

FRC registry and decision-making functions



The registry is responsible for the administration of the Commission.

Operations

During the 2022-23 fiscal year the Commission received 8,767 notices of which 5,313 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 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 2022-23 year

8,767 Agency notices assessed	5,313 Agency notices deemed within jurisdiction	1,276 Community members deemed the subject of agency notices
1,143 Conferences and hearings held	619 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:

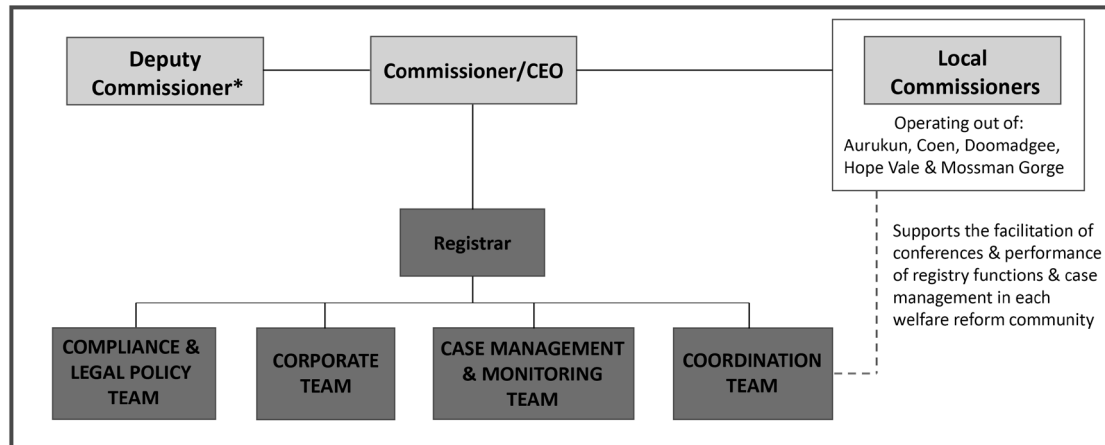
- the Commissioner (appointed by the Governor in Council for a specified term) who as the Chief Executive Officer (CEO) is responsible for ensuring the efficient discharge of the Commission's business, appropriate training for registry staff and Local Commissioners, the preparation of corporate documents 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 (Corporate) who is responsible for providing financial and strategic/corporate advice and support to the Commission's operations across Cairns and the communities
- 16 additional positions across the three teams of Case Management and Monitoring, Coordination, Compliance and Legal Policy 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.



FRC registry and decision-making functions

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.

Coordination team – The Coordination team has expanded their 'on ground' support work this year to each of the five FRC communities. The four Local Registry Coordinators who work across the five communities continue to, manage, maintain and coordinate daily operations of their local registry offices and facilitate client-centred conference. This past year the team have further evolved their role in response to client needs, by working closely alongside Local Commissioners outside of the formal conference setting to engage with community members through two specialised voluntary projects, the Elevated School Response (ESR) strategy and the Intensive Case Management (ICM) framework. These projects are allowing the team to engage with a greater number of community members and connect them to support services on a voluntary basis.

FRC registry and decision-making functions



Activity data for 2022-23 financial year: Snapshot of coordination team's workload

<p>1,143</p> <p>Conferences and hearings held across five communities – averaging approximately 36 conferences and hearings per week over a 32-week schedule</p>	<p>1,175</p> <p>Occasions where notices were served on persons to attend conferences and hearings (including clients, support persons and other relevant persons)</p>	<p>5.0</p> <p>Full time employees of the coordination team</p>
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Case management and monitoring team – The CM&M team is responsible for receiving and processing agency notices, determining jurisdiction, gathering information for consideration by Commissioners, setting conference timetables, processing conference outcomes, managing Conditional Income Management (CIM) and Voluntary Income Management (VIM) processes, monitoring Conditional Case Plans (CCPs) from Family Responsibilities Agreements (FRAs) and orders and Voluntary Case Plans (VCPs) and ensuring compliance with the FRC Act. From January this year the team have provided additional support to Local Registry Coordinators in their increased engagement with community members outside of the conference setting through community development plan initiatives, which included an elevated response to dealing with school attendance issues and ICM.

