

# A Procedural Framework for Researchers in the Torres Strait 2018

Prepared for Protected Zone Joint Authority Torres Strait Scientific Advisory Committee by Professor N.M. Nakata The scientific research work sponsored by the Torres Strait Scientific Advisory Committee (TSSAC) constitutes a vital part of the ongoing effort to support evidence-based fisheries management arrangements that can sustain the fisheries of the Torres Strait region well into the future.

#### **BACKGROUND**

This project was commissioned by the Protected Zone Joint Authority's Torres Strait Scientific Advisory Committee (TSSAC) and funded by the Torres Strait Regional Authority (TSRA). The aim of this project is to review the *Guide for Researchers Working in the Torres Strait 2012 (the Guide)* and develop a procedural framework to support fisheries research and management to ensure:

- research conducted in the Torres Strait
  involves appropriate consultation and
  engagement with key stakeholders (for
  example native title representatives,
  Registered Native Title Body Corporates
  or RNTBCs, relevant fisheries
  associations and fisheries industry
  stakeholders) prior to, and throughout, the
  undertaking of each research project; and
- consultation and engagement outcomes are clearly documented in a form that is supported by community stakeholders.

The project emerged from the TSSAC identifying a priority need for improvements in the way research is undertaken in the Torres Strait region. This included the need for:

- greater instruction/direction around the appropriate protocols for undertaking research work commissioned by the TSSAC;
- more comprehensive and prescriptive procedures to ensure appropriate engagement on research being, conducted in the Torres Strait; and
- documented processes to evidence engagement and agreements reached with key Torres Strait stakeholders and communities.

Members of Torres Strait communities, regional RNTBC representatives (i.e. Traditional Owners), fishers, and other stakeholders were consulted on research issues in earlier work commissioned by the TSSAC. This resulted in development of *the Guide* to assist researchers. Assistance has now been sought on the development of a procedural framework that could further build from, and operationalise, the principles set down in *the Guide*.

#### INTRODUCTION

This procedural framework is designed to be a guide for researchers, PZJA agencies, and the TSSAC on:

- appropriate consultation and engagement with Torres Strait communities and/or key Torres Strait community stakeholders, including Traditional Owners/ Native Title Holders (key Torres Strait stakeholders); and
- gaining amenable access to particular places in the Torres Strait.

How should you use this document?

The procedural framework provides researchers with a comprehensive step by step process, including for record keeping that protects, satisfies and promotes the interests and appropriate engagement of key TS stakeholders. It should be used alongside, and to assist in completing, the TSSAC research application documents.

The list of resources at the end of the document point to national and international standards used in best practice models for research in Indigenous communities relating to:

- the safety of participants and researchers;
- consultation and consent of traditional owners/native title holders;
- prior and informed consent from individual participants;
- recognition of intellectual and cultural property rights;
- consideration of shared-benefit arrangements;
- uses of and citation of local or traditional knowledge sources as part of the study;
- initial and ongoing communication with, and engagement of, participants; and
- respect of Traditional knowledge and local culture.

A Checklist also has been added at the end of the document to assist researchers in following the procedure.

Why is a procedural framework important?

Building and maintaining meaningful working relations with key community stakeholders, including Traditional Owners, of the Torres Strait region is a critical component in ensuring the success of research projects. The ongoing

research effort is establishing up-to-date baseline and related scientific, economic and social information on the marine resources of the Torres Strait region. This information informs government, industry and communities about the sustainable management of the Torres Strait marine resources and other important socioeconomic objectives.

#### What is in the framework?

The procedural framework has been developed to help:

- provide a clear process for researchers to engage with key Torres Strait stakeholders when developing research proposals, undertaking research and accessing particular places in the Torres Strait region and to ensure community consultations (including any required permissions for island access) are documented; and
- ensure compliance with Commonwealth and State legal reporting and ethics requirements, including appropriate application for seeking prior and informed consent when visiting islands, or any required ethics approvals regarding working with Torres Strait community groups or individuals engaged in research projects.

#### Who should be involved?

Depending on which Torres Strait community groups or individuals are engaged in the research project, this may include:

- Relevant Registered Native Title
  Body Corporates (RNTBCs representing traditional owners).
  Researchers must engage all RNTBCs
  that represent holders of Native Title
  in areas where the research is to
  occur.
- Relevant community fisheries associations (there are currently around 10 formally registered fisheries organisations) should be engaged in relevant fisheries research projects. At a minimum these groups should be informed on research project objectives, progress and outcomes.
- Community Councillors and divisional managers. It is important to include the relevant council contacts in this process as they will be aware

of day to day activities occurring on communities such as cultural events and sorry business that may limit a researcher's access to communities, their resources or availability of key stakeholders.

- The Torres Strait Scientific Advisory Committee (TSSAC) provides strategic advice to the PZJA on research priorities for fisheries management in the Torres Strait and assesses and recommends research applications for funding
- The Australian Fisheries Management Authority (AFMA) is the Australian Government agency responsible for the efficient management and sustainable use of Commonwealth fish resources on behalf of the Australian community and in accordance with the objectives set out in the Torres Strait Fisheries Act 1984. Their office on Thursday Island provides fisheries management and monitoring services to the PZJA to ensure fish stocks are sustainable and the fishing industry is viable. AFMA also provides the secretariat serves for the TSSAC, including contract management and milestone monitoring and payments.
- Torres Strait Regional Authority (TSRA) is a Commonwealth Authority established under the Aboriginal and Torres Strait Islander Commission Act 1989, now known as the Aboriginal and Torres Strait Islander Act 2005 (ATSI Act 2005). It is the leading Commonwealth representative body for Torres Strait Islander and Aboriginal people living in the Torres Strait.

## PROCEDURE FOR UNDERTAKING RESEARCH IN THE TORRES STRAIT

#### Starting assumptions

 This procedure applies to research projects for which any of the components are to be undertaken in the Torres Strait region. • The Researcher holds (or will obtain) the appropriate ethics approval(s) relevant to the activities to be undertaken during the research project (see Appendix 1 for further detail).

#### Pre-proposal phase

Step 1. Review the TSSAC research priorities (contact the TSSAC Executive Officer (EO) for the current list) to ensure alignment with the proposed research project NB. If you are not sure if your proposed project aligns to an identified priority, please contact the TSSAC EO to discuss project merits and likelihood of gaining support from the TSSAC.

Step 2. Address the consultation and engagement section of the pre-proposal application to identify:

- the areas in the Torres Strait region where the proposed research activities may occur:
- the Torres Strait community groups or individuals that you will engage/involve from these areas in the development of and or during the research project (key stakeholders) (AFMA & TSRA can assist in identifying key stakeholders and the TSSAC will provide feedback and guidance on this aspect of your preproposal application); and,
- how you plan to engage/involve key stakeholders (e.g. community notices, telephone, email, employment, interviews, meetings, workshops) in the project development. Note, depending on the level of engagement with the RNTBCs this may be on a fee for service basis. Any potential fee for service rates need to be factored into your research project budget.

#### Full-proposal phase

Step 3. Address any TSSAC comments on the pre proposal, with particular focus on the consultation and engagement with key stakeholders section.

Step 4. As part of the full proposal you must also develop a stakeholder engagement strategy, including a plain English community consultation package (details required in the strategy and consultation package are in Appendix 4). These two documents should be

provided to the TSSAC EO for approval/review prior to consultation and finalising the full proposal. (Please allow 2 weeks for TSSAC EO consideration).

Step 5. Undertake consultation with key stakeholders in line with the approved stakeholder engagement strategy. Record a response from each key stakeholder (even if the response is "no comment"; note that community consultation can take time and repeated efforts to achieve contact). NB; depending on the level of engagement with the RNTBCs this may be on a fee for service basis. Any potential fee for service rates need to be factored into the research project budget.

Step 6. Include in the consultation section of the full-proposal a summary of the consultation with key stakeholders and details of any suggestions and issues with the project. At this point the full proposal application for the project is submitted (including your stakeholder engagement plan).

If assessed as suitable the project can then proceed to contract and funds will be released for research to commence.

If assessed as unsuitable, AFMA, other PZJA agencies and the researcher may be able to resolve issues raised by key stakeholders and adjust project activities if the project is still considered a priority.

Research projects should not go ahead until any outstanding issues are resolved and/or project activities are adjusted to mitigate or eliminate potential risks (this may mean amending proposed study sites or methods in certain areas). AFMA will keep a record of this process and the full proposal will need to be updated with necessary amendments before the contract is made.

# Post-approval and project commencement phase

Step 7. Advise key stakeholders (in accordance with your stakeholder engagement strategy) that the project has been approved, including proposed start date and any changes since the initial stakeholder consultation (update the engagement strategy with new details if required). Obtain ethics approvals as appropriate once the project commences and provide a copy to the TSSAC EO.

