

FRC registry and decision-making functions



The registry is responsible for the administration of the Commission.

Operations

During the 2020-21 fiscal year the Commission received 8,685 notices of which 4,509 were within the Commission's jurisdiction.

The majority of notices within jurisdiction received this financial year were for school attendance, followed by Magistrate Court, child safety and welfare and then domestic violence (DV) offences. Information regarding our performance during the year is located in the Non-financial performance outcomes and the Review of financial performance sections.

At a glance – the 2020-21 year

8,685 Agency notices assessed	4,509 Agency notices deemed within jurisdiction	1,077 Community members deemed the subject of agency notices
1,503 Conferences and hearings held	666 Community members prioritised for conferences and hearings	0 Appeals of FRC decisions

A capable administrative workforce is key to an efficient, agile and innovative organisation.

The FRC's administrative workforce in the Commission's registry consists of:

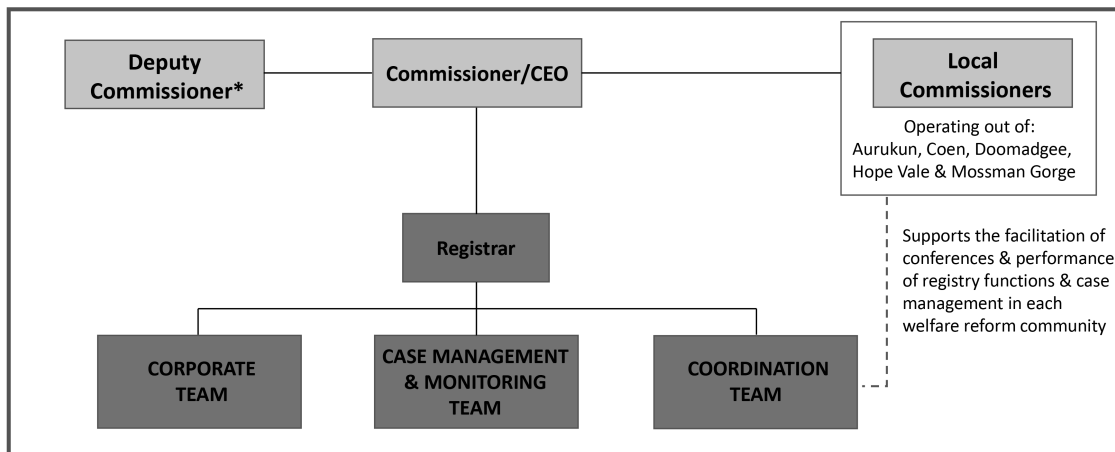
- the FRC Commissioner (appointed by the Governor in Council for a specified term) who as the Chief Executive Officer (CEO) is responsible for ensuring the efficient discharge of the Commission's business, appropriate training for registry staff and Local Commissioners, the preparation of corporate documents and achieving the objects of the FRC Act as specified in section 22 of the FRC Act
- the Registrar who is responsible for managing the registry and the administrative affairs of the Commission and whose functions, powers and delegation are specified in sections 35 to 37 of the FRC Act
- the Executive Officer (Finance) who is responsible for providing financial, and strategic/ corporate advice and support to the Commission's operations across Cairns and the communities and
- 13 positions across the three teams of Case Management and Monitoring, Coordination and Corporate, including four Local Registry Coordinators appointed under section 38 of the FRC Act to support the efficient and effective operation of the Commission in each of the welfare reform communities.



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FAMILY RESPONSIBILITIES COMMISSION

Key positions and workgroups



* Pursuant to section 24 of the *Family Responsibilities Commission Act 2008*, the Commissioner may delegate functions to a Deputy Commissioner

Further details relating to the Commission's workforce profile can be located in the Governance section of this report. Biographies of Commissioners and the Registrar can be found in the appendices (Appendix C).

A client-centred approach to registry systems and processes

Business and operational strategies this year have continued a focus on maximising results for clients by internally strengthening the FRC model to achieve accountability and continued relevance in a changing policy environment. The re-alignment of the Commission's organisational structure during the 2019-20 financial year was completed for the coordination team and the case management and monitoring (CM&M) team, with the placement of staff in key positions aligning with the commencement of the 2021-22 financial year.

Coordination team – The coordination team specialises in providing 'on the ground' support in each FRC community registry, managing the day-to-day operations in each of the five welfare reform communities, facilitating conferences and providing information about community support services and the operation of the Commission to persons living in each community. The coordination team work closely with the CM&M team to provide advice and analysis of community operations informed from their professional relationships with Local Commissioners, FRC clients, community members, Australian, State and Local Government partners and non-government service partners.

