




Speech By
Hon. Curtis Pitt

MEMBER FOR MULGRAVE

Record of Proceedings, 1 December 2015

FAMILY RESPONSIBILITIES COMMISSION AMENDMENT BILL

Second Reading

 **Hon. CW PITT** (Mulgrave—ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (3.04 pm): I move—

That the bill be now read a second time.

I thank the Communities, Disability Services and Domestic and Family Violence Prevention Committee for its consideration of the Family Responsibilities Commission Amendment Bill 2015. I note that the committee tabled its report on 6 November and it recommended that the bill be passed. The committee has made five recommendations and I intend to deal with all of them in turn. At the outset, however, I would like to make some general comments about the content and intent of this bill.

The bill seeks to amend the provisions of the Family Responsibilities Commission Act—or the act—so that the Family Responsibilities Commission, known as the FRC, can operate more effectively and, most significantly, address incidents of domestic violence in the welfare reform community areas of Aurukun, Cohen, Hope Vale, Mossman Gorge and Doomadgee. The FRC is an independent statutory authority established under the act and is a key mechanism for supporting the welfare reform program.

Welfare reform operates in partnership with the Commonwealth government and the Cape York Institute. Part of the Queensland government's commitment is to work with identified communities to: restore social norms and local authority; change behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion; and provide alcohol and treatment support, improved educational opportunities, better health services, economic development and income management support. As part of this program, as stated in the act, the FRC is designed to: support the restoration of socially responsible standards of behaviour and local authority in welfare reform community areas; and help people in welfare reform community areas to resume primary responsibility for the wellbeing of their community and the individuals and families of the community.

The FRC includes the commissioner, a deputy commissioner and Aboriginal or Torres Strait Islander local commissioners. The local commissioners themselves come from the communities in which they sit when they constitute the FRC. The way that the FRC achieves the act's stated aims is by holding conferences with community residents who are in receipt of welfare payments and who are the subject of an agency notice provided to the FRC. An agency notice is provided by a relevant Queensland government agency when a community resident breaches a trigger. The current 'triggers' are: non-attendance or non-enrolment of a child in school; alleged harm or alleged risk of harm to a child; conviction of an offence before a court, including the Children's Court; or breach of a residential tenancy agreement or use of premises for an illegal purpose.

The purpose of the FRC's conference with the community member who is the subject of an agency notice is to address the behaviour and issues that gave rise to the trigger being breached. A

conference, organised by the FRC and held with the community member can result in: referring individuals to community support services to assist them to address their behaviours; entering into agreements with people to set standards of behaviour; and directing the person's income to be managed by Centrelink to pay for the priority needs of their family—this is referred to as conditional income management. In the 2013-14 financial year, a total of 3,392 agency notices were received which resulted in 1,794 conferences being held; 435 referrals to service providers; and 14 per cent of clients on case plans as at 30 June 2014. A total of 304 conditional income management orders were issued throughout the same period. I should point out that the FRC does not simply respond to agency notifications. A community resident is also able to enter into a voluntary agreement with the FRC to be referred to services or have their welfare payments income managed as part of a family responsibilities agreement.

Turning now to the bill, a key purpose of this bill is to implement part of the government's response to the *Not now, not ever: putting an end to domestic and family violence in Queensland* report provided to the Premier in February 2015 by the Special Taskforce on Domestic and Family Violence in Queensland. I would ask the House to be aware that Ms Ada Panawya Woolla, Aurukun local commissioner and now deputy mayor, was a member of the task force. I want to thank all members of the task force for their work.

Recommendation 93 of the *Not now, not ever* report was that the Queensland government amend the Family Responsibilities Commission Act to require a court to notify the FRC when a protection order under the Domestic and Family Violence Protection Act 2012 is made naming a welfare reform community resident as the respondent to the order. The bill provides exactly for this. The proposed amendment will replace the provision that contains the current trigger relating to criminal convictions. The new provision will combine the conviction trigger and the new domestic violence trigger. In line with the current provision that deals with criminal convictions, where a protection order is made against a person, a court sitting in a welfare reform community area, Cooktown or Mossman, or another court that learns that the person lives or has lived in a welfare reform community area will be required to give the FRC an agency notice.

