

# QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

## STATEMENT OF WITNESS

I, Rose Elu of c/o- Aboriginal & Torres Strait Islander Legal Service (Ltd) Qld, PO Box 13035 George Street Brisbane make oath and swear affirm:

1. My name is Rose Elu.
2. I am a Torres Strait woman and Elder from Sabai Island in the top west of the Torres Strait and spent most of my childhood at Seisia on Cape York Peninsula
3. I hold a Bachelor of Arts majoring in anthropology and a double major in political science. I am currently doing a Masters on customary law.
4. In 1995 I was the first Torres Strait Islander to receive an Overseas Study Award, to undertake PhD research on Hanai, Hawaiian child-rearing practices, at the University of Hawaii.
5. I speak four languages and several dialects; Kalaw Kawaw Ya, Creole, Pidgin, Bisalama, PNG, Solomon Island, Aboriginal Creole up the Cape, Hawaiian, Miriam.
6. I am a delegate of various committees and boards, including the Pacific History Association, Association for Social Anthropology in Oceania, World Indigenous Peoples' Education, Pacific Educational Conference, Torres Strait Islander National Seminar/Workshop, Torres Strait Islander Anglican Ministry Brisbane, Torres Strait representative on Indigenous Cultural Heritage Group, Multicultural Faith Committee, Women's Group, SEQ Aboriginal and Torres Strait Islander Legal Service, National Aboriginal and Torres Strait Islander Anglican Consultative Committee, Indigenous Australia Postgraduate Association. Anglican General Synod Standing Committee.
7. I am a working Party Member of the Kupai Omasker Torres Strait Islander Child Rearing Practices.
8. I have worked with Youth Family Support Services, Department of Communities.
9. I have acted as the Torres Strait Islander representative on the Child Death Case Review Committee's
10. I have been involved in the development of the Coconut Palm Tree, a metaphor for Islander family life with Steve Mam, Ivy Trevallion, Dana Ober, Francis Tapim, Belzah Lowah and Allan G. Reid, where each part of the tree represents some element of the notion of Islander family life.

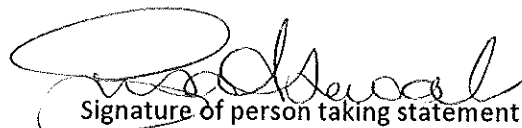
QCPCI

Date: 15.1.2013

Exhibit number: 141



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Signature of person taking statement

11. I make this statement to provide my experience about the importance of maintaining Torres Strait Islander culture for Torres Strait Islander children who have been placed in out-of-home-care.
12. I will also comment on how best to maintain a Torres Strait Islander child's culture whilst in out-of-home-care, to the Queensland Child Protection Commission of Inquiry 2012.
13. Culture is very important for our pikinini's (children) as they are taken out of their own environment placed with complete strangers with no link. We don't know how the strangers will understand Torres Strait Islander culture, language or the child's needs, behaviour or patterns. It will be a culture shock. A child will not relate very quickly. The child will experience fear, mistrust and sadness. What do you do at that point to make the child feel at home? Our children are not interested in toys, they are from a very different culture. They may feel alienated and not communicative with Creole their first language.
14. I witnessed an experience at the airport on Horn Island about 2 years ago where I saw a modern plane parked on the runway. I asked a local in Creole working at the airport, which visiting politicians were in town? The worker answered "Child Safety". I saw three very distressed Torres Strait Islander children, aged approximately 2 years, 4 years and 5 years of age being carried and holding hands with non Indigenous people boarding the plane. The commotion got my attention. I imaged how the children would be feeling when they were seated on the plane, after being taken by complete strangers. It was like the children were being abducted. I question what is the psychological impact of this experience? Were they traumatised or devastated? What would they think when they are inside the plane. How would they make sense of the plane I thought? When they are taken in care, they will go into a house with a T.V. This is culturally inappropriate for our children. They are use to natural environments. Their play ground is on a beach. They will be out of their comfort zone. The children are taken away from their natural environment and not only from their natural families but also extended family.
15. I want to ask the Department is this removal in the best interests of Torres Strait Islander children? How does the Department define the best interests of Torres Strait Islander children?
16. It is in our Torres Strait Islander culture to provide kinship care for our children This abides by the law of our country. Relatives are happy to assist and more then willing to help.
17. I want to know how the Department goes about consulting with the community to find a suitable carer? Are protocols used to communicate with Elders, people in position and community at large? If it is not possible to find the right carers the community will know the right link to find a carer as everyone knows each other and are related. You are talking about a human being. Islanders know the divisions with different island groupings. Everyone knows everybody across Central Islands, Eastern Islanders and the Western Islands at the top of Torres Strait, also includes the communities on the Northern Peninsula area.