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Activity data for 2020-21 financial year: Snapshot of coordination team's workload

<p>1,503</p> <p>Conferences and hearings held across five communities – averaging approximately 43 conferences and hearings per week over a 35-week schedule</p>	<p>1,604</p> <p>Occasions where notices were served on persons to attend conferences and hearings (including clients, support persons and other relevant persons)</p>	<p>4.5</p> <p>Full time employees of the coordination team</p>
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Case management and monitoring team – The CM&M team is a vital cog in the operations of the Commission and is responsible for receiving and processing agency notices, determining jurisdiction, gathering information for Commissioner considerations, setting conference timetables, processing conference outcomes, managing conditional income management (CIM) and voluntary income management (VIM) processes, and ensuring compliance with the FRC Act. At the time of forming the CM&M team, a review was conducted into the processes and procedures for receiving and assessing agency notices, and regard was had to improving operational efficiencies to ensure that up-to-date and relevant information was available to Commissioners to enable them to make informed, quality decisions in conference. As a result, the CM&M team evolved from a purely administrative role to incorporate a much broader, more complex case management monitoring function. Brief case histories outlining notices received, conferences attended, conference outcomes and case plan progress are now prepared by the CM&M team for each client to be conferenced.

Activity data for 2020-21 financial year: Snapshot of the CM&M team's workload

<p>8,685</p> <p>Agency notices assessed to determine jurisdiction – averaging approximately 167 notices assessed per week</p>	<p>359</p> <p>Community members on non-voluntary active case plans had their progress monitored throughout the year (for periods between 3 to 12 months) following conference</p>	<p>4.5</p> <p>Full time employees of the CM&M team</p>
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The coordination and CM&M teams together have established a cohesive group to provide high-level support and information to Commissioners to better inform the delivery of support services to clients in line with the Commission's focus on more intensive, quality, client-centred conferencing.



FRC registry and decision-making functions

Client-focused data reporting drives outcomes

This year the FRC continued to progress its commitment commenced in the 2019-20 financial year to report activity in a manner reflecting a more client-focused data reporting framework as opposed to the historical process-orientated data reported since 2008. This change forms part of a broader internal review of data reporting aimed at more accurately documenting the Commission's work and the benefits afforded to FRC clients.

Feedback from our stakeholders indicates the level of client intervention provided by the FRC is of primary interest to readers of our quarterly and annual reports. Amendments to our data reporting framework will continue into the 2021-22 year to further define the level of client engagement and outcomes. It is foreseen, however, that this data will still have limitations until a full upgrade of the Commission's information management and data reporting systems is undertaken. This project is currently deferred on the basis of the Queensland Government's austerity measures implemented in 2020.

Commissioners are responsible for decision-making at conferences and hearings.

Commissioner Williams, Deputy Commissioner Curtin and 28 Local Commissioners appointed across the five welfare reform community areas of Aurukun, Coen, Doomadgee, Hope Vale and Mossman Gorge preside over locally convened conferences and hearings involving community members and make legally binding decisions.

Constitution of conferences and hearings

The FRC's implementation of additional assurance and oversight mechanisms throughout the 2020-21 financial year resulted in quality decision-making with improved client-focused outcomes and contributed to the result of no appeals against Commission decisions by community members.

Commission decisions use local authority and are made within a legal framework.

All FRC decisions made at conference require the decision-making panel to comprise of locally appointed Commissioners. During the reporting period 1,491 conferences were held and constituted by using the following combinations:

- three Local Commissioners sitting **without the assistance/advice** of the FRC Commissioner or Deputy Commissioner (section 50A conferences, monitored under section 50B) with one of the Local Commissioners acting as the Chairperson
- three Local Commissioners sitting as a panel (section 50A conferences, monitored under section 50B) with one of the Local Commissioners acting as the Chairperson and **with assistance/advice** provided by the FRC Commissioner or Deputy Commissioner
- two Local Commissioners sitting with the FRC Commissioner or Deputy Commissioner acting as Chairperson and
- the FRC Commissioner or Deputy Commissioner sitting with one Local Commissioner in a conference conducted pursuant to the *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020*.