The proposed provision will require that the notice, to be called a court advice notice, includes the person's name and address; the conditions, if any, of the protection order; and the day on which the court made the protection order. Not only does this reflect the government's commitment to ensuring that the recommendations of the *Not now, not ever* report are implemented and respond to this critical issue; as far as the welfare reform communities are concerned, it also provides another pathway for the FRC to help the community and community members address and correct unacceptable behaviour.

The other significant component of this legislation is to expand on the FRC commissioner's power to delegate to appropriate members of the FRC. The FRC is constituted by a commissioner, deputy commissioner and 31 local commissioners. Three FRC local commissioners are able to convene a conference with a community member, enter into a family responsibilities agreement or direct that person to attend community support services. Local commissioners can also recommend that the FRC client's welfare payments are income managed. On receipt of the recommendation, the commissioner will review the recommendation and endorse the making of the conditional income management order.

What this last point means is that, while the commissioner may not necessarily be involved in the particular conference, the commissioner must, subject to a particular exception, endorse a family responsibilities agreement that involves the person being subject to a conditional income management order. What the proposed amendment does is take another step towards restoring local authority by allowing for the delegation of the commissioner's functions to a local commissioner who has been appointed as the chairperson of a commission hearing and who the commissioner considers is appropriately qualified to perform the commissioner's functions for the conference. The basis for providing for this delegation is in recognition of the experience and local authority of the local commissioners, who I believe have been an unheralded success.

Throughout the community consultation undertaken in the preparation of the bill, community members advised that this extension of the powers and responsibilities to be undertaken by the local commissioners was in keeping with the scope and practice of the act. Results from the community consultation also supported another key recommendation in the bill. This amendment proposes to remove the requirement that the registrar of the FRC have appropriate expertise and experience in matters relating to the operation of a registry of a court or tribunal. This will be replaced with a requirement that the person be appropriately qualified to perform the functions of the registrar. This extension of the eligibility requirements for appointment as registrar was considered by community members to be a positive amendment that may further increase the opportunity for Aboriginal and Torres Strait Islander peoples' involvement in the operations of the FRC.

I am now pleased to address questions raised by the committee in its report. Firstly, the committee recommends that the bill be passed. I note this recommendation and thank the committee for its consideration of the bill. I would like to point out also, as noted in the committee report, that the FRC commissioner in his submission to the committee noted—

It is the view of the Commission that the amendments will assist the Commission to more effectively and efficiently conduct its core business of restoring social responsibility and local authority to the welfare reform communities.

Secondly, the committee recommends that the Department of Aboriginal and Torres Strait Islander Partnerships ensure that appropriate domestic and family violence specific support services are available to the FRC to refer community members following a conference. The government supports this recommendation.

As part of its ongoing administration of the act and the operation of the FRC, DATSIP will work closely with the FRC to monitor the adequacy of the service system and ensure that appropriate specific support is available. Also, I would like to take this opportunity to remind the members of the House that the government has accepted all 140 recommendations made by the task force in the *Not now, not ever* report.

Of the five recommendations included under the heading *Laying the foundations: building a framework to protect at-risk Queenslanders*, recommendation No. 9 of the *Not now, not ever* report is that the Queensland government, in collaboration with local communities, develop a place-based, culturally appropriate integrated response to domestic and family violence in discrete Indigenous communities which includes (1) a trial of integrated service provision in one discrete Indigenous community utilising a locally based shelter as a hub for the provision of wraparound support services for women and children affected by domestic and family violence; (2) considering an expanded role of community justice groups in design and implementation of the collocated service response, ensuring that they are properly resourced and supported to undertake this role; (3) increasing the funding for, and availability of, community driven and holistic responses to Indigenous male perpetrators.

