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Strategic review of Cape York Income Management

FINAL REPORT

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Glossary

BasicsCard	A pin-protected key card that can be used with standard EFTPOS facilities to enable access to income-managed money. The BasicsCard can only be used at merchants approved by the Department of Human Services.
Breach or breach notification	A notification received by the FRC that a client has breached an agreed social obligation trigger outlined in the <i>Family Responsibilities Commission Act 2008</i> (Qld) ('FRC Act'). Notifications can be received for school attendance (s40), school enrolment (s41), child safety (s42), conviction in court (s43), domestic violence (s43), or housing tenancy agreements (s44). See Introduction for more detail.
Cape York Income Management	The scheme of income management (i.e. quarantining of welfare income) that specifically applies to the CYWR communities of Aurukun, Coen, Hope Vale and Mossman Gorge on Cape York. Under CYIM, the FRC advise the Department of Human Services as to whom should be placed on CYIM, what amount of their income should be quarantined (that is, 60, 75 or 90%), and for what time period. The Department of Human Services then administers CYIM, based on the FRC's advice.
Commissioner	The Commissioner heads the FRC and is appointed under the <i>Family Responsibilities Commission Act 2008</i> (Qld).
Comparison areas	For the purpose of this evaluation, data was obtained from other Indigenous communities where the FRC and CYIM were not in place. These communities are: Bamaga, Cherbourg, Doomadgee, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormpuraaw, Weipa, Woorabinda, Wujal Wujal, and Yarrabah.
Conferencing	Once receiving a notification (see definition of <i>notification</i> below), the FRC has discretion over whether or not to proceed to conference. An FRC conference involves Local Commissioners meeting with a client in a restorative setting to discuss the reasons behind notifications and to agree on the best way forward. The conference setting is the forum within which CYIM is typically applied, though CYIM can also be applied <i>ex parte</i> if a client consistently refuses to attend conferencing.
Difference-in-difference analysis	A statistical analysis to assess the impact of an intervention. The analysis requires two groups – one that received an intervention (the treatment or intervention group) and one that did not (the comparison group). The average level of an outcome is measured twice for each group: once before and once after the time of the intervention. The analysis assesses whether the change between the before and after measures in the intervention group is statistically different to the change in the comparison community in the absence of the intervention.
Discrete time event history analysis	A statistical analysis to assess the impact of one or more explanatory variables on the time to an event occurring. The analysis uses longitudinal data that has been measured or observed at regular intervals, and can model repeated events in a history.

Fitted values	The predictions from a statistical model; that is, statistical predictions that are ‘fitted’ to the actual data.
Humberging	As opposed to the traditionally productive and generous social practice of demand-sharing (Altman, 2011; Peterson, 1993), ‘humberging’ refers to particularly aggressive and unremitting requests for money or alcohol, which are not always predicated on the need for reciprocity or exchange (Altman, 2011; Gerard, 1989).
Incidence	The number of occurrences of an event over a set period of time.
Income management	Income management refers to the quarantining of a portion of an individual’s welfare-derived income, which removes the ability to spend the quarantined portion on non-approved items (e.g. alcohol).
Income management spell	A spell is any set of consecutive months where the client had been on CYIM at least once during that month. Spells are measured from the date the CYIM order is received until the CYIM period ends or is revoked, whichever is earlier. There must be at least one month without CYIM between each spell. This measure differs from the number of times a client received a CYIM order, for example two consecutive CYIM orders that were not separated by at least one calendar month would count as one spell.
Interrupted time-series analysis	Time-series analyses are a family of statistical techniques for analysing trends in time-series data (that is, data that have been observed or measured for one individual or group, at regularly repeated time points over an extended period of time). Interrupted time-series analysis specifically assess whether an “interruption” to a time series (for example, a treatment or intervention) changes the overall trend in the data, either immediately following the interruption, or in the long term.
Local Commissioner	Local Commissioners are statutory appointments and are Elders or community leaders who are selected according to the process outlined in s14 of the <i>Family Responsibilities Commission Act 2008</i> (Qld). Wherever practicable, Local Commissioners should be representative of all clan or family groups in their community, and include both males and females. Local Commissioners play key roles in supporting and leading FRC conferences with clients, and deciding which clients should be subject to income management (and/or other determinations).
Longitudinal data	Data that has been observed or measured for a sample (for example, a set of individuals, households, or communities) at different points in time, allowing the sample to be tracked over time.
Mantra speak	The process by which an individual, or group of individuals, become familiar with and internalise the ‘official line’ or discourse that aligns with their organisation’s aims and objectives, rather than necessarily providing objective accounts.
Meta-analysis	A statistical technique used to combine the results of multiple individual analyses, and demonstrate not only the overall effect of an intervention seen in those analyses, but also the level of variability or uncertainty around that effect.

Multilevel logistic regression	Logistic regression is a statistical analysis used to estimate the relationship between one or more explanatory variables and an outcome variable, where the outcome variable has only two values. A multilevel logistic regression is used for data that has multiple levels or “nested” data (for example, repeated observations for the same individual; individuals living in the same community). This approach statistically accounts for the subgroups within nested data, whereby the members of one subgroup are more similar to each other than they are to members of other subgroups.
Notifications	When a social obligation trigger is breached, the FRC receives a notification from the relevant agency (under ss.40-44 of the <i>Family Responsibilities Commission Act 2008</i> (Qld)).
Ordinary least squares regression	A statistical analysis used to estimate the linear relationship between one or more explanatory variables and an outcome variable, where the outcome variable is measured on a continuous scale.
Prevalence	The proportion of a population who have experienced an event in a given period of time.
Social obligation trigger	Social obligation triggers are outlined in the <i>Family Responsibilities Commission Act 2008</i> (Qld), and concern school attendance (s40), school enrolment (s41), child safety (s42), conviction in court (s43), domestic violence (s43), and housing tenancy agreements (s44). Where an individual breaches a trigger, the FRC receives a notification from the relevant agency (see definition of <i>notification</i> above).

List of abbreviations

ALRC	Australian Law Reform Commission
AMP	Alcohol Management Plan
ANAO	Australian National Audit Office
ATODS	Alcohol, Tobacco and Other Drugs Service
BBNAC	Bamanga Bubu Ngadimunku Aboriginal Corporation
CCTV	Closed-circuit television
CDEP	Community Development Employment Projects
CEO	Chief Executive Officer
CYAAA	Cape York Aboriginal Australian Academy
CYIM	Cape York Income Management
CYWR	Cape York Welfare Reform
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
DVO	Domestic Violence Order
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FRC Act	<i>Family Responsibilities Commission Act 2008 (Qld)</i>
FRC	Family Responsibilities Commission
IM	Income management
IPNRC	Infrastructure, Planning and Natural Resources Committee

NTER	Northern Territory Emergency Response
OLS	Ordinary least squares (regression)
SET	Student Education Trust
SPRC	Social Policy Research Centre
YJ Act	<i>Youth Justice Act 1992</i> (Qld)

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Executive summary

Implemented in 2008, the Cape York Welfare Reform (CYWR) initiative aims to address passive dependence on welfare and commit people in the communities of Aurukun, Coen, Hope Vale, and Mossman Gorge to resume primary responsibility for the wellbeing of their families and their communities. This review examines one aspect of CYWR—income management (IM). Under the Cape York IM (CYIM) model, IM is administered by the Department of Human Services based on the guidance and decisions of the Family Responsibilities Commission (FRC).

Ultimately, only a relatively small proportion of FRC clients have ever been subject to a CYIM order. At its peak in 2008–2009 the percentage of FRC clients placed on a CYIM order was 20.7%, a figure which has declined annually to the 2017–2018 figure of 7.7%.

This review seeks to understand the impact of CYIM over the past ten years (2008–2018) in the original CYWR communities (i.e. excluding Doomadgee¹), drawing on available qualitative and quantitative data (e.g. qualitative accounts in the existing literature, FRC reports and FRC client data). Cape York communities are looking to make a decision about evolving from CYWR towards new arrangements based on the empowerment/development model. There is an expectation from communities that this review will inform a decision about the future of welfare quarantining in Cape York and what role the current CYIM approach can/should have in any future models. Different communities have different needs and may come to different conclusions.

CYIM is unique and, thus, conclusions arising from this review may not be able to be transferred to IM in other contexts. In fact, many of the conclusions depend on the unique IM delivery system that is peculiar to the CYIM model, rather than simply IM alone.

Brief summary of key findings

This review finds that, notwithstanding the detailed and extensive consultation process described by the Cape York Institute (2007), there was nevertheless a lingering feeling by some CYWR community members and leaders that CYWR, the FRC and CYIM were imposed, rather than agreed to. This lessened over time, but indicates a potential need to more carefully consider any future rollout of the scheme (or similar schemes).

The context within which CYIM is delivered (namely, through the FRC primarily by its Local Commissioners) is a key driving factor for any successes that can be attributed to it. This sets CYIM apart from other models in Australia, and enables it to be delivered in a way that is more culturally appropriate, promotes the restoration and rebuilding of Indigenous authority, and is uniquely matched to the individual circumstances of FRC clients. This is not the case with IM models being delivered in other parts of Australia. This delivery mechanism could provide useful lessons for future Cape York models, as well as other Australian models.

Because of the flexibility that is built into the CYIM model (e.g. the ability to quarantine 60, 75 or 90% of income), the FRC is able to design the right mixture of ‘push’ and ‘pull’ factors that meet the needs of each individual client’s unique circumstances. This involves applying CYIM in different ways—to coerce, incentivise, and more. The option of applying compulsory *and* voluntary IM is also apparently useful, particularly for community members who derive value from the perception that they have been placed on compulsory IM (even where they have asked that the FRC do so).

Evidence concerning the outcomes and impacts of CYIM is mixed. In many cases, there is good qualitative evidence that the FRC and CYIM have contributed to a reduction in alcohol (and in particular, harmful consumption of alcohol), drugs, violence and crime. There is also evidence that outcomes have improved in terms of children’s overall health and wellbeing, and engagement in school. The BasicsCard has been a helpful tool for assisting some community members to manage household budgets, provide for their families, and reduce opportunities for humbugging.

¹ The FRC also began operating in Doomadgee in late 2014, and CYIM was also later introduced (though with fewer notification triggers) in April 2016 (FRC, 2015e, 2016e).

In general, many accounts from FRC personnel and community members (including FRC clients) indicate a sense that their communities have improved under CYWR, and at least partially as a result of the FRC and CYIM. At the very least, CYWR, the FRC and CYIM appear to have helped to create a context that is conducive to positive outcomes, for example, where social capital is improving over time. They have also enabled some community members to feel more empowered to pursue positive changes in their own lives, and to set similar expectations for their friends, families and kin.

Although these qualitative data indicate a largely positive view, they are not always supported by the available quantitative data. Analyses of aggregated data at the community level show mixed results, whilst analysis of the data records of individual FRC clients indicate that whilst CYIM did not eliminate further breaches, it extended the time between breach notifications.²

One explanation for the discrepancies in the qualitative and quantitative data may be provided by the concept of collective efficacy, whereby the qualitative data suggests improved social integration and strengthening social structures and institutions, while the quantitative data indicates fluctuating indicators of social engagement.

There are also important limitations in both datasets that should be carefully considered, and which may also go some way to explaining the discrepancies between the data. For example, the potential for ‘mantra speak’ may reduce the validity of the qualitative data, while a great deal of the quantitative administrative data is particularly susceptible to changes in reporting behaviours, detection of certain behaviours and activities (e.g. by police), and by broader policies and programmes that operate alongside CYWR, the FRC and CYIM. These broader policies and programmes may contribute to the outcomes being sought under CYWR, or detract from them.

Most quantitative data around key outcome areas (e.g. schooling and safety) were also only available at the community level and, thus, include individuals who have had no contact with the FRC and CYIM.³ Unfortunately, due to timing and potential privacy issues, datasets that link individuals across multiple data points (e.g. school attendance, offending, child safety, welfare status, FRC exposure, etc.) were not available to inform this review. These would, however, enable a more valid analysis of outcomes that might be more closely associated with the FRC and CYIM.

² A breach refers to a notification received by the FRC that a client has breached an agreed social obligation trigger outlined in the *Family Responsibilities Commission Act 2008* (Qld) (‘FRC Act’). Notifications can be received for school attendance (s40), school enrolment (s41), child safety (s42), conviction in court (s43), domestic violence (s43), or housing tenancy agreements (s44). See Introduction for more detail.

³ The FRC only holds jurisdiction over welfare recipients, which account for around 60% of the CYWR communities’ populations (Bligh, 2008). Of these, only around 10% of the total client population are on CYIM orders at any one time (FRC, 2017e, p. 52), meaning community-wide data are being drawn upon to measure outcomes for a much smaller group.

The future of CYIM

There is a strong sense in the available qualitative data that both the FRC and CYIM should remain into the near future, though their shape and structure may evolve to accord with new arrangements based on the new empowerment/development framework. This is subject to ongoing consultation. Nevertheless, there are some challenges highlighted, particularly in the qualitative data, which may provide a starting point for discussions around future models.

These include challenges around:

- how to effect positive change amongst those beyond the FRC's jurisdiction (e.g. because they are not receiving welfare),
- how to overcome issues with some clients circumventing the BasicsCard,
- how to improve traction against a group of clients that are frequently described as being 'hard to reach', and
- how to improve service-delivery arrangements that support the FRC and CYIM.

It is also apparent that Local Commissioners derive great value from the support and mentoring they receive through the FRC structure, but that transition planning around the take up of these (or similar) roles by future leaders (including the potential role of existing structures like Community Justice Groups) requires further consideration.

On the whole, the review finds that the CYIM model has a number of unique characteristics that not only distinguish it from other Australian models, but may provide the key to any successes that are attributed to it. These factors may offer useful lessons when considering any future rollout of the model, or similar models, in Cape York and elsewhere.

1. Introduction

Implemented in 2008, the Cape York Welfare Reform (CYWR) initiative aims to address passive dependence on welfare and commit people in the communities of Aurukun, Coen, Hope Vale, and Mossman Gorge to resume primary responsibility for the wellbeing of their family and their community. The key aims of the initiative are to: ensure that kids are safe, fed and educated; reduce passive welfare dependency; support opportunities for economic engagement; and restore other positive social norms.

As part of the CYWR, the Family Responsibilities Commission (FRC) can direct 60, 75 or 90%⁴ of a person's income support payment to Income Management (IM) to pay for the priority needs of their family. The quarantined amount is diverted to a BasicsCard and can be spent on essential needs, like food and other consumables, but is not able to be spent on certain prohibited items (e.g. alcohol, cigarettes), nor converted into cash.

The FRC has jurisdiction over individuals who receive certain types of welfare, and who also breach agreed social obligation 'triggers', which are outlined in the *Family Responsibilities Commission Act 2008* (Qld) ('FRC Act'). Notifications can be received for:

- school attendance (s40)—where a student in a CYWR community area is absent from school for all or part of any three days during a school term and there is no reasonable explanation for the absences (determined by the Principal)
- school enrolment (s41)—where a child of compulsory school age who lives in, or whose parent lives in a CYWR community area, is not enrolled at school
- child safety (s42)—where the child protection chief executive becomes aware of alleged actual or risk of harm⁵ to a child in relation to conduct within a CYWR community area, or concerning a child who lives in a CYWR community area
- conviction in court (s43)—where a court⁶ convicts a community member of an offence, or makes a finding of guilt about a child⁷ of a community member of an offence
- domestic violence (s43)⁸—where a court makes a domestic violence protection order⁹ against a person
- housing tenancy agreements (s44)—where a social housing lessor becomes aware that a social housing tenant is using their premises for an illegal purpose, has not complied with a remedy notice, and/or is in rental arrears for at least seven days.

⁴ The FRC only gained the power to quarantine up to 90% of a person's income under CYIM in January 2014. Up until that point, the FRC only had the options of quarantining 60 or 75% of an individual's income.

⁵ 'Harm', as defined in the *Child Protection Act 1999* (s9).

⁶ For the purpose of the FRC Act, 'court' includes the Children's Court, Magistrates Court, District Court or Supreme Court.

⁷ In accordance with the *Youth Justice Act 1992* ('YJ Act'). However, in 2016 the FRC (2016c, p. 13) reported that it had stopped receiving Children's Court notifications because of changes to the YJ Act, which prohibits the publication of identifying information for children dealt with under s301. This has captured notifications to the FRC, rendering the addition of the Children's Court to the courts defined under the FRC Act redundant. The FRC (2017b, p. 14) recently reported that discussions with the Queensland Government indicate that "...there is no intention to legislate to provide Youth Justice notices to the Commission."

⁸ The FRC did not originally receive notices about domestic violence orders; it began receiving the first notices for domestic violence orders on 23 February 2016 (FRC, 2016e, p. 42).

⁹ As defined in the *Domestic and Family Violence Protection Act 2012* (schedule).

The Cape York model of IM (CYIM) is far more targeted than the original Northern Territory Emergency Response (NTER) model, and other Australian models.¹⁰ The FRC seeks initially to counsel clients about their behaviour and refer them to support services, while CYIM is primarily used as a means to reform behaviour if these initiatives do not work.

Overall, those under CYIM orders also only represent a small proportion of those on IM orders elsewhere. For instance, the total number of people being income managed across Australia in 2015 was reported to be 25,663; only 153 (0.6%) of these were managed under the CYIM scheme (Arthur, 2015). Furthermore, between 2015 and 2017 the total number of FRC clients on CYIM at any one time consistently represented less than 10% of its entire client cohort (FRC, 2017e, p. 52). At 30 June 2018, only 7.7% of the FRC's client cohort was placed on a CYIM order (Personal communication with FRC, September 2018).

There is general agreement that CYWR has addressed many of the issues it was designed to address, and that further outcomes can only be achieved by evolving the program to meet the changing needs of the communities through a place-based approach.¹¹ The purpose of this review is to inform how CYIM could be utilised in the future, following any changes to CYWR.

Cape York communities are looking to make a decision about evolving from CYWR and towards new arrangements based on the empowerment/development model.¹² There is an expectation from communities that this review will inform a decision about the future of welfare quarantining in Cape York and what role the current CYIM approach can/should have in any future models. Different communities have different needs and may come to different conclusions.

1.1 Scope of this review

This review was conducted over a relatively short timeframe (June–September 2018) and as such there were strict limits to its scope. It seeks to understand the impact of the CYIM program over the past ten years (2008–2018), drawing on available qualitative and quantitative data. Specifically, the data collected by the FRC in relation to decisions about income-managed participants, administrative data maintained by government agencies, and qualitative data derived from interviews, focus groups, FRC publications and other publicly-available reports, reviews and research papers.

The context within which CYIM is delivered distinguishes it from schemes delivered elsewhere. This context, particularly the roles of the FRC Local Commissioners, has undoubtedly influenced its operation and impact and, thus, is of critical importance when determining whether there are specific lessons to be learned from the Cape York model. For example, in its initial design recommendations for CYWR, the Cape York Institute (2007, p. 45) stated,

¹⁰ At the time of writing this Report, IM was also operating in the Northern Territory, parts of South Australia, Western Australia, in Shepparton Victoria, Bankstown in New South Wales, and Logan, Rockhampton and Livingstone in Queensland.

¹¹ The Queensland Government response to the Queensland Productivity Commission final report on its Inquiry into Service delivery in remote and discrete communities (both publically released on 22 June 2018) commits the state government to working in collaboration with communities to co-design and deliver place-based approaches, subject to the strengths and readiness of relevant communities that includes options for:

- **Structural reform** to provide for place based engagement, empowered community voice and decision-making and collaboration towards community-led service delivery;
- **Service delivery reform** that will deliver placed based service delivery models that align with community priorities and need; and
- **Economic development facilitated** through co-designed supports to Indigenous businesses, the Indigenous community owned service delivery sector and to local government.

¹² For example, see Pama Futures (2018).

“...conditional payments alone are not a panacea for damaging social norms, yet when they form part of a comprehensive strategy involving productive investment and support services, the results are likely to be positive.”

Thus, although this review focuses specifically on CYIM, it also considers the context within which CYIM is delivered and the role this has played in shaping how CYIM has been implemented, received, and whether or not there is evidence that it has achieved its intended outcomes and impacts.

Finally, this review focuses specifically on the original CYWR communities of Aurukun, Coen, Hope Vale and Mossman Gorge and does not include the newer FRC community of Doomadgee in its scope. The FRC was extended to Doomadgee in late 2014, and Local Commissioners were able to also apply CYIM from early 2016 onwards (FRC, 2015e, 2016e). However, the FRC in Doomadgee is only relatively young, and operates differently insofar as its Local Commissioners do not yet conference alone, can only conference based on two types of trigger notifications (school attendance and child safety), and are not supported by the broader CYWR service-delivery model. Therefore, comparisons between the original CYWR communities and Doomadgee are problematic.

As discussed throughout this review, CYIM is unique. Therefore, conclusions arising from this review may not be able to be transferred to IM in other contexts.

1.2 Structure of this report

Initial sections of this Report describe the methods used to collect and analyse both qualitative and quantitative data that informed the review (chapter 2). The limitations of both types of data are also discussed. The Report then examines the implementation of CYIM as a means of distilling any possible lessons that may be helpful for informing the design and rollout of future models (chapter 3).

Chapter 4 of the Report describes the FRC’s specific approach to delivering CYIM, focusing on four distinct themes: its ability to rebuild local cultural authority, draw on often intimate knowledge about the circumstances of its clients when applying CYIM, use culturally-appropriate and sensitive modes of delivery, and use the conferencing function (i.e. the process by which, after a notification is received, FRC Local Commissioners come together with the FRC client in a restorative setting to discuss the breach and available courses of action) for standalone benefits, but also as a mechanism through which CYIM is delivered.

The Report then goes on to discuss the different ways in which the FRC appears to apply CYIM (chapter 5), before outcomes-focused data are examined in chapter 6. In particular, chapter 6 discusses outcomes of the FRC and CYIM in relation to alcohol, drugs, violence/crime, money for basic needs, schooling, children’s health/wellbeing, and reductions in trigger notifications. (This review does not consider community-level outcomes in relation to the FRC’s housing tenancy trigger, because valid data was not available.) These outcome areas align with the original intentions of the CYWR, FRC and CYIM models, and also arose as key themes from the qualitative data.

Finally, ongoing challenges of CYIM are considered and potential issues that require further exploration, in order to inform possible future models, are summarised (chapter 7). Chapter 8 provides a final summary and conclusion.

2. Methods

This review triangulates both qualitative and quantitative data, derived from a range of sources. The following sections describe the methods employed to collect and analyse both types of data. Key limitations are also described.

2.1 *Qualitative methods*

2.1.1 *Qualitative data collection*

In order to enable a broad sweep of the available data, and to incorporate diverse perspectives wherever possible, qualitative data for this study were triangulated from a range of different sources. These included:

- all quarterly and annual reports published by the FRC since it was established in 2008 (46 reports in total);
- two books published by the FRC (Dean, 2013, 2017);
- existing evaluations and reviews concerning CYIM; and
- other public documentation concerning the FRC and CYIM (e.g. peer-reviewed academic publications, Hansard debates).

The research team also drew upon transcripts from:

- two focus groups conducted by the Department of Social Services with the FRC Commissioner, Deputy Commissioner and Local Commissioners on 10 May 2018, and
- three semi-structured interviews with the FRC's Commissioner, Registrar and Senior Advisor (Statistics and Research) (interviewed together), and the State Government Senior Coordinator for Aurukun conducted by one member of the research team over the course of a one-day visit to Cairns on 1 June 2018.

Each data source is summarised in the data matrix available at **Appendix 1**.¹³

2.1.2 *Qualitative data analysis*

The qualitative data was analysed using thematic coding and content analysis. A grounded-theory approach was adopted as a means of enabling the findings to emerge organically from the available data. Where a consistent theme emerged across multiple sources of qualitative data, it was coded accordingly.

The data covered the full period from the FRC's inception in 2008 until June 2018. Collectively, it enabled insight into the functioning of the FRC and CYIM, the work and views of the FRC Commissioners and other key FRC staff, existing evaluative evidence concerning CYIM, and views and insights provided by other persons who have played key roles in the design and delivery of CYIM. The data also contained a number of client case studies and excerpts of client feedback.¹⁴ These are referred to throughout the Report, and are also included in full at **Appendix 2**. They were particularly useful in terms of providing a ground-level narrative about the use, outcomes and impacts of CYIM on community members' lives.

Although the qualitative data relied upon for this review were broad and enabled rich analysis, they also hold some limitations.

¹³ All appendices to this Report are contained in a separate appendix document.

¹⁴ Case studies and client feedback were predominantly derived from the FRC reports, though other reports also contained smaller excerpts (e.g. von Sturmer and Le Marseny, 2012; CYWR evaluation, 2012).

2.1.3 *Limitations of the qualitative data*

The qualitative data drawn upon for this review are primarily derived from the FRC (e.g. FRC reports, books, interviews with Local Commissioners and other FRC personnel). In many ways, this adds great value to the data—members of the FRC are arguably best placed to speak to the inner workings of CYIM, including the evidence they see, first-hand, of its impacts. However, this also inevitably introduces the possibility of bias.

FRC Commissioners and other staff, many having dedicated large portions of their lives to their work, have a stake in seeing it produce positive outcomes. It is also possible that FRC personnel (and others) may unknowingly engage in ‘mantra speak’, whereby they become familiar with and internalise the ‘official line’ or discourse that aligns with the FRC’s aims and objectives, rather than necessarily providing objective accounts of outcomes and impacts (von Sturmer and Le Marseny, 2012, p. 4).

Wherever possible, the review team has attempted to balance these accounts by drawing on broader literature (e.g. peer-reviewed academic publications) and community members’ direct accounts from past evaluations and reports, where these were available. However, there is likely still some level of sampling bias in the qualitative data relied upon for this study, which should be considered when interpreting the qualitative findings.

It is also difficult to tease out the effects of CYIM specifically given there have been many other changes in the CYWR communities since 2007. For example, one of the most significant changes in Aurukun was the closing of the Aurukun Tavern in 2008—the same year as the FRC began its work. Although there are many qualitative accounts attributing lower alcohol consumption to the FRC and CYIM, it is far more likely that this has been caused by a combination of factors, of which the FRC/CYIM are only one. In a similar vein, the FRC Commissioner stated (in Interview 1, 2018, p. 3), “Well, every one of those [CYWR] communities is a far better place, and it’s not just because of the FRC.”

Finally, the circumstances and history of the CYWR communities also play an undeniable role in shaping the context within which the FRC and CYIM operate. These contexts are marked by significant social disadvantage and, in many cases, extensive intergenerational trauma. Often, this trauma has its roots in the violent histories of colonisation and segregation experienced by those living in the CYWR communities, as well as their ancestors. The very makeup of the communities, which has been driven and influenced by the history of forced removal and relocation of Aboriginal peoples, are an example of the ever-present results of colonisation. Although a ten-year period is significant in an individual’s life, it is less significant when considered against this centuries-long history. Thus, it is likely that longer timeframes will provide richer evidence of the outcomes and impacts of these programmes, especially those outcomes that may only be felt across generations.

2.2 *Quantitative methods*

2.2.1 *Quantitative data collection*

2.2.1.1 *Offence data*

Publicly available reported offence data was obtained from Queensland Government data online.¹⁵ Monthly reported offence rates per 100,000 persons from January 2001 to March 2018 were obtained for the police divisions of Aurukun, Coen, and Hope Vale. Reliable offence data was not available for Mossman Gorge.¹⁶

Corresponding data was also obtained for the comparison divisions of Bamaga, Cherbourg, Doomadgee, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormpuraaw, Weipa,

¹⁵ These data are available at: <https://data.qld.gov.au/dataset/offence-rates-police-divisions-monthly-from-july-2001>.

¹⁶ Police divisions do not have 100% spatial correspondence with Indigenous communities, and are at times significantly larger than the included community. In the case of Mossman Gorge, the population of the Indigenous community was disproportionately smaller than that of the corresponding division, so was excluded from the analyses.

Woorabinda, Wujal Wujal, and Yarrabah. These divisions were selected as they corresponded to Queensland Indigenous communities.

Data was disaggregated by the following offence types:

- assault
- breach domestic violence protection order
- drink driving
- drug offences
- liquor (excluding drunkenness) offences
- good order offences
- offences against property
- offences against the person
- public nuisance
- sexual offences, and
- traffic and related offences.

2.2.1.2 Education data

Publicly available school attendance data was obtained for all schools in Indigenous communities from Queensland Government data.¹⁷ Data was available at the school level, from 2013 to 2017, reported as annual attendance percentages.

2.2.1.3 Child safety data

Publicly available data on child safety notification rates was obtained from Queensland Government data. Data was collected for all Cape York Indigenous communities, both FRC communities and comparison communities. Data was available at the community level, from 2010 to 2016, reported as annual notification rates.

2.2.1.4 FRC data

De-identified longitudinal data for all FRC clients from Aurukun, Coen, Hope Vale and Mossman Gorge were obtained from the FRC. The dataset included information about clients': community of residence, periods of time spent on IM, history of trigger events, and history of service referrals.

2.2.2 Quantitative data analysis

Aggregate data was first presented as time-series graphs to assist in visualising changes over time.

Outcome data was first analysed in a series of pre-post difference-in-difference models. These models compare each intervention community to each appropriate comparison group to gain a community-by-community assessment of the overall impact of the intervention. Difference-in-difference analyses were only conducted for offence data. Child safety and education data¹⁸ were not analysed using this method because data was not available prior to the intervention.

Monthly offence data was next analysed in a series of interrupted time-series analysis models. Whilst difference-in-difference analyses determine whether there was a significant change in the average level of an outcome over and above that seen in the absence of the intervention, they do not assess whether there is an immediate impact of the intervention, nor whether there is a change in trend that may be attributed to the intervention.

Interrupted time-series analyses assess the trend in outcome before the intervention, assess whether there was a significant shift in the outcome immediately following the intervention, and finally assess if the trend changed again following any initial shift. Each analysis incorporates a one-month lag

¹⁷ These data are reported at school level. Some schools that enrol students from Indigenous communities may have greater levels of enrolments of students from beyond those communities.

¹⁸ School attendance data collected before 2008 are not comparable with data collected more recently (SPRC and FaHCSIA, 2012, p. 224).

between the outcomes in adjacent months, in order to account for any immediate temporal autocorrelation, whereby outcomes in one month were correlated with outcomes from the previous month. Finally, the analysis provides a measure of variability or uncertainty around each of the estimates.

Ordinary least squares (OLS) regression analyses were conducted on child safety data and education data only. This data was not suitable for interrupted time-series analysis, as no data was available for years prior to the CYWR intervention. Therefore, these analyses do not assess whether there was a change in trend following the intervention, but rather, whether the trends seen in recent years in the intervention communities are significantly different to the trends seen in comparison communities.

The effect estimates from the interrupted time-series analyses and the regression analyses were combined using random effects meta-analysis. Meta-analysis is a statistical technique used to combine the results of multiple individual analyses, and demonstrate not only the overall effect of an intervention seen in those analyses, but also the level of variability or uncertainty around that effect. It also allows for moderator analyses—that is, it analyses whether the effect is statistically significantly different between groups.

In order to determine whether the number of CYIM clients in a community is related to offence, education, and child safety outcomes, a series of regression models were run. The results of these regression analyses were combined using meta-analyses to estimate the overall impact of CYIM on offences, and to evaluate differences in effects amongst communities.

Finally, to assess whether CYIM changed individuals' behaviours, a series of analyses were conducted: a set of descriptive analyses of CYIM and breach notification histories; a multilevel logistic regression model that assessed which breach notification types were most likely to lead to CYIM; and an event history analysis that assessed the relationship between spells on CYIM and future breach notifications.

For further detail on the quantitative analyses, see **Appendix 3**.

2.2.3 Limitations of the quantitative data

A core limitation of the quantitative analysis of the aggregate data is the inability to isolate the impact of CYIM, over and above the impact of the CYWR initiative and FRC more generally, as these interventions are intertwined. Consequently, any impacts seen at the aggregate level may not be directly attributable to CYIM. However, without access to datasets that extensively link individuals across offence, education, child safety, and welfare data, these aggregate analysis must stand as proxies.¹⁹

The multilevel regression and event history analyses aim to overcome these limitations by linking individuals and their subsequent breaches. The multilevel regression model links repeated episodes of breaches and CYIM episodes for individuals over time to evaluate the types of breaches most likely to lead to CYIM. The event history analysis model analysed repeated episodes of CYIM, breaches, and service referrals over time to allow an evaluation of individual behaviour change.

Another key limitation with the aggregate data is that the geography of various administrative datasets is not always well matched to the geography of Indigenous communities. For example, police divisions do not have 100% spatial correspondence with Indigenous communities, and are at times significantly larger than the included community. In the case of Mossman Gorge, the population of the Indigenous community was disproportionately smaller than that of the corresponding division, and so was excluded from analysis for offence outcomes. It is also possible that offences, child safety reports, and school attendance rates may be clustered in a small number of families, and therefore the

¹⁹ Unfortunately, due to timing and potential privacy issues, datasets that link individuals across multiple data points were not available to inform this review. As a further note, health data on relevant issues, such as children's health or hospitalisation for assault, were not publicly available at an appropriate geographic level.

behaviours of a small number of individuals (who may or may not be FRC clients) may have a large impact on the aggregate outcomes.

Finally, one of the key limitations with all police data lies in the possibilities of reporting and/or policing biases. If statistical analyses demonstrate that reported offences go up after a particular intervention, there are multiple possible interpretations. The intervention may have encouraged police to be more proactive, increased the perception of police legitimacy in the community, or altered the community's sense of self-regulation. Each of these scenarios could lead to increased reported crime. Alternately, there may be a community backlash that leads to an actual increase in crime. Caution must, therefore, be taken in interpreting change in offence data.

3. Implementation of CYIM

3.1 Implementation process

The Cape York Institute (2007a, p. 149–150; 2007b, pp. 40–43) described having undertaken 18 months of extensive consultation and engagement through a variety of means during the development of the CYWR design. This occurred across three phases, which involved a mixture of:

- community-engagement forums,
- meetings with community leaders and Elders,
- multiple information sessions covering different aspects of CYWR,
- community-wide door-knocks,
- meetings with smaller focus groups of community members,
- one-on-one meetings with community members, and
- the ongoing presence of two full-time community engagement officers in each of the communities for a 12-month period (Cape York Institute, 2007b, pp. 40–43).

Endorsement was recorded through the collection of community members' signatures (Cape York Institute, 2007b) and agreement from community leaders. Ultimately, the Aurukun and Hope Vale Mayors and representatives of Coen and Mossman Gorge²⁰ agreed, on behalf of their communities, to take part in the CYWR trial (Dean, 2013), a key component of which was the introduction of CYIM, to be applied through the FRC.

As part of the initial CYWR implementation, Local Program Offices were also established in each of the communities. These housed representatives from each of the CYWR tripartite partners—the Commonwealth Government, State Government, Cape York Institute—and a local community member. They were intended to carry on the engagement process in the communities, but were ultimately dissolved when new governance arrangements were introduced under the National Partnership Agreement on Remote Service Delivery (2009–2014).

Notwithstanding this period of intensive consultation and engagement, there was still some level of confusion when the FRC and CYIM were subsequently implemented. At least some community members were confused about what the FRC was, how it would operate, and what it would mean for them.

“...At first there was confusion around the purpose of the Commission and whether it would be a real authority amongst our community...” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 32)

“...Many people in Coen did not understand our role and there was fear around attending conference...” (Coen Local Commissioners in FRC, 2012e, p. 28)

Some believed the FRC was an arm of Child Safety, or another court, or that CYIM orders involved the FRC stealing clients' welfare payments (FRC, 2012e; Dav'ange Consulting, 2018; Interview 2, 2018).