Activity data for 2022-23 financial year: Snapshot of the CM&M team's workload

<p>8,767</p> <p>Agency notices assessed to determine jurisdiction – averaging approximately 169 notices assessed per week</p>	<p>354</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>4.0</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 in order 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

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

Commissioner Williams, Deputy Commissioner Curtin and 37 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 continuation of assurance and oversight mechanisms throughout the 2022-23 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 1,137 conferences were held and constituted by using the following combinations:

- three Local Commissioners sitting **without the assistance/advice** of the 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 Commissioner or Deputy Commissioner
- two Local Commissioners sitting with the Commissioner or Deputy Commissioner acting as chairperson.

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.

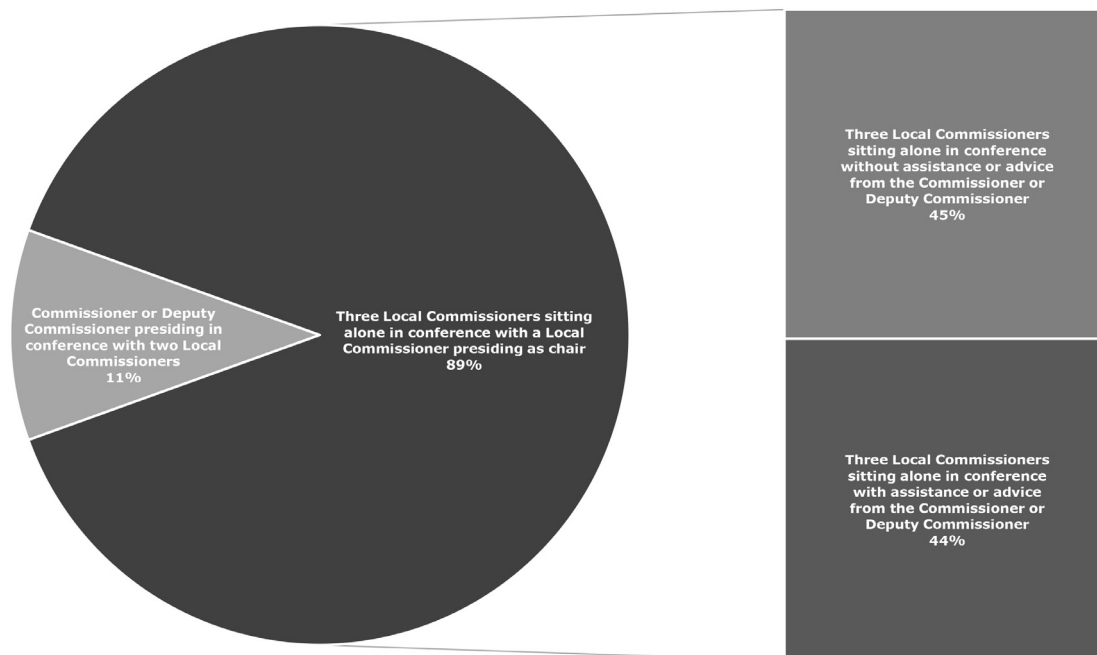
As seen in previous years the vast majority (89 percent) of Commission decisions at conference throughout 2022-23 continued to be made by three Local Commissioners sitting alone to constitute the panel.

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



Conferences Constituted 2022-23



Graph 1: Constitution of conferences 1 July 2022 to 30 June 2023

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 Commissioner 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
- 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
- the creation of the Compliance and Legal Policy team within the registry to provide advice to the Commissioner and members of the Commission's Executive Management Team (EMT), and drive quality assurance practices.

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.



FRC registry and decision-making functions

Firstly, Local Commissioners can seek legal advice and guidance from the Commissioner or Deputy Commissioner prior to determining a matter at conference. Throughout the 2022-23 financial year 1,010 conferences were presided over and constituted by three Local Commissioners sitting alone, and for 494 of these conferences Local Commissioners sought legal advice and guidance from either the Commissioner or Deputy Commissioner (these are deemed 'Commissioner assisted conferences' for reporting purposes).

