

03

OFFICE OF THE COMMISSIONER MERIBA OMASKER KAZIW KAZIPA

Office of the Commissioner



The Office of the Commissioner was opened on 17 August 2021, but due to COVID-19 restrictions, this significant milestone could only be celebrated by a small group of people including some members of the Kupai Omasker Working Party. The Office of the Commissioner has office's located in Cairns and Thursday Island.

The Office of the Commissioner consists of the Commissioner and the support officers of the office. The Office of the Commissioner was fully complemented with staff on 4 January 2022. The Office of the Commissioner staff's function is to help the Commissioner perform the Commissioner's functions that includes providing support to potential applicants to navigate the application process. This includes providing access to legal advice, counseling services and assist with interpreter costs if required. The Office of the Commissioner's staff are appointed under the Public Service Act 2008 (Qld). To ensure the independence of the office, the Office of the Commissioner staff are not subject to direction by any person, other than from within the Office of the Commissioner, about the way the Commissioner's functions or powers under this Act are performed or exercised.



The Office of the Commissioner includes **two Cultural Support Officers** (one based in Cairns and one based on Thursday Island).



The Cultural Support Officers will **respond to enquiries about CROs and assist with applications.**

In the Office of the Commissioner in 2021-22

67%

of staff were **proficient in Torres Strait Creole** (Yumplatok)

34%

of staff were proficient in **Kalaw Lagaw Ya**

67%

of staff were of **Torres Strait Islander** descent

The role of the Office of the Commissioner is to

Provide information and culturally appropriate support to applicants about the application process

Make referrals to legal services for advice and to community-based counselling and wellbeing services

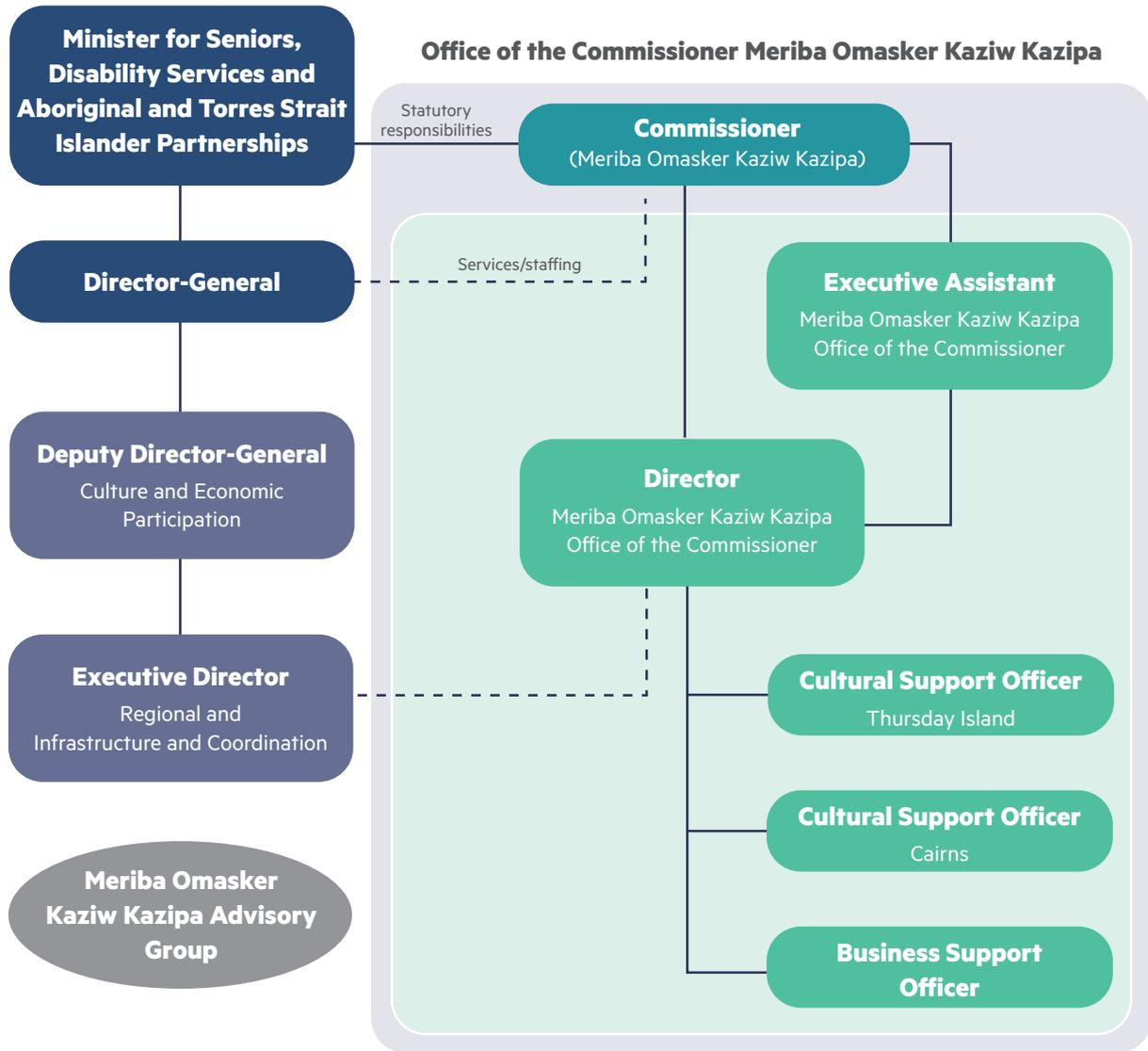
Provide business support to the Office of the Commissioner

