



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

Members present:

Mr AD Harper MP (Chair)
Mr MF McArdle MP
Mr MC Berkman MP
Ms JE Pease MP

Member in Attendance:

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

THURSDAY, 6 AUGUST 2020

Thursday Island

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The committee met at 12.30 pm.

A welcome to country was given—

CHAIR: I now declare this public committee open. We are here for very important work. I am also cognisant that we are in the electorate of the member for Cook, Cynthia Lui. I might ask Cynthia to say a few words to thank people for the opening here today and acknowledge everyone who has come. Cynthia introduced the bill into the parliament. It was a very emotional day. Cynthia has put a lot of work into this. Cynthia, would you mind saying a few words to start?

Ms LUI: I would like to start by acknowledging the traditional owners of the land on which we meet and pay my respect to elders past, present and emerging. (Traditional language) for that wonderful opening prayer. (Traditional language) It is a very significant moment for everyone, and I am very fortunate to be up front with everybody, and I thank you for your presence here today.

This bill was introduced into parliament on 16 July. What we are doing now as a committee is we are going around to all the different communities and holding a public hearing like this with Torres Strait Islanders right across Queensland to hear firsthand regarding your experiences. We all know that these personal experiences are very sensitive. We are treating this from a government perspective very sensitively as well. I also want to mention that even though we have a public hearing now, there is the option of a private hearing as well for anyone who wants to have a private meeting with all of us.

I am very grateful to be here today. I would like to thank Aaron Harper, the chair of this committee, for accepting my request to sit on this committee. I think it is really important for us. There is not one Torres Strait Islander I know who has not been affected by this practice. For me, it is really important that we have a contribution because (traditional language) yesterday we were talking to a family there and I think it is really important that we have our say. It is really important that we contribute to how we shape this legislation when it goes through. Most importantly, I want you to know that it is your voice and everything you put on the table today is sensitive; it is treated with respect. We are here to listen and to take it back to our government, the committee and our parliament where we will see this one through. Thank you again for being here. I wholeheartedly appreciate your valuable time and presence here today. Eso.

CHAIR: Eso, Cynthia. Thank you very much. I will introduce the members of the panel. I am Aaron Harper, chair of the committee and member for Thuringowa in Townsville. Along with me are Joan Pease, the member for Lytton; you know Cynthia Lui, the member for Cook; we all know Aunty Ivy; Marty Hunt, the member for Nicklin; and Michael Berkman, the member for Maiwar. We also have representatives from the parliament, from Hansard and from the committee secretariat, Bonnie and Linda.

Everything you say today will stay in the parliament. It is truly historic. Never before have we had Torres Strait Islander language or Indigenous language put into a parliament. It is going to help shape this bill. It recognises years of traditional child adoption. As Cynthia said, hearing from you today about your experiences will be good for the committee. With that, we will make this as informal as possible. I hope that helps you understand who is here. We certainly want to hear from you about your experiences. We will invite elders first; that might be most appropriate. I ask any elders to come forward. I also recognise the community members who are here, representatives from council, councillors and the CEO. We deeply appreciate being in your community to hear from you. Tomorrow we travel to Saibai to hear from them.

We will table our report in parliament on 28 August. It will then be for the parliament to debate the bill, to finally give legal recognition to traditional islander practice that has happened for generations. This is very important. Please come forward. We also know how deeply sensitive and sacred this practice is. As Cynthia said, if people want to talk privately, we will accommodate that after the public hearing.

