



# ***HEALTH, COMMUNITIES, DISABILITY SERVICES AND DOMESTIC AND FAMILY VIOLENCE PREVENTION COMMITTEE***

**Members present:**

Mr AD Harper MP (Chair)  
Mr MC Berkman MP  
Mr MA Hunt MP  
Ms JE Pease MP

**Members in Attendance**

Hon. GJ Butcher  
Ms CL Lui MP

**Staff present:**

Ms L Pretty (Inquiry Secretary)

## **PUBLIC HEARING—INQUIRY INTO THE MERIBA OMASKER KAZIW KAZIPA (TORRES STRAIT ISLANDER TRADITIONAL CHILD REARING PRACTICE) BILL 2020**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 5 AUGUST 2020**

**Bamaga**

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### The committee met at 12.23 pm.

**CHAIR:** Hansard is ready, which means that everything we say will now be in the domain of the parliament forever. It is quite powerful when you think of what you are doing with our committee. I am Aaron Harper, the chair of the committee. I now declare open this public hearing of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee. We are in the electorate of Cook, and who better than Cynthia Lui to do an acknowledgement of country. I know we have a welcome as well, but, given that you introduced the bill that we are talking about, I think it is entirely appropriate to hand over to you.

**Ms LUI:** Thank you, Mr Chair. I will start off by asking for a traditional welcome to country, if that is all right, and then we will get into the acknowledgement.

**CHAIR:** Yes.

*Rev. Eris Eseli then prayed.*

*Ms Williams then gave a welcome to country—*

**Ms Mark:** I would like to acknowledge the traditional owners of the land where we have our meeting, past, present and emerging. I thank them for that. Can we have a minute's silence for those who have passed and who are still in mourning?

*Whereupon honourable members and attendees stood in silence—*

**Ms LUI:** I start by also acknowledging the traditional owners of the land on which we meet today, the Anggamuthi, Atambaya, Wuthathi, Yadhaykenu and Gudang people. Eso. Thank you for your warm welcome this morning. On behalf of all of us here, we appreciate your welcome to country. We want to show our respect for this very important conversation that we are going to have today. Thank you also for joining us this morning for the meriba omasker kaziw kazipa. It is a very big thing, the (inaudible). I think it is really important that we all take part and that we all come together, have our say and give our contribution to this very important bill. It is going to go down in history and you can be assured that your name will go down in history as well for your contribution here today. I really want to thank you for that. Eso.

**CHAIR:** Eso. I will go completely off script and get the other members to introduce themselves.

**Ms PEASE:** Hello, I am Joan Pease. I am from a seat in Brisbane called Lytton, which is on Quandamooka country on Moreton Bay.

**Mr HUNT:** My name is Marty Hunt. It says 'Martin' here. My mum calls me Martin, but Marty is fine. I am the member for Nicklin, which is on the Sunshine Coast. Thank you for your welcome and thanks for coming out here today to talk to us.

**Mr BERKMAN:** I am Michael Berkman. I am from the seat of Maiwar, which is on Jagera and Turrbal country, based around Indooroopilly, Toowong and Taringa in Brisbane.

**CHAIR:** I am Aaron Harper, the member for Thuringowa in Townsville, which is Wulgurukaba and Bindal people's lands. It is a pleasure being here in your community. Cynthia, I think you are now going to be the new chair! Well articulated. It is going to go down in history. Never before in an Australian parliament have we had traditional language and culture. It is a merging of lore and law. This is significant in making sure that we recognise those traditional practices that have happened for millennia.

We will hear today from people who are here: Aunty, thank you very much. Edna, thank you, and Joyce, and anyone else who would like to speak on the obstacles that are faced that would inform the committee of what this means to you in your communities and maybe share some personal experiences as well. I know that for many years Torres Strait Islanders have sought legal recognition of the practice of traditional child adoption or moving from the biological parents to the receiving parents. This has happened for many, many years. All we are doing now is putting a legal framework around it—that is, the parliament—but I must acknowledge and put on record the work of the Kupai Omasker Working Party. For 35 years they have been pushing to have legal recognition. We have heard from people in Brisbane, Townsville and Cairns yesterday. We have the member for Cook travelling with us here today in Bamaga but we will also be on Thursday Island and Saibai over the Bamaga

next few days to hear more. A lot of work and a lot of consultation has already occurred with the working party that has informed us. A bill has been drafted. It is now our job, the committee, to hear from people in communities, table a report on 28 August and get it in to the parliament. It will be for the government to put that to the floor of the parliament. I am sure there are many people here who would like to see this done. A lot of work has gone in already. We are really humbled to have carriage of this on the health committee.

**COWLEY, Ms Margaret, Private capacity**

**CRAFT, Ms Annabel, Aboriginal and Torres Strait Islander Legal Service**

**ESELI, Reverend Eris, Private capacity**

**EWART, Ms Amanda, Ipima Ikaya Aboriginal Corporation**

**GEBADI, Ms Kitty, Deputy Mayor, Northern Peninsula Area Regional Council**

**GUTCHEN, Ms Rita, Many Rivers, Private capacity**

**JACOB, Ms Beverly, Private capacity**

**MARK, Aunty Edna, Private capacity**

**SOKI, Miss Joyce, NPA Family & Community Services**

**TOWNSON, Ms Mazorie, Private capacity**

**WASIU-TAMWAY, Ms Regina, Private capacity**

**WILLIAMS, Ms Rebecca, Private capacity**

**YUSIA, Ms Patricia, Mayor, Northern Peninsula Area Regional Council**

**CHAIR:** I am going to open the floor to whoever would like to start. Aunty Edna, would you like to start with your story and we can open to any questions after?

**Ms Mark:** I think maybe I will pass on that for the moment. Maybe beauty before age.

**CHAIR:** Joyce? You just had a very recent experience.

**Miss Soki:** Yes. By chance I happened to be here today. I just received mail through my email asking for more documentation in regards to my [REDACTED] that we have adopted through traditional island adoption 11 years ago. Since [REDACTED] birth we have been trying to get the biological parents, which is my [REDACTED], my [REDACTED], and partner to actually sign like to adopt her over to us but we have had problems in paperwork. There is a lot of paperwork. Eleven years this is, and it is like an ongoing thing for me.

Personally, myself has been adopted out too. I have been traditionally adopted out. I am 50 years old now and I have been given away at the age of three and ever since then we grew up with our adoptive parents knowing that we were from that family, which is Soki. My biological is another name. My mother was from here, from Saibai Island. They migrated. They were one of the migrated families that came over. Going back, when I went to school in Thursday Island it was hard for me to know because I could not get hold of my birth certificate. I had a lot of sporting trips and at that time there was always excuses. Mum said she could not get hold of a birth certificate, but I think it was only because they were trying to hide all that from me.

At the age of 17 I found out that I was adopted and I was not recognised then by my adopted family. There was a lot of fighting and arguments going on. That is when I wanted to find out who my biological families were and that is when I came over to Bamaga to find out who my real mother was. I stayed here ever since the age of 18. I met the father of my children that I got married to here in Bamaga and I had two older kids. At the young age of 18 I had [REDACTED] and I adopted [REDACTED] out to my biological [REDACTED]. That is when I first found out who she was, so I adopted [REDACTED] to her and she married a white man and they took [REDACTED] away from here for schooling, education and stuff down south. They lived in Bundaberg for quite some time. When [REDACTED] went to school it was hard for [REDACTED] to get hold of a birth certificate. It was really hard. Then I had another [REDACTED] that I gave out to the islands—

my [REDACTED] out in the Torres Strait at St Pauls. [REDACTED] was given out and it was the same thing: [REDACTED] went to school down south and had to get hold of a birth certificate and finding out that my name was on the birth certificate. It was just like an ongoing thing for me. They rang me and said, 'How come your name is on my birth certificate?'