Undertake record keeping and uploading of information into the Meriba Omasker Information Management System

Undertake community engagement regarding the Act and application process

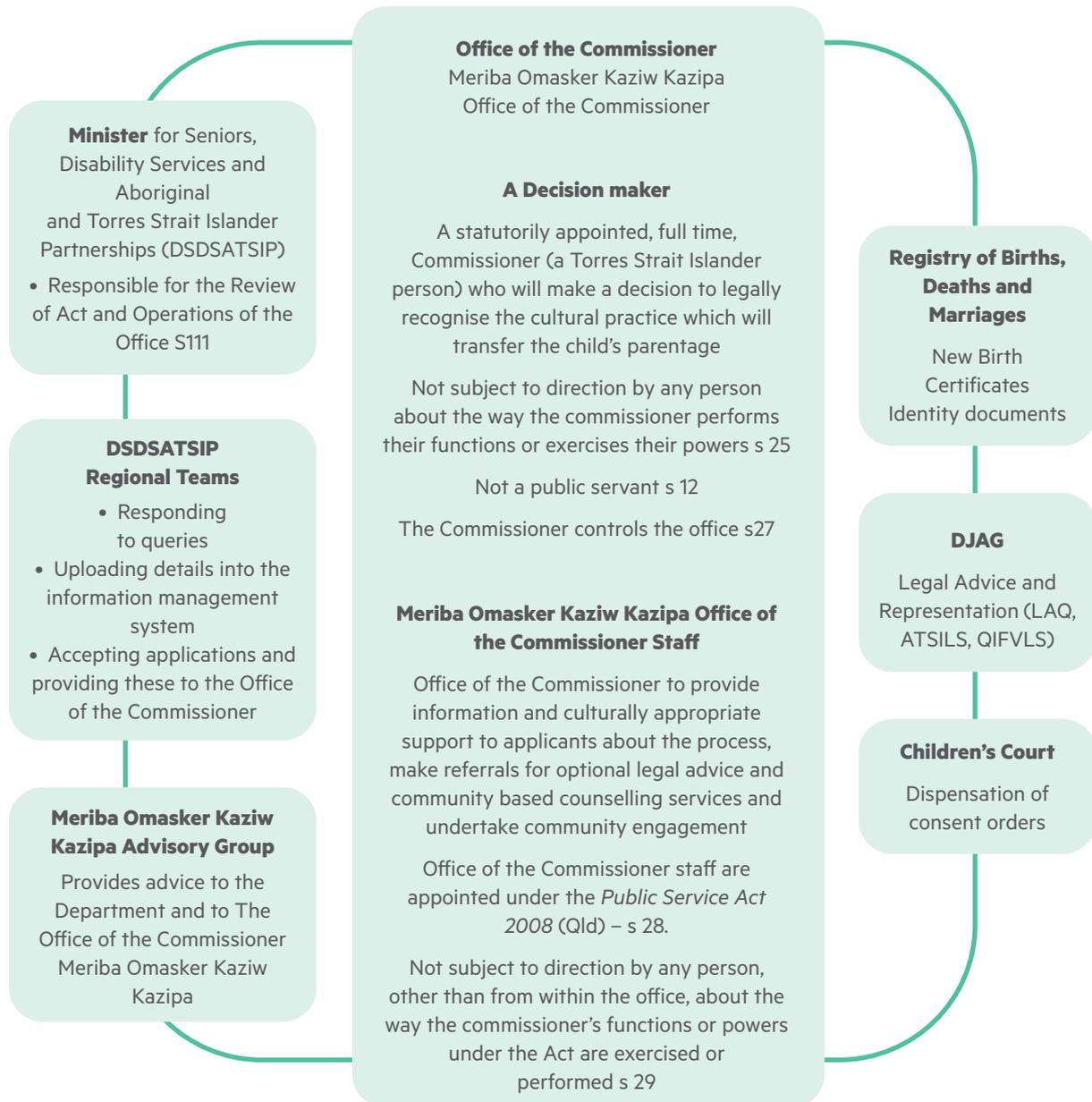
Respond to enquires that have been flagged by regional staff for further follow-up