“...Initially, many in the community believed it was the Commission that brought these children to the notice of the Department of Communities, Child Safety and Disability Services, and this belief created a large amount of bad feeling toward the Commission.” (FRC, 2012e, p. 76)

“...A lot of people were not happy, because they were like, oh, so now they're going to control our money, you know. We're not going to get our money in our bank accounts, you know...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 9)

²⁰ Only Aurukun and Hope Vale have local shire councils. Coen is part of the larger Cook Shire Council, while Mossman Gorge is part of the Douglas Shire Council. Coen and Mossman Gorge also have local Indigenous organisations that provide leadership and advocacy for their communities.

“When we first started, I think most of the clients thought we were, they were coming for a second court...” (Coen Local Commissioner in Focus Group 1, 2018, p. 2)

At least partially because of this confusion, initial client responses were not always positive.

“Yeah, we got abused, we got sworn at, we got threatened, you know, all those things were happening...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 2)

“There was originally a great deal of animosity towards us as commissioners and members of the FRC within the community. There was a lot of abuse... People came to the FRC angry...” (Local Commissioner in von Sturmer and Le Marseny, 2012, p. 15)

“[Commissioner Glasgow] has been threatened by people with weapons, people trying to punch him and the dirty mouths throwing words at him...” (FRC client in FRC, 2013e, p. 21)

These responses extended to CYIM and the use of the BasicsCard.

“A large percentage of clients were initially reluctant to accept the BasicsCard...” (FRC, 2010e, p. 45)

Initial reactions such as these may have also been, in part, because of the confronting nature of the FRC and CYIM, which was described by one Local Commissioner as holding people ‘accountable’ for their actions and behaviours (von Sturmer and Le Marseny, 2012, p. 15). The fact that the FRC Local Commissioners also discussed issues that were sometimes very personal was also perceived by some clients as being, at least initially, very confronting.

“...I did not want to discuss private matters with these Local Commissioners.” (FRC client in FRC, 2012e, p. 43)

“..The Commissioners were full on. They told me they had received reports from agencies like Child Safety Services and Education Queensland, and they knew the details of the reports. I was upset and could not understand why it was their business...” (FRC client in FRC, 2013e, p. 68)

“...people were confronted with their behaviour...” (FRC client in von Sturmer and Le Marseny, 2012, p. 13)

“...we were often abused by community members who felt we did not have the right, or authority, to discuss personal issues with them...” (Aurukun Local Commissioners in FRC, 2012e, pp. 74-75)

It is also possible that the FRC provided a new ‘sounding board’ for people’s aggression and anger at their own situations (von Sturmer and Le Marseny, 2012, p. 15).

“People were annoyed at their predicament, not at us. It was their predicament that made them angry...” (Local Commissioner in von Sturmer and Le Marseny, 2012, p. 15).

In addition to sometimes negative reactions by community members, there was also some level of opposition from at least one of the local councils soon after the CYWR, the FRC and CYIM were implemented.

Despite the fact that the Hope Vale Shire Council had formally agreed to take part in the initiative by signing the ‘Hope Vale Agreement’²¹ in May 2007, and formally opting into the CYWR trial in December 2007, there was subsequently a sense that CYWR, the FRC and CYIM had been imposed, rather than agreed to.²² The Hope Vale Shire Council’s Chief Executive Officer (CEO) (in Dean, 2013, pp. 58–59) stated that:

²¹ The Hope Vale Agreement was made between the Commonwealth Government (represented by then Minister for Indigenous Affairs, Mal Brough) and the Hope Vale Aboriginal Shire Council. Under the Agreement, the Hope Vale Council agreed to participate in IM, to be administered by the FRC.

²² There is also some evidence that, despite initial strong Council support from Aurukun, this also waxed and waned over the lifespan of CYWR. For example, this support waned around 2014, when the Aurukun Mayor became outspoken against the

“...his perception was that the community believed the trial was imposed on it, notwithstanding the Council’s acceptance of it...”

A Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 4) recently expressed a similar sentiment.

“...it [CYWR] was really dumped on us...”

It is unclear whether this feeling emerged from the Council itself, or was a reflection of broader community sentiment, but the Council moved between proffering its support for CYWR, the FRC and CYIM at some points in time, and then becoming a vocal opponent at other times. For instance, one Local Commissioner (in von Sturmer and Le Marseny, 2012, p. 16) described how the Hope Vale Shire Council, at one point, put out radio broadcasts “...about getting rid of the FRC...”

In Dean (2013, pp. 58–59), the Hope Vale Shire Council CEO was reported as having said,

“...there was a lack of consultation by the CYI [Cape York Institute] with the local people. He agreed that the reforms proposed were sound but the proposed model was developed without adequate local consultation and the community was not wholly trusting of it.”

This sentiment has also been expressed by at least some of the Hope Vale Local Commissioners (e.g. in Focus Group 2, 2018, p. 4; FRC Local Commissioner in von Sturmer and Le Marseny, 2012, p. 16). However, further detail regarding how the mode or extent of consultation and engagement in Hope Vale might have been improved are unclear.

It is also possible that negative views held by the Hope Vale Council may have been partially due to the fact that the FRC was perceived as an alternative power structure (Hope Vale Local Commissioner in von Sturmer and Le Marseny, 2012, p. 16), while von Sturmer and Le Marseny (2012, p. 13) also suggested that control over funding was a potential issue.

Regardless of the different factors that played into these views, it is possible that they could have been negated, at least to some degree, by additional attention to the need for ensuring a strong and ongoing coalition of support for the reforms. As Limerick (2012) recounted, “The inability to sustain a partnership with Hope Vale Council... [was] a significant challenge in the trial’s implementation.”

Ultimately, “There was no backup plan for dealing with a hostile response” (von Sturmer and Le Marseny, 2012, p. 13), and it had a considerable impact on how the CYWR, FRC and CYIM were perceived (Limerick, 2012). Thus, it likely also impacted how community members engaged with these institutions, at least in the early days of the FRC’s operations.

3.2 Educating and building trust over time

Because of early indications that many misunderstood the role of the FRC and CYIM, the FRC undertook considerable work, especially over its first couple of years of operation, to educate community members. This involved inviting vocal opponents to meet with Local Commissioners and “...discuss their concerns and fears” (FRC, 2009e, p. 46). It also involved consistent efforts at building relationships through conferencing and broader community events.

“Much of the work to explain the... objectives of the Commission fell to the Local Commissioners in each community. The Local Commissioners took up the challenge and worked tirelessly throughout the past year to inform and educate all sectors of the community about how the Commission works and their role within the Commission...” (FRC, 2010e, p. 50)

reforms. This may have been, in part, because the reforms were introduced and agreed to under a previous Mayor, who was replaced after he suddenly passed away in April 2012. Nevertheless, the current Aurukun Mayor has more recently spoken out in strong support of the CYWR.

“...we had to spend a lot of time explaining that we were not there to punish them further, but we were there to help them to improve their lives.” (Coen Local Commissioners in FRC, 2014e, p. 30)

The FRC has reported that, largely through the work of the Local Commissioners (FRC, 2010e), community members have improved their understanding of the FRC and CYIM. The fact that, over time, more and more community members have had direct contact with the FRC has undoubtedly also played a role; they have experienced its functions first-hand. This was also supported by the CYWR evaluation, which found that those who had contact with the FRC were more likely to express support for it (Colmar Brunton, 2012).

This has resulted in many changing their perceptions of the FRC.

“We have instilled in our community that the Commission is a place of assistance rather than fear.” (Coen Local Commissioners in FRC, 2009a, p. 14)

“...as time moved on and they learnt to have trust in us and, and have faith in us and eventually they came back to us for more support...” (Coen Local Commissioner in Focus Group 1, 2018, p. 2)

“...it has been good to see more and more people attending conferences with smiles on their faces...” (Aurukun Local Commissioners in FRC, 2010e, p. 14)

“There is now a better understanding of the good work the Commission is doing in the community...” (Aurukun Local Commissioners in FRC, 2012e, p. 74–75)

This has also extended to CYIM.

“[Although initial reactions to the BasicsCard were negative]... These clients found over time that the BasicsCard provided many benefits to their family...” (FRC, 2010e, p. 45)

“...I’ve seen that the community have a better understanding of the BasicsCard and what it’s there for, and... [saying] we want to be on the BasicsCard, like, voluntary. And, which is a good thing [*sic.*], because they understand that the BasicsCard is good for them and will help them...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 9)

Then Member for Cook, Jason O’Brien (in Queensland Parliament, 2011, p. 3382), agreed that:

“Four or five years ago, the need for social change in those [CYWR] communities was completely apparent but the resistance to change was large. There is still some resistance to change in those communities, though it is dissipating rapidly. It is dissipating rapidly because people in those communities are seeing the benefits of change and seeing what can happen when social change occurs.”

Similarly, FRC Commissioner Glasgow (in Interview 1, 2018, p. 6) stated,

“...the reality was that people started to see that there was a change and they’d put a bit more effort [in] for themselves, and that collective effort improved... and really the community started to look a little bit more after itself.”

In some cases this work is still ongoing (e.g. “...still, we get abused, we get sworn at by our own community members...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 3)). However, there is a broader feeling that once community members became more familiar with the role and processes of the FRC, including CYIM, and gained first-hand experience of how they worked, they become more supportive and more willing to engage.

3.3 Summary of findings

Early experiences indicate a need to carefully consider protocols for any possible future implementation of the FRC and/or CYIM (or similar models). Notwithstanding the fact that extensive consultation and engagement were undertaken by the tripartite partners (and primarily led by the Cape York Institute) before CYWR, the FRC and CYIM were introduced, there was still some level of misunderstanding around the role of the FRC and CYIM during and after implementation. There has

also been vocal opposition to the CYWR, FRC and CYIM from at least one of the participating Shire Councils, though this opposition has waxed and waned over time and the Councils are ultimately now supportive of the reforms. This has, however, hindered the process of implementing and ensuring continued support for the reforms.

Any future extension of the CYWR, FRC, CYIM and/or similar models should include careful consideration of how coalitions of support for reform can be established and nurtured over time. By maintaining strong leadership support for future models, it may be possible to improve overall community buy-in, trust, and early as well as sustained take-up.

There was significant investment in long-term community engagement around the reforms. However, greater focus on community-wide education regarding the functions of the FRC, including how CYIM would operate, prior to its implementation may have also been helpful in dispelling myths and encouraging greater early engagement. It may also be the case that, regardless of how much education is undertaken, community members will not fully appreciate the functions, opportunities and impacts created by the FRC/CYIM and/or similar models until they experience these first hand.

4. The FRC’s approach to delivering CYIM

The following sections discuss the value of the FRC as the structure through which CYIM is delivered, focusing specifically on the following key themes that arose from the qualitative data: the importance of cultural authority, local knowledge, and the conference setting. Evidence concerning the use of CYIM is then discussed in chapter 5 (*Application of CYIM*).

Where the FRC receives an agency notice in relation to a community member, it follows the process outlined in Figure 1 below **Error! Reference source not found.** Once receiving a notification, the FRC has discretion over whether or not to proceed to conference, and what other actions should be taken during and after conference. CYIM is only one of multiple courses of action available to the FRC.

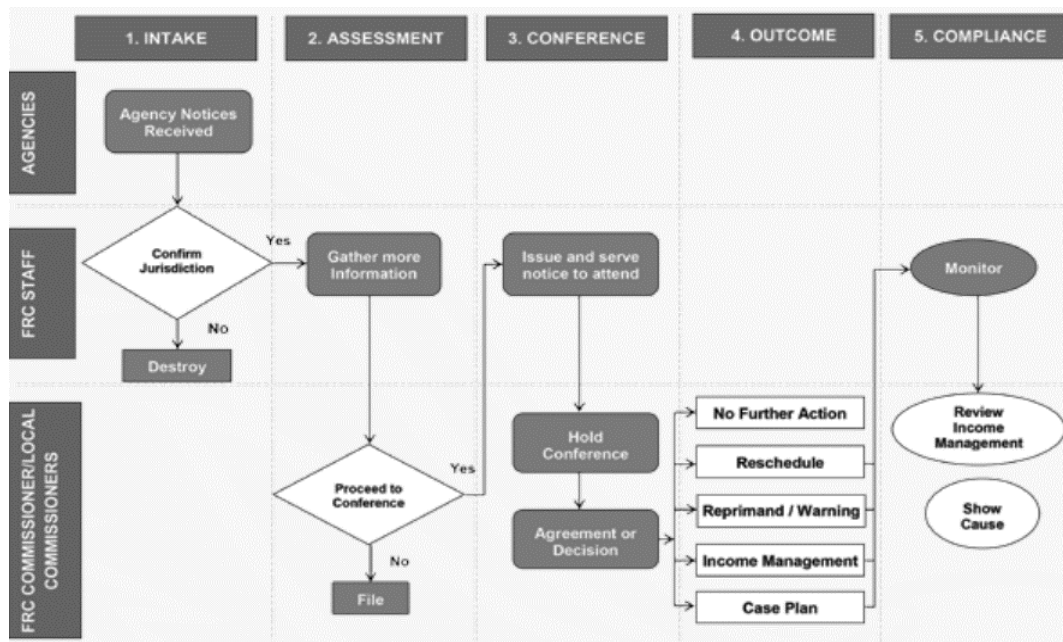


Figure 1 Flowchart of FRC standard processes

Source: FRC, 2017e, p. 16.

Under s68 of the FRC Act, the FRC can decide to enter into a ‘family responsibilities agreement’ with a client. Under the agreement, the client can be directed to attend support services in accordance with a case plan, and/or be subject to a CYIM order.

Where a person fails to attend a scheduled conference, the FRC must, under s65 of the Act, reschedule the conference. If a person fails to attend a rescheduled conference, the FRC holds the right to proceed in the person’s absence. This can involve conducting the conference and making *ex parte* decisions about the person, including imposing CYIM.

4.1 Rebuilding local Indigenous authority

One of the many devastating effects of colonisation across Australia, including in the four CYWR communities, has been the severe disruption and/or undermining of traditional local authority structures, which originally maintained and enforced Indigenous social and cultural norms through traditional lore. The FRC Local Commissioners were intended in the original CYWR design to be a key mechanism through which local authority could be re-established and/or, where it still existed, empowered (Cape York Institute, 2007). The Cape York Institute (2007, pp. 22–23, 49) explained,

“A community-owned process where dysfunctional behaviour is confronted will rebuild social norms and Indigenous responsibility...

[The FRC] would not only provide the gravitas and stature of a Crown body, but critically, would give power to local Indigenous people to take responsibility for the enforcement of the obligations and rebuilding of social norms.”

The FRC Local Commissioners were intended as catalysts for shaping group norms (Reynolds, Subasic and Jones, 2012). A Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 27) offered further context:

“...not forgetting the histories of our communities, where we were placed there by government. They took feuding clans, and said get on for the sake of Christianity. But there has not been anyone responsible for the social aspects of our community and FRC has taken on that role, restoring law and order in that way.”

This empowerment of local Indigenous leaders to apply CYIM is a key feature that distinguishes the Cape York model from those implemented elsewhere in Australia (Australian Law Reform Commission (ALRC), 2012). There is considerable anecdotal evidence that CYIM has been successful in achieving its objective to support and rebuild local authority.

“We know that the meaningful engagement with our clients and their willingness to take on board our guidance is a sign of our acceptance as Commissioners and the returning of traditional authority to our community.” (Hope Vale Local Commissioners in FRC, 2011e, p. 18)

“...our authority is no longer challenged. Community members proactively seek help from us...” (Aurukun Local Commissioners in FRC, 2012e, pp. 74–75)

“...we are now much more than just a Commission; we are leaders and supporters of our community.” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 32)

The CYWR evaluation findings at least partially supported these views, indicating that community members who had endorsed the FRC were also more likely to report there was strong leadership in their community (Reynolds, Subasic and Jones, 2012). Limerick (2012, p. 6) concluded that “A successful feature of the trial has been the rebuilding of Indigenous authority to tackle antisocial behaviour through the local FRC Commissioners...”

Local Commissioners have also demonstrated increased authority by chairing their own conferences without the presence of the FRC Commissioner or Deputy Commissioner (FRC, 2014a, p. 2).²³

“This year we have concentrated our efforts on conducting more conferences without the assistance of Commissioner Glasgow. As a result we have found that the community is showing greater respect for us as leaders.” (Aurukun Local Commissioners in FRC, 2014e, p. 28)

In 2017–2018, Local Commissioners sat alone for:

- 98.1% of all conferences in Aurukun,
- 88.4% of all conferences in Coen,
- 98.9% of all conferences in Hope Vale, and
- 26.4% of all conferences in Mossman Gorge²⁴ (Personal communication with the FRC, 21 September 2018).

²³ Local Commissioners were originally required to sit with either the Commissioner or Deputy Commissioner. Later, the addition of s50A to the *Family Responsibilities Commission Act 2008* (Qld) enabled at least three Local Commissioners to sit in conference alone, without the Commissioner or Deputy Commissioner being present (FRC, 2014a, p. 2). Over time, Local Commissioners in each of the four communities increasingly conducted conferences alone (FRC, 2015e, p. 42; 2016e, p. 48).

²⁴ Mossman Gorge only has three Local Commissioners and, during the 2017–2018 financial year, one Local Commissioner took up another significant position based in Cairns. Because the FRC requires a quorum of three Commissioners to sit in conference, this has temporarily reduced the ability of the Mossman Gorge Local Commissioners to sit without the Commissioner also being present. For example, in the 2016–2017 financial year, Mossman Gorge Local Commissioners sat independently 81.2% of the time (Personal communication with the FRC, 21 September 2018).

They also regularly provide advocacy and leadership for their communities, including being called upon by external parties for advice (FRC, 2009c; FRC, 2010a; FRC, 2017e; IPNRC, 2017, p. 4) and taking up other leadership roles (FRC, 2012c, 2017e; Dean, 2013; Focus Group 1, 2018).²⁵ They have received praise from other services about their ability to provide positive leadership (e.g. Queensland Police Service representative in FRC, 2012e, p. 20; Mossman Gorge Wellbeing Centre staff speaking about Mossman Gorge Local Commissioners in FRC, 2016e, p. 20), have been awarded Order of Australia Medals for service to their communities (FRC, 2015e), and, at least some community members who were originally cautious of the FRC now perceive the Local Commissioners as role models.

“When the Commission first came to our community we all thought it was going to be just another person coming into community telling us what to do... We then found out some of our aunties and uncles were now Local Commissioners and unlike in the Murri Court, they were equal decision makers. We did not think this could be true and believed that they were just token names on a committee...

[Now] I hope one day when I am an older woman with traditional respect, that my courage and job skills will make me a Local Commissioner. I want to be a strong and smart woman doing the best for my children, family, clan and community.” (FRC client in FRC, 2012e, p. 80)

“...you’ve built them [Local Commissioners] up so well that people that are at war with them [before the FRC was introduced] have voted them into council.” (Brendan McMahon speaking about the election of Aurukun Local Commissioners to the Aurukun Shire Council in Interview 3, 2018, p. 8)

Many others now regularly seek the Local Commissioners out for help and guidance (FRC, 2011e, p. 19; 2012e, p. 28; 2014e, pp. 30, 34; Focus Group 1, 2018, p. 3).

“Community members now come to the Commission voluntarily to ask for help and support...” (Hope Vale Local Commissioner Cobus in FRC, 2011e, p. 19)

“...Now we are pulled up on the street or at the shop by concerned community members asking if we can do something to help a community member who is going through a tough time. We have community members turning up, asking to become clients so they can access our assistance.” (Coen Local Commissioners in FRC, 2012e, p. 28)

Improvements in the perceived authority of Local Commissioners has likely occurred as larger proportions of the communities have had contact with the FRC and gained a deeper understanding of its role, as well as experiencing benefits from its support. It is also likely that this change is at least partially a result of Local Commissioners themselves growing their confidence within the FRC’s supportive framework, which includes ongoing professional development, for example through annual ‘development weeks’ (FRC, 2012c, 2012e, 2015e, 2016e) and continuous mentoring (McMahon in Interview 3, 2018; McMahon, 2012, p. 9).

“We believe that becoming Local Commissioners has given us the confidence to achieve the advances that we have made in our personal lives. We also believe that we have grown in our ability to stand strong as Local Commissioners within Mossman Gorge and more importantly to stand united.” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 32)

In this way, “...a primary ‘beneficiary’ of CYWR has been the Commissioners themselves... in a significant sense the Commissioners themselves are clients of the system created.” (von Sturmer and Le Marseny, 2012, p. 5). Although von Sturmer and Le Marseny (2012) also warned that this had the

²⁵ Many Local Commissioners undertake other leadership roles (though some also undertook these roles prior to becoming Local Commissioners), including as Deputy Mayors, Councillors²⁵, Council Advisory Committee members, members (including founding members) of Community Justice Groups, Community Police Officers, members of local men’s/women’s groups and more (FRC, 2012c, 2017e; Dean, 2013; Focus Group 1, 2018).

potential to create a “top-end of town/bottom-end of town” divide, there is little evidence of this in the qualitative data. Where jealousy or animosity towards the FRC originally existed, it appears to have largely dissipated where clients have increased their contact with the FRC and received benefit from its various functions, including CYIM (e.g. case study 21 at **Appendix 2**). This is also supported by the findings of a CYWR community survey undertaken for the CYWR evaluation (Colmar Brunton, 2012), which found that respondents who had attended the FRC and followed up on conference discussions and agreements were more likely to report that their lives were ‘on the way up’ than those who had not.

Collectively, the qualitative evidence indicates that the perception of the Local Commissioners as principal authority figures in their communities has grown over time. Some were already undertaking leadership roles prior to joining the FRC²⁶, but even those who were already recognised leaders have likely further grown their confidence and skills with the FRC (McMahon in Interview 3, 2018; FRC, 2012e).

It is difficult to determine the influence that the Local Commissioners’ growing local authority has had on their ability to deliver CYIM, but it is likely that this impact has been positive. This assumption is based on one of the underpinning theories for the CYWR—Kelman’s theory of influence—which argues that social norms are developed across three stages: compliance, identification and internalisation (Cape York Institute, 2007; Reynolds, Subasic and Jones, 2012). Individuals first comply with norms because they are forced to obey instructions, they then move towards identifying with others who role model the social norms (such as the Local Commissioners) and comply because of a desire to identify, and finally they internalise the social norms, accepting them as part of their own self-identity (Reynolds, Subasic and Jones, 2012, p. 146). Reynolds, Subasic and Jones (2012) found that the theory was well supported by the components of the trial, and that the concept of internalisation was also well supported by the broader psychology literature.

The Cape York Institute (2007, p. 52) proposed that the Local Commissioners, as ‘internalisers’ of positive social norms, would play “...an important role in changing behaviour in communities from simply complying with a law to rebuilding a social norm.” Whether or not they first establish a sense of local authority is, therefore, important to whether or not they are able to encourage others to comply with, identify with and eventually internalise these norms. Movement along this continuum is apparent in some of the case studies discussed above. For example, one FRC client (in FRC, 2013e, p. 68; also in case study 25 at **Appendix 2**) stated:

“...Although I was annoyed at the Commissioners for knowing my business I kept going back to them, in the beginning because I had to, but later because I wanted to...”

This concept is further explored and discussed in the following sections, as well as in **chapter 5** (*Application of CYIM*).

4.2 Local knowledge

The CYIM model is unique in Australia insofar as it enables an individualised, highly-targeted approach. This is a contrast to other parts of Australia, where IM has been applied in a less discriminating manner (e.g. under the original NTER and now under the Northern Territory’s New Income Management scheme) (Bray, 2016). This is only possible because decisions about whether or not to apply IM on Cape York are made by Local Commissioners, who hold deep and intimate local knowledge about their communities and clients.

“We have learnt as Local Commissioners that not everyone is meant to fit into one shape. Some people have greater challenges, barriers and internal strengths than others. We work

²⁶ For example, Government Coordinator for Aurukun, Brendan McMahon (in Interview 3, 2018) described the Aurukun Local Commissioners as people he “...would have gone to anyway [despite their being Local Commissioners] because they were not only Elders but they were the people that you want to have on side.”

with these clients to find the right pieces to build the tower of strength they need..." (Coen Local Commissioners in FRC, 2012e, p. 28)

Many of the Local Commissioners have built this knowledge over time, having been born and/or grown up in their communities (Dean, 2017). They are able to draw on their understanding of local conditions, family and kinship relationships, pressures, availability of services and other matters, in order to carry out their functions. The FRC's Commissioner Glasgow (in FRC, 2014e, p. 8) stated,

"Our Local Commissioners are well acquainted with their community and the ancestry and family history of their community members. Decisions are made with an understanding of where each client comes from and what has influenced their behaviour."

For example, a Hope Vale Local Commissioner (in Focus group 2, 2018, p. 23) described the typical conferencing process as follows:

"When we sit in on conference we get given the paper [referring to each client's file], five to ten minutes before the person comes in so you read it and have a discussion amongst ourselves, because coming from that community you know that family and the family background and what exactly happened last night or over the weekend to put it all together, so the commissioners themselves talk about it and make a decision. Call the person in and have the discussion with them, find out what their side of the story is..."

A similar process was described by the Mossman Gorge Local Commissioners (in FRC, 2015e, p. 39). When asked by a Commonwealth Government representative about whether some clients might "...look good on paper" but may not be doing well in reality, one Mossman Gorge Local Commissioner (in Focus Group 1, 2018, p. 8) remarked, "I think that's the beauty of the FRC, we know what's going on at the ground level, you know?"

Having this 'ground-level' knowledge about their communities also means that Local Commissioners can have frank and 'tough' discussions with clients (Hoolihan in Queensland Parliament, 2011, p. 3381; McMahon in Interview 3, 2018, p. 18).

"It is very difficult for someone to lie about their behaviour because that information very rapidly travels back to the Elders. The fly-in-fly-out services don't have that local knowledge and insight." (Hope Vale Local Commissioner in Dav'ange Consulting, 2018, p. 41)

"And the people that come in, man or woman, they can't bullshit us. Because we know every one of them. We know our people." (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 23)

"...We were hard on some clients, and when they told lie stories or made excuses, we told them they had to stop making excuses for bad behaviour..." (Aurukun Local Commissioners in FRC, 2013e, p. 18)

This ability is frequently cited as a key strength of the CYIM model (e.g. FRC, 2009e, 2010e, 2011e, 2014e; Bray, 2016) and has been described by the FRC itself (2009e, p. 32) as being "...pivotal to reaching successful outcomes at the conference." A Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 23) articulated the importance of this deep local knowledge to the ability of the FRC to apply CYIM in a carefully discriminating manner.

"You need to know it, you need to know the family connections, you need to know the situation, if there is a domestic violence situation and try [to] understand exactly why you have this report before you. It's just knowledge from right across the board. That's why something like this, this IM can't be done by government or anybody else, it has to be done by people from that community, Elders from that community. We have to be responsible for our own, we have to deal with our own."

An FRC Local Coordinator (in Focus Group 1, 2018, p. 17) also spoke about the role that the FRC plays in delivering CYIM and what might occur if it did not play this role.

“...The Commissioners work on a case-by-case basis... Take them away, everyone’s just on a card, and they’ll probably never move.”

The knowledge that Local Commissioners are able to draw upon when deciding whether or not to apply IM is extensive (McMahon in Interview 3, 2018). This distinguishes the FRC’s ability to deliver IM in a nuanced manner, which is not currently the case in other locations throughout Australia (Bray, 2016).

4.3 Cultural sensitivity

Because Local Commissioners are Indigenous and have deep connections with the communities in which they work, they are well placed to provide a service that is culturally sensitive and appropriate.

“We apply our culture in all our decision making. We hear the voices of our Elders guiding us and when we mix it together with Commissioner Glasgow’s leadership, we are strong, united and compassionate.” (Coen Local Commissioners in FRC, 2012e, p. 29)

The fact that Local Commissioners are intentionally drawn from various clan groups and also represent a mixture of genders means that responses can be shaped depending on cultural conventions. For example, male Local Commissioners are called upon to lead discussions on men’s business while female Local Commissioners lead discussions on women’s business (Dav’ange Consulting, 2018, p. 42).

Local Commissioners also converse with clients in their local ancestral languages (primarily Wik-Mungkan in Aurukun, Umpithamu in Coen, Guugu Ymidhirr in Hope Vale and Kuku Yalanji in Mossman) (Dean, 2013, p. 51). This is pragmatic, given Standard Australian English is spoken as a second language by many community members. However, it has also been described as being symbolically important; as von Sturmer and Le Marseny (2012, p. 6) reported, “Wik is the language of equality: as if to say, we are all equal before Wik. English is the language of hierarchies and externally-derived statuses.” A statement from one Hope Vale Local Commissioner (in FRC, 2011e, p. 42) further supports this:

“In conference, speaking in language gives more authority and emphasis to the words, it is the tone, the history and the respect for the language and those long passed that spoke it.”

It appears that the FRC setting is able to achieve a level of cultural sensitivity that may not otherwise be possible without the presence of the Local Commissioners. This level of cultural capability does not appear to be present in the delivery of IM elsewhere in Australia (Bray, 2016).

4.4 The conference setting

The forum within which CYIM is typically applied is the FRC conference (although CYIM may also be applied *ex parte* where clients consistently fail to appear for conferences, primarily as a tool to encourage engagement, as discussed in **section 5.1 Encouraging client engagement**). The available qualitative data indicate that the conference environment is important in setting the scene for CYIM. In particular, it appears to improve clients’ access to natural justice and encourages them to take up highly-targeted support, both of which can support the intentions of CYIM.

4.4.1 The value of being listened to

The FRC conference provides a forum where clients can sit with Elders and discuss the reasons behind their attendance. There appears to be value in clients feeling like they are being listened to by the Local Commissioners during the conferencing process.

“...I am glad the Commission listened to me. Not long ago I met with the Commissioners again, just for a chat so they could hear what I am doing. I am proud of where I am now you know. It was nice that they listened to me...” (FRC client in FRC, 2009e, p. 40)

“Every time I see the FRC, I discuss the problems I face in getting my child to school. I think that the Commissioners listen to me...” (FRC client in KPMG, 2010, p. 77)

“...I think the FRC listened to me and helped me.” (FRC client in KPMG, 2010, p. 81)

“...The Commissioners listened closely to what I said, asked me questions then gave me ideas...” (FRC client in FRC, 2011e, p. 62)

Some client accounts also indicate that the ability to talk and be listened to during FRC conferences may hold therapeutic value. For example, one client spoke about their grief over the sudden passing of a close relative:

“...I was so upset that nothing made sense, the days stopped having names and the nights were so lonely. Only the grog would fill the hole. I could see the grandchildren falling away, not going to school, hungry and dirty, but I could not move.

One of the Commissioners came to see me at home and asked me to come to the next conference... I had not spoken about the passing to anyone, but looking at the Commissioners I knew it was time. I am sure I stayed much longer than my allocated time, but nobody hurried me, they just listened. We all cried just a little and they felt my pain... I agreed to go back to the Wellbeing Centre and asked for the BasicsCard...” (FRC client in FRC, 2013e, p. 68)

Local Commissioners also regularly describe focusing on their clients’ strengths and achievements as a key motivating factor during conferencing.

“I like to encourage people and I make sure I tell them, ‘No-one can tell you that you can’t do it...’” (Mossman Gorge Local Commissioner Shuan in FRC, 2012e, p. 59)

“[clients]... now realise we are also here to give them a pat on the back for their achievements and the progress they have made.” (Aurukun Local Commissioners in FRC, 2010e, p. 14)

“We have seen the worst of people. We have seen violence, crime, addiction, neglect and abuse, yet we remain hopeful. We remain faithful to our community, and open to seeing the best in people, regardless of what they have done or are doing.” (Aurukun Local Commissioners in FRC, 2014e, p. 28)

This appears to contribute to the perceived legitimacy of the conferencing process.

“We have gone back to the Local Commissioners a few more times and although they have to address the issues, they always praise me and tell me I am a good father for giving up the drinking. We leave there with a bit more confidence each time, determined only to return to let the Local Commissioners know how well we are doing—no more issues or problems for our family.” (FRC client in FRC, 2012e, p. 43)

It may be the case that, where clients feel that they have been able to speak freely during conference, be listened to, and praised for their strengths, they are more likely to trust and “...abide by the FRC’s decisions” (Reynolds, Subasic and Jones, 2015, p. 164). This aligns with a large body of literature concerning the importance of procedural justice to the subsequent perceptions and actions of individuals who have contact with agents of the criminal justice system (e.g. Barkworth and Murphy, 2014; Braithwaite and Makkai, 1994; Murphy, Hinds and Fleming, 2008; Jackson and Bradford, 2010). For instance, Barkworth and Murphy (2014, p. 254) stated, “...when people are treated with trust, respect, neutrality, and are given an opportunity to express their views—all aspects of procedural justice—they are more likely to comply with directives, rules and laws, and are more likely to voluntarily cooperate with authorities.” Similarly, one FRC client (in FRC, 2013e, p. 21) remarked:

“I know sometimes he [Commissioner Glasgow] was disappointed in me, like the day I turned up really drunk to a conference, but he always showed his concern and listened... I thank Commissioner Glasgow and the Local Commissioners because they have stuck by me, and now I will stick by them and make sure my promises are kept.”

The FRC conferencing process also enables Local Commissioners to have ‘hard conversations’ with clients and set clear expectations, sometimes using their cultural authority to apply a re-integrative

shaming response (Dav'ange Consulting, 2018). For example, one FRC client (in FRC, 2012e, p. 43) recounted their contact with the FRC as follows:

“...Grabbing the baby, we walked to the Commission building. Once we were inside I began telling them what I thought. Immediately they said to be quiet, sit down and listen, or go away and come back later when I was prepared to talk calmly. The yelling was not going to intimidate them. I decided to sit and listen.

The Local Commissioners asked my partner if I had hit her in the stomach while she was nursing the baby. She looked at me to answer the question, but they wanted her to answer instead. I was shamed when she said yes, and then she said I did it other times as well. Her mother came to our defence and said we had a good relationship and it did not happen often. The Local Commissioners said they knew what went on; they knew I lost my temper and that I was a hothead. They looked me in the eye and said I didn't have the right to hit her. Then they told my partner she did not deserve to have it happen to her, no matter what I said.

There was some silence in the room whilst the words settled. They asked me what I liked about being a father, what I thought my job as a father was and what type of father I might be when my child is 10 years old. I had never thought about this. It was difficult. They then asked me if I would want my child to be beaten like I hit my partner when she was grown up and in a relationship. I asked what I could do to make myself a better father and partner. Since that day I have tried to make myself better...” (FRC client in FRC, 2012e, p. 43)

Similarly, the Aurukun Government Coordinator (McMahon in Interview 3, 2018) stated,

“One of the biggest things I noticed was that people mightn't like them, but they see them as telling the truth and fair, and that is the thing that is most important in the community. So that's a really important thing.”

Because of the Local Commissioners' ability to have difficult conversations, the FRC has been described as being potentially more effective than formal, adversarial modes of justice (Focus Group 2, 2018; Dav'ange, 2018). For example:

“...they know facing our elders in the community has more impact on the community behaviour than, for the MAG [Magistrates Court] notice like, they go to the courts, the judge comes in, hands them down a, gives them a slap on the wrist or whatever. But if they face the community Elders that has more impact on them, for them to change their behaviours, than what would have... Means they have to follow up on their responsibilities.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 24)

This further highlights the importance of the Local Commissioners' sense of local authority in carrying out these duties (as discussed in **section 4.1 *Rebuilding local Indigenous authority***); it is within this context that CYIM is applied. There are many powerful stories of clients experiencing pivotal moments of realisation during conference sessions and making dramatic and positive changes in their lives (for example, see case studies 3, 4, 5, 9, 11, 18, 20, 21 and 24 in **Appendix 2**). There are also others, for whom conferencing appears to have less of an impact (e.g. case study 14), which is further discussed in **section 7.2.4 *'Hard to reach' clients***. However, overall, it appears that the FRC conference context plays an important role as a standalone component of the CYWR, as well as in setting the context for CYIM.