ABEDNEGO, Mr David, Private capacity

ADIDI, Mrs Nazareth, Private capacity

AMIBA, Ms Daisy, Private capacity

BINJUDA, Ms Georgina, Private capacity

ENOSA, Ms Jennifer, Private capacity

HARRY, Ms Abigail, Private capacity

KRIS, Ms Ella, Private capacity

NATHANIELU, Mrs Bertha, Private capacity

SUBERIA, Ms Bowie, Private capacity

TABUAI, Ms Charlene, Private capacity

WHOP, Mr John, Private capacity

YORKSTON, Ms Dalassa, CEO, Torres Shire Council and Private capacity

CHAIR: Before we start can I also acknowledge the eminent panel of the Kupai Omasker Working Party—Ivy Trevallion, Alastair Nicholson and Charles Passi—for their work and consultation in over 30 different locations, and for speaking to 150 people. A lot of consultation has occurred and helped us to get to this position. Thank you. We will get Cynthia to talk for a moment on the contents of the bill before we ask people to speak.

Ms LUI: I will talk a little bit about the meriba omasker kaziw kazipa bill. I think Aunty Ivy touched on the journey for kupai omasker. The Kupai Omasker Working Party was a group of people who were passionate about seeing the practice around traditional child-rearing practices for the Torres Strait being legally recognised in law. It was their hard work in lobbying government (traditional language) that now brings us to this point where government—we who sit on this table—are talking to you now about this bill that I introduced into parliament, but we have to go through all the different processes before it actually becomes legislation.

The key features of this bill and issues that were raised throughout years of lobbying were that families were finding it extremely hard to get a birth certificate. We see that now a birth certificate is really important and something you need for identification. You cannot apply for housing, a bank account, a passport or any of those kinds of things without one. What we found from the conversations and from the hard work of the working party was that it was a barrier for children to be raised under this practice. It was a huge barrier because they fell between the cracks. Now we have had kids out there who were raised in this cultural practice where (traditional language) but outside it is not recognised and so they have trouble. Parents have trouble applying for birth certificates and enrolling kids in school. That is where the stress comes about and the disadvantage that we see. For them, because we understand those disadvantages were always there, we have never really put it into practice and wrapped a solution or a framework around it where we can alleviate some of those disadvantages for kids.

I want to explain some of the key features of the bill here today. We are looking to appoint an independent commissioner. That independent commissioner's role will be to work between communities. We understand that Torres Strait communities are right throughout Queensland. That commissioner now will be the appointed person who will go through that legal process and try to make it as simple as possible for families to go through this process of getting their kids legally recognised.

Ms PEASE: It is important that the commissioner be a Torres Strait Islander.

Ms LUI: Yes, it is important that the commissioner be a Torres Strait Islander. The other feature here is that a cultural recognition order has the effect of a permanent transfer of parentage from the birth parents to the cultural parents. I know people have different views. Our job here today is to listen to all of your different views. Whether you agree with something or whether you do not agree with something, it is really important that you talk about it. That permanent transfer, when you talk about that legal recognition, will mean that that mother and father will look after the pikinini now. They become that parent. It will be a permanent arrangement. I think before under our practice we saw it as permanent. It was not because it was not legally recognised. After we put this through in legislation it will be legally recognised and it will become a permanent arrangement.

CHAIR: I think also importantly it is not mandatory. Two consenting sets of parents—the giving parents and receiving parents—make application to the commissioner if they want to do that. It is not mandatory. It is entirely up to people.

Ms LUI: Any decisions under the bill, including deciding to make a cultural recognition order, must be for the wellbeing and best interest of a person. We submit that culturally, when we make the decision for giving pikinini, we sit down, we talk, and we gather the key family inside the community. We also help facilitate that process. That is something that we have also recognised here, but it is also in the child's best interest. When we talk about this being legal, we have to make sure that when this process happens it is in the best interest of the child. All parties need to be in agreement. We can facilitate this process more smoothly and make it less complex and try not to make it too hard for family. We are doing the best we can to merge lore with law. We understand and they understand that we have to make this work so that our kids can be legally recognised under this practice.

The main message for this public hearing is that we want to listen to you about your experiences. Yesterday I talked to the family and said to speak openly about what you feel about this whole process. We want to know how it will make a difference to children. We are here to address the disadvantage. Lore is not incorporated into law. We are finding major issues within this practice. We are here today to have that conversation. Like I said, the name of this bill is Meriba Omasker Kaziw Kazipa and relates to traditional Torres Strait practice. I want us to be able to speak openly about how this will benefit you tomorrow and more so the kids raised under this practice and the kids to come who will be taken under this practice. I think the key message here is the legal recognition around this framework.

