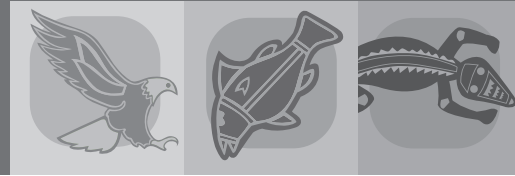


# Challenges and outlook



***With the relative stability of a three-year funding term along with a new strategic plan, FRC Commissioners and staff continued to evolve our operations to respond to the changing needs of clients and other external factors impacting our work.***

## Cyclone Jasper

After closely following Queensland Government warnings an Incident Management Team (IMT) was convened and the FRC's Business Continuity Plan was formally activated in preparation for Cyclone Jasper. The FRC registry was closed from 12pm on Tuesday 12 December 2023, to enable staff to make final preparations for the cyclone. Tropical Cyclone Jasper crossed the Queensland coast as a category 2 system in the vicinity of Wujal Wujal at around 8 pm Australian Eastern Standard Time on the evening of 13 December 2023. The registry remained closed on Thursday 14 and Friday 15 December 2023.

Tropical Cyclone Jasper was then associated with an extraordinary flooding event causing large-scale isolation, widespread power outages across north Queensland, and significant impacts to agriculture, animal welfare, small business and tourism. Whilst the FRC office remained physically unaffected, along with most Cairns residents, FRC staff were affected by extended power outages, flooding and isolation. The flooding event occurred between Sunday 17 and Tuesday 19 December 2023. As major roads began to reopen, and where it was safe for staff to travel, the registry reopened from Wednesday 20 December 2023.

Throughout the cyclone and the associated flooding event the IMT continued to convene regularly and provide advice and support to staff. The FRC also continued to support Local Commissioners and clients during this time. The event represented a significant disruption to the Cairns registry office, but as always Commission staff responded with flexibility and resilience and maintained their support of the Local Commissioners and FRC clients during this time.

The FRC's Mossman Gorge office had a pre-existing mould infestation. Cyclone Jasper and the associated extraordinary flooding event has seen a further increase in the mould infestation in the office. The matter has been formally raised with Bamanga Bubu Ngadimunku Aboriginal Corporation (BBNAC), the lessor. Alternative premises at the Mossman Gorge Gateway are being used for conferencing on a temporary basis until the building can be assessed as to its suitability for ongoing occupancy. This has resulted in the FRC incurring additional expenses in this interim period.

## Registrar

In early 2023 the Commission's then Registrar, Maxine McLeod, indicated her intention to take long service leave later in the year. The position of Registrar is an essential role, provided for by the *Family Responsibilities Commission Act 2008*, and is responsible for managing the registry and the administrative affairs of the Commission.<sup>1</sup>

It has been an important consideration of the EMT to ensure the FRC continued to maintain efficient and effective operations throughout the Registrar's period of leave.

Maxine's length of tenure in the role has meant the FRC has enjoyed some stability in its administration whilst there have been periods of uncertainty including a change of Commissioner/CEO.

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1. Section 35 of the FRC Act.



# Challenges and outlook

Recruiting an acting Registrar therefore required careful management and succession planning over many months.

Following an external recruitment process Helen Weedon was appointed acting Registrar in July 2023 for a period of 12 months. Maxine assisted with Helen's onboarding in the weeks following her commencement. These strategies helped to maintain the Commission's high standards of operations and business continuity.

At the conclusion of her leave in June 2024 Maxine gave notice of her intention to resign from the Registrar's position. As of 1 July 2024, Helen Weedon was permanently appointed Registrar on a fulltime basis. The EMT is pleased Helen has agreed to continue working at the Commission after the expiry of her temporary contract. The EMT notes that in a relatively short period of time Helen has already made a positive impact on the Commission's operations which has contributed to improved client outcomes.

The Commission extends sincere thanks to Maxine for her years of service, dedication and commitment to the FRC. As one of the longest serving members of FRC staff Maxine has developed enduring relationships with Local Commissioners, partners and staff and has been an extremely capable steward of the FRC's operations through periods of instability, allowing the organisation and its staff to flourish.