4.4.2 *Linking clients with services*

The Cape York Institute (2017, p. 7) recently described the FRC as a 'fulcrum', which connects the “...Australian Government's welfare system, and the State's and NGOs' service delivery/support system.” This primarily occurs through the FRC's conferencing function, whereby clients can be referred to local services to access support for certain needs (e.g. local health clinics, parenting programs, financial-literacy support). The wraparound support that services provide has been viewed by some FRC Commissioners as being critical to the model's success.

“The programme like this, it’s gotta [*sic.*] be surrounded by people, agencies that we can refer them to. The wellbeing men’s group, the budgeting, parenting, pride of place. They play a role, outside of what we do...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 13)

“...it’s really important to have back-up services...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 16)

Often, clients that come to the attention of the FRC experience complex circumstances of disadvantage that have combined to result in the receipt of a trigger notification. These may include (but are not limited to) experiences of abuse and violence leading to significant trauma, substance and gambling addictions, significant health concerns, interactions with the criminal justice system (including bouts of imprisonment), and poor living conditions, including living in overcrowded homes and/or experiencing homelessness (von Sturmer and Le Marseny, 2012; Ford, 2012; FRC, 2009b, 2011b, 2011c, 2012e, 2016e, 2017e). Arguably, CYIM alone is a poor response to addressing what are often complex needs. The FRC’s ability to link clients to a range of other support services is, therefore, an important aspect of its broader role.

Although there is evidence that the service framework could be further enhanced (as discussed in **section 7.2.5 Service delivery**), there is also anecdotal evidence that some clients receive great benefit from participating in support services under an FRC case plan (e.g. see case studies 1, 6, 7, 11, 18, 23 and 24 at **Appendix 2**). Thus, this aspect of the FRC’s role enables it to further support the objectives of CYIM in a way that does not occur in other IM programmes across Australia.

4.5 Summary of findings

There is strong evidence that Local Commissioners have grown their confidence over time to become respected authority figures for their communities. It is likely that the supporting structure of the FRC has played a key role in empowering Local Commissioners to take on greater authority and leadership roles (notwithstanding the fact that some were already recognised as leaders and Elders). Although it is difficult to tease out the impact that this has had on the FRC’s ability to deliver CYIM, it is likely that this impact has been positive.

Regardless, the Local Commissioners play a critical role in delivering IM on Cape York. Their deep and long-lasting connections with their communities, knowledge of local families, kinship networks and circumstances, enables them to apply CYIM in a way that takes into account each client’s unique situation. This allows a far more individualised application of IM than that which exists elsewhere.

The fact that Local Commissioners have deep and intimate connections with the communities in which they work also enables them to provide a service that is more culturally appropriate than may otherwise be the case. This likely plays an important role in decolonising the delivery of support and services, including CYIM, to community members, suggesting that there is a greater likelihood that CYIM will be delivered in a culturally sensitive and appropriate manner when compared with other IM models in Australia.

As the key forum within which CYIM is typically applied, the FRC conference appears to be important in improving clients’ access to natural justice. There appears to be significant value in FRC clients feeling that they have been able to share their views and be listened to during conferencing. In turn, access to procedural and natural justice likely encourages greater trust and confidence in the FRC, which at least in some cases translates to greater likelihood that clients will adhere to the social norms role modelled and enforced by the FRC. This provides an important context for the application of CYIM, which may serve to support its behavioural objectives.

Finally, many FRC clients experience complex circumstances of disadvantage. IM alone would likely be a poor response to addressing these diverse needs. Therefore, the FRC’s ability to link clients with a range of additional support services undoubtedly plays an important role in addressing the circumstances of disadvantage that bring clients to its attention in the first place. This also appears to play an important role in setting the context for CYIM.

5. Application of CYIM

CYIM is only one tool in the FRC's broader toolkit of options. Ultimately, only a relatively small proportion of FRC clients have ever been subject to a CYIM order. Between January 2015 and June 2017, the total percentage of clients on IM orders at any one time remained below 10% of the total client population (FRC, 2017e, p. 52). At 30 June 2018, only 7.7% of the FRC's client cohort was on a CYIM order (Personal communication with FRC, September 2018).

The individual data provided by the FRC indicates that in the ten years from July 2008 to July 2018, fewer than half of all FRC clients had been placed on CYIM at some time (n=794, 43.1%), and of these, over half (52.8%) had only one spell of CYIM, and over a quarter (27%) had only two spells. The remaining 20.3% had three or more spells of CYIM in their histories. The majority of clients who had an IM order (68.5%) had been placed on a maximum of 75% quarantining during their history, a quarter (25.6%) had been on a 90% maximum, while only 5.9% of IM clients had been on a 60% maximum during their history. On average, FRC clients who had been placed on an income management order spent an average of 28.5% of their FRC history on CYIM (standard deviation = 19.95%; minimum = 0.85%; maximum = 100%).

This indicates that CYIM is utilised in a far more targeted way than schemes elsewhere in Australia (Bray, 2016). In particular, it is predominantly used as an option of 'last resort' where the FRC's other functions (e.g. issuing of a notice to appear, conferencing, and referral to support services) do not result in a client engaging with the FRC, or demonstrating changes in their lives that align with the CYWR social norms (Focus Group 2, 2018, p. 1).

Based on the qualitative data, it appears that when the FRC *does* impose IM, it is typically used in the following ways:

- i. Encouraging client engagement with the FRC—As a means of encouraging clients to engage with the FRC where they have not otherwise done so (e.g. where a decision to impose a CYIM order is made *ex parte* because a client has repeatedly not appeared at set conferencing dates)
- ii. Addressing non-normative behaviours and decisions—As a means of penalising clients who have not complied with agreements or case plans, for instance by continuing to receive notifications for breaches, or for not engaging with support services in accordance with an agreed case plan
- iii. Incentivising normative behaviours and decisions—Where clients are already on CYIM, agreeing to incrementally reduce proportions of quarantined income depending on the achievement of agreed milestones (e.g. where reaching a school attendance milestone target results in a decrease of CYIM from 90% to 75%)
- iv. Supporting clients' own desires to better manage and/or protect their money—Where clients ask to be placed on a CYIM order to assist them to manage and save their money; this may either be recorded as a voluntary order, or still be recorded as a conditional IM order where clients specifically ask the FRC to apply a compulsory order (e.g. to avoid opportunities for family humbugging, as discussed in **section 6.4** *Money for basic needs*).

5.1 Encouraging client engagement

CYIM is regularly cited as a useful tool to 'get people through the door' and attending an FRC conference, particularly where the simple issuing of a notice to appear does not work. This is generally perceived as a gateway to further engagement with the FRC, as well as wraparound support services.

Under section 66 of the *Family Responsibilities Act 2008* (Qld), IM is only able to be applied *ex parte* after clients have missed two prior conferences. It is, therefore, often only used for this purpose as a 'last resort'.

“Income management to us is the last resort because, when we bring a parent in, when we start giving out notices to families to come to the tables, they don’t come the first time, they don’t come the second time, but the third time, and we put ‘em on income management. And that is the trigger to make them come...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 1)

“We use it [IM] as a tool to bring, to get more clients coming to conference...” (Coen Local Commissioner in Focus Group 1, 2018, p. 10)

“Income Management has been the teeth to get changes happening. That’s been the hook to get everyone in the door and start discussing their issues, and start changing their lifestyles.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 9)

“... [Clients] who don’t want to come into conference... we give them a chance on the next conference, we bring them back in, and if they don’t, well they don’t have a third chance. And the third time, if they don’t come in, we put them on BasicsCard, straight off the mark, we put 90 per cent on...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 8)

There are indications that using CYIM in this way does assist in encouraging clients to attend.

“She would not attend, she would not talk to us and, finally we placed the Income Management order on her... she turned up at the next conference” (Local Commissioner in FRC, 2013e, p. 35)

“We have witnessed over the past year that some of our mob who were placed on 90 per cent income management along with a case plan tend to slowly come around and eventually attend conference.” (Mossman Gorge Local Commissioners in FRC, 2015e, p. 39)

“It’s also helped, well one example, we had one guy, probably twenty years old. He’d had a second domestic violence arrest. We’d served him three times, he didn’t want to come, put him on Basics Card, and that got him to come and see me...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 13)

There are also undoubtedly other influences on whether clients ultimately attend. For instance, one case study indicates that some clients refuse to attend even when placed on IM for extended periods.

“...For many years this father had neglected his family. He had a long history of alcohol abuse and violence. He had been the subject of numerous Magistrates Court notifications and Education Queensland notifications to the Commission over a period of only 13 months, and had been in and out of custody over the last couple of years...

He had refused for two years to attend a Commission conference [and was placed on IM during that time]... subsequently in February 2011 he came for the first time and asked for help to become the parent he wanted to be for his children...” (FRC, 2011e, p. 85)

In the above case, it is unclear what ultimately encouraged the client to attend the FRC—whether it was the extended period of IM, or some other factor. Nevertheless, the use of IM as a tool to encourage engagement does appear to work in at least some cases.

5.2 Penalising and incentivising behaviours and decisions

There has been some contestation around the ideological underpinnings of CYWR, including questions around whether the social norms agreed under the intervention provide evidence of underlying neo-colonial objectives (e.g. Campbell, 2015). This debate is briefly summarised in **section 7.1 Ideological challenges**. However, for the purpose of this section, the CYWR social norms (reflected in the FRC’s social obligation triggers) are treated as desirable and normative.

The way that the FRC operates means that it is, at least to some degree, punitive (Campbell, 2015; Bielefeld, 2016; von Sturmer and Le Marseny, 2012, p. 19). For instance, community members typically arrive at the FRC as a result of breaching the social obligation triggers (i.e. not sending children to school, being notified to child safety, not fulfilling housing tenancy obligations, and/or committing an offence). Once they arrive at the FRC, the conference setting can be used both to

reprimand as well as to celebrate achievements and strengths (as discussed in **section 4.4** *The conference setting*). Similarly, CYIM is also used in both ways by the FRC—to coerce, but also as an incentive.

“Well, we use [90% IM] as a stick and also a reward, so if we refer clients, we refer to the Wellbeing Centre and put them on say, 60 per cent, and they’ll come back and say I went there, and then we’ll have a look at their records and they haven’t been there, and we’ll say you can stay at 60 we can go up to 90 until you attend, and then drop back. So, we use it both ways...” (Coen Local Commissioner in Focus Group 1, 2018, p. 7)

“So, [the Local] Commissioners, you know, perhaps explained when someone really does try to get their kids to school, you might drop them back to from 90 per cent to 75 per cent, give them a chance to do that, so you have that flexibility.” (Commissioner Glasgow in Focus Group 1, 2018, p. 8)

“Income management has also been utilised as an incentive rather than a disincentive in regard to school attendance. At conference clients who are the subject of income management orders are shown a graph of their child’s attendance in order to come off income management or have it reduced. The Commissioners report that there has been a favourable response to this strategy.” (FRC, 2015c, p. 13)

“...Local Commissioners often set school attendance goals or expectations for clients to attend service providers as a way of providing opportunities for clients to have CIM orders reduced or revoked if they are able to demonstrate the behaviour change expected by Commissioners.” (FRC, 2016e, p. 53)

“...it gives them incentive, and as your kid goes more you might reduce that person off and eventually they don’t need to be restricted. So I think that system was a good idea...” (McMahon in Interview 3, 2018, p. 17)

The above accounts indicate that it is not just a case of simply being put on, or coming off IM, but also the option and flexibility of being able to quarantine different proportions of each clients’ income that holds value. It enables Local Commissioners to apply pressure in different ways, at different times. This supports previous findings by KPMG (2010).

IM elsewhere in Australia does not allow for this and, arguably, this would not be possible beyond the mechanism of the FRC, where the Commissioners can draw on local knowledge to better understand each client’s unique circumstances (as discussed in **section 4.2** *Local knowledge*). Ultimately, Local Commissioners are able to balance the FRC’s coercive tools (e.g. requirement to appear, case plans, IM) with its in-built incentives (e.g. coming off case plans, reducing IM amounts), which provides for a more nuanced and individualised response to each client’s needs. (Whether or not IM has, overall, been successful in achieving its intended outcomes is further explored in **chapter 6** *Outcomes of CYIM*.)

5.3 Scaffolding clients’ desires to better manage and/or protect their money

The FRC have the option of applying compulsory IM (through a conditional IM order), or entering into a voluntary IM agreement with community members. Voluntary IM agreements are only applied when members of the CYWR communities approach the FRC and request that they be placed on IM.²⁷ Clients tend to make this request because of a desire to better manage their money, and/or protect it from practices such as humbugging.

²⁷ Some clients also request that the FRC place them on a compulsory IM order, despite volunteering to enter into the scheme. The reasons for this are further discussed in **section 6.4.2** *Qualitative evidence concerning the impact of CYIM on ‘basic needs’*.

“...Those clients who do request VIM [voluntary IM] advise it assists in the management of household budgets and provides a tool for savings for special occasions such as Christmas...” (FRC, 2011c, p. 18)

“Those clients that request a VIM [voluntary IM] agreement use income management as a savings and budget tool, often for a specified period and to deter family members from accessing their income.” (FRC, 2013a, p. 9)

This demonstrates an additional application of IM on Cape York; to scaffold clients’ desires to better manage and protect their money.

5.4 Summary of findings

CYIM can be used as a tool to support clients to engage with the FRC and other support services. There is evidence that, at least in some cases, it does work to encourage engagement. However, the combination of approaches and tools available to the FRC, of which CYIM is only one, also appears to be crucially important in enabling Local Commissioners to design the right mixture of ‘push’ and ‘pull’ factors that meet the needs of each client’s individual circumstances (KPMG, 2010).

This includes the ability to use IM to coerce, but also as an incentive. This is only possible because Local Commissioners have different options available to them—e.g. the option to quarantine different proportions of an individual’s income, as well as the option of deciding whether to apply or remove CYIM as opposed to other intervention options, like enforcing case plans. This level of flexibility is not available in other Australian IM schemes and re-emphasises the importance of the context within which CYIM is delivered.

CYWR community members also have the option of requesting IM be applied in order to help them manage their income and/or protect it from humbugging. The FRC is, therefore, also able to apply IM as a means of supporting these clients’ goals.

6. Outcomes of CYIM

There is a general feeling, both from the FRC Commissioners and from CYWR community members, that their communities have improved since the introduction of the FRC and CYIM. For instance, in a CYWR community survey undertaken for the previous CYWR evaluation, Colmar Brunton (2012, p. 34) reported that 78% of community respondents said that the BasicsCard made their life better.

This extends to a number of areas, including a reduction in violence, consumption of alcohol/drugs, gambling, child-safety interventions and an increase in school engagement and attendance. One of the specific outcomes of CYIM in particular appears to be its ability to support clients to better manage and budget their income, as well as overcome humbugging, which enables them to cover basic needs. These include instances where families have been able to afford basic furniture, household items, food, clothing and school supplies, where they were unable to do so prior to moving onto CYIM.

These anecdotal outcomes do, however, need to be interpreted with a sense of caution. There is a risk that discourses around outcomes from the FRC and CYIM create a kind of ‘mantra speak’, where individuals repeat the dominant discourse even where it does not necessarily apply (von Sturmer and Le Marseny, 2012). Therefore, the process of objectively verifying these claims, wherever appropriate and possible, is important.

To this end, anecdotal evidence regarding outcomes in the following sections is compared, wherever possible, with evidence garnered from quantitative analyses of administrative data (e.g. police report data) and client data held by the FRC. These data provide a further element of objectivity that is not available in most of the anecdotal accounts. However, they also carry limitations, which are described in **section 2.2.3** (*Limitations of the quantitative data*) and which are also referred to in the following sections. Thus, although triangulating the data enabled a more fulsome overview of the outcomes achieved under CYIM, the findings described in this section are still limited and should be interpreted with caution.

Finally, although specific outcomes are discussed separately in the following sections, these factors often interact and influence one another. For example, school attendance is regularly described as being directly impacted by the level of alcohol, drug use and associated ‘partying’ in the communities (e.g. Focus Group 2, 2018, p. 14; FRC, 2011d, p. 21). One Local Commissioner (in Focus Group 1, 2018, p. 23) described it as a, “...spider web story, you know. Just like a spider web, you pull really the whole thing and it’s a tangled web...” Nevertheless, each outcome area is dealt with separately in this report for the sake of clarity.

6.1 Alcohol

Alcohol is widely recognised as a key contributor to high levels of violence, child-safety intervention and health issues in Australia (Standing Committee on Indigenous Affairs, 2015). On Cape York, there is considerable evidence that alcohol has played a critical role in the breakdown of community and family functioning.

A specialist physician gave evidence to the Commonwealth *Inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities* (‘the Alcohol Inquiry’) that, since the introduction of canteens in the 1970s, alcohol on Cape York had led to the loss of “...two or three generations of Indigenous folk” (Standing Committee on Indigenous Affairs, 2015, p. 53). This aligns with evidence captured over more than three decades by anthropologists, sociologists and others on Cape York and other areas of Far North Queensland (e.g. Sutton, 2009; Martin, 1993; McKnight, 2002). In Aurukun, the breakdown of social order and increase of alcohol-related violence after the introduction of a wet canteen in 1985 (against the wishes of many community members) was also documented by journalists (Carney, 2011).

The following sections unpack the intentions of the CYWR in addressing alcohol abuse. Other policies and programmes that seek to also reduce alcohol consumption in the CYWR communities are then discussed in order to provide further context for the remaining sections, which discuss evidence concerning the impact of CYIM on alcohol in the CYWR communities.

6.1.1 Focus on alcohol under CYWR

Alcohol played a key role in prompting the initial design for the CYWR. In its CYWR design report, the Cape York Institute (2007, p. 18) recognised alcohol abuse as one of seven what it called ‘dysfunctions’ that had resulted from and also contributed to the perceived breakdown in social norms. It indicated that the per capita consumption of alcohol on Cape York was, at that point, between four and 4.5 times the Australian average and that 83–84% of Cape York men and women reported that they drank alcohol at harmful levels (as defined by the National Health and Medical Research Council) (Cape York Institute, 2007, p. 19).

The Cape York Institute (2007, p. 20) attributed widespread alcohol use to a combination of factors, including the greater availability of alcohol, loss of local employment, and widespread availability of cash through welfare transfers. It argued, “...introducing idle time, free money and the right to drink had the unintended consequence that the preconditions for alcohol abuse epidemics were created” (Cape York Institute, 2007, p. 20).²⁸ In response, it proposed that:

“Intervention via a conditional income management sanction will effectively prevent the flow of welfare income to substance abuse and other behaviours that impact upon the welfare of children and dependents in the Welfare Reform communities.

The conditional income management sanction will help to provide a family with a break from dysfunctional behaviour, supporting the success of other support services such as drug and alcohol counselling...” (Cape York Institute, 2007, p. 67)

CYIM was, therefore, fundamentally perceived as a means of reducing discretionary spending on alcohol (and other substances) to provide a window of opportunity for clients to receive counselling and support, and otherwise recover from alcohol dependency. CYIM was essentially conceived of as one ‘lever’ that could encourage individuals to abstain in the short term and seek help; it was intended that other services would then step in and assist in reducing long-term dependency.

6.1.2 Other policies and programmes

It is difficult to draw conclusions about the specific impact of CYIM on alcohol consumption and associated social norms in the CYWR communities because of the extent of overlap between different policies and measures implemented at different times. For example, two of the CYWR communities—Aurukun and Hope Vale—have Alcohol Management Plans (AMPs)²⁹, which have resulted in changes to alcohol restrictions.

In Aurukun, an AMP enforcing a zero alcohol carriage limit was originally introduced in December 2002 (Clough and Bird, 2015). Subsequently, the local tavern was closed in 2008—the same year as the FRC began its operations. In this respect, early anecdotal accounts from Aurukun regularly attribute lower alcohol consumption to the closure of the tavern. For example:

²⁸ This is also supported by some of the broader anthropological literature. For example, Martin (1993) argued that, in Aurukun, reciprocity and demand-sharing arrangements within the Wik familial and kinship network traditionally regulated the goods and services acquired by each individual. However, the introduction of cash removed the need to rely on customary relationships for subsistence; in turn, “Many young men in particular used the bulk of their CDEP [Community Development Employment Program] incomes for gambling, alcohol (both canteen beer and outside grog) and travel” (Martin, 1993, p. 117). Similarly, Sutton (2009, pp. 54–55) stated that “Rising real disposable incomes in Indigenous Australia, while reflecting a reduction of economic disadvantage, have played a significant role in the intensification of alcohol-related problems and those of other drugs, *ganja* (cannabis) in particular.”

²⁹ In 2001, the Cape York Justice Study compiled evidence of widespread, harmful use of alcohol across Cape York’s Indigenous communities and subsequently recommended the introduction of alcohol management plans (AMPs), which were implemented incrementally from 2002 onwards (Clough, 2017). However, political support for the plans has waxed and waned over time (e.g. McKenna, 2014).

“...parents are at home looking after them [children] because the Tavern is closed... Because money is not being spent on alcohol the children are being better cared for and clothing and food is being provided for them.” (Aurukun Local Commissioners in FRC, 2009e, p. 13)

“...It is better with no canteen it stopped me drinking and my defacto has stopped drinking...” (FRC client in FRC, 2009e, p. 42)

An AMP was also introduced at Hope Vale in April 2004 and later updated in January 2009. It does not impose a zero carriage limit, like the AMP in Aurukun. Instead, it allows the carriage of 11.25L of light- or mid-strength beer, or one bottle of non-fortified wine.

Although there are no AMPs in Mossman Gorge and Coen, Mossman Gorge Local Commissioners alongside other community leaders have worked to establish voluntary accords, though it appears that a trial undertaken in April 2010 was not extended (FRC, 2011e, p. 20; 2012b, p. 17; 2016d, p. 13). Nevertheless, the Mossman Gorge Local Commissioners (in FRC, 2011e, p. 20) reported that, during the 2010 trial,

“...the community was much tidier without those ‘silver pillows’ [cask wine bladders] and their cardboard containers littering the streets... there were [also] less assaults and domestic problems.”

In addition to community-wide alcohol restrictions, the FRC Local Commissioners have also been instrumental in encouraging community members to establish dry houses (FRC, 2009c, 2009e, 2010b, 2010d, 2010e). By 2010, the Local Commissioners had been involved in encouraging the establishment of at least 24 dry houses across three of the four CYWR communities (FRC, 2010e). There is evidence that these have also had a positive impact for some community members (also see case study 3 at **Appendix 2**).

“I see changes in families that choose to have a Dry Place so that their children are no longer exposed to alcohol and parties and the violence that follows. I see families are spending more on food, clothing and bills and the dress code has got better in Coen. The children are more prepared for attending school, their consistent attendance has made big improvements to the standards of education they are achieving. Parents are more positive and taking more responsibility for their families. Not so many late nights with grog means that families can do more together on weekends, get out on country.” (Coen Local Commissioner Port in FRC, 2009e, p. 36)

“There has been a significant reduction in the amount of alcohol-related incidents such as public nuisance and domestic violence, with many people declaring their houses ‘Dry Houses’.” (FRC client in von Sturmer and Le Marseny, 2012, p. 14)

“The implementation of Dry Houses has assisted community members to respect the choices of others to have a home without alcohol...” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 79)

These, and other, policies around the consumption of alcohol make it difficult to isolate the specific effects of the FRC and CYIM. However, there is still some indication that the CYWR, FRC and/or CYIM have played a positive role.

6.1.3 Qualitative evidence concerning the impact of CYIM on alcohol

There is a general feeling across the communities that alcohol usage has decreased since CYWR, the FRC and CYIM were introduced (FRC, 2009e, 2010e, 2011c, 2011e, van Vondren, 2010; Carney, 2011). This is most often attributed to a mixture of factors, including the AMPs and closure of the tavern in Aurukun (Carney, 2011; van Vondren, 2010; FRC, 2009c, 2009e; Limerick, 2012), the establishment of dry houses (von Sturmer and Le Marseny, 2012; FRC, 2009b, 2009e, 2010b, 2011e, 2012e), and FRC clients’ attendance at alcohol counselling (e.g. FRC, 2009a, 2012e). However, there is also some evidence that the FRC and CYIM have had an impact on drinking.

Some FRC clients have indicated that they have either given up or reduced alcohol since coming into contact with the FRC. However, it is unclear whether this is a result of CYIM itself, the process of conferencing, attendance at support services, or some other factor. In at least some cases, it may be a combination of all of these factors.

One client (case study 7 at **Appendix 2**)—an older man—had come to the FRC’s attention due to a Magistrates Court conviction for a breach of the *Liquor Act 1992* (FRC 2010e, p. 47). The man was conferenced and placed on a case plan, whereby he was encouraged to complete a substance-abuse program. He was also placed on IM. He re-attended the FRC several months later, at which time he reported having made considerable progress.

“...Since his first time before the Commission, the man had been thinking about his drinking, why he kept drinking and the damage he was causing to himself, his family and his community, and he had decided to stop.

He had not had a drink for the past five months and although he was finding it hard at times he was determined to stay on track... FIM [Financial Income Management—a past programme that supported CYIM clients to manage their budgets] was helping him look after the extra money he had now that he was no longer spending it on grog... He is healthier, happier and calmer since he gave up drinking.” (FRC, 2010e, p. 47)

Another client also indicated that they had stopped drinking since attending an FRC conference, being referred to a support service, and being put on IM.

“Since that day [referring to the day he attended an FRC conference] I have tried to make myself better. I attended the Alcohol, Tobacco and Other Drugs Service (ATODs) programme and still go when I need to. I went to the Wellbeing Centre to do some anger control programs and to understand why I get frustrated and angry. Most of all I have stopped drinking grog.

This was and remains the hardest thing I have ever done. My friends and family don’t understand, but my partner and child are much happier. We hardly fight at all because I am more in control and there are no more money troubles caused by the grog...” (FRC client in 2012e, p. 43; also see case study 19 at **Appendix 2**)

For yet another client, attendance at the ATODS programme, after being referred by the FRC, appeared to be a key catalyst for change.

“...I used to drink and smoke excessively as a way of dealing with problems in my life. I thought the alcohol was helping me but I could feel my life going out of control... [This client subsequently attended the FRC, was placed on IM and referred to support services.]

I am very proud that I have successfully completed the Alcohol, Tobacco and Other Drug Services (ATODS) programme and have learnt other strategies to deal with stress like talking about the problems, finding other ways to relax and not worrying about things that I have no control over...” (FRC client in FRC, 2009a, p. 34; also see case study 1 at **Appendix 2**)

For these clients, it appears that a mixture of conferencing, referral to support programmes and IM have played a joint role in influencing their behaviour change. Whether or not the clients would have refrained from drinking without the additional imposition of IM, or *only* through the imposition of IM, is unclear. However, other clients do highlight the specific impact of IM.

“The BasicsCard made an immediate difference because food became my main expense not grog. The grandchildren quickly saw the results and hugged and kissed me because I was with them now, not away in alcohol dreams...” (FRC client in FRC, 2013e, p. 68)

Another FRC client who had been placed on IM stated that, “...there were no more money troubles caused by the grog” (FRC, 2012e, p. 43). Similarly, a Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 11) remarked that IM had “definitely” helped to reduce drinking,

“Because the money is not there in the Westpac or in the Commonwealth [bank account]. That money is in their BasicsCard and they can’t use the BasicsCard for cigarettes, and for

alcohol. And living in a defacto [relationship], it's helping those guys, I can tell you—very much so.”

McMahon (in Interview 3, 2018, p. 6) also stated,

“...I've seen the amount of alcohol be reduced not only by good police work which they've done over the years but the fact is part of it is restricting the amount of money [cash] there [in Aurukun]... [so it can't be spent on alcohol]”

The FRC believes that CYIM has played a direct role in curbing alcohol abuse for clients because it reduces the amount of money available for the purchase of alcohol.

“The BasicsCard has assisted in reducing the flow of alcohol and the ability for family members to humbug for money to buy alcohol” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 79)

“...money is not being spent on alcohol...” (Aurukun Local Commissioners in FRC, 2009e, p. 13)

“... [there are] certain families, or some certain family, that might go off the BasicsCard. They—they drink worse...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 22)

This supports the Cape York Institute's (2007) original design intention for CYIM—that it would provide a window of opportunity for money to be redirected elsewhere, away from alcohol, and for other supports to be taken up. As one Coen Local Commissioner (in Focus Group 1, 2018, p. 17) explained,

“Eventually they sober up, then give us the opportunity to get in...”

For other clients, contact with the FRC and potentially also CYIM has encouraged them to change the way they drink, rather than necessarily giving up alcohol.

“...If I was going to have a weekend with the grog, we made sure the grandchildren were with relatives and out of the way. I made sure I was out of community.” (FRC client in FRC, 2013e, p. 68)

“I decided to make some rules of my own and now don't allow anyone to drink at my house... I can go and have a drink somewhere else away from the kids. It is safer for them...” (FRC client in FRC, 2009e, p. 40)

“...her parenting is good most of the time now that the grog and gunja is away from the children...” (FRC, 2013e, p. 35)

These accounts indicate positive effects of CYIM for some individuals. However, whether this also led to longer-term reductions in alcohol usage for the above clients is unknown. Access to information about long-term outcomes for these clients may indicate lasting impacts of the FRC and CYIM, but may also provide some insight into the efficacy of alcohol counselling services to which the FRC refers its clients (as further discussed in **section 7.2.5 Service delivery**).

Despite the apparent positive effects of CYIM for some clients, there are also others for whom contact with the FRC and CYIM has not impacted their drinking (e.g. case study 13 at **Appendix 2**). These cases are further discussed in **section 7.2.4 'Hard to reach' clients**. Whether or not individual-level successes have translated into broader community change is also difficult to determine; the mechanics of change are not well understood and the impacts of various factors (as described earlier) makes it difficult to isolate the different effects of multiple interventions. What is clear is that, even though there is a general feeling that alcohol usage has lessened, it nevertheless remains a key issue that the CYWR communities continue to grapple with, as is the case in many other remote Indigenous communities.

Mossman Gorge Local Commissioners report that alcohol continues to be a key problem for their community, largely due to their inability to stem the flow from the nearby Mossman Township (also see **section 7.2.3** *Out of jurisdiction*).

“Alcohol remains a serious problem that destroys the lives of many of our loved ones. Alcohol contributes to the noise levels in our community with loud music playing at parties fuelled by alcohol...” (Mossman Gorge Local Commissioners in FRC, 2016e, p. 40)

“...you know, we slowly get less alcohol in the community, less violence, less drugs and them, but the clients we’ve had over the years [who now live in the Mossman Township] are coming back in the end, bringing them back. Even though they were on their own little jurisdiction as welfare reform. They don’t care...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 23)

Sly grogging is also still reported as a problem in Aurukun. For example:

“Despite Aurukun being an alcohol free community, the booze still comes in midnight car runs from Weipa...” (Carney, 2011)

“...sly grogging [in Aurukun] causes aggressive behaviours and translates into all night parties.” (FRC, 2014e, p. 59)

“...rivers of grog [are] smuggled into the Cape York community... Depending on the season, a bottle of rum can sell for \$280 on the streets of Aurukun...” (Elks, 2016)

6.1.4 *Trends in reported liquor offences*

The quantitative data indicate some evidence of community-wide changes in alcohol-related offences since the introduction of CYWR. However, reported offences may also provide evidence of greater willingness to report, rather than actual changes in alcohol use. This may be particularly apparent where social norms around the consumption of alcohol are changing; individuals who may not have reported alcohol-related offences in the past may be more likely to do so since CYWR and the FRC were established. Conversely, it is also possible that some offences continue to go unreported.

Furthermore, reported liquor offences only provide one indicator of the level of availability and consumption of alcohol in the communities. Additional data points may provide a more valid indication of the real extent of alcohol usage, as well as differentiating usage that might be considered harmful versus other types. These limitations should be considered when interpreting the following findings. Liquor offences (excluding drunkenness) include offences such as infringements under the *Liquor Act 1992 (Qld)* and supply of alcohol to minors, but do not include intoxication.

Trends in reported liquor offences (excluding drunkenness) were analysed for the police divisions of Aurukun, Coen, and Hope Vale, relative to the comparison areas of Bamaga, Cherbourg, Doomadgee, Kowanyama, Lockhart River, Mornington Island, Palm Island, Pormpuraaw, Weipa, Woorabinda, Wujal Wujal, and Yarrabah. Data for Mossman Gorge are not available, because offence data is only available at an aggregate level for the entire Mossman area, which includes the Mossman Township.

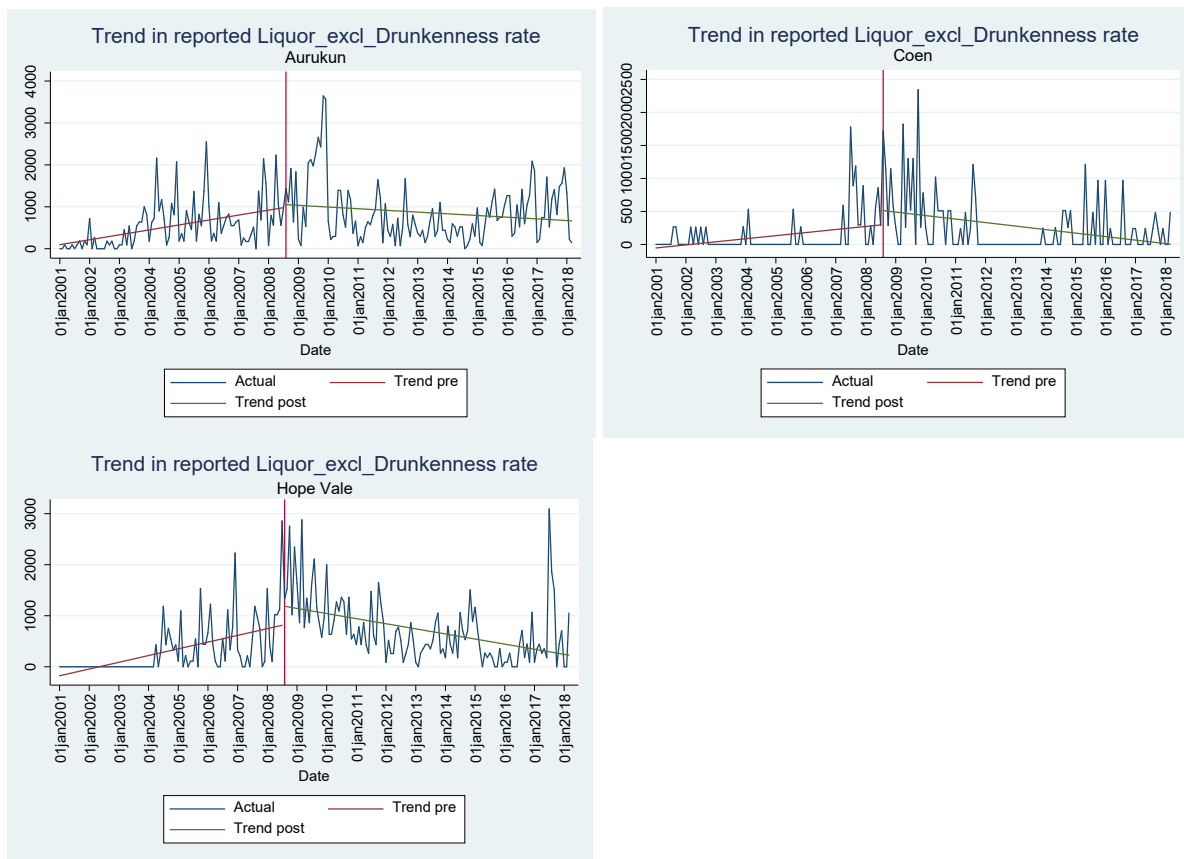


Figure 2 Trend in reported liquor offences (excluding drunkenness) rate, Aurukun, Coen, Hope Vale

Following the implementation of the FRC, Aurukun, Coen and Hope Vale each had a significant and sustained reduction in the rate of liquor offences (excluding drunkenness), reversing a previous upward trend. However, this pre-intervention increase, followed by a post-intervention decrease in liquor offences also occurred in ten of the twelve comparison areas. Both the pooled CYWR intervention area and the pooled comparison area saw a significant immediate increase in offences followed by a significant decrease in the trend.

