



# CHALLENGES AND OUTLOOK

## Childrens Court notices

The FRC Act was amended on 27 October 2014 to include a new Youth Justice ‘trigger’ requiring notices to be provided to the FRC regarding convictions of a child in a court. The explanatory notes accompanying the amending Bill stated:

*The inclusion of the youth justice trigger aims to ensure greater parental/carer responsibility for the young person’s offending behaviour and reduce the current trajectory of Aboriginal and Torres Strait Islander young people from youth detention into the adult criminal justice system. A court would be required to notify the FRC when a child is convicted, to enable the FRC to request conferencing with the community members who are the parents or carers of the child.*

The *Youth Justice Act 1992* (YJ Act) was amended by the *Youth Justice and Other Legislation Act (No.1) 2016* and the *Youth Justice and Other Legislation Act (No.2) 2016*. One of the key policy changes to be effected by these amendments was to prohibit the publication of identifying information about all children dealt with under the YJ Act. The amending Acts removed the discretion to make a publication prohibition order, expanding the prohibition against publishing identifying information to all children appearing before the court, not just first-time offenders. There is no obligation for the Childrens Court to provide notices to the Commission if the publication of identifying information is prohibited under the YJ Act. As of 1 July 2016, publication of *all* identifying information of children appearing before the court was prohibited under s301 of the YJ Act.

Discussions held with the State Government revealed there was no intention to legislate to provide Childrens Court notices again to the Commission. Commissioners will, however, continue to assist families and carers who fall within the jurisdiction of the Commission, *if and when* they seek support and assistance with children in their care, who have been before the Childrens Court.

DJAG’s preferred position is for Youth Justice to work collaboratively with DATSIP and the FRC to support voluntary engagement with the FRC. The Commission will be liaising further with DJAG in regard to what practical options may be available to the Commission at the community level, as voluntary intervention without a legislative mandate is problematic with disengaged youth and does not occur in reality.

## Domestic and family violence trigger

In September 2016 the Commission wrote to the Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence in response to a call for submissions on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016. The Commission inquired as to whether it could be recognised as a ‘prescribed entity’ to enable DJAG to share victim and perpetrator information (on the protection orders) for the purpose of assessing risk and managing cases where there is a serious threat of safety because of domestic violence (DV). The provision of the DV order will provide accurate and factual information as to what occurred in a DV incident which led to an order being issued by the Court (without relying solely on the respondent’s information), accurate information as to the parties involved, and a greater ability for the Commission to support victims of domestic and family violence. On 16 May 2017 the Commission was advised by the Office of the Attorney-General that the Chief Executive of DJAG had approved the Commission’s Registrar, as a person authorised under section 160(2)(d), to obtain a copy of the record or document relating to a proceeding under the Domestic and *Family Violence Protection Act 2012*.

# CHALLENGES AND OUTLOOK



## Domestic and family violence service referral

In last year's annual report the Commission stated in regard to the Domestic and Family Violence trigger, that Commissioners were referring clients to the WBCs who had minimal specialist capacity to support clients in regard to domestic violence matters.

The Commission was advised that a 'Positive Futures: Mens' program facilitated by Cairns Probation and Parole was conducted in Aurukun towards the end of May and training to facilitate the program was offered to the Commission. The Commission, however, is a referring agency and as such considers it inappropriate to have direct involvement in the delivery of service provision.

In May Apunipima sought feedback from the Aurukun service providers and the Commission, on a Stopping Family Violence Group education program designed for male perpetrators to be delivered in that community. The Commission is also aware that DCCSDS fund the Aurukun Ma'aathan Women's Shelter, and Douglas Shire Indigenous Family Violence Counselling and Support Service which provides services to the residents of Mossman Gorge. As at 30 June 2017 the Commission is unaware of any other community-based specialist domestic violence support programs in the welfare reform communities and looks forward to the development of further programs to offer support to the communities on a regular and ongoing basis in the next financial year.

