




Speech By  
**Curtis Pitt**

**MEMBER FOR MULGRAVE**

---

Record of Proceedings, 14 October 2014

**FAMILY RESPONSIBILITIES COMMISSION AMENDMENT BILL**

 **Mr PITT** (Mulgrave—ALP) (12.40 pm): I rise to make a contribution to the debate on the Family Responsibilities Commission Amendment Bill 2014 on behalf of the Labor opposition. At the outset I want to put on the record that the Labor opposition will not be opposing this bill. However, I will use my time today to voice some concerns that have been raised about the bill via the parliamentary committee process. The bill was introduced by the Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs on 5 August 2014 and was referred to the Health and Community Services Committee for scrutiny. As honourable members would be aware, this is not the first time in this term of parliament we are debating a bill regarding the Family Responsibilities Commission—the first being in November 2012 and the second in October 2013 to extend the commission by one year each time. The bill before us today is probably the most important bill relating to the journey of the Family Responsibilities Commission this term. This is because the bill removes the sunset clause of the commission, thus removing the requirement to come back into this chamber each year to pass legislation to enable the Family Responsibilities Commission to continue its vital work.

While I appreciate the government and minister putting their faith in the Family Responsibilities Commission to continue its operations, it should be noted that those opposite have not always spoken positively about the Family Responsibilities Commission, so we will do a very quick recap. During the 2011 budget estimates process, the then shadow minister for Aboriginal and Torres Strait Islander partnerships, the member for Moggill, stated—

I think that people should be aware that this program applies only in four communities. I think that people sometimes get the idea falsely that this is a more extensive program than it actually is. I think it is a very valid function of the opposition to question both value for money and the effectiveness of actually making the lives of people in the subject communities better.

So in 2011 the then opposition and now government had a view that the commission was an expensive exercise and reserved the right to question whether it was getting outcomes. That is an opposition's prerogative and I understand that. Then we fast-forward to Wednesday, 27 March 2013 when the Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs issued a press release titled 'Cape York Welfare Reform trial'. Despite the media release stating that the government welcomed the Cape York Welfare Reform trial evaluation report, the minister stated in his release that the Cape York Welfare Reform trial, of which the Family Responsibilities Commission is a part, would cease operations on 31 December 2013 due to no further funding. The very next day—the day after the minister issued his press release to cease the funding—the Premier announced that CBRC had miraculously found \$5.65 million to continue funding for the Cape York Welfare Reform trial. The decision to end this trial was obviously another one of the Premier's broken light bulb moments, and of course the minister was sent out to give the bad news. The Premier was incapable of announcing that news himself, but I think that the Premier put his finger up and looked into the political prevailing winds and said, 'Oh well, it's blowing the right way. We're going to save the Family Responsibilities Commission.' I say thank goodness, and I do not hold any gripe against the minister. I think he was given marching orders, and that was exactly what was done. Thankfully, the commission has

continued. After that period of uncertainty, it is pleasing that the minister has introduced this legislation into the House that will provide some certainty that the FRC continues past this year by removing the sunset clause. By implication, the government has given its full support to the commission into the foreseeable future.

As many members of this House would be aware, the Family Responsibilities Commission was established under the former Labor government in 2008. At the time it was said that the legislation that established the FRC would be the driving force in changing local social norms and behaviours and that it would directly link improved care for children to welfare and other government payments. Since that time the FRC has gone from strength to strength, making positive achievements in the communities that it has operated within—Aurukun, Coen, Hope Vale and Mossman Gorge.

As many members would be aware, legislation was passed in this House about a year ago—the Family Responsibilities Commission Amendment Bill 2013—to extend the commission's expiration date to 1 January 2015. As this legislation currently stands, the FRC will have to commence winding down operations shortly to abide by the 1 January 2015 expiration date. While in previous years legislation has been introduced to extend the expiration date for a prescribed period, the bill before us today removes the sunset clause of the commission, meaning that the FRC does not have to close down and cease operations by 1 January 2015 but will be able to continue into the foreseeable future. The Labor opposition welcomes this amendment as it was something that was being looked into before the change of government as we appreciate the work that is being achieved by the FRC. There is need for greater certainty to ensure that the FRC can continue its vital work into the future.