As these effects are common to both the intervention and comparison areas, they cannot be directly attributed to the CYWR intervention. The meta-analysis of the interrupted time-series analyses indicated that only Hope Vale had a decrease in trend following CYWR that was significantly greater than that seen in the pooled comparison area. Overall, the results indicate that there was no significant difference between the changes seen in Aurukun or Coen, and the changes seen in the comparison areas overall.

The regression analysis of the relationship of CYIM to liquor offences (excluding drunkenness) did indicate that there was a statistically significant relationship between an increase in the number of clients on CYIM in Aurukun, Coen and Hope Vale, and a decrease in the rate of liquor offences in these areas. However, given that there was a corresponding decrease in liquor offences in all non-CYWR communities, this relationship must be interpreted with caution.

6.1.5 Trends in reported drink-driving offences

Reports of drink driving may also provide some indication of the level of alcohol use in the CYWR communities, though they also carry similar limitations to reported liquor offence data (see **section 6.1.4 Trends in reported liquor offences**).

Trends are reported for Aurukun, Coen and Hope Vale (see Figure 3 below). However, data was not reported for Mossman Gorge because it was only available at an aggregate level (including Mossman Township).

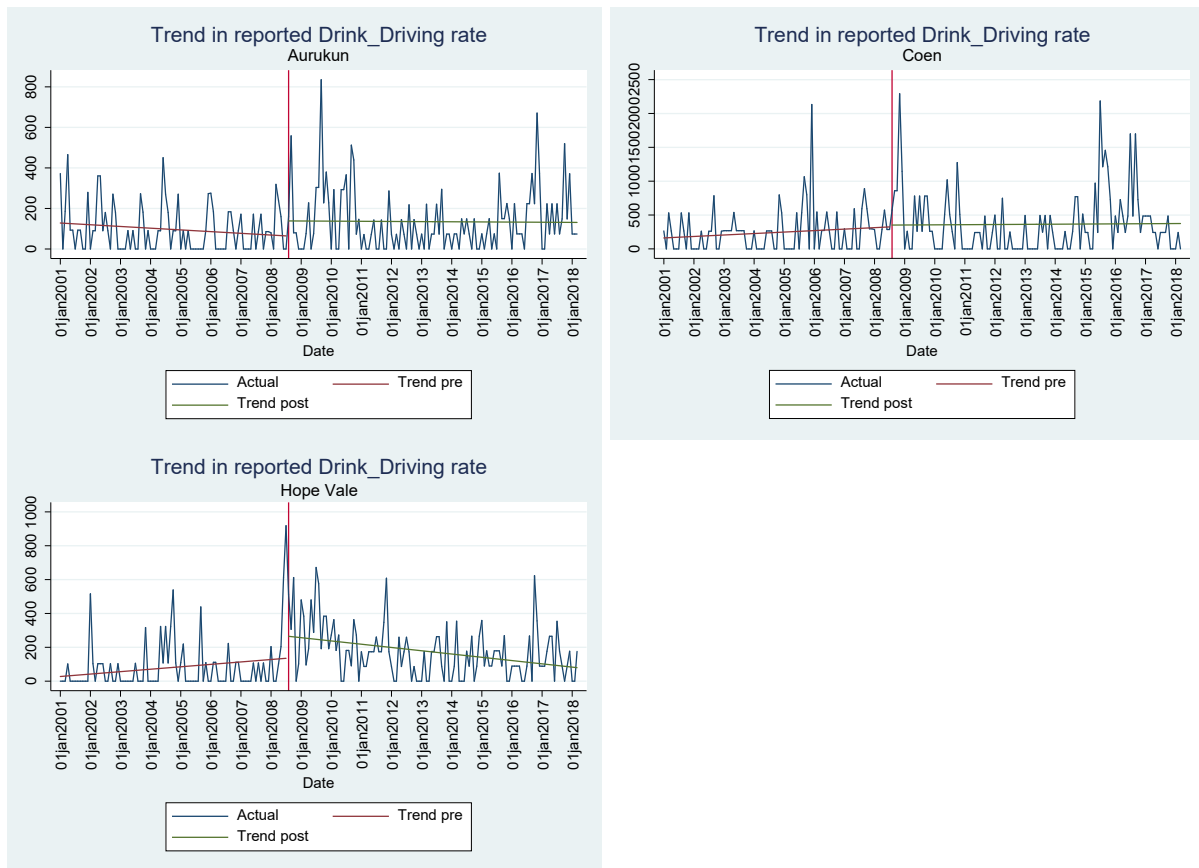


Figure 3 Trend in reported drink-driving rates, Aurukun, Coen and Hope Vale

Each of the three police divisions of Aurukun, Coen and Hope Vale appeared to show an immediate increase in drink driving following the implementation of the FRC. However, in the meta-analyses of the interrupted time-series analyses for drink driving offences, only Hope Vale showed a significant immediate increase in offences, although not beyond that seen in the pooled comparison area. Furthermore, this was followed by a significant decrease in the trend in offences (although again, not beyond that seen in the pooled comparison area).

Overall, the meta-analyses of the interrupted time-series analyses for drink driving offences indicate that there was no significant difference between the pooled CYWR intervention areas and the pooled comparison areas in initial level of offending, pre-intervention trend, immediate post-intervention change, or post-intervention change to trend.

The results of the regression analysis showed that only Hope Vale had a statistically significant relationship between the number of CYIM clients in the community and the rate of drink driving offences. There was no overall significant relationship between CYIM and drink driving offences in the pooled communities, and there was significant variability amongst the effect in the three communities.

6.1.6 Summary of findings

Taken on the whole, the qualitative data suggest some level of impact of the CYWR and, potentially also the FRC and CYIM, on alcohol use. The qualitative data contain some accounts where individuals have made long-term changes to their drinking behaviours, either by giving up drinking, or choosing to drink in a way that has less of an impact on other family members, particularly children. In some cases, this appeared to be caused by a mixture of factors (e.g. FRC conferencing, referral to/attendance at alcohol counselling, and CYIM). In others, CYIM appeared to have a key influence.

CYIM has enabled some FRC clients to redirect money that would have otherwise been spent on alcohol towards other basic needs. The FRC Local Commissioners also overwhelmingly endorse CYIM as a helpful tool in halting expenditure on alcohol. This finding aligns with the original intention of CYIM, which was to open up a short-term window of opportunity where clients could abstain from drinking, redirect spending towards basic needs, and seek counselling support (Cape York Institute, 2007). In this respect, the available qualitative evidence indicates that CYIM appears to have achieved this objective, at least for some clients. There are also, however, some clients for whom the model has been less successful.

The quantitative data are mixed. Some analyses provide support for the contention that the CYWR, FRC and/or CYIM have resulted in positive community-wide changes to alcohol-related offending, while others do not.

The meta-analyses of interrupted time series data indicate that reported liquor offences in Hope Vale have significantly decreased when compared with trends in the combined comparison communities since the CYWR, FRC and CYIM were implemented. This suggests that the intervention has had a positive effect on this community. Further, when liquor offences were analysed in relation to the number of IM clients in a community over time, the data demonstrated that IM is associated with a reduction in liquor offending. Given the mixed findings, this result should be interpreted with caution, as it may be due to a relationship between the number of CYIM clients and other broader social changes that have impacted all indigenous communities.

Alternatively, drink-driving offences initially increased and then gradually reduced again in Aurukun, Coen, and Hope Vale. However, these effects were common to the comparison areas, so these analyses do not support the CYWR intervention having caused these changes. However, both of these measures (i.e. liquor and drink-driving offences) are susceptible to changes in reporting behaviours (e.g. greater propensity to report as a result of changing social norms) and policing approaches (e.g. more intensive policing of alcohol-related crime). Thus, these results should be interpreted with caution.

6.2 Drugs

Although alcohol continues to be a cause of primary concern in Cape York and other parts of Far North Queensland (Northern Queensland Primary Health Network, 2017), the use of other substances, particularly cannabis, has reportedly increased (Bohanna and Clough, 2012; Clough, 2012).³⁰ In some Cape York Indigenous communities, cannabis use amongst 14–50 year olds has been found to be far higher than the national average (Bohanna and Clough, 2012). There is also evidence of an emerging problem with the use of methyl amphetamine ('ice'), though the extent of use is unclear (Entsch, 2015; National Ice Taskforce, 2015).

It has been argued that high rates of drug use in Far North Queensland, including Cape York, have contributed to high rates of violence, including family violence (Northern Queensland Primary Health Network, 2017; Pearson, 2005). Drug use may also contribute to high incidents of psychosis on Cape York, as well as other chronic health problems (Hunter et al., 2012).

6.2.1 Focus on drugs under CYWR

Drug abuse was one of the key 'dysfunctions' identified under the CYWR that had broken down social norms on Cape York (Cape York Institute, 2007, p. 18). It was proposed that drug offences should be included as a trigger to the FRC; they were subsequently captured in the Magistrates Court (and later, District and Supreme Courts) triggers.

³⁰ Some have argued that this may have been an unintended consequence of the AMPs (for example, see Robertson, Fitts and Clough, 2017; Clough, 2012).




Similarly to alcohol, the Cape York Institute (2007, p.67) proposed that CYIM would provide a window of opportunity during which expenditure could be redirected away from drugs and towards basic needs, while "...other support services such as drug and alcohol counselling" could generate longer-term change.







6.2.2 Qualitative evidence concerning the impact of CYIM on drugs

Drug use, particularly use of cannabis, is regularly cited as being a common issue across the CYWR communities (e.g. McMahon in van Vondren, 2010; FRC, 2014e, p. 58; Focus Group 1, 2018, p. 22).³¹ There is some anecdotal evidence that the FRC and CYIM have impacted drug use, though it is generally still perceived to be a major problem.

During a focus group held in May 2018, Coen, Aurukun and Mossman Gorge Local Commissioners were asked whether drug users and families of drug users were better or worse off since CYIM was introduced. The exercise carried limitations.³² However, the Local Commissioners' responses, illustrated in Table 1, still offer some insight (Focus Group 1, 2018, p. 19).

Table 1 Aurukun, Coen and Mossman Gorge Local Commissioners' reflections on CYIM and drug users/users' families

Key: Aurukun  Coen  Mossman Gorge 

	Unsure	Much worse off than before IM	A little worse off than before IM	Same as before IM	A little better off than before IM	Much better off than before IM
Drug users						
Families of drug users						

Aurukun and Coen Local Commissioners indicated at least some improvement for drug users and their families since CYIM had been introduced, but Mossman Gorge Local Commissioners' responses were less positive. This was due to a perception that cannabis use had increased in the community over the previous ten years. However, responses were not meant to indicate a causal link between CYIM and this trend. Instead, one Local Commissioner indicated that being close to the Mossman Township was the key issue, as well as drug use by people who do not fall within the FRC's jurisdiction and who are therefore unaffected by CYIM (also see **section 7.2.3 Out of jurisdiction**).

"...if you're talking about the green drugs... that's a problem because we're downtown, you know... it seems to be more obvious now. Yeah, I don't know what's happening... [And the BasicsCard isn't curbing it because] we've got other people, like full-time workers, and other people that don't have jurisdiction... I don't know about the other Commissioners, but I... think its worse." (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 20)

³¹ Although the FRC identified 'sniffing' or 'chroming' as a problem particularly amongst younger people in 2012 (p. 17), it has not been raised as a concern in more recent accounts. The rollout of low-aromatic Opal fuels since then may have reduced the prevalence of this behaviour (Australian National Audit Office (ANAO), 2015).

³² For example, Local Commissioners were not explicitly asked to respond according to changes that they thought had been caused by IM (instead, being asked to comment on broader changes that had occurred since IM came into effect). Further, the exercise was led by personnel from the Department of Social Services, which may have resulted in at least some level of acquiescent response bias. There were also some instances where language and cultural barriers may have played a role in limiting the validity of responses.

It may also be the case that the Local Commissioners were describing symptoms of a general increase in cannabis use on Cape York, such as that reported in the broader literature (particularly Bohanna and Clough, 2012; Clough, 2012).

Other anecdotal evidence from the Local Commissioners did indicate some level of positive change as a direct result of the BasicsCard. As McMahon (in Interview 3, 2018) pointed out, drugs are “...bought with cash, so you’ve got to have... [cash]” to be able to purchase drugs. For example, an Aurukun Local Commissioner (in Focus Group 1, 2018, p. 27) remarked that, without the BasicsCard, use of “gunja” would increase. With regard to one client who entered into a voluntary IM agreement, another Aurukun Local Commissioner (in Focus Group 1, 2018, p. 3) stated,

“He was spending his money on gambling and buying drugs, and then—which, when he asked to go on BasicsCard it had stopped.”

Another Aurukun Local Commissioner (in Focus Group 1, 2018, p. 15) stated,

“In Aurukun, the BasicsCard, our community, I mean it’s good. It’s really good... there’s less drugs...”

Although Aurukun Local Commissioners cited this as a positive outcome, there is little evidence of similar views in the other communities. (This is also supported by analyses of reported drug offences in **section 6.2.3**, which showed a significant decrease in Aurukun but not in other areas.) Nevertheless, despite any apparent decreases in usage that may be associated with CYIM, it appears that drug use—particularly the use of cannabis—continues to be a key issue across all of the communities.

The FRC (2014e, p. 58) stated, “Marijuana use is endemic...” amongst youth and older age cohorts.

A Mossman Gorge Local Commissioner (in Focus Group 1, 2018, p. 22) remarked that there was a group of community members who regularly used marijuana: “Yeah. In their twenties, you know? There’s a group that indulge in it, you know?”

The current Government Coordinator for Aurukun stated, when he was the Officer-in-Charge of Aurukun police station (in van Vondren, 2010) that “...the drug problem is, and it tends to be more drug problems with marijuana, but it is an issue that we have to concentrate on as well.” An Aurukun Local Commissioner (in van Vondren, 2010) supported this view, stating, “There are lots of people with mental problems because they’re taking too many drugs...”

6.2.3 Trends in reported drug offences

Reported drug offences are one proxy indicator of the level of substance abuse occurring in the communities, though the data are affected by changes in policing methods and community members’ willingness to report. Trends are reported for Aurukun, Coen, and Hope Vale (see Figure 4), but could not be reported for Mossman Gorge.

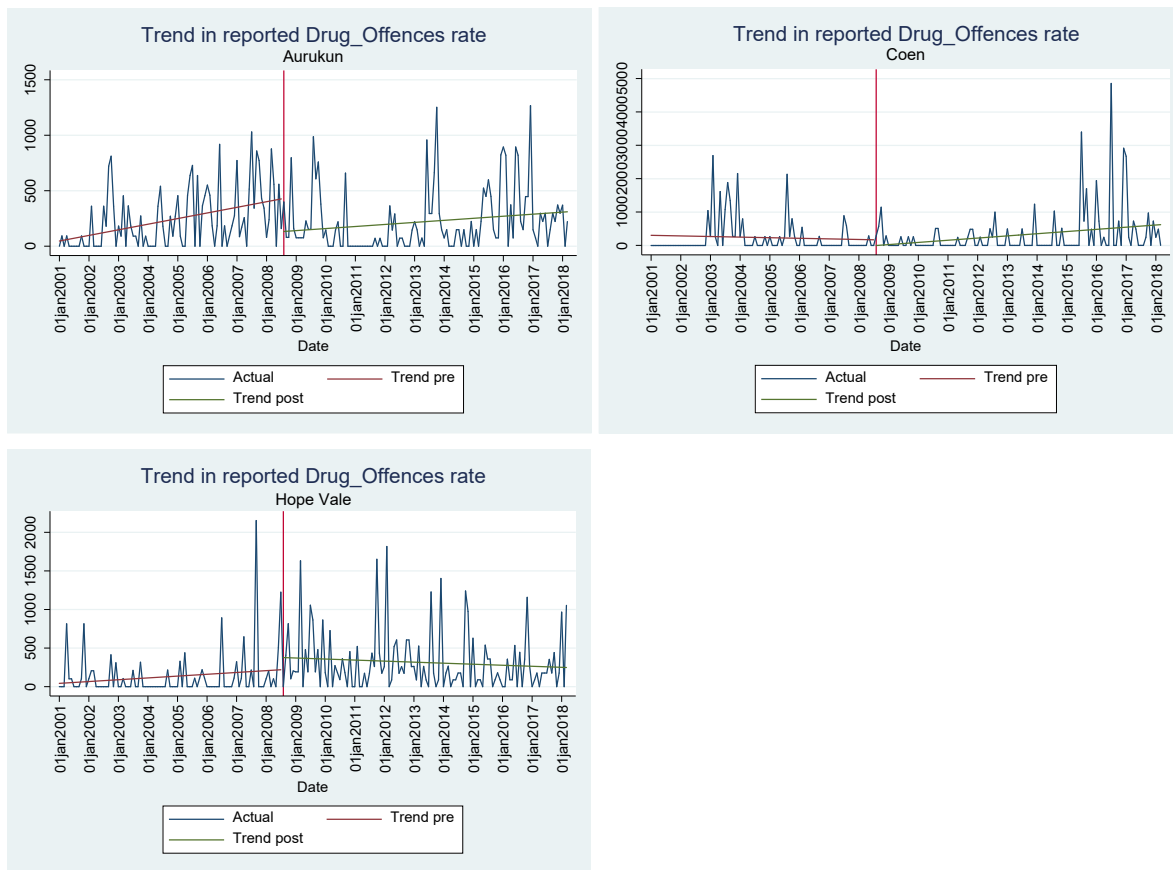


Figure 4 Trends in reported drug offence rate for Aurukun, Coen, and Hope Vale

The difference-in-difference analysis for Aurukun indicated that there was a significant decrease in the average rate of drug offences after the CYWR intervention, relative to the comparison area. The meta-analyses of the interrupted time-series analyses support this conclusion, and identify that this decrease was due to an immediate and sustained decrease in drug offences, but that there was no significant change in the post-intervention trend relative to the change seen in the comparison area.

Prior to the intervention, there was a significant increasing trend in the drug offence rate in both Aurukun and the comparison area. Immediately following the intervention, drug-offence rates increased significantly in the comparison areas, but significantly decreased in Aurukun relative to the comparison area. Overall, these results lead to the conclusion that drug offences decreased in Aurukun as the result of the intervention.

Conversely, in Coen, the difference-in-difference analyses found no significant difference between Coen and any of the individual comparison divisions. Whilst the pre-post difference in Coen is not significantly different to that in any of the comparison divisions, the more nuanced interrupted time-series analysis shows an increase in the trend in drug offences, significantly beyond the pooled comparison (and beyond all but three of the individual comparison areas). Overall, these results lead to the conclusion that drug offences increased in Coen following the introduction of the intervention.

Finally, the interrupted time-series analysis demonstrates that there was no significant post-intervention change in the rate of drug offences in Hope Vale, relative to the levels and trends of the monthly outcome in the comparison area.

Overall, the meta-analyses of the interrupted time-series analyses for drug offences indicate that there was a high degree of variability regarding the impact of the intervention on drug offences in the intervention divisions, with Aurukun showing a positive impact of the intervention, and Coen showing a negative impact.

The results of the regression analysis showed none of the communities showed a statistically significant relationship between the number of CYIM clients in the community and the rate of drug offences in the corresponding police division. There was no overall significant relationship between CYIM and drug offences in the pooled intervention areas, and no significant variability between communities.

6.2.4 Summary of findings

There are some indications that the FRC and CYIM have impacted drug use in the CYWR communities, particularly by limiting the availability of cash. For some FRC clients, this has meant that they have redirected their spending elsewhere. However, anecdotal accounts indicate that drug use, particularly the use of cannabis, is still a key issue of concern across the communities.

The quantitative analysis of reported drug offences indicated mixed results. For Hope Vale, no significant impact was uncovered, and for Coen, the rate of reported drug offences significantly increased relative to the comparison areas. However, the rate of reported drug offences in Aurukun significantly decreased, relative to the comparison areas. This was also supported by the qualitative data, which indicated that reports of reduced drug availability and usage were apparent in Aurukun, but not necessarily in the other communities.

6.3 Violence and crime

Indigenous Queenslanders continue to experience disproportionate levels of violence and crime (Fitzgerald, 2001; Special Taskforce on Domestic and Family Violence, 2015; Crime and Misconduct Commission, 2009). This includes high rates of severe violence in many Cape York communities (Martin, 1993; Special Taskforce on Domestic and Family Violence, 2015).

In 2015–2016, the rate of reported offences against the person³³ was, when compared with the Queensland average rate of 6.5 per 1,000 persons, more than 19 times higher in Aurukun (at 127.8 per 1,000), more than seven times higher in Coen (at 51.9 per 1,000), more than five times higher in Hope Vale (at 36.4 per 1,000) and more than 17 times higher in Mossman Gorge (at 112.2 per 1,000) (Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP), 2016).

Indigenous Queenslanders, including women on Cape York, also experience disproportionate rates of domestic violence (Medland, 2007; Sutton, 2009). For example, Queensland's Indigenous female population is 35 times more likely than the general female population to be hospitalised as a result of domestic violence (Special Taskforce on Domestic and Family Violence, 2015, p. 50). Overall, the crime rate in Far North Queensland (encompassing Cape York) continues to be the highest in the State (Queensland Police Service, 2017).

6.3.1 Focus on violence and crime under CYWR

The Cape York Institute (2007, p. 17) argued that violence had become a social norm on Cape York. It pointed to past studies, such as *The Aboriginal and Torres Strait Islander Women's Task Force on Violence* report (1999) and *Cape York Justice Study* (Fitzgerald, 2001), which documented the nature and extent of violence in Queensland's Indigenous population, including across remote Cape York communities. It also reported that medical evacuations from Coen were regularly a result of injuries sustained during domestic violence incidents, though similar observations for the other communities were not reported (Cape York Institute, 2007, p. 136).

Violence was perceived as being inextricably linked to the abuse of alcohol and other substances³⁴ (Pearson, 2005, 2009). It was also proposed that at least some violence occurred due to aggressive

³³ This category includes, for example, assaults, robbery, homicide and sexual offences.

³⁴ For example, Pearson (2005, p. 10) stated, "Grog abuse is the main cause of all types of Aboriginal violence and violence-related injury. There has been a debate about the relevance of characteristics of traditional and semi-traditional Indigenous culture to understanding contemporary violence. But we need to avoid attributing violence to culture rather than to grog. Whatever inherent propensities to use physical means of resolving disputes there might be in traditional culture, the fact is

requests for money or alcohol, also called humbugging (Pearson, 2001, 2005; Cape York Institute, 2007).³⁵ For example, Pearson (2005, p. 10) stated,

“What was a cultural obligation to share food with countrymen is turned into a cultural obligation to share grog. Whilst the relationships between drinkers are reciprocal, the relationship between drinkers and non-drinkers is not reciprocal. The drinkers take; the non-drinkers (are forced to) give...”

More broadly, crime was also perceived as being a symptom of the breakdown of social norms in the CYWR communities. In one community in particular, it was argued that crime and imprisonment (including for violent and other crimes) had, for at least some young men, become a new social norm and ‘rite of passage’.

“...some young men have come to see a prison term not as rightful punishment for shameful and criminal conduct, but rather as a way in which to become ‘hard’ and ‘tough’ and to gain respect...” (Cape York Institute, 2007, p. 315)

Because of extreme poverty experienced in their home communities, some ostensibly perceived prison as a welcome relief.

“The routine, discipline and nutritious food provided in prison are also regarded as beneficial. Prison will provide many of these offenders with a room of their own for the first time, and all are permitted a television.” (Cape York Institute, 2007, p. 315)³⁶

In order to address social norms concerning violence and crime, it was conceived that offenders could be directed to the FRC through the inclusion of a Magistrates Court (and later also District and Supreme Court)³⁷ trigger notification (Cape York Institute, 2007). To enable the FRC to also address domestic violence cases, an additional trigger was later added to cover the provision of domestic violence orders (DVOs). The FRC began receiving notifications for DVOs in February 2016.

6.3.2 *Other policies and programmes*

In addition to the CYWR, FRC and CYIM, there are other policies and programmes in the CYWR communities that have the potential to impact general crime and community safety. For example, a restorative justice mediation programme³⁸ was introduced in Aurukun in late 2013 (FRC, 2016d, 2016e; Focus Group 1, 2018), and is ongoing.

Changes in policing resources and strategies also likely have a heavy impact on whether crime is detected, reported, and whether/how reports are followed up. In some instances there have been dramatic point-in-time increases in policing resources in the communities. For example, in Aurukun the number of police was reportedly increased in January–March 2012 (FRC, 2012b, p. 17) and then again in 2015 and 2016–2017 after community fighting increased and Aurukun teenagers attacked the local school principal (FRC, 2016d; Uhr, 2015; Elks, 2016).

At some point in 2016, closed-circuit television (CCTV) was also installed throughout Aurukun, which may have also resulted in an increased ability to identify offences as they occur. Greater

that substance abuse results in violence, the nature and magnitude of which is of a vastly different proportion to that in traditional culture.”

³⁵ As opposed to the traditionally productive and generous social practice of demand-sharing (Altman, 2011; Peterson, 1993), ‘humbugging’ is particularly aggressive and unremitting, and is not always predicated on the need for reciprocity or exchange (Altman, 2011; Gerard, 1989). The issue of humbugging is also further discussed in **section 6.4 Money for basic needs**.

³⁶ The Cape York Institute (2007, p. 315) also pointed to other supporting literature, like Ogilvie and Van Zyl (2001).

³⁷ The Act was amended to enable the FRC to receive these additional notifications from higher courts in October 2014.

³⁸ This was based on the Mornington Island Restorative Justice Project. One of the Aurukun Local Commissioners continues to be employed under the programme to conduct ongoing restorative justice mediations.

surveillance may have also had an impact on the number of offences being brought to the attention of police.

6.3.3 *Qualitative evidence concerning the impact of CYIM on violence and crime*

There is some anecdotal evidence that the CYWR communities have become ‘quieter’ and have experienced less general crime (or less severe crime) than before the CYWR, FRC and CYIM were introduced.

“The community has become quieter and it would appear to us that Magistrates Court matters are reducing...” (Coen Local Commissioners in FRC, 2011e, p. 16)

“...the severity of crimes committed in our community is decreasing...” (Hope Vale Local Commissioner in FRC, 2014e, p. 32)

One Aurukun Local Commissioner (in Focus Group 1, 2018, p. 25) also attributed this at least partially to a perceived reduction in youth crime, but a reduction that had apparently occurred more recently.

“Crime has decreased, like two, three years ago we had young kids just damaging property... but that could be because, you know, they’re frustrated because there is nothing at home for them, there’s no food at home for them, you know... But now, we’ve, I’ve seen a change. There’s less, you know, less vandalism happening, less break and enters...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 25)

Senior Government Coordinator for Aurukun (and former police officer), McMahon (in Focus Group 1, 2018, p. 25), agreed:

“We haven’t had a car stolen for 18 months, which they used to be every week. But we, look there’s not many break and enters anymore either, they’re pretty rare... It’s still happening but there’s not a lot.”

Although the participants were responding to a question about the impact of the FRC and CYIM, their comments appeared to refer to a more recent trend. It is possible that this was caused by the community’s response to incidents of violence and crime in 2015–2016 (as described in **section 6.3.2** *Other policies and programmes*), which involved increased police numbers and McMahon taking on a role to improve coordination of existing community services (FRC, 2016d; Uhr, 2015; Elks, 2016). The FRC contributed to this response, but the overall strategy was broader, involving different programmes and service providers. Later, however, McMahon (in Interview 3, 2018) indicated that a general downward trend had begun earlier and that the FRC had played a primary role.

“Aurukun is a very safe place now. They’ll say oh but that happened two years ago [when police numbers were increased in relation to publicised incidents of violence]... Well prior to that I was in Aurukun living there. That was my home. I didn’t have any house anywhere else. So it didn’t start two years ago. Two years ago is when we got everyone on the same page [in my role as Senior Government Coordinator], all of the agencies, but they would have—I could have never got them on the same page if I didn’t have what the FRC had already built for me to take up...” (Brendan McMahon in Interview 3, 2018, p. 12)

Anecdotal accounts that crime has generally decreased are also supported by findings from the CYWR evaluation. The Social Policy Research Centre (SPRC, 2012, p. 252) found that, at that time, there was evidence that an upward trend in the overall offence rate had been reversed in the CYWR communities, which was not the case in comparison communities. The evaluation also found that there was a statistically significant reduction in the rate of hospitalisations for assault during the CYWR period (as opposed to before CYWR), but that this was not significantly different from a similar trend seen in other comparison communities (SPRC, 2012).

The qualitative data also reflect a general feeling that violence, including domestic violence, has reduced since the introduction of the CYWR. Whether these accounts reflect the broader trend identified by the SPRC (2012), or the perceived downward trend was at least in part a result of

CYWR the FRC and CYIM is unclear overall. For example, some Local Commissioners related this to the perceived reduction of alcohol usage (e.g. FRC, 2011e, 2012e; Dav'ange Consulting, 2018; also see **section 6.1 Alcohol**). For example:

“Domestic violence has in the past plagued our community. Many alcohol-fuelled fights occurred in public spaces in full view of children. Fights would frequently end in imprisonment and hospital visits. Since the Commission commenced in 2008 fights still do occur, however, we believe they are less frequent and less violent...” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 79)

Whether this reduction in alcohol, which may also have lessened the amount of violence (e.g. FRC, 2009e, p. 36; also see case study 5 at **Appendix 2**), was a direct result of the FRC and CYIM is also unclear, though there appears to be some evidence that CYIM has reduced alcohol usage in the communities, as discussed in **section 6.1 Alcohol**. FRC and CYIM have also played a role in reducing violence. For example, some clients appear to be deeply affected by attendance at FRC conferences, where Local Commissioners use their authority to challenge norms around violence (e.g. FRC client in FRC, 2012e, p. 43).

The take-up of additional support through FRC case-plan referrals also appears to improve outcomes for some clients. This was reflected in another client's story, whose partner's participation in a family violence intervention, to which he was referred by the FRC, appeared to make a significant impact. With regard to the client, Local Commissioners (in FRC, 2010e, p. 67) reported:

“...The [client's] partner is in and out of jail regularly, usually for violence and aggressive behaviour and sometimes also for possession of illegal drugs and alcohol. The previous conference she [the FRC client] was to attend [but] was delayed until she returned from the local women's shelter after an incident with her partner... [The client has attended multiple conferences and also been placed on a case plan]

For the first time in a long time she arrives at conference with a smile, her partner is back in the family home after being released from jail and things are going well. It has been three weeks since the partner attended the three-day 'Ending Family Violence' course... The partner had been conferenced [*sic.*] by the Commission and referred to the programme as soon as he returned to the community after being released from jail. As a result of the course, he tells his partner he has some understanding why he has previously been violent and what he has been doing to the family. The partner has now made a commitment to help rebuild the family...”

Another FRC client also spoke about the importance of reflecting on his role as a father as a key motivator to *attend* a conference and take up further support. This aligns with recent research about the factors that motivate family-violence perpetrators to seek help and work towards behavioural change (e.g. Meyer, 2018). Attendance at the FRC then appeared to provide him with the necessary support to make significant changes in his life.

“...For many years I was not a good father, partner or role model to my children. I would get very angry and just want to hit something. Sometimes it was my partner, sometimes it was the wall and sometimes I picked fights with other blokes knowing I could never win... When I felt the new baby in her belly I thought I have to change...”

I talked to the [FRC] Commissioners at the next conference I attended. They said if I want to change I need to work hard and a good start would be the Ending Family Violence program... [The client completed the programme.] I am a better man, a better partner and a better father now. I think first and act later, not the other way around. I still get mad and yell sometimes, but most of the time I calm down and think of what I can do to make things better not worse.

My new baby will come home to a happy home now and my little girls will not be worried to laugh out loud and play noisy games because I will be laughing and playing with them, not yelling at them to stop.” (FRC client in FRC, 2013e, p. 57)

Take up of the Ending Family Violence³⁹ programme appears to have produced some successful outcomes for these and other clients (e.g. see case studies 6, 11 and 23 at **Appendix 2**). Local Commissioners also play a key role and may, in some cases, "...become the buffer to stop the arguments between the relationships... [at home]" (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 2). For example, one community member (in von Sturmer and Le Marseny, 2012, p. 11) remarked that the FRC can "...control the fights from both sides." A Local Commissioner (in von Sturmer and Le Marseny, 2012, p. 15) also recognised the importance of the FRC conference setting as a 'sounding board', where clients could safely express their feelings, including their anger.

"Before the FRC started there was nowhere for people in the community to let their feelings out in a safe environment. In public meetings they would just blow up as they let their feelings out, fights and assaults were common..."

In this respect, von Sturmer and Le Marseny (2012, p. 6) reflected upon the changing situation as follows:

"We find people being able to articulate their own feelings and fears where once they were inclined to enactment... The old broadcasting of complaints continues; a sort of public rendering—literally a 'publication', a making public, of grievance. This is no doubt healthy and it coincides with traditional practice... The public airing of grievances is a safety valve—and it invites intervention by restraining, caring hands. The role of the Commission might be seen in that way—as a place for airing grievances..."

The qualitative evidence also indicates that CYIM may play a specific role in helping to overcome violence associated with humbugging, particularly in family-violence situations (also see **section 6.4.2** *Qualitative evidence concerning the impact of CYIM on 'basic needs'*). For example:

"...It's a little powerful little card, you know? It's got capability, and one of the main ones is to feed our kids and to protect women from domestic violence, you know?" (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 10)

"[Without CYIM] ... You'd have more domestic violence because the partner is expecting the woman to give him money so he can go and buy, spend it on whatever he wants, you know?..." (Aurukun Local Commissioner in Focus Group 1, 2018, p. 27)

"The women love it because the kids are getting fed so they're not being coerced into handing over money or having no control over what comes into the house." (FRC Registrar in Interview 2, 2018, p. 6)

In particular, anecdotal accounts indicated that CYIM is a useful means by which (mainly) female victims can take better control over the family budget, while redirecting their partner's frustration or anger towards the FRC rather than towards them. For instance, the same Mossman Gorge Local Commissioner (in Focus Group 1, 2018, p. 10) elaborated, "So the Commissioners can take that violence, you know?"

In this regard, the option of voluntarily entering into CYIM can be useful, but there also appears to be merit in having the ability to ask to be placed on a *compulsory* CYIM order. In at least some instances, the perception that the client has had no choice but to be placed on CYIM can be useful for them, because it can reduce the potential for reprisal.

"... We have women coming into the conference asking to be put on the BasicsCard and requesting us to tell their partners that the FRC made them go on the Card, so that they can

³⁹ The Ending Family Violence programme was delivered between 2010 and late 2013, including, for at least some of this time, through a partnership between the FRC and Queensland Corrective Services (FRC, 2010b, 2010c, 2011c, 2013e, 2013d). Since delivery of the programme ceased in late 2013, Local Commissioners have regularly called for an alternative service to fill the resulting gap but it appears that none have been implemented to date (e.g. FRC, 2016e, 2017b, 2017d; IPNRC, 2017) (also see **section 7.2.3** *Service delivery*).

have money for food and rent every week...” (Local Commissioner in von Sturmer and Le Marseny, 2012, p. 16)

“...And the lady defacto is scared to tell her partner that she was income’d. [*sic.*] She comes to the Commission saying she wants to be voluntary, to save this money for my children, but I want to tell my children [and partner] that you guys have put me on...” (Hope Vale Local Commissioner in Focus Group 2, 2018, pp. 1–2)

It has been proposed elsewhere that the lack of flexibility in some compulsory IM schemes can be problematic because it reduces the level of choice available to victims of family violence (Marshall, 2011; Australian Law Reform Commission (ALRC), 2012). For example, victims may require cash to flee a violent relationship. However, rather than disempowering victims (ALRC, 2012), it appears that CYIM is often used as a tool of empowerment.