## Office space and workforce capacity

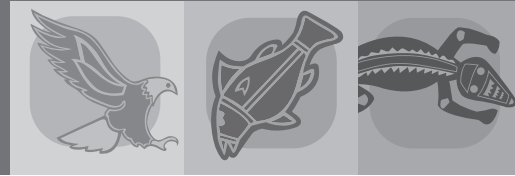
The FRC's registry in Cairns has occupied the same premises since 2008. The Commission's workforce has grown in recent years in response to an increase in workloads and operational activities due to evolving client needs. The premises does not adequately address the FRC's unique and specific service delivery needs. Years of short-term funding commitments meant the Commission was not able to consider alternative premises or commit to a refurbishment of existing accommodation. The relative stability now provided by the Queensland and Australian governments' decision to fund the Commission's operations at 'full capacity' for three-years means the EMT is finally able to address these issues.

As a public sector entity, the FRC is required to submit a Request for Accommodation application to the Department of Housing, Local Government and Public Works. While the application progresses through the assessment phase, the FRC will also explore other interim measures such as reconfiguring its existing premises to try to reduce existing pressures on current service delivery needs.

## Submissions

One of the FRC's key strategies to improve engagement through co-design and partnerships, is to provide quality advice to our government and Parliamentary colleagues to inform policy, legislation and service delivery to our community members. Accordingly, the FRC has devoted considerable time and resources over the 2023-24 year to making representations to the Queensland and Australian governments and parliamentary committees on matters that directly affect the FRC and its clients. A summary of these submissions follows.

# Challenges and outlook



## ***Submission to the Department of Justice and Attorney-General on a Queensland Domestic and Family Violence Perpetrator Strategy***

In September 2023 the FRC made a submission to the Queensland Department of Justice and Attorney-General's consultation on a Queensland Domestic and Family Violence Perpetrator Strategy (the Strategy). Although the FRC is not an expert in the field of domestic and family violence the Commission considered it could provide a unique perspective as a novel bi-cultural institution supporting both person/s using violence and victim-survivors, on what is needed for an effective perpetrator strategy in FRC and other First Nations communities.

The Commission made the following recommendations to the consultation:

### **Early intervention**

1. The Strategy should include greater use of the FRC and other established bodies or services supporting people with multiple risk factors, to capitalise on opportunities to provide early support to those using or at risk of using violence.
2. The FRC's Childrens Court trigger should be operationalised to support young people already using or at risk of using violence.

### **Strengthening perpetrator interventions**

3. The Strategy should urgently provide for the funding and implementation of accessible, evidence-based, culturally appropriate perpetrator interventions both:
  - on the ground in First Nations communities; and
  - in correctional centres for prisoners with shorter sentences or on remand.
4. The Strategy should include capacity building for police and others in the justice system, to reduce the application of standard, long-term conditions on protection orders in First Nations communities. The Strategy should include greater support for First Nations respondents in remote communities to navigate the justice system.

### **Systemic reform**

5. The FRC is an existing model of community accountability, which provides a fulcrum to support both systemic and individual accountability. The Strategy may consider like models in other geographic locations.

## ***Submissions to the Queensland Parliament regarding the operationalisation of the FRC's 'Childrens Court trigger'***

On 15 March 2024 the FRC lodged a submission to the Queensland Government's Youth Justice Reform Select (YJRS) Committee's inquiry into ongoing reforms to the youth justice system and support for victims of crime.

The FRC's submission sought, once again, that amendments be made to the FRC Act to operationalise the Childrens Court trigger that exists in s43 of the FRC Act. The FRC submitted that the proposed amendment would provide clarity in the interpretation and application of both the FRC Act, and the *Youth Justice Act 1992*.

The submission noted that further delays in amending the legislation to operationalise the FRC's use of the 'Childrens Court trigger' lead to missed opportunities for early intervention to vulnerable and at-risk First Nations young people and their families, living in remote communities. The



# Challenges and outlook

submission also contended that not operationalising the Childrens Court trigger was an under-utilisation of existing resources and local infrastructure of the FRC, a public sector entity.

In mid-April 2024, the YJRS Committee released its draft interim report. Recommendation 11 specifically related to the FRC and amending the FRC Act per the Commission's submission:

*'That the Queensland Government consider introducing legislation seeking to operationalise the 'Childrens Court Trigger' in accordance with section 43(2) of the Family Responsibilities Commission Act 2008, to enable the Childrens Court to provide court advice notices to the Family Responsibilities Commission in relation to a child or young person who has been convicted of an offence.'*

The under-utilisation of the FRC as a public sector entity was identified in the YJRS Committee's interim report. The YJRS Committee commented that 'it may be necessary to remedy any legislative impediment to the provision of notices concerning children and young people to ensure that the FRC can fulfil its role'.

On 1 May 2024, the Queensland Government tabled in Parliament its response to the YJRS Committee, including its response to recommendation 11 specifically in relation to the FRC.

