# 04 PERFORMANCE AND OPERATIONS

## Our highlights - key achievements of the 2021/2022 financial year

The Act commenced on 1 April 2021 initiating the establishment of a Commissioner and office, with the remaining provisions commencing on 1 July 2021. Following the implementation of the operational requirements of the Act, eligible Torres Strait Islander families are able to make applications to seek legal recognition of the traditional child rearing practice through a CRO.

A series of photographs:

#### 12 July 2021

Appointed inaugural Commissioner Meriba Omasker Kaziw Kazipa commences duties.

#### 17 August 2021

Cairns office opening, a major milestone

#### 7 September 2021

Queensland achieves nation-leading recognition of Torres Strait Islander traditional child rearing practice

- Opening of applications to recognise Torres Strait Islander traditional child rearing practice –

#### 8 March 2022

Meriba Omasker Kaziw Kazipa Advisory Group formally established

#### 22 November 2021

First CRO granted in Queensland and the world

#### 6-27 May 2022

Zenadth Kes Communities welcome Commissioner Maza

#### 16 June 2022

Minister Crawford, Minister for Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, Commissioner Meriba Omasker Kaziw Kazipa and members of the Advisory Group

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## Key organisational outcomes

### Cultural Recognition Order (CRO) outcomes

Prior to the Act, Torres Strait Islander family relationships have never been fully recognised in law. On 7 September 2021, the application process for CROs established by the Act, was officially opened.

This Act is so important, as it enables Torres Strait Islander families to enjoy the same basic rights and recognition as other Queensland families.

It means children and adults who were raised under Ailan Kastom child rearing practice will now finally have their identity match their cultural identity and their lived experience.

A CRO’s legal effect is the permanent transfer of parentage to the cultural parents, which is reflected in the records of the Registry of Births, Deaths and Marriages.

Once a CRO has been granted, a new Birth Certificate can be issued and the transfer of parentage of the subject person to cultural parents is legally recognised in western law. This process is life changing for Torres Strait Islander families and their children.

This Act means children and adults who’ve grown up under Ailan Kastom with their cultural parents will finally have their legal identity match their cultural identity.

As community awareness and confidence in the scheme grows it is anticipated that applications will steadily increase.

|  |  |
| --- | --- |
| Total number of Cultural Recognition Orders granted between 1 July 2021 until 30 June 2022  | 4 |
| Total number of CRO applications lodged and being processed as of 30 June 2022  | 6 |
| Total number of CRO applications being prepared and supported by the office for lodgement as of 30 June 2022 | 4 |
| Total enquiry numbers (completed/closed) received between 1 July 2021 until 30 June 2022 | 372 |
| Average duration for enquiry resolution between 1 July 2021 until 30 June 2022 | 20 Days |
| Total number of enquiries (in progress) as of 30 June 2022  | 12 |
| Total number of enquiries involving outcome – ‘advised enquirer of ineligibility due to deceased parents | 4 |
| Breakdown of enquiries requiring an interpreter as of 30 June 2022 | 147 |

### Enquiry outcomes

With the Office of the Commissioner Meriba Omasker Kaiziw Kazipa only being fully staffed in January of this year and the impact of restrictions with the global COVID-19 pandemic, the office experienced an impaired start. COVID-19 restrictions fundamentally shifted the way the office could operate and engage with vulnerable communities. Community engagement activities were able to be undertaken after the relaxation of COVID-19 restrictions. The office then began in earnest visiting vulnerable communities promoting and raising awareness of the service.

Much work has been undertaken by the Commissioner and the Office of the Commissioner staff establishing operational processes for the implementation of the Act, which was essential to ensure culturally appropriate, affordable, and accessible quality of service to Torres Strait Islander children and families.

To date, hundreds of Torres Strait Islander people have been assisted with their enquiries by the Office of the Commissioner Meriba Omasker Kaziw Kazipa.