The bill before us today also removes the description of 'welfare reform community areas' from the Family Responsibilities Commission Act 2008 and places it into the Family Responsibilities Commission Regulation 2008. This means that the addition or subtraction of a community that will be subject to the jurisdiction of the Family Responsibilities Commission will not have to come before this House in a piece of legislation but can be achieved via regulation which is gazetted in the *Government Gazette*. On its face, this may limit the level of scrutiny that will occur when adding or subtracting communities from the commission's jurisdiction. However, as the Health and Community Services Committee indicated, the provision has always been there to add areas under regulation.

One only has to look at page 108 of the act in the schedule to the act to see that 'welfare reform community area' is defined as Aurukun, Coen, Hope Vale, Mossman Gorge and another area prescribed under regulation. The only difference under this bill is that the subtraction of the community areas of Aurukun, Coen, Hope Vale and Mossman Gorge will no longer occur via an act of parliament. Rather, it can occur by ministerial decree via a regulation after the minister has taken into consideration the main objects of the Family Responsibilities Commission Act which, although a disallowance motion can be moved against the regulation, on the whole may reduce the level of scrutiny.

It is somewhat disappointing that there has not been prior thought given in relation to how the minister of the day will assess whether a community should enter or exit the jurisdiction of the Family Responsibilities Commission. I listened to the minister today to understand that and I will read his speech carefully later, but it is something that he may wish to address when he sums up the debate.

During the Health and Community Services Committee's deliberations of the bill, the committee asked the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, DATSIMA, what guidelines and/or criteria have been put in place to determine whether a community should be prescribed as a welfare reform community area. Unfortunately, the department advised that there were no guidelines. This is disappointing because, with no publically available guidelines, how will communities be able to assess whether they should enter the commission's jurisdiction or assess whether they have achieved an acceptable level of targets to set the wheels in motion to exit the commission's jurisdiction? In the interests of transparency, one would have thought that this information may have been worked through, consulted upon and drafted prior to the introduction of this bill to allow members of this House, stakeholders and indeed the wider community to have a say on how best to shape our communities into the future.

While I understand and agree with the Health and Community Services Committee that the objects of the Family Responsibilities Commission Act and indicators like school attendance levels provide a strong basis for key indicators, these indicators need to be developed and set in stone so that communities have a strong benchmark to ascertain how they are tracking and how they can improve and so that there is a transparent approach which will be able to stand up to public scrutiny.

With the removal of the FRC sunset clause, it is imperative that communities have a clear and achievable path to navigate out of the jurisdiction of the FRC should they wish to do so. This is not

only in the interests of transparency but also to ensure that the Commonwealth Racial Discrimination Act 1975 is not breached. As the Health and Community Services Committee stated—

... the International Convention which forms the Schedule to the *Racial Discrimination Act 1975* ... states that special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups 'shall not be continued after the objectives for which they were taken have been achieved'.

Therefore, there needs to be adequate, publically available criteria, indicators and measures in place to ensure that community members, community leaders and the government of the day can assess the overall success of actions taken in the community to chart a course out of the jurisdiction of the FRC. I agree with the minister's comments that we wish for a day when we do not see the FRC in communities because communities have been, in the words of the original authors, 'normalised'. I do not like using that word because I think the word 'normal' will mean many things to many people, but we want to see communities where young people attend school, where they are safe in their homes, where there is no alcohol fuelled violence and of course where people are in gainful employment and they own their own homes.

That is something that neither the opposition nor the LNP government would argue against in this House. As I said in the introduction of this section of my speech, I ask the minister to ensure that there are adequate guidelines, that they are developed in consultation with the community, in consultation with key stakeholders and then publicly released to ensure that everyone is on the same page as we move forward into the next chapter of the Family Responsibilities Commission.

Although I understand that there had been wide-ranging and extensive consultation undertaken in Doomadgee prior to the community being prescribed under the regulation as a welfare reform community area, there is no guarantee or legislative requirement that the same extensive community consultation will occur prior to other communities being added to the jurisdiction of the FRC.

