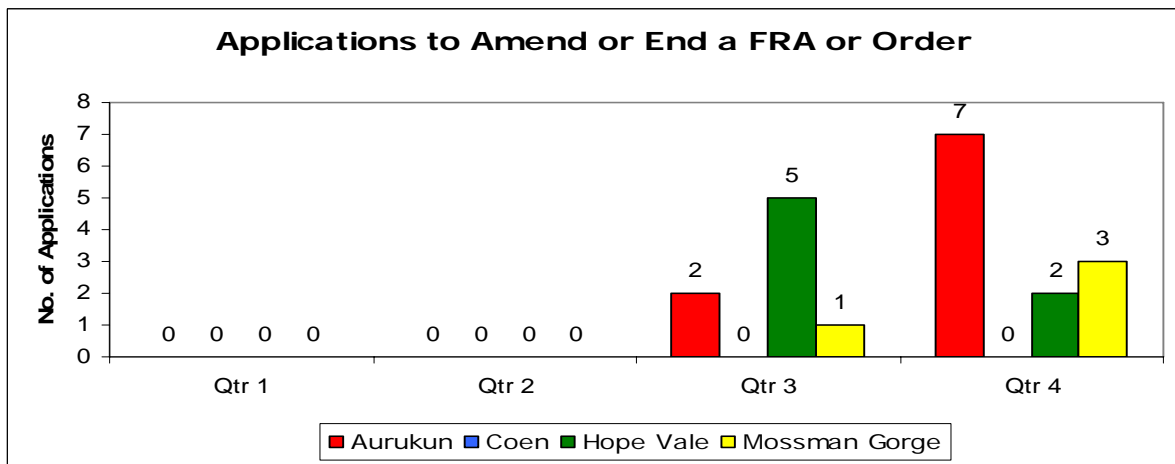


Graph 11: Referral Pathways July 2008 to 30 June 2009

As client intake grows, non attendance and case management contribute to increasing numbers of clients being Conditionally Income Managed. The relief of Commissioner Cull during the fourth Quarter impacted on consistency in client knowledge, hence with the return of Commissioner Glasgow it is expected CIM figures will increase significantly. The growing awareness of rights of clients to apply for variations to the orders/agreements is reflected in Amend or End FRA Orders. The Commissioners take a number of options when considering applications including varying plans, amending the CIM percentage or ceasing FRA.