#### During the project

Step 8. Researcher to update key stakeholders on progress at significant points during the project using the stakeholder engagement strategy. At a minimum these updates should align with the schedule for the project milestones outlined in the research contract. Key stakeholders should be advised of any changes to the project including in relation to objectives, study sites and methods, stakeholder involvement, and handling of data and intellectual property. Please keep a record of any significant consultation during the project and provide with the final report.

#### Project finalisation phase

Step 9. At the completion of the project it is standard TSSAC process for a final report to be submitted as the last milestone which incorporates the TSSAC's final comments and considerations. A plain English summary of no more than two pages covering project outcomes, immediate and ongoing stakeholder benefits (particularly to communities), use of Traditional knowledge and information on the handling of data. The TSSAC EO, on behalf of the researcher will disseminate the project summary to key stakeholders. To communicate the research outcomes more broadly, AFMA may use the project summary for developing

PZJA forum papers, local media articles or posting on community notice boards.

# COMPLETION STATEMENTS AND LODGEMENT OF RESEARCH FINDINGS

In the past, Torres Strait Islanders have been unaware of the outcomes of projects once researchers have left the Torres Strait.

Adherence to the specific stakeholder engagement strategies and provision of plain English summaries has been established to address this gap. Additionally, in order to facilitate easier access to Torres Strait research outcomes for communities and other interested parties, the TSSAC would like to have a repository for TSSAC research projects. This repository will be compiled on the PZJA website where links to the reports, and plain English summaries will be available.

Researchers are asked to include an access point for the findings of their research with submission of the final report.

#### Responsibilities of Researchers

The researcher has a responsibility to build respectful relations with host communities and key stakeholders (including Traditional owners) for the duration of a project. This means being respectful and establishing rapport in the formal and informal aspects of the contact and negotiation process. This requires some understanding of the technological and intercultural communication challenges in remote communities (refer to the Guide at Appendix 3 and TSRA Cultural Protocols Guide 2011 at Appendix 5).

For the duration of the project, it means fulfilling the documented research, ethical and protocols intentions or requirements and informing the key stakeholders when changed circumstances do not allow these to be fulfilled. The researcher cannot expect any member of the community to incur costs associated with carrying out the research.

# BOX 1 - Best Practice Management of Traditional Inhabitants Intellectual Property and confidentiality

Ethics approval will require a plan to manage IP and the confidentiality concerns of traditional sources. Once a project is completed, for your own protection in any disputes or legal contests, researchers are advised to take precautions, with respect to traditional IP interests in future knowledge innovation, and attributions and confidentiality concerns of traditional sources in publications and other public dissemination products. The following precautions are suggested:

- To avoid publishing traditional knowledge or information from sources who have not given signed informed consent to publish or publicly disseminate.
- To ensure the attribution of any traditional source of information used in any form of public dissemination, (where consent was provided) BUT to de-identify the particular individual or group who provided the information, if that is their wish.
- To de-identify GPS references or place names attached to sensitive fisheries information given by traditional sources, in any form of public dissemination, if that is their wish.
- To keep lists of individuals or group sources for any traditional information used but de-identified in publications.
- To retain original notes that identify and link sources directly to particular knowledge and information.
- To retain all signed informed consent forms
- To ensure the attribution of any traditional source of information used in any future knowledge innovation.

#### **GLOSSARY OF TERMS**

**AIATSIS** - Australian Institute of Aboriginal and Torres Strait Islander studies. Provide a Guideline for Ethical Research in Australian Indigenous Studies which can be used with Torres Strait fisheries research.

Registered Community Fishers Associations – formal associations established within communities to represent the local fishing industries.

**The Guide -** Guide for Researchers Working in the Torres Strait 2012 (the Guide)

**PZJA** – Protected Zone Joint Authority, comprised of the Commonwealth Minister responsible for Fisheries (the Chair), the Queensland Minister responsible for Fisheries and the Chair of the TSRA. The PZJA is responsible for management of commercial and traditional fishing in the Australian area of the Torres Strait Protected Zone (TSPZ) and designated adjacent Torres Strait waters.

**TSRA** – Torres Strait Regional Authority.

**TSSAC** – Torres Strait Scientific Advisory Committee. The research body responsible for advising on Torres Strait research funded by AFMA, and sometimes other agencies.

**Traditional Inhabitants** - in relation to Australia, are people who —

- (i) are Torres Strait Islanders who live in the Protected Zone or the adjacent coastal area of Australia,
- (ii) are citizens of Australia, and
- (iii) maintain traditional customary
  associations with areas or features in
  or in the vicinity of the Protected
  Zone in relation to their subsistence
  or livelihood or social, cultural or
  religious activities.

#### Traditional Knowledge -

#### IP - Intellectual Property -

**Traditional Owners –** Native Title Holders or claimants. Relating to Torres Strait research, traditional owners are most commonly engaged through the relevant Registered Native Title Body Corporates (RNTBC).

**PZJA agencies –** the Australian Fisheries Management Authority, the Torres Strait Regional Authority and Fisheries Queensland. The agencies responsible for advising the PZJA on all aspects of Torres Strait fisheries management.

RNTBC - Registered Native Title Body Corporates. When a determination recognising native title is made, the <u>Native</u> <u>Title Act 1993 (Cth)</u> requires that native title holders must establish a corporation to represent them and their interests. These organisations are known as PBCs, but become RNTBCs when they are registered with the <u>National Native Title Tribunal</u> (NNTT).

# APPENDIX 1 INFORMATION AND RESOURCES ON RESEARCH ETHICS AND PROTOCOLS

If you plan to involve human participants in your study, you will need to apply for the relevant ethics approvals. In the Torres Strait, this requirement applies to the involvement of participants as informants and/or as assistants to any of the project activities. The Human Ethics approval requirement provides a level of protection for participants and for researchers. It ensures that Prior Informed Consent is in place for the acknowledgement, attribution, or citation of local knowledge sources and assists in the attribution of local Traditional knowledge for potential intellectual property recognition and any potential benefit-sharing arrangements. It reassures Torres Strait Islanders that Traditional Owner interests are being respected. Torres Strait Islanders are very wary of the blurred lines that emerge between informal (casual conversations) and formal information sharing and gathering processes (recorded interviews) when local or Traditional knowledge is shared with researchers.

It is most important that the process is undertaken seriously by researchers to maintain good faith relationships between researchers and Torres Strait Islanders into the future.

The AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies, and the NHMRC Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research are the primary Indigenous research ethics guides used in Australia.

NHMRC Human Research Ethics https://www.nhmrc.gov.au/healthethics/human-research-ethics-committeeshrecs

NHMRC Animal Research Ethic https://www.nhmrc.gov.au/healthethics/animal-research-ethics

AIATSIS Guidelines for Ethical research in Australian Indigenous Studies <a href="http://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies">http://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies</a>

Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research <a href="https://www.nhmrc.gov.au/files.nhmrc/publications/attachments/e52.pdf">https://www.nhmrc.gov.au/files.nhmrc/publications/attachments/e52.pdf</a>

Torres Strait Regional Authority Cultural Protocols Guide http://www.tsra.gov.au/ data/assets/pdf\_f ile/0005/1778/tsra20cultural20protocols20gu ide.pdf

Guidelines for ethical and effective communication for researchers working in Torres Strait http://www.tsra.gov.au/ data/assets/pdf f

ile/0008/2051/torres protocols.pdf

The Convention of Biological Diversity

Article 8j https://www.cbd.int/traditional/

The Nagoya Protocol on Access and Benefitsharing and Traditional Knowledge <a href="https://www.cbd.int/traditional/Protocol.sht">https://www.cbd.int/traditional/Protocol.sht</a> ml

WIPO-UNEP Study on the Role of Intellectual Property Rights in the Sharing of Benefits Arising from the Use of Biological Resources and Associated Traditional Knowledge

http://www.wipo.int/edocs/pubdocs/en/tk/769/wipo\_pub\_769.pdf

AFMA Report on Torres Strait Fisheries Research Protocols <a href="http://pzja.gov.au/wp-content/uploads/2011/06/2011-Nakata-Nakata-Report-on-Torres-Strait-Fisheries-Research-Protocols\_ISBN.pdf">http://pzja.gov.au/wp-content/uploads/2011/06/2011-Nakata-Nakata-Report-on-Torres-Strait-Fisheries-Research-Protocols\_ISBN.pdf</a> The United Nations Declaration on the Rights of Indigenous peoples <a href="https://www.humanrights.gov.au/publications/un-declaration-rights-indigenous-peoples-1">https://www.humanrights.gov.au/publications/un-declaration-rights-indigenous-peoples-1</a>

#### Related information

AFMA (Includes information on Torres Strait fisheries and scientific permits) http://www.afma.gov.au/about/

Protected Zone Joint Authority (includes information on fisheries and the Torres Strait Scientific Advisory Committee) <a href="http://pzja.gov.au/about-us/#.WBfmUHpKVQ4">http://pzja.gov.au/about-us/#.WBfmUHpKVQ4</a>

Native Title Unit's website for the Prescribed Bodies Corporate (PBCs) http://nativetitle.org.au/