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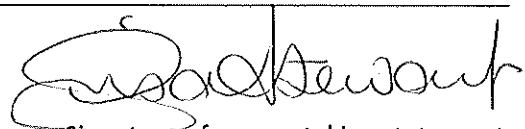
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18. Negotiation and consultation will identify the proper people on the island to take care of the child. Mother and Father can be confident that their child will get the best care and be looked after culturally within community.
19. We have non Torres Strait Islander Department of Child Safety staff coming. There needs to be a thorough consultation with community. These family members will discuss it. They will find best family members to look after the child. We don't know how the Department of Child Safety works. Someone working in the Department is restricted by rules and policy of the Department. It is a dilemma if a young Child Safety Officer is in the position and is not made fully aware of Torres Strait Islander culture. This will have negative implications for following cultural protocols.
20. Child Safety Officer training must involve 1. Knowing their work and 2. The business of engaging with the community and forming relationships. When there is high department staff turn over, community members must continually start from scratch with working with the department. This can be frustrating and result in loss of interest.
21. There needs to be Torres Strait Islander social workers. The worker must be aware of the power they hold as Departmental workers in the community. They need to work in a transparent way. Inform the family how the Department will do the assessment when a child should be removed. What is the process they will follow?
22. We need details from Department of Child Safety about WHY the child is being taken away. What are the restrictions on taking the child for a carer?
23. Extended family members have a system. They do things in a cultural way. A Torres Strait Islander child will be placed with a family that he or she knows. The child will be embraced and comforted and held in our bosom. We clearly understand the child's culture and language. In the Torres Strait there is no term for aunties or uncles or cousin or niece or nephew. Everyone is referred to as mums and dads and sisters and brothers. The western system is restricted like this.
24. Using the example of a child who has experienced abuse and being placed into the care of complete strangers. The children will be hurting and will feel the psychological impact of feeling pushed away from their family kin and community. The child will interpret this abandonment as a bad feeling in themselves and something being wrong with them and experience feelings of anger. They will reject their Torres Strait Islander culture and feel loveless. Knowledge of their family and their culture will disappear and they will be vulnerable to being involved with crime and police as they get older.
25. The Torres Strait Islander traditional system has a practice of its own doctors, psychologists, psychiatrists, teachers, aged care experts all of which can advise us at different stages of life. We understand child development and involve everybody (in the community) to oversee the child's wellbeing just like the wellbeing of all our community members. It is a family like network which cares for everyone. The Torres Strait Islander way of looking after our people

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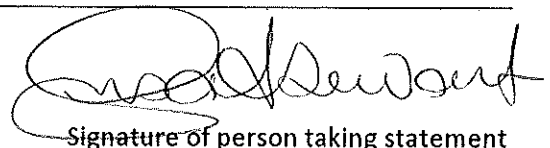
is different to assessment by piece of paper. We have different ways of thinking and doing and caring and nurturing, in our culture to bring up our children.

26. In the group of three Islands in the top west of Torres Strait, the Saibai, Dauan, Boigu Islands we know each other and we can ask the family "Who is there that can look after this child, so there can be a placement within family and the child can remain in our community?" During this time, the child's family can be healed and get stronger with support from community members, to better care for their child. How does this affect the parents mentally and physically if their child is taken out of their community?
27. In the example of a mother with drug and alcohol problems who is judged as unfit to care for her child the family can step in to care, to prevent the pikinini being taken away. The family are not worried about the money, this is not a relevant issue. They will provide love and care, clothes and food for the child.
28. Continuing cultural upbringing must be kept intact, so the child can move from one loving environment to another.
29. In a foster care arrangement outside of community, it would be costly for the family to visit their child if they live on Horn Island for example, and the child is placed in Townsville.
30. The best way for the Torres Strait Islander child's care is to preserve the relationship between child and their family and culture by staying within the family network.
31. Torres Strait Islander Child Rearing Practices is documented in the Kupai Omasker and is acknowledged by the Queensland State government.
32. Children must not be removed from their community. If they are placed outside of community, they will grow up not speaking their own language. They won't be able to communicate with family and community from their home.
33. As a linguist I understand the importance of languages and their cultural importance.
34. There is a vital need for interpreters to translate to Creole and Kalaw Kawaw Ya (KKY) to assist family members to read Departmental documents. Family in Departmental meetings may look away and not make eye contact, which is cultural or appear blank, as they do not understand the content. This may be interpreted as disinterest. Legal jargon can be very intimidating and needs to be simplified to explain to families.
35. I question the Department's claim that there are not enough carers in the Torres Strait Islander community. How do they come to this? Who gave them this information? I ask how is the Department of Child Safety engaging with the community?
36. Tell me how the Department interprets the cultural laws of Torres Strait Islander people. Our laws are not written down in black and white. There needs to be a cross cultural awareness of Torres Strait Islander practices and cultural identity across whole of government. It is not a West Minster system.
37. Torres Strait Islander children placed in out-of-home-care need to maintain their connection to extended family, otherwise they will become alienated and end up hating their own