#### Breakdown of enquiry outcomes as of 30 June 2022

| **Enquiry outcome** | **Number of enquiries** |
| --- | --- |
| Other | 47 |
| Advised enquirer of ineligibility for CRO due to deceased parents | 6 |
| Application materials emailed to enquirer | 159 |
| Application materials posted to enquirer | 13 |
| Enquirer advised that only a complete application can be submitted | 1 |
| Enquirer provided general information verbally | 114 |
| Enquirer referred to website for further information on traditional adoptions | 6 |
| Enquirer referred to website for general information on Meriba Omasker Kaziw Kazipa | 6 |
| Procedure for accessing information explained | 7 |
| Process for accessing new Birth Certificate explained | 4 |
| Process for responding to a request for further information explained | 1 |
| Referral to Aboriginal and Torres Strait Islander Legal Services made | 2 |
| Referral to Legal Aid Queensland made | 4 |
| Referral to Queensland Indigenous Family Violence Legal Service made | 2 |
| **Grand total** | **372** |

#### Breakdown of enquiry types\* as of 30 June 2022

| **Enquiry types** | **Number of enquiries** |
| --- | --- |
| Application related | 135 |
| Application withdrawal | 19 |
| Births, Deaths and Marriages related | 29 |
| General | 339 |
| Internal review related | 19 |
| Legal advice related | 48 |
| Post decision information access related | 19 |
| Response to further information\response request | 19 |
| Submission of supporting documents without application | 19 |
| **Grand total** | **646** |

\*There may be more than one enquiry type related to each enquiry.

##### Google Analytics data for the Office of the Commissioner website from 1 July 2021 to 30 June 2022:

|  |  |
| --- | --- |
| Number of users visited the site, viewing an average of 3.18 web pages per session | **2,111** |
| Total page views (across all Office of the Commissioner pages) | **10,058** |
| Number of downloads of https://[**www.ocmokk.qld.gov.au/**](http://www.ocmokk.qld.gov.au/) resources/ocmokk/ockmokk-guidelines.pdf | **186** |

##### 1800 number enquiries

|  |  |
| --- | --- |
| Answered (number of calls made to our 1800 number) enquiries from people seeking information about legal recognition of Ailan Kastom traditional child rearing practices between 1 July 2021 - 30 June 2022 | **2,987** |

Between November 2021 until the end of February 2022 the Office of the Commissioner staff were unable to visit remote communities due to COVID-19 restrictions. It wasn’t until early March 2022 when COVID-19 restrictions relaxed, were the Office of the Commissioner staff able to ramp up the community engagement activities. This engagement has resulted in an 729% increase in enquiries from Torres Strait Islander families seeking to make life changing applications for CROs.

#### Total number of enquiry numbers (completed/closed) received between 1 July 2021 until 30 June 2022

Jul 2021 **4**

Aug 2021 **2**

Sept 2021 **9**

Oct 2021 **4**

Nov 2021 **7**

Dec 2021 **6**

Jan 2022 **7**

Feb 2022 **12**

Mar 2022 **49**

Apr 2022 **18**

May 2022 **124**

Jun 2022 **135**

##

## Who can apply for a CRO?

* Torres Strait Islander families who are raising a child, and a Torres Strait Islander person over 18 year of age who has been raised under Ailan Kastom child rearing practice, can apply for a CRO, if:
* the person’s birth (the child or adult) was registered in Queensland, and
* at least one birth parent is a Torres Strait Islander person, and
* at least one cultural parent is a Torres Strait Islander person.
* Where the application is about a person who is a child, it can only be made:
* by the child’s birth parents and the cultural parents, (unless a dispensation of consent order is granted by the court), and
* if both the birth and cultural parents are at least 18 years of age, and
* 30 days, or more, after the child’s birth is registered.
* For adult applications, the adult must make the application and the birth and cultural parents must consent.
* Consent must be provided by all living parents, unless a dispensation of consent order has been granted by the court.
* Nothing prevents an application from being made if a birth parent or cultural parent is deceased, however at least one birth parent and one cultural parent must be living at the time of the application.

