



Speech by


Hon. Curtis Pitt

MEMBER FOR MULGRAVE

Hansard Tuesday, 23 August 2011

FAMILY RESPONSIBILITIES COMMISSION AND OTHER ACTS AMENDMENT BILL

Introduction and Referral to the Community Affairs Committee

 **Hon. CW PITT** (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (7.42 pm): I present a bill for an act to amend the Adoption Act 2009, the Births, Deaths and Marriages Registration Act 2003, the Child Protection Act 1999 and the Family Responsibilities Commission Act 2008 for particular purposes. I table the bill and explanatory notes. I nominate the Community Affairs Committee to consider the bill.

Tabled paper: Family Responsibilities Commission and Other Acts Amendment Bill [\[5112\]](#).

Tabled paper: Family Responsibilities Commission and Other Acts Amendment Bill, explanatory notes [\[5113\]](#).

I am pleased to introduce a bill for an act to amend the Family Responsibilities Commission Act 2008, the FRC Act, to ensure that the Cape York Welfare reform trial, the trial, and the operations of the Family Responsibilities Commission, the FRC, are extended by 12 months.

The bill also makes technical and consequential amendments to the FRC Act relating to the Australian government's changes to the organisational status of Centrelink that were effective from 1 July 2011. In addition, the bill makes technical amendments to the Child Protection Act 1999 to complete the provisions relating to the making of a temporary custody order and the rights, powers and obligations conferred by the order.

The bill also includes amendments to the Adoption Act 2009 and the Births, Deaths and Marriages Registration Act 2003 to allow for the registration of intercountry adoptions that are assessed in Queensland but where the final adoption order is issued overseas. Registering the adoption will enable all children adopted from overseas, under the Adoption Act 2009, to access Queensland birth certificates for the purpose of identification.

The trial commenced in July 2008 under a tripartite agreement between the Australian government, the Queensland government and the Cape York Institute for Policy and Leadership. The trial aims to build stronger and more resilient communities, re-establish local Indigenous authority, enable children to achieve their full potential, support engagement in the real economy, and encourage individuals and families from social housing to homeownership. The trial operates in Aurukun, Hope Vale, Coen and Mossman Gorge with the support of local stakeholders.

The FRC is an integral component of the trial. The FRC Act, which established the FRC as a statutory body, is legislated to expire on 1 January 2012 and the FRC is due to cease operations on 31 December 2011. The FRC operates to restore local Indigenous authority and build stronger and resilient communities through attaching behavioural obligations to the receipt of welfare payments. The FRC Commissioner and local commissioners hold conferences with local people who are 'notified' to the FRC for failing to enrol and send children to school, coming to the attention of the Department of Communities for a child safety matter, being convicted of an offence in the Magistrates Court, or failing to remedy a

breach of a tenancy agreement. Importantly, the FRC Act is administered under the principle that the wellbeing and best interests of a child are paramount.

Key components of the trial include the provision of a range of community services and educational, economic development, employment and housing initiatives. The operation of wellbeing centres; parenting programs; anti-violence, drug and alcohol services; and school attendance case managers are critical to obtaining successful outcomes for FRC clients. Other funded activities focus on school and working age populations and social housing tenants in the four communities.

In the past, the trial communities have been characterised by chronic levels of welfare dependence, social disadvantage and economic exclusion. Achieving progress in addressing these problems will take time and concerted effort.

The process of steadily building stronger and resilient communities and restoring local Indigenous authority is being assisted through the appointment of respected community leaders as FRC local commissioners. These local commissioners hold conferences with community members in response to notification from agencies about school attendance, tenancy agreement breaches, Magistrates Court convictions and child safety issues. The Cape York Aboriginal Australian Academy is operating in Aurukun, Coen and Hope Vale and an increasing range of programs and services are being provided to encourage personal responsibility and to develop the individual capacities of community members.

An independent implementation review of the FRC released in November 2010, together with the *Annual highlights report for Queensland's discrete Indigenous communities July 2009—June 2010*, published in December 2010, reveals that, since the FRC began operation on 1 July 2008, all trial communities have experienced relative stability in the levels of reported offences against the person and hospital admissions for assault related conditions, while school attendance has improved or been maintained at higher levels. These real benefits achieved in terms of the safety, wellbeing and welfare of the people in the trial communities, particularly women and children, deserve recognition, and I applaud them. However, embedding changes and building stronger and more resilient communities requires generational change, and this requires longer term commitment.

Extensive consultation to inform the decision to extend the trial for an additional 12 months has been undertaken by the Department of Communities. The outcomes of this consultation process were generally positive. Based on the feedback from the majority of those consulted across all four trial communities and in recognition of the need to consolidate the benefits so far achieved, the extension of the trial until 31 December 2012 is justified.

There is nothing easy about service delivery in remote areas of Queensland and this is exacerbated sometimes in Aboriginal and Torres Strait Islander communities. For the trial and the operations of the FRC to reach their full potential, more time and work is needed. The trial will be evaluated in 2011-12, and this extension will allow the best possible assessment of the trial's achievements, particularly as there were some unavoidable lag times with the creation of the FRC and the setting up of services.

I appreciate that this is one of the first bills to be introduced into the House under the new committee system. And, whilst I will not be making a habit of it, I have spoken with the chair to convey the reasons why I would appreciate the committee urgently considering this bill. Accordingly, I seek the committee's assistance with expediting its report.

It is critical that amendments to the FRC Act be passed and given assent prior to the expiry of the current act on 1 January 2012. A significant appointment process to reappoint the FRC Commissioner, local commissioners and the FRC board of management also needs to be completed prior to 1 January 2012. This will ensure the operation of the FRC for a further 12 months until 31 December 2012.

In relation to the amendments to the Child Protection Act 1999, I am advised that there was extensive consultation with the government and non-government sectors during the formulation of the amendments in the Child Protection and Other Acts Amendment Act 2010 and that there was general support for the introduction of the temporary custody order. The amendments in the bill are consequent on the introduction of the temporary custody order and are being made to achieve the policy intent of the order.


In relation to the amendments to the Adoption Act 2009 and the Births, Deaths and Marriages Registration Act 2003, consultation was undertaken with stakeholders from the Department of Communities and the Commonwealth Attorney-General's Department on the proposed amendments. Officers from the Queensland government and Australian government departments have indicated their support for the proposed amendments.

The community member who raised this issue with the child safety minister has been contacted directly about proposed amendments and expressed their support. Other adoption stakeholders—including Post Adoption Support Queensland, the intercountry adoption stakeholders group and

International Social Service Australia—have also been consulted about potential amendments, and I am advised the amendments are supported by these stakeholders.

A lack of a birth certificate showing the child's legal parents can present practical difficulties for both children and parents in the care and upbringing of children and in certain regulated activities when birth certificates are required to be presented. It is expected that there will be community support for the amendments, particularly amongst the adoption community. I commend the bill to the House.

First Reading

 **Hon. CW PITT** (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (7.51 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Mr DEPUTY SPEAKER (Mr Wendt): Order! In accordance with standing order 131, the bill is now referred to the Community Affairs Committee.