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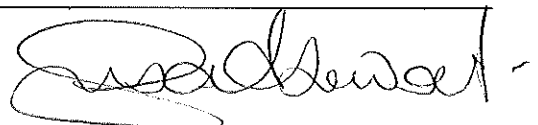
culture. What are the statistics of where they are placed? The Department needs to take the time to properly consult with community.

38. There must be an agreed upon documented procedural action in place around community engagement. This must be followed through properly, efficiently and respectfully. Always mindful of the language barrier and knowledge about Aboriginal and Torres Strait Islander protocol respecting roles of an Aboriginal worker and the role of a Torres Strait Islander workers within community. For example an Aboriginal worker would not speak on behalf of Torres Strait Islander people. Nor can Torres Strait Islander speak on behalf of Aboriginal people.
39. There are government delays in the Torres Strait for KKY to progress. There needs to be more openness and truth sharing about this.
40. Having children removed causes internal pain and trauma. It is a spiritual hurt for our people. A family loses their standing in community. People know there are non Torres Strait Islander people involved in your family. It creates problems for families where they fight among themselves. The Department of Child Safety doesn't realise child removal creates these deeper community problems.
41. Our way is interconnected and never ending. Torres Strait Islander culture has survived from the time immemorial and is different to white mans way psychologically, physically and mentally.
42. I stand strongly in my culture. It is vital to know your own culture. Torres Strait Islander culture is very spiritual. We are Christian people with very strong faith which overcomes obstacles. It gives our people great comfort.
43. Torres Strait Islander people are people of unity, love with no segregation. We negotiate around a circle, around a fire with older people in position to advise us. The department doesn't acknowledge this.
44. Everything goes back to our children. We are sea faring people, guided by the sea, the currents, waves, clouds, tides, breath of fresh air each day which affirms our identity. This is god given to the Melanesian race of people.
45. During the birthing of a child, the midwife takes care of the after birth and umbilical chord. When welfare came when I was born, my mother hid me and my uncle in a specially built hut. She took me down to the reef when I was born and I was welcomed by the spray from the ocean. This is the power of love. The love for our pikinini's .
46. The community needs more explanation and interpretation of Child Safety laws. How do they go about getting extra support if they need an interpreter to read a document? Do they use interpreters up there? How does Child safety use their protocol in removing the children?
47. Best practice is to engage with families and community. This cannot be over looked. We are talking about the best interests of the child in the Act.

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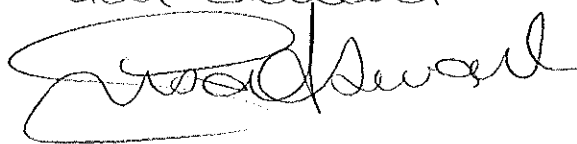
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48. A Departmental worker must be aware of the structures which are in place and alert to what is going on in that community. In following protocol, before coming into the community, the community needs to know.
49. The community needs resources to do educational work with family groups and tribes in appropriate languages. Run culturally appropriate workshops to make the community aware of their responsibilities as carers, awareness of child protection laws and when children can be legally removed.
50. The Department must delegate more cultural responsibility to Islander people to include managing women's refuge shelters and community domestic violence education. There needs to be more resources for external support services which are not restricted to community based. Let our own people work with our people from community.
51. A good model of practice in the Torres Strait is the Bamaga Family Resource Centre. There is a good women's shelter in Bamaga. Services are needed in other communities like the outer Islander communities.
52. Distance is an issue for families remaining contact with their children who have been placed in out-of-home-care. A lot of families don't have \$600 for the flight costs to the mainland. For example, a 45 minute flight from Horn Island to Saibai, continuing on another hour to Erub costs \$1000 return airfare.
53. This practical example demonstrates the additional barriers caused by removal of a Torres Strait Islander child from their community. These barriers specifically impact on a child's cultural identity, their reduced opportunity for ongoing contact with family and reduced opportunity of working towards family reunification.

**SWORN/AFFIRMED by Rose Elu on 14 December at Mt Gravatt**



in the presence of Lisa Stewart




Signature of Witness



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