CHAIR: Thank you, Cynthia. I hope that helps. I know Aunty Ivy wants to add something. I take from that for your children's children—that is the translation of meriba omasker kaziw kazipa.

Ms Trevallion: Over the years the other issue we have been finding families talk about is the public trustee when there is an inheritance and when there is cross-cultural marriage sometimes the children miss out. They miss out because the custom of giving one another children is not recognised so they miss out on the estate of the families. This will help them out. The other thing that will happen is that our families will not break the law. At the moment some of our families are breaking the law. All goes to the registered pikinini. If I give pikinini to my brother, they should become mother and father of the pikinini. It is not right what happens because later on down the track it will be no good for them. I do not think that we should be able to subject our families to this kind of thing and breaking the law. We should fight for the right to be able to exist as Australian citizens and as Indigenous people in this country where we practice culture and custom.

We have parents who spent sleepless nights before they go to court for their pikinini. You have 80-year-old woman sitting down there. They say that they are not the mother of the pikinini and that they should ring up the biological mother of them. The biological mother comes. They say, 'My mother said, no, no, that one mother you.' This will give a rightful letter so that the pikinini know this one is your mother. This will help all families and their pikinini and our brothers and sisters and aunties and uncles who cannot get a driver's licence, passport, apply for public housing. Like Mr Harper said, people have a choice. That is another option. They can go through this process. They can pay deed poll.

Remember with this it will be that you register your pikinini when you want to adopt him or close that birth certificate, pack it away, they issue you with a good birth certificate where the name is listed under another pikinini. They become a member of the family. This is the first time to get here. Do not lose this opportunity. Talk for them. We cannot wait another 30, 40, 50, 60 years for this thing.

Mrs Adidi: Ivy, come again when you speak about putting it on birth certificate. What if I also have brothers and sisters from my proper [REDACTED].

Ms Trevallion: There will be a list of your siblings of your cultural parents. When you born your birth mother and father, your proper mama and papa, will register you. When you give a pikinini or lock that birth certificate away, the birth certificate is still there in case that pikinini or that person has health problems. If they need to they can always access that one so that they can find out if everything is all right with the biological side of the family. That is another reason... The new birth certificate will issue you with a new mama and papa under the cultural parents. Your name comes under another brother and sister.

Mrs Adidi: From my proper [REDACTED] ?

Ms Trevallion: Your proper [REDACTED] would have registered you as a child, but when they give you to aunty and uncle I do not know if it was done legally.

Mrs Adidi: I have my birth certificate here.

Ms Trevallion: So they would have done it legally then.

Mrs Adidi: Is that legal?

Ms Trevallion: Yes.

Mrs Adidi: My birth certificate says I was born at Kubin. My name Nazareth and surname Nawia. I was had a problem looking for this birth certificate. When I looked around for this birth certificate I had been put in as Saibai.

Ms Trevallion: It had given to you as being Saibai.

Mrs Adidi: I have been put as Saibai because Saibai is where I really come from. When I put in Saibai it was wrong in Brisbane. I got a letter from them asking is there any other name you use so it can come out on my birth certificate? My birth certificate came out with my father's name as [REDACTED], 46-year old of Hammond Island. My mother is [REDACTED], formerly [REDACTED]. One of her father's name.

Ms Trevallion: Your mum and dad must have been really special because they were able to register you under that adoption and do it properly at that time. They would have done that at the time. That is really special.

Mrs Adidi: My mum is a Meriam woman.

Ms Trevallion: Some of us during D&A time did get adopted. Albert used to go down to the hospital and sometimes register the births and then the mama and papa would go on top. Albert would go to the D&A office, then Albert fill in the forms, they would sign them and then they would go down. That means they fill in the adoption papers.