Torres Strait Regional Authority <a href="http://www.tsra.gov.au/the-tsra">http://www.tsra.gov.au/the-tsra</a>

Torres Strait Regional Authority Land and Sea Management Strategy 2016-2036 <a href="http://www.tsra.gov.au/data/assets/pdf">http://www.tsra.gov.au/data/assets/pdf</a> file/0019/11782/TSRA-Land-and-Sea-Strategy-2016-2036-FINAL-WEB-VERSION.pdf

Malu Lamar information <a href="http://www.nativetitle.org.au/profiles/profiletsimalulamar.html">http://www.nativetitle.org.au/profiles/profiletsimalulamar.html</a>

Malu Lamar Challenges http://aiatsis.gov.au/sites/default/files/docs/presentations/maluwap\_nona\_pp.pdf

Torres Strait Regional Council <a href="http://www.tsirc.qld.gov.au/">http://www.tsirc.qld.gov.au/</a>

Initial Contacts and addresses in the Torres Strait

**AFMA** 

http://www.afma.gov.au/contact/contact-afma/

Malu Lamar http://www.nativetitle.org.au/documents/TS I MaluLamar.pdf

# **APPENDIX 2 – CHECKLIST FOR RESEARCHERS**

Tick	Relevant step	Procedure	Yes / No/ notes	Notes regarding TSSAC and secretariat responsibility relating to step
	Starting assumption.	Developed project pre- proposal, including basic information on planned stakeholder engagement. l		No action C
	Step 1	Submitted pre-proposal to TSSAC, including basic information on planned stakeholder engagement.		Consider pre-proposal and provide comment.
	PENDING APPI			
	Step 2	Developed detailed stakeholder engagement strategy including the plain English community consultation package and submitted to TSSAC EO for approval (consult TSRA as needed).		TSSAC EO to approve and seek TSSAC advice where required.
	Step 3	Completed consultation using approved engagement strategy, including getting formal permissions for gaining access to islands where required.		No action
	Step 4.1	Attached the stakeholder engagement strategy to updated full proposal. Submitted full-proposal including outcomes of consultation and any permissions sought/granted.		TSSAC to store consultation and permissions approvals.
	Step 4.2	Worked with TSSAC to work through any problems around progressing the project.		As required
	Step 4.3	Signed contract (provided by AFMA) to obtain funding.		Develop contract and provide to researcher for consideration.
	Step 5	Advised key stakeholders of project approval, start date and any major changes to project since consultation.		No action
	Step 6	Applied for Human ethics approvals from relevant institution; sent copy of ethics approval to TSSAC.		Retain copy of ethics approval
	Step 7	Updated engagement strategy and advised key stakeholders of significant progress or changes during the project. Note, in the case of a time lag between approval and commencement, update engagement strategy again at start up, if needed.		No action
	Step 8.1	Submit draft final report to TSSAC EO for approval.		Approve or provide feedback

Step 8.2	Make any necessary amendments and submit final report, 2 page plain English summary and a link to the report online to TSSAC EO.	Retain copies
Step 8.3  Record any significant consultation throughout the whole project and provide summary with the final report.		Retain copy

# APPENDIX 3 - GUIDE FOR RESEARCHERS WORKING IN THE TORRES STRAIT 2012

### FOREWORD:

Torres Strait environmental and marine resource knowledge has developed over thousands of years and is an interwoven component of ongoing tradition and custom. This knowledge is as vital to the lives of Torres Strait Islanders today as it ever was. The role of Torres Strait Islanders in caring for marine resources has sustained them for thousands of years.

The Protected Zone Joint Authority (PZJA) is responsible for management of commercial and traditional fishing in the Australian area of the Torres Strait Protected Zone (TSPZ) and designated adjacent Torres Strait waters. The Australian Fisheries Management Authority (AFMA) is responsible for the day to day management of Torres Strait fisheries on behalf of the PZJA.

The Torres Strait Scientific Advisory Committee (TSSAC) provides strategic advice to the PZJA with regard to research priorities for the Torres Strait region and provides AFMA with recommendations for research funding. The Torres Strait Regional Authority (TSRA) is a member of the PZJA and is responsible for representing the interests of Torres Strait Islanders in PZJA decisions in accordance with its legislative responsibilities. The TSRA also coordinates Torres Strait Islander representation on PZJA consultative groups as well as facilitating communication pathways for PZJA research information.

AFMA, the TSRA and the TSSAC recognise that Torres Strait Islander knowledge of the waterways and ecology of the marine resources is critical for the effective management of Torres Strait fisheries resources alongside Western science.

These guidelines for fisheries research in Torres Strait are based on the shared interests of Torres Strait Islanders, AFMA and the TSRA in the sustainability of the Torres Strait marine environment and its resources as well as the need to provide economic development opportunities for Torres Strait Islanders. The guidelines are based on the recommendations of Professor Martin Nakata in his report on Cultural Protocols for Torres Strait.

In publishing these guidelines we embrace a spirit of cooperation and mutual respect for both Torres Strait Islander and Western scientific environmental and marine resource knowledge and practices.

#### CONTACTS

Australian Fisheries Management Authority and Torres Strait Scientific Advisory Committee 38 Victoria Parade. PO Box 376, Thursday Island Q4875.

Ph 07 40691990 Fax 07 40691277 email: torres.strait@afma.gov.au

**Torres Strait Regional Authority** 

Torres Haus, 46 Victoria Parade. PO Box 261, Thursday Island. Q4875.

Ph 07 40690700 Fax 07 40691879 email info@tsra.gov.au Web www.tsra.gov.au

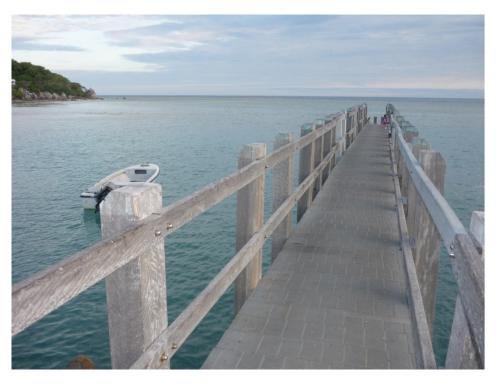
### MORE INFORMATION:

TSRA website for general Islander priorities and goals at www.tsra.gov.au/torres-strait--npa-regional-plan PZJA website for information on PZJA fisheries at www.pzja.gov.au

Jones, A & Barnett, B 2006, Guidelines for ethical and effective communication for researchers working in Torres Strait, CRC Reef Research Centre. (www.crctorres.com/publications/technical/T5.1 Report Final.pdf).

Nakata, M, 2010. Report on Cultural Protocols Project, 2010. www.pzja.gov.au/resources/publications)

# A GUIDE FOR FISHERIES RESEARCHERS WORKING IN TORRES STRAIT



2012











### **GUIDING FRAMEWORK**

#### **OUR SHARED VISION**

Sustainability of the marine resources of the Torres Strait Islands

#### **OUR SHARED PURPOSE**

To achieve world-class standards for ethical practices in fisheries research and for effective communication with participants of research projects in the Torres Strait community

#### **Our Shared Vision**

Commitment to and understanding of long-term sustainability issues

#### **GOAL**

- Mutual recognition and respect for Torres Strait Islander and scientific knowledge, methods, practices, goals, and realities
- Recognition of connections between Islander marine knowledge, ongoing custom, and social, economic and political futures.

#### Torres Strait Knowledge and Intellectual Property

Commitment to safeguard interests of both parties

#### **GOAL**

- Researchers recognise and respect for Torres Strait Islander knowledge and customs that have developed over thousands of years
- Torres Strait Islanders recognise and respect that Western sciences and researchers have a long tradition of evidence-based knowledge practices
- Torres Strait Traditional Inhabitant interests are considered as part of the assessment of research projects

#### **A Central Repository**

Commitment to make relevant information accessible to Torres Strait Islanders and future researchers

#### **GOAL**

- Copies of all relevant research materials are deposited in a central location
- All materials deposited have clearly stated access and use conditions

#### RECOMMENDATIONS FOR RESEARCHERS

- Submit pre-proposals to TSSAC for in-principle approval
- Negotiate with a central contact person regarding possible sites and participants and ensure that the community is aware of the proposed research and its implications for communities
- Negotiate fieldwork arrangements with recommended contacts at your chosen site. This may include consulting with the Prescribed Body Corporate and fishermen associations for the relevant community/ies, where appropriate. Check requirements for individual communities with the TSRA.
- Submit full research proposals including relevant ethic applications to TSSAC if requested including:
  - o Details of ethical practices that will be used in the study
  - o Details on the treatment of Indigenous sensitivities (if applicable)
  - Clear commitment to attribute all knowledge and information gathered from Torres Strait Islanders to those Islanders
  - Clear commitment to Torres Strait communities to inform, update and publish research findings in a language that is accessible to Islanders
  - Clear statements of the opportunities for ongoing knowledge development and training for Islanders in fisheries
  - Details of schedules and fieldwork that allow for extra lead-time, longer engagements in the community and appropriate response times
  - o Commitment to respect traditions and customs
- Conduct fieldwork when approval, clearances and permissions have been finalised if appropriate
- Communicate research elements in plain English, and use appropriate formats for intended audiences or tasks
- Take care with content and language of Information Sheets and Consent Forms, also with approaches to achieving prior and informed consent, and be satisfied that participants have opportunities to withdraw at any time
- Respect the Australian Privacy Act in research activities