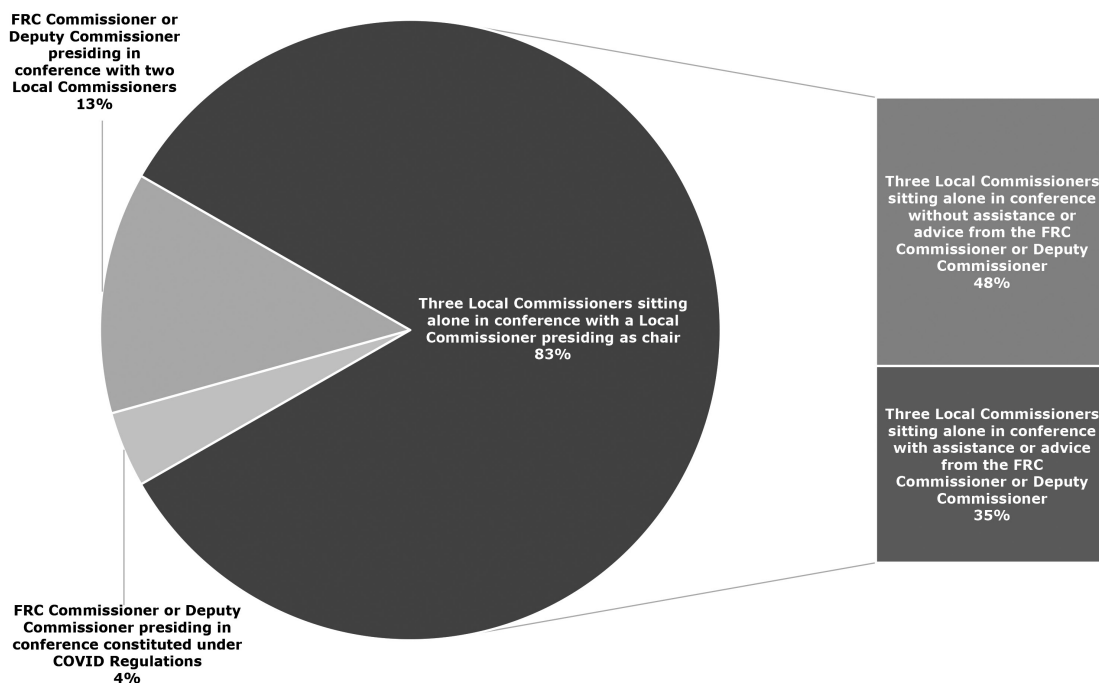
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When deciding to hold a conference in relation to a community member named in an agency notice it is the function of the Commissioner to appoint up to three Local Commissioners¹ to comprise the panel and decide the matter, having regard to the knowledge and experience of each Local Commissioner to determine the issues to which the agency notice relates, cultural and gender diversity considerations and potential conflicts of interests.

As seen in previous years the vast majority (83 percent) of Commission decisions at conference throughout 2020-21 continue to be made by three Local Commissioners sitting alone to constitute the panel.

Conferences Constituted 2020-21



Graph 1: Constitution of conferences 1 July 2020 to 30 June 2021.

Quality assurance and oversight of decisions

All Commission decisions are made within a legal framework. There are mechanisms in place to ensure appropriateness and consistency of FRC decisions including:

- the appointment of a legally trained and suitably qualified Commissioner, and deputy if appointed, with the statutory function to ensure the efficient discharge of Commission business including the holding of conferences and making decisions about agency notices under the FRC Act
- monitoring of Commission decisions when made at conference by a panel comprised of three Local Commissioners sitting alone and
- the delivery of regular and appropriate training to Local Commissioners and registry staff to perform their statutory duties and achieve the objects of the FRC Act.

1. A pool of Local Commissioners for each welfare reform community area are appointed by Governor in Council for a term: section 12(2) and (3) of the FRC Act.



FRC registry and decision-making functions

The Commissioner is required under the FRC Act to monitor all decisions made at conference by a panel constituted entirely by three Local Commissioners to ensure consistency of decision-making. Commissioner Williams, with the assistance of Deputy Commissioner Curtin does so in several ways.

Firstly, Local Commissioners can seek legal advice and guidance from the FRC Commissioner or Deputy Commissioner prior to determining a matter at conference. Throughout the 2020-21 financial year 1,244 conferences were presided over and constituted by three Local Commissioners sitting alone, and for 526 of these conferences, legal advice and guidance was sought by Local Commissioners from either the FRC Commissioner or Deputy Commissioner (these are deemed 'Commissioner assisted conferences' for reporting purposes).