### The application process

#### Involves

* The appointed Commissioner to consider and decide application for a CRO.
* the main principle is to ensure the wellbeing and best interests of the person
* the Office of the Commissioner to help the Commissioner perform their functions.

#### Considers

* At least one birth and one cultural parent must be Torres Strait Islander
* practice must have occurred before applying
* applications can be received from persons living interstate as long as birth was registered in Queensland
* consent statements from birth and cultural parent/s are required to apply
* commissioner has discretion to seek criminal history for cultural parents
* order can be discharged if false and misleading information has been provided.

#### Under the Act, the Commissioner

* Must make decisions for the wellbeing and best interests of the person who is the subject of an application for a CRO
* will consider that information about the practice is sacred and secret according to Ailan Kastom
* will ensure appropriate recognition and preservation of Ailan Kastom in general and Ailan Kastom child rearing practice in particular
* must maintain confidentiality and will make decisions in a fair, timely and consistent manner
* will have regard to the legal and cultural benefits for the person if the CRO is made recognising Ailan Kastom child rearing practice
* must act in a way that is fair and reasonable.

#### In making decisions under the Act, the Commissioner does not

* Mediate family matters
* determine whether the cultural practice should or should not have occurred
* arrange for a new birth certificate to be sent to applicants
* make decisions about where a child is being raised
* negotiate between birth parents and cultural parents.

### How to Apply for a CRO

A CRO is an order made by the Commissioner that transfers a child’s parentage from their birth parents to their cultural parents. You must [apply for a CRO](https://www.qld.gov.au/firstnations/family-social-support/torres-strait-islander-traditional-child-rearing-practice) to have Ailan Kastom child rearing practice legally recognised.

Applying for a CRO is voluntary and consent based. Choosing not to apply for a CRO will not affect what has happened at a cultural level.

#### How to apply

There are two types of applications – an application for a child, and an application for an adult.

In order to apply for a CRO, there are a number of eligibility criteria and other items that applicants must consider. [Find out more about eligibility criteria and how to apply.](https://www.qld.gov.au/firstnations/family-social-support/torres-strait-islander-traditional-child-rearing-practice)

#### Applicant support

Support is available if applicants need more information about CROs or help submitting an application.

#### Interpreter Services

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If applicants have difficulty in understanding the application, they can contact the Office of the Commissioner or 13 QGOV (13 74 68) and arrange an interpreter to effectively communicate the application.

#### Office of the Commissioner Meriba Omasker Kaziw Kazipa

The [Office of the Commissioner](https://www.ocmokk.qld.gov.au/commissioner/meriba-omasker-kaziw-kazipa-program-support-office) is available to provide information and culturally appropriate support to applicants about the application process and make referrals for optional legal advice and community-based counselling services.

#### Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships Regional Service Centres

[Regional Service Centre](https://www.dsdsatsip.qld.gov.au/contact-us/regional-service-centres) staff are available to provide information and support to applicants about the application process and make referrals for optional legal advice and community-based counselling services.

#### Legal services

The Office of the Commissioner recommends all applicants considering a CRO should seek legal advice – given the permanent nature of a CRO. This advice can be sought from any legal practitioner; however, the following legal service providers have received funding to provide free advice to clients regarding CROs:

[Legal Aid Queensland](https://www.legalaid.qld.gov.au/Home)

[Aboriginal and Torres Strait Islander Legal Services (ATSILS)](https://www.atsils.org.au/)

[Queensland Indigenous Family Violence Legal Services (QIFVLS)](https://qifvls.com.au/).

These legal services can also provide advice about dispensation of consent and help applicants apply for a dispensation order if required.

#### Counselling and support services

There are counselling and support services available to applicants if they require additional support. including: [Aboriginal and Torres Strait Islander Family Wellbeing Services](https://www.cyjma.qld.gov.au/protecting-children/child-family-reform/meeting-needs-requirements-aboriginal-torres-strait-islander-children-families-communities/aboriginal-torres-strait-islander-family-wellbeing-services).