Mrs Adidi: I was born in Kubin.

Ms Trevallion: Albert is the one who was from D&A and at time would fill in the forms and register the adoptions, but then that stopped in the 1970s or 1980s. It all stopped because the department of child safety said that they do not do any relative adoptions anymore because under the law when you do that process they saw that as a relative adoption and they do not make relative adoptions.

Mrs Adidi: (Traditional language) Last week Wednesday I flew up to another [REDACTED] because the small one had an accident. Whenever we go to hospital we bring a form. She was born in Cairns. (Traditional language) They say, 'Ring up the mother.' She says 'No, don't put my name. I don't want to be mother for that pikinini.' She is only about eight-year-old. I wish I had been there for the meeting but I came on the afternoon plane. I traditionally adopted one from my [REDACTED] because that niece is a [REDACTED]. I babysat the small one, and then I kept him. He is 35-years-old. I was worried when he gets married. I was worried because we never changed the birth certificate and when he was married that name would be on the birth certificate. He did it by himself with no help. He said, 'Mother did not grow me up. You bought me up.' He paid a magistrate for his name change.

Ms Trevallion: By deed poll.

Mrs Adidi: Is there any way for me or the magistrate to insert that on the birth certificate or are we still working on that?

Ms Trevallion: My understanding was that—I could be wrong—this bill will test all sorts of things, and that might be something that it will test as well.

Mrs Adidi: Because of my involvement, I adopted ... I will acknowledge some people who passed. When we have been ... this one here he come up. Thirty-one years when I counted from there ... I was one of those persons too from (traditional language) and we were in a corporation in Brisbane. We also invited MPs to launch that (traditional language). I am one of the foundation members for (traditional language), a younger one.

Ms Trevallion (Traditional language) so I go living for them so we could give a chance for them and other family members (traditional language). So eso for setting the scene for (traditional language).

CHAIR: Ms Bertha, would you like to say something?

Mrs Nathanielu: For me it is just like putting the cart before the horse, this thing. I find it like that. I thought this thing should have been done years ago sitting down with all those councillors before and with the elders before time. It should have been done then. Like, educate them first before it goes. That is how my feeling is because there is a time when some of them men when they go to get married and their partner to be will say, 'I don't want to get married in that name,' because we Thursday Island

think of the hard work that that man and that woman did for you. They say, 'I don't want to marry. I don't want to sign that surname.' They find out about their birth certificate—their original birth certificate—and say, 'We don't want that name.' You put it in the name of that man and woman who have done the hard work for you—lose their sleep, work to put clothes on your body and food in your mouth. That is how I see it. It should have been done there (traditional language). After D&T time—that practice where all the councillors sit down in every community—that is how it should have been. Like I said, it is like putting the cart before the horse. It is something really new and that is all I want to say.

CHAIR: Thank you. Would you like to speak, Abigail?

Ms Harry: First and foremost before I continue, I want to honour God—Jehovah God with His rulership and dominion of all the earth to the ends of the earth. When we talk about customary adoption practices, we have Torres Strait Islander people. We have been open with the language in here this morning. It goes back. It is historical. It goes back to our forefathers and it is still practised today, whether it is traditional adoption. (Traditional language) or my God give the blessings. In anything like this in a meeting place like this or any significant event, we honour God and praise God in opening and in closing.

In saying all that, I rejoice today. I dressed today. Usually I do not get dressed. I wear my only suit, but I thought I would like to be bright today because I have been part of this customary adoption. I want to give honour to the late Uncle Steve Mam. Ivy's hubby was part of this process. I was with ATSIC, the Aboriginal and Torres Strait Islander Commission, at that time appointed by the federal minister for Indigenous affairs on the Torres Strait Islander advisory board with Cissy, Ivy and Paul Ban. It was part of this document, and it comes to where this document is here today. There have been a lot of people involved in this document and I want the panel to be mindful of this very historical occasion today. Praise God. I was getting emotional. I was crying when they started singing. I am now trying to control myself and embrace myself.