Secondly, following all conferences, the Commissioner conducts a review of every outcome. In this reporting period 96 percent of decisions were monitored by Commissioner Williams 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 packages developed by the Manager, Compliance and Legal Policy, to Local Commissioners in small groups within their respective communities on topics relevant to their individual capabilities and requirements. Formal training was also delivered to the 12 new Local Commissioners during a week in Cairns. Further details regarding the training provided for the new Local Commissioners can be found on page 54.

Application hearings held to consider changing needs of community members

Each application to amend or end an agreement (including a voluntary agreement) or order 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 under the FRC Act pursuant to section 99 for a FRA or order or section 109 for a voluntary agreement, and may include either agreeing or refusing to amend or end an agreement or order, or if the Commissioners deem the application for a FRA or order frivolous or vexatious, dismissing the application. For an application received under section 97 of the FRC Act if the Commission fails to make a decision within two months of receipt of the application, section 101 of the FRC Act determines that the failure is taken to be a decision by the Commission to refuse to amend or end the FRA or order. For an application to amend or end a voluntary agreement section 109(2) of the FRC Act states: "The Commissioner must amend or end a voluntary agreement as requested by the person, unless the Commissioner is satisfied the amendment or ending would be detrimental to the interests, rights and wellbeing of children and other vulnerable persons living in a welfare reform community area".

Decisions on amend/end applications for FRAs or orders

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 6 amend/end applications were decided for orders.

FRC registry and decision-making functions



Decisions on amend/end applications for voluntary agreements

A person who has entered into a voluntary agreement about voluntary income management with the Commissioner can ask the Commissioner at any time to amend or end the agreement. During this reporting period 29 amend/end applications were decided for VIM agreements.

Timeframe on deciding applications received in 2022-23

Number of applications received and decided in 2022-23	Average number of days to make a decision in 2022-23
6 applications to amend or end a CIM and/or a CCP	8.17 days
29 applications to amend or end a VIM	1.79 days

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.

Timely decision-making with increased client participation

The Commission continued its focus throughout the 2022-23 reporting period 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). The cultivation of clients to buy-in the Commission's decision-making process cannot be over-estimated as it facilitates better outcomes through personal commitment and a shared consideration of a balance of options available to clients.

The FRC continues to see increased client attendance at conference post COVID.

Conference attendance	2020-21	2021-22	2022-23
Conference attendance	58.7%	60.7%	67.0%

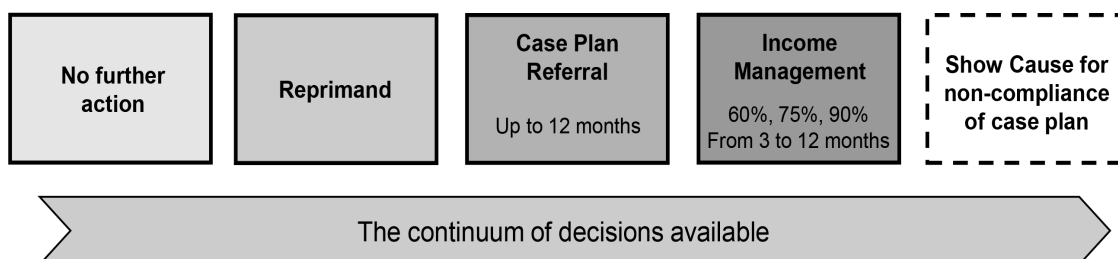
Additionally in 2022-23, the majority of conferenced agency notices were determined within two conferences (with the client), whilst 89 percent of clients who were served a notice to attend a conference participated in the FRC's decision-making process by attending at least once.

FRC decisions have a focus on capacity-building and self-determination.

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.



FRC registry and decision-making functions



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.

Engagement at conference

As can be seen from the table below, clients continue to assume personal responsibility demonstrating insight regarding their actions at the earliest opportunity (i.e., agreements entered into at conference). As a proportion of all decisions to attend support services in conference 64 percent were by agreement.

Conference outcomes	2021-22	2022-23	% change
Agreements to attend community support services	271	265	-2%
Orders made to attend community support services	138	147	+7%

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

Voluntary engagement – a ‘right fit for many’ who self-refer

The FRC Act sets out a process for voluntary engagement in which a community member can self-refer to the Commission and voluntarily seek help for a referral to a community support service under a VCP or be subject to VIM.