#### Addendum Form

* Applicants are encouraged to fill out an addendum form to an application for a CRO and provide this when submitting both child and adult applications.
* The information collected on this form will only be shared by the Commissioner to the Registrar of Births, Deaths and Marriages if a CRO is made.
* The completion of this form will allow for the Registrar to make a complete birth entry and new birth certificate.

The addendum form will not result in a new birth certificate being issued to the applicant; it does however ensure that if a new birth certificate is requested all information is available.

### What happens after a CRO is made?

* The Commissioner writes to all parties to the application, provides a statement of reasons for the decision and provides all parties with a CRO where applicable.
* The Commissioner provides the CRO to the Registrar of Births, Deaths and Marriages (BDM.CRO@justice.qld.gov.au).
* The Registrar of Births, Deaths and Marriages registers the transfer of parentage as stated by the CRO and closes the previous birth entry of the person.
* For a new birth certificate to be issued to the cultural parent or adult applicant, an application will need to be submitted to the Registry of Births, Deaths and Marriages.

## Key communications and engagement

### Promoting community awareness and education of the process outcomes

In total, from early 2022, once COVID-19 restrictions lifted, the Commissioner has been involved in 60 community meetings, public forums and information sessions.

The Commissioner and Office of the Commissioner staff held sessions for two weeks across the Torres Strait Islands; and also participated and delivered sessions in Mackay, Rockhampton, Townsville, Zillmere (greater Brisbane) and Cairns.

Information sessions have also been delivered on-line and in-person with staff from Department of Education, Department of Children, Youth Justice and Multicultural Affairs, Queensland Health workers and various Indigenous Liaison Officers.

The Commissioner and Office of the Commissioner staff have also been actively involved in promoting the Act at significant events recently run across Queensland such as 30th Mabo Day celebrations. The Office of the Commissioner was represented in four separate locations on Mabo Day.

| **Engagement type** | **Number of engagements** | **Number of attendees** |
| --- | --- | --- |
| Community event presentation | 10 | 1291 |
| Meriba Omasker specific presentation | 50 | 439 |
| **Grand total** | **60** | **1730** |

#### Breakdown of enquiry numbers by region as of 30 June 2022

| **Region** | **Number of enquiries** |
| --- | --- |
| Brisbane | 10 |
| Burdekin | 1 |
| Cairns | 108 |
| Cassowary Coast | 1 |
| Fraser Coast | 1 |
| Hinchinbrook | 1 |
| Kowanyama | 1 |
| Mackay | 3 |
| Northern Peninsula Area | 71 |
| Outside Queensland (within Australia) | 4 |
| Rockhampton | 2 |
| Torres | 13 |
| Torres Strait Island | 134 |
| Townsville | 16 |
| Weipa | 1 |
| Other | 5 |
| **Grand total** | **372** |

Over 1700 people have been directly engaged with and the word is steadily spreading amongst the Torres Strait Islander community that the Queensland Government is now able to support families in traditional child rearing practices to ensure they fully enjoy the same rights as other Queensland families.

##

## Communications/Operations Strategy 2021-2022

### Communications and Operations Objectives

* To raise awareness of the Act and increase understanding about its implementation
* To inform a high proportion of Torres Strait Islander people born in Queensland about the legal recognition of Torres Strait Islander child rearing practice and promote applications under the Act.
* To raise awareness about the establishment of the Act 2020 with all Queenslanders, and importantly with Torres Strait Islander peoples born in Queensland.
* To inform and deepen understanding with relevant stakeholders about the legal recognition of Torres Strait Islander traditional child rearing practice and the process for making applications under the Act.
* To encourage CRO applications from eligible Torres Strait Islander peoples under the Act.

#### Key messaging

* The Queensland Government is committed to reframing the relationship with Aboriginal and Torres Strait Islander peoples.
* The Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020 provides the legislative framework for Torres Strait Islander people to apply for legal recognition of traditional child rearing practice, assisting better access to support and services.
* The Act acknowledges the strength and diversity of Torres Strait Islander families by formally recognising in law traditional Torres Strait Islander child rearing practises.
* Torres Strait Islander families can now enjoy the same rights and recognition as other Queensland families.
* This historic, world-first legislation realises more than 30 years of community advocacy by the Kupai Omasker Working Party and successive governments, to provide legal recognition of the traditional practice for Torres Strait Islander families and communities.