#### ROLE OF THE TSSAC

The Torres Strait Scientific Committee will:

- Assess whether adopted procedures and clearances for AFMA-funded projects have been fulfilled
- Be satisfied that the ethical aspects of the proposed research meets best practice standards
- Assess the level of privacy, special measures for confidentially, treatment of secret/sacred areas, anonymity, refusals, family and traditional commitments, independence of researcher, etc.
- Request that permissions/clearance forms be provided (if appropriate) before recommending funding
- Assess processes for attributing information and knowledge sources
- Assess funding applications for the opportunities for Islander involvement, employment, education, or training
- Assess commitments to agreed field arrangements that ensure project timelines can be met
- Assess commitments in the application to the appropriate level of dissemination of information
- Continue to monitor adherence of researchers to ethical processes during the course of the project

### APPENDIX 4 -STAKEHOLDER ENGAGEMENT STRATEGY AND COMMUNITY CONSULTATION PACKAGE

Planning & development - who to engage and how

Researchers are required to develop a stakeholder engagement strategy as part of their TSSAC full proposal application process, which will include a short community consultation package.

The stakeholder engagement strategy should detail the level of engagement required with various key stakeholders throughout the stages of the project (including the pre-proposal preliminary consultation phase) and a communication and engagement strategy to guide this process (this may be best developed through discussions with PZJA Agencies (i.e. AFMA and/or TSRA). Please note that some communities may request face to face consultation, as some communities feel strongly about this. It is up to the researchers discretion on when face to face consultation is needed.

The strategy should be no more than 2 pages and include:

- which stakeholders should be consulted at which stages of a project;
- types of engagement you plan to use (engagement could include (but is not limited to conducting community consultations, such as meetings workshops, participation in research or data collection or analysis activities, posting community notices, developing plain English summary reports, phone calls or emails); and
- options for engaging community members from participation through to employment in research activities, or if this is not possible, why not.
- how research data, traditional knowledge and intellectual property will be handled;
- how researchers will show respect for Traditional Inhabitant culture at all times; and

The strategy should consider the projects schedules and fieldwork and allow for extra lead-time, longer engagement periods in the community and appropriate response times when drafting milestones.

Note, depending on the level of engagement with the RNTBCs this may be on a fee for service basis.

Researchers need to factor in any potential fee for service rates into the research project budget.

The community consultation package should contain plain language information about the proposed research, be no more than two pages and may include:

- a process for clearly noting, upfront, that the project is in the application stage which is why you are seeking their consideration;
- the research objectives and timeframes;
- areas to be accessed for the study, and a detailed description of areas and details of what will be done there:
- materials, equipment and techniques to be used and how you will minimise risk of negative impacts on the area;
- involvement of key stakeholders (including local knowledge informants, local research assistants, and community informationsharing and research dissemination intentions) OR a brief explanation of why community involvement does not fit the nature of the project);
- anticipated outcomes including direct or indirect benefits\* to key stakeholders such as any future benefit-sharing expectations, protections for traditional knowledge sources. AFMA may use the project summary for developing papers to communicate the research at relevant PZJA forums:
- likelihood and details of any extension activities following the research;
- how research data and intellectual property will be handled; and
- seeking advice about relevant traditional knowledge which could assist the project, or suggest changes to improve the projects plan or success.

These two documents should be submitted to the TSSAC EO before being used, at Step 4 of the procedural framework.

The engagement strategy should also be submitted with your full proposal application, and updated following any feedback during the pre-proposal consultation phase.

\*For example a) a greater understanding of a fishery through participation (potentially employment) in the research project and extension activities following the research (direct); b) improved understanding of stock status may lead to less precautionary Total Allowable Catch therefore increased utilisation of resource (indirect).

# APPENDIX 5 – TSRA CULTURAL PROTOCOLS GUIDE 2011









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# Empowering our people, in our decision, in our culture, for our future

The Torres Strait Regional Authority **(TSRA)** Cultural Protocols has been developed to assist **TSRA** staff when engaging with all the communities of the Torres Strait region on all types of business. Each of the 20 communities in the Torres Strait region (See Attachment 1) is unique in their history and culture.

The **TSRA** is committed to providing services to the region that both respect the unique qualities of the culture and that are accessible to all.

The **TSRA** Cultural Protocols aim to introduce a regional and general set of protocols that will assist all **TSRA** staff to provide a consistent level of support and service to each community.

#### **TSRA Cultural Policy**

Prior to the development of these cultural protocols, the **TSRA** went through an extensive process to develop the Torres Strait Regional Authority (**TSRA**) Cultural Policy. This policy has been developed to assist the organisation to achieve its vision statement

Empowering our people, in our decision, in our culture, for our future.

TSRA Development Plan 2009-2013

To realise this vision, the **TSRA** Cultural Policy aims to promote understanding of the cultures of Torres Strait Islanders, Kaurareg people and Aboriginal people in the Torres Strait region including Bamaga and Seisia on the Northern Peninsula Area (NPA) and provide a guide for **TSRA** staff. The policy has been developed within a cultural policy framework, strengthened with guiding principles and will be used in conjunction with **TSRA** Cultural Policy Procedures and **TSRA** Cultural Protocols.

### **Cultural Protocols**

#### What is a Cultural Protocol?

#### Protocol noun

- [mass noun] The official procedure or system of rules governing affairs of state or diplomatic occasions
- The accepted or established code of procedure or behaviour in any group, organisation, or situation
   Oxford Dictionary 2010

When referring to cultural protocols this relates specifically to the:

Agreed set of cultural protocols that the organisation and the community believe are standard for all official government and community dealings. This includes minor matters such as basic communication to major matters such as negotiating partnership arrangements for economic development activities.

#### Why Do We Need Cultural Protocols?

Most Torres Strait Islanders, Kaurareg people and Aboriginal people in the Torres Strait region including Bamaga and Seisia on the Northern Peninsula Area (NPA);

- Do not speak English as a first language and in some cases, English is a second or third language,
- May not be always be familiar with government terminology, procedures or processes, and
- Have a complex relationship and history with government.

The **TSRA** Cultural Protocols will assist staff to provide a consistent standard approach to each community to:

- Reduce unnecessary misunderstandings and communication barriers.
- Mend, build and strengthen current and future relationships,
- Demonstrate a new awareness and respect for the culture and lifestyles of our client groups, and
- Consider, respect and allow for culture to be part of how we do business as a means to 'Closing the Gap' in Indigenous Disadvantage in the Torres Strait region.

#### What is a TSRA Cultural Protocol?

The **TSRA** Cultural Protocols are a distinct set of protocols that provide a general guide to all **TSRA** staff as an introduction to the complexities that should be respected and considered when establishing, maintaining and developing partnerships and relationships with all the Torres Strait communities in the region.

In this case, the **TSRA** Cultural Protocols refers to:

An agreed system of rules and behaviours that all **TSRA** staff will follow in all dealings with Torres Strait Islanders, Kaurareg people and Aboriginal people in the Torres Strait region including Bamaga and Seisia on the Northern Peninsula Area (NPA) as part of their everyday work.

# Examples of Engagement Activities and Relevant Bodies

When engaging with a community for work it is important that both the Torres Strait Island Regional Council (TSIRC) and the local Prescribed Bodies Corporate (PBC) are contacted. Communities are

contacted on a range of matters and the order of contact can vary for the activity type. For activities that relate to service delivery the local TSIRC would be the first point of contact. For matters relating to Ailan Kastom and Customary Lore, the PBC as the official group that represents the traditional owners of an area in native title matters, would be the first point of contact. It is important to note that all matters that could affect the native rights of traditional owners to their land and sea areas require permission to be granted by the PBC. Below are some examples to assist with this process.