The ALRC (2012) recommended that voluntary IM is most appropriate for individuals experiencing family violence, but the experience on Cape York suggests that many derive value from the perception of being compulsorily placed on CYIM because there is less fear of reprisal. Thus, the fact that the FRC has both options available appears to be important in supporting different clients’ individual needs. The fact that the FRC can apply CYIM on a case-by-case basis, taking in the individual circumstances and needs of the client, is also undoubtedly a positive point of difference when comparing CYIM against other schemes.⁴⁰

6.3.4 *Trends in reported assaults*

Trends in reported assault rates were explored as one indicator of violence in Aurukun, Coen and Hope Vale (see Figure 5). (Disaggregated data was not available for Mossman Gorge.)

⁴⁰ The ALRC (2012, p. 272) also recognised that the CYWR model of IM offered greater flexibility than other Australian models, and suggested that it provides “...an instructive model for the Australian Government... because of its flexibility in the approach to income management and a focus on the individual needs of the person.”

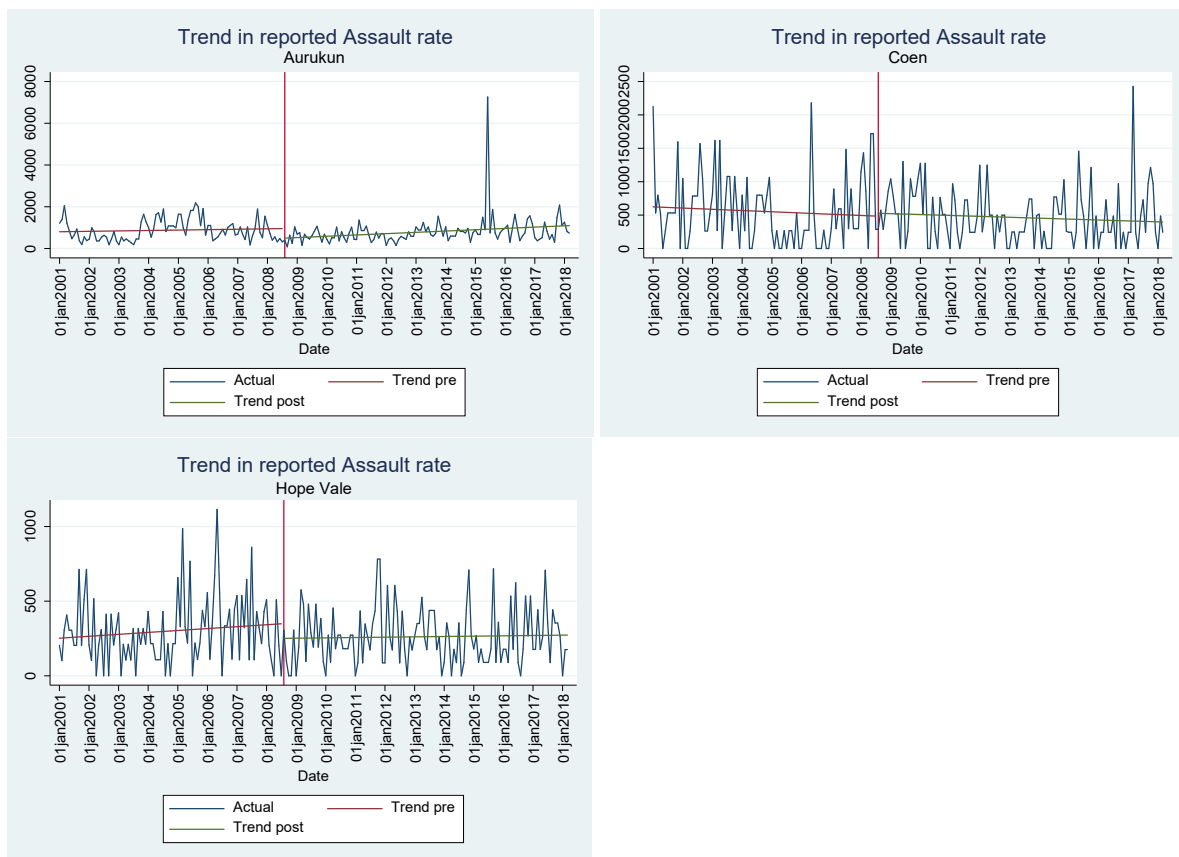


Figure 5 Trends in reported assault rates for Aurukun, Coen, and Hope Vale

The difference-in-difference analyses between the intervention areas and the combined comparison areas did not suggest a positive impact of the intervention, with the three communities showing no effect of the intervention. The assault rate decreased on average across each of the combined comparison groups and the divisions of Aurukun, Coen and Hope Vale following the intervention; however there was no significant difference between the reduction seen in the comparison and treated areas, suggesting no impact of the intervention in these areas.

Overall, the meta-analyses of the interrupted time-series analyses for assault indicate that only Aurukun's assault rates saw any reduction immediately following the intervention, but that this was not sustained over the long term, and that there was no significant change in trend following the intervention in either the pooled intervention areas or the pooled comparison areas. The results of the time-series analyses for assault support the results of the difference-in-difference analyses. The immediate reduction in the assault-rate in Aurukun is promising, but the fact that this was only sustained until 2015 (a period of seven years) before it returned to pre-intervention rates requires further exploration.

The results of the regression analysis showed that Aurukun had a (barely) significant relationship between the number of IM clients in the community and the assault rate in the corresponding police division, whereby an increase in the number of CYIM clients corresponds with an increased rate of assault. However, there was no overall significant relationship between IM and assault in the pooled intervention divisions, with no significant variability between communities. One possible interpretation of the association between increased assault and increased numbers of clients on CYIM in Aurukun, is that CYIM can be a response to court proceedings, therefore the relationship between CYIM and assault may be an artefact of the FRC response to violence.

6.3.5 Trends in breaches of domestic violence orders

Breaches in domestic violence orders (DVOs) provide a proxy indicator for the general level of domestic violence in the communities. It is, however, limited by fluctuations in community members' willingness to report breaches, as well as changes in policing approaches over time. Trends were reported for Aurukun, Coen and Hope Vale (see Figure 6). (Disaggregated data was not available for Mossman Gorge.)

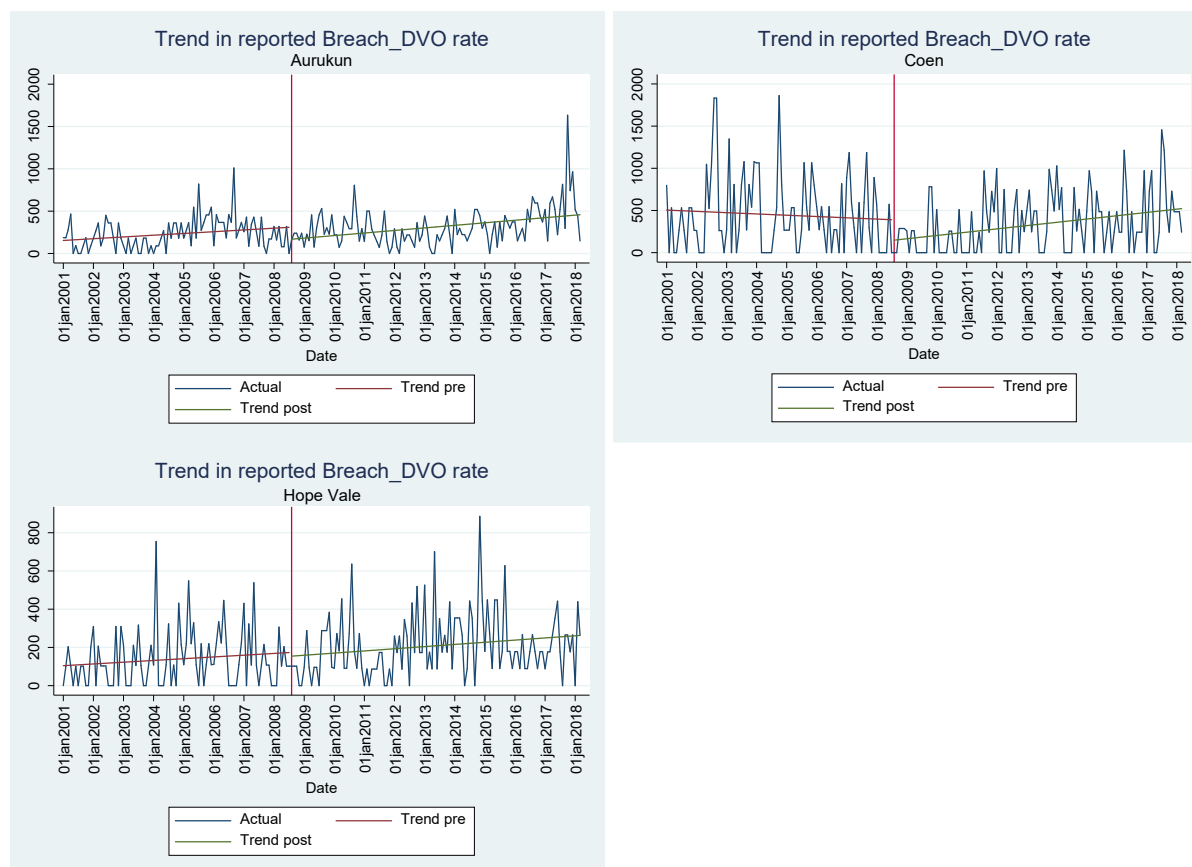


Figure 6 Trends in reported breach domestic violence protection orders for Aurukun, Coen, and Hope Vale

Immediately following the intervention, both Aurukun and Coen saw a significant reduction in breaches of domestic violence orders; however, this effect was also common to five of the 12 comparison areas. The decreases in Aurukun and Coen were not significantly different to those seen in the comparison areas. Conversely, following the intervention Coen demonstrated a significant increase in the trend in domestic violence protection orders breach offences, but this effect was also not significantly different from the increase seen in the pooled comparison areas.

Overall, the meta-analyses of the interrupted time-series analyses for domestic violence protection orders breach offences indicate that there was no significant difference between the pooled intervention areas and the pooled comparison areas in initial level of offending, pre-intervention trend, immediate post-intervention change, or post-intervention change to trend.

The results of the regression analysis showed only Hope Vale had a significant relationship between the number of CYIM clients in the community and the rate of breach of domestic violence protection order offences in the corresponding police division, whereby as the number of CYIM clients increased, so too did the breach rate. There was an overall significant relationship between CYIM and breach offences in the pooled intervention divisions, with CYIM having a negative relationship to offences, with no significant variability between communities. Similarly to assault, it is possible that

this relationship is as a result of placing clients on CYIM if they breach a domestic violence protection order.

6.3.6 Summary of findings

Overall, the evidence concerning the impact of the FRC and CYIM on violence is mixed. The qualitative data suggest a general feeling that violence has reduced as a result of the introduction of the FRC and CYIM. The role of CYIM in this regard has been particularly in its ability to reduce expenditure on alcohol and drugs, which then ostensibly reduces the frequency and severity of violence (e.g. FRC, 2012e, p. 79). However the impact of the FRC's other functions, including conferencing and referral to other services, also appear to play critical roles in this regard.

For example, stories from FRC clients indicate that violence can also be reduced as a result of experiences in the conferencing environment (in particular the ability of Local Commissioners to challenge social norms around violence) and take up of external support services. This highlights the importance of ensuring there are appropriate services in place to which the FRC can refer clients for support in reducing violence (as further discussed in **section 7.2.5 Service delivery**).

There is also some qualitative evidence that CYIM can support victims of humbugging, including victims of domestic violence, to take greater control over household finances. Although the option of voluntary CYIM can be useful in this regard, the ability to request a *compulsory* CYIM order also appears to be valuable. In particular, some clients receive benefit from the perception that they have had no choice but to be placed on CYIM, because it reduces the potential of reprisal. Therefore, the fact that the FRC has both options available appears to be important in supporting different clients' individual needs.

Qualitative data regarding overall reductions in violence were only partially supported by the quantitative analyses. For example, the average rate of reported assaults decreased in Aurukun, Coen and Hope Vale in the post-intervention period. However, there was no significant difference between the reduction seen in the comparison and treated areas, suggesting no impact of the CYWR intervention in these areas.

Time-series analysis offered further insight. For example, immediately following the intervention, the rate of assault in Aurukun dropped significantly more than in the comparison area (by 458 offences per 100,000 $p < 0.05$). This decrease was not sustained, and following the intervention the assault rate grew in Aurukun by an average of 5.2 offences per 100,000 which is significantly greater than the control area where no significant trend was observed. Thus, whilst there was an immediate impact, by early 2015 assault rates had returned to pre-intervention levels.

It is impossible, however, to delineate between the impacts of the intervention versus other factors, like the closure of the Aurukun tavern in 2008; realistically, the early reduction in assaults may have been the result of a combination of these (and perhaps also other) factors. This could provide a more nuanced understanding of why assaults then crept back up. For example, it may be useful to further consider the role of 'sly grog' in this regard. Theoretically, if the supply of alcohol gradually increased since the closure of the tavern, this may have contributed to the trend in assault rates. This would emphasise the important role played by other community-driven reforms in also reducing violence. However, further research is needed in this regard.

Finally, the quantitative data did not provide evidence for any significant impacts of the intervention on DVO breach offences in Aurukun, Coen or Hope Vale, beyond the changes seen in the comparison areas. (No comparable data was available for Mossman Gorge.)

6.4 Money for basic needs

6.4.1 Focus on CYIM for basic needs under CYWR

Under the CYWR, it was foreseen that CYIM could help some families to cover basic needs, especially for vulnerable family members, like children. In particular, CYIM was viewed as a way to "...encourage individuals to take responsibility for themselves and others in their family and

community” (Cape York Institute, 2007, p. 67). It was also intended as a means of addressing the negative aspects of humberging.

6.4.2 Qualitative evidence concerning the impact of CYIM on ‘basic needs’

There is strong anecdotal evidence that the FRC and CYIM have assisted families to budget and pay for basic needs, like food, clothing and basic furniture. FRC Local Commissioners report that many have received this benefit from the BasicsCard.

“[Community members] are saying it [the BasicsCard] is good because they know they have money for food...” (Hope Vale Local Commissioners in FRC, 2009e, p. 15)

“The biggest change though, has been that people can now have the things they want, things such as white goods in the home and food for their family and children in the fridge and cupboard. This is possible because of the BasicsCard, they can manage their money and save for the things they want...” (Local Commissioner in von Sturmer and Le Marseny, 2012, p. 16)

Some community members self-report that the BasicsCard has made budgeting easier, and ensured money is available for food and other necessities. This has included being able to afford important household items, like fridges and washing machines.

“...the BasicsCard makes it easy to budget and now after the bills and food are paid for, there is money left over for new things like clothes and kids toys, there is less for grog, but that’s OK” (FRC client in FRC, 2010e, p. 26)

“...Being on the BasicsCard has changed me, because now I can buy food, clothes and other things I need...” (FRC client in KPMG, 2010, p. 74)

“[One FRC client spoke about]... how initially she was angry at being made to have the card, but how she had quickly adapted to using the card. It helped her to manage her money and save for significant household items, including a fridge, washing machine and lounge suite...” (von Sturmer and Le Marseny, 2012, p. 10)

“...My kitchen is now complete with a fridge and a microwave. My house is gradually filling up with furniture...” (FRC client in FRC, 2010e, p. 71)

In one case, a client (in FRC, 2009e, p. 40) who cares for four children stated,

“...You know what else, I am buying a fridge and a freezer ... If I have a fridge I will not have to walk to my auntie’s house to get the food. I also want to buy the kids a bed each.”

A Mossman Gorge Local Commissioner (in Focus Group 1, 2018, p. 7) stated that they noticed the biggest difference in one of their clients when the BasicsCard was lifted after a period of voluntary CYIM.

“I see the difference and the improvement or the effect of the BasicsCard when—when it’s lifted. Because he [the FRC client] did it voluntary one time and it was lifted, it expired, and then you can see the difference [and] transformation within a month. He was drinking, and his clothes was marked. [*sic.*] You know when he had the BasicsCard, he had new clothes, he had, you know, food, so that’s the evidence I could see...”

Another client admitted their bank account was constantly overdrawn before she was placed on CYIM; she now spent more money on her children’s needs and had ‘transformed’ her family (Karvelas in FRC, 2014e, p. 20). The client (in FRC, 2014e, p. 20) stated,

“I’ve done everything to make sure my children have better health and a better education...”

Overall, anecdotal accounts indicate that the BasicsCard has been helpful in ensuring clients can afford basic needs. The fact that some FRC clients also ask to remain on CYIM, or move onto voluntary CYIM, after experiencing benefits from the BasicsCard is also a further endorsement of the scheme’s ability to help families manage household budgets.

“We take them off income management. Sometimes they say ‘No, no, we want to stay there. ‘We want to buy a new fridge, a new washing machine. We’ve got food in the cupboard all the time for our kids.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 2)

“...The respondent had told the FRC in the conference that she wanted to keep the BasicsCard and had asked to be placed on the Card on a voluntary basis because it made managing her money and her life easier.” (von Sturmer and Le Marseny, 2012, p. 10)

“Some members are now voluntarily seeking income management as a means to provide for the priority needs of their families.” (FRC, 2009c, p. 2)

In some cases, CYIM may not only assist clients to cover basic needs, but also to establish savings accounts. This may support some clients to make longer-term plans for improving their living standards, for example, by planning to move into larger homes to reduce overcrowding.

“...having my income managed means that I always have money on my BasicsCard to buy food and I have opened a savings account... It feels good to have little bit of extra money tucked away for a rainy day... I am planning for the future which includes moving out of the house that I share with extended family members and I want to move into my own house...” (FRC client in FRC, 2009a, p. 34)

“...I am now saving for some Pride of Place⁴¹ work on my garden. I have also talked to my family about saving as a group so we can move into a bigger, newer house because our house is very crowded...” (FRC client in FRC, 2010e, p. 71)

“When we first made decisions to put people on the BasicsCard, people did not like the idea but they are now telling us they have more savings and there is less arguing over money.” (Coen Local Commissioners in FRC, 2010e, p. 16)

It appears that one of the primary ways that CYIM helps clients to manage their income and (in some cases) establish savings is by enabling them to decline humbugging requests in a way that is more culturally appropriate.

Anecdotal accounts of humbugging tend to highlight its frequency, as well as the cultural difficulty in refusing to give ‘loans’ of (predominantly) money when asked.⁴² For example:

“I’ve seen a Grandmother go into a shop to pay for her stuff, and knowing that her pensions fallen in, she’s gone and they’ve told her ‘you’ve got no money in your account’, because they’ve gone online, one of her family members have gone online and transferred her pension and used it, and she’ll starve, without her knowing.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 20)

“...the woman asks if she can be income-managed, because she’s ‘sick of being put on by [another community member] for cigarette money.” (Account of an FRC client conference in Ford, 2012, pp. 27-28)

CYIM, including in both its compulsory and voluntary forms, is frequently cited as a useful way to circumvent humbugging. For example:

“The BasicsCard has assisted in reducing... the ability for family members to humbug for money to buy alcohol...” (Mossman Gorge Local Commissioners in FRC, 2012e, p. 79)

⁴¹ Pride of Place is one of a suite of programmes introduced under the broader CYWR initiative.

⁴² Sutton (in Ford, 2012, p. 28) also emphasised that the ability to provide money or other goods when requested was an important form of social capital because it established reciprocity. Sutton (in Ford, 2012, p. 28) stated, “One can no longer respond ‘properly’ to requests for money from kin when one has less money. This can affect relationships negatively.” However, there was no evidence of this in the qualitative data relied upon for this review. It should also be noted, however, that the issue was not intentionally raised by facilitators in any of the focus groups or interviews relied upon here.

“[Voluntary IM] ...is a feasible antidote to family and social pressure to hand over cash for non-essential items and contraband.” (FRC, 2009c, p. 13)

In response to humbugging, some clients request voluntary CYIM, while others will request that the FRC places them on a compulsory CYIM order, so that they can maintain the appearance that they have no choice but to be on CYIM (e.g. FRC, 2010c, 2011c; von Sturmer and Le Marseny, 2012).⁴³ CYIM may also be voluntarily sought to protect more vulnerable community members, especially where there are power imbalances in their relationships. For example, it has been cited as being important in preventing humbugging of (particularly) women in domestic-violence relationships (also see **section 6.3.3** *Qualitative evidence concerning the impact of CYIM on violence and crime*), as well as Elders.

“In March 2016 there was talk of an increase in humbugging of our Elders. In response we decided that our Elders may benefit from participating in voluntary income management... Three Elders were interested and signed up to voluntary income management in the weeks following the presentation, with a further three people signing up by the end of the financial year.” (Coen Local Commissioners in FRC, 2016e, p. 33)

“And with Coen, we have a lot of elderly people who just come in and volunteer [to go onto IM] because it’s stopping the younger ones taking money off them.” (Coen Local Commissioner in Focus Group 1, 2018, p. 3)

When asked who typically used voluntary IM, one Aurukun Local Commissioner (in Focus Group 1, 2018, p. 3) responded:

“Well, we have people who have mental issues, they want to go on BasicsCards because they have family members who torment them for their money—and which, one of the, one of the gentlemen who has mental issues told me that he loves the BasicsCard because with the BasicsCard he buys food for himself and he helps the household...”

Before that, he, his family used to have problems with him because he never used to buy food for the house. He was spending his money on gambling and buying drugs, and then, which, when he asked to go on BasicsCard it had stopped.”

It has been suggested that compulsory CYIM schemes elsewhere are a poorly directed response to countering humbugging because demands can also be aimed at goods (in addition to cash), and non-quarantined components of an individual’s income (e.g. Altman, 2011). There remain methods of circumventing the BasicsCard (as discussed in **section 7.2.1** *Circumventing the BasicsCard*), which can limit its effectiveness in protecting more vulnerable community members. For example, a Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 20) indicated that, even where elderly persons are on the BasicsCard, they can still be humbugged.

“But the abuse is in the house, they’re pressured for their password, for their PIN numbers...”

Ultimately, if a person hands over the pin number to their BasicsCard, it can be used by anyone, like any key card. However, notwithstanding this fact, the qualitative evidence on Cape York indicates that CYIM has been useful overall in supporting community members to be able to refuse humbugging demands in a manner that is less culturally problematic. This appears to be at least part of the reason it has also helped families to better afford basic needs and manage their household budgets.

6.4.3 *Summary of findings*

The qualitative evidence suggests that, as one component of the FRC’s work, CYIM has enabled some clients to better manage their money, redirect their spending towards basic needs, and establish/build savings. It appears that CYIM can also be helpful as a means of responding to humbugging demands in a more culturally appropriate way.

⁴³ Also see **section 6.3.3** *Qualitative evidence concerning the impact of CYIM on violence and crime* for further examples.

There are many accounts of community members asking to be placed on compulsory CYIM orders, as opposed to entering a voluntary agreement, especially to avoid humbugging or to ensure basic household needs are met in situations where there are power imbalances in the home (e.g. where domestic violence is a factor). The perception of choice is important in these cases; some community members derive great value in the perception that they have had no choice but to be income managed. Thus, this provides further evidence that there is value in having both options available.

6.5 Schooling

Average school attendance rates in Far North Queensland are lower, on average, than for the rest of Queensland (Department of Education and Training (DET), 2017a). Average attendance in the CYWR communities is also generally poorer than the State average (DET, 2017a, 2017b).

Average attendance in Coen is traditionally the highest amongst the other CYWR communities. For example, average attendance at Coen primary school between Term 1 2014 and Term 2 2017 was 90%, just below the typical State average of 91.5% (DET, 2017a, 2017b). In some instances, it exceeds the State average (e.g. attendance of 96.5% in Term 1, 2015) (DET, 2017b). Conversely, attendance at Aurukun, Hope Vale and Mossman Gorge is typically lower.

At least partially as a result of poorer historical attendance, rates of educational achievement on Cape York are also lower than State and National averages. For example, according to the most recent Census data (ABS, 2016), 36.7% of Indigenous Cape York persons had completed Year 12 or above compared with 62.3% of all Australians.

6.5.1 Focus on schooling under CYWR

The Cape York Institute (2007, p. 18) recognised that poor school attendance had become a negative social norm across many Cape York communities. It stated, “School attendance in Cape York averages 75.4 per cent, and Aurukun community averaged 46.4 per cent in First Term, 2006” (Cape York Institute, 2007, p. 19). The reasoning was that there were fewer incentives for remote-living students to commit to studying because of limited availability of jobs and the availability of a relatively easy pathway into a previous work programme (Community Development Employment Projects (CDEP))⁴⁴ rather than employment in the free economy. However, there was also feedback from early consultation with the CYWR communities that parental engagement and willingness to send their children to school should also be targeted (e.g. feedback from Mossman Gorge’s Bamanga Bubu Ngadimunku Inc. (BBNAC) in Cape York Institute, 2007, p. 48).

The CYWR design subsequently incorporated an FRC trigger for school attendance, which results in a notification when a child has three (or more) unexplained absences from school during a school term (Cape York Institute, 2007; FRC Act, s40). As a result of a school-attendance notification, a child’s parents/carers are usually required to attend an FRC conference.

6.5.2 Other policies and programmes

As part of CYWR, the Cape York Aboriginal Australian Academy (CYAAA) took over the management of the primary schools in Aurukun (in January 2010), Coen (in January 2010) and Hope Vale (in January 2011) (Limerick, 2012). There is some evidence that this resulted in positive changes to the school environment in those communities, which may have also influenced school engagement and attendance.

The inclusion of cultural activities as well as a different pedagogical approach as part of the CYAAA curriculum may have also impacted engagement and attendance (FRC, 2012e; von Sturmer and Le Marseny, 2012). However, CYAAA reluctantly forwent management of the Aurukun Primary School in early 2017 (Cape York Academy, 2016).

⁴⁴ CDEP ran from 1977 until it gradually began to be phased out in 2007. It was eventually completely removed in 2015. It has been replaced with a series of employment programmes—the current of which is the Community Development Programme, CDP—which have a stronger emphasis on mutual obligation requirements and stricter compliance regimes.

In addition to the operations of the schools, student case managers may also have had an impact. They began operating in the four CYWR communities between 2008 and 2009, supporting families and school students to overcome obstacles to attendance (Limerick, 2012).

An additional programme called the Student Education Trust (SET) was also introduced into Aurukun (in August 2008), Coen (in March 2006), Hope Vale (in January 2008) and Mossman Gorge (in early 2007) to help parents/carers save for their children's educational needs (Limerick, 2012; Cape York Partnership, 2017). At December 2017, SET donors from the four CYWR communities had voluntarily set aside >\$2.96M towards children's educational needs through SET, and 1,062 children had been involved in the programme (Cape York Partnership, 2017). It appears to have assisted some parents to budget for their children's schooling needs. For example,

“they [the Local Commissioners] told us about putting money away for my kids school things (Student Education Trust) and I am very thankful for that... I see [the] kids enjoying themselves...” (FRC client in FRC, 2009e, p. 42)

ABSTUDY mobility requirements were also amended under the CYWR to enable students to bypass local high schools and board elsewhere if they chose to do so (Limerick, 2012).

Beyond the CYWR initiative, Department of Education Transition Support Service (TSS) officers and The Cape York Institute's Cape York Leaders Program also support Cape York students, including in the CYWR communities, to transition into secondary school, usually by attending boarding options throughout the State (Limerick, 2012; Cape York Partnership, 2017).

These additional policy and programme changes in the CYWR communities have undoubtedly also influenced outcomes since the FRC and CYIM were implemented in 2008. It is, therefore, difficult to distinguish between outcomes of the FRC, CYIM, and these (and also perhaps other) interventions. Nevertheless, the following sections summarise the available data and attempt to draw out specific connections with the FRC and CYIM wherever possible.

6.5.3 Qualitative evidence concerning the impact of CYIM on schooling

Since the FRC and CYIM were introduced, perceptions about the role and importance of schooling, including parental engagement in education, appear to have improved.

“We have seen an improvement in the engagement of both students and parents in the schooling curriculum. We recognise and commend the enthusiasm with which children, parents, carers, teachers and the community have embraced the need for education and the joy of learning...” (Hope Vale Local Commissioners in FRC, 2011e, p. 18)

“We see our community now respecting the rights of children to go to school and have a future with improved education outcomes.” (Hope Vale Local Commissioners in FRC, 2012e, p. 30)

“And now those mums and dads... they're looking forward to going and sitting in the classes with their children, or taking their children to the school. Or they jump on the school bus to go and pick their children up. If they not at school when they came back from work, they going to get these kids coming to their classes and it's working real well.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 3)

“...many [students] now wear uniforms... [and] Some parents now accompany their children to school and sit in the classrooms to watch the lessons...” (Aurukun Local Commissioners in FRC, 2012e, p. 74)

In some cases, the FRC has been described as being pivotal in changing these perceptions.

“[The FRC has] definitely put the responsibility back on the families to send their children to school and encouraged families to see the importance of schooling.” (Year one teacher at Aurukun Primary School in van Vondren, 2010)

“...The Commission explained that it was important for my youngest to go to the Kindy a few days a week. She is going and she has a special teacher helping her. This has made it easier

for her to learn and she is better behaved. She is used to going to Kindy now...” (FRC client in FRC, 2009e, p. 17)

“[Since the FRC] ... There has been a very significant shift in the attitude of community members towards sending their children to school... the general attitude of community members towards school being a priority has increased.” (FRC client in von Sturmer and Le Marseny, 2012, p. 14)

This appears to occur primarily through the FRC’s expectation-setting role.

“... We continue to emphasise to parents and carers the importance of school attendance and prompt arrival times.” (Hope Vale Local Commissioners in FRC, 2011e, p. 18)

“... The need to keep our children in school requires continual reinforcement, and unfortunately at present we are having difficulties with the high school and boarding students.” (Aurukun Local Commissioners in FRC, 2012e, p. 74)

As well as setting high expectations, the FRC continually challenges those who do not conform.

“I myself went before the Commission because of my grandson... I ask myself why my grandson has not gone to school. This is what the FRC challenges me with. I can’t keep on coming up with excuses. This puts me in an awkward position...” (FRC client in von Sturmer and Le Marseny, 2012, pp. 14-15)

“The Local Commissioners used strong words and the message was clear we must send our kids to school. I know now that I have to tell the school if my kids are not going...” (FRC client in FRC, 2009e, p. 36)

The FRC also works closely with the schools to better understand the reasons behind some students’ poor attendance, and develop strategies to support them and their families to help them attend (FRC, 2010b, 2011c, 2015e, 2016e, 2018a). This includes bringing attention to behavioural issues, including allegations of bullying.

“... Like school, with the behaviours they have. They [parents/carers] say ‘I’m not sending my kids to school because my kids get picked on all the time, there’s always bullying.’ So we call the headmaster in and we tell them the issues that are being brought up at conferencing and talk about that, and what the parents are using. We [also] try to find out if it’s really happening, or if it’s just an excuse...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 16)

Local Commissioners regularly attend school assemblies to address students (FRC, 2011c, p. 29), sit in classrooms to encourage good behaviour (FRC, 2010b, p. 22), and donate and present awards to high-attending students (FRC, 2010e, 2011e, 2012a, 2013a, 2014a, 2016a, 2017e). Some Local Commissioners also spend time walking their communities during school hours to encourage children who are not attending to go to school (FRC, 2010e, p. 25; Focus Group 1, 2018, p. 5).

Since 2013, the Hope Vale Local Commissioners have also had an ‘adopt-a-class’ programme arranged with their local school (FRC, 2013e, p. 33; FRC, 2014, p. 32). They visit their class once a month to deliver cupcakes to celebrate children’s birthdays and hold picnics at the end of each term. They also invite their class to visit the FRC conference room, speak with the Local Commissioners, and discuss the FRC’s approach (FRC, 2016e, p. 38). The aim of the programme is to “... motivate these students to dream big and aim high”, including seeing the importance in achieving educational outcomes (FRC, 2016e, p. 38).

In addition to these strategies, there is also some indication that CYIM has helped to improve students’ readiness for school, as well as their attendance. This appears to occur in two primary ways:

1. CYIM assists families to cater for basic needs (as described in **section 6.4 Money for basic needs**), which means students are better prepared to attend school, and
2. CYIM (or the threat of CYIM) motivates parents/carers to send their children to school.

With regards to the first mechanism, the Mossman Gorge Local Commissioners (in FRC, 2012e, p. 78) reported that the BasicsCard had redirected funds that would otherwise be spent on alcohol towards food, which had positive impacts on school students' readiness to attend.⁴⁵ In some cases, money that was otherwise directed towards alcohol is now redirected towards children. For example, one Aurukun FRC client had given up drinking when she was placed on CYIM. She stated:

“They put me on a BasicsCard and income management and it helped me a lot. That’s why the kids are going to school every day now... [I can] provide food for them, and clothing...” (FRC client in Carney, 2011)

With regard to another client, one Local Commissioner (in Focus Group 1, 2018, p. 16) stated:

“...I’ve seen her—this is before welfare reform came to our community—she used to drink a lot. When she was on BasicsCard during the period from 2008 ‘til now, she got her kids to school, she—we asked her what the BasicsCard did to her and her friends, and she said, ‘BasicsCard did a huge change in my life. [*sic.*] Yes, food on the table for my kids; new clothes; we have new fridge, freezer; beds for the kids to sleep on.’ So it made her, it took a long time to change her life around...”

For other clients, the simple act of being placed on CYIM provides motivation for them to improve their children’s school attendance relatively quickly. For example, a Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 13) described the experience of one FRC client as follows:

“...we had one guy, probably twenty years old. He’d had a second domestic violence arrest. We’d served him three times, he didn’t want to come, put him on Basics Card, and that got him to come and see me. ‘What do I have to do to get off Basics Card?’ Two of his kids weren’t going to school, they were about 40–50 per cent attenders [*sic.*], I just had the conversation with him, you know, I said, I can put you in for a time to meet the commissioners, but if you haven’t got your kids to school, or you get arrested again, you’re probably going to be incarcerated, you’re not going to get your money back.

About two months later, he came back and he said he was ready to see the commissioners. So I booked him in. We got the report from the school, and his school kids had missed one day in [the previous] two months, and done really well. And he walked out of there and the commissioners gave him back his money and he was stoked. Pretty happy with himself.”

There is also evidence that, even if parents/carers comply and send their children to school simply to get off CYIM (as opposed to seeing intrinsic value in their schooling), there is sometimes still a longer-term benefit when children begin to settle into the school environment.

“...Some chronic kids stay at home. Their parents been income managed, the kids go to school. They only do that because down the track, they want their money back. And the kids started settling into school—reports from the school say that the chronic kid is now settling in... give them their money back.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 3)

As discussed in **section 5.2** *Penalising and incentivising behaviours and decisions*, the FRC also uses CYIM as an incentive, particularly with regard to motivating clients to improve children’s school attendance. For example, if a client is placed on 75% IM because their children have not attended school, Local Commissioners can agree to lower the quarantined amount incrementally where school-attendance milestones or targets are met (FRC, 2016e, p. 53; Focus Group 1, 2018, p. 8). There is evidence that this has been an effective strategy (FRC, 2015c, 2015e; Focus Group 1, 2018, p. 8).