Although I believe that the current minister and, indeed, future ministers who are responsible for this area will do their best to consult widely and extensively, the Labor opposition supports the Health and Community Services Committee recommendation that there needs to be a 'requirement that consultation, aimed at obtaining informed consent from community leaders, be undertaken' prior to any community being prescribed as a welfare reform community area. Consultation and consent are imperative, as was echoed by Commissioner Glasgow during a Health and Community Services Committee public hearing on this bill on 28 November 2013, at which he stated—

... a lesson we have learnt about the future is that we need community support or at least understanding before we should go into new communities.

I could not agree more.

I note that the Cape Indigenous Mayors Alliance wrote to the Health and Community Services committee and indicated that they 'do not want to see the FRC extended to any other Cape York communities' and 'do not want to see the FRC extended in the existing communities without a full independent assessment and the informed consent of the elected councils'. That further supports the argument that there need to be adequate safeguards in place to ensure that the minister of the day actively consults with the community and that there is a transparent and public approach with clear criteria in place to determine whether a community enters into the jurisdiction of the Family Responsibilities Commission or not, rather than a decision being made on the whim of a minister or the government of the day.

Although I acknowledge the views of the mayors who form part of the Cape Indigenous Mayors Alliance, I know that there are some mayors who believe that the Family Responsibilities Commission is doing positive work. Recently, the Labor opposition met with the Mayor of Aurukun, Councillor Dereck Walpo, who supported the continuation of the Family Responsibilities Commission as he and his community could see the benefits that the commission is achieving. I thank Councillor Walpo for taking the time to meet recently with the Deputy Leader of the Opposition. I also acknowledge the minister's remarks in correspondence to the Health and Community Services Committee on 17 September 2014, in which he stated—

... Family Responsibilities Commission ... operations have never been and never will be extended to any community without significant consultation occurring with community members, local government, stakeholders and service providers ...

I trust that we will be able to hold the minister to his word on that. For the Family Responsibilities Commission to achieve its best, the community in which it operates in needs to accept the commission, which can occur only via a bottom-up approach with the community being engaged in the decision to implement the commission in its community right from the beginning. As I said in this House in 2011—

... strong and meaningful partnerships with Aboriginal and Torres Strait Islander Queenslanders are absolutely vital. We share a common goal: to build stronger and more resilient communities that will stand up to the scrutiny of future generations ...

I still stand by those words. This bill will also insert new triggers for the Family Responsibilities Commission to be made aware of activities within the community and prompt the commission to act when appropriate. The commission already receives agency notices, for example, when a child does not turn up to school or a breach occurs in a tenancy agreement. However, this legislation further defines more triggers. In particular, this bill provides that the Family Responsibilities Commission will be notified if a community member is convicted in any court—previously it was just the Magistrates Court—and will also require the commission to be informed if a child is convicted in a court of law. I note that the minister has advised that the new triggers have been canvassed widely in Aurukun, Hope Vale, Coen and Mossman George as well as the newly added community of Doomadgee and that no major issues arose from that consultation. The opposition believes that adding new triggers is an appropriate measure to ensure that the best possible information is available to the Family Responsibilities Commission to better enable the commission to make informed decisions when assisting members in the community.

The bill also removes the requirement for the commission's board to meet once every three months and replaces it with the board required to meet only every six months. Although I note that in the explanatory notes to the bill this amendment will enable 'more locally focused meetings to be scheduled to ensure greater local involvement in decision making' and that the department's advice is that the reduction in board meetings will allow for a greater investment in community focused activities and in-community work, the reduction in the required number of meetings raises a potential governance issue. With this proposed change, coupled with the amendments that were undertaken in the Family Responsibilities Commission Amendment Bill 2012, which reduced the requirement for a quorum of three commissioners to two commissioners as there was difficulty convening a valid meeting under the old arrangements, there is a potential for governance issues to arise. Although I am not suggesting that any impropriety will occur, the reduction in the number of board meetings that are required to occur in a calendar year, coupled with previous changes to reduce the quorum required, may lead to potential issues. I ask the minister to outline what measures and steps will be put in place to ensure that there are adequate checks and balances when decisions are made.