Organisational Chart



The Administrative Service Model - Legal Recognition

The Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020



Governance

Section 108 of the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (the Act) allows the Commissioner to make guidelines for matters within the scope of the Act to assist with fair, timely and consistent compliance with the Act.

The Act is the main authority in relation to applications for CROs. It sets out the laws which govern and effect the process to make an application for and determine the outcome of a CRO. ([Ref. pg 65](#))

The Commissioner uses the Guidelines in relation to the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*. These guidelines are designed to assist the Commissioner in making their decisions as well as provide for transparent decision making for applicants and others affected by the Act.

Meriba Omasker Information Management System (MOIMS)

The Meriba Omasker Information Management System (MOIMS) is the system which supports the Meriba Omasker Kaziw Kazipa work. MOIMS is an information management system that allows for enquiries and applications for CROs to be managed and recorded. The system also has the ability to create individual 'person' profiles which is useful when the Commissioner is reviewing an application and needs specific information from one party to the application.

MOIMS has been designed around Meriba Omasker Kaziw Kazipa flowcharts that identify key decision points that must be actioned prior to moving through to the next phase of the consideration of an application.

Access to MOIMS is restricted to Office of the Commissioner staff who are specifically assigned a role within the Meriba Omasker Kaziw Kazipa body of work. This encompasses Office of the Commissioner staff who are working on enquiry management and processing applications including associated tasks.

To accommodate for different components of work that staff may be responsible for, special access has been arranged for DSDSATSIP Regional Office staff, so that these users are only able to view and enter enquiries and create a person record with information limited to contact details.

MOIMS has been designed with the Departmental Code of Conduct, the Information Privacy Act 2009 and associated privacy principles in mind. Risks of any violation of the above governance mechanisms are kept to an absolute minimum by employing good system use and user management practices and only capturing information that is strictly necessary for the management of enquiries, CROs, and associated applications.

Sharing of stored personal information is governed by the Information Privacy Act 2009 and the Act.

MOIMS dashboard reports

The system can also provide dashboard reports via an excel workbook. There are two products that can be created:

- **Quick Stats** – Provides a snapshot of key data around enquiries, plans and persons, by type, status, average processing time and by date range\period.
- **Plan Summaries** – Lists all plans and shows their current position in the overall process. The plans can be filtered by the received date, plan status and\or approver.



The Meriba Omasker Kaziw Kazipa Advisory Group



The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships continues to work with the Kupai Omasker Working Party members as an Advisory Group.

To support the establishment phase, the Meriba Omasker Kaziw Kazipa Advisory Group, comprising members of the Kupai Omasker Working Party, have been engaged to inform the implementation process and work in partnership with the Department. The Advisory Group continues connection between community expertise and advice and the Act's implementation process.

The purpose of the Advisory Group is to:

- Maintain the cultural integrity of the application process for legal recognition.
- Ensure Torres Strait Islander people are aware of the Act, and communications about the Act are culturally appropriate.
- Provide advice on ensuring the application process is confidential, affordable, and accessible to Torres Strait Islander families and communities.
- Ensure community expertise and guidance is maintained throughout the next steps in implementation.



Aunty Ivy Trevallion - Co-Chair

Aunty Ivy Trevallion is a Torres Strait Islander woman born on Thursday Island where she resides with her husband and three children. A descendent of Dhoeybaw, Saibai Keodal, Sui Baidam, Samu, Burum Thabu Clans of Dauan and Saibai Islands. In 1986 Aunty Ivy graduated from the University of Queensland with a Bachelor of Social Work. Aunty Ivy has extensive work experience with the Department of Native Affairs. Over the last forty plus years, Aunty Ivy has held numerous positions in community organisations as well as government departments.