Secondly, following all conferences, the FRC Commissioner conducts a review of every outcome. In this reporting period 98.4 percent of decisions (1,224) were monitored by the Commissioner within 28 days of the date of conference.

The FRC remains committed to building the capability of Local Commissioners so they continue to make reasonable and proportionate decisions reflective of the evolving and often complex needs of community members, their families and broader community expectations and standards of behaviour. The FRC provides regular training and assistance to Local Commissioners to support their ongoing ability to perform their duties as statutory decision-makers.

During the reporting period Commissioner Williams and Deputy Commissioner Curtin delivered training to Local Commissioners in small groups within their respective communities on topics relevant to their individual capabilities and requirements. Examples of topics included alternative dispute resolution, statutory interpretation of key provisions of the FRC Act and sessions on the topic of 'What is a good decision?' Details of outcomes derived from this training can be found in the 'FRC decisions have a focus on capacity-building' section on page 19.

Formal training was also delivered at workshops in Cairns with Local Commissioners from each of the five communities. Subject matter experts presented on topics such as corruption, emotional intelligence, and domestic and family violence. Further details about the FRC's annual development week to support Local Commissioners can be found on page 50.

Conferences constituted as part of the COVID Emergency Response

A total of 59 conferences were held pursuant to the *Family Responsibilities Commission (COVID-19 Emergency Response) Regulation 2020* (FRC's COVID-19 Regulation). These conferences permit the panel deciding a conference or hearing to be constituted by either the FRC Commissioner or Deputy Commissioner, and one Local Commissioner. In these limited circumstances the FRC Act is still to be administered in such a way that the wellbeing and best interests of children are paramount and the interests, rights and wellbeing of other vulnerable people living in the community are safeguarded. It was considered in the best interest of vulnerable clients and children that these matters proceed pursuant to the FRC's COVID-19 Regulation and not be adjourned.

The FRC's COVID-19 Regulation is particularly important to the Commission in light of the Mossman Gorge Local Commissioners being reduced to only two members from 1 July 2021. Should one Local Commissioner be unable to sit in conference, the conference cannot be held without this regulation. For further detail regarding the appointment of Local Commissioners, refer to the Challenges and outlook section of this report.

FRC registry and decision-making functions



Application hearings held to consider changing needs of community members

Following the decision of the Commission at conference relating to an agency notice, a community member who is the subject of that decision, can make an application to the FRC seeking to alter or end the original decision because their circumstances or behaviours have changed. During this reporting period 27 amend or end applications were heard.

Timely decision-making with increased client participation

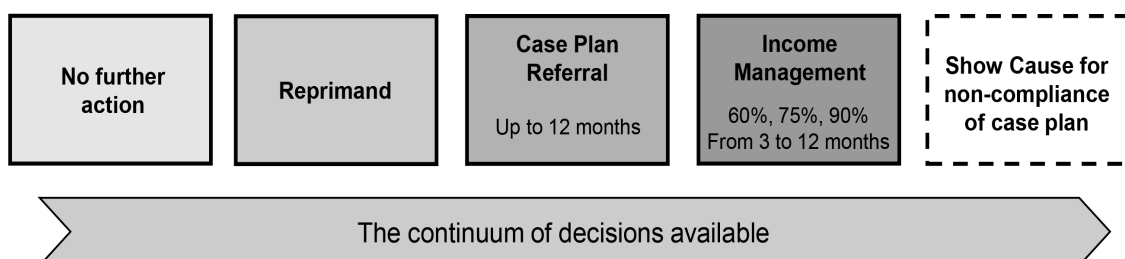
This reporting period has seen a renewed focus on timely decision-making and on encouraging agreements to be made in the first instance (pursuant to sections 46 and 68 of the FRC Act). A review of conferencing strategies was undertaken to engage clients in a more holistic fashion and encourage them to participate in the FRC's decision-making process.

During the 2020-21 financial year 89 percent of agency notices received were determined within two conferences held with the client, whilst 83 percent of clients who were served a notice to attend a conference, participated in the FRC's decision-making process by attending at least once.

The Commission often reschedules or adjourns conferences and hearings to accommodate the attendance of clients and/or support persons or to obtain updated information from service providers about progress made under active case plans. Adjournments can also be used in circumstances where clients have developed insight into their own behaviours and would like sufficient time to take personal responsibility and implement their own strategies, often with assistance from within their own family and/or other support network to address the notifying behaviours.

FRC decisions have a focus on capacity-building.

Decisions can be made by agreement or order of the Commission. Community members can also voluntarily request referrals or income management. A continuum of possible decisions made at conference follows.