## School attendance reports

The provision of school attendance reports since January 2017 has presented a major challenge for the Commission. DET advised that the previous Access database used to provide the school attendance reports was administered and maintained by a staff member no longer with DET. Further, DET advised that all reports must be sourced and produced from the OneSchool database. Unfortunately the reports generated for the 2017 school year were not in the format previously provided and the Commission had to change its upload tool so that the notices could be uploaded directly to the Commission's CRM database. The upload of this data provides the School Attendance notices from which the Commission can legally conference a client who is not sending their child to school according to the provisions of the FRC Act.

The changes to the way DET report school absences has also resulted in the Commission receiving a notification each time the three day unexplained absence threshold is reached. This is in contrast to previous years where a report was received only once the first three day absence in a term was reached. The additional notifications have resulted in a significant increase in workload as notifications increased from 544 in quarter 31 (Term 1 of 2016), to 3,319 in quarter 35 (Term 1 of 2017). Having not received any prior advice of anticipated changes to DET reporting, the Commission was left in the position of having to complete administrative processes for all notifications within the timeframes determined by the conference sittings calendar. Processes were further complicated by the multiple notifications received for a child in a term, resulting in changes having to be made to the CRM database and to administrative procedures to deal with the additional reports.



# CHALLENGES AND OUTLOOK

As stated, the Commission has implemented in-house resolutions to mitigate the challenges presented by the new school attendance reports, however, prior to 2017 the Commission was provided with weekly reports on the weekly and term to date attendance of all students enrolled at the relevant schools (roll tools). The process provided historical and up to date records on a child’s attendance at school and enabled Commissioners to track and monitor attendance percentages over time, particularly following decisions made at conference. The data was also used to generate graphs, providing a visual display of attendance, which were presented to clients in conference. The Commission was advised that from January 2017 these reports would no longer be provided. To obtain this information the Commission is now required to contact the school directly and request attendance details specifically for the children of clients who are listed for conference. Unfortunately the use of visual aids in the conferencing process has had to be discontinued.

## Child Safety and Welfare notices

In the Commission’s 2015-2016 Annual Report it was revealed that the Commission had reviewed trends in the numbers of Child Safety and Welfare notices received for the financial year and reported that there had been a significant reduction in notifications received. Below is a table of the within jurisdiction Child Safety and Welfare notices received from July 2015 to June 2017. We note fairly significant increases overall and have been advised that QPS have commenced a ‘Speak Up, Be Strong, Be Heard’ project to develop an ethos of child protection through increasing community awareness of abuse, strengthening reporting obligations and improving agency interventions within the Far Northern district.

**Table 6: Child Safety and Welfare notices within jurisdiction from 1 July 2015 to 30 June 2017.**

Child Safety and Welfare Notices Within Jurisdiction		AU	CO	DM	HV	MG	Total
2015-2016	Qtr 29	5	4	17	8	4	<b>38</b>
	Qtr 30	17	2	18	14	1	<b>52</b>
	Qtr 31	5	5	4	26	3	<b>43</b>
	Qtr 32	0	2	7	12	3	<b>24</b>
2016-2017	Qtr 33	22	10	26	7	0	<b>65</b>
	Qtr 34	40	11	11	12	5	<b>79</b>
	Qtr 35	9	5	5	13	1	<b>33</b>
	Qtr 36	40	5	8	16	5	<b>74</b>

# CHALLENGES AND OUTLOOK



## Local Commissioners

The Commission is proud to report that apart from Doomadgee the majority of conferences in the 2016-17 year were chaired by the Local Commissioners themselves. They are, by exercising their Indigenous authority as Commissioners of the FRC and leaders/Elders of their communities, closing the gap on Indigenous disadvantage. By playing such important roles the Local Commissioners are promoting and recognising the value of applying Indigenous solutions to Indigenous problems. Their value is not limited to their communities, but is intrinsically linked to the Commission's capacity to fulfill its objectives. The Local Commissioners are the strength and purpose of our organisation. Unfortunately their roles come at a cost in their daily lives, and the cost is particularly apparent for those Commissioners who have been with the Commission since its commencement in 2008. For that reason the Commission is seeking to recruit new Commissioners in all the welfare reform communities to provide support to existing Commissioners, relief for those Commissioners who would like a break from their community roles and to reinvigorate and expand local authority, ensuring adequate representation of cultural and gender diversity in each community. Following an approval process, appointment of Local Commissioners is then made under section 12 of the *Family Responsibilities Commission Act 2008* by the Governor in Council.