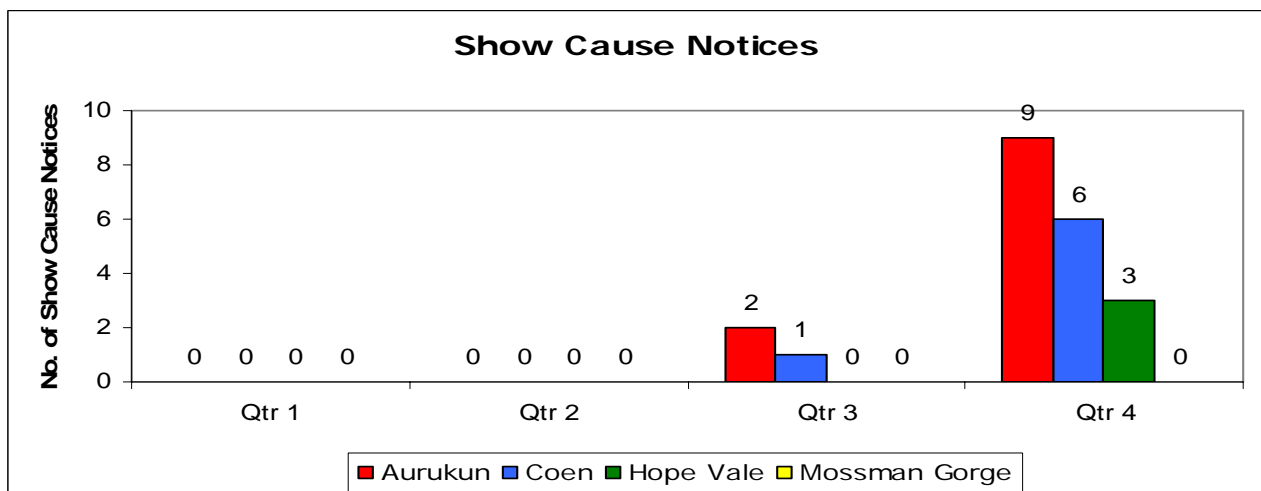


Graph 12: Conditional Income Management July 2008 to 30 June 2009



Graph 13: Applications to Amend or End FRA or Order July 2008 to 30 June 2009

Show Cause Notices will continue to reflect the case management aspects of clients, increasing with the time period clients have to engage with service providers. Quarter 4 has seen a dramatic improvement in reporting compliance by the service providers hence facilitating Show Cause Notices to be assessed with regard to fair and natural justice.



Graph 14: Show Cause Notices July 2008 to 30 June 2009

6. Observations / Future Direction

Observations

As the Commission approaches 12 months of operation, the profile of the Commission and Commissioners has grown along with challenges of an increased client base, demand on the Commissioners for time and representation duties and stakeholder expectations. The Commission maintains its commitment to service delivery in the communities whilst ensuring community engagement is led by the Local Commissioners and appropriate to each community.

Commissioner Glasgow advises that positive changes in communities are beginning to be experienced. Local Commissioners are increasing their participation and raising awareness of issues affecting their community that impact on social norms, personal responsibility and restoring Indigenous authority including:

- Coen and Mossman Gorge Commissioners working with local statutory and community authorities to object to party houses and loud noise which disrupts households and children preparing for school.
- Coen and Mossman Gorge Commissioners supporting FRC clients and community members to establish "Dry Houses" within community. To date Coen has nine Dry Houses and Mossman Gorge three. The Commission has been instrumental in some of these applications and supportive in all.
- Coen and Hope Vale Commissioners have assisted in fencing and gardening beautification to provide safe environments for children and work with partners such as Child Safety Services and Pride of Place.
- Aurukun Commissioners continue to support community groups in discussions to keep the Three Rivers Tavern closed. Commissioners have anecdotal evidence of the decrease in alcohol related and domestic violence, improvement in caring for children and the infirm and improved social cohesion.
- All Commissioners proactively and regularly engage with authorities and community members to improve school attendance, combat bullying and teasing and discourage children wandering the streets at night. The Commissioners take every opportunity to speak with children, parents, community members and external organisations to ensure children receive educational benefits.

Challenges to the Commission increase in complexity and across each community. The profile of the Local Commissioners has seen increased demands on their time and skills, with personal circumstances, employment opportunities and external recognition drawing them away from Commission conferencing. The Commission wishes to acknowledge those employers that have permitted Local Commissioners to maintain their Commission responsibilities whilst employed.

Commissioners have raised a number of concerns about the inability of service providers and agencies to acknowledge the accepted norms of operating in community and dealing with community members.

- Child Safety Services operate under strict legislative guidelines which has limited community assistance in developing case plans and placement of children. Commissioners are keen to assist Child Safety Services but find the bureaucracy of the agency frustrating. The division split of Child Safety Services across Cape York has impacted on the consistency and relationship building with representatives, however, Child Safety Services has advised that four dedicated CYWR trial positions are currently being considered for 2009/10 and if approved these positions

will provide additional support and improve service delivery across the four CYWR trial communities.

- The complexity and individuality of educational services within both the private and public system within the four CYWR communities results in varying attitudes and willingness to work with the Commission. A consistent and even approach to combat truancy, bullying and parents who fail to meet their obligations is required to resolve frustrations for Commissioners, ACMS, teachers and service providers.
- The slow recruitment of Local Program Office staff and subsequent establishment of roles and responsibilities has slowed progress of the CYWR initiatives in some communities.

Related Observations

In performing the Commission's functions, the Commissioner and Local Commissioners become aware of matters that are not directly related to the Commission but affect community members and their families. The wellbeing of family members has a significant impact on individuals and the community at large.

