# Factsheet: Implementation

## Background

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 received assent on 14 September 2020.

This fulfilled the Queensland Government 2017 election commitment to introduce new laws to legally recognise Torres Strait Islander families’ continued use of traditional child rearing practice.

## The purpose of the Act

The purpose of the Act is to:

* recognise Ailan Kastom child rearing practice
* establish a process for making applications for, and decisions about, the legal recognition of the cultural practice

The Act will be administered according to the main principle that any decision made under the Act must be for the wellbeing and best interests of the person who is the subject of an application for a cultural recognition order.

## Key features of the Act

The Act establishes a framework that is consent-based and voluntary. Not choosing to apply for legal recognition will not affect what has happened at a cultural level.

The key features of the Act are:

* Providing for the appointment of an independent Commissioner (Meriba Omasker Kaziw Kazipa) (an appropriately qualified senior Torres Strait Islander person) who will decide applications for legal recognition
* Legal recognition of the cultural practice will result in a permanent transfer of parentage from the birth parents to the cultural parents. This will be reflected in the records of the Registry of Births Deaths and Marriages
* Any decision under the Act, including deciding to make a cultural recognition order, must be for the wellbeing and best interests of a person who is the subject of an application for a cultural recognition order and must be made for the wellbeing, and in the best interests, of the child;
* Consent for legal recognition must be provided by the birth parents and cultural parents (where available)
* Suitability of the cultural parents means that the cultural practice has been verified by persons with knowledge and understanding of the cultural practice specific to the family’s community (for example, senior family members)
* The Commissioner will have a discretion to seek criminal history for the cultural parents

## Implementing the administrative requirements of the Act

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 traditional child rearing practice through a cultural recognition order. The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is working to ensure that the infrastructure is in place once the Act is operational. This includes:

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| **Commissioner Meriba Omasker Kaziw Kazipa****Providing for a full-time Commissioner to make decisions under the legislation** |
| Stages | Advertisement and selection process for an appropriately qualified Torres Strait Islander person |
| Government consideration to make a statutory appointment to the role of Commissioner |
| Commissioner is appointed  |
| **Office of the Commissioner** **Establishing an office to support the work of the Commissioner** |
| Stages | Recruitment of staff to support establishment of the Office of the Commissioner  |
| Develop the Client Record Management System (CRMS) to record and manage applications for cultural recognition orders. |
| Secure office premises and equipment for the Commissioner and supporting staff |
| Promoting community awareness and education of the process |
| **Applicant support** **Including legal support and interpreter costs, and promoting awareness of the Act**  |
| Stages | Recruitment of staff to provide support to applicants to navigate the application process |
| Legal support and interpreter costs for the birth parents and cultural parents secured to ensure all parties are informed about the long-term implications of the process |
| Promoting community awareness and education of the process |
| Commissioner will open the application process in 2021  |

## Next steps and who is involved

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is leading the implementation of the Act and will continue to work with the members of the Kupai Omasker Working Party to ensure culturally responsive processes, services and communication.

## 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)