Section 5 of the FRC Act is clear in stipulating that matters should be dealt with in a manner that facilitates early intervention, delivers timely decisions, supports the change of behaviour sought, supports the exercise of local authority and makes use of community support services. The primary goal of the Commissioners is to enter into an agreement with the community member in the first instance. Clients may seek to amend or end a decision by demonstrating their circumstances have changed and children/vulnerable persons would not be detrimentally impacted by the alteration to the decision.



FRC registry and decision-making functions

The Local Commissioners continued to receive training this year, as they did in the 2019-20 financial year, on techniques to facilitate appropriate discussions in conference with clients and their families, and how to instil an understanding by clients during conference of the value in seeking timely and targeted support from community-based providers to change their behaviour and minimise collateral harm to others.

There continues to be an increased trend across all communities which is indicative of clients assuming greater personal responsibility and demonstrating insight regarding their actions at the earliest opportunity (i.e., agreements entered into at conference). The trend continues to increase as demonstrated through statistics compiled for this reporting period which reveal that nearly two-thirds (63 percent) of all decisions to attend such support services have been by agreement.

Activity this year has resulted in a significant increase in clients referred to attend support services under either a Family Responsibilities Agreement (FRA) or Order, up from 286 clients referred at the end of 2019-20 to 359 clients at the end of 2020-21 – the highest number in the Commission’s 13-year history.

One of the remarkable advances in the adoption of personal responsibility by clients has been the increase of agreements for case plans in Doomadgee. There has been an eleven-fold increase in the number of FRAs to attend support services in 2020-21 compared to the previous financial year, demonstrating a broad appeal to embracing support offered by the Commissioners through referrals and case plans.

Further information regarding conference activity and outcomes during the reporting period can be found in the Non-financial performance outcomes section.

Conference outcomes	2019-20	2020-21	% change
Agreements to attend community support services	23	271	+1078%
Orders made to attend community support services	302	157	-48%

Referral pathways and case management have continued to grow.

Commissioners are guided by the FRC Act, sections 4 and 5, to encourage community members to engage in socially responsible ways, and in doing so, make appropriate use of community support services. The Commissioners use the referral pathways available in each community to strengthen the client’s resilience to face the challenges they experience, and to ensure the wellbeing and safety of children and vulnerable people through broad-based counselling and education.

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, DV or social and emotional 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
- School Attendance Officers to assist parents to ensure children attend school or
- other appropriate support services.

FRC registry and decision-making functions



As demonstrated in the table below the Commissioners have continued to increase referrals from FRAs and Orders which has resulted in a 29 percent increase from the previous financial year. Of note is the increase of 541 percent from the 2018-19 financial year.

Number of referrals from FRAs and orders	2018-19	2019-20	2020-21
Referrals to service providers ²	81	402	519

The increase in the number of referrals is a direct result of the Commissioners' focus on seeking specialist assistance for clients to build their capacity and resilience to cope with life challenges. The increase in referrals is likewise reflected in the increase in clients referred – an increase of 26 percent. The increase in the number of referrals (and number of clients referred) has resulted in additional challenges for those support services who must meet this exponential increase from their current resources. We refer the reader to the Challenges and outlook section for further information in this regard.

Where a client has multiple or complex issues to address, Commissioners may refer the client to more than one support service. Referrals to support services may be made on the basis of an FRA, where a client agrees to attend a support service and the client and Commissioners agree on the action to be taken together. Alternatively, Commissioners may make a decision to direct a client to attend a support service/s. Progress reports are received from service providers and clients are assessed to determine if they are fulfilling their obligations under the agreement or order. Together with local knowledge, additional information may be sought from agencies and service providers where appropriate to provide the best support possible for the client. The Commission is aided in this capacity by Part 8 of the FRC Act which outlines sophisticated provisions about information exchange between the FRC and relevant entities. Service providers and other persons who can make a useful contribution to the conferencing process are encouraged to attend conference proceedings and discuss the decision-making processes with the Commissioners.

Conditional income management – a nuanced approach of ‘last resort’

At conference, a decision may be made to issue a client with a CIM order. Due consideration is given to the individual circumstances of the client and whether alternative action is more appropriate. CIM orders are considered as a last resort, with Commissioners endeavouring to enter into an FRA with the client agreeing to CIM in the first instance.