Bill (Belza) Lowah - Member

Born on Thursday Island and resided in Brisbane for the majority of his professional career. He continues to work in social justice and community organisations in the areas of Indigenous health, housing and education. Bill was a member of the Council for Aboriginal Reconciliation from start to finish and worked with the Royal Commission into Aboriginal Deaths in Custody. Bill was also a previous member of the Indigenous Advisory Council to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families and a member of the Anti-Discrimination Commission, Queensland.



The Hon Alastair Nicholson - Member

The Honourable Alastair Nicholson graduated Melbourne University Law School in 1960 and was admitted as a Barrister and Solicitor of the Supreme Court of Victoria in 1961 and signed the Roll of Counsel of the Victorian Bar in 1963. He was appointed Queens Counsel in 1979, a Justice of the Supreme Court of Victoria from 1982-88, Chief Justice of the Family Court of Australia and a Justice of the Federal Court of Australia from 1988 until his retirement in 2004. He was Judge Advocate General of the Defence Force from 1987-91 and held the rank of Air Vice Marshal in the Royal Australian Air Force and is an Officer of the Order of Australia. Alastair has long been a children's rights campaigner. He has chaired several international conferences on child protection and child justice systems, and served as a consultant to the Royal Children's Hospital International Vietnam, and to United Nations Children's Fund (UNICEF) Vietnam. He has also been a consultant to the Queensland Government on legal recognition of Torres Strait Islander traditional child rearing practices. He was the recipient of the Human Rights Award at the Fifth World Congress on Family Law and Children's Rights held in Canada in 2009. He has been an Honorary Professorial Fellow of the University of Melbourne since 2003 and is currently Chair of Children's Rights International. Alastair has been a long time opponent of the policies of both major political parties' of holding asylum-seekers in detention and otherwise persecuting them, and also the policies underlying the Northern Territory Intervention (Northern Territory Emergency Response (NTER)). He joined the former Prime Minister, the late Malcolm Fraser, together with the Melbourne group 'Concerned Australians' in conducting and speaking at Seminars over many years and writing critical articles on these subjects



Aunty McRose Elu - Member

Born Saibai Island and lives in Brisbane. McRose has a Bachelor of Arts Degree (PHD) (Anthropology and Political Science) from University of Queensland, a Diploma in Counselling, and Cultural Advisor for Child Protection issues for the Magistrate Court. In 1995 she received an Overseas Study Award to undertake research in traditional Hawaiian child rearing practices at the University of Hawaii. She also received the Queensland Senior Australian of the Year Award 2021. Aunty McRose has worked for the Queensland Government in Aboriginal and Torres Strait Islander policy development for 20 years and 15 years with Relationships Australia Queensland. She has also been an active leader of Torres Strait Islander Anglican Ministry, focussing on pastoral care and sitting on various committees in the Anglican Church of Australia.



Francis Tapim - Member

Born on Mer (Murray Island) and lives in Townsville. Francis has a Bachelor of Social Work from James Cook University. Francis was the former CEO of Magani Malu Kes, an organisation that promotes Torres Strait Islander culture and resource information in Townsville and former Chair of the Queensland Aboriginal and Torres Strait Islander Health Advisory Board and former Chair of the National Secretariat of Torres Strait Islander Organisations Ltd. Currently Francis is an Aboriginal and Torres Strait Islander Community Advisory Council member for the Townsville Hospital Health Service, which provides advice to the Health Service Board on health issues relating to Aboriginal and Torres Strait Islander peoples in community. Francis is also co-chair of the Townsville Aboriginal and Torres Strait Islander Elders council.



Dana Ober - Member

Dana lives in Townsville and has worked in Aboriginal and Islander affairs for State and Commonwealth Governments for over 20 years. He has worked in the higher education sector at James Cook University, Batchelor Institute Northern Territory and University of Queensland. Dana has served on a number of boards and committees including Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) board, FATSIL (now First Languages Australia), and a State Government working party to develop Aboriginal and Torres Strait Islander language policy for Queensland. He was also involved in setting up an language program at Tagai State College in Torres Strait.