It is really hard to explain the reason we were adopted out. It is because of the ties that we have in the families. Back then our parents had—how do you say it?— like, respect back towards whether it is a brother or sister that cannot have children and have to give to them, you know—in that sense, giving them with love and not having to have anything to do with that child ever again. That is the same thing now I am experiencing with my 11-year-old [REDACTED], having to take from my [REDACTED]. For a start she was not registered and I have to go through the whole process of trying to find out where the registration was. She gave birth to [REDACTED] over at Thursday Island Hospital but she did not register [REDACTED] down so I had to go through the whole process of getting the child registered. At one stage I was trying to get hold of [REDACTED] back in Thursday Island but I could not get through and all that. All this long it took me and I could not get hold of any Centrelink payment to help me out with child care and all that so we basically forked out, me and my partner.

Then we have got hold of the mother. Then I went through ATSILS and I asked her to help me out—[REDACTED]—and she got hold of my [REDACTED] and we both signed to say that she was adopted over to me, like being that island adoption. Then I got hold of a birth certificate for her, but on the birth certificate she explained to me that we have to have the biological mother. The minute I received the birth certificate and my partner saw that he said, 'Hide it from her!' and I thought, 'My God, here we go again. I'm going through the same process again. We won't be able to show her the birth certificate because the biological mother's name is on it.'

Like I said, when we adopt a child it is something that is very significant to us as adoptive parents. We bring them up as our very own. We have our own children. My partner has his eight children, I have got my seven children and together we grew up all our kids like our very own. [REDACTED] has been treated like our very own. It is just a matter of getting this Centrelink payment. I am trying to claim for FTB and the CCS for childcare subsidy so I just only recently today got that document. When I went through my myGov and I filled out all that paperwork, what is required, I have attached the birth certificate and that letter that we did up through ATSILS where the biological mother did sign too, but they were still asking for more. I applied for the childcare subsidy and they were asking for some proof of adoption paper. I have only just been off the phone to Centrelink down in Canberra, wherever the call centre is, and I just explained to them that this is island adoption; this is how we do our traditional island adoption. When the biological mother gave birth to that child we took the child straight from the labour ward into our arms and today [REDACTED] is still with us.

I have had problems at school where [REDACTED] has been known by the biological mother's name and it has affected [REDACTED] a lot because [REDACTED] comes home and [REDACTED] said, 'I've been given an award and it's got this name on it.' We try to explain to [REDACTED] like, you know, 'That's all right, darling. They probably have mistaken you for Mama Cass's child.' You know, we have to come up with those excuses just to protect [REDACTED]. I know it is very sensitive, but it is also heartbreaking too. Now today we have got a lot of kids actually out there and saying, you know, 'You're not their kids. You're their kids.' We do not like that happening.

Traditional adoption is to be really recognised. That is what I am really trying to speak here is: when we take our kids from whoever we adopt from, it is ours and we would like everything to be from us. We sweat ourselves at work to put bread and butter on the table for her. I would really like to see changes here where Centrelink will stop asking questions and asking for so much documentation to prove that the child has been adopted and all that, yes.

**CHAIR:** Thank you, Joyce. The passing of this bill would negate any of those barriers that you have with people like Centrelink. Queensland is looking to recognise that deeply personal connection you have just shared with us. Thank you for that. This is about love—love of the child. We have had other members of the community join us. Welcome. If you are entirely comfortable continuing with the public hearing we will do that, but we will offer a private hearing afterwards as well. I want to put that out there because it is deeply personal and it is difficult to talk about because this is sacred to Torres Strait Islander culture. That is certainly what we have heard in our travels to date. Thank you for sharing that.

**Mr HUNT:** You talk a lot about people wanting documents, such as Centrelink. This bill and the way it will work requires signed statements from a lot of different parties. Would you like to see a simpler system where maybe you could give verbal evidence rather than trying to fill out forms? Do you think it would be workable in the communities if they have to give written documents? Perhaps the legal service could comment on that.

**Ms Cowley:** My name is Margaret Cowley. I am the chair of the Northern Peninsula Area Community Justice Corporation. I want to support what Joyce was saying. We all know it is taboo in that the baby adopted has been marked in the belly. When the Kupai Omasker started, I was representing NPA when we first started the meetings in Townsville.

One of the main things that concerned me was: my [REDACTED], who was traditionally adopted by my parents, belongs to my dead brother. When my brother died, his partner adopted her to my [REDACTED]. We raised [REDACTED] with the surname of my [REDACTED] until [REDACTED] started high school here in Bamaga. [REDACTED] was selected to play basketball in New Zealand and [REDACTED] had to get a birth certificate. Apparently when the birth certificate arrived and [REDACTED] opened it, the certificate had [REDACTED] name, not my [REDACTED] or [REDACTED] adopted name. [REDACTED] cried and wanted to know. [REDACTED] was 16 years of age then and did not know at all where [REDACTED] came from, that [REDACTED] was adopted.

My concern is that when that child is registered, when it has been traditionally adopted, the child should be named with that traditional adoptive family's name. That is what happened to me, too. I adopted my [REDACTED] because she was still at school. I adopted the baby to raise him and sent my [REDACTED] back to complete her education. The same thing happened to him. My husband and I both did the paperwork to make sure that when he started high school he was known in that name. We were successful in that. He was traditionally adopted, but we did not do the paperwork. When he started primary school, he was in [REDACTED]. My concern is that when that baby is traditionally adopted or it has been claimed that it is going to be adopted, that paperwork should automatically be done in that child's adoptive parents' name.

**CHAIR:** Because it has already been agreed to, it is the intent of the bill to have the consenting parents or biological parents and the receiving or cultural parents do that as early as possible to overcome those issues of birth certificates. It will be up to the two consenting parents to do that. This will now give them the opportunity to do that early to overcome those very difficult experiences. Thank you for sharing that.

**Ms Craft:** My name is Annabel Craft. I work with the Aboriginal and Torres Strait Islander Legal Service, which is also called ATSILS. I am based in Bamaga and I work across the NPA as well as Thursday Island and the other islands. My job with ATSILS is as a practising solicitor. I do criminal law work for when people are in need of representation in court for criminal law matters. My main role is around what is called prevention, early intervention and community legal education. In summary, my job is to try to reduce unnecessary contact with the criminal justice system as well as the legal system generally for community members in the NPA and Torres Strait regions.

I will preface what I am saying by noting that ATSILS provided a written submission regarding the bill which showed very strong support for the recognition of traditional child-rearing practices for Torres Strait Islanders. I am sure I can say on behalf of the organisation that we are very, very happy that the recognition is going to happen and that a bill is obviously being considered. Thank you all for your hard work. That is undoubtedly of incredible benefit to all of the communities.

My comments today will be based on my experience at the grassroots level, being that I am based in the community and I work very closely with the community around prevention and intervention strategies. As Joyce mentioned, I also do work around helping people with things to do with traditional adoption. In terms of our case load—how many people we have approaching the service around issues to do with traditional adoption—we would probably receive at least one or two inquiries a week from community members with various questions around what happens. As Joyce's example showed, a lot of those are around birth registration. They are also around getting copies of birth certificates; what is going to be on the birth certificate when they receive it; what information they can change on a birth certificate, for example changing a child's name or changing the names of the parents; other issues to do with interaction with Centrelink and also Child Safety; as well as, of course, when family law questions come up around who a child can stay in the care of and assessments around the best interests of the child. We get quite a high number of inquiries, especially to the NPA office where I am based, around the issue. I am sure that this legislation will provide a remedy for a lot of those questions that community members come to us about.

I have a few comments and also a couple of questions, if that is okay. I am not sure if they will be answerable at this point. When I read through the legislation I said, 'This sounds fantastic and I'm interested in how it might look in terms of being implemented.' The first thing I was glad to see is that in the explanatory memorandum, which is the explanation of what the bill is doing, there was a note that there were costings for the provision of funding for legal support and advice. From my perspective, this will be absolutely essential for the successful implementation of the bill. We have been running some prevention and intervention programs in the NPA communities and we are looking to implement them in Thursday Island. One of those initiatives is called the Licensing Muster Initiative, which is a collaborative project that is run through the NPA Community Justice Group, which Aunty

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Margie chairs, and Reverend Eseli, Aunty Edna and Beverly are also directors of the community justice group. It is fantastic that they are here because the community justice group is very heavily involved in the NPA Licensing Muster Initiative.