Overall, the qualitative data indicates that general perceptions about the importance of schooling have improved, at least in part due to the Local Commissioners’ wide-ranging efforts to convey and

⁴⁵ The Mossman Gorge Local Commissioners also pointed to the establishment of a food club at the Mossman State School, which had also assisted in ensuring school students, including those from Mossman Gorge, received lunch every day (FRC, 2012e, p. 78).

reinforce this norm. The specific impact of CYIM probably only accounts for a smaller portion of this overall change. However, it appears that it has nevertheless also been an important additional tool in some cases to both coerce and incentivise parents/carers to send their children to school. In other cases, it appears to have assisted parents/carers to redirect spending towards children’s needs, which can also result in them being better prepared to attend school.

6.5.4 Trends in school attendance

Trends in annual school attendance rates were explored for the years 2013 to 2017 (see Figure 7).

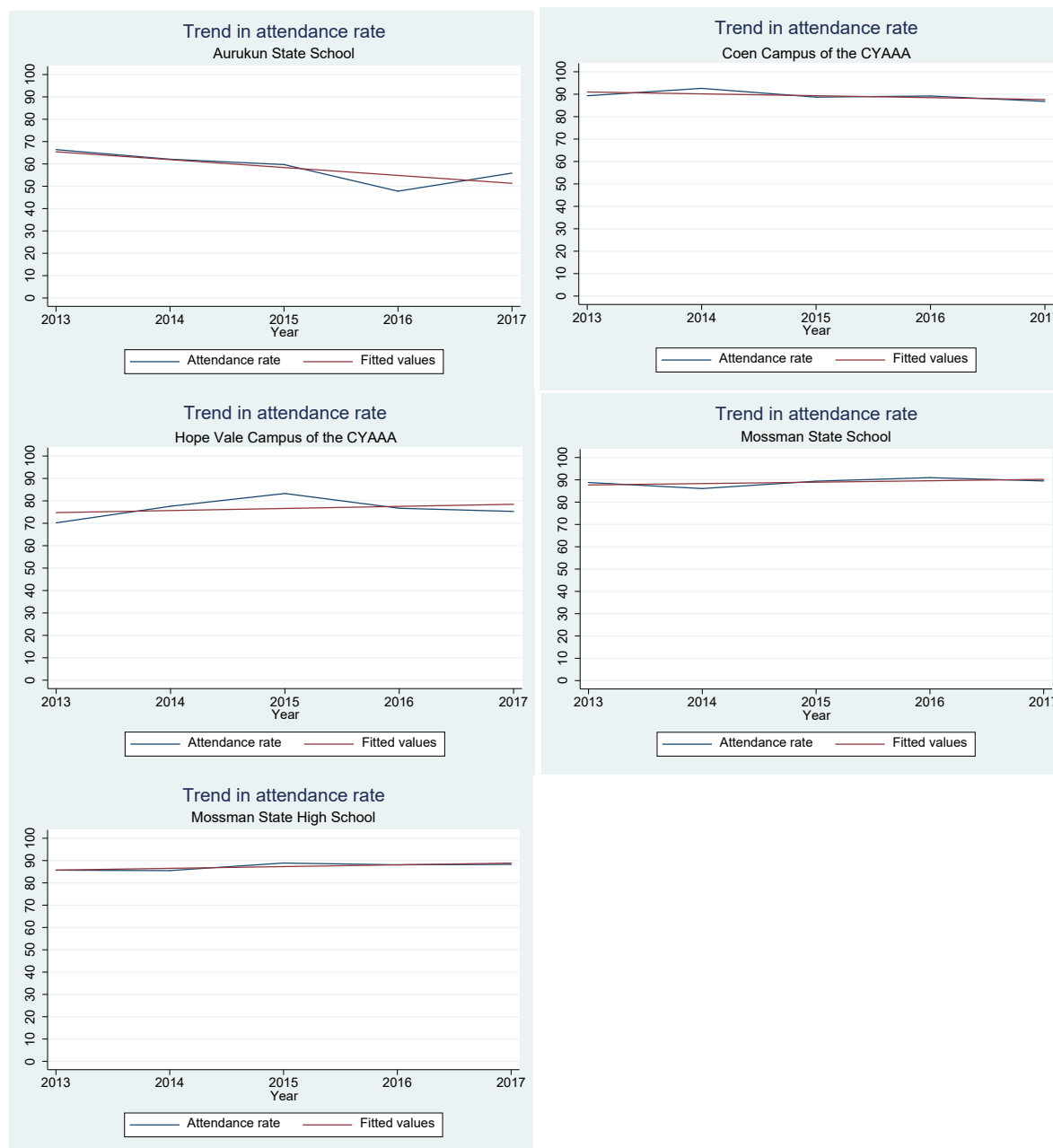


Figure 7 Trends in school attendance for schools in Aurukun, Coen, Hope Vale, and Mossman

Publicly available school attendance data for all students at each school was only available for 2013 to 2017, and it was not possible to disaggregate data by age or Aboriginal or Torres Strait Islander status. Because of the short time series available, it was not possible to analyse changes in attendance immediately after the CYWR intervention was implemented. The results of the meta-analysis of the regression of attendance over time indicated significant variability in both the level of attendance in 2013 and the subsequent trend over time. None of the CYWR intervention area schools showed any

significant change in attendance rate over time. Indeed, only three schools (all comparison areas) had a trend over time that was significantly different from zero (no change), with one declining and two increasing. Overall, no significant differences were seen between the attendance trend over time in intervention area schools and comparison area schools.

These findings provided a contrast with those reported in the earlier CYWR Evaluation, which showed improvements over a shorter timeframe immediately following the CYWR intervention (2008–2012) (SPRC and FaHCSIA, 2012). The SPRC and FaHCSIA (2012) reported that there were statistically significant improvements in school attendance at Aurukun and Mossman Gorge following the CYWR intervention, while similar trends were not detected in comparison communities.

6.5.5 Summary of findings

The qualitative evidence indicates that general perceptions about the importance of schooling have improved, at least in part due to the Local Commissioners' wide-ranging efforts to convey and reinforce this norm. It appears that the specific impact of CYIM has been more limited. However, there are cases where CYIM has helped redirect spending towards basic needs, which has resulted in children being better prepared to attend school. In some other cases, the act of simply being placed on CYIM was enough of a motivator for parents/carers to improve their children's attendance.

There are also other 'pull' factors that determine whether or not children will attend school, like the school environment and curriculum. Local Commissioners appear to work closely with their local schools to encourage attendance and engagement, but there are also factors that undoubtedly affect school attendance and engagement that are outside of the influence of the FRC and CYIM.

Despite general perceptions in the CYWR communities that school attendance has improved, the trend over the 2013 to 2017 period indicates that there has been no significant increase in school attendance in that time. Unfortunately, data was not publicly available to investigate the possibility of a significant improvement having occurred shortly after the intervention. However, this was previously investigated as part of the CYWR evaluation, and it was found that statistically significant improvements in school attendance were recorded in Aurukun and Mossman Gorge immediately after the intervention, which did not correspond with an overall trend across other similar communities (Limerick 2012; SPRC and FaHCSIA, 2012). The 2012 CYWR evaluation also linked the school attendance of a sample of Aurukun students with FRC records and found a statistically significant reduction in unexplained school absences after an FRC conference with the parents/carers of the students (SPRC and FaHCSIA, 2012). However, the strength of the effect diminished over time. Due to linked data being unavailable for this review, we have been unable to re-test this scenario.

6.6 Children's health and wellbeing

6.6.1 Focus on children's health and wellbeing under CYWR

A primary aim of CYWR was to improve the welfare of children (Cape York Institute, 2007). This involved improving opportunities for access to education, but also improving health and reducing the factors that precipitated child abuse and neglect, which were identified as one of the seven so-called 'dysfunctions' on Cape York (Cape York Institute, 2007). The Cape York Institute (2007, p. 19) noted that, at that time, Queensland Indigenous children were nearly five times more likely than non-Indigenous children to be the subject of a child protection order.

Subsequently, the FRC and CYIM were viewed as key means through which parents and carers could be encouraged to increase responsibility for their children. The Cape York Institute (2007, p. 34) stated,

“Functional ‘home bases’ are critical so that children born and raised in the communities are able to fully develop their capabilities, so that they can have real choices in time...”

To this end, the FRC trigger for child safety notifications was intended to bring parents/carers who were not meeting their child-rearing responsibilities to the attention of the FRC, where they could be conferenced and potentially also have CYIM applied.

6.6.2 *Qualitative evidence concerning the impact of CYIM on children's health/wellbeing*

Some perceive that children's overall wellbeing has improved since the introduction of the FRC and CYIM. For example, McMahon (in Interview 3, 2018, pp. 10–11), who was a police officer in Aurukun before taking on his current role of Senior Government Coordinator, described the status of child welfare in Aurukun before and after the intervention as follows:

“Well before they... [introduced the FRC and CYIM] I could walk in there and I could see a kid with a runny nose, broken arm, plaster on or skin off, bark all off him, fed like the middle of the street and I'd see that just daily. I'd go into the house and I'd spend most of my time putting my feet on cockroaches while I was talking to the people in there, stamping on them, because that's how bad things were.

Now you don't see—you see very few kids wandering the street... So the health of a child is just massively improved. Like you don't see those really run down kids that are just struggling to get a feed every day. There's still a few but that's—I think everywhere there's always a few and they get picked up pretty quick anyway. But the whole concept of how you should treat your child has been picked up, because you get your money taken off you, and a local person is telling you I saw your kid. What are you doing? You didn't take them to school... you don't see those unhealthy kids around anymore... [Also] Sexual violence for kids, it was rife... It's just not around, it's very rare now.”

Positive changes are often described in terms of children now being fed and clothed, and having their health-care needs met, where this was not always the case before (e.g. Local Commissioner in von Sturmer and Le Marseny, 2012, p. 16; FRC, 2014e, p. 20).⁴⁶ For example:

“We had a visit from Child Safety Services because our children had bad teeth. This came up at my next conference with the Commissioners. They all growled at me and said looking after teeth was very important. I went to the clinic and found out what to do.” (FRC client in FRC, 2013e, p. 21)

A reduction in expenditure on alcohol and drugs as a result of the BasicsCard is also often associated with improved child welfare.⁴⁷

Coen Local Commissioners (in FRC, 2012e, p. 76) remarked that, particularly through the FRC, there has been a “...push for parents to be accountable for their actions.” There is also a general view that parents, especially younger parents, have developed a better understanding of the role of parenting through the FRC and other support programmes, and are better able to support their children.

“Some of our young parents have in recent years gained a better understanding of parenting. We believe this has been due in part to the work we have done in the community as Local Commissioners.” (Coen Local Commissioners in FRC, 2012e, p. 76)

“We're here talking about the rights of children. Your children have a right to a good night's sleep, to have food in the fridge, food in the cupboard...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 11)

As a result, some believe that the level of intervention by Child Safety has reduced.

“Over the past four years we see that... there are fewer community children subject to substantiated child protection notices.” (Aurukun Local Commissioners in FRC, 2012e, p. 26)

“The community has become quieter and it would appear to us that... Child Safety Services are required to visit the community less frequently.” (Coen Local Commissioners in FRC, 2011e, p. 16)

⁴⁶ Also see **section 6.1 Alcohol** and **section 6.2 Drugs**.

⁴⁷ Also see **section 6.4 Money for basic needs**.

Conversely, however, Aurukun Local Commissioners (in FRC, 2012e, p. 74) also noted that there was an increase in reporting of child-safety concerns in the community, "...due to an increased understanding of how our children should be nurtured and how the system works."

In some cases, clients proactively seek out the support of the FRC and request CYIM to prevent or reduce the extent of child-safety intervention. For example,

"[One FRC client stated] 'We knew there would be some trouble for our kids if we did not take some action... There had been trouble in the house and the police had to be called, there was violence and the children were all around and very upset... We knew that Child Safety and the Commissioners would be notified of what happened, so we asked if we could come and see the Commissioners next time they were having a conference. We had been there before when the kids did not go to school, so we knew we could talk about things.'

After discussing the situation... a case plan was agreed. The couple asked to be income managed and referred to support services. [Both parents started attending support services.] The subsequent investigation by Child Safety Services found the children happy, healthy and attending school on a regular basis, the house was clean and the fridge and cupboards were full. The mother was receiving counselling and support regularly and spoke openly of the improved family life and increased responsibility of the father towards the children... Child Safety Services took no further action and is working with the family and the Commission to help them stay on track..." (FRC, 2010e, p. 26)

For another client, who had attended FRC conferences and been placed on CYIM already, the catalyst for her to take up further support and change her behaviours was a final threat of intervention by Child Safety. She received guidance from the FRC about how to navigate Child Safety and CYIM was also used as a means of demonstrating to Child Safety that the client's children were able to be adequately cared for.

"In the three years previously, the respondent had been to a number of FRC conferences for child related matters, had been put on a... [compulsory IM] order, and had her children removed by the police and Child Safety Services to the safe house within the community pending final assessment of the situation. If the final assessment had been negative the children would have been removed from the community and placed with alternate carers.

At this point she said: 'I was desperate to avoid losing my children, I went and saw them every day at the safe house at 9:00am and worked really hard. The FRC helped prevent the children being taken from me, by helping me to know what to do... I had to do a parenting course here in Aurukun. I graduated about two months ago and I had lots of other work to do, too, I had to go onto the BasicsCard to show them there would be money for the children, and that I would pay my rent and everything. Now my kids are good and I am happy. Life now is a little bit OK. I still go to the clinic and talk to others and get support. I am going to write a letter to the FRC and tell them what a good job they do, and they are helping the community'." (FRC client in von Sturmer and Le Marseny, 2012, p. 12; also see case study 17 at **Appendix 2**)

There are also other examples where families have been able to be reunited with their children after having contact with the FRC and being placed on CYIM. In the following example, this also appeared to be primarily due to the FRC's ability to support clients to navigate and comply with the child-safety system.

When the child safety notification was received, the Department of Child Safety had not yet removed any children from the household. However, they subsequently removed a child the day before an FRC conference could be held with the parties involved. The FRC Commissioners "...were able to calm the family and explain the necessity for the Department to remove the child.

As a result the family agreed to attend a parenting programme and the Wellbeing Centre to receive counselling for domestic violence and anger management and to comply with the

Department of Child Safety's expectations and any re-unification plans developed by them. As a result of the above, the child was subsequently re-united with the family, and all participants in the agreements brokered by the Commission are attending services and complying..." (FRC, 2009a, p. 14)

Despite some success stories, there are still issues with child welfare in the CYWR communities. For example, the following observation was recorded in Aurukun in 2012:

"[The child of one FRC client] ...Little Dap hangs about town, unsupervised and filthy, presently with a broken arm in a cast that's split and ragged and no longer doing its job. The youngest child also wanders where he pleases..." (Ford, 2012, pp. 26–27; also see case studies 12 and 13 at **Appendix 2**).

Nevertheless, there is a general feeling that the FRC and CYIM have been good for the communities in terms of improving the general welfare of children.

6.6.3 *Trends in child safety notifications*

Data concerning child-safety interventions provides a high-level proxy indicator of children's wellbeing, but are also strongly influenced by other factors. For example, changing policing strategies can mean that harm to children is more likely to be detected at some points in time than others, but this may not correlate with underlying levels of harm. It is also possible that education and public outcry around child-safety concerns can heavily influence community members' willingness to report. In this regard, the introduction of the CYWR and focus of the FRC may actually serve to encourage more frequent reporting of child-safety matters.

Aurukun Local Commissioners (in FRC, 2012e, p. 74) commented that a better understanding of the Child Safety system had led to increased reporting in their community. The FRC (2017a, p. 13) also reported, for instance, that a 'Speak Up, Be Strong, Be Heard' project, led by the Queensland Police Service, was increasing community awareness around child safety reporting obligations. Changes in methods of reporting can also influence the data.

One of the Queensland Child Protection Commission of Inquiry's (QCPCI, 2013) recommendations⁴⁸ was to reduce stress on the Child Safety system by creating a dual community-based intake pathway, which would provide an alternative avenue through which mandatory (and other) reporters could fulfil their obligations. Subsequently, the Family and Child Connect community-intake pathway was implemented and acts as an additional reporting 'layer'. The FRC (2015b, p. 13) recognised that this additional intake pathway had the potential to impact child-safety data; it later reported a reduction in child-safety notifications received across all CYWR communities because under the FRC Act, notifications were only able to be provided to the FRC from Child Safety Services, not Family and Child Connect (FRC, 2016c, pp. 13–14). These limitations should be kept in mind when considering the following analyses.

Publicly available child safety notification data for the relevant communities was only available for the period 2010 to 2016. The trend in child safety notifications between 2010 and 2016 was analysed for the intervention communities and comparison communities (see Figure 8 for intervention area trends).

⁴⁸ Recommendation 4.5 suggested that "the Department of Communities, Child Safety and Disability Services establish a dual pathway with a community-based intake gateway that includes an out-posted Child Safety officer as an alternative to the existing Child Safety intake process" (QCPCI, 2013, p. xxviii).

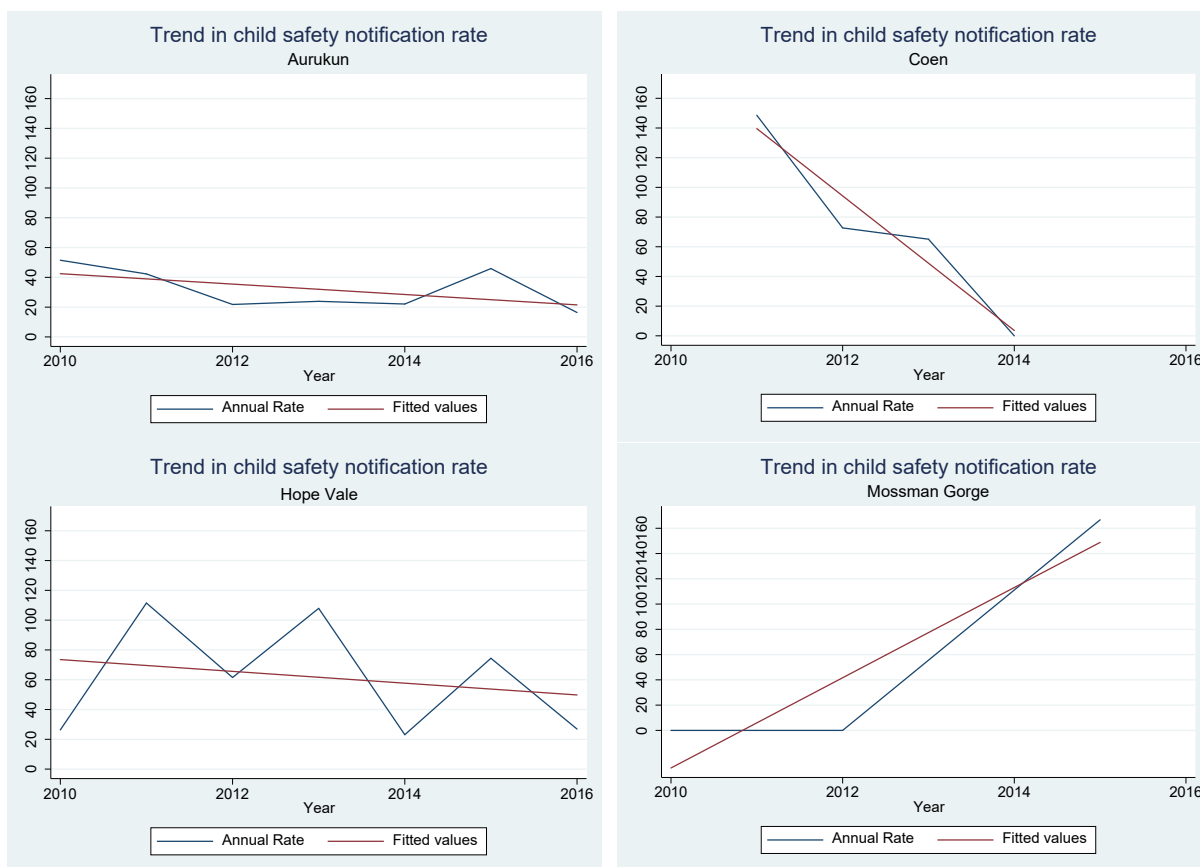


Figure 8 Trends in child safety notifications for Aurukun, Coen, Hope Vale, and Mossman Gorge

The meta-analyses of the regression analyses of child safety data indicate a high level of variability among intervention areas in terms of both the level and trend of child safety notifications. Conversely, the comparison communities showed no significant variation between communities. Of the intervention communities, only Coen showed a significant decreasing trend in child safety notifications since 2010, over and above any change seen in the comparison areas. Aurukun, Hope Vale and Mossman Gorge did not demonstrate significant trends over time.⁴⁹ These results indicate that in Coen, there is significant improvement over time.

6.6.4 Summary of findings

There is anecdotal evidence that the general circumstances and welfare of children has improved in the CYWR communities since the FRC and CYIM were introduced—particularly in terms of visible evidence of neglect. The FRC has likely played a role, particularly by role modelling and enforcing social norms. For example, reminding parents of their responsibilities to their children, and encouraging them to take children to medical appointments.

Where Child Safety Services have been involved, the FRC Local Commissioners have played an important role in helping some families navigate the system and fulfil their requirements. CYIM appears to be helpful to this end insofar as it offers a means through which some families can demonstrate to Child Safety that they are able to provide consistent food and accommodation for their children. There are some instances where this has meant that children have been able to remain with their families, rather than being removed.

There is limited quantitative evidence to suggest that, except for in Coen where notifications are significantly decreasing over time, child safety notifications are changing at a rate beyond any

⁴⁹ Although visual examination of the data for Mossman Gorge does suggest a steep trend in the data, this trend is not statistically significant, largely due to the small number of observations in the data series.

corresponding change in comparison communities. It is important to note that Coen only had data from 2011 to 2014, so these results should be interpreted with caution; however, given that Coen had the highest initial rate of notifications, these results are promising.

6.7 Relationship between CYIM and individual breach notifications – Quantitative evidence

6.7.1 Prevalence and incidence of breach notifications

Individual history data was available for 1,842 FRC clients from the communities of Aurukun, Coen, Hope Vale, and Mossman Gorge⁵⁰, with records ranging from one month to 121 months in length (average = 62.3 months). Table 2 describes the proportion of clients who had at least one recorded breach notification (prevalence), along with the average number of breaches per client during their history (incidence), by the type of breach notification.⁵¹ Standard deviations are provided to describe the variability of the data.

Table 2 Prevalence and incidence of breaches, by type

Type of Breach	Prevalence (Ever Breached)			Incidence (all clients) (Number of Breaches)		Incidence (clients with at least one breach of that type) (Number of Breaches)	
	% with breach	Mean	SD	Mean	SD	Mean	SD
Magistrates Court	79%	0.79	0.41	3.33	3.63	4.23	3.59
Dept Education	47%	0.47	0.50	6.51	11.00	13.97	12.46
Child safety	42%	0.42	0.49	1.14	1.97	2.69	2.24
DV Order	21%	0.21	0.41	0.26	0.56	1.22	0.55
Housing	15%	0.15	0.36	0.30	0.90	1.98	1.41
DVO Breach ⁵²	7%	0.07	0.25	0.08	0.30	1.15	0.38
School Enrolment	6%	0.06	0.23	0.07	0.33	1.29	0.58
District Court	4%	0.04	0.19	0.05	0.25	1.20	0.53
Childrens Court	1%	0.01	0.11	0.02	0.18	1.43	0.67

The most *prevalent* breach notification type is from the Magistrates Court. The results show that almost four out of five (79%) FRC clients had at least one Magistrates Court breach, with an average of 3.3 breaches per person. However, the highest *incidence* of breaches is from the Department of Education. Almost half (47%) of all FRC clients had recorded a Department of Education breach, with an average of 6.5 breaches per person. Furthermore, Table 2 demonstrates that once an individual client has a breach of one type, they are likely to have multiple breaches of the same type. This clustering is particularly apparent for Department of Education breaches, where the average number of breaches for clients who have had at least one breach of this type is 14.

⁵⁰ See Appendix 3 for details of the data. Records for clients who were resident in Doomadgee or who were deceased were not included in the analyses.

⁵¹ It is important to note that individuals have had different lengths of time at risk for breaching, therefore these data are purely descriptive.

⁵² Note the distinction between a Domestic Violence Order (where a domestic violence perpetrator has been placed under a Domestic Violence Order by a court), and a *breach* of a Domestic Violence Order (where a domestic violence perpetrator has been prosecuted for failing to meet the conditions of the Domestic Violence Order).

Approximately a third (36%) of all FRC clients had breaches of only one type during their history, whilst the majority (64%) of clients had more than one breach type. A total of 16% of clients had four or more of the eight possible breach types. There is a statistically significant relationship between multi-agency breach histories and the likelihood of having had at least one period on CYIM ($\text{Chi}^2(6)=208.28, p<0.001$).

6.7.2 *Type of breaches most predictive of CYIM*

A multilevel logistic regression model was conducted to analyse the type of breach notification that was most predictive of CYIM. This model used longitudinal data at monthly intervals, and controlled for each of the different types of breaches and the community of residence. Eight of the nine breach types were significantly associated with CYIM.

Six breach types were significant predictors of *increased* odds of CYIM:

- A history that included at least one Magistrates Court breach doubled the odds of CYIM (OR=2.011, $p<0.001$)
- A history that included at least one Child Safety breach increased the odds of CYIM by 89.5% (OR=1.895, $p<0.001$);
- A history that included at least one Department of Education breach increased the odds of CYIM by 57.9% (OR=1.579, $p<0.001$)
- A history that included at least one School Enrolment breach to date increased the odds of CYIM by 28.3% (OR=1.283, $p<0.001$);
- A history that included at least one Domestic Violence Order increased the odds of CYIM by 26.9% (OR=1.269, $p<0.001$)
- A history that included at least one Housing breach increased the odds of CYIM by 25.1% (OR=1.251, $p<0.001$)

Two breach types were significant predictors of decreased odds of CYIM:

- A history that includes at least one District Court breach reduced the odds of CYIM by 33.9% (OR=0.661, $p=0.007$)
- A history that includes at least one breach of a Domestic Violence Order reduced the odds of CYIM by 28.8% (OR=0.712, $p=0.002$).⁵³

There was no significant impact of Childrens Court breaches.

6.7.3 *The impact of CYIM on time between breach notifications*

A discrete time event history analysis was conducted to evaluate the impact of CYIM (number of CYIM spells and time since the last CYIM spell) on the time between breach notifications. This model used longitudinal data at monthly intervals, and controlled for service referrals, age, sex, and community. All of the variables included in the model were statistically significant.

The number of CYIM spells that a person had experienced to date had the effect of extending the time between breach notifications. After controlling for all other variables in the model, each additional spell of CYIM in a client's history extended the time since their last breach notification by an average of 2.3 months. There is also a significant positive (but curvilinear) relationship between the time since the end of the last CYIM spell and the time since the last breach notification. On average, for every month since the end of the last CYIM spell, the time since the last breach notification is extended by approximately a week. This effect slowly lessens over time, but at an effectively trivial scale. Together these results indicate that, on average, a client who has been on CYIM at any point will have a longer time between breaches than an otherwise equivalent client who has not been on CYIM, and that the effect is sustained over time. These effects are *in addition* to the impact of referring the FRC client to services.

⁵³ The difference between a Domestic Violence Order and a breach of a Domestic Violence Order is that the first refers to the making of an order and the second is the breaching of that order.

There was also a significant positive relationship between the number of times that a client has had services referred and the time since their last breach notification. Controlling for all other variables in the model, each additional set of service referrals in a client's history extended the time since their last breach notification by an average of 2.1 months. The time since a client had last been referred to services also had a significant relationship to the time since their last breach notification. On average, for every month since the last service referral, the time since last breach notification is extended by approximately ten days. This effect slowly lessens over time, but at an effectively trivial rate. Together these results indicate that, on average, a client who has been referred to services will have a longer time between breaches than an equivalent client who has not been referred to services (over and above the effect of periods of CYIM), and that the effect is sustained over time.

The results also show that clients who had voluntarily taken on CYIM have an average of 39 additional months between breaches, compared to involuntary clients with otherwise equivalent CYIM and service provision histories. Older clients are likely to breach more frequently than younger clients, with each additional year of age reducing the time between breaches an average of 3.7 months. Finally, women have a shorter length of time between breaches than otherwise equivalent men, with a reduction of 3.4 months, indicating that, on average and controlling for all other variables, women are more likely to breach than men. It is likely that this sex difference is because the majority of notices originate from the Department of Education, and because women are seen as the caretakers of children they are more likely than men to be listed in school attendance notices.

6.7.4 Summary of findings

Overall, the results of these individual longitudinal analyses indicate that whilst CYIM does not necessarily eliminate repeat breach notifications, its use does appear to increase the time between breaches.

6.8 Conclusion

Evidence concerning the outcomes and impacts of CYIM is mixed. In some cases there is qualitative evidence that the FRC and CYIM have contributed to a reduction in alcohol (and in particular, problematic consumption of alcohol), drugs, violence and crime. There is also evidence that outcomes have improved in terms of children's overall health and wellbeing, and engagement with school. However, these are not always supported by the quantitative data.

The quantitative analyses found that there is a great deal of variation in the impacts of the intervention among communities; however, the most consistent finding is that there is no evidence of an impact across the majority of aggregate measures, over and above any changes in the comparison areas. Table 3 (below) summarises the results of analyses examining the impact of the intervention on offences, school attendance, and child safety.

Table 3 Summary of results of quantitative analyses examining the impact of the intervention

2001-2018	Impact of FRC intervention				Relationship to number of IM clients			
	Aurukun	Coen	Hope Vale	Overall	Aurukun	Coen	Hope Vale	Overall
Assault	●	●	●	●	●	●	●	●
Sexual offences	●	●	●	●	●	●	●	●
Offences against the person	●	●	●	●	●	●	●	●
Offences against property	●	●	●	●	●	●	●	●
Drug offences	●	●	●	●	●	●	●	●
Liquor, excl drunkenness	●	●	●	●	●	●	●	●
Breach DVO	●	●	●	●	●	●	●	●
Good order offences	●	●	●	●	●	●	●	●
Public nuisance	●	●	●	●	●	●	●	●
Traffic and related offences	●	●	●	●	●	●	●	●
Drink driving	●	●	●	●	●	●	●	●

	Aurukun	Coen	Hope Vale	Mossman Gorge	Overall
School attendance 2013-2017	●	●	●	●	●
Child safety notifications Aurukun, Hope Vale 2010-2016 Coen 2011-2014 Mossman Gorge 2010-2015	●	●	●	●	●

● No evidence of impact ● Some suggestion of positive impact ● Some suggestion of negative impact
 ● Positive impact ● Negative impact

The analysis of individual quantitative data indicates that whilst CYIM does not eliminate breaching behaviours and notifications, there is a positive impact whereby breaching is reduced. The impact of CYIM spells on breaching is of a similar magnitude to the impact of service referrals by the FRC.

A number of factors, including limitations in the datasets, could have caused the disjuncture between the positive results of the qualitative and individual-level quantitative analyses, and the mixed results of the community-level quantitative analyses. However, the data does indicate that the FRC, including

its ability to apply CYIM, have gone some way in creating a context that is at least conducive to positive outcomes. For example, it appears that there is considerable benefit from the abilities of Local Commissioners to establish and reinforce new social norms, as well as challenge those who do not adhere, especially in the conference setting. Theoretically, this may also have a positive impact on overall social capital⁵⁴ in the communities, which may support improved outcomes.⁵⁵ While further research is needed, there were some indications of improved social capital in the qualitative data. For example:

“I have been visiting the community of Aurukun for over 15 years now. I visited it last week and I can testify that the community has never looked better... I have never seen more local people engaged in their community, engaged in the political process, engaged in what is going on and wanting to see their community grow and prosper...” (Former member for Cook, O’Brien, speaking about Aurukun in Queensland Parliament, 2011, p. 3382)

“I have sat in many conferences and have witnessed my community gain strength, with people... taking more responsibility for their families.” (Coen Local Commissioner in FRC, 2012e, p. 45)

“...fathers and partners are taking a much bigger interest in their children. Before the FRC this was a very chauvinistic place. Males were not involved with their children, my partner was not involved in raising any of our children, now you see fathers walking their children to school and supporting their partners when they have difficult times with the children.” (FRC client in von Sturmer and Le Marseny, 2012, p. 16)

“...when we first started it [was] just the female coming before us and the kids for not turning up to school... We’ve seen huge changes. We’ve seen fathers walking kids to school, we’ve seen fathers going to the school to sit in reading classes with their kids. That didn’t happen in the community before.” (Hope Vale Local Commissioner in Focus Group 1, 2018, p. 2)

“We still have a couple of households within Mossman Gorge that like to party and disobey the rules. Importantly, the community now has the confidence to come together and communicate to these households that it’s not acceptable behaviour, rather than deferring to outside controls as we did in the past.” (Mossman Gorge Local Commissioners in FRC, 2013e, p. 34)

Notwithstanding the fact that CYIM appears to be important in reinforcing Local Commissioners’ authority, it seems that its primary impact lies in influencing how money is directed and used. This can also reinforce the social norms set by the Local Commissioners. For instance, there is some evidence that CYIM enabled money to be redirected away from alcohol and drugs, and towards children, food, and basic household items. In some cases, this has resulted in families having food in the cupboards and basic furniture like beds and fridges, where this was not the case before they moved onto CYIM. However, overall, the greatest benefit appears to come from the structure of the FRC itself, as well as the roles played by Local Commissioners, rather than solely from CYIM. This aligns with the Cape York Institute’s (2007, p. 179) original vision regarding the potential of CYIM:

“Conditional government transfers must not be seen in isolation from other policies in Cape York, nor must they be seen as a panacea to dysfunctional behaviour. They can only be viewed as one instrument in a comprehensive approach to improving capabilities.”

⁵⁴ That is, “...features of social organisation, such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit” (Putnam, 1995, p. 67).

⁵⁵ Elsewhere, improved social capital has been shown to have a range of positive effects, which can ameliorate the effects of socially disorganised communities. For example, potential outcomes include improved health and wellbeing, reduced crime, and reduced poverty (e.g. Murayama, Fujiwara and Kawachi, 2012; John, Headey and Jensen, 2005; Akçomak and ter Weel, 2012; Moore and Recker, 2016).

Although CYIM does play an important role in assisting and supporting Local Commissioners to carry out their functions and apply different behavioural levers, depending on individual needs, it is questionable whether CYIM alone would have as much of an impact. Thus, a key lesson from the Cape York experience is that the context within which IM is delivered is crucial. The empowerment of local authority structures holds many benefits, which mean CYIM can be delivered in a way that is potentially more palpable and useful than if it were to be delivered as a standalone intervention.

7. Ongoing challenges of CYIM

7.1 Ideological challenges

Some continue to challenge the ideological underpinnings for CYWR, the FRC and/or CYIM in the broader literature. These challenges are overwhelmingly focused on two key perspectives. The first is that the interventions are based on neo-colonial notions of assimilation rather than self-determination and are, therefore, discriminatory (e.g. Campbell, 2016, 2015; Smyth, 2011; Bielefeld, 2016, 2018). The second is that the CYWR, FRC and CYIM unfairly target and problematise welfare recipients (e.g. Dee, 2014; Altman, 2016; Klein, 2016; Bielefeld, 2018). It is not the purpose of this review to deeply engage with these fundamental ideological questions. However, it is worthwhile noting some key points that arise from the qualitative data.

The below sections provide an overview of the qualitative data as it relates to these two views. It finds that the first view is not supported. In fact, the available data suggests that the CYWR, FRC and CYIM instead, in many ways, support self-determination. The neo-colonial argument also fails to recognise the agency of Indigenous people themselves in instigating, supporting and continuing the CYWR initiative.

