EXPLANATORY STATEMENT

Social Security (Administration) — Queensland Commission (Family Responsibilities Commission) (DEEWR) Specification 2011

The Social Security (Administration) — Queensland Commission (Family Responsibilities Commission) (DEEWR) Specification 2011 (the Specification) is made under paragraph (b) of the definition of ‘Queensland Commission’ in section 123TC of the Social Security (Administration) Act 1999 (the Act).

Purpose and operation

The purpose of the Specification is to specify the Family Responsibilities Commission, established by section 9 of the Family Responsibilities Commission Act 2008 (Qld) (the FRC Act), for the purposes of paragraph (b) of the definition of ‘Queensland Commission’ in section 123TC of the Act.

Section 123TC of the Act defines the ‘Queensland Commission’ as a body or agency that is established by a law of Queensland and specified in a legislative instrument made by the Minister for the purposes of paragraph (b) of the definition.

The effect of the Specification is that a notice given to the Secretary (as defined in subsection 23(1) of the Social Security Act 1991) by the Family Responsibilities Commission that requires that a person be subject to the income management regime under section 123UF (in Part 3B) of the Act will be recognised as a notice given by the ‘Queensland Commission’. Under Part 3B of the Act, a person is subject to the income management regime under that Part if, amongst other things, the ‘Queensland Commission’ has given the Secretary a notice requiring the person to be subject to the income management regime.

The Specification commences on 1 January 2012. The Specification ceases on 1 January 2013. The FRC Act is expressed to end on 1 January 2013.

Background

The Cape York welfare reform trial (the trial) is an Indigenous led reform aimed at addressing social inclusion outcomes, based on the Cape York Institute for Policy and Leadership’s detailed analysis of social dysfunction and proposals to rebuild social norms, improve education, personal responsibility and engagement in the real economy.

The trial is a place-based measure based on a comprehensive strategy to address intergenerational welfare dependence in four Cape York communities. The trial is implemented in partnership with the Queensland Government, Cape York Partnerships and the four communities of Aurukun, Coen, Hope Vale and Mossman Gorge.
The trial aligns closely with the National Indigenous Reform Agreement approach of multi-faceted efforts directed across a range of Building Blocks, with leadership of local Indigenous people being the centrepiece of the approach. The four communities involved are Remote Service Delivery National Partnership sites.

There are promising indications of positive change in the trial areas. There have been positive changes in school attendance, signs of increasing commitment to education by parents, growing indigenous authority and indications that levels of violence are decreasing.

The trial, part of which is the Cape York income management measure, commenced on 1 July 2008. It is proposed that there be an extension of the trial, and therefore the Cape York income management measure, to enable the trial to continue for a total period of four and a half years.

Extending the trial, and the Cape York income management measure, for a further 12 months will provide time to complete the evaluation of the trial which is due in early 2012. To ensure the trial continues to meet the needs of local people, the Queensland Government will lead a process of consultation with Cape York communities on the extension and on future directions for welfare reform.

**Operation of the Commission**

The FRC Act provides that the Commission may take action in relation to a person if the person is a ‘community member’ (as defined in section 7 of the FRC Act, which includes an assessment of whether the person is a ‘welfare recipient’ as defined in section 8 of the FRC Act) and an ‘agency notice’ (as defined in the Schedule to the FRC Act) has been given to the Commission about the person. A ‘community member’ includes a person whose usual place of residence is in a trial community. A ‘welfare recipient’ is a person who is a participant in the CDEP Scheme, or who is an eligible recipient of certain welfare payments that reflect the payments specified in section 123UF of the Act. An ‘agency notice’ is a notice about a matter relating to the person, including a notice about: child protection matters; criminal justice matters; the education of a dependant of the person; or housing and tenancy matters.

Under the FRC Act, the Commission may provide directions to the Centrelink Secretary requiring that a person be subject to the income management regime under Part 3B of the Act. The Specification is needed in order to supplement and recognise this action under the Act. The FRC Act also gives the Commission the power to: decide to take no action about a matter; give a person a ‘warning’ or reprimand about a matter; recommend that a person attend a community support service; enter into an agreement with a person under which the person must attend a community support service or becomes subject to the income management regime under the Act; and order that a person attend a community support service or be subject to the income management regime under the Act.
The FRC Act provides for the Commission to deal with matters in a way that facilitates early intervention, supports the restoration of socially responsible standards of behaviour and local authority in the trial communities and makes appropriate use of community support services. The FRC Act provides the Commission to operate in a conferencing model that is intended to provide an opportunity for the Commission to work directly with individuals to change behaviours.

Consultation

To ensure the trial continues to meet the needs of local people, the Queensland Government lead a process of consultation with Cape York communities on the proposed extension to 31 December 2012. This is consistent with the approach taken in 2007 before the Trial started.

Consultations occurred in late May and June 2011 led by the Queensland Department of Communities with assistance from the Department of Families, Housing, Community Services and Indigenous Affairs. Consultations occurred with community leaders, mayors, regional organisations, FRC Local Commissioners, Community Justice Groups and other community members via meetings and workshops.

Regulatory Impact Statement

A Regulatory Impact Statement and a Business Costs Calculator are not required as this Specification is not regulatory in nature, will not impact on business activity and will have no, or minimal, compliance costs or competition impact.