

*The Department of Child Safety, Seniors, and Disability Services recognises and acknowledges the traditional owners of the land and seas that we walk, work and live on. We acknowledge those who have come before us and thank them for paving the way forward for our people to survive and strive as a nation of peoples.*

# **Torres Strait Islander Advisory Group**

## **Terms of Reference**





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## 1. Background

The Department Child Safety, Seniors and Disability Services (DCSSDS) strives to deliver our vision for Queenslanders to be safe and thriving. We work to keep children, young people, and their families safe and connected to their culture and communities both Aboriginal and Torres Strait Islander peoples. DCSSDS recognises the unique differences within cultural lore and protocols between both Aboriginal and Torres Strait Islander peoples, including the distinct difference within child rearing practices.

One of the most significant differences in terms of parenting and child-rearing approaches between Torres Strait Islanders and Aboriginal peoples, is the Torres Strait Islander traditional child rearing practice, sometimes referred to as Kupai Omasker. Kupai is the Torres Strait Western Island word for 'umbilical cord', and Omasker is the Torres Strait Eastern Island word for 'children'. Together the words can be interpreted as 'the caring of all our children' (World Congress on Family Law and Children's Rights, Sydney Australia).

The Torres Strait Islander traditional child rearing practice involves the blessing, or gifting of a child from the birth parents to the cultural parents, to be raised within that cultural parents' family structure. This Ailan Kastam is a permanent arrangement and the child is not returned to the care of their birth parents. It is significantly different to what is sometimes referred to as a "family arrangement" by some Torres Strait Islander families, which is for a specific purpose, within a particular timeframe. There are cultural sensitivities regarding Torres Strait Islander traditional child rearing practice.

When child safety become aware that a child and the child's family is engaged in a traditional child rearing practice, and a **Cultural Recognition Order is not** in place, it is important to seek out advice from a member of the Torres Strait Islander Advisory Group, an appropriate Torres Strait Islander Elder, or a Torres Strait Islander staff member with the cultural knowledge and understanding of traditional child rearing practice.

If a CRO is in place, then the child's birth certificate will state the cultural parents on the birth certificate. Staff may not know that Ailan Kastom has taken place and it will not be relevant as the cultural parents are legally the child's parents. If a CRO is in place, the cultural parents will be recognised as the child's parents in accordance with the *Child Protection Act 1999*.

If child safety become aware that Torres Strait Islander Traditional Child Rearing Practice has occurred, refer to the cultural parents as the child's mother, father, parent/s only. This includes in all written material and in conversations with colleagues and with stakeholders.

**If there is a CRO in place** court material would appropriately identify the cultural parents as the parents of the child under family details.

**If there is no CRO** then the birth parents are identified as parents in the court application.

It is important to:

- **seek advice from a Torres Strait Islander staff member, ie Cultural Practice Advisor or the Aboriginal and Torres Strait Islander Practice Leader, OR,**
- **a member of the Torres Strait Islander Advisory group and,**

- ask the family if they would like to engage an independent person, or a family cultural spokesperson (a person who is an elder or person of authority within the family kinship system). This MUST take place **before** the family mapping is done.

For information regarding practice considerations, refer to the [Torres Strait Islander Traditional Child Rearing Practice, practice Guide](#).

For information regarding a Cultural Recognition Order, refer to the [Office of the Commissioner, Meriba Omasker Kaziw Kazipa](#).

## 2. Role

The members of the Advisory Group will work in partnership with the Office of the Chief Practitioner and regional Child Safety Service Centers (CSSCs) on:

1. Improving the experience of the interactions with the department and Torres Strait Islander children and families, including interpreting language and communicating to the child and family in a way they understand
2. Recognising the [Meriba Omasker Kaziw Kazipa \(Torres Strait Island Traditional Child Rearing Practice\) Act 2020](#)
3. Implementing improved work practices, including culturally sensitive interactions with Torres Strait Islander families who have a Traditional Child Rearing Practice in place.

A member of the Torres Strait Islander Advisory Group will only be called upon to provide **cultural advice as required to the frontline staff** of the department, to ensure practice is culturally responsive and meets the needs of Torres Strait Islander families, who are engaged in a Torres Strait Islander Traditional Child Rearing Practices and have not/or are in the process of applying for a Cultural Recognition Order (CRO) through the [Office of the Commissioner, Meriba Omasker Kaziw Kazipa](#).

The members of the advisory group will provide advice to frontline child protection practitioners, if specific cultural advice cannot be sought at a local level and through current processes.

Should an individual member require consultation with other members, or the entire group, they may call for an Advisory Group meeting. Agreements will be reached by majority view.

The advisory group will not have specific delegations under the *Child Protection Act 1999*.

If cultural advice is required from a member of the Advisory Group, the priority level will be dependent upon the intervention type.