The Hope Vale Local Coordinator has established video conferencing between families and relatives in Lotus Glen Correctional Centre to assist with maintaining family ties due to the inability of families to travel and stay in Mareeba for visits. It is intended to extend this facility to juvenile detention and boarding schools. Telephone contact for families in Hope Vale with Lotus Glen is facilitated from time to time.

Future Direction

- A comprehensive analysis of the Commission's outcomes and trends will be outlined in the Annual Report to be delivered in October 2009. This will be further reported upon in the formal Implementation Review to be conducted by an independent evaluator due in early 2010.
- The unique nature of the Commission's data retention and reporting requirements continue to challenge the contracted database provider which has resulted in some delays in delivery. It is expected the new database will be implemented by September 2009.
- Recent legislative amendments as at 1 July 2009, such as the Same Sex Legislation Act 2008 (C'wlth), Privacy Information Act 2009 (Qld), Right to Information Act 2009 (Qld), changes to CDEP entitlements and administration and Carers Payment qualifications will impact on FRC operations and communities but the level is unknown at this point in time.
- VIM is not available to community members on an Aged Pension and Carers Payment (Category R under the *Social Security Administration Act 1999*). The Commission is working with the Commonwealth Government to develop an approach which will enable voluntary Income Management of the Aged Pension and Carers Payment.

7. Appendices

APPENDIX A



SITTING CALENDAR FAMILY RESPONSIBILITIES COMMISSION 1 January 2009 to 31 December 2009



WEEK COMMENCING	Commissioner	COEN Mon/Tues	AURUKUN Wed/Thurs or Tues/Wed/Thurs	MOSSMAN GORGE Mon	HOPE VALE Tues/Wed	OFFICE CAIRNS
5 JANUARY	DRG-	-	-	-	-	All week
12 JANUARY	DRG-	-	-	-	-	All week
19 JANUARY	DRG-	-	-	-	-	All week
26 JANUARY	DRG-	-	27,28,29	-	-	26,30
2 FEBRUARY	DRG-	-	-	2	3,4	5,6
9 FEBRUARY	DRG-	9,10	11,12	-	-	13
16 FEBRUARY	DRG-	-	-	16	17,18	19,20
23 FEBRUARY	DRG-	-	24,25,26	-	-	23,27
2 MARCH	DRG-	-	-	2	3,4	5,6
9 MARCH	DRG-	9,10	11,12	-	-	13
16 MARCH	DRG-	-	-	16	17,18	19,20
23 MARCH	DRG-	-	24,25,26	-	-	23,27
30 MARCH	DRG-	-	-	30 March	31 March and 1 April	30 March and 3 April
6 APRIL	DRG-	6,7	8,9	-	-	
13 APRIL	DRG-	-	-	-	-	Training Week
20 APRIL	DRG-	-	21,22,23	20	-	23,24
27 APRIL	DRG-	-	-	-	28,29	1 May
4 MAY	DRG-	-	-	-	6	4,5
11 MAY	DRG-	11	12,13	-	-	14,15
18 MAY	DRG-	-	-	18	19,20	21,22
25 MAY	DRG-	-	27,28	-	-	25th BOARD BRISBANE
1 JUNE	WC	-	-	1	2,3	4,5
8 JUNE	WC	-	9,10,11	-	-	8,12
15 JUNE	WC-	-	-	15	16,17	18,19