Following conference, the Commission is required by the FRC Act to notify the Secretary of the Department of Social Services (DSS) with details of the CIM order, whereby the community member's welfare payments are income managed by DSS in accordance with the decision of the Commission and remains subject to FRC's continued jurisdiction. A BasicsCard, and now more recently its replacement, the Cashless Debit Card (CDC), is issued to the community member by Services Australia to reflect the Commission's CIM order. Details of the process available to FRC clients, including those on the BasicsCard or CDC, seeking to end or change their income management status is discussed in the relevant section on page 23.

2. A case plan can have multiple referrals e.g. a client may be referred to both the Wellbeing Centre and MPower under the same case plan.



FRC registry and decision-making functions

The Commissioners utilise CIM as a tool to support people and children at risk, promote socially responsible choices, and as an incentive to meet individual and community obligations by drawing together a network of support services to focus on the individual's skills gaps (social and economic). CIMs are issued for a defined period (no longer than 12 months) with the Commissioners determining whether 60, 75 or 90 percent of fortnightly welfare payments are managed. Community members may apply to the Commission to have their CIM amended or ended. Commissioners consider each application to ascertain whether the client has made sufficient progress to justify an amend or end decision.

As demonstrated in the table following, the growing number of clients placed on a case plan without a CIM during this reporting period clearly demonstrates that CIM is delivered with a highly targeted and flexible approach nuanced to the client's circumstances.

Clients placed on case plans and CIMs	2019-20	2020-21
Number of clients placed on a case plan and CIM	112	55
Number of clients placed on a case plan without a CIM	174	304
Number of clients placed on a CIM without a case plan	53	35

Voluntary income management – a 'right fit for many' who self-refer

The FRC Act sets out a process under which a community member can voluntarily seek help from the Commission for a referral to a community support service (voluntary case plan) or be subject to VIM. In these circumstances the Commission has not received notification from a relevant government agency alleging certain behaviours, and the community member would not otherwise be mandated to attend conference and be the subject of an FRC decision.

The 2020-21 reporting period has seen a growth in the number of community members willing to enter into a VIM agreement. Although the number of clients who have engaged with the FRC on a voluntary basis remains small, it is nonetheless consistent with a broader trend of community members – specifically those entering into FRAs – who are exhibiting an increased self-awareness of their personal circumstances and are willing to accept assistance from the Commission at the earliest opportunity.

Number of voluntary agreements for voluntary income management	2019-20	2020-21	% change
Voluntary agreements for VIM	20	94	+370%

Financial year 2020-21	Qtr 49 Jul-Sept	Qtr 50 Oct-Dec	Qtr 51 Jan-Mar	Qtr 52 Apr-Jun
Voluntary agreements for VIM	5	4	18	67

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VIM agreements are seen as a useful tool to assist community members to manage their budget and meet the cost of everyday essentials. Elderly community members (who have not otherwise been referred to the FRC) are also volunteering to have a portion of their welfare payments subject to income management to help safeguard for their own needs, and not be subject to humbugging and/or other elder abuse or violence.

Following the Australian Government and Services Australia transitioning from the BasicsCard to the CDC in FRC communities from 17 March 2021, requests by community members to voluntarily participate in income management has risen steeply. Several factors account for the steep rise including greater flexibility offered by the CDC, the card having the appearance of many other bank cards, and community members having developed a greater understanding of the benefits gained to their lifestyle and security through VIM. Further details and analysis regarding the increase in VIM agreements and transition from the BasicsCard to the CDC can be found in the Significant events and achievements section of this report.

Applications to amend or end agreements or orders

Applications to amend or end an agreement or order are considered an important means of ensuring that FRC decisions remain applicable to the changing needs and circumstances of clients. This mechanism affords clients an opportunity to apply to the Commission to amend or end their agreement or original order by providing their reasons for making the application. Commissioners view the hearing of the applications as an opportunity to engage with clients. Each application follows a transparent process and is considered by the Commissioners on its own merit whilst observing the principles of natural justice. A timely decision on the application is made pursuant to section 99 or section 109 of the FRC Act and may include either agreeing or refusing to amend or end an agreement or order, or if the Commissioners deem the application frivolous or vexatious, dismissing the application. The opportunity afforded in hearing these applications is utilised by the Commissioners to encourage clients to continue to address any remaining challenges and to exercise personal responsibility in their lives.

Amend or end applications received	2019-20	2020-21
Applications to amend or end received	62	29

Statistical reporting and analysis of referenced data

Additional statistical reporting and analysis of the data referenced in this chapter can be found at the Commission's performance and activity data from page 26.