### 3. Process

If a CSO requires specific cultural advice regarding a Torres Strait Islander family who has a traditional child rearing practice in place and does not have a CRO granted by the Commissioners office, and if this cannot be provided by either the CPA and/or regional Aboriginal and Torres Strait Islander Practice Leader, a referral can be sent to the Torres Strait Islander Advisory Group.

A referral can be submitted through the [CS PPAL inbox](#).

When submitting a referral, please include the following information:

1. Subject line:
  - a. Seeking cultural advice from the Torres Strait Islander Advisory Group
2. Body of the email:

This should include information regarding:

  - CSSC/Region,
  - family name,
  - outcome of CPA and Aboriginal and Torres Strait Islander discussion,
  - intervention type and,
  - specifics regarding cultural advice.

Once the referral is received, it will be sent to the Torres Strait Islander Advisory Group. A group member or the central office Aboriginal and Torres Strait Islander Practice Leader will respond accordingly.

For further information refer to the [Child Safety Policy and Practice Advice Line \(CSPPAL\)](#) intranet page.



## 4. Performance Assessment and Review

The Office of the Chief Practitioner (OCP) will initiate a review of the Advisory Group and conduct a self-assessment at least once a year to determine:

- Role and functions of the advisory group
- Representation of the advisory group from across the Torres Strait
- Continuous improvement opportunities within practice and procedural guidance.

This review can take place through the existing CS PPAL process as this is recorded and maintained within OCP.

## 5. Membership

Members of the Advisory Group represents Torres Strait Islander perspectives as it relates to the traditional child rearing practices. The total number of members must be no more than 12 people across the state, they must identify as Torres Strait Islander, and must have an understanding of Torres Strait Islander kinship structures.

Advisory group members will comprise of Torres Strait Islander departmental staff, elders, community leaders, and those who hold positions within department funded Aboriginal and Torres Strait Islander community-controlled organisations (CCOs) ie, Family Wellbeing Service (FWS), and/or Family Participation Program (FPP) practitioners.

If elders and community members are called upon to provide cultural advice, they can be remunerated. Remuneration can be paid from Child Related Costs and will be assessed on a case-by-case basis.

### Conflict of interest

There may be times where a Torres Strait Islander family member of extended family member of an Advisory Group member may become known to child safety. Members are required to declare any conflict of interest. Members must advise the State-wide Aboriginal and Torres Strait Islander Practice Leader prior to any advice being given and full and accurate details of the conflict being provided. The member must not take part in any discussions relating to the matter, and not seek, directly or indirectly, to influence the outcomes of any cultural advice given in relation to a child or a child's family where there may be a conflict. There may be times where a family member of extended family member of an Advisory Group member will be known to child safety.

### Confidentiality and Information Sharing

All Advisory Group members are bound by their retrospective confidentiality agreements with their current place of employment, whether that be as a public servant or within a Community Controlled Organisation. If a member is an elder or community leader, there would be an expectation that no matters relating to a child or a child's family are to be discussed.

Sharing information for the purpose of delivering a cultural responsive service to a child and a child's family will align with the departments Information Sharing Guidelines.

For further information, please refer to the [Information Sharing Guidelines](#).

Membership of the Group is as per Attachment 1 – List of Members (2024 nominated).

## **6. Secretariat**

Secretariat support will be provided, as required, by the Office of Chief Practitioner Regional Aboriginal and Torres Strait Islander Practice Leader and the Office of the Deputy Director General Strategy Senior Program Officer/Torres Strait Government Champion Support.

## Attachment 1 – List of Members

Members as at **30 May 2024** :