## Aurukun

As reported in the Commission's 2015-2016 Annual Report, the appointment of Brendon McMahon as Senior Government Coordinator on 30 May 2016 was well received in community and his presence has done much to facilitate joint efforts in community to restore order. The Commission can report that public violence has substantially decreased and there has been considerable success in restoring calm in the community. Closed Circuit Television (CCTV) surveillance cameras have been installed throughout the town and the following strategies have been implemented and have contributed to community safety and wellbeing:

- three health providers (Queensland Health, Wellbeing Centre and Apunipima) have formed a close alliance to provide holistic health services to clients
- QPS has increased its presence in community, particularly in regard to Alcohol Management Plan enforcement and community patrols
- PCYC has officially opened and commenced activities in the newly refurbished community hall
- Cape York Employment and Queensland Transport have combined to improve the ability for community members to access motor vehicle licences
- Aurukun Shire Council has opened a library/Indigenous Knowledge Learning Centre
- increased security has been provided to DET staff
- the parenting centre has been reviewed and a new plan established
- a prisoner/youth detention returnee plan has been introduced to assist reintegration of released persons into community.

The Commission is advised that numerous mediations occurred in the first quarter of this financial year with both mediators performing well in their roles and providing a proactive approach to community mediations. The mediations have been beneficial in improving relationships within the community.





# CHALLENGES AND OUTLOOK

## Doomadgee

On 30 August 2016 following the pronounced drop in overall school attendance from term 1 (67.8 percent) to term 2 (49.6 percent) in 2016 at the Doomadgee State School (attributed largely to the 2016 Local Council election), the Doomadgee Local Commissioners, Deputy Commissioner Curtin, Registrar Maxine McLeod, Client Manager Camille Banks and Local Coordinator Bryce Coxall met to discuss the drop in school attendance. The Local Commissioners committed themselves unequivocally to developing strategies to raise school attendance with a view to increasing it into the 70 percent range. Local Commissioners set the following priorities:

- support the school to implement an offsite temporary transition class for students with challenging behaviours, proposed to be located at the Youth Hub
- continue to emphasise in conference that poor behaviour of other students is not an excuse for not attending school
- continue to issue income management orders in conjunction with case plans
- increase the effectiveness of income management by meeting with Centrelink regarding the delay in issuing BasicsCards
- investigate the possibility of DET providing school enrolment notices to facilitate the conferencing of parents who have failed to enrol their children in school (s41 of the FRC Act)
- support the possible expansion of Transition Support Services to the Gulf as there is no external support available to the school to assist students to transition to boarding schools and
- seek to clarify and consolidate the community's guidelines and expectations for sorry business and school attendance.

The Commission can advise that overall school attendance has achieved a level of 56.1 percent for term 2 2017, with the primary school attendance reaching a level of 59.5 percent for term 2 2017. Notably the primary school reached an attendance level of 65.9 percent in term 1 2017, the best attendance level since term 1 2016.

The Doomadgee Local Coordinator met with David Morris, Assistant Regional Director, North West Region, Education Queensland in community on 6 September 2016. Mr Morris expressed a keen desire to meet with the Local Commissioners to discuss what options were open to the department to enhance school attendance. The Doomadgee Commissioners met with Mr Morris in October and discussed what further training and management support may be made available to the School Attendance Officers, and their frustration at not being able to assist those community members who do not fall within the jurisdiction of the Commission in improving their children's school attendance – approximately 20 percent of the school population. Of particular concern to the Local Commissioners was the identified lack of support for parents wishing to transition their children to boarding schools. Support is needed in the application process, provision of identity documents, applicable deadlines, school processes and financial requirements.

## Mossman Gorge

Mossman Gorge Local Commissioners report that school attendance is adversely impacted by the consumption of alcohol and late night parties in the community, and have sought a voluntary liquor accord to be established. Discussions have taken place between QPS, DJAG, BBNAC service providers and the Commission, to commence negotiations for the implementation of a liquor accord.