That initiative is about helping people ultimately get licensed, because the rate of driver related offences is very high in this community and is a reason why community members are going to prison. That is why it began. The reason I raise it with you is that one of the unintended consequences of helping people get their licence is us realising how many people have issues around obtaining identity documents. Just to give you an idea of the figures, in the last year we have lodged over 200 birth certificates and change of name applications through the Licensing Muster Initiative as well as birth registrations, and a lot of those have been in circumstances where there has been a traditional adoption. The person has required some level of legal assistance or advice. The example that Joyce gave is a really good one of where there have been issues with registering a child because there has been a traditional adoption or where people have felt worried about registering a child and then having a certificate that includes information that is not accurate and not culturally safe.

One of the organisations in the community we work very closely with is the high school and we work very closely with families and children to get birth certificates. One of the issues we have seen is that obviously we have to make sure we are doing that in a culturally safe way so that children are not being inadvertently told that they are adopted by getting that certificate, which they need in order to get their licence. We work very closely with the school to make sure we are doing that in a culturally safe way so that information is protected and we are acting in accordance with the family wishes.

I had a read of the bill. I am sorry, I am probably a little nerdish with my reading of legislation. A couple of the things that I thought would be worth noting are that the legislation talks about the making of an application, and you mentioned that there is a need for signed statements and there is also a need for a birth certificate. From my reading of that, the child would need to be registered. Then if the child is registered, you apply for a birth certificate and get the statements and make the application for recognition. I would hope that there were templates or something that people could use, or the option of giving an oral statement would be good.

**CHAIR:** Sorry to interrupt, within the clauses that I read there is discretion at the commissioner's level to have those interactions. That is within the explanatory notes. To answer your question, there is a fair bit of discussion.

**Ms Craft:** One of the things that we really helped with through the licensing muster is around birth registrations and the high rates of children not being registered. With one of the programs we have been running through the Licensing Muster Initiative we found that about 16 per cent of the high school students are either not registered or it is unclear if they are registered and further investigations are needed. That is significantly higher than you would find in the general population. I can only speak anecdotally, but I suspect that often children are not registered in circumstances where parents are not comfortable registering a child in the birth parents' names, so maybe that process does not happen when they are young. It is 16 per cent of years 10 to 12 of the high school; that is kids 16 and over. If you looked at the underregistration rates for children who are younger, I think you would probably find that it is higher because obviously as kids get older they are more likely to be registered. I would think that any implementation of the bill would require ensuring those supports and resources are available to provide people advice and assistance to make that happen. I can see in this community that the need for support, especially if you need to write statements or even provide oral evidence et cetera, would be high.

The other thing is making sure that there is independent advice and assistance if recognition is not granted or if there are questions raised, for example, around somebody's criminal history. What are going to be the referral pathways to make sure that they receive that help in a timely fashion? I imagine that once the bill passes and it is implemented there is going to be a big crush at the gates for everybody wanting to get through. The nature of it will be that, unless there is support provided for people to do that as effectively and quickly as possible, there might be some delay.

**Ms Mark:** As you all know, my name is Edna Mark. I am a director of the Northern Peninsula Area of justice. We have come across a lot of people trying to get birth certificates, only some find they are not registered under the name they thought they were registered under. It is very hard to get birth certificates. They might need it as soon as possible but then they cannot get it; they have to go through a process of changing their name. This goes back to parents and parents that they were given to. There is a lot of hurt there as well.

I find it very hard. I was taken away from my parents. I originally came from Old Mapoon when the removal from Old Mapoon happened in the early 1960s. We were, you might say, herded or driven out from our homeland. I was put on a plane without my parents' consent and taken to Stanthorpe. I

was then raised in Stanthorpe by the missionaries and did correspondence from Brisbane. The one good thing is that I was able to come back and visit my parents maybe every second or third year. When I went to school up here, when I finally made it back to my parents, we lived on Thursday Island. My dad used to work for Ernie Laifoo and my sister worked for Dr Carly at that time. It was very hard. Dad thought he would find more work in coming over to Bamaga. The school was very backwards, so they sent me off to boarding school. When people ask me whether I feel a bitterness about being taken away from my parents, maybe there is just a little bit, but I find that I can work in both worlds comfortably—in both mainstream and my people's world, to help them, to assist them in things like this.

We have a wonderful magistrate—Magistrate Trevor Black. When we sit in the court, he listens to culture, our lore. He says, 'If the directors of the justice group have anything to say, please stand up and tell.' Some of our people do take advantage of that, but some are just trying to find out where they are from. Cultural adoption is common practice. When you are given to someone else, it is usually within the family. You see that child every day anyway. We need some sort of recognition. We need something to be documented.

At this time you have to go through the parents and if the parents do not sign then the child does not get their birth certificate. That is where they get into trouble. You need your birth certificate to get your learner's and for Centrelink. You have to have a whole heap of identification documents to go through all of that. It is very good that there is work being done on this. It might not all go our way but at least there is something there. It is good to see all of you up here actually talking to people. In the courts or in the mainstream there is lore and there is law. For our people it is sometimes very hard to distinguish which is which or where people are coming from.

This is so good. It fills my heart with joy. I am sure there are a lot of people around this table who feel the same way. We have had this coming for a long, long time. I thank you all for making this trip up to talk to us and to listen to our concerns. Not all of it will be carried through, but bits and pieces will go through. Thank you all.

The directors, ATSILS, the police, the community and the Indigenous licensing mob have all worked in partnership on the Licensing Mustering Initiative. Yes, there is DV going on, but it is mostly the cases that have been adjourned. They get adjourned and adjourned because of pre-sentence reports and things like that. If they do not have a licence and their uncle wants to go home and he is drunk, they know how to drive so they just jump in the car and take him home. The police pull them up and ask, 'Do you have a licence?' They say, 'No. My uncle wanted to go home. I couldn't see him sitting there. He could get a cold.' It is good. Now people are running around looking for their birth certificates. That is where I have heard so many things. When somebody says, 'But that is not my biological parents,' I tell them, 'Go and see [REDACTED]. She will help you with that.' People are opening up more and more about these things.

**Ms Craft:** It is one of those things that, if you do not offer the service, you do not see the need. Before we started doing the Licensing Mustering Initiative and, as part of that, doing the identity drive, I do not think there was an awareness of the level of need in this community for assistance around identity documents. I think a lot of that need is born from the fact that there are cultural practices that mean that people either do not register children or do not apply for copies of birth certificates because they are worried about the children seeing it. The community justice group has been a huge support doing that real grassroots work in the community to refer people so that ATSILS can provide legal advice and assistance as necessary and also work in partnership with the police who provide licensing services in the community.

**Ms LUI:** Does anyone else want to talk and share? We have this public hearing first. If someone wants to give their contribution in a private setting, we are happy to do that as well. For those of you who have just joined us, thank you again for being here. This is very significant and it is very sensitive. We all have our own personal experiences of this. I just want to say a big eso from all of us here that you are all here to give your contribution. I think it is really important that we have a say. The name of the bill is meriba omasker kaziw kazipa. I think it is really important that we talk about it while we have this opportunity here today to share our experiences. That is what we are here for—to listen to you.

**Ms Jacob:** Traditional adoption has always been there with all of our families, especially with all Saibai families. Your seminar is significant. Back in those days it was taboo. They used to call it that. Once the adoption was done, it was a sealed arrangement for the child and the families they were adopted into. We have always been following those ways right through until today. We are still practising that.

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Today we are advanced with schools and everything. They need to have identity documents. It is important for all of our families to understand the importance of this and that we have to expose that to our child now. We all know it is really, really sensitive. My personal experience is that I have to talk with our family and the child explaining why the traditional adoption was done—what was the meaning behind it and the importance of creating the family bond with the other families. I have to explain to them that he or she is a special person in the family because they link our family and make up a special part of the family so that they do not question, 'Why this was done for me? Why was I adopted that way?'