Engagement Activities	Local Governance	Traditional Owners
Community visit	TSIRC/NPARC	PBC
Official visits	TSIRC/NPARC	PBC
Research project	TSIRC/NPARC COMMUNITY ENDORSEMENT	PBC
Community celebrations	TSIRC/NPARC	PBC
Service provision	TSIRC/NPARC	PBC
Housing	TSIRC/NPARC	Community
Health	TSIRC/NPARC	Local Health Centre
Infrastructure	TSIRC/NPARC	PBC/Community
Cultural heritage	TSIRC/NPARC	PBC
Business opportunities	TSIRC/NPARC	PBC
Filming and photographing on the island	TSIRC/NPARC	PBC
Future acts	TSIRC/NPARC	PBC/NTRB
Dance performances	TSIRC/NPARC	PBC
Access to historical sites	TSIRC/NPARC	PBC
Access to sacred sites	TSIRC/NPARC/PBC	Community/PBC
Language information	TSIRC/NPARC	PBC
Cultural Lore or Ailan Kastom including cultural protocols	TSIRC/NPARC	PBC
Locating someone	TSIRC/NPARC	Community/PBC

# TSRA Cultural Protocols

Torres Strait region is a unique part of Australia and as such requires the need for all visitors and residents to follow cultural protocols to ensure social cohesion and understanding. When a person enters the region either by road, plane or boat it is important to understand the following:

- Torres Strait has native title over the majority of land and sea. This means that there are traditional owners over nearly all areas of the region except for those areas that are held privately under freehold title or are designated government facilities or spaces.
- Torres Strait is a unique part of Australia and has a number of governance arrangements in place and these should be considered when engaging with communities.
- The implementation of these protocols in planning and conducting your visit is a positive step towards reconciliation and 'Closing the Gap' of Indigenous Disadvantage in the region.

#### Communication

#### Verbal

Verbal communication is an important part of our everyday work and it is important to understand that there has and continues to be a number of barriers that can influence an interaction between **TSRA** staff and Community members in the Torres Strait. It is recommended that before continuing onwards that all staff read **Attachment One**, **Issues affecting inter-cultural communication** on page 16.

In addition to the above:

 Never swear in front of or to a client, as this is inexcusable.

- Always use basic English and not complicated jargon that may confuse the client. For example using such terms as 'Key Performance Indicators' could be "the main things you want to achieve", 'Strategic Planning' could be "What do you want to do, when and how".
- Always be courteous, cooperative, tactful, diplomatic and sensitive to clients and staff.

#### Telephone

It is important to have the right approach when talking to someone on the telephone, as they cannot see you.

- Apply the same courtesy you would to anyone (see above verbal communication), always use good manners in a positive tone and appear to be helpful. If you do not have the answers suggest someone who may know.
- Address people by their correct title Mr, Mrs, Fr, Bishop, Dr and so on.
- Do not make confused statements that you think may be funny as the other person may not get the joke.
- · All dealings must be professional.

#### Face to Face

Facial expressions and body language may communicate either positive or negative non-verbal messages to the recipient if you are not aware of it. Make sure both your facial expressions and body language are presented in a positive way, keeping yourself open to the interaction.

Good facial expressions and body language:

 Smile when first meeting someone and keep facial expressions appropriate to the type of discussion.

Bad facial expressions and body language:

- · Appearing distracted by something on your mind.
- · Folding arms.

- · Unnecessarily touching someone.
- · Looking away as someone is speaking to you.
- Direct eye contact should be kept to a minimum, however enough to keep the other party aware that you are still paying attention.
- Doodling on paper or playing with something in a disinterested way.

#### Individual

When speaking to another person it is important that it is done the correct way:

- · Do not huddle in secrecy.
- · Do not stand in a dark or secluded area.
- Do not appear over familiar or touch the other person.
- · Stand upright and communicate in a formal way.

Why? So all other parties can see that nothing untoward is taking place and the interaction will be seen in a positive way. Any negative perceptions that can occur from interactions between two people, especially between different genders, could be very damaging and will determine how you are seen during that visit and for any other future visits.

#### Group

When addressing a group follow these basic steps:

- 1. If you initiate the meeting, ask the group how they would like to sit all together at a table, in a circle or in some cases, on a mat under a tree. If you wish to communicate to a group it is best to find this out first.
- 2. When approaching the group, look to your main contact person who will gesture to the best place for you to sit. If sitting on the ground, it is best to sit in a way that you are not facing only one person and try not to have your back towards anyone.
- 3. Wait for the signal for you to commence speaking to address the group. For example, they call your name, or a chairperson or facilitator of the group indicates it is your turn to talk.

When addressing the group always;

- · Thank them for allowing you to speak to them, and
- Show your appreciation through a small gift or statement of appreciation. For example, "I feel very privileged to be here on your island and be given this opportunity to speak with you ... I appreciate the time you have taken to meet with me and I thank you all for being here to allow me to give you all an introduction to... project."

#### **Gender Requirements**

When addressing a group of people do not single out one person but address the group as a whole. Try not to give too much unnecessary attention to people of the opposite gender as this could offend. When addressing a couple ensure that both are given equal attention and preferably focus more on the person who is of the same gender as you.

#### Written

#### Letters/Emails/Faxes

Should be written according to **TSRA** standard, style and format (use **TSRA** templates) however it should also include the following:

- Introduction of who you are and where you are from if it is the first form of communication.
- If phone contact has already been made, refer to the conversation and thank them for their time, and then follow-up with your original request.
- If sending out copies of your reports or project information, provide a covering letter that uses the same wording that is used as part of your normal conversations.
- · Do not use too many abbreviations or acronyms.
- Do not use complicated terminology and always use plain basic English terms.
- Always encourage people to seek further clarification about your message.

#### **Community Notices**

Once your visit has been approved, community notices should:

- · Be sent in advance of your visit,
- Specify meeting details time, place/venue, topic,
- · Use basic English to describe the purpose of the visit, and
- · Ideally include a photograph of the visiting officers so people will recognise you when you arrive.

#### Reports

Always provide follow-up reports, minutes and so on from your meeting to the community for their information. If possible, provide a plain English summarised version and a technical version.

#### **Community Visits**

Always contact the local TSIRC/NPARC to request permission to visit a community whether for work or personal reasons. All islands are considered private domains and are not open to general traffic. Islands that are engaged in tourism activities welcome visitors at various times throughout the year. It is always best to check with the local TSIRC/ NPARC office. As part of your discussions, and once the formalities have been completed, ask if a key contact person could be provided so all follow-up can be relayed to one person. In many cases, TSRA already has key contact people on the ground who are involved in projects such as Rangers, Art Centre managers and directors, Cultural officers, Sport and Recreation officers and so on.

Always inform the local PBC of your visit as well for their information. Most communities have native title over the land and the sea and it is important that the PBC is informed of all dealings relating to this area.

If the purpose of your visit is to discuss matters relating to a native title area, it is important to seek authorisation from the PBC first.

Appropriate clothing should always be worn when visiting a community. The TSRA logo T-shirts, for instance, would be a good choice. Otherwise smart casual is appropriate.

#### Times of Bereavement

In most cases when someone has passed away in a community, the community as a whole are involved in this process. It is not a good time to visit this community for work purposes and it would be best that the proposed visit be postponed to a later date. If you are already in a community when the "sad news" has been announced, it is best to cancel any proposed meetings and return back to your community. Always seek advice from your key contact person who can assist with finalising or rescheduling your plans.

#### **Community Engagement**

Once permission is granted to visit a community you will need to hold meetings. The following steps will assist with these meetings.

#### Meetings

See Mina Mir Lo Ailan Mun for appropriate communication and negotiation techniques. Please see summary of key points in Attachment One.

#### **Community Meetings**

If you attend and present at a community meeting it is appropriate to:

- · Thank the community for taking the time and allowing you to meet with them.
- Acknowledge the traditional owners of the surrounding land and sea.

This should be done at all meetings including those listed below

If you are organising a meeting with a community;

- Liaise with key contact people on the best way to organise the meeting,
- · Ensure that the meeting can be opened in prayer,
- Ensure that someone is available to bless the food at each meal time.
- · Organise catering from a local provider, and
- Provide the agenda to your key contact people to get input on the items to be discussed and format.

If you are organising a meeting in a community that includes representative from other places:

- Liaise with the local PBC for a "Welcome to Country". In some communities be prepared to pay a fee for this service.
- · Follow all steps listed above.

#### Research in a Community

All requests to do research must be made to the local TSIRC/NPARC councillor to be brought up at the next community meeting for community endorsement. The following steps should be taken:

 Call the local councillor and PBC Chair to discuss the idea

#### If they agree:

- Formalise in a letter requesting permission to visit the community and present at a public meeting.
- Be prepared to explain your project in basic English and if need be, request assistance of an interpreter.
- Be prepared to outline the benefits to the community as a whole.
- Be prepared to cover the costs of people's time to assist with your project including additional costs such as fuel and vehicle hire.

- Consider the possibility of hiring local people to assist with your work and provide them with some basic training.
- Provide community education sessions for the community and the local schools.

#### Working in a Community

When working in a community, it is important that you present a positive and professional image at all times. Cultural protocols should be followed during the whole time you are working in a community including after work hours.

Present a positive and professional image at all times.

#### Staying in a Community

#### Accommodation

Most islands have accommodation, where some are guest houses and others are motels. When booking your accommodation, some questions that could be asked are:

- · Always check for room availability,
- · Check if meals are provided,
- · Check that you have adequate security, and
- Check about after-hours access.

Do not invite people back to your accommodation as this may create a negative perception in the community. Always agree to meet people in a public space in work hours.