<b>Torres Strait Communities</b>		
<b>Top Western Islands</b>	Name	Contact Details
<ul style="list-style-type: none"> <li>Boigu, Dauan &amp; Saibai Islands</li> </ul>	Cindy Namok	<a href="mailto:Cindy.Namok@cyjma.qld.gov.au">Cindy.Namok@cyjma.qld.gov.au</a> M. 0437 103 927
<b>Western Islands</b>		
<ul style="list-style-type: none"> <li>Badu</li> </ul>	Dulcie Pensio	<a href="mailto:Dulcie.Pensio@cyjma.qld.gov.au">Dulcie.Pensio@cyjma.qld.gov.au</a> M. 0455 402 627
<ul style="list-style-type: none"> <li>Mabuaig</li> </ul>	Nicole Mene	<a href="mailto:Nicole.Mene@cyjma.qld.gov.au">Nicole.Mene@cyjma.qld.gov.au</a> M. 0459 917 957
<ul style="list-style-type: none"> <li>Moa Island - Kubin and St Pauls communities</li> </ul>	Sanna Pedro	<a href="mailto:Sanna.Pedro@cyjma.qld.gov.au">Sanna.Pedro@cyjma.qld.gov.au</a> M. 0427 882 714
<b>Central Islands</b>		
<ul style="list-style-type: none"> <li>Iama (Yam Island)</li> </ul>	Latoya Zaro	<a href="mailto:Latoya.Zaro@cyjma.qld.gov.au">Latoya.Zaro@cyjma.qld.gov.au</a> P: 3097 5545
<ul style="list-style-type: none"> <li>Masig (Yorke Island) and Poruma (Coconut Island)</li> </ul>	Kay Savage	<a href="mailto:Kay.savage2@cyjma.qld.gov.au">Kay.savage2@cyjma.qld.gov.au</a> P: 4796 6300
<ul style="list-style-type: none"> <li>Warraber (Sue Island)</li> </ul>	Doreena Pearson	<a href="mailto:Doreena.Pearson@cyjma.qld.gov.au">Doreena.Pearson@cyjma.qld.gov.au</a> M. 0459 313 209
<b>Eastern Islands</b>		
<ul style="list-style-type: none"> <li>Mer (Murray Island) and Ugar (Stephen Island)</li> </ul>	Latoya Zaro	<a href="mailto:Latoya.zaro@cyjma.qld.gov.au">Latoya.zaro@cyjma.qld.gov.au</a> P: 3097 5545
<ul style="list-style-type: none"> <li>Erub (Darnley island)</li> </ul>	Kay Savage  Latoya Zaro	<a href="mailto:Kay.savage2@cyjma.qld.gov.au">Kay.savage2@cyjma.qld.gov.au</a> P: 4796 6300  <a href="mailto:Latoya.zaro@cyjma.qld.gov.au">Latoya.zaro@cyjma.qld.gov.au</a> P: 3097 5545
<b>Inner Islands &amp; Northern Peninsular Area</b>		
<ul style="list-style-type: none"> <li>Hammond Island and Muralug (Prince of Wales Island)</li> </ul>	Nicole Mene	<a href="mailto:Nicole.Mene@cyjma.qld.gov.au">Nicole.Mene@cyjma.qld.gov.au</a> M. 0459 917 957
<ul style="list-style-type: none"> <li>Ngurupai (Horn Island)</li> </ul>	Nicole Mene  Cindy Namok	<a href="mailto:Nicole.Mene@cyjma.qld.gov.au">Nicole.Mene@cyjma.qld.gov.au</a> M. 0459 917 957  <a href="mailto:Cindy.Namok@cyjma.qld.gov.au">Cindy.Namok@cyjma.qld.gov.au</a> M. 0437 103 927
<ul style="list-style-type: none"> <li>Thursday Island</li> </ul>	Nicole Mene	<a href="mailto:Nicole.Mene@cyjma.qld.gov.au">Nicole.Mene@cyjma.qld.gov.au</a> M. 0459 917 957
<ul style="list-style-type: none"> <li>Bamaga</li> </ul>	Roxanne Nevill	<a href="mailto:Roxanne.Nevill@cyjma.qld.gov.au">Roxanne.Nevill@cyjma.qld.gov.au</a> P: 4212 0425 / M. 0418 737 893
<ul style="list-style-type: none"> <li>Seisia</li> </ul>	Roxanne Nevill	<a href="mailto:Roxanne.Nevill@cyjma.qld.gov.au">Roxanne.Nevill@cyjma.qld.gov.au</a> P: 4212 0425 / M. 0418 737 893



## Attachment 2 – Torres Strait Islander Advisory Group Nomination Process

### 1. Within the Department

Expression of Interest (EOI)

The Statewide Aboriginal and Torres Strait Islander Practice Leader will call for EOIs from interested Torres Strait Islander staff across the state.

Interested Torres Strait Islander staff must have a strong cultural understanding of traditional child rearing practices.

Once appointed, Torres Strait Islander staff must have the ability to commit to providing time, as required, to address queries from frontline staff.

It is advantageous for Torres Strait Islander staff to be able to speak Torres Strait Creole and/or a specific Torres Strait Island dialect.

### 2. From Community

EOIs can be received from Aboriginal and Torres Strait Islander Community-controlled Organisations (CCOs) or other established entities, including Family Wellbeing Service (FWS), and/or Family Participation Program (FPP) practitioners, staff and/or elders.

These community people, especially the elders, have a strong cultural understanding of traditional child rearing practices and can speak with cultural authority on these matters.

Community members and elders can be a representative from one of the five cluster communities of the Torres Strait, ie Eastern, Central, Top Western, Near Western and Inner Islands.

It is a non-negotiable that confidentiality must be upheld at all times. Refer to **Membership**.

**Important:** if it is disclosed that a child or young person has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and does not have a parent willing or able, a notification must be made to the relevant child safety officer.

**Please note:** *All nominations, both from internal staff and those from external to Child Safety must go through the statewide Aboriginal and Torres Strait Islander Practice Leader. This group will be moderated and coordinated by the person who holds this position. If a group member decides to step away from the Advisory Group, the Statewide Aboriginal and Torres Strait Islander Practice Leader will call for a replacement nomination utilising their statewide connections.*