When we talk about traditional adoption, again it comes back to the practices that have been happening way before time—way before we are talking about a legal binding document today that is on a birth certificate. Identity about a person tells you who you are, but it is another thing when it is done by adoption. I read the scripture this morning. In Roman it talks about adoption, of adoption in the family of God. This one is man's adoption—our way, your way. My mamma (traditional language). I want to honour my mamma (traditional language) because I am going to cry for my mamma. The only mamma (traditional language). Another aunty is there and the elders are there today. My [REDACTED] here is [REDACTED]. When I looked at her this morning I said to her, 'You remind me of your mother.' I meant that.

Three of us were adopted to one mother. She was the eldest and the eldest of all David—every David. If you are a David family, you come under my mother. Sister Harry nee David adopted three of us, me and my two brothers, but the decision was made by my mother and my father that my name was going to be changed and the two boys were going to stay the same. My two late brothers were [REDACTED] and [REDACTED]. My brother [REDACTED] comes from a [REDACTED] family—not a family but same blood line. Either it is friendship or through blood line. My brother [REDACTED] is from another aunty, [REDACTED] family as we have done today—[REDACTED] family, [REDACTED] family. Both boys stayed the same, but from school it is Harry, Harry, Harry, Harry. Right up until the death certificate it is Harry. My brother went missing on *Malu Sara* from 12 to 18 October 2005. Immigration citizenship—Border Protection now—had his birth certificate. I was able to acquire two separate certificates. One was with his biological mother's name and the death certificate was in [REDACTED], but I was blessed. It was only by God, otherwise I would not have been able to.

This is what traditional adoption is to me. I left my home, Yam Island, with me and my sister from my mamma. I left when I was 17. I did not return until after 40 years. That is when I returned to the Torres Strait Island, but I find it very hard, like my biological brother (traditional language). When I came back, I did not know where I fit in. I did not have a house. Who is going to take me? Do I stay with families? Hardly anybody knew me because I had been away for so long. Where do I fit in with the land being adopted? Nobody is going to dispossess me. Nobody is going to take the ... away from me where I have been brought up on Yam Island with my adoptive parents.

I learned the culture. I learned the way of life, the way of living. Everything was embedded into me. So I came out when I went away for the 40 years a very strong woman because of my mother. Some of the other children that I have spoken to cannot cope. It is too hard for them. You try to leave at 17 and go away for over 40 years and come back to find a place with your family and in your community. Where do you fit in? Then you come to the matter of the land. Am I a traditional owner?

Do I have a land? Do I have a land from my biological family or from my adopted family? Land is the commodity. Land is the identity. Land is the soul of a man. It makes you who you are. It becomes part of your custom, your culture, your belief, the system that you live in. It builds your aspirations. It builds everything about you and who you are.

Today I do not own land. Today I still live on my own. Do not forget through these traditional adoptions, through land, through any process, through any proceedings God speaks: 'This land, I give it to you.' It is an everlasting possession. It is perpetual. It is forever. It is for you and your descendant to descendant to descendant; from your generation to generation to generation; from your children to their children and their children and their children hereafter. Where do I fit in? Where does anybody else here fit in? It is very important, and I am going to say that I am looking at it. When daughters we talk about that practice because they mould people. That custom under culture binds them. It is the secrecy. If you give me your pikinini, not anybody from this island can speak for you who is your biological mother. No way. It is not told. You grow up without even knowing who your biological parents are. You think about (traditional language). That one is your proper mamma and papa. You do not look at your features. You do not look at your appearance. You do not see that you look different from your parents, because nobody tells you. It is taboo. It is something that they take to their grave, and I want to stress that because it is very important that this part of it is documented.