It would be remiss of me to conclude my contribution to the debate without mentioning the hard work being undertaken by the Family Responsibilities Commission. As I have stated previously, the Family Responsibilities Commission was established under the former Labor government. As a former minister for Aboriginal and Torres Strait Islander partnerships and now as shadow minister, I have had a keen interest and I have been involved with the Family Responsibilities Commission during its time. Over the years I have seen the hard work that has been done by the Family Responsibilities Commission to transform the conditions in the communities in which it operates. Although these achievements have not occurred overnight, and in some cases it is like taking three steps forward and two steps back, I believe that the Family Responsibilities Commission has a strong place within our communities to effect positive change in a collective and communal manner. We only have to look at the recent statements made by Commissioner David Glasgow at the recent budget estimates hearings to see that the Family Responsibilities Commission is making progress. Commissioner Glasgow said that in Aurukun—

... state attendance figures for the primary school there were under 40 per cent. Now it regularly hits in the 80s ... In ... Coen we regularly are at 94 per cent ... In Hope Vale, if it were not for Friday we would be in the 90s ...

Although these figures are promising, there is still much work that is required to ensure that there is not only positive change but also long-lasting change in these communities. I would also like to take this opportunity to place on record my appreciation and that of the Labor Party to Commissioner David Glasgow for his tireless work, stewardship and leadership of the Family Responsibilities Commission since his appointment on 25 April 2008. I have met and worked directly with Commissioner Glasgow many times over the years and he is a man who has a strong passion for Indigenous justice and advancing the opportunities for Aboriginal and Torres Strait Islander peoples. I am pleased that he is still at the helm as the Family Responsibilities Commission enters into its next phase.

However, just like any organisation, the successes of the organisation are not the sole achievement of the person at the top. I would like to take the opportunity to thank everyone who has been involved in the Family Responsibilities Commission over the years, in particular Deputy Commissioner Rod Curtin and all of the local commissioners, who are really the eyes and ears of the commission, operating at the coal face, on the front line, working with local community residents and services. In addition I would like to thank all of the support staff involved in the Family Responsibilities Commission over the years. I wish everyone involved in the commission all the very best as the commission embarks, as I said, on the next phase of its life.

Before I conclude, I would also like to thank the members and staff of the Health and Community Services Committee for their deliberations on this bill. I know that this is not the first time that the committee has had to scrutinise legislation regarding the Family Responsibilities Commission in this session of the Queensland parliament and I appreciate its work in ensuring that the legislation is the best that it can be and that positive outcomes can occur for all of the communities involved with the Family Responsibilities Commission. I also would like to take this opportunity to thank the minister for the bipartisan manner in which he has dealt with this issue by providing a personal briefing to the opposition about this legislation prior to its introduction in this House.

I have always held the view that Aboriginal and Torres Strait Islander people and issues related to Aboriginal and Torres Strait Islander people should not be used as a political football and that as much as possible all sides of politics should work together to ensure that the desired outcome of improving the quality of life of Aboriginal and Torres Strait Islander people and empowering them is achieved. I note that a recent communique from the Council of Australian Governments dated 10 October 2014 stated—

COAG agreed jurisdictions need to work together to ensure Indigenous people have access to the same opportunities as non-Indigenous people ...

The Queensland opposition welcomes this agreement and supports it wholeheartedly. We believe that, in order to close the gap and increase the opportunities for Aboriginal and Torres Strait peoples, a multifactor, multipronged, bottom-up approach is required through a variety of options and programs driven from the bottom up that takes the community along the transformation journey. This issue is not simple and successive governments have been working and delivering on measures to support Indigenous Queenslanders reach the same level of opportunity as non-Indigenous Queenslanders. The bill before us today goes some way to achieving this for the participating communities. But more needs to be done and the Labor opposition is willing to work with those opposite at any opportunity to ensure that that is achieved. With those remarks, I conclude and commend the bill to the House.