#### Food

Food is available for purchase from the local IBIS store. Most communities do not provide meals to your accommodation and takeaways cannot be purchased. It is best that staff bring out their own food supply and ensure that cooking facilities are available as part of booking your accommodation.

#### **Community Feasting**

If invited to a community feasting which usually accompanies a community celebration, feel free to try all the foods on offer. When a feasting is being held, there is always some formalities such as a welcoming speech and the blessing of the food. Elders and key people are usually asked to eat first and then the rest of the gathering. Key community members will indicate a good time to go and start serving yourself food. Please note turtle and dugong are traditional foods and are always included in community feastings.

#### Water

Most islands have limited water supply and in the dry season (May to December) they may place water restrictions. If drinking local water supply, it is always best to boil before consumption. If concerned, bring or buy bottled water as part of your visit.

#### Alcohol

Some islands have canteens and others are considered "dry" communities. This means alcohol is not sold on the island, and if brought into the island, it should be consumed privately.

As **TSRA** employees it is important that you uphold a positive image of the organisation and it is preferred that alcohol not be consumed as part of a work visit, including after hours. What you do in your personal time once your visit is completed is your private business.

#### **Transport**

As part of your visit to a community you may be required to use the local transport. Before visiting a community ask the local TSIRC office the following;

- Is there any transport on the island, such as a community taxi/bus service?
- · How will you get from airport and back?
- Are you able to go for a drive around the island?

#### Dinghy - Work Purposes

In some cases, workers may need to travel in a dinghy to visit places relevant to your work that are only accessible by sea such as neighbouring islands. Before embarking on any sea travel by dinghy check the following with your key contact person;

- Vessel is registered and equipped with all safety gear such as life-jackets, EPIRB, flares and so on,
- · Vessel has enough fuel for the journey, and
- · Driver is experienced.

Ensure details of your journey including day of travel and approximate times of departure and return arrival have been forwarded to relevant parties such as the Local TSIRC office and TSRA Supervisor.

If travel is required as part of your work, it is important that the fuel and oil required for the journey be covered by the TSRA. If you are staying for a long period on the island and require numerous trips, payment to the driver should also be organised as well as the fuel costs. If the work is considered part of a partnerships arrangement this should be negotiated at the beginning of the partnership.

On the day of travel, it is always important to let someone know when you expect to leave and return. This is to ensure if anything does happen, either an accident or a breakdown, someone will raise the alarm and people will come to your aid.

When travelling, it is important when passing other travellers to wave and indicate you are okay. This keeps communication open just in case you require or could provide some assistance.

#### **Dinghy - Personal Purposes**

Before visiting a community, ask the local TSIRC office or your key contact person for the following;

- Is it safe to go out in a dinghy?
- Is it a good time of year to go boating?
- Is it possible to go for a dinghy ride?

Please note any dinghy travel for personal reasons is not covered by the **TSRA** and is the sole responsibility of the individual.

#### **Places**

#### **Public**

Once you have been granted permission to visit a community, obtain confirmation from the council for places appropriate to go to when walking around a community. The local council office, health centre, schools, roads, airstrips are considered public spaces and are usually okay to visit in normal work hours.

#### Native Title Areas

The local PBC should be contacted for all visits, interactions or discussions relating to native title areas. For more information speak to the local PBC.

#### Private

This includes houses, yards, fruit trees, gardens, stone fish traps, dinghies, cars, sheds, tombstones. Seek advice from a key contact person or the local PBC. Permission must be obtained before entering or interacting with these private domains.

#### Sacred and Significant Places

Ceremonial sites, significant landmarks, stone sculptures, kwod sites are considered sacred and significant sites and are usually restricted to everyone including the local inhabitants. Speak to the local PBC for all requests associated with these places.

#### **Swimming**

Torres Strait is known for its dangerous waters and it is always important to check the following:

- · Is it okay to swim in general?
- Where is a good place to swim?
- Is it a good time to swim? It is not a good time to swim during these times - jellyfish season, turtles being cut up on a beach, morning, midday, evening.
- Is there anything I should be aware of when swimming?

Appropriate swimwear such as t-shirt and shorts should be worn when swimming. Conventional swimwear is not considered appropriate.

#### Fishing

Fishing is a favourite past time for many people however in the Torres Strait there are some questions you must ask first:

- · Is it okay to go fishing in general?
- · Where is a good place to go fishing?
- Is it a good time to go fishing? High tide, low tide and so on.
- Is there anything I should be aware of when fishing?
- What am I allowed to catch and what size?
- · What is good to eat?

You must be mindful that once you catch the fish you must be either able to cook or freeze the fish. Fish should always be caught as a source of food and not for fun.

#### **Interacting with Community People**

Before you commence walking around a community unaccompanied, make sure you have been informed either by the local PBC or by your key contact person of all the information you need when staying in a community.

#### Passing people

It is good to acknowledge everyone you pass as you walk around in a community to reinforce a positive image of yourself and your organisation. This starts from when you make first contact, to jumping off the plane, the formal community meetings, who you talk with at morning tea to how you greet people when vou walk down the street.

Always smile, wave and if within earshot, greet them with good morning, hello, or good night.

#### Approaching people

Most community people are friendly and once you have completed your formal business you will find that most people are aware of you and the purpose of your visit.

It is best to wait for people to signal or gesture for you to approach them when they feel ready to talk with you. This can be done mainly with a hand sign or approaches such as:

- Calling out your name, sometimes 'hey you', or even sending a young person over to get your attention.
- Confirming they are speaking to you by pointing at you.
- Gesturing with their hands for you to approach.

If you feel you need to approach someone, do the following:

- · Greet them, say hello and introduce yourself.
- · Gauge if they can speak English and if yes, continue with your request.
- If they do not speak English you can simply say the key word of what you are requesting such as 'food', the person's name that you are looking for, or place that you want to go.

#### Conversations with People

- Always talk about your visit in a positive way.
- Always talk about the people you have met in a positive way. Why? Because everyone is related and so to make a negative comment, agree to a negative comment or dispute a negative comment, is not your place and can taint how the whole community can perceive you during the remainder of your stay on the island and any future dealings with that community.
- Do not go 'over the top' in your praise or compare their island to other places as this will be perceived as a false response and will encourage distrust in you and your opinions.
- If signalled to come over, approach the requester and be open to an impromptu explanation or 'promotion' of your project. Most people would want to share their opinion or provide some history to the project, sometimes its failings as well. Always be open to this information and ensure the name, source and topic of the information is recorded in your field trip report.

#### Visiting People's Homes

Most **TSRA** staff will not be required to visit a person or family's home as this is considered a private domain. All TSRA work should be conducted in a formal way in the community and one family should not be seen to be given special treatment or access to yourself or TSRA information over the rest of the community.

If you are invited to visit someone's house, whether to view something relating to your work, an artwork for an exhibition, remains of a recently caught dugong that was being monitored, or if you are lucky enough to be invited to dinner, it is best to follow these steps:

- Wait to be invited before entering a person/ family's yard or house,
- · Always take your shoes off and leave at the door,
- Always ask if you can bring something along such as drinks or something for the children of the house.
- Always bring some basic information relating to your visit, information you can provide about your work - but only reveal if brought up in conversation.
- Depending on the distance from your accommodation, ask if it is okay to walk home.
   In most cases if it is late you may either be dropped back by vehicle or accompanied by the family for the walk home,
- Please note that if a staff member is visiting
  a community member's house of the opposite
  gender it is always helpful to be accompanied
  by someone. It is not appropriate for a staff
  member to be alone with a community member
  of the opposite gender in a private dwelling, and
- · Dress appropriately at all times smart casual.

#### Children

Most children are friendly and will say hello and ask questions if they have seen you around. If possible limit any interaction with any children especially when there is no parent or supervising adults around. Most **TSRA** business is with adults and any engagement with children should be done in the presence of adult. In these cases all staff members should have a 'Blue Suitability Card' issued by the Commission for Children and Young People.

#### Dogs

All staff should be aware of dogs when visiting a community. Most dogs have an owner, however each dog in each community may be looked after in different ways. Whether a dog is wandering freely or restrained somewhere it is best that **TSRA** staff do not attempt to either be friendly or hostile to any animal. Any dogs being a nuisance at public meetings or gatherings will be addressed by community members. When walking around a community especially at night please take care.

#### Sibuwanay/Tar Digri - Giving of the Gift

Sibuwanay in Kala Lagaw Ya and Tar Digri in Meriam Mir are similar in meaning and describe the generosity of individuals, families and communities in showing their appreciation for the visit and its purpose. Individuals and communities select objects which best represent their community, and present in an official way to individuals and/or groups.

Giving gifts is an important part of Torres Strait Islander culture and is a highly respected practice. The value is not on the gift itself, but on the time, effort and spirit exchanged between the parties. The recipient is under no obligation to reciprocate the action.

If you are a recipient at a meeting or event where this cultural practice is taking place, you should;

- · Receive the gift with a humbled gesture, and
- · Thank the community or individual for the gift.