Paul Bann - Member

Paul Bann was born in Tasmania, has Hungarian and English parents and has previously worked for the Department of Childrens Services from 1977 to 1988, spending four years in the Cairns office. He has been working in private practice in Melbourne since 1995. Paul has a Bachelor of Social Work, Graduate Diploma in Aboriginal Studies, Master of Social Work, Master of Arts in Aboriginal Studies and a Master of Conflict Resolution. He has been a resource person to the Kupai Omasker Torres Strait Islander Child Rearing Practices Working Party since its inception in 1990 after the completion of his Master of Social Work thesis 'Traditional Adoption Practice of Torres Strait Islanders and Queensland Adoption Legislation' in 1989. Inspired by his relationships with the Torres Strait Islander community, Paul was instrumental in introducing family group conferencing, a process of engaging extended family in child protection decision making, into Australia in the early 1990s. He became part of an international network of people interested in promoting the practice and has trained people in a number of countries. The origins of the practice came from the Maori community in New Zealand.



Rolf Nilsson - Member

Rolf Nilsson is of Danish background but grew up in Australia, moving to the Northern Territory in 2008. He's worked across various government departments, private enterprises and remote Aboriginal and Torres Strait Islander corporations. Rolf understands the common issues the Territory and Queensland first people face, having previously been the state manager for adoptions and working with the Chief Justice to make change for Torres Strait Islander peoples. His position on this Advisory Committee has allowed Nilsson to continue his work to see the Act and its direct outcomes.



Greg Anderson - Co Chair

Executive Director, Regional and Infrastructure Coordination
Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

Terms of Reference for Advisory Group

Purpose

The purpose of the Advisory Group is to:

- Maintain the cultural integrity of the application process for legal recognition.
- Ensure Torres Strait Islander people are aware of the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (the Act) and communications and messaging about the Act are culturally appropriate.
- Provide advice on ensuring the application process is confidential, affordable, and accessible to Torres Strait Islander families and communities.
- Ensure community expertise and guidance is maintained in the implementation and the day-to-day operations of the Act.

Principles

- **Respect** – for Torres Strait Islander customs and the Act.
- **Openness** – sharing information to enable members to make informed decisions and provide frank advice.
- **Family-centered** – placing Torres Strait Islander children and family at the centre of the initiative.

Objectives

The objectives of the Advisory Group are to:

- Provide advice and guidance to the DSDSATSIP on the implementation and day-to-day operations of the Act.
- Provide advice and guidance to the Commissioner when required and upon the Commissioner's request.
- Provide feedback to Torres Strait Islander communities on implementation of the Act and its progress.
- Provide guidance on engagement planning and building community awareness of the Act to aid implementation and day-to-day operations.
- Support informed discussions with:
 - Torres Strait Islander people, communities and their representatives;
 - Government agencies to:
 - Co-consider implementation matters;
 - Build a respectful implementation of the legal recognition of the cultural practice
 - Build government/relevant agency knowledge of CROs
- Provide advice on the operation of the Act for inclusion into the review of the Act which is required within two years of its operation.

Membership

Co Chairs

- Greg Anderson, Executive Director, Regional and Infrastructure Coordination, DSDSATSIP
- Ivy Trevallion

Members

- McRose Elu
- Belza (Bill) Lowah
- Dana Ober
- Frances Tapim
- Paul Bann
- The Honourable Alastair Nicholson
- Rolf Nilsson

Contact officers

- The Co-Chair and Chairperson of Kupai Omasker Working Party (KOWP) is the primary point of contact for the department
- The Director, Office of the Commissioner Meriba Omasker Kaziw Kazipa is the primary point of contact for the Advisory Group.

Meetings and support

- Meetings will be Co-Chaired by Ms Ivy Trevallion and the Executive Director, Regional Coordination and Infrastructure.
- The department will provide logistical and administrative support for the meetings of the Advisory Group.
- Meetings are expected at minimum to occur on a quarterly basis for a half day during the appointment period and may include two face to face meetings and two virtual meetings.
- No delegates or proxies for members will be accepted and members have no financial delegation.

Reporting

- Decisions and actions confirmed at Advisory Group meetings will be directed by the departmental Co-Chair to the Commissioner, relevant workgroups of the department or its partner agencies for appropriate action.
- The Advisory Group may determine other reporting required to advance the purpose of the Group.

Code of Conduct and confidentiality

Members will be required to comply with the Code of Conduct for the Queensland Public Service, sign a confidentiality agreement and identify any potential conflicts of interest.

Term and review

The Advisory Group is appointed until 30 June 2023.



Torres Straits