Responding to this recommendation will also be a critical contribution to the work that the FRC does with communities. The third recommendation made by the committee in their report was that the Department of Aboriginal and Torres Strait Islander Partnerships and the FRC monitor the number of agency notices received from the courts as a result of a community member being the subject of a protection order and a community member being convicted for a breach of a protection order. Once again the government supports this recommendation. In addition, in line with recommendation 94 of the *Not now, not ever* report, DATSIP and the FRC are working on a reporting strategy that will assist both entities monitor any resource or financial impact resulting from the introduction of the domestic and family violence trigger.

The committee's fourth recommendation was that I require the FRC to report in its annual report on the number of agency notices it receives in the following circumstances: when a court makes a protection order against a community member; and when a court convicts a community member of a breach of a protection order. Again the government supports this recommendation. I am pleased to advise the House that DATSIP has confirmed with the FRC commissioner that the FRC's annual report will, in addition to its current reporting on agency notices, report on the number of agency notices it receives in line with the committee's recommendation.

In relation to the fifth and final recommendation made by the committee, the committee supported the delegation of the commissioner's functions to local Indigenous community leaders and considered that the amendments will enhance local empowerment and have practical and resource benefits for the commissioner and the FRC. They also sought an amendment to the bill to identify clearly which functions the commissioner may delegate to the chairperson of the commission for a conference constituted under section 50A of the act. Once more the government supports this recommendation.

I will propose an amendment during consideration in detail which will clarify that the commissioner's functions are the commissioner's functions for endorsing a requirement for a person to be subject to income management. I would like to take a moment to observe that the proposed amendment will not provide for a delegation of the power to issue a show cause notice. Currently the act allows for a commission comprising of the commissioner and two local commissioners to issue a show cause notice when an individual has breached their case plan. Show cause notices can result in increasing the proportion of income management and/or increasing the duration of the income management order. At this time this power should remain as described in the act and not be delegated because it can result in a more punitive measure and is more complex in relation to case management. Further policy and practice work must be undertaken prior to any such delegation. I now table the government's response to the committee report.

Tabled paper: Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 9—Family Responsibilities Commission Amendment Bill 2015, government response [\[1778\]](#).

The FRC is an essential element of welfare reform and it is a key mechanism to help the community restore local authority and individual responsibility. This bill will further empower the FRC and thereby seek to further empower communities themselves take more responsibility for community members' behaviour. In conclusion, I would like to acknowledge the work and continuing efforts of the commissioner, David Glasgow, and the staff of the FRC. In particular I want to pay my respects and commend the local commissioners who live and work in their communities and who have continually demonstrated their desire to re-establish and affirm local authority. They have a tough job and it is one that they really do perform with aplomb. I would like to point out also that their service to their communities was recognised with the presentation of awards at the 2015 Australian honours and awards investiture ceremony. Commissioner Glasgow was made a Member of the Order of Australia and the following local commissioners were each presented with an Order of Australia award by His Excellency, the Hon. Paul de Jersey AC, Governor of Queensland: Mr Edgar Kerindun, Ms Vera Koomeeta, Ms Doris Poonkamelya, Ms Sarah Wolmby and Ms Ada Woolla from Aurukun; Ms May Kepple, Ms Elaine Liddy, Mr Peter Peter and Mr Garry Port from Coen; Mr Brian Cobus, Mr Victor Gibson and Ms Doreen Hart from Hope Vale; and Ms Karen Gibson and Ms Loretta Spratt from Mossman Gorge. Madam Deputy Speaker, this is an extraordinary achievement which I would like the House to particularly acknowledge.

I will make some further statements regarding current events in one of the communities in particular, Aurukun, after a recent visit which I have undertaken. I am pleased that the opposition is supporting this bill, and I look forward to working with it for the continued success of the FRC in Queensland. I commend the bill to the House.