*'This matter has been considered by the Family Responsibilities Board and is now under further consideration by the Department of Youth Justice. This issue requires further policy analysis and consultation with impacted communities prior to consideration of legislative amendments.'*

On 1 May 2024, the government also tabled the Queensland Community Safety Bill 2024 which progressed some of the initiatives identified by the Youth Justice Reform Select Committee. The Bill did not advance YJRS Committee's recommendation 11, specific to the FRC.

The FRC was disappointed by the Queensland Government's response to the YJRS Committee's recommendation. On 16 May 2024, the FRC made a further submission to the Community Safety and Legal Affairs Committee which has the responsibility of examining the Queensland Community Safety Bill. The FRC's recommendations can be summarised as follows:

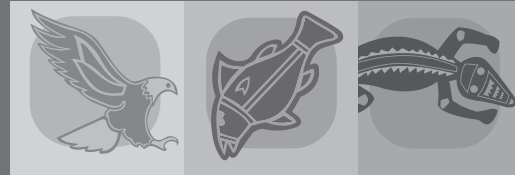
- The Queensland Government reconsiders its response to the YJRS Committee's draft interim report, specifically in relation to recommendation 11 as it relates to the Family Responsibilities Commission; and
- The Queensland Community Safety Bill 2024 be amended so that the Family Responsibilities Commission can operationalise its existing power to receive notices from the Childrens Court.

The submission sought further consideration by both the Queensland Government and Parliament of progressing urgent amendments to the FRC Act. This plea was made on the basis that further delay may lead to missed opportunities for early intervention and risks compounding the issues experienced by vulnerable and at-risk First Nations young people and their families living in remote communities.

## ***Submission to the Department of Justice and Attorney-General on the Anti-Discrimination Bill 2024***

In September 2022, the Queensland Human Rights Commission released its report: *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991*. In its response to the report, the Queensland Government recognised that there was a need for new anti-discrimination

# Challenges and outlook



legislation to be introduced that reflects contemporary best practice and is in keeping with modern community expectations and standards of behaviour. Accordingly, in February 2024, the Department of Justice and Attorney-General released an exposure draft of a new Anti-Discrimination Bill 2024 and sought community input.

On 2 April 2024, the FRC made a submission to the Department of Justice and Attorney-General expressing support for many of the reforms proposed in the Bill. However, the Commission raised some specific concerns with the proposed requirements for affirmative measures for racial substantive equality. The FRC recommended specific amendments to certain clauses of the draft Bill to address legal uncertainty, ambiguity, operational challenges, and the need for genuine consultation with First Nations people. The submission highlighted the Commission's commitment to human rights, shared decision-making and the importance of considering the implications of the draft Bill particularly on remote First Nations communities.

## ***Submission to the Australian Parliamentary Joint Committee on Human Rights Inquiry into Compulsory Income Management***

The FRC was invited by the Australian Parliamentary Joint Committee on Human Rights (PJCHR) to make a submission to its inquiry into compulsory income management. The PJCHR sought input on issues including whether compulsory income management had been successful in achieving its stated aims, and the extent to which compulsory income management is consistent with international human rights law.

In May 2024, the FRC made a detailed submission to the PJCHR outlining the features of the FRC's model of income management and submitted that the flexible, client-centred, and nuanced model of income management implemented by the FRC was compatible with human rights.

The submission outlined that after 15 years of working with clients and their families the FRC recognises that income management alone cannot rectify the complex issues of trauma, poverty, addiction, child abuse and neglect and domestic and family violence experienced in our First Nations communities. However, the flexible, client-centred, and nuanced model of income management implemented by the FRC can provide protection and stability for households in crisis; can be an effective catalyst to encourage behavioural change; and can be a helpful and effective tool for financial management. The Commission submitted that the FRC's model of income management limits human rights only to the extent that is reasonable and proportionate in individual circumstances, and it is necessary to protect the rights of children and other vulnerable people.

The submission made the following recommendations:

1. The PJCHR endorse the FRC model of income management, with its complementary case management approach to clients, as one that is compatible with human rights.
2. The Australian Government continues to invest in the FRC and maintain its legislative and policy settings.
3. The Australian Government supports the FRC to administer its model of voluntary income management to interested persons across Queensland and considers greater flexibility and autonomy to participants in deciding the percentage to be voluntarily quarantined.
4. The Australian Government continues to invest in support services, and employment and training opportunities, in the five remote communities in which the FRC operates, that are effective and responsive to the evolving needs and aspirations of community members.