What the government is doing now is going to help us, but we are still practising our traditional adoption ways. If that can be recognised in the first stage when you give your child away—usually families do it when the child is still developing inside the mother's womb—they will have that arrangement done. It would be good to have that documentation and everything done when the child is born because it will help the person who has been adopted as they are growing up. It will help them as a person to understand and to not have feelings of being unwanted or to have questions around why they were given away.

I feel really strongly about traditional adoption practices for our families. Listening to everybody, I feel really confident now and feel really good that processes will be happening to help our families and our children, especially with schools doing identity documents and things like that. When you adopt a child, the biological mother might give him another name at the time when they register him. When he goes to the other family—because our families are religious, Christian—the adoptive family will give him another name. That person will keep that name on his baptism card, confirmation card, school reports—all of those documents. They will keep the name given by the adoptive parents. Applying for their birth certificate for the first time is going to be a big shock for them. On the piece of paper there will be another name and they will be known by another name. It is a big process for them to understand that: 'How come I was given this name?' It is going to be good to help our families to have processes in place for when we do family adoptions. It is really good.

**Ms Cowley:** To support Beverly, one of the main reasons traditional adoptions are done is to have brothers and sisters. For instance, I have adopted two of my [REDACTED] to my [REDACTED]. Also, in my [REDACTED] family they only have eight brothers and no sisters. They traditionally adopted a sister from another family. The reason behind the traditional adoption is that when you adopt your child to a family it is like a beacon that you put in their lighthouse to say, 'There are no intermarriages here because there is a connection to this family.' One of the reasons we have talked about traditional adoption is to let that family know that you cannot marry inside there because you have connection there. We adopted this child to there and make it known to the family that there is a connection.

My [REDACTED] did not have any children, so I adopted my [REDACTED] to him. When my children were raised, they knew the reason why. I did not give them away because I did not want to look after them or did not love them. They knew that it was because [REDACTED] did not have a child. My [REDACTED] only had one son at the time, so I gave her a [REDACTED] to be a [REDACTED] to that brother, to her son. That is the reason for some of the adoptions.

The main thing is that we believe it is like a beacon to know that there cannot be intermarriages. A lot of intermarriages are happening now in the Torres Strait. That was one of the reasons traditional adoption was done the way it was by our forefathers, so the families know that there is a connection there, that you cannot marry over there.

**Rev. Eseli:** I am Reverend Eseli from Injinoo. I was in the same boat with adoption. Earlier I talked with [REDACTED] and asked what the meeting was about and he told me it was about the bill about traditional adoption. My [REDACTED] and I are adopted. I am originally from Mabuiag Island. My father who adopted us is my [REDACTED]. That is the island adoption. We are still on the same surname but we have been adopted—when I was a three-year-old and my [REDACTED] was five. All our lives from early childhood were on Badu Island. From Badu, then we went to boarding school. All of our schooling was through boarding school—first on Thursday Island, in a place called Quarantine. That is where the Torres Strait college was. There is a place down near the wharf—a building where they burned the body. When they finished, it was renovated to the Torres Strait college. In 1971 or 1972 we moved to Bamaga residential college. Straight across from the main secondary school, you would see our dormitories. Back in 1972, 1973 and 1974, we left the school.

My wife is originally from here. She is a traditional owner. We both look after the church, but she was already here before me. I because the pastor in 2007. Not only myself but the children and the grandchildren are here. I have been settled here in this area for 50 years now—many, many years.



Going back to the island adoption, it may be from the sister to the big brother. If he had no children, his sister may give a child to him. One thing that is lore, a cultural thing, is that no-one will know. No-one will ever give information to him or to her about where he comes from or where she comes from. When that time comes, that is the time. If it is a boy, Uncle will sit with him and tell him, 'That is where you come from. I will tell you because you come to the manhood.' That is traditional, cultural thing. If it is a girl, Aunty will sit and tell her, 'This is where you come from.' That is cultural.

**CHAIR:** Thank you. You just answered my question. I was going to ask when is the right time to talk to and inform children. You answered that beautifully. Thank you very much.

I recognise Glen Butcher, the Minister for Manufacturing. Welcome. Thank you for being here. This is very important, as you can see from all the community members. It is historic. Minister, do you want to say anything?

**Mr BUTCHER:** I do. Thank you all for coming along. I know it is very important. Only weeks ago we heard the local member, Cynthia Lui, talk in parliament and introduce this legislation. It was an historic moment for Torres Strait Islander peoples in the Queensland parliament, with Cynthia doing the first reading of this legislation. It is important that this committee hears all of the stories and all of the information it needs to hear to progress this through to a committee report. I am sure that, from what we have heard and from what Cynthia has told me, there is huge support for this wonderful piece of legislation. I know that Cynthia has been a huge champion of this moving forward. Thank you all for turning up.

For those who do not know, I am the Minister for Regional Development and Manufacturing. I am also the ministerial champion for the Northern Peninsula Area. I have been very proud to be here over the last couple of days with Cynthia to talk to traditional owners and hear some of the stories. There are two communities in the NPA that are TI. It is great to see so many people here telling this committee what it needs to here so we can get this legislation passed. I thank you all for your time and for coming along. Thank you to the committee for coming to Bamaga to listen to the stories of the people.

**CHAIR:** Thank you, Minister.

**Mayor Yusia:** It is equally important for the consultation process to include the NPA. This is a very important bill that people have waited a long time for. I want to congratulate the member for Cook for taking this further and all the respective ministers who supported bringing this legislation forward. Equally, I really appreciate everyone around the table here giving that knowledge and feedback to the committee. I thank the committee for coming up here. Once again I acknowledge the member for Cook and also acknowledge our ministerial champion, Minister Butcher. Thank you. I would like to acknowledge all of the traditional owners of this country here today and also all the elders who are here now and present and the emerging ones coming through.

**Mr BERKMAN:** Thank you, Mayor, for the welcome. Thank you, everyone, for the warm welcome we have been given and for being here to help us understand this bill that we are dealing with and, I guess, to understand the significance of it—not just what it means to the community but also how we need to deal with it as a committee and what recommendations we might want to make to the parliament.

A couple of times now, if I understand what has been said, there has been a suggestion made that you would like to see the paperwork happening immediately to give effect to those adoptions that are agreed before birth. From ATSILS's perspective, Annabel mentioned that the application process requires a birth certificate. As I read the bill, the application can only be made 30 days after the registration of that birth. From your perspective, is that a problem or is that likely to present a barrier to people making an application—if they have to get that birth certificate first and then apply 30 days later—or is that something that can just be dealt with?

**Ms Craft:** Can I just clarify something, just so I understand? When the child is first registered, is the child registered under the birth parents' names and then you have to make the application to change it to the cultural parents?

**CHAIR:** Consenting parents.

**Ms Craft:** By agreement and by consent. The child would first need to be registered with the biological parents and then 30 days later you are able to make the application.

**Mr BERKMAN:** That is as I understand it.

**Mr HUNT:** That is the process as I understand it as well.

**Ms Craft:** From my perspective, I think there would continue to be the issue around resources available for community members in terms of support for birth registration and understanding the legal complexities in terms of the procedure of having to register the child under the birth parents' names and then having to make the second application for recognition of traditional adoption. From my perspective, I would imagine that there may continue to be higher rates of children not being registered. As I noted, anecdotally speaking, from this community we are seeing quite high rates of children not being registered at birth. That is reflected in reports that have been produced on rates of registration generally within Aboriginal and Torres Strait Islander communities, especially remote communities. If you are adding in another legal process that needs to be done in that critical, early period of a child's life, I would hope there will be resources and support given so that families have a contact point to go to get the help they need to do those statements, to apply for a copy of the birth certificate—which you have to do if you register a child and you have to pay for it—to get that certificate certified and to submit those statements and supporting evidence to the commissioner. I can imagine that will all present a reasonable level of complexity.

**CHAIR:** We will get some technical advice on that as well. I think you raise a really good point around the birth registration and then the application for traditional adoption. There needs to be clarity there. We will seek some advice.

**Ms Craft:** There is some fantastic work being done through the registry of births, deaths and marriages. They have a community liaison officer, Vicky Bell, who does incredible work with communities, including this community, around increasing birth registration rates, because it is an issue. I imagine that, with recognition of traditional adoption, her workload may also be increased.