Alternatively, there is some support for the second view, though potential strategies to address this in future models require further deep and careful consideration.

7.1.1 Neo-colonialism

The argument that the FRC and CYIM are neo-colonial constructs assumes that there has been no community support for the social norms agreed under the intervention; that these have been imposed. There is evidence that some community members and leaders felt dissatisfied by the consultation and implementation of CYWR, the FRC and CYIM, and/or proffered and then withdrew their support at different times (for reasons that are often not clear, based on the available data). However, CYWR, the FRC and CYIM were nevertheless preceded by an extensive 18-month consultation and engagement period, which included documenting widespread support in each of the communities and formal agreement and sign up by community leadership (as described in **section 3.1 Implementation process** and **section 3.2 Educating and building trust over time**).

The Cape York Institute (2007, p. 45) stated that the obligations that were attached to welfare payments under the trial were selected because,

“...they are consistent with the values expressed by community members... they relate to behaviour which, if allowed to continue, would have a negative impact on child wellbeing... [and/or] the existing legislative and service delivery mechanisms aimed at addressing these dysfunctional behaviours in Cape York are unable to realise the desired outcomes.”

Over time, overall support from the communities and leadership appears to have gradually strengthened.

While the qualitative data drawn upon for this review is not representative of all views in the CYWR communities, there was no indication of any fundamental disagreement with the objectives of CYWR, the FRC or CYIM. Even some individuals who opposed the FRC and CYIM for other reasons still agreed with the social norms and behavioural objectives of the model, particularly around the need for children to attend school—a social norm that could, arguably, *most* aptly be described as a neo-colonial construct. For example:

“This respondent was referred to the FRC by the Magistrate’s Court for fighting and received a \$500 fine. He does not agree with the FRC structure and thinks it should go. As to how well the Commissioners are doing their jobs this is irrelevant. It’s not the point. It’s the whole structure that is at fault. This takes in the referral system, the necessity to appear before the Commissioners, and the BasicsCard. He agrees that children should go to school but does not agree with the referral to the Commission of the primary carer in cases of school non-

attendance either...” (Reflection on the views of an FRC client in von Sturmer and Le Marseny, 2012, p. 11)⁵⁶

Another client was asked if there had been any bad points about the FRC, and responded “No, no real bad points, education is really important and anything that gets the kids to school is really good.” (FRC client in von Sturmer and Le Marseny, 2012, p. 10)

Other accounts indicate practical concerns with how the FRC and CYIM operate, rather than an indication of fundamental disagreement with the CYWR’s underlying principles and in-built social norms.

With regard to CYIM specifically, it could be argued that an entirely voluntary scheme would enable greater individual self-determination. For example, von Sturmer and Le Marseny (2012, p. 6) reported that, from the clients they spoke with, there was a,

“...view that the card should operate on a voluntary basis—and not tied to punitive regimes. It should itself be seen more positively.”

It is unclear how widespread this view was, but it contradicts the views of at least some individuals who appear to receive benefit from compulsory CYIM. In these cases, it is often the perception that CYIM is compulsory that matters, and which can be a useful tool in declining humbugging requests in a more culturally-appropriate manner. The authors also went on to state,

“...On the other hand the notion of compulsion is useful to those people who wish to claim that their voluntary self-assignment under the income management scheme is compulsory.” (von Sturmer and Le Marseny, 2012, p. 6)

Contrary to some views (e.g. ALRC, 2012), there are examples where FRC clients, particularly those in relationships where there are power imbalances, seemingly derive a level of empowerment out of having the compulsory CYIM option available.

Finally, the argument that CYWR represents neo-colonial paternalism also presupposes that it seeks to supplant Indigenous culture. However, there is a sense that the interventions have, instead, represented a resurgence of culture in at least some ways. For example, through the re-emergence of local authority and leadership (see **section 4.1** *Rebuilding local Indigenous authority*), and through other aspects of CYWR that have celebrated local culture and custom (e.g. the integration of local culture into primary-school curricula and the invitation of Elders into the classroom to teach language and lore). Arguably, the FRC has acted as an additional mechanism through which culture and lore can be maintained and transmitted.

“...we have a greater appreciation of our culture and the lessons of our childhood. We apply our culture in all our decision making.” (Coen Local Commissioners in FRC, 2012e, p. 29)

“I make sure the men know what their responsibilities and obligations are under both culture and law.” (Aurukun Local Commissioner in FRC, 2012e, p. 38)

“I care very much about our culture and it is important to me that it is passed on to the young men so they can take the lead that is necessary for the community to prosper.” (Coen Local Commissioner in FRC, 2012e, p. 45)

“...an ongoing concern for us is the loss of tradition and culture. The answers to this concern lie with our Elders who have the knowledge, the understanding and the spirit which can draw

⁵⁶ It appeared that, based on the interpretation of von Sturmer and Le Marseny (2012, p. 11), this client was particularly concerned with what he perceived to be a ‘double jeopardy’ problem with the FRC. He had already been prosecuted through the Magistrates Court, but he also had to attend the FRC for the same matter. In response to this argument, a Hope Vale Local Commissioner (in Focus group 2, 2018, p. 10) emphasised the FRC’s supporting (rather than punitive) role: “We say ‘you’re not getting double punished, we are trying to assist you. If you don’t pay this [fine], that’s where you are going to end up [i.e. in gaol].”

us back to our traditional ways. We may live in two worlds, however, it is always the traditional ways we call upon when we are unsure, or in times of need. Elders play an extremely important role in our families as role models, care providers and educators. Their guidance is provided throughout our everyday life and their teachings are often done subconsciously; we follow, we observe and we go on to teach our own families.” (Aurukun Local Commissioners in FRC, 2013e, p. 28)

While there is no doubt that the structure of the FRC is ‘artificial’ insofar as it is anchored in and derives its power from an external legislative instrument, it nevertheless seeks to, and ostensibly has to some extent, empower local authority in a way that echoes traditional Indigenous leadership structures. In this way, it could be argued that it seeks to re-establish the social structures that existed before colonisation, and as a means of filling the ‘gap’ that was left when colonial authority rapidly departed (Campbell, 2015, p. 123).

Overall, the neo-colonial argument fails to recognise the agency of Indigenous people themselves in instigating, supporting and continuing the CYWR initiative. It also fails to recognise the potential for the reforms to support aspirations for cultural revival — a significant part of which is the restoration of Indigenous local authority. The CYWR governance mechanisms have enabled Indigenous people to take control of the policies that affect their communities in a way that has rarely been seen in recent decades (Bailey and Smith, 2012). At the very least, these issues mean that the neo-colonial argument cannot be universally applied to the Cape York model. At worst, the neo-colonial argument ironically undermines a framework that seeks to improve Indigenous self-determination, agency and empowerment.

7.1.2 The role played by passive welfare

The concept of the ‘welfare pedestal’ provided the foundation for CYWR. Cape York Institute (2007) argued that the size of welfare payments often exceeded those available through entry-level work, but that the long-term implications of remaining on welfare did not provide the opportunities that were available to those who stepped off the ‘pedestal’ and into the workforce (e.g. pay increases over time, work benefits like superannuation, and general health and wellbeing improvements associated with work).

“The structure of income support payments in Cape York has set up a poverty pedestal where perverse incentives encourage people to move to welfare and remain on it. Apart from depriving people of a real income, this has serious psychological and social effects that are very hard to reverse.” (Cape York Institute, 2007, p. 22)

This focus on welfare recipients has been criticised in the broader literature on the basis that it unfairly stigmatises them (e.g. Bielefeld, 2018; Campbell, 2015, 2016). For example, Bielefeld (2018) argued that “The stigmatisation of welfare recipients as financially incompetent individuals or deviants indulging in anti-social behaviour has been a key rhetorical device used to justify increasingly punitive policies for those who are now subject to compulsory income management.” (Bielefeld, 2018, p. 752) The Cape York Institute (2017, p. 3) stated, however, that the CYWR

“...model does not assume all welfare recipients are dysfunctional, and Income Management is not universally applied. Income Management in Cape York is applied as a tool only to support the most at-risk individuals and families, on the basis of criteria that were developed out of community engagement...”

Nevertheless, the qualitative data reviewed for this study indicate that there is a growing sense of unfairness that there are segments of the CYWR communities who are outside of the FRC’s jurisdiction because they do not receive welfare.⁵⁷

⁵⁷ Although the total number of welfare recipients in the communities at present is not clear based on publicly available data, there were around 3,000 individuals of working age living in the CYWR communities at the beginning of the trial; in February 2008, (then) Premier Anna Bligh stated that around 1,800 (~60%) of these were, at that time, receiving welfare

“The respondent put the view strongly that the differentiation of people between those under Centrelink and those in normal employment was unfair and discriminatory (another respondent expressed similar sentiments, noting that people on Centrelink benefits are potentially subject to sanction via the BasicsCard because of school absenteeism but parents who are employed are not. This is a major loophole in the system if it is supposed to be geared to child welfare). ‘Those receiving Centrelink benefits or entitlements could be subject readily to the FRC ‘big stick’, but there should be one law for everybody’.” (FRC client in von Sturmer and Le Marseny, 2012, p. 13)

“Include everyone from our community, not just welfare participants.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 18)

“The only thing that the government failed in the first place with the program is that it’s only set up for welfare, welfare reforms. People on welfare. A lot of people that are not on welfare get through the net. They can do whatever they like. But the people on welfare do get caught.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 12)

“The other side is it only deals with someone who's on the dole. So you've got to not have a job. If you have a job and you're not feeding your kid and you're spending all your money on the grog and you're still getting charged, the FRC has no control over you...” (McMahon in Interview 3, 2018, p. 15)

The CYWR is broader than the FRC and CYIM; these broader elements seek to change social norms for all community members, including those receiving welfare and those not receiving welfare. However, if the FRC and CYIM are intended as key CYWR mechanisms to also improve overall outcomes for families and children, it is questionable that jurisdiction only extends to those receiving welfare. Implicit is the assumption that it is only welfare recipients breaching the social norms, but the anecdotal evidence indicates that this does not hold true. For example:

“The—the latest lot of grog that came into Aurukun was those group of young fellas that got paid who are not on the BasicsCard, but they decided it might be fun bringing a lot of grog home into communities” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 25)

“[Non-welfare recipients’] ... children are the ones that are not attending school, a lot of the time.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 12)

“... We’ve got other people, like full-time workers, and other people that don’t have jurisdiction. They now don’t go to country [to smoke cannabis]... And the card itself is just like—the card can only affect the person that’s on Centrelink, you know...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 20)

This is a serious tension in the model, which needs to be further considered. Although passive welfare dependency is cited as a primary cause of poor social norms in the CYWR communities (Cape York Institute, 2007), greater explanation is needed around the circumstances in which non-welfare recipients also breach the social norms. According to the above accounts, further consideration needs to be given to how the communities can also constructively respond to those beyond the FRC’s jurisdiction. For instance, this may be through extending the FRC’s jurisdiction, or through broader efforts beyond the FRC.

There appears to be at least some level of support for all community members to be brought before the FRC, despite whether they are welfare recipients or not.

“We also become very frustrated with community members who create trouble, but are not within the jurisdiction of the Commission. Our people view the Commission as having proved its success in the community; they trust us and feel these trouble makers should also be

payments or (then) CDEP funding that would mean they may fall within the remit of the FRC (Bligh, 2008). Thus, approximately 40% of the communities’ populations were, at that time, beyond the FRC’s jurisdiction.

brought before the Commission so their behaviour can be addressed.” (Coen Local Commissioners in FRC, 2014e, p. 31)

However, the practicalities and implications of different options need to be carefully considered. For instance, a model that includes jurisdiction over working people might not be able to include CYIM. It may also be the case that the above accounts simply further demonstrate the importance of community-wide efforts, beyond the FRC and CYIM, to also promote and build positive social norms more broadly.

7.2 Practical challenges

7.2.1 Circumventing the BasicsCard

As indicated in **section 6 Outcomes of CYIM**, there is evidence that the BasicsCard is effective in stabilising household expenditure and reducing the purchase of alcohol and drugs. However, there are also accounts that some individuals are able to circumvent the BasicsCard through different means (though it is not possible, based on the available data, to determine the frequency with which this occurs).

“...We thought this card was pretty secure, but it’s got little leaks in it.” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 6)

This has also been identified as an issue in other Australian jurisdictions (e.g. Bray et al., 2014; Katz and Bates, 2014; Orima Research, 2010). Many of these cases appear to revolve around the ability of people to use BasicsCards that are not their own.

“Because some of our community members will starve, because aunty or cousin or whatever, will hold the card, you know... Somebody else is filling up their own cupboard, and not filling up the rightful person who holds that card.” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 10)

“[Some community members say] Oh, I can do this, I can do that, I can take my brother here, I can do all the shopping. But, one thing you don’t know is that they’re only using that brother or the sister or the grandmother or the grandfather because when they’ve got money in their pocket, they’re gambling or drinking. But they got the BasicsCard in there, they’re buying food for their own tenants, for their own house...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 12)

In response, some have suggested that photographic ID should be added to the BasicsCard.

“...And if the card had identification, personal identification... that [humbugging] would largely stop.” (Commissioner Glasgow in Focus Group 1, 2018, p. 12)

“Might need some tightening up with some of the loose ends, but it’s still a good idea... Yeah, because once upon a time with the Mossman Commissioners, wanted—not wanted—but there was an idea with a photo. Because I can’t go and deal with [Mossman Gorge FRC 2]’s card, and say I’m, you know, because, you know, we’re both [*Commissioners have same first name*], but, you know, I can’t say I’m [same first name]. Because the card with the picture say otherwise, you know. That was sort of my dream. A wish...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 6)

Although photographic ID, which was also recommended by a recent review of the FRC (Dav’ange Consulting, 2017), may help to reduce the number of people using others’ cards, there are also other issues that it does not address. For example, cases where individuals use the BasicsCard to buy groceries, but then swap these for cash.

“Very smart! With the BasicsCard they go to the shops they can buy cartons of drinks... Cartons of soft drinks, chips. They sell it to little kids. And what money they make, they’ll go and buy smokes... Or they go and take the cash to the gambling.” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 15)

“You know, these people who are on BasicsCard, get together, go to the shops, buy soft drinks, chips, lollies, so that... And then they make the cash money out of it...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 24)

With regard to methods of overcoming this issue, some have suggested widening the array of goods that are prohibited under CYIM. However, the types of items that could potentially be traded for cash are limitless. Thus, this may prove to be an impossible task.

The colour of the BasicsCard has also been recognised as a potential problem, because of reports that some individuals had used it (or had attempted to use it) to obtain cash from some shops. In this respect, shop keepers play a key role in regulating the use of the card.

“Yeah, change the look of it... Because a couple of times, you know, people tried to walk in to the shop to buy cigarettes and then tried to take the cash out from the cash register, but they have local people that works there at the shop, they know the colour of Bendigo Bank and the BasicsCard. Should change the colour of the BasicsCard.” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 6)

“...Also, it was the same colour as the Bendigo Bank card, so people would go and pretend it was a Bendigo Bank card and get cash out of it. We could never get Centrelink to change the colour... It should look like a card, but not the same as a bank. Because what happens, people carry it and go to Woolworths and people assume it’s a Bendigo Bank card and give them cash.” (Commissioner Glasgow in Focus Group 1, 2018, p. 6)

“Well we’ve got problems in our community because we’ve got Bendigo Bank in our community... Yeah. Should look different...” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 6)

“...I was there when I seen it [*sic.*], she had a BasicsCard, and she quickly put the BasicsCard in her pocket and I said to the lady at the cash register don’t give her the smokes, she’s just put in her—her BasicsCard in her pocket.” (Aurukun Local Commissioner in Focus Group 1, 2018, p. 6)

It was reported that in Coen, shopkeepers often ask people to bring the owner of BasicsCards to the shop before purchases can proceed (Coen Local Commissioner in Focus Group 1, 2018, p. 7).

However, there is still a perceived issue with some clients changing pins on other peoples’ BasicsCards.

“...you could ring up the call centre and get somebody interstate and they, you know, they wouldn’t know. They change it around, they even come to Cairns. You know, because some young people that are smart, they’re doing this to other people’s BasicsCard. And then you got to keep across the changing PINs...” (Coen Local Commissioner in Focus Group 1, 2018, p. 7)

Others again highlighted the importance of Local Commissioners in being able to reduce the misuse of the card in at least some instances.

“The people in Aurukun and the other communities, they survive on their streetwise skills. So they can outmanoeuvre the way those cards work. But they’re still limited on it, and having local commissioners that are so good, they get them—they stop that manoeuvring around it and they certainly have done some things along the way and some things they still want to...” (McMahon in Interview 3, 2018)

At least some of the practices described above—particularly the use of other peoples’ cards without consent—amount to fraud. Thus, as von Sturmer and Le Marseny (2012, p. 21) warned, there is a real possibility for “...well-intentioned welfare reforms to extend zones of criminality.” The authors gave the similar example of sly grog running in AMP zones, which has criminalised behaviour that is legal in most other parts of Australia (i.e. alcohol carriage and consumption) and increased convictions of (primarily) Indigenous peoples under relevant liquor laws (e.g. see Clough et al., 2017).

It is not possible, based on the available data, to examine whether or to what extent fraud cases linked to the misuse of the BasicsCard in the CYWR communities have been prosecuted. In at least some cases, it appears that reports are made to the police about misuse of the BasicsCard, though they may not regularly be pursued.

“...it does get reported to the police, but usually the family member doesn’t want to, you know, put a charge on the other family member so it stays contained within that family...”
(Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 12)

Regardless, these loopholes open up the possibility of increasing Indigenous contact with the criminal justice system. In closing these loopholes, these possible zones of criminality may also be reduced.

7.2.2 *Dependency on the BasicsCard*

In at least two instances, the potential for clients to develop a level of dependency on the BasicsCard was raised. For example, when asked if clients were able to learn to budget when they came off the card, one Coen Local Commissioner (in Focus Group 1, 2018, p. 14) responded:

“No, because some of them is not very good on the computer or anything [*sic.*]. So, they just stay on that. And... It just does it for them and they don’t have to worry about their expenses...”

It is not clear how many clients the Local Commissioner was referring to. Further, von Sturmer and Le Marseny (2012, p. 13) indicated the potential for some to become dependent on CYIM, as well as the broader CYWR intervention. However, aside from these references, this potential was not otherwise raised as a significant problem in the available qualitative data. Another Coen Local Commissioner (in Focus Group 1, 2018, p. 14) also added that relying on the BasicsCard to manage funds can actually be beneficial in some instances, for example by ensuring that community members avoid defaulting on their bills during periods of time spent on country:

“...It’s good in a way because some of the—our clients when they attend court they’re forced to go on homelands, so while they’re away their money and rent is still continuing and going through with payments.”

Dependence on the BasicsCard may also be circumvented to some extent on Cape York (as opposed to other IM schemes across Australia, where it has been raised as an issue (e.g. Bray et al., 2014)) because CYWR also involves wraparound services to deliver financial literacy support through the MPower programme.⁵⁸

Participation in the MPower programme may serve as a buffer against long-term dependency on the BasicsCard in the Cape York context, because it offers another avenue through which clients can improve their financial literacy. It may have also influenced, at least to some degree, IM recipients’ responses about their ability to budget and save on IM (as described in **section 6.4** *Money for basic needs*)—i.e. at least part of this savings/budgeting behaviour may also be attributable to the MPower programme, though it is impossible to delineate these causes for the purposes of this review.

7.2.3 *Out of jurisdiction*

Community members may fall outside of the FRC’s jurisdiction because they do not receive welfare (as discussed in **section 7.1.2** *The role played by passive welfare*) or because their usual place of residence is not a CYWR community area, and they have not lived in a CYWR community area for at least three months since the commencement of the FRC Act. However, some have expressed concern

⁵⁸ MPower is delivered by the Cape York Partnership as part of the broader CYWR initiative. It works with community members (15+ years of age) across the four original CYWR communities to support improved financial literacy and budgeting skills. The FRC (2017e, p. 51) only referred 25 clients to MPower during the 2016-17 financial year. However, community members can also decide to join up without a referral. Cape York Partnership (2017) indicates that 1,846 members of the four original CYWR communities (15+ years) were members of the programme at the end of June 2017.

over this—particularly in Mossman Gorge (the only community that is situated very close to a nearby Township).

“The community still suffers the impact of people from other regions visiting us and abusing our boundaries by ignoring or pulling down dry house signs, drinking and partying with loud music, fighting and causing disruption. It is a difficult task for us to challenge these people as we have no power to conference outsiders.” (Mossman Gorge Local Commissioners in FRC, 2015e, p. 39)

“Commissioners expressed concern that visitors can enter community and cause disturbances, yet cannot be dealt with as they do not fall within the Commission’s jurisdiction...” (FRC, 2014e, p. 44)

“Once they off [*sic.*], they live in town, they live outside but they use our community, that same community, they still use it for party, for drugs...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 23)

“[there are] ...people we can’t touch who come into community and run amok, and think they can stay there as long as they want, causing trouble, without no discipline. [*sic.*] You know, like, everyone else in the community [is] under the jurisdiction of the FRC, you know, but if someone comes from another community, or Brisbane or whatever and cause—we get that problem, eh...” (Mossman Gorge Local Commissioner in Focus Group 1, 2018, p. 7)

“It’s walking distance from town and the problem being in the past that taxi drivers for 25 bucks... would deliver cask wine to a house, right? And the local young people in Mossman Gorge, when... the pubs close, [they] would come out and freeload anytime, freeload on everybody out there... So, what’s happened in Mossman Gorge, basically, Mossman Town permeates out to the Gorge because it’s the place to go and hide away from the cops... the people causing the problems are the ones from outside, in by and large.” (Commissioner Glasgow in Focus Group 1, 2018, p. 21)

This relates to an issue raised by von Sturmer and Le Marseny (2012, pp. 17–18), that the geographic boundaries of the communities as sites for CYWR do not necessarily align with cultural ‘ecospheres’.

“It would be an interesting issue to see how it positions Hope Vale in relation to relations living in Cooktown and further afield: what we might call the Guugu-Yimidhurr diaspora. Also, in terms of its relations with Wujal Wuja[1], its ‘sister community’ under the Lutheran Mission and given the generally close links with the Gugu-Yalanji world. It’s useful conceptually to think of the Guugu-Wara, Guugu-Yimidhurr and Gugu-Yalanji as constituting a single cultural block, with many shared concepts and actual social and historical dealings.

This signals a conceptual problem with the Welfare Reform programme, that its field of operation or jurisdiction does not coincide with the Guugu-Yimidhurr ecosphere. It is very much community-centred or focussed rather than seeking to match the actual dimensions, dynamics and modalities of the life world...”

The fluidity of the (artificial) boundary between Mossman Gorge and Mossman Township (as well as other surrounding areas) is, arguably, another example of this.

Local Commissioners perceive these individuals as having “...slipped through the net of welfare reform” (FRC, 2012e, p. 61). As a result, the FRC has suggested legislative changes are required to enable the FRC to have jurisdiction over any welfare recipient living in their communities, even where they live there for less than three months.

“In order to close what they view as a gap in reforming behaviour they would like to see the FRC Act amended to delete the requirement of three months residency in determining jurisdiction. They would like the Commission to have jurisdiction over any welfare recipient as long as they live in a house in the community. In essence, all people in community should adopt the community’s values.” (FRC, 2014e, p. 44)

Whether or not these changes are made to the current model and Act, the different interrelationships between the individual, family, cultural groupings and ‘communities’ should, perhaps, be further considered in any potential future iterations of the model (or similar models). This context would undoubtedly change and shift over space and perhaps also time.

7.2.4 *‘Hard to reach’ clients*

A common theme represented in the qualitative data was the concept of a ‘hard to reach’ group of FRC clients who had made little progress under the CYWR, FRC and CYIM.

“There is frustration with the momentum of change and degrees of commitment by some...” (Commissioner Glasgow in FRC, 2010e, p. 10)

“The challenge... [is] how the Commission can influence community members who continue to display anti-social behaviour and remain recalcitrant to change.” (FRC, 2012e, p. 60)

“...it is time to consider strategies to meet the continuing problems it faces with recalcitrant people and families within the welfare reform trial communities.” (FRC, 2013d, p. 12)

Limerick (2012, p. 2) estimated that this group made up approximately 25% of Aurukun’s population, and somewhere between 8–15% of the populations of the other three communities. However, a Mossman Gorge Local Commissioner (in Focus Group 1, 2018, p. 22) recently stated,

“There’s... I would say, 30 per cent of families that haven’t even improved. You know, they’re stuck in that circle, you know...”

McMahon (in Interview 3, 2018, pp. 13–14) indicated that there were approximately 150 people in Aurukun who had not appeared to receive benefit from the FRC or CYIM.

“...I would say all of our trouble in Aurukun occurs roughly with about 150 people. All the rest are there but they're the ones that you're continually going to.” (Brendan McMahon in Interview 3, 2018, p. 13)

With regards to school attendance in Aurukun, Commissioner Glasgow (in Interview 1, 2018, p. 11) stated,

“...there is a group of people in this community who have children who do not send them to school regularly, so we’re talking about 45 families in Aurukun—some drift in and out of that. Some will have one boy that might go to school 90 per cent of the time, and three other children who go intermittently from 10 to 30 per cent...”

Some FRC clients have participated in multiple FRC conferences and had extensive contact with the FRC and CYIM⁵⁹, but to little effect.

“Commissioners have... identified a significant number of families that have chronically truant children and despite the efforts of parents the children do not attend school. Some families have attended conferences up to eight times to discuss with the Commissioners strategies to address the truancy...” (FRC, 2010c, p. 7)

“Many of these clients have been on a case plan for at least one 12 month period and have shown limited behaviour change despite the opportunity to engage with service providers under the case plan provisions.” (FRC, 2012c, p. 9)

“...our work has been hard and repetitive, at times dealing with the same clients.” (FRC, 2016e, p. 36)

“...there was still a small percentage of clients who have been issued notices and income management orders who still refuse to engage, regardless of any sanctions.” (Hope Vale Local Commissioners in Dav’ange Consulting, 2018, p. 40)

⁵⁹ By the end of October 2017, there was a group of 88 FRC clients who had been placed on compulsory CYIM orders 6–12 times since 2008 (FRC, 2017d, p. 11).

However, in some cases, these clients are ostensibly experiencing multiple and deeply entrenched symptoms of disadvantage.

“In her case there is a pattern of flight—possibly of outlasting one’s welcome; in other cases there is a desire for flight not always acted on, if at all. There are the drifters or floaters, and the would-be floaters and drifters. In her case the pattern was probably established early on by having at a very young age to fend for herself and being abandoned. She now repeats that pattern of abandonment—but at the same time attempting to create new attachments that she is almost certain to undo or compromise. The question: how to stabilise the life conditions of such people?” (Reflection on an FRC client in von Sturmer and Le Marseny, 2012, p. 12)

“S [is] a painfully thin yet heavily pregnant young woman whose dimmed gaze suggests she’s not quite reachable. She’s accompanied [to an FRC conference] by a case manager, who helps to elaborate on the detailed court documents before the commissioners. S, the commission is told, is a victim of extremely serious assaults by her partner who, as a consequence, is now on remand. S is to be referred to a parenting program, and counselling services for alcohol abuse and budgeting. She is facing a difficult birth, requiring specialist care. The domestic assaults on S have included spitting, threats of murder, punches to the face that rendered her jaw unworkable because of swelling, a machete blow to the back of the head that caused a 7-centimetre laceration, and boiling tea thrown into her face. All while she was pregnant...” (case study 15 at **Appendix 2**)

To enable greater leverage against ‘hard to reach’ clients, the FRC has trialled an Active Family Pathways framework (implemented in late 2010, though this appears to have since lapsed (FRC, 2010d, p. 7; FRC, 2011d)) and an ‘FRC Link’ model, which aims to “...give clients and their families who have disengaged with the FRC process an opportunity to talk with Local Commissioners in more depth, outside the formal conference environment.” (FRC, 2016b, p. 13) Whether or not these approaches have been successful in improving outcomes for hard to reach clients is unclear.

The introduction of 90% CYIM was also intended, in part, to increase the FRC’s leverage against this group.

“[90% IM]... has given Local Commissioners an additional tool to encourage those members of the CYWR communities who show significant resistance to measures already placed upon them to comply with orders.” (FRC, 2014a, p. 2)

This additional lever appears to have improved engagement for some people.

“...We have witnessed over the past year that some of our mob who were placed on 90 per cent income management along with a case plan tend to slowly come around and eventually attend conference.” (Mossman Gorge Local Commissioners in FRC, 2015e, p. 39)

However, it is unclear whether the clients the Mossman Gorge Local Commissioners are referring to (above) also sought further help after conferencing and experienced positive outcomes. There also remain others for whom 90% CYIM has also, apparently, been less helpful.

“As it has in Hope Vale and Mossman Gorge, the application of income management appears to have lost its impact over time in the case of some [Coen] families. The Commissioners explained there are families in the Coen community who have been on 90% income management for a reasonable length of time and their children were still not attending school.” (Dav’ange Consulting, 2018, p. 20)

“...we found that those that were being hit with the 90 per cent after they’d been on income management for a long time, made very little difference.” (FRC Registrar in Interview 2, 2018, p. 5)

It may be the case that, at least in some instances, these individuals have not received benefit from the service-delivery framework surrounding the FRC.

“The greatest impact has been on individuals who have been before the FRC and have accessed support services. The residents exhibiting the least improvement are in a ‘harder to reach’ category of individuals who are being repeatedly called before the FRC but are not accessing any of the support services or opportunities that might improve their lives...” (Limerick, 2012, p. 2)

“Service providers are not obliged to engage referred clients, therefore those clients who do not wish to attend the service provider do not receive a benefit from the services on offer...” (FRC, 2012c, p. 9)

In some cases, like that described in case study 15 (at **Appendix 2**), circumstances for some individuals are so severe that may not be in a position to take up further support, even where it is available. However, there may also be problems with the services on offer, and gaps in service delivery (as explored in **section 7.2.5 Service delivery**). It may also be the case that these individuals require different intervention functions and mechanics of change (Michie et al., 2011), beyond the remit of the FRC. It may be helpful to further explore these considerations to inform possible future models.

7.2.5 Service delivery

The performance of service providers in each of the CYWR communities is critical to the operation of the FRC (Focus Group 2, 2018). A key part of the FRC’s theory of change is that clients are able to be referred to and case-managed across multiple support services to address intensive and longer-term needs. Therefore, the success of FRC clients will also, at least partially, depend on the utility and efficacy of the services they are referred to.

The FRC has been described as a valuable “...conduit for the work of many Queensland Government services agencies” (IPNRC, 2017, p. 4). In many cases, the FRC works closely and effectively with other service providers (e.g. IPNRC, 2017; FRC, 2009b, p. 16; FRC, 2010b, p. 2; FRC, 2015e, p. 35; von Sturmer and Le Marseny, 2012, p. 17; McMahon in Interview 3, 2018, pp. 6-7). For instance, McMahon (in Interview 3, 2018, pp. 6–7) indicated that the strong relationship between the Aurukun Local Commissioners and Aurukun police made it easier for police to do their work.

There are examples in the qualitative data of FRC clients being referred to and receiving great benefit from some services (e.g. see case studies 1, 3–8, 11, 16, 18, 23 and 24 at **Appendix 2**). However, concerns have also been raised about the approach and efficacy of others.

The FRC has consistently reported difficulty in receiving timely, accurate and appropriate feedback from some service providers about FRC clients’ participation and progress. This hinders the FRC’s ability to appropriately case manage some clients.

“This quarter has seen a decline in the commitment of service providers to provide monthly progress reports in a timely manner and the information provided has been sparse and relating to the operational processes of service providers rather than focussing on client engagement and progress.” (FRC, 2009d, p. 6)

“The Commission continues to experience difficulties with consistent and accurate monthly reporting from some service providers...” (FRC, 2011c, pp. 16-17)

“...Sometimes we have received advice from the Wellbeing Centre that the client has met all requirements, but in conference the client states that they have never been to the referral agency. Aurukun people when asked will tell you the truth, so agencies that tell untruths in reports are not doing themselves any favours...” (Aurukun Local Commissioners in FRC, 2012e, p. 26)⁶⁰

⁶⁰ Since this comment was made, management of the Aurukun Wellbeing Centre, which was previously the responsibility of the Royal Flying Doctor Service, has been transitioned over to Apunipima Cape York Health Council (2017). Apunipima also took over responsibility for the Coen, Hope Vale and Mossman Gorge Wellbeing Centres at the same time, in April 2017.

“[some services would] ...tick someone attended when the [Local] Commissioner would say no he’s been living in Mapoon for the last 12 months...” (Commissioner Glasgow in Interview 1, 2018, p. 16)

“We’ve really struggled with our service providers over the years to get any meaningful information from them about how our clients are progressing.” (FRC Registrar in Interview 2, 2018, p. 7)

Mossman Gorge Local Commissioners (in FRC, 2017e, p. 39) also recently reported that they rarely received notices of tenancy breaches despite fielding community “...complaints about the misconduct of tenants”. The Local Commissioners (in FRC, 2017e, p. 39) explained,

“We have had difficulty understanding some of the actions of the Department of Housing and Public Works, Housing and Homelessness services who continue to determine which clients will be breached, seemingly based on their relationships with clients rather than the breach itself. We feel that this department does not take our positions and the work we do for our community seriously... Although we have the power to deal with clients who breach tenancy conduct conditions, we rarely receive notices of breach.”

In response, the Queensland Government has indicated that “...all Notices to Remedy breaches... are reported to the FRC [but that]...there are times when a breach notice for anti-social behaviour is not appropriate and a verbal or written warning may be issued...” and/or that in some cases, community members may be reluctant to make complaints about anti-social behaviours to the Department of Housing and Public Works.⁶¹ The Cape York Institute has provided the following remarks in relation to the Queensland Government’s (above) response:

“This statement fails to address the importance issue raised by the FRC Commissioners. The Cape York Institute has spoken further with BBNAC about the tenancy management arrangements in Mossman Gorge and there are 10 houses on the Indigenous Reserve side of Mossman Gorge that are wholly controlled and managed by DHPW. BBNAC (Housing) and the FRC Commissioners have no control over tenant behaviour in these houses other than via referrals for tenancy breaches made to the FRC.

Both BBNAC and the FRC Local Commissioners have frequently complained to DHPW about ‘party’ houses on the Reserve that are managed by DHPW but with no referral to the FRC or change in behaviour. BBNAC has a long and proud history of effectively managing its 22 houses on the freehold side of Mossman Gorge. In several cases BBNAC has been forced to evict tenants from its houses due to repeated breaches and wilful damage. These tenants have in several cases simply moved into DHPW managed houses on the Reserve and there continued their antisocial behaviour.”⁶² (Personal communication with Cape York Institute, 19 October 2018).

The FRC has also demonstrated concern over the cultural capability of some service providers, as well as their willingness to work collaboratively with communities and lack of knowledge about community protocols.

“Commissioners voiced significant concerns regarding service providers and the lack of cultural appropriateness and perceived arrogance when entering CYWR communities. Commissioners expressed their disappointment at the lack of respect that many service

⁶¹ The Queensland Government has provided the following fuller response to this issue, raised by the FRC: “The Queensland Government confirms that all Notice to Remedy Breaches from the Department of Housing and Public Works (DHPW) are reported to the FRC in Mossman Gorge. However, there are times when a breach for anti-social behaviour is not appropriate and a verbal or written warning may be issued, which will not be referred to the FRC. **In some cases, community members may be reluctant to make complaints about anti-social behaviours to DHPW.**”

⁶² Cape York Institute noted that this feedback was based on their personal communication with BBNAC on 16 October 2018.

providers show when in their communities and the ‘one size fits all’ approach to working in Indigenous communities commonly displayed by large agencies.” (FRC, 2009d, p. 7)

“We encourage service providers [to] not come to our community with their own agendas, but to listen to our people and consider their ideas...” (Aurukun Local Commissioners in FRC, 2016e, p. 35)

“[some service providers] ...live in compounds, they live in fortresses—so how do you build a relationship with the community when you won’t go out and you go home there, you don’t go to Church, you don’t [go] to the house openings, you don’t go to funerals because that’s too dangerous, you don’t go out fishing with everybody... we did that all the time.” (Commissioner Glasgow in Interview 1, 2018, p. 23)

This may increase barriers that some community members already experience when trying to access support services and, in some cases, lead to client disengagement.