It is important to note the gift given is not intended as a subtle form of influence to create a favourable impression or to gain preferential treatment. It is not supposed to create, or give rise to a conflict of interest.

However, it is recognised that acceptance of a gift might create a sense of obligation that may compromise impartial and honest decision making. Therefore the gift must be disclosed to **TSRA** Corporate Services.

# Recommended Reading

**TSRA Cultural Policy February 2011** 

Mina Mir Lo Ailan Mun, Department of Aboriginal and Torres Strait Islander Policy Development

http://www.atsip.qld.gov.au/everybodysbusiness/protocols-torres-strait-islander/ documents/minamir.pdf

**Please note:** this guide was written in the late 1990s and is to be updated during 2011.

# Industry specific protocols and standards

Visual arts: protocols for producing Indigenous Australian visual arts, Australia Council, 2008 http://www.australiacouncil.gov.au/resources/ reports\_and\_publications/artforms/visual\_arts/ visual\_arts\_protocols\_for\_producing\_indigenous\_ australian\_visual\_arts

Performing arts: protocols for producing Indigenous Australian performing arts, Australia Council, 2008

http://www.australiacouncil.gov.au/resources/ reports\_and\_publications/artforms/dance/ performing\_arts\_protocols\_for\_producing\_ indigenous australian performing arts

Media Arts: Protocols for producing Indigenous Australian media arts, Australia Council, 2008 http://www.australiacouncil.gov.au/resources/reports\_and\_publications/artforms/indigenous\_arts/media\_arts\_protocols\_for\_producing\_indigenous\_australian\_media\_arts

Music: protocols for producing Indigenous Australian music, Australia Council, 2008

http://www.australiacouncil.gov.au/resources/reports\_and\_publications/artforms/music/music\_protocols\_for\_producing\_indigenous\_australian\_music

Writing: protocols for producing Indigenous Australian writing, Australia Council, 2008

http://www.australiacouncil.gov.au/resources/reports\_and\_publications/artforms/literature/writing\_protocols\_for\_producing\_indigenous\_australian\_writing

Guidelines for ethical and effective communication for researchers working in the Torres Strait, CRC Reef Research Centre http://www.rrrc.org.au/publications/downloads/T51-Report-Final.pdf

Values and Ethics - Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research, NHMRC http://www.nhmrc.gov.au/publications

http://www.nhmrc.gov.au/publications/synopses/e52syn.htm

Keeping research on track: a guide for Aboriginal and Torres Strait Islander peoples about health research ethics, NHMRC

http://www.nhmrc.gov.au/publications/synopses/e65syn.htm

Guidelines for Ethical Research in Indigenous Studies, AIATSIS

http://www.aiatsis.gov.au/research/ethical.html

# Attachment One Taken from Mina Mir Lo Ailan Mun

# Issues affecting inter-cultural communication

Communicating with those unfamiliar to us does not come easily. The more distant and unacquainted the cultures, the greater the challenge.

Therefore, good communication requires the parties to truly understand each others' social systems.

It is important outsiders understand the behavioural ground rules of the Torres Strait, because if the latter are broken people become offended and communication breaks down.

Islanders' views and meaning systems vary from that of other cultures, although in some aspects there will be similarities. In cross-cultural communication there is always a risk that ideas will be misinterpreted and this can lead to considerable confusion, misunderstanding, disappointment and even resentment.

There is also the problem of dissimilar concepts of social process. In traditional Islander society, both the spiritual and the secular were interwoven, and this is still evident today. However, in European society the two are usually separated.

Compounding these differences are past policies of segregation, paternalism, neglect and isolation which have not been erased from Islanders' minds. Similarly, contemporary policies, considered to be progressive and enlightened by some, do not necessarily enjoy widespread support among the Island communities. For instance, land rights legislation introduced by the Queensland Government in the early 1990s was rejected by many Islanders. In addition, bureaucratic procedures often do not sit comfortably with the Island way of doing things.

All of these factors are barriers to effective communication and will need to be overcome if inter-cultural dialogue is to be more productive. Fortunately, there are ways and means of improving communication with Islanders.

#### Interpersonal Skills

The cornerstones of sound communication are interpersonal skills.

Most people will not care to deal with you unless you can demonstrate you are sincere, trustworthy, open and honest. Torres Strait Islanders are no different in this way.

It does help to have a reasonable knowledge and appreciation of Torres Strait Islander custom and history. If you have this knowledge you will be better able to empathise with people and issues.

Taking a genuine interest in people - without being intrusive - helps foster ongoing relationships.

Being helpful and friendly is particularly appreciated. Torres Strait Islanders place a good deal of emphasis on courtesy and kindness. This is known locally as 'Good Pasin', meaning good fashion or behaving with a degree of sophistication and charm.

Failure in this area can be irreparable.

It is also absolutely essential to tell the truth at all times, no matter how unpopular this can be. Failure to do so destroys credibility which is unlikely to be regained. Above all treat people the way they want to be treated, instead of the way you think they should be

Genuine respect for their beliefs, opinions and lifestyle is essential.

#### **Communication Techniques**

There are a number of techniques that can be used that will help with your dealings with Torres Strait Islanders. To be successful, these will obviously need to be used in a sincere, rather than a manipulative way. They also need to be practised regularly.

#### Listening

Listening is most important. This means listening without interrupting, without being selective and assuming that you know what people are going to say and actually listening - not just pretending to listen. Islanders will want to fully explain their position to you and this often takes time.

Being attentive and patient while they are informing you will be appreciated. It will also help establish a good relationship.

In situations where communication is sensitive or tense it often helps to be empathetic and to paraphrase. After Islanders have finished talking, you can summarise and repeat what they have told you. By doing this, you signal that you are serious about their views and you have a clear understanding of them.

When introducing an idea, carefully observe the response to it. If the idea has little or no support this will generally be conveyed by silence. Sometimes it is difficult not to interrupt and not to finish partially completed sentences. This is partly because some cultures are uncomfortable with silent pauses. It may also be that we are in a hurry to obtain an answer and complete the task. We need to become more comfortable with silences.

Allow time for people to think about the idea and for them to discuss it informally among themselves.

#### Questioning

It is often impolite to ask too many questions. Direct questioning may cause offence and consequently be ineffective. Nevertheless, it is quite important to seek input, but listen carefully to replies to see whether your questions were already answered in the earlier responses given.

It is also important to provide time for answers to be thought about and even talked about. This can take weeks in some consultation contexts.

#### Language

Whilst English is often not people's first language it is nonetheless widely understood.

As most Islanders have a good understanding of English, you would talk with them in much the same way as you would with your friends and colleagues. It pays to quickly make your own judgement on the individual's level of English and adjust accordingly.

Where English is not so strong, you need to consider the choice of vocabulary, rate of delivery, clarity and logical ordering of ideas. The style needs to be understandable, free of jargon and appealing. Do not speak loudly or in a patronising manner.

Occasionally it may be beneficial to use interpreters. In these instances you need to be confident that what you are saying is understood and translated correctly.

These principles also apply to written communication.

Finally, sign language and gestures are frequently used to express points of view in the Torres Strait. This usually occurs between Islanders themselves; however, this can be extended to others as relationships grow and improve.

#### **Consultation and Negotiation Strategies**

With regard to consultation, it is crucial to keep in mind it is a process, and the process is as important as the outcomes. It is therefore a good idea to adopt a systematic approach. Anyone conducting a consultation would therefore need to:

- · Be conscious of the dissimilarities between the two cultures' ways of viewing the world.
- Be committed to the process and prepared to devote time and resources to it.
- Understand that the consultation process needs to be open, equitable and flexible. For a consultation to be successful, the people and organisations being consulted need to believe their participation is valued and respected. These people and organisations would need to be confident their ideas and input will be taken into account. Failure to do so will generate considerable resentment and cynicism,
- · Have a thorough understanding of the nature and origin of the issue, program or problem they wish to discuss.
- Determine who are the appropriate people, organisations and government agencies to contact and the likely ways they will interact. Have a good knowledge of the organisational, social and political context. Who will participate? Who will support? Who will resist? Who will oppose? Who will cooperate?
- · Provide the people, organisations and government agencies with sufficient information to make the consultation meaningful, valuable and productive,
- Determine what type or combination of types of consultation is appropriate,
- · Expect Islanders to be indifferent or hostile to ideas and proposals that are incompatible with their ways of thinking and lifestyle,

- Anticipate questions and issues that are likely to arise during discussions among participants, and outline options for dealing with those issues, and
- · Continually monitor and evaluate the consultation process in order to improve methods and communication

When actually discussing an issue, allow the community leaders to pace and manage the meeting. Islanders often prefer to discuss matters in their own language. Be relaxed about this. **The outsider** has a participatory role, not a controlling role. Furthermore, do not expect to resolve issues in one meeting and do not push for an instant decision. If you push hard you might be able to get a decision - but it will be one which community leaders and residents may not regard as binding.