**CHAIR:** My question is in relation to the submission from Griffith University, who hoped that our committee would seek and receive direct input from the community as part of our consultations to provide clarity around the place and role of 'other carer' in the context of island custom. Can anyone speak to that role of 'other carer'?

**Ms Gutchen:** There are other community members who are coming a little bit later. Are you providing all of them an opportunity to share?

**CHAIR:** Everyone can speak. I just wanted to put a question up. You go ahead first.

**Ms Gutchen:** I just wanted to say that there are more community members who will come. Firstly, thank you for inviting me. My name is Rita Gutchen. I am employed with Many Rivers but I am here as a community member. My ties are to Erub Island.

This is a sensitive and emotional issue for most people here. I have two immediate family members who are adopted. They are going to be (inaudible) could be adopted—circumstances which we do not speak about why they were adopted. There is a gap there. You just raised the 30 days for the paperwork requirement. There are going to be gaps of two or three years circumstances (inaudible) has happened with my immediate siblings.

The other thing is: was there consideration of changing from 'birth register name' to 'known as'? Have you had that discussion or has it been raised here? The final thing I want to raise is: there is within government agencies—TSRA or other agencies—an aboriginality and Torres Strait Islander identified form. Is that something to be inclusive within their end of the spectrum about clarifying name connection back?

**CHAIR:** There are lots of questions.

**Ms Gutchen:** Sorry.

**CHAIR:** We will get some advice on that.

**Ms Townson:** When Josephine Akee first came to Bamaga back in 1988, I think it would have been, I had two children I did traditional adoption to for reasons within my immediate family—why I did that. I did fill out forms and the adoptive mother did pay a registration fee. At that time, Josephine said that certain things would happen, but one of the things that the Queensland government would not do is take out the biological mother's name from the birth certificate, which is okay, but it would be placed at the back and the adoptive parents at the front, only for the purpose of that traditional adoption. In due time, in our culture, the child will be told where he or she came from. I did a lot of things at the time with the adoptive mum. I have had nine children of my own, four of which I have done traditional adoption to. With the [REDACTED], I had to actually go into TI courthouse and, because nothing has ever been recognised by the government, I paid for the change of name. He does not have my surname. All other details are done on the birth certificate, but we changed that surname to be the adoptive family.

Probably for all of us who have done traditional adoption like this, it is very sensitive to talk about. I have now told my children, the older ones, the reason I did give them away. It was not without love, but it was something to do with our culture that I had to do that. I find it really frustrating that this has not gone through yet to a certain level. Josephine did say that the documents will be pushed through that we could fill out so that the sensitive information will be there and the reason we gave—

**Ms Craft:** That raises an interesting point too. A lot of families come to me because they do not understand that you can register the child in the name of the adoptive family. They think that you have to give the child the name of the biological parents at the point of registration. A lot of families will do that and then they come to see me when the child is three or four, or even when they are 16 and they want to go for a licence. The child has had an assumed name of their adoptive family, but their actual legal name is in the name of the biological parents. Then we go through the process of doing a change of name application so that the child's licence or other ID then reflects their known identity.

When you register a child, I can imagine families might need support and information around what name to register that child in if they are then intending, in 30 days time, to go through the process of getting the adoption recognised. I am thinking of things where there might need to be support and information provided to families to make sure that they do not put the child in one name and then, 30 days later, want to do a recognition and have the issue. The change of name application is very expensive too.

**Ms Cowley:** Can I ask why you chose to have that 30 days after the baby's birth?

**CHAIR:** I cannot answer that. It is in the draft bill.

**Ms Cowley:** I think we need to consider a time when the baby is born. Like you said, it is going to be registered in the biological mother's name and then 30 days after when the process of the traditional adoption can be done. At this current time, I think it is good to have the 30 days because some young girls who are having a baby speak or promise this, but then as soon as the baby is born they change their mind or somewhere down the track after the baby has been registered they will change their mind and want to take it back. I am happy to see that 30-day process to give the biological mother proper time to think too. Sometimes when the baby is born they look at the baby and they love that baby and then they have to choose whether to give it away or not.

**Mr BERKMAN:** To make an application, each of the applicants has to be an adult, which might obviously leave some years between the time of birth and the formalisation of that adoption. What you have said now suggests that you think that is an appropriate time frame. Is there general agreement on that?

**Ms Cowley:** I think so, because I know there are a lot of young girls who are having babies and wanted to give them away but when they have the baby they change their mind. I think that 30 days will allow them to think again whether they want to really adopt the child out or not. I do not know what people think.

**Ms Craft:** I will note that ATSILS does receive a reasonable amount of inquiries from parents—fathers as well as mothers—where a child has been given away and then they want to have some level of access to that child, whether that is taking the child back, as in they do not feel that there was a traditional adoption, or in circumstances where they want some level of access to that child. I think having some form of cooling-off period is good and making sure that that process is obviously consensual at that point.

**CHAIR:** That goes to the very core of it. Without complicating it, it is two consenting parents: the biological parents and the receiving parents. It goes to consent and it is voluntary. It is only if they want to do that.

**Ms LUI:** I am mindful of time and there are probably others around the table who want to make a contribution. This is the opportunity for us to all speak freely. Personally I am really interested to know about the experiences—how it has impacted on you, what was it like either giving away a child or taking in a child and all that kind of stuff. As you know, I can confidently sit here and talk about this practice, but my colleagues around the table have to try to understand it. We are trying to get that information from you so that we can put it into this bill to better understand what you are saying and thinking. It is, like I said, (traditional language). We need to be able to use this time effectively and really talk about what is here (traditional language).

I am mindful that we have only a small amount of time left, but it is really important that we all speak up about our personal experiences—the frustrations, the hurt, the anxiety about having to tell your child (inaudible) where you come from and all that deep emotion. Other people may not

understand this culture, but you can explain what that experience is like for you. Aunty wanted to talk about identification and about that natural process. In that natural process, aunty sits down at that time of initiation and breaks the news. Uncle sits down and breaks the news for boy and aunty sits down and breaks the news for girl. In this day and age, if we go to Centrelink then Centrelink makes us break the news. Education makes us break the news. It disrupts that cultural process. I want you to try to explain that so that this committee can understand.

**Ms Cowley:** I had to pay to change my [REDACTED] name. I paid for it, but when the birth certificate came back to me—it was only six years ago when he started high school. When I got the birth certificate, it still had his biological mother and father. The mother and father were married too, but he still had both their names and then [REDACTED]—on it as parents. It still showed the biological parents' names.

**Miss Soki:** There is a question that I want to raise. Like I said, I just got that birth certificate for my [REDACTED]. They only have the biological mother's name on it, because the biological mother agreed to sign the paper that I have gone through with ATSILS. She still has a couple of years yet before she can get a hold of the birth certificate for boarding school. How can I change it? Do you have any process through this bill saying that we can put our name as parents, instead of the biological parent?

**Ms Townson:** The advice that I got from Births, Deaths and Marriages, because I had a poor pikinini in the same situation, was that that family would probably have to do a proper adoption, a legal adoption, so that the names can be changed, only because the government does not recognise traditional adoption.

**Miss Soki:** That is what my mum and dad had to do for that [REDACTED]. They legally adopted him and paid for the name and everything. Now today I have a birth certificate that says that he is now (inaudible). He is under [REDACTED] as the biological mother and the name of the mother and father who adopted him. They had to go through the whole legal process and pay for all that legal stuff. My mum and dad did that for my [REDACTED] who was adopted out. If this bill goes ahead, what will happen for [REDACTED], adopting this 11-year-old I have from my [REDACTED]? It has my [REDACTED] on the birth certificate. We had to get a hold of a birth certificate for her to go to school, because she was recognised under my [REDACTED] last name. We grew her up for 11 years, from the labour ward. Do you have anything in the process to say that we can change that name to have our name on the birth certificate?

**Ms Cowley:** When I got the copy of the certificate for my [REDACTED], because for him to work in the mines he needs his birth certificate too, it still shows the biological parents. I do not want to see the biological parents. I want to see our names. That is what we want.