#### Target audiences

##### Primary target audience:

* Prospective Torres Strait Islander applicants, born in Queensland, seeking legal recognition of Ailan Kastom child rearing practice.

##### Secondary audience:

* Torres Strait Islander individuals, families, communities and their networks – no matter where they live.

#### Stakeholders

* All government agencies providing services to Torres Strait Islander people and their families.
* The legal sector including the Queensland Courts, Family Court of Australia, legal representatives and officers, and advocates.
* Australian Government Attorney-General’s Department; National Indigenous Australians Agency.
* Legal service and social support providers.
* Religious organisations.

#### Communication Strategies

Communication about Meriba Omasker Kaziw Kazipa will be consistent and extensive to ensure all Torres Strait Islander Queenslanders are aware of the legislation and its benefits. Importantly communication strategies will seek to encourage prospective/eligible individuals to make an application.

Communications strategies to promote Meriba Omasker Kaziw Kazipa will include:

#### Engage Champions and advocates as ambassadors:

* Engage Torres Strait Islander Queenslanders, community members and key stakeholders to raise the visibility of key initiatives.
* Engage prominent Torres Strait Islander peoples as well as the Advisory Group as advocates and champions to expand the reach into new audiences and other jurisdictions.
* Enhance information being communicated more broadly about Meriba Omasker Kaziw Kazipa and the importance of Ailan Kastom through trusted third parties.
* Develop resources to facilitate engagement and to ensure consistency of messages and approach.

#### Activate stakeholder engagement

* Establish a visual identity and positioning for the Office of the Commissioner and build recognition with audiences and stakeholders.
* Establish a website as a channel for information and resources for the community.
* Directly engage with communities and individuals at key celebrations and events and through planned visits to locations within the Torres Strait Islands, Cairns and other areas of Queensland.
* Undertake research into other key population groupings outside Queensland and develop targeted consultation and engagement approaches.

Maximise media exposure

* Develop a strategic media plan for each implementation stage.
* Facilitate proactive media opportunities including interviews and print media.
* Work with First Nations and general media outlets to raise awareness, increase engagement, reach new audiences and encourage applications.

#### Leverage digital and social media

* Develop promotional materials suitable for social and other media channels.
* Monitor social media channels and respond to issues using approved key messages, as required.

#### Activate government communications

* Maximise information sharing and engagement opportunities within DSDSATSIP and more broadly within the Queensland Government.
* Facilitate relationships and information sharing with key partner agencies such as Queensland Health, the Registry of Births, Deaths and Marriages, and Federal and Local Government agencies.

## Media and publicity achieved

#### Queensland Government Media Statement

##### Torres Strait child rearing practices to be enshrined in law

Published Friday, 12 October, 2018 at 12:53 PM

<https://statements.qld.gov.au/statements/85738>

##### Thirty years on from Mabo, truth telling recognises Torres Strait Islander traditions

Published Friday, 03 June, 2022 at 07:17am

[https://statements.qld.gov.au/statements/95305#](https://statements.qld.gov.au/statements/95305)

##### Queensland achieves nation-leading recognition of Torres Strait Islander traditional child rearing practice

Published Tuesday, 07 September, 2021

<https://statements.qld.gov.au/statements/93132>

#### Torres News

##### Change to adoption laws ‘momentus’ – Commissioner C’Zarke Maza

Published Thursday, October 7 2021

##### Group to provide advice on Meriba Omasker Kaziw Kazipa

Published Thursday, 17 March 2022

#### Strait Talkin’ News from the Torres Strait and Northern Peninsula Area

##### Milestone for Torres Strait Islanders Open for Business

Published August 24 2021

#### Cape York News

##### Applications open: Aunty Ivy overwhelmed with joy

Published14 September, 2021