“All too often we see a client fall away and go back to their old ways because navigating the complexities of the agencies is too difficult and challenging. We don’t need more barriers for our people; they have enough of their own...” (Coen Local Commissioners in FRC, 2012e, p. 76)

Concern has also been raised about the quality and suitability of the services delivered by some providers.

“Government and non-Government agencies are at times ineffectual and casual in carrying out their responsibilities.” (Aurukun Local Commissioners in FRC, 2017e, p. 30)

“The Commission has been unable to issue the anticipated number of Show Cause notices due to a lack of improvement in the level and quality of services to the Commission’s clients as previously reported. This is an area that requires significant improvement if the CYWR program is to achieve its anticipated outcomes.” (FRC, 2010a, p. 2)

“A number of areas of concern have been identified by the Commissioners with regard to method of service delivery [by the service provider] to its clients, which affects the Commission’s ability to case manage effectively.” (FRC, 2010c, p. 6)

“The capacity of the Commission to conduct early interventions or to source appropriate solutions to complex situations has been adversely affected by the lack of suitable service provision in all of the communities.” (FRC, 2010e, p. 51)

Staff turnover and resources are perceived as an ongoing problem (FRC, 2011b, p. 6, 25; FRC, 2012e, 2014e; Dav’ange Consulting, 2018, p. 28). In some instances, poor staff retention makes it difficult for providers to build rapport and trust with clients, which means service provision is hampered (FRC, 2012e, p. 77). In other cases, the FRC cannot refer its clients because services do not have the capacity to receive and assist them (FRC, 2011b, p. 25). The FRC also reports that some providers find it difficult to engage clients, or do not use appropriate engagement methods (FRC, 2017e; Dav’ange Consulting, 2018).

In addition to service provider performance, the FRC also reports ongoing service delivery gaps that hinder its ability to link clients up with appropriate support. These reports have been consistent, from the time the FRC began until the present. For example:

“The Commission continues to encounter gaps in service delivery, coordination and cooperation between government agencies, service providers and non-government organisations in each of the communities” (FRC, 2009d, p. 6)

“...the release of an intended suite of referral services and programs for clients still remains incomplete...” (FRC, 2010c, p. 5)

“The Commission has identified the lack of a fully functioning parenting program in Aurukun as a significant barrier to the case management of clients...” (FRC, 2011c, p. 4)⁶³

“All communities have advised a lack of child counselling service provision significantly impacts on the community maintaining strong school attendance rates and low rates of truancy.” (FRC, 2011c, 31)

“A current gap in the trial’s reach relates to young people of high school age who have exited boarding school. The trial has few support services or opportunities to cater to their needs.” (Limerick, 2012)

“We would like to see more support for our children and their parents and care givers in preparing for boarding school and university.” (Hope Vale Local Commissioners in FRC, 2013e, p. 33)

“The focus of the Commission is to promote the interests, rights and wellbeing of children and other vulnerable persons living in the CYWR trial communities but the lack of child and youth centric support services and coordinated agencies has continued to impede the implementation of the Commission’s objectives.” (FRC, 2013e, p. 47)

“Mental health assistance for our young people is still very lacking and is much needed, especially for those engaged in drug and alcohol abuse, and for those that have suffered prolonged domestic violence.” (Aurukun Local Commissioners in FRC, 2014e, p. 28)

“...there remains the need to source practical programs to be made available to provide domestic violence counselling for both perpetrator and aggrieved, sex offender treatment programs, and programs focussing on early childhood development.” (FRC Registrar in FRC, 2016e, p. 43)

Consistent unanswered requests for additional services have led to a sense of exasperation by some Local Commissioners.

“We have limited referral options and limited faith in some service providers. We are tired of talking and waiting to get improved service delivery. It would seem to us that there are no ears to listen.” (Aurukun Local Commissioners in FRC, 2014e, p. 29)

“For years we have been told that successive Governments were going to do something about the disengaged young people in Aurukun...” (Aurukun Local Commissioners in FRC, 2016e, p. 34)

In order to fill one service-delivery gap, the FRC partnered with Queensland Corrective Services (QCS) to deliver the Ending Family Violence Program (FRC, 2010b, 2010c, 2011b, 2013b, 2013d, 2014a). However, it has since ceased delivery of this programme on the basis that this was not part of its core function, and the subsequent gap has yet to be filled.

“Hope Vale families only have access to the Cooktown Women’s Shelter, 45 kilometres away. Whilst services in communities are able to provide general counselling, there are not often sufficient resources for specialised professionals or programs specifically targeting domestic and family violence. There is no structured support for either perpetrators or victims when perpetrators are returning to community on release from prison and wish to re-enter community life and the family home.” (FRC, 2016e, p. 32)

“Clients scheduled for conference on domestic violence matters are currently referred to the Wellbeing Centre for counselling. We would like to see specific programs available to perpetrators and victims of abuse.” (Coen Local Commissioners in FRC, 2016e, p. 34)

⁶³ This gap was later filled through the provision of the It Takes a Village programme, which was later rebadged as Strong Families (Cape York Partnership, 2017).

“We are waiting to see specialised domestic violence programs to support our referrals...”
FRC, 2016e, p. 40)

A recent review of the FRC by the Infrastructure, Planning and Natural Resources Committee (IPNRC, 2017, p. 6) also re-emphasised the need for domestic-violence related services to support the FRC’s role.

“The committee understands that the Wellbeing Centres in the Welfare Reform communities have received no additional funding or expansion of services, and have minimal capacity to deal with the new Domestic Violence Order (DVO) referrals.

The lack of additional resources and support for domestic violence influence the work of the FRC... The committee believes that domestic and family violence is a significant issue in the communities in which the FRC works. The committee appreciates that solutions are socially complex and generational, but encourages further support be considered to deal with the additional DVO referrals in these communities...”

Enhancing the capacity of Cape York communities to prevent and respond to domestic and family violence (DFV) is a priority of the Queensland Government. The department of Child Safety, Youth and Women allocated \$5.9 million to DFV services in Cape York in 2018/19. Services include: domestic and family violence shelters, Aboriginal and Torres Strait Islander DFV services, counselling for both adults and children. Specifically, there are:

- Domestic and family violence shelters and related services in nine communities Aurukun, Coen, Cooktown, Kowanyama, Pormpuraaw, Thursday Island, Lockhart River, Weipa, the Northern Peninsula Area
- Aboriginal and Torres Strait Islander DFV services in five communities Cooktown, the Northern Peninsula Area, Thursday Island for the Torres Strait, Pormpuraaw, and Weipa. (A further service in Mount Isa for Mount Isa / Gulf communities).
- As a part of the Aboriginal and Torres Strait Islander Family Wellbeing Services, 8 Men’s Support Services in Cape York assist Aboriginal and Torres Strait Islander men aged 16 years or older, identified as being affected by alcohol and other substances and violence, including as perpetrators of domestic and family violence in relationships as defined under the Domestic and Family Violence Prevention Act 2012. The case management requirements of the Men’s Support Service require a co-ordinated response across more than one service provider. These services are provided at Pormpuraaw, Kowanyama, Napranum / Weipa, Wujal Wujal, Mapoon, Lockhart River, Lockhart River and Bamaga. Two more Men’s Support Services are provided at Doomadgee and Mornington Island in the Gulf area.

DCSYW commissioned an Indigenous consultancy organisation (Winangali in collaboration with Ipsos) to explore strategies to support Aboriginal and Torres Strait Islander women affected by domestic and family violence, to remain safe at home. The research was funded under the Commonwealth Government’s Women’s Safety Package and involved collaboration with the communities of Doomadgee, Coen and Pormpuraaw. Doomadgee was then selected to engage in a further co-design process to implement an initiative identified through the consultation process.

This community led process identified the need for a Strong Women’s Group to be established in Doomadgee and for women to have a safe place to come together for cultural activities and to discuss ways to support community safety for women and children. The Strong Women’s Group is in its formative stage and women from the community will take part in a study tour of the Galiwinku community in the Northern Territory to meet with and learn from the women of that community who have come together to address family violence.

Despite the Queensland Government’s commitment to improving the availability of appropriate support to reduce domestic violence (Queensland Government, 2016a, 2016b), this need remains a priority for the CYWR communities.

Overall, the qualitative data indicate a strong need for the nature and availability of services in the CYWR communities to be reviewed. These findings are not unique to the CYWR communities; many of the problems highlighted by the FRC and others above have also been noted elsewhere (e.g. Queensland Productivity Commission, 2017; Productivity Commission, 2017). However, because the FRC is highly dependent on being able to refer clients to adequate services, these issues appear to deeply affect its ability to support its clients to achieve positive, sustained outcomes. As discussed in earlier sections of this Report, this context also appears to be incredibly important to whether CYIM can also work to support outcomes, or not.

These findings indicate a need to ensure that any expansion of the programme in either its current or an amended format should consider the availability of services, including whether the FRC (or an FRC-like-structure) can be appropriately supported and embedded in existing service frameworks.

7.2.6 *Supporting Local Commissioners*

Although the Local Commissioners' intimate knowledge of the CYWR communities holds many advantages, it also presents significant challenges.

“...Our Local Commissioners juggle employment, family commitments, cultural fulfilment and community citizenship with their roles as Commissioners, interpreting legislation, balancing decisions on evidence and hearsay and sometimes supporting tough love on family and kin.” (FRC, 2009e, p. 17)

The Coen Local Commissioners (in FRC, 2013e, p. 30) described their roles as follows:

“We are always walking in two worlds. Sometimes they run together into one and sometimes they become wide apart as our feet go in different directions.”

This requirement to ‘walk in two words’ and ‘wear many hats’ cannot be underestimated; it undoubtedly poses a key challenge for Local Commissioners, which is at times, emotionally confronting and distressing. For example, the considerable challenges posed by confronting family ‘head on’ are demonstrated in case study 23 at **Appendix 2**. In this regard, it appears that the scaffolding and supportive structure of the FRC has been helpful in assisting Local Commissioners to navigate these challenges. This has included, for instance, ongoing professional development and annual Local Commissioner Development Weeks, where Local Commissioners meet and discuss their approaches and challenges.

“The more time we spend with our fellow Commissioners, the more we can discuss how to improve our communities and the individual problems we face in our separate communities.” (Coen Local Commissioners in FRC, 2011e, p. 17)

“Sharing stories of similar experiences and the ways each of us deal with these experiences has been, and continues to be, the most valuable part of development week” (Mossman Gorge Local Commissioners in FRC, 2016e, p. 41).

It appears that this scaffolding and support of Local Commissioners provides multiple benefits in assisting them to overcome the inherent challenges that their roles involve.

7.2.7 *Future planning*

After it was implemented in 2008, the FRC was repeatedly incrementally extended through amendments to the sunset clause in the FRC Act (s152).

“The Commission commenced operating on 1 July 2008... As regulated by the Act at that time the Commission was to cease operations on 1 January 2012. Each subsequent year until 2014, following Australian and State Government consultations and budget allocations, the Commission was granted 12 month extensions...” (FRC, 2018)

In November 2014, the sunset clause was removed under the *Family Responsibilities Commission Amendment Bill 2014* (Qld). However, the uncertainty that the previous period created appears to have had an impact on the FRC's functioning and transitional arrangements.

“...we are concerned that only 12 month extensions for the Commission have limited our capacity for long-term planning.” (Aurukun Local Commissioners in FRC, 2014e, p. 29)

“The CYWR trial communities now look toward December 2012 with uncertainty...” (FRC, 2012e, p. 60)

“...I don’t know what the future will bring when the Commission is finished...” (Aurukun Local Commissioner in FRC, 2012e, p. 39)

“The ongoing uncertainty over the future funding by government of the FRC is very disappointing and must end. The FRC has spent six of its short ten-year life under a cloud of funding uncertainty yet I have lost count of the conversations I have had with local families in support of the FRC and with local leaders asking about how they can get this support for their people.” (Noel Pearson cited in personal communication with the Cape York Institute, September 2018)

This includes the ability to identify and mentor new, younger leaders to carry on the work of the current group of Local Commissioners.

“The challenge remains, with only a defined extension until January 2015, to identify and nurture new leaders with a passion to continue the work of welfare reform.” (FRC, 2013e, p. 55)

“But that's another failing, and that's a Government failing, and I see it commonly in Government. They don't plan—they plan too short time blocks and that's no different in any things. So one would have liked to have seen more people coming in...they [Local Commissioners] need to start mentoring, have enough future that they can actually take people on board, mentoring younger people to be commissioners... The old ones haven't got long to go...” (McMahon in Interview 3, 2018, p. 8, 15)

Nevertheless, there is a strong feeling that the FRC should continue to operate.

“All Commissioners agree there is still work to be done and there is concern expressed that in the event the Commission ceases, those community members who are demonstrating improved social behaviour and proactively seeking solutions to improve their lives may lose hope and revert back to their previous lifestyles prior to welfare reform...” (FRC, 2012e, p. 60)

“If it stops it will gradually go back to the way we were. It will not happen overnight, but it will happen...” (Local Commissioner in von Sturmer and Le Marseny, 2012, p. 17)

“...I hope that when the little ones grow up the FRC is still here to help them, help the next generation, and the generation after that.” (FRC client in von Sturmer and Le Marseny, 2012, p. 12)

“What we hope is that the FRC is not going to close... If it’s going to close, we are back to square one where we started 10 years ago...” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 2)

“There is 100% support from the Local Commissioners interviewed for the continuation of the FRC.” (Dav’ange Consulting, 2018, p. 14)

“...from all of us here this mob around here, we don’t want FRC to stop. The information you’re taking, you take our heart with you.” (Hope Vale Local Commissioner in Focus Group 2, 2018, p. 27)

“...the actual welfare reform concept is great. Could it be improved? Yes. Is there something better at the moment? I don't see anything there at the moment. In fact everything I see in all the meetings I go to now, people are still questioning everything, but no one’s come up with anything that’s of use. Here you’ve got a model that worked.” (McMahon in Interview 3, 2018, p. 20)

Pearson (in FRC, 2016e, p. 6) stated, “The FRC was not intended to become a permanent fixture...” This was also reflected in the earlier views of Hope Vale Local Commissioners (in FRC, 2012e, p. 77):

“Eventually we will need to take a back seat and let other community members and organisations become more proactive. We will then have been successful in empowering our community to continue moving forward.”

More recently, Pearson (in personal communication with Cape York Institute, September 2018) stated:

“The focus for all partners must be firmly on the future and making the FRC the strongest and most effective vehicle of Indigenous agency and authority that it can possibly be. This means by necessity that the FRC must become a permanent entity and that clear thinking is applied to the grassroots collaboration between the FRC and Justice Groups, and extending the network of FRC support across Cape York and other regions in Queensland.”

There is a clear view in the current CYWR communities that the FRC should continue in some form; presumably because this goal of community-wide empowerment has not yet been achieved. With regard to any continuation of CYIM specifically, a Hope Vale Local Commissioner (in Focus Group 2, 2018, p. 26) stated,

“My concern is that, you know, you got all the findings, you have picked our brain about what’s good, what’s bad what’s been, you know... and then the Government think they can do it [deliver CYIM] on their own. They cannot. That’s the clear message out of this. The Government cannot do this, without a body managing it on the ground...”

This view is supported by the findings of this review; CYIM is able to overcome many of the problems with IM schemes elsewhere because it is delivered through the context of the FRC. This context is a key component of any ‘successes’ that can be attributed to the Cape York scheme.

7.3 Summary of findings

Although there are continuing debates in the broader literature about the ideological underpinnings of the CYWR and FRC, this review only finds partial support for these. The view that CYWR and the FRC are neo-colonial constructs, designed to continue the process of colonisation in the CYWR communities is not supported by the qualitative evidence. For example, there is no indication in the existing data of disagreement with the fundamental social objectives of the model (e.g. improving school attendance), though this may also be because these questions were not explicitly raised in the available data. It is also important to recognise that—notwithstanding that the initial CYWR consultations with the communities may have been improved—these formed the basis for the development of the FRC’s social triggers. Finally, while there is no doubt that the structure of the FRC is ‘artificial’ insofar as it is anchored in and derives its power from an external legislative instrument, it nevertheless has the objective of empowering local authority in a way that echoes traditional Indigenous leadership structures. There is strong evidence it has been successful in this regard (see **section 4.1** *Rebuilding local Indigenous authority*).

Nevertheless, there are some indications of support for the second common ideological argument, which questions the fact that welfare recipients in particular are targeted by the CYWR, FRC and CYIM. The qualitative data indicate that there is a growing sense of unfairness that there are segments of the communities who are outside of the FRC’s jurisdiction because they do not receive welfare; implicit is the assumption that it is only welfare recipients breaching the social norms, but the anecdotal evidence indicates that this does not hold true. This is a tension in the model that would benefit from further consideration.

In addition to these ideological challenges, there are also a range of practical challenges concerning the FRC and CYIM that arise from the qualitative data. For example, there is evidence that some individuals are able to circumvent the BasicsCard, which may reduce its potency. Alternatively, there is also concern that some individuals may become dependent on CYIM, though this issue is likely

avoided to some extent on Cape York (as opposed to other IM schemes across Australia, where it has been raised as an issue (e.g. Bray et al., 2014)) because CYWR also involves wraparound services to deliver financial literacy support.

The fact that some clients remain beyond jurisdiction of the FRC because of their living arrangements was also raised as a practical challenge of the model, alongside limitations with the service delivery system. This is particularly problematic; the success of the FRC model partially relies upon the ability of Local Commissioners to refer clients to suitable and effective support services. However, there is evidence of poor service delivery and continuing gaps in the types of services available. For example, the FRC and others have frequently highlighted a need for services for victims and perpetrators of domestic violence, but it appears that this gap in the service-delivery framework persists.

Finally, qualitative data regarding the future of the FRC were briefly considered. These indicate strong support for the continuation of the FRC and CYIM in some format, as well as a need to support the mentoring and development of a new generation of leaders to ensure local authority remains strong.

8. Conclusion

FRC's approach to delivering CYIM

Implemented in 2008, the CYWR initiative aims to address passive dependence on welfare and commit people in the communities of Aurukun, Coen, Hope Vale, and Mossman Gorge to resume primary responsibility for the wellbeing of their families and their communities. CYIM is one strategy used by in CYWR over the past ten years (2008–2018) in the original CYWR communities (i.e. excluding Doomadgee). Drawing on available qualitative and quantitative data (e.g. qualitative accounts in the existing literature, FRC reports and FRC client data), this review sought to understand the impacts of CYIM.

After it was implemented in 2008, the FRC was repeatedly incrementally extended until the sunset clause was removed under the *Family Responsibilities Commission Amendment Bill 2014* (Qld). However, the uncertainty that the previous period created appears to have had an impact on the FRC's functioning and transitional arrangements, including the ability to identify and mentor new, younger leaders to carry on the work of the current group of commissioners. This is one of many challenges for program delivery in remote communities and include service fragmentation and overlap; lack of capacity; interagency conflict and turf wars; different approaches and service philosophies among agencies; overlaps between providers, programs and policies; implementation problems with administrative and operational systems; difficulties in recruiting and retaining experienced and skilled staff, made more difficult by limited funding timescales; and, displacement in which problems occurring in the target community decrease, but increase in other locations (SPRC and FaHCSIA, 2012).

A key part of the FRC's theory of change is that clients are to be referred to and case-managed across multiple support services to address intensive and longer-term needs. Therefore, the success of FRC clients will also, at least partially, depend on the utility and efficacy of the services they are referred to. The FRC has consistently reported difficulty in receiving timely, accurate and appropriate feedback from some service providers about FRC clients' participation and progress. Concern has also been raised about the quality and suitability of the services delivered by some providers. Staff turnover and limited resources also make it difficult for providers to build rapport and trust with clients, which means service provision is hampered. In other cases, the FRC cannot refer its clients because services do not have the capacity to receive and assist them. This may increase barriers that some community members already experience when trying to access support services and lead to client disengagement. It also has implications for the overall effectiveness of the FRC/CYIM model. There is a strong need for the availability of services in the CYWR communities to be reviewed. These findings are not unique to the CYWR communities. However, because the FRC is highly dependent on being able to refer clients to adequate services, these issues appear to deeply affect its ability to support its clients to achieve positive, sustained outcomes.

CYIM was not implemented in a socio-political vacuum and any appraisal of its impacts have to be considered against an ideologically-driven and politically-charged landscape of Indigenous policy that is subject to contestation and conflict. Despite a significant community consultation process both before and during the implementation of the CYWR trial, there was much confusion and uncertainty associated with CYIM and responses to CYIM and the BasicsCard were often negative. There were also complaints that the model had been implanted, rather than agreed to. There is evidence that some community members and leaders felt dissatisfied by the consultation and implementation of CYWR and CYIM, and/or proffered and then withdrew their support at different times (for reasons that are often not clear, based on the available data).

Local Commissioners were active in subsequent community engagement regarding the functions and purpose of the FRC and CYIM. This assisted in changing perceptions of CYIM in its early stages of implementation. And, although some individuals have withdrawn their support at different times, there is no indication in the available data that this has been due to any fundamental disagreement with the objectives of CYWR, the FRC or CYIM. Some individuals who opposed the FRC and CYIM

for other reasons still agreed with the social norms and behavioural objectives of the model. For example, it is widely agreed that the needs of children must be accorded a high priority.

Nonetheless, there has been a persistent perception that the CYWR, FRC and CYIM are based on neo-colonial notions of assimilation rather than self-determination and are therefore imposed top-down via external forces. There is little to no support in the available data for the ideological argument that CYWR, the FRC and CYIM are imposed neo-colonial constructions. Rather, the models were designed *by* and in close partnership with Indigenous community members and leaders, and were accepted and agreed to by those communities and leaders.

There are claims that CYWR, FRC and CYIM unfairly target, problematise and stigmatise welfare recipients. There is also a growing sense of unfairness that there are segments of the communities who are outside of the FRC's jurisdiction because they do not receive welfare. It is questionable that the FRC's jurisdiction only extends to those receiving welfare. It is not only welfare recipients breaching the social norms. This tension in the model requires further careful consideration. With regard to CYIM specifically, it could be argued that an entirely voluntary scheme would enable greater individual self-determination. However, some individuals appear to receive great benefit from compulsory CYIM. There is also evidence that the FRC's use of CYIM to coerce as well as incentivise is an important part of the model, and enables at least some clients to make significant positive changes in their lives.

The argument that CYWR represents neo-colonial paternalism also presupposes that it seeks to supplant Indigenous culture. However, there is a sense that the strategies have, instead, represented a resurgence of culture and ostensibly empowered local authority in a way that echoes traditional Indigenous leadership structures. One of the many devastating effects of colonisation in the four CYWR communities has been the removal and/or destruction of traditional local authority structures, which originally maintained and enforced Indigenous social and cultural norms through traditional lore. The FRC Local Commissioners were intended in the original CYWR design to be a key mechanism through which local Indigenous authority and group norms could be re-established and/or, where they still existed, empowered. This empowerment of local Indigenous leaders to apply IM is a key distinguishing feature that sets CYIM apart from models that have been implemented elsewhere in Australia. There is considerable anecdotal evidence that this model has been successful in supporting and rebuilding local Indigenous authority to manage anti-social behaviour. Key to this has been Local Commissioners' deep localised knowledge, which has allowed them to provide a service that is culturally sensitive and appropriate, as well as being matched to individual clients' needs.

Although the Local Commissioners' intimate knowledge of the CYWR communities holds many advantages, it also presents significant challenges, such as the requirement to 'walk in two words' and 'wear many hats'. These challenges cannot be underestimated; the roles played by Local Commissioners are, at times, emotionally confronting and distressing. The scaffolding and supportive structure of the FRC has been helpful in assisting Local Commissioners to navigate these challenges.

The forum within which CYIM is typically applied is the FRC conference. The conference environment is important in setting the scene for CYIM. In particular, it appears to improve clients' access to natural justice and encourages them to take up case-managed support, both of which can support the intentions of CYIM. Once a client arrives at the FRC, the conference setting can be used both to chastise as well as to celebrate achievements and strengths. Similarly, CYIM is also used in both ways by the FRC—to coerce, but also as an incentive. The FRC draws on CYIM as one tool in its broader kit of options. Ultimately, only a relatively small proportion of FRC clients have ever been subject to a CYIM order. At its peak in 2008–2009 the percentage of FRC clients placed on a CYIM order was 20.7%, a figure which has declined annually to the 2017–2018 figure of 7.7%.

The FRC has been described as being potentially more effective than formal, adversarial modes of justice, perhaps as a result of its restorative elements. There are many powerful stories of clients experiencing pivotal moments of realisation during conference sessions and making dramatic and positive changes in their lives. There are also others, for whom conferencing appears to have less of an impact. There is a small 'hard to reach' group of FRC clients who appear to have made little

progress under the CYWR, FRC and CYIM. In some cases, these clients are ostensibly experiencing multiple and deeply entrenched symptoms of disadvantage. To enable greater leverage against 'hard to reach' clients, the FRC has trialled an Active Family Pathways and an 'FRC Link' model. Whether or not these approaches have been successful in improving outcomes for hard to reach clients is unclear. The introduction of 90% CYIM was also intended to increase the FRC's leverage against this group and appears to have improved engagement for some people. However, it seems that there are still some clients for whom this change has had little effect. CYIM alone is a poor response to addressing what are often complex needs. The FRC's ability to link clients to a range of other support services is, therefore, an important aspect of its broader role, although there is evidence that the service framework could be further enhanced.

There is evidence that the BasicsCard is a helpful tool for assisting community members to manage household budgets, provide for their families, and reduce opportunities for humbugging. However, there also remain some practical challenges with its use. There are accounts that some individuals are able to circumvent the BasicsCard. Many of these cases appear to revolve around the ability of people to: use BasicsCards that are not their own; or use BasicsCards to buy essential items, but then swap these for cash. With regards to methods of overcoming these issues, some have suggested widening the array of goods that are prohibited under CYIM, or including photographic identification on the BasicsCard. Some card circumvention practices amount to fraud, raising the possibility that well-intentioned welfare reforms can also serve to extend zones of criminality. This may have the unintended consequence of increasing Indigenous contact with the criminal justice system, though it appears that cases do not often come to the attention of the police and/or are otherwise difficult to prosecute. Dependency on the BasicsCard was cited as a problem. However, participation in the MPower programme may serve as a buffer against long-term dependency on the BasicsCard in the Cape York context, because it offers another avenue through which clients can improve their financial literacy.

Outcomes of IM

There is a general feeling, both from the FRC Commissioners and from CYWR community members that their communities have improved since the introduction of CYWR, the FRC and CYIM. One of the specific outcomes of CYIM appears to be its ability to support clients to better manage and budget their income, as well as overcome 'humbugging', which enables them to cover basic needs. In 2007 the Cape York Institute identified a series of 'dysfunctions' that had resulted from and also contributed to the perceived breakdown in social norms. Each were examined with regard to the impact of CYIM.

The data suggest some level of impact of the CYWR and, potentially also the FRC and CYIM, on alcohol use. The qualitative data contain some accounts where individuals have made long-term changes to their drinking behaviours, either by giving up drinking, or choosing to drink in a way that has less of an impact on other family members, particularly children. There are some indications that the FRC and CYIM have impacted drug use in the CYWR communities, particularly by limiting the availability of cash. The quantitative data on substance abuse are mixed and provide only minimal support for the contention that the CYWR, FRC and/or CYIM have also resulted in positive community-wide changes to alcohol and drug-related offending.

Overall, the evidence concerning the impact of the FRC and CYIM on violence is mixed. The qualitative data suggest a general feeling that violence has reduced as a result of the introduction of the FRC and CYIM. The role of CYIM in this regard is its ability to reduce expenditure on alcohol and drugs, which then ostensibly reduces the frequency and severity of violence. Qualitative data regarding overall reductions in violence were only partially supported by the quantitative analyses. However, the available quantitative data showed no significant impacts of the intervention on DVO breach offences in three of the communities. The impact of the FRC's other functions, including conferencing and referral to other services, also appear to play critical roles in this regard. There is also some qualitative evidence that CYIM can support victims of humbugging, including victims of domestic violence, to take greater control over household finances. Although the option of voluntary

CYIM can be useful in this context, the ability to request a *compulsory* CYIM order also appears to be valuable. Therefore, the fact that the FRC has both options available appears to be important in supporting different clients' individual needs.

The qualitative evidence indicates that general perceptions about the importance of schooling have improved, at least in part due to the Local Commissioners' wide-ranging efforts to convey and reinforce this norm. There have also been other efforts that may have influenced these perceptions, including the work of Student Case Managers, and the introduction of the CYAAA⁶⁴ in Aurukun, Coen and Hope Vale. It appears that the specific impact of CYIM has been more limited. However, there are cases where CYIM has helped redirect spending towards basic needs, which has resulted in children being better prepared to attend school. There are also other 'pull' factors that determine whether or not children will attend school, such as the school environment and curriculum. These (and other) factors also undoubtedly affect school attendance and engagement, but are outside of the influence of the FRC and CYIM. The aggregate quantitative analyses show no significant change in the trend in school attendance rates in recent years (since 2013), relative to any changes seen in the overall comparison areas. This suggests that the statistically significant improvement in school attendance seen in Aurukun immediately after the intervention, as reported in the 2012 CYWR evaluation (SPRC and FaHCSIA, 2012), has not been sustained over the full period of CYWR and CYIM.

There is a general perception in the communities that children's overall wellbeing has improved since the introduction of the FRC and CYIM. Positive changes are often described in terms of children now being fed and clothed, and having their health-care needs met, where this was not always the case before. There are also other examples where families have been able to reunite with children who had been removed by Child Safety after having contact with the FRC and being placed on CYIM. Some clients also proactively seek out the support of the FRC and request CYIM in order to prevent or reduce the extent of child-safety intervention. The aggregate quantitative analyses show that there was a significant relative decrease in child-safety notifications in Coen since 2010. Aurukun, Hope Vale and Mossman Gorge showed no significant change in notifications relative to the comparison areas. These data are, however, limited by changes in reporting behaviours, methods and broader policies and programmes, and should, therefore, be interpreted with caution.

Quantitative analysis of individual FRC client histories indicate that while CYIM does not prevent future breaching, it does reduce breach notifications, and extend the time between subsequent breaches. This positive impact of CYIM on breach notifications is over and above the impact of other service referrals that the client may receive.

In sum, evidence concerning the outcomes and impact of CYIM is mixed. In some cases there is evidence that the FRC and CYIM have contributed to a reduction in alcohol, drugs, violence and crime. There is also evidence that outcomes have improved in terms of children's overall health and wellbeing, and engagement with school. However, these are not always supported by the quantitative data. Results of the community-level quantitative analyses are mixed; however analysis of individual client histories indicate that CYIM reduces future breach notifications. This disjuncture could be caused by a number of factors, including limitations in the datasets. However, the data does indicate that the FRC, including its ability to apply CYIM, have gone some way in creating a context that is at least conducive to positive outcomes. For example, it appears considerable benefits are associated with the ability of Local Commissioners to establish and reinforce social norms, as well as challenge those who do not adhere to such norms, especially in the conference setting. Theoretically, this may also have a positive impact on overall social capital in the communities, which may support improved and ongoing positive outcomes and increase community resilience.

⁶⁴ CYAAA operated in Aurukun from early 2010 until late 2016, and continues to operate in Coen and Hope Vale since it opened there in early 2010 and early 2011 respectively.

Social capital describes features of social organisation, such as relations of honesty, cooperation, reciprocity, engagement and mutual obligation that exist between people within social networks, social structures and social institutional arrangements (Putnam, 1993). It influences the ability of individuals to receive benefits by virtue of membership within networks and other social structures (Portes, 2000) and facilitates bonding and community integration. When social bonds fail to develop or are strained or broken, individuals will be motivated to engage in forms of deviance or criminal activities which ‘reward’ them. There are four elements of social bonding: attachment (emotional connection to others); commitment (accumulated relationships which provide a stake in conformity); involvement (participation in legitimate activities); and belief (the acceptance of the existing normative order). There are several indicators of social capital in the data considered in this review and, overall, the qualitative data in particular indicates that social capital has strengthened in the communities in question.

One explanation for the discrepancies in the qualitative and quantitative data may be provided by the concept of collective efficacy, whereby the qualitative suggests improved social integration and strengthening social structures and institutions, while the quantitative data indicates fluctuating indicators of social engagement. Collective efficacy, which is closely aligned with social capital, describes the social cohesion among community residents combined with their willingness to intervene for the common good to prevent crime and disorder (Sampson, Raudenbush and Earls, 1997). Social capital facilitates crime control, rather than facilitating criminal or deviant activity. Social capital, in the form of collective efficacy, has been linked to crime prevention, especially with respect to violent and serious crime (Sampson, Raudenbush and Earls, 1997). With respect to this, increased reportage of crime may be interpreted in a positive light as the community responding to a crime problem rather than ignoring or adopting an apathetic attitude.

The greatest benefit of CYIM appears to come from the structure of the FRC itself, as well as the roles played by Local Commissioners, rather than solely from CYIM. This aligns with the Cape York Institute’s original vision regarding the potential of CYIM—in particular, that it was only one aspect of a broader model. Although CYIM does play an important role in assisting and supporting Local Commissioners to carry out their functions and apply different behavioural levers, depending on individual needs, it is questionable whether CYIM alone would have as much of an impact. Thus, a key lesson from the Cape York experience of IM is that the context within which IM is delivered is crucial. The empowerment of local Indigenous authority structures holds many benefits, which mean CYIM can be delivered in a way that is potentially more palpable and useful than if it were to be delivered as a standalone intervention.

Cape York communities are looking to make a decision about evolving from CYWR towards new arrangements based on the empowerment/development model. There is an expectation from communities that this review will inform a decision about the future of welfare quarantining in Cape York and what role the current CYIM approach can/should have in any future models. Different communities have different needs and may come to different conclusions. Consultation and implementation are critically important to any future extension of the CYWR, FRC and/or CYIM. Consultation should be broad (involving a significant proportion of the community) and deep (i.e. cover not just theoretical models, but also the realities of how the models would apply in practice). By gaining widespread, informed endorsement of any future models, it may be possible to improve early take-up and support of any new models.

Limitations of the data

This review was conducted over a relatively short timeframe (June–September 2018) and as such there were strict limits to its scope. A strength and limitation of the qualitative data was that it drew primarily on one, albeit rich and well-placed, source of data—the FRC. Where possible, FRC data was balanced against that of broader literature. Limitations of the publicly-available data include that it is often not possible to isolate the impact of CYIM over and above the impact of the FRC more broadly (as well as other concurrent interventions), and that at times the administrative geographies of the data are not an exact match to Indigenous communities. Some data was also not available for the full ten-year timeframe.

It is important to note that CYIM is unique and, thus, conclusions arising from this review may not be able to be transferred to IM in other contexts. In fact, many of the conclusions depend on the unique IM delivery system that is peculiar to the CYIM model, rather than simply IM alone.

Further, various measures used to assess IM are susceptible to changes in reporting, policing, and the impacts of other concurrent policies and programmes. For example, to take alcohol, it is difficult to distinguish between the impacts of CYIM and other concurrent policies, such as alcohol management plans (AMPs).

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