SITTING CALENDAR

FAMILY RESPONSIBILITIES COMMISSION

1 January 2009 to 31 December 2009

WEEK COMMENCING	Commissioner	COEN Mon/Tues	AURUKUN Wed/Thurs or Tues/Wed/Thurs	MOSSMAN GORGE Mon	HOPE VALE Tues/Wed	OFFICE CAIRNS
22 JUNE	WC-	22,23	23,24,25	-	-	26
29 JUNE	WC-	-	-	29	30 th & 1 July	2,3
6 JULY	WC	-	-	-	-	Training week
13 JULY	DRG-	-	-	-	14,15	13,16
20 JULY	DRG-	-	-	-	-	ESTIMATES BRISBANE
27 JULY	DRG-	27,28	28,29, 30	-	-	31
3 AUGUST	DRG-	-	-	3	4,5	6,7
10 AUGUST	DRG-	-	-	-	-	All Week
17 AUGUST	DRG-	-	-	Thurs 20	18,19	17 Brisbane Board, 21
24 AUGUST	DRG-	24,25	25,26,27	-	-	28
31 AUGUST	DRG-	-	-	31 August	1,2 Sept	3,4 Sept
7 SEPTEMBER	DRG-	-	8,9,10	-	-	11
14 SEPTEMBER	DRG-	-	-	14	15,16	17,18
21 SEPTEMBER	DRG-	21,22	22,23,24	-	-	25
28 SEPTEMBER	DRG-	-	-	-	-	Training Week
5 OCTOBER	DRG-	-	-	5	6,7	8,9
12 OCTOBER	DRG-	12,13	14,15	-	-	16
19 OCTOBER	DRG-	-	-	19	20,21	22,23
26 OCTOBER	DRG-	-	27,28,29	-	-	26,30
2 NOVEMBER	DRG-	-	-	2	3,4	5,6
9 NOVEMBER	DRG-	9,10	10,11,12	-	-	13
16 NOVEMBER	DRG-	-	-	16	17,18	19,20
23 NOVEMBER	DRG-	-	24,25,26	-	-	23,27
30 NOVEMBER	DRG-	-	-	30 Nov	1,2 Dec	3,4 Dec
7 DECEMBER	DRG-	7,8	8,9,10	-	-	11
14 DECEMBER	DRG-	-	-	14	15,16	17,18
21 DECEMBER	DRG	-	-	-	-	All Week

Governance

Part 12 of the *Family Responsibilities Commission Act 2008* provides for the establishment of the Family Responsibilities Board (the Board).

The Board has a mandate to give advice and make recommendations to the Minister about the operation of the Commission and similarly to give advice and make recommendations to the Commissioner about the performance of the Commission's functions.

The Board must meet at least every three months and each member must be present at each meeting. The Board's membership consists of:

- Mr Ken Smith Director-General, Department of the Premier and Cabinet
- Mr Noel Pearson (Part-time) Director, Cape York Institute for Policy and Leadership
- Dr Jeff Harmer Secretary, Department of Families, Housing, Community Services and Indigenous Affairs

Glossary of Terms

ATODS - alcohol tobacco and other drugs services:

ATODS, a division of Queensland Health, have maintained a presence within the WR communities of Aurukun, Coen, Hope Vale and Mossman Gorge.

Wellbeing Centre (WBC):

These centres are currently operated by the Royal Flying Doctor Service and are the primary referral agency for the Commission. The WBCs provide:

- a holistic, systemic and community-based approach to treating drug and alcohol addiction and related mental health co-morbidities, including family violence and gambling,
- clinical assessments, formal and informal counselling, support for individuals and their families, and support for community-driven activities that build community capacity
- support for restoring social norms and empowering individuals to take responsibility for making positive choices about their health and wellbeing.

Each WBC is staffed with a psychologist, counsellors and one or more community support workers. Staff are also supported by part-time medical practitioners, mental health nurses and psychiatrists, team leaders and a Service Development manager.

New infrastructure has been built to support the WBC in each community. All the centres and staff housing is now complete, and the completion of the infrastructure has allowed the RFDS to complete their staff recruitment. All the centres will be fully staffed by the end of July 2009, and this will allow the range of services delivered from the centres to increase from the end of July and reach full service delivery by the end of August.

Family Income Management (FIM):

Family Income Management (FIM) is a voluntary, confidential and free service that is specifically designed to meet the particular needs of Indigenous individuals and families, and provide them with the education, information and ongoing support needed to manage their own money.

FIM provides support and assistance including referrals and access to financial institutions, products and services. It also provides general information, education and ongoing support to individuals and families about improving the outcomes for children from the expenditure of Family Payments. FIM operates in Aurukun, Coen, Hope Vale and Mossman Gorge and has been operating in a number of Cape York communities since 2001.