**CHAIR:** Just the receiving parents?

**Ms Cowley:** Yes. The adoptive parents, yes.

**Miss Soki:** My [REDACTED] birth certificate has both parents—[REDACTED] on it as the last name, but they still have the biological mother's name down.

**CHAIR:** On the back?

**Miss Soki:** No, it is on the front. I do not want to show her that.

**Ms Cowley:** We do not want that to be there.

**CHAIR:** I am hearing that; that is good.

**Miss Soki:** That is why my [REDACTED] says, 'Don't show her.' She is not going to get a hold of that birth certificate until we actually do something legal.

**Ms Cowley:** I was hurt when I saw the name still there. I did not want to see that.

**Ms Craft:** The inquiry that I get probably once or twice a week is, 'Can I legally adopt my child and how can I change the birth parents on the birth certificate?' From my understanding of this bill, it will allow for the cultural parents to be listed on the birth certificate rather than the biological parents.

**Ms LUI:** Just to lead on from having the biological parents' names on the birth certificate, we know under the cultural practice that we keep everything quiet. We do not talk about it. As soon as you take a child, that is it. That child belongs in your family—your immediate, your extended and your community. I want you to try to explain that little bit more, because this is where lore will meet law. When we talk about birth certificates and having the biological parents on the birth certificate, that is law. Can you talk about what it actually means now, because it is bordering on the line of that cultural practice where we still have to talk about it and then it becomes not so disputed?

**Ms Cowley:** When you say that the bill is going to recognise traditional adoption, traditional adoption to us is that that child is in my name. I do not want to see anybody else's name on it. That is what it is to us. That is why we are fighting for the traditional adoption, so that kid will not know where they have come from biologically. It is taboo.

**Mr HUNT:** And the importance of that is that the adoptive parents then get to control the time and the timing of the reveal when that child is ready, rather than having it forced upon you by circumstances involving documents that are floating around.

**Ms Craft:** I have had so many families so anxious when the child turns 16, because that is when you go to get your licence. We have had kids where we have been working with the high school through the licensing muster to run learners' workshops and get people their learners. The kids are so excited to get their licence, but all the adults behind the scenes are having to do a lot of work to ensure that we are engaging with them in a culturally safe way, because the child may be adopted and for them to get their licence they need that birth certificate. We have had to work very closely with the community justice groups, the school, the police and ATSIILS to make sure that we are getting kids' ID certified without them being exposed to the copy of the birth certificate that has the biological parents' names. The stress and uncertainty that that puts on those parents and the fear—the genuine fear—that a child will inadvertently be told is huge. It takes a huge amount of resources and effort from a lot of different services to make sure that we are doing that in a culturally safe way. I am so glad that that will not be an issue going forward once this bill is passed.

**Rev. Eseli:** I think it has been just the paperwork maybe. When we adopted—that was way back—it had on the birth certificate 'adoptive parents'.

**Ms Craft:** From way back when children were adopted, yes. Most of the time now, children are not—

**Rev. Eseli** (Inaudible) 'Make up your mind. This is your child now.' Then the paperwork showed exactly how he or she was given to the family. Our birth certificate had 'adoptive parents' already, from way back.

**Ms Craft:** Your birth certificate from way back, yes. More recently, most children are not adopted under the Adoption Act. Most children are in what would be called an informal care arrangement rather than legally adopted. From my understanding of it, most Aboriginal and Torres Strait Islander children would not be able to be adopted under the Adoption Act as it now stands. This is definitely filling a huge gap.

**Ms Gutchen:** I have a quick question about the legal requirements of not having the details of the biological parents there. Is there something in the legislation we could discuss about putting it in the back of the birth and register it so it could say 'medical condition' and they could find out if there was one? Has there been a discussion about listing a medical condition that an adoptive parent should be aware of if the biological parents are not recorded?

**CHAIR:** That is a very good question. We will get some legal advice on that. That issue was raised about passing down into marriage and things like that. Aunty Ivy said at the beginning, 'You can't go and play with those kids. You stay over here.' It is also community making sure that does not happen and they are aware and trying to prevent that. I think I asked that question with Aunty Ivy in the first one but that is a good question in terms of the medical conditions or anything like that.

**Ms Cowley:** Keep the names of the biological parents there but not to show on the certificate. At the same time it is stored in there somewhere.

**Ms Gebadi:** Before I say anything else, I do not mean any disrespect to my [REDACTED]. What I am about to say on this table will not be repeated again. I will word it in a way where I am happy to say it and for it to be recorded. I am a product of a traditional adoption due to circumstances only my parents know. I am now 37 years old, I am happy, I am grateful and I am very thankful. I thank God who my parents are and who my family is. I would not change anything.

My experience was the same thing. I had to be sent away to school. I was born in 1984 so at the time my parents were able to get my documents—I do not know how—to be in their name. I needed to get my licence. I was in boarding school so I was told to wait but I did the deceiving thing by going and applying and then they said I needed my birth certificate. I thought I would ring my parents up here, because it is my mum's third language, and give her a bit of the information and get her to sign for a birth certificate. But it got posted to her.

When I came back on holiday, my older brother had to sit down with me. When I said hello to my parents, they would not look me in the eye and they went in the house. I had to go and sit at the back. In my head I thought, 'I did something wrong.' I did not think how wrong it was in that sense

because all I wanted was a driver's licence. My brother had to sit down and tell me just briefly. He put the papers in front of me, so they have already done the work, and said, 'It's up to you. Do you want to change for the name that's on your birth certificate or the name you have?' I responded, 'Why would I change it to any other name? This is the name I've known. This is my name. I will not change it for anything. I will change anything else that says that that is not my name.'

In saying so, that is to change a name through a deed poll change, but then my birth certificate came and still reflected my biological mother—no disrespect to her. At the time I had to go and do a bit of counselling just to understand. My counsellor explained to me at the time that it was for medical reasons—that if anything went wrong, they could trace back. That is the explanation that was given to me in school. I was trying to understand why because the only people who would take me to the doctors or be there when I was sick or whatnot were the parents I have, but I have someone else on my certificate.

In saying that, my mum also then traditionally adopted two daughters for me. I am 37. My oldest daughter is 31 and the young one is 24. We are like sisters within our age group. That was a choice my mum made. Whatever the reasons, she made those choices. I had to also grasp what was happening to me in traditional adoption and also then I had to take responsibility for two other children who are now mine.

Six years ago, my 31-year-old daughter was diagnosed with end-stage kidney disease due to malignant hypertension and a few other autoimmune diseases so she is now doing dialysis down in Cairns. When that happened, it was a pretty bad decision that I had to make at the hospital. She was in ICU and they had to put her on dialysis and whatnot. At that time, it was only me and her. This was in Townsville Hospital. The doctors were asking all these questions. One of the doctors came up to me and said, 'I understand there might be a few things you need to tell us that you don't want to repeat,' because I was at the bedside of my daughter. I looked at her, because she was very sick, so I stepped outside.

It was really hard. I had to swallow a lot and take a lot of deep breaths before I started speaking. I thank that doctor at the time because she said to me, 'You are not going to disrespect anyone. You are just going to save your daughter's life,' so I told her everything. I said that I would do whatever it takes to get the information they need so they could give her the proper treatment.

I then contacted my [REDACTED], who is her biological mother, and she said, 'No, I won't tell you anything.' I asked her. I said, 'This is my situation with my daughter. I need you to tell me more from when she was born. I need to know everything because I need to tell these doctors.' She said, 'I can't tell you. I gave her away.' That was another barrier that I encountered. At the time, I got really emotional and I got angry also—only because I did not have time because she had to get the medical help she needed. I was lucky. I have a really understanding and really good older brother who was able to then channel it in a way to make her speak so I could get her help.

The reason I am saying this is, with our law and in my family, once you are there you are there. They have a saying: if you are taken from a bank and you are put on the other bank, you now belong to that bank. On this side, they are your cousins; they will always be your cousins.