Other general rules to keep in mind are:

- Always be open, honest and sincere.
- Never make any promises you cannot deliver. Explain carefully the constraints within which you work which may mean recommendations are not automatically accepted even when you fully support them.
- · Try not to refuse proposals outright. Advise communities about other opportunities to achieve their objectives and assist them to establish relations with the appropriate funding body.
- Always seek cooperation from the Community Council before going to a community.
- Familiarise yourself with behavioural protocols in Island communities. This will develop over time with patience, good observation skills, and perhaps guidance from a competent person who is familiar with the process.
- · Respect religious protocols such as grace before meals and the practice of opening and closing meetings with prayers.

- Respect 'Ailan Kastom' (Island Custom) such as Island adoptions. These have legitimacy in the Torres Strait
- Avoid intruding on significant cultural events such as funerals and tombstone openings
- Understand 'Ailan Time' (Island time) meetings may not start when scheduled
- Do not cause anyone to suffer the loss of personal dignity
- · Avoid direct criticisms of particular individuals
- Be careful with the use of humour; it may be misunderstood
- · Be patient, tactful and discreet
- Avoid talking excessively, particularly in the company of elders
- Stick to formal addresses when talking to chairpersons and councillors until given permission to do otherwise
- Do not be submissive; be organised, professional, confident and helpful
- Never underestimate the breadth and depth of knowledge in the community and the technical skills available
- Dress appropriately because poor dress standards may offend
- Be aware that there are distinct boundaries between males and females and practice appropriate behaviour at all times
- · If in doubt about protocols, ask and find out

Consultation and negotiation is not a time-specific process. It needs to be recognised as an ongoing and essential component of the policy making process in Islander affairs. It also needs to be seen as a process founded on networks of relationships that require continual development and nurturing. It is important to remember that discussions in informal settings 'after hours' may be of as much, if not more, assistance than formal meetings.

It goes without saying that if relationships are to last they need to be based on trust and mutual benefits.

However, maintaining relationships in the policy process is not easy; they are often chaotic and explosive. There are also entrenched negative attitudes both of and towards those in public sector positions which compound the problem.

The key to successful consultation is relationship building. The latter can only be achieved by officers developing an empathy with, and understanding of, the socio-cultural dynamics of Islander communities. If officers make themselves accessible and accountable to people and organisations in Islander communities, they will enhance their credibility and help build positive attitudes.

#### MINA MIR LO AILAN MUN

**Please note:** this guide was written in the late 1990s and is to be updated during 2011.

# Attachment Two Torres Strait Communities

# Inner Islands

Island/place	People	Practices	Governance
Port Kennedy (Thursday Island -Waibene)	Traditional Owners Kaurareg Community Members Kaurareg, families from all the outer island communities Non-Torres Strait Islanders	Language English/Torres Strait Islander (TSI) Creole	Originally an Colonial outpost which is now the region's main administration centre  Local Government Torres Shire Council  Commonwealth TSRA Board Representation  Land  Mainly Freehold with some areas are under Native Title
Trawq (Thursday Island - Waibene)	Traditional Owners Kaurareg Community Members Kaurareg and families from all the outer island communities, some non-Indigenous people	<b>Language</b> TSI Creole	Established to house outer island families and previously classified as an Aboriginal Reserve  Local Government Torres Shire Council  Commonwealth TSRA Board Representation  Land  Mainly Freehold leases, DOGIT and some Native Title areas
Horn Island (Ngurapai) and Prince of Wales Island (Muralag)	Traditional Owners Kaurareg Community Members Kaurareg and families from all the outer island communities, some non-Indigenous people	Language Kala Lagaw Ya (Kaurareg dialect)	Local Government Torres Shire Council Commonwealth TSRA Board Representation Land Some Freehold leases with majority under Native Title
Hammond Island (Kiriri)	Traditional Owners Kaurareg  Community Members Kaurareg descendants and families from all the outer island communities	<b>Language</b> TSI Creole/ English	Previously a Catholic Mission and despite close proximity to Thursday Island it is considered an "Island Community" as majority or residents are Torres Strait Islanders  Local Government Torres Strait Island Regional Council  Commonwealth TSRA Board Representation  Land  DOGIT, a Native Title claim may be submitted in the near future

# Near Western Islands

Island/place	People	Practices	Governance
Badu Island (Mulgrave Island)	Traditional Owners Mura Badulgal Community Members Mura Badulgal and some PNG Nationals		Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
<b>Mabuiag</b> (Jervis Island)	<b>Traditional Owners</b> Goemulgal	<b>Language</b> Kala Lagaw Ya (Mabuyag dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
Kubin Community Moa Island (Mua)	<b>Traditional Owners</b> Mualgal	<b>Language</b> Kala Lagaw Ya	Local Government Torres Strait Island Regional Council  Commonwealth TSRA Board Representation  Land DOGIT and Native Title area  Sea Native Title area
St Pauls Community Moa Island (Mua)	Traditional Owners Mualgal Community Members Families with mixed Torres Strait Islander and South Sea Islander heritage	<b>Language</b> TSI Creole	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT

# Top Western Islands

Island/place	People	Practices	Governance
Saibai Island	<b>Traditional Owners</b> Saibai Mura Buai <b>Community Members</b> Saibai Mura Buai and some PNG nationals	Language Kala Lagaw Ya (Kala Kawaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
Boigu Island	<b>Traditional Owners</b> Malu Kiai <b>Community Members</b> Malu Kiai and some PNG nationals	<b>Language</b> Kala Lagaw Ya (Kala Kawaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land Mainly Freehold leases, DOGIT and some Native Title areas
Dauan Island	<b>Traditional Owners</b> Dauanalgaw	Language Kala Lagaw Ya (Kala Kawaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area

# Central Islands

Island/place	People	Practices	Governance
Warraber Island (Sue Island)	<b>Traditional Owners</b> Warraberalgal (Part of the larger Kulkalgal nation)	Language Kala Lagaw Ya (Kulkalgaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
Poruma Island (Coconut Island)	<b>Traditional Owners</b> Porumalgal (Part of the larger Kulkalgal nation)	Language Kala Lagaw Ya (Kulkalgaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
lama Island (Yam Island)	<b>Traditional Owners</b> lamalgal (Part of the larger Kulkalgal nation)	<b>Language</b> (Kulkalgaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
<b>Masig Island</b> (Yorke Island)	<b>Traditional Owners</b> Masigalgal (Part of the larger Kulkalgal nation)	<b>Language</b> Kala Lagaw Ya (Kulkalgaw Ya dialect)	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area

# Eastern Islands

Island/place	People	Practices	Governance
<b>Ugar Island</b>	<b>Traditional Owners</b>	<b>Language</b>	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
(Stephen Island)	Ugaram Le	Meriam Mir	
<b>Erub</b>	<b>Traditional Owners</b>	<b>Language</b>	Local Government Torres Strait Island Regional Council Commonwealth TSRA Board Representation Land DOGIT and Native Title area
(Darnley Island)	Erubam Le	Meriam Mir	
Mer (One of three Murray Islands, remaining two are Waier and Dauar)	<b>Traditional Owners</b> Meriam Le	<b>Language</b> Meriam Mir	Has eight (8) tribes who all have equal say in community matters  Local Government  Torres Strait Island Regional Council  Commonwealth  TSRA Board Representation  Land  Native Title area

# Northern Peninsula area

Island/place	People	Practices	Governance
Bamaga	Traditional Owners  Community Members  Mixed Torres Strait Island and Aboriginal heritage	<b>Language</b> TSI Creole	Historic Torres Strait community established on Aboriginal Land  Local Government Northern Peninsula Area Regional Council  Commonwealth TSRA Board Representation  Land DOGIT and Native Title area
Seisia	Traditional Owners  Community Members  Mixed Torres Strait Island  and Aboriginal heritage	<b>Language</b> TSI Creole	Historic Torres Strait community established on Aboriginal Land  Local Government Northern Peninsula Area Regional Council  Commonwealth TSRA Board Representation  Land DOGIT and Native Title area

# Attachement Three Torres Strait Prescribed Bodies Corporate

#### Badu Ar Mua Migi Lagal (TSI) Corporation RNTBC (Islands between Badu and Moa- uninhabited)

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# Kulkalgal (TSI) Corporation RNTBC (Aureed – uninhabited island)

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## Malu Ki'ai (TSI) Corporation RNTBC (Boigu)

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#### **Torres Strait Sea Native Title Area**

Please contact **TSRA** Native Title Office on **Ph** (07) 4069 0700





The TSRA Vision

Ngalpun yangu kaaba woeydhay, a ngalpun muruygaw danalagan mabaygal kunakan palayk, bathayngaka (KALA LAGAW YA)

Buaigiz kelar obaiswerare, merbi mir apuge mena obakedi, muige merbi areribi tonarge, ko merbi keub kerkerem

Ngalpan moebaygal thoepoeriwoeyamoeyn, ngalpan ya kuduthoeraynu, ngalpan igililmaypa, sepa setha wara goeygil sey boey wagel (KALA KAWAW YA)

Empowering our people, in our decision, in our culture, for our future



