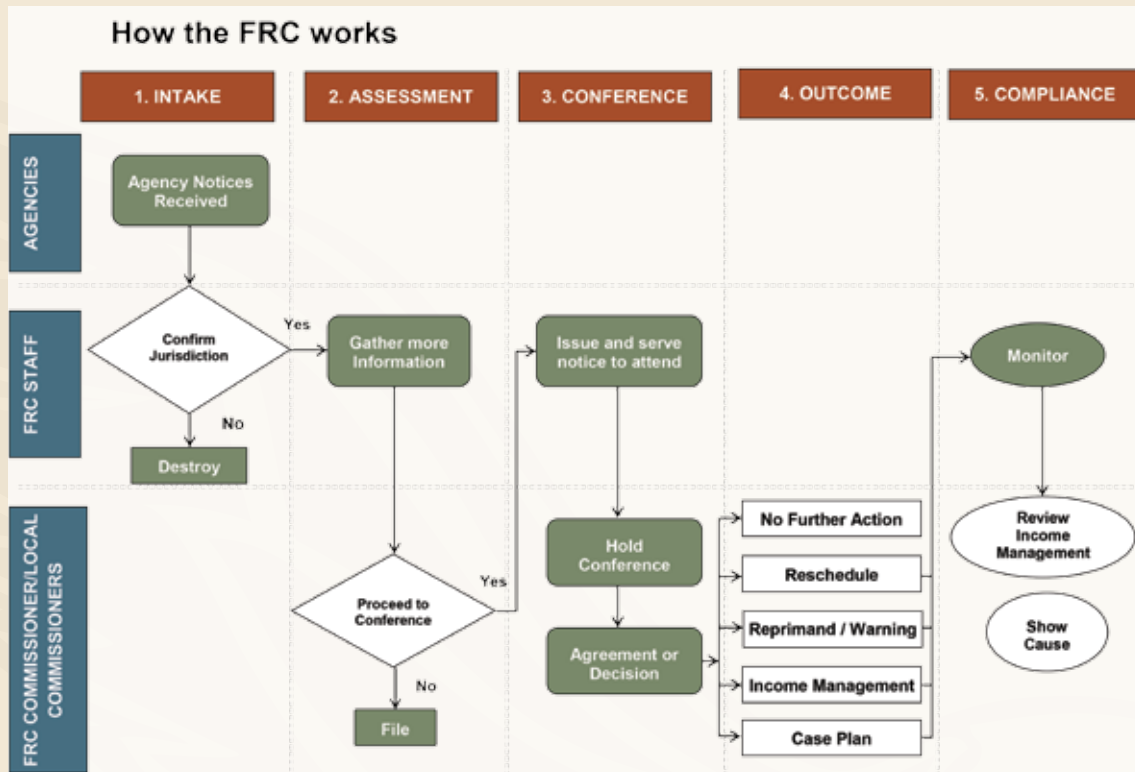




HOW THE FAMILY RESPONSIBILITIES COMMISSION WORKS



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

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

Intake and assessment

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

Agency notices are received for the communities of Aurukun, Coen, Doomadgee¹, Hope Vale and Mossman Gorge in the following circumstances:

- The Department of Education and Training (DET) must submit a School Attendance notice to the Commission if a child is absent for three full, or part days of a school term without reasonable excuse, or submit a School Enrolment notice where a child of compulsory school age is not enrolled to attend school.

1. Agency notices for the community of Doomadgee are presently received from DET and DCCSDS only.

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- The Department of Communities, Child Safety and Disability Services (DCCSDS) must submit a Child Safety and Welfare notice where the Chief Executive becomes aware of an allegation of harm or risk to a child.
- The Department of Justice and Attorney-General (DJAG) must submit a Court Offence notice if a person is convicted of an offence, or if a domestic violence protection order is made against a person.
- The Department of Housing and Public Works (DHPW) or the provider of social housing must submit a Tenancy Breach notice if the tenant has breached their social housing tenancy agreement.

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

Service of notice to attend conference

Following a determination to proceed to conference, and prior to the actual conference, the client is served with a 'Notice to Attend Conference' at which time he/she is informed of the time, date and place of the conference, the purpose of the conference, what they can expect to occur and the ramifications if they fail to attend. In the event that a client fails to attend as per the notice, the Commission may re-schedule the conference, and again a notice is served prior to the re-scheduled conference.

Conference

At the conference Commissioners discuss with the client the subject matter/s of the agency notice and any related problems the client wishes to raise. The conference is held in an atmosphere which is informal and confidential. Where the client's first language is not English, the conference can be conducted in the local language of the client with Local Commissioners translating as required. Conferences are convened either with a panel comprising of the Commissioner (or Deputy Commissioner) and two Local Commissioners, or with a panel of three Local Commissioners. All Commissioners have equal authority in the decision-making process. The Commissioners must attempt to reach a unanimous decision. If a unanimous decision cannot be reached a majority decision is acceptable, however, the reasons as to why it was not unanimous must be documented. Decisions made at conference are made fairly and with the best interests of the client and their family in mind. At the conclusion of the conference Commissioners may decide that no further action is necessary, reschedule the conference, reprimand the client, encourage the client to enter into a Family Responsibilities Agreement (FRA), direct the client to relevant community support services or place the client on a Conditional Income Management (CIM) order.



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Referrals

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

- Wellbeing Centres (WBCs) to address alcohol and/or drug misuse, gambling, domestic violence or social health related issues
- Parenting Programs to assist in implementing good parenting practices
- MPower, a money management program, to assist with budgeting and meeting priority financial needs
- Student Case Managers (SCMs) to assist parents to ensure children attend school or
- other appropriate support services.

Conditional income management

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

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

Case management monitoring

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

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

It should be noted that the number of clients monitored during the case management phase includes those who are incarcerated, out of community, in hospital or on probation orders. Their

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circumstances are monitored to ensure that where change occurs, such as release from prison, they are supported on their return to the community.

Show cause notices

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

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

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

Applications to amend or end agreements or orders

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



Noel Pearson with Hope Vale Local Commissioners Doreen Hart, Cheryl Cannon, Erica Deeral and Selina Bowen and Hope Vale Local Coordinator Matt Thompson