Today in this society there is technology. Also, some families now practise our cultural tradition, our lore, and the biological parents are more open with the other biological siblings by telling them, 'Your sibling is over there.' Before, the parents would just tell them that they have another sibling but would not tell them exactly where they were. By doing that and telling them now, those children are now a risk for that adopted child because they could go and say, 'You're my brother' or 'You're my sister,' and where does that leave the parents? That is today's day and age.

This is very important because even today as a 37-year-old adult I would like my parents to be reflected on my birth certificate. My parents have now passed but I would not change anything. If anything, I would like to correct every paperwork to say who my parents are, and that is including my two daughters. Now that my daughter is up for a kidney donor, these are even more crucial times where I have had to sit with her biological father also, which I am grateful about. We are all cousins. My older brother, who is like the spokesperson who could channel these conversations in a respected way, is no longer with me, my family. We are at a point where it is really sensitive and I am left with older siblings who are just zipped, who will not say any more, even if someone's life depends on it.

With traditional adoption, I agree with the ladies that the record needs to be kept about the biologicals because when it comes to the medical side of things they will need to tap into it. If that part were on the birth certificate, to me that crushed me. That made my year to be confusion—from doing good at school to doing really bad for a year while I was trying to put the pieces together. Also,

there was the feeling of measuring up as to why someone would give you away. There were all those questions, and then getting back to reality or accepting or finding that medium and having to look around my family.

I believe this traditional adoption for me as a Torres Strait Islander has strengthened who we are. It makes me a stronger person and I am very proud. In saying that, this bill really means a lot to us that are products of the island adoption and for that to be reflected. There are some things I would rather share with my children and not the whole community or want someone else to know.

Also, there is the system for children born after the millennium—or was it in the late nineties—where when they apply for a passport they need two of the parents listed to sign. Even if you change that, when they go and apply for a passport to travel, they will still have to go, or have that conversation. They still have to approach the biological parents. I also have a [REDACTED] of the same situation. He wanted a passport. He went to a biological parent who said, 'I won't sign.' That was 26 years later, but he was told, 'I don't want to sign. I won't sign.' He just wants a passport. He does not want to know who that person is. He is now past 30 and he still cannot get that signature. We have to go through all this law stuff. This changes lives, all this other stuff that we go through. It is emotionally damaging because having to tell someone, 'You are adopted,' no matter what age they are, can either make or break that person. I just thought I would share that with you.

**CHAIR:** Thank you so much for sharing that with us.

**Rev. Eseli:** I forgot to mention that my [REDACTED] had a son and she did not receive a Centrelink benefit for him because the form from Centrelink had a section for the father to sign. They separated and the father would not like to sign on the form. It has been four years now. He is a big boy now, but she did not receive any fund yet. On the form from Centrelink there is something for the father to sign, but they are not married; they are single. They have been separated. They are not together anymore. It is a difficult process. There is a form from Centrelink.

**Ms Craft:** I guess that will be a question for the bill as well, as to how it interacts with the federal government—

**Mr HUNT:** I find that a bit unusual, that a single parent could not apply for—

**CHAIR:** I have been through it with a stepson. If the other parent will not sign, you cannot get a passport. I have been through it—until they are 18, yes.

**Ms Craft:** I have had instances of people come in for legal advice where they have been trying to access Centrelink payments for a child they have adopted, but because the child is living in a home with the biological mother, even if the biological mother is no longer recognised as the mother, Centrelink has not been willing to transfer payments to the adoptive parent.

**Ms Townson:** I think that is a great idea about the 30 days. To register, you need that birth certificate for the child. A lot of people do fraud in Centrelink. They want to claim that child by another parent. That is why I think it is very good that the 30 days comes into place. Then it will have all those details and then you will be told in a statutory declaration to Centrelink, and it is kept there, that the child has been adopted into this family.

I went through that process and that is why I had to register all those children. The reason I did that is that I love those children that I gave away and I am aunty to them. I did that because of my [REDACTED] and what he went through. He asked me, 'Can you please do this? Can you give this child?' It closes his gap, like what happened to him. His mother passed away giving birth to him, so they found a virgin in the village to marry his father. Back then, the chief spat on the ground and said 'never to be spoken', which was true. He found out 50 years later where he actually came from. He had heard Chinese whispers and then when I started to have children he asked, 'Can you give one to this family? Can you give one to that?' It helps his closure.

When they got to an age of 18 or 21 and they asked as they heard whispers, I told them the story of what my [REDACTED] did and what he asked me to do, to close the puzzles of his life of where he came from and what happened to him. I did that for the children that I gave away. It is upsetting for them. I am sure that they would have been upset when they found out who their proper mum was, who the proper father was. They ask why we did it. When they grew up and I explained to the children, 'This is why I did it,' they understood. They were upset. They said to me, 'I want to come back,' and I said, 'No, you can't, sorry. We made this deal here. You have to stay. You can't just come back. You can't.' They understand that. I tell them the truth. It is very emotional. As the biological mother, you do get upset when they get upset, but there is a fine line there. We have to explain it to them at that time. That is a great time that we keep, right up until they are 21 or 18.

It explains why we never really went forward with youth football here, because of the birth certificates. We cannot do junior league. We cannot do things with the young kids because of the birth certificates. I think it is really important that we have something put in place for these kids so that they do not miss out. That is why we do not have those activities here in community.

**Ms Ewart:** My name is Amanda. I am a social worker and I have lived and worked in the NPA for over 30 years and worked across Torres Strait and Cape York. I just wanted to touch on what Cynthia brought up earlier about the emotional trauma. Everybody has talked about their perspective as a parent, but I would like to talk from the perspective of young people, particularly in the last 15 years, and the emotional trauma they have been going through when they find out by the wrong means. We have had a high increase of attempted self-harm when young people find out that they are adopted traditionally and they do not know how to deal with that. They do not usually get that information from their adoptive parents; they are getting it via these other situations and other means when they need their documentation. We did not have very much incidence of youth suicide previously, but with increased technology we are seeing an increase of that. Probably 15 years ago I did research on island adoption. I have worked with Margie in the past, all around Torres Strait, on island adoption. The research project found that about 60 per cent of adults are traditionally adopted.

**CHAIR:** Do you have that research for the committee?

**Ms Ewart:** It is that thesis that I did.

**CHAIR:** Would you be prepared to share it with the committee? Can we get a copy of it?

**Ms Ewart:** Yes, sure. I did a lot of interviews, one-to-one, with adults about how they felt about being adopted. I just wanted to share that.

**Ms LUI:** In terms of the conversation around the table about keeping it secret—it is taboo and it comes back to protecting the identity—I want to hear people's perspective around why it is really important in the Torres Strait culture that when you take a child you say, 'We do not say anything.' When we talk about protecting the child's identity, can you explain a little bit more about what it means? When you take a pikinini, they take your surname and take their place inside the family. I want to have a conversation around that for the committee members to understand as well.

**Miss Soki:** Personally, it is hard for me too. There are sleepless nights when the pikinini is sick and whatever. We are part of their life as growing-up parents. We are there from day one making sure they have clothes, shoes, a roof over their head and everything. We show them most of all love. The love we give them is how we love our own children, making sure they have everything. The bond we have with that child, once we get them, is how the connection comes through—that bond we feel.

Personally, I grow up all the pikinini, my brothers and sisters, as an aunty. Today them kids are old but they still come back to me for advice, help or anything. I have my own grandchildren, but being their adoptive parents, it is more about love—giving that child that love and that protection in every way whatsoever. (Traditional language) like, 'That's ours.' The other siblings, too, look towards that pikinini and treat them like their own blood brothers and sisters. When I adopt a child, I look at them as my very own, and I give them that same love and support like my very own.

**Ms Cowley:** To me, like what Joyce just said, I raised [REDACTED] from three weeks old. My [REDACTED] is married and they have other kids and they respected him; they call him uncle. There are times that some of my other grandchildren will forget and just call him by the name and I will straightaway correct that: 'He is your uncle.' They know now that he belongs to this aunty—my [REDACTED]. It hurts me now for him to still call the biological mother 'sister' because [REDACTED] adopted him.