Voluntary income management

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 subjected to income management to help safeguard funds for their own needs, and not be subject to humbugging and/or other elder abuse or violence.

FRC registry and decision-making functions



Although the number of clients who have engaged with the FRC on a voluntary basis remains comparatively small, it nonetheless highlights the increase in community members who are exhibiting an increased self-awareness of their personal circumstances and are willing to accept assistance from the Commission at the earliest opportunity. Following the Australian Government transitioning from the Cashless Debit Card (CDC) to the SmartCard, during the 2022-23 reporting period the FRC has seen a reduction in the number of community members willing to enter into a VIM agreement as the purchase of tobacco is prohibited under the enhanced Income Management (eIM) program and clients are expressing a desire to have more readily available cash.

Number of voluntary agreements for VIM	2020-21	2021-22	2022-23	% change 2021-22 to 2022-23
Voluntary agreements for VIM	94	140	118	-16%

As at 30 June 2023 there were 66 clients on a VIM who were claiming Centrelink payments for 50 children of which 32 were of school age.

Voluntary income management and conditional case plans

Changes in conferencing style include focusing on reaching an agreement with clients in the first instance, whilst explaining the benefits of service referrals, even if only to develop a budget and savings plan to aid in the management of money on the SmartCard.

The Commission is seeing a consistent number of clients who attend conference and although they may receive a compulsory referral under a Conditional Case Plan (CCP) from an FRA or order (subject to show cause if required), they may also volunteer to be on a period of income management.

Clients on CCPs and VIMs ²	2020-21	2021-22	2022-23
Number of clients on a VIM <u>with a CCP only</u>	32	51	42

Even though the Commission is seeing a reduction in the number of clients who are interacting with the Commission through only a VIM for reasons expressed above, the Commission is seeing an increase in the number of clients who self-refer without a mandated requirement to attend conference. As can be seen in the next table these clients engage with the FRC on an entirely voluntary basis. The FRC considers these clients to be the best indicator of a community member's willingness to take greater personal responsibility with increased expectations of themselves and their families.

