# Factsheet: Consultation

## About the Act

The *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (the Act) was passed in Queensland Parliament on 8 September 2020 and came into force on 1 July 2021.

The name of the Act incorporates language terms from Torres Strait Islander languages. 'Meriba Omasker' and 'Kaziw Kazipa' together translate to 'for our children's children'.

Shared child rearing is a common and enduring Torres Strait Islander cultural practice. Generations of Torres Strait Islander children have been raised in supportive and loving extended family environments.

The legal recognition of Torres Strait Islander traditional child rearing practice represents a historical milestone and will resolve longstanding issues faced by Torres Strait Islanders whose legal identity does not reflect their cultural identity and lived experience.

The Act establishes a process for eligible Torres Strait Islander families for making an application for, and decisions about, the legal recognition of the cultural practice. If granted this will result in a permanent transfer of parentage from the birth parents to the cultural parents.

## The Kupai Omasker Working Party

The Kupai Omasker Working Party was formed in 1990 to advocate on behalf of Torres Strait Islander people for legal recognition of their traditional child rearing practice.

Members of the Kupai Omasker Working Party were involved in more than 30 community meetings, public forums and consultations in 2018 and were involved in the consultation workshop to inform the draft Bill in 2020.

## Consultation that informed the Act

The Act was developed in response to many years of advocacy by Torres Strait Islander peoples and builds on previous consultations held in 1993 and from 2011 to 2013.

In 2018, with the support of a panel of Eminent Persons, the Queensland Government led a series of community meetings.

Three Eminent Persons were engaged to provide legal, cultural and gender expertise during the complex and culturally sensitive consultations. The Eminent Persons worked closely with the Queensland Government and Torres Strait Islander communities to ensure the voices of Torres Strait Islander people were reflected in the development of the Act.

More than 350 Queenslanders participated in meetings held in communities across the state—including Thursday Island, Cairns, Bamaga, Townsville, Mackay, Badu Island, Mer Island, Caboolture, Goodna, Brisbane City and Carindale—in response to *‘Akuar Thoeridhay Kazi*’ – *For Our Children’s Children’* Consultation Paper.

In 2019, the former Department of Aboriginal and Torres Strait Islander Partnerships facilitated a series of targeted consultations with the Eminent Persons on the draft legislative framework that would guide the introduction of the Bill.

The department held a consultation workshop to discuss the Bill with the Kupai Omasker Working Party, Eminent Persons and Judge Josephine Willis AM, Cairns Federal Circuit Court Judge, with representatives from the former Department of Child, Safety, Youth and Women and Department of Justice and Attorney-General in attendance.

Other organisations were also consulted on the draft Bill including the Queensland Human Rights Commission, the Queensland Family and Child Commission, the Queensland Civil and Administrative Tribunal, the Office of the Public Advocate, the Office of the Public Guardian, the Public Trustee, Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Services and relevant heads of the judiciary.

## Key findings

Some of the key findings from the consultation sessions were:

* All Torres Strait Islander children should be able to obtain a birth certificate that reflects their cultural identity and lived experience.
* Cultural lore and protocols dictate that discussion about traditional child rearing practices outside of the family (particularly those directly involved) is 'taboo', prohibited and regarded as highly inappropriate.
* Any process for Torres Strait Islander people to obtain legal recognition should be affordable, accessible, culturally appropriate and confidential.

## Next steps

The Queensland Government is preparing for the implementation of the Act. This involves the establishment of administrative structures and processes that will allow for Torres Strait Islander families to apply for cultural recognition orders.

The Act was proclaimed on 1 July 2021. Following the implementation of the operational requirements of the Act, eligible Torres Strait Islander families will be able to make applications to seek legal recognition of the cultural practice through a cultural recognition order.

## Keep up to date

For more information about *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*, visit: [www.dsdsatsip.qld.gov.au/torreschildrearing](http://www.dsdsatsip.qld.gov.au/torreschildrearing)