Recently I put something on Facebook that I was sad because he left; he went back to WA just a few weeks ago but got isolated in Perth. I put something up to say that I was missing my son. My [REDACTED] mentioned [REDACTED] but as a [REDACTED], too, and I straightaway rang her and said, 'Take that thing off.' It is very emotional. We gave our best to [REDACTED] because [REDACTED] was the youngest one. I have nine children myself, [REDACTED] to my brothers and sisters. I raised [REDACTED] from birth, because my [REDACTED] was still too young. She could not raise [REDACTED]. I gave everything to [REDACTED]. I even travelled to do my uni studies. I would make [REDACTED] lie down while my lecturer was talking. I had [REDACTED] on the floor. Things like that are sacred to your heart.

That is why I am saying that it is okay to show that. I became upset when I saw the birth certificate come back. I said to my husband, 'Still they're playing name games.' I did not want the name there. Now, from what Kitty was saying, because of medical reasons, we still need to have the biological parents but not show them on the birth certificate. They should store it somewhere else. I got emotional when Kitty was talking because I am connected to the same—her [REDACTED], so I get emotional. It is very hard. Thank you.



**Ms Jacob:** I think every family has their own way when it comes to how the family adoption process is done. I can really relate to what others have been saying. We are all family here and we get adoption done in our families. The importance with traditional adoption is that once you give a child to the family that is where they are stuck for most of their life. When you have a biological family come close, it is sensitive and people get upset.

I adopted my [REDACTED] to my [REDACTED] when I was young. At that time the decision was made by my parents. Back in those days we did not get Centrelink so we could not support ourselves as young single mothers. Parents were the ones who were always looking after us. They made the decision about what is right for you.

The decision came from my [REDACTED] because she was already married. She approached me. I was trying to hide everything. They knew that I was pregnant, but I was trying to hide everything. My [REDACTED] came to me and said, 'I know that you're expecting. That child you've got there you give to me.' It was just like that. The relationship my [REDACTED] and I and my family had was a close relationship. We really respected each other. When I gave away that child [REDACTED] I knew that I would always be a part of their life.

Even though I went down south to do my studies, every holiday that I came back I got time with the child but as an aunty. You can still feel that one in there. That is the way our family looked at adoption from the beginning. I was always a part of the life of that [REDACTED]. When he grew up he was still with his adoptive parents. Sometimes he would come to me and ask questions. I would speak to him. I would try to explain. Especially when it came to the medical side of things, I would try to explain things to him. Most of our family has (inaudible). We had to give that information to him. Like I said, every family is different. I respect that he needs to know since he was born how my health has been and for him to understand how he can look after his health. Every family reunion (inaudible) now. It is your choice to look after your health and body. I want to share that with you.

I think it depends on the kind of relationship your family has, how they look at adoption and how you make the relationship work for you. I am still aunty. You have the way (inaudible) I can feel. He was happy with (inaudible) your mother. Then one of the pikinini come for me, which is good. I think it is up to the family to have that relationship and that respect and understanding. There will come a time where you have to allow the proper mother to speak. I am referring to the health side of things. Many families have chronic illness. It is best to let them know, just so they can make good choices in life. Thank you so much for hearing that.

**Ms Gebadi:** Being a child from something like that, when you talk about why it is taboo, it is not taboo in a bad way but it is really deep respect. At the time they did not have many words or many explanations. I would have to say that it is more of a westernised culture where you talk about things.

For my parents, English was their third language. They were brought up with the KKY language and tradition. My parents are older parents. They showed me love and how they wanted me to understand things in different ways. Not many words were used, but I could feel when I was being told something or asked to do something. I was fortunate because, like Aunty Bev was saying, I grew up knowing my biological [REDACTED] as my aunt. Looking back as an adult, I know that my mum made me spend time with her in her way and in different ways get to know her.

In that sense, I am close with my biological [REDACTED]. Last year I found out I had another one who is younger than me. He is also adopted, but he was adopted by a family that lived in Orange, New South Wales. They have only just recently moved to Bowen. If they did not move up this way by chance, I would not have known him. He did not know who I was and I did not know who he was.

In saying that, it is just about respect for the families because it does cause damage. It causes a lot of questions for anybody, whether you come from a Torres Strait Islander, Aboriginal or whatever background. That emotional trauma is real. It can make or break a person. Some do not handle it as well as others. Some are not fortunate enough to have the family unit or the love surrounding them for protection or to be always watching.

I have cousins who have gone the other way because of it and have done harmful things. It has affected them and their children really badly. They are still living with some of the effects now. That taboo is like a legal adoption. If you say you are going to do that, do it from your heart. A 30-day period is understandable. Also take into account that some parents these days do come 20 or 30 years later and want to claim you back.

**Ms Townson:** I think it is really important that some kind of document is laid out legally for these traditional adoptions because of the experience that I have been through adopting a child from my [REDACTED]. Three years ago he went to jail for unlicensed driving. The police officer asked him, 'Have Bamaga

you ever attempted to commit suicide?' It is a procedural thing before they are incarcerated and go to jail. He said yes. Then I asked him, 'The police officer said this is what you said? Why did you want to do that?' He said, 'Because [REDACTED] is not my mum.' I said, 'Of course [REDACTED] is not your mum. I am your mum. I will always be your mum.' That is the hurt that these children go through. It is the way he found out. That was one of the reasons he wanted to take his life. I said, 'Don't take your life. I am your mum and I love you. I love you like my own children. You don't do that just because you were given to me. I love you the same.' I think it is the understanding of this by a biological mother. If this were to happen and all these changes were going to happen we would need a lot of education in the community for mothers who want to do that. We really need that.

**CHAIR:** That came out of Kupai Omasker. They said a lot more education is needed on the attempts to talk about this to stop things like that.

**Ms Cowley:** My [REDACTED] I have given to my aunty and uncle. They have passed on now. He is slowly coming back to calling me mum again because they are not there anymore. He still respects his adopted brother and sister too. My uncle and aunt never had any children. I have given them a son and another cousin gave them some so they had four children. Just recently he started to connect back with me. He has four children. Slowly we are coming back together and reuniting. The respect is still there for his other brothers and sisters.

**Ms Townson:** It happens. When they have no parents they go back to their aunty who is their biological mum. It is not that I do not want them to call me mum, because I am their mum, but it is the respect that I have for those parents. I tell a niece of mine, 'I'm aunty to you.' When I introduce them to family, I introduce them as, 'This girl is my niece.' Then they will look and they think they are faced with [REDACTED], my [REDACTED], but that is [REDACTED]—not my [REDACTED] but my [REDACTED]. I have to explain it like that. It is just that respect and then you give that child. As the biological mother I cried for two weeks, but I know that I have given them to a good family and I have reasons I have given them away. I had to explain to my son not to take his life. There is a lot of hurt with that.

**CHAIR:** I can tell. You are speaking from the heart about your own experiences. We are nearly at the end of our time.

**Ms Mark:** I would just like to say something. It is made up of Torres Strait Islanders and Aboriginals. There are certain cultures for certain groups. There is a difference, but it all points to the same thing—some sort of recognition of cultural adoption. It is a hard road that everybody has travelled. Organisations have travelled it and tried very hard. The isolation and remoteness of these areas makes getting mail and paperwork here hard. Not many people have the privilege of having email or printers or whatever. Thank you for that.

**CHAIR:** Thanks everyone for sharing your deeply personal experiences. Thank you Cynthia for all your work.

**Ms PEASE:** I would like to say thank you as well for being so open and sharing such personal stories with us. It is incredibly heartwarming to be a part of this. Cynthia, thank you very much for introducing this bill into the Queensland parliament. Hopefully, something that is done from the heart can be taken for what it is—a true gift. We do not need to complicate it.

**Mr HUNT:** I appreciate it very much as well. You have given me a much better understanding of this which is important and the reason we have these hearings. It is all new to me. It is not something I was aware of until Cynthia brought this to the parliament. For me to come up here and have the opportunity to hear why it is important and how it operates and understand it better has been a great privilege so thank you.

*A prayer was then given—*

**CHAIR:** I now declare this hearing closed.

**The committee adjourned at 2.29 pm.**