2. Counts in this table only include clients who had a combination of a VIM and a CCP and no CIM or VCP.

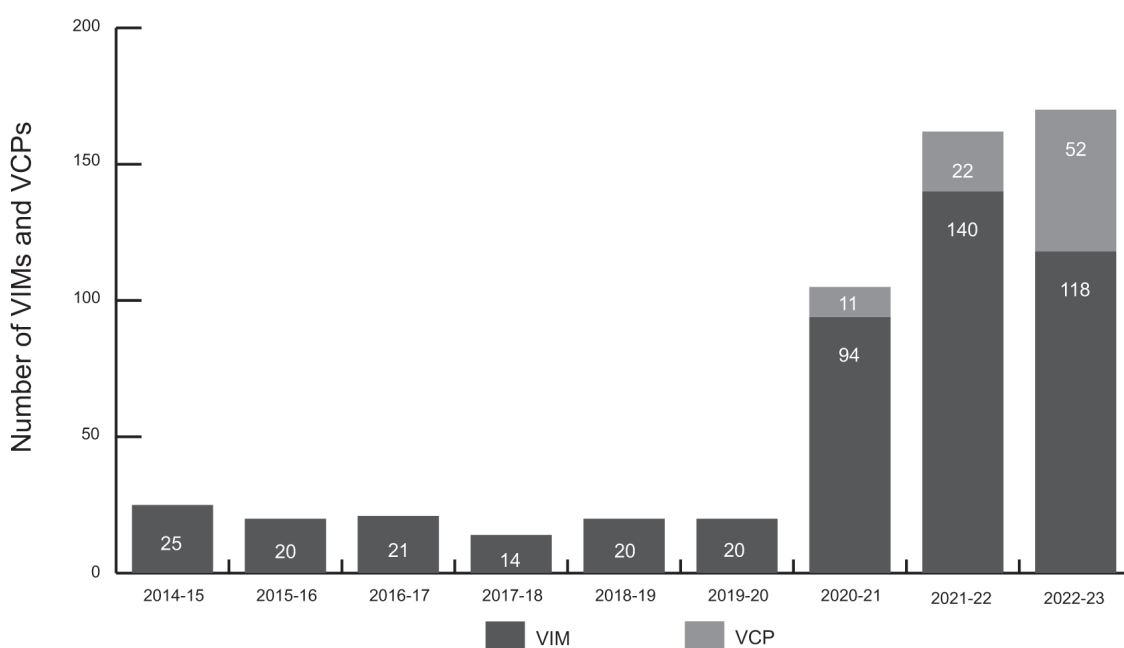


FRC registry and decision-making functions

Clients on VCPs and/or VIMs ³	2020-21	2021-22	2022-23
Number of clients on a VIM only	53	68	26
Number of clients on a VIM with a (VCP) only	1	4	21
Number of clients on a VCP without VIM only	3	9	11

As is evident from graph 2 the Commission is seeing a continued overall increase in the number of voluntary interactions with clients over the last three financial years.

VIMs and VCPs by Financial Year



Graph 2: Number of VIMs and VCPs by financial year 1 July 2014 to 30 June 2023

Conditional case plans and conditional income management

Conditional income management alone does not reduce welfare dependency and cannot be expected to rectify the multiple and complex issues of poverty, disempowerment, addiction, child abuse and neglect, violence and offending. The graduated range of FRC decisions provides a system of local authority through which FRC clients can be appropriately encouraged to take up responsibility and access the supports needed to build the capabilities required to break the cycle of disadvantage.

FRC registry and decision-making functions



A total of 354 clients were placed on a CCP in 2022-23 either through an FRA or an order to attend community support services. Out of the 354 clients 92 percent of these clients (325) were placed on a CCP without a CIM reflecting the intent of the Local Commissioners decision making powers to provide avenues for their community members to receive appropriate support to address their behavioural issues.

Clients placed on a CCP without a CIM	2019-20	2020-21	2021-22	2022-23
Percentage of clients placed on a CCP <u>without a CIM</u>	61%	85%	82%	92%

Referral pathways and case management

Conditional referrals

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, to make appropriate use of community support services. The Commissioners use the referral pathways available in each community to help 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 a school
- other appropriate support services.

As demonstrated in the table below the Commissioners have continued to make a number of referrals from FRAs and orders.

Number of referrals from FRAs and orders	2020-21	2021-22	2022-23
Conditional referrals to service providers ⁴	519	464	499

4. 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

Activity this year has resulted in the second highest number of clients referred to attend support services under either an FRA or order in the Commission’s 15-year history with 354 clients referred. The percentage of finalised conferenced clients who were referred has ranged from 60 percent to 66 percent over the last three financial years.

Percentage of finalised conferenced clients referred	2020-21	2021-22	2022-23
Percentage of finalised conferenced clients referred	60%	66%	62%

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.

Voluntary referrals

Under section 106(a) of the FRC Act a community member may ask the Local Registry Coordinator for a welfare reform community area to refer the person to a community support service.

The FRC has seen an increase of 129 percent in the number of referrals under a VCP from 2021-22. This is indicative of the broader acceptance by community members to undertake personal responsibility.

Number of referrals from VCPs	2020-21	2021-22	2022-23
Voluntary referrals to service providers ⁵	14	24	55

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.

5. 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



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, whereby the community member's welfare payments are income managed by DSS in accordance with the decision of the Commission and remain subject to FRC's continued jurisdiction. The SmartCard is issued to the community member by Services Australia to reflect the Commission's CIM under an order or agreement.

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. Details of the process available to FRC clients, seeking to end or change their income management status are discussed in the relevant section on page 18.

As at 30 June 2023 there were 28 FRC clients subject to a CIM who were claiming Centrelink payments for 37 children, of which 21 were of school age.

Applications to amend or end agreements or orders

Applications to amend or end an agreement (including a voluntary 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 order by providing their reasons for making the application. Commissioners view the hearing of the applications as an opportunity to engage with clients.

Applications to amend or end received	2020-21	2021-22	2022-23
Applications to amend or end received	29	71	35

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 Non-financial performance outcomes section of this report.