Attendance Case Management Framework (ACMF):

The Attendance Case Management Framework (ACMF) was developed by the Every Child is Special Unit to support student attendance. The ACMF uses Professor Herbert C Kelman's behavioural change model which identifies three stages leading to behavioural change: compliance, identification, and internalisation. ACMF works with students, parents, schools and the broader community to set the expectation of 100 per cent attendance and to build and sustain it as a "social norm".

Under the ACMF, Attendance Case Managers (ACM's) aim to follow up every absence, on the day, to work with families to resolve the reason behind a child's unexplained absence or lateness and to develop strategies to avoid reoccurrences. ACM's also refer parents to support services like FIM or alcohol addiction support as required. Such quick response reduces the incidence of parents being called before the Commission on student attendance-related issues.

ACMs use positive reinforcement to publicly and privately acknowledge 100 per cent attendance. They also work with schools to limit disruptions and maximise student core learning time, and work with the wider community to help them develop strategies to support the 100 per cent attendance expectation.

Cape York Welfare Reform and the Family Responsibilities Commission

The Australian and State Governments have committed to the CYWR trial to restore social norms in the four Indigenous communities of Aurukun, Coen, Hope Vale and Mossman Gorge, all of who agreed to participate in the trial.

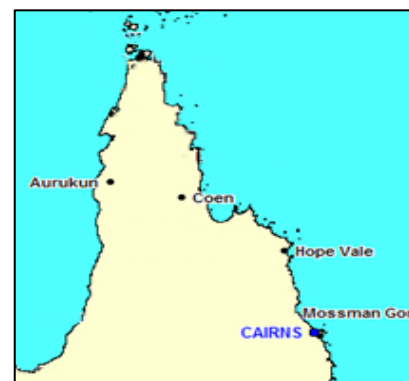
The necessary legislation has been passed by the Queensland and Australian Parliaments to introduce most elements of the framework, and \$100M has been earmarked for the reforms. The trial will run until 1 January 2012. The communities are:

Aurukun

Aurukun is on the western coast of Cape York and is approximately 900 kilometres northwest of Cairns, and about 200 kilometres south of Weipa. The community had an estimated resident population of about 1,160 people at 30 June 2007.

Coen

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 community had an estimated resident population of about 240 people at 30 June 2007.



Hope Vale

Hope Vale is situated on the Cape York Peninsula and is 46 kilometres northwest of Cooktown. The estimated resident population of Hope Vale was about 840 people at 30 June 2007.

Mossman Gorge

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 population of about 160 people at 30 June 2006.

For more information on the communities, view the Quarterly Reports at:

www.indigenous.qld.gov.au

Role of the Commission:

Any person who is a welfare recipient living in one of the four CYWR communities and has committed a 'trigger' event (see next page), can be referred to the Commission. A person is a welfare recipient if the person, or their partner, receives certain welfare payments including; Newstart, Parenting Payments, Youth Allowance, ABSTUDY, age and service pensions or carer payments. A person is also a 'welfare recipient' if he/she is participating in CDEP.

Trigger events are:

- the person's child is absent from school three times in a school term, without reasonable excuse,
- the person has a child of school age who is not enrolled in school without lawful excuse,
- the person is the subject of a child safety report,
- the person is convicted of an offence in the Magistrates Court,

- the person breaches his or her tenancy agreement – for example, by using the premises for an illegal purpose, causes a nuisance or fails to remedy rent arrears.

What does the Commission do?

When the Commission receives a referral it may choose to meet with the person at a conference to discuss the matters that have led to the notification. Conferences are held in an informal setting to ensure the best outcome. The person will be encouraged to come to an agreement with the Commission about an appropriate response to the issue that has led to their referral. If the person is unwilling to agree on a course of action, the Commission may order a certain course of action.

The Commission may:

- decide that **no action** is necessary,
- issue a **warning** to the person about the behaviour that is expected of them,
- suggest or require the person's **attendance** at community support services,
- recommend the person get **financial advice** from Family Income Management,
- require that the person's income be managed by Centrelink for a period of between three to 12 months.