It is important also, this independent commissioner. We have had a lot of people coming out of the Torres Strait. We have had a commissioner for ATSIC. We have a lot of commissioners and people sitting on the Australian Council for Aboriginal Reconciliation. Today we have people sitting on national boards that represent Torres Strait Islander people. I have been away and I came back in 2005. Things have not changed. I am still suppressed and depressed. I am still living in very low-socioeconomic disadvantage in every area—whatever area it is for me, whether it is health, education, employment, whatever. When I am looking at the title here, this commissioner is going to be appointed. For me when you say that this commissioner is going to be appointed, it is going to be a ministerial appointment. Is that so?

CHAIR: Our interpretation of the bill is that the advisory council or someone will recommend a Torres Strait Islander to the minister. There has to be lots of consultation with community before that appointment, to make sure they are very much—

Ms Harry: I know that. I am very aware of that. What I am saying to you is that at the end of the day we must make sure that this commissioner who is going to be appointed can talk—talk like I can talk today. That they can sit down with government and say, 'This is what my people want. Let my people go!' For far too long—for far too long—Indigenous people have been appointed by a minister and it has become a ministerial appointment, appointments after appointments. This time around, Sissy Ivy, my daughter Cindy and panel, we want to make sure of the person that the minister appoints, because at the end of the day I know what that word 'appointed' means. It is a ministerial appointment. We want to make sure. I am so blessed. The family is sitting here (traditional language). This person has to be a Torres Strait Islander. I am going to say it here so you can record it, because you are members of parliament.

A lot of times Torres Strait Island people do not have a voice. We do not have a voice at the national level. Our voice has been taken away. Somebody else speaks on our behalf. Out of this traditional adoption with this paper, we want to make sure that Torres Strait Island people from our younger generation are going to be the next generation to sit on national boards, to be part of an advisory group, whether to the state or to the Commonwealth. That is all I want to say today. Thank you. If I say any more I will cry.

Ms LUI: Aunty Abi, thank you. You talk about the commissioner. It is something that keeps coming up. I want to listen to how you think that position could work better. Do you have any ideas around how this process can be facilitated a lot better for people (traditional language)? Can you elaborate a little more around that position? From hearing what you have said there, you want somebody who can talk that kind of big stuff. You want somebody who understands this practice. Is it the position itself or is it where the position is going to be? Is it that kind of thing? Can you just explain that a little more?

Ms Harry: Whatever is going to happen at the end of the day, I can assure you that the minister will appoint that person, yea or nay. I want to say that when appointing this person you have to scout the nation. You have to view this nation, for God's sake. I want to live this way, it is true. You have to scout the nation to get the right person to sit on this commission. It cannot be just anybody. The minister cannot just put a pen to paper. Go to the people in your community and ask them. Whether

you are taking people from the homeland or the mainland, we have always written documents about homeland and mainland people, but they are the same people. You cannot separate them. The flag is their identity. It represents them. It symbolises them wherever they go. If this person who is going to sit on the commission, whether it is male or female, you need to look for somebody to sit as an adviser next to that person. Every minister has an adviser. They have senior and junior advisers.

There is a lot of money in closing the gap. The Prime Minister just talked about closing the gap the other day. Look at YouTube. I cannot look at YouTube, because my eyes are not good, praise God. Sissy Ivy, this is serious. Find an adviser. Have a commission. I want you to write this down. I am talking into this thing, so write this down.

Ms Trevallion: Sissy Abi, they are taking a note.

Ms Harry (Traditional language). Apart from having that commissioner, you need an adviser with that person as well—not just a commissioner—and for that commissioner you have to find a good one. Thank you.

Mrs Adidi: Cynthia, from the way that Sissy Abi talks, I want you to advise me. The commissioner has to sit down with those over 60 years old, because it is different. You people talk about Torres Strait Island traditional adoption. Those people need to sit down with people who are over 60 because we still have the traditional ways. If you want to talk about experience, I can talk about my adopted [REDACTED]. When [REDACTED] went to high school, we have no problem there. The eldest one, he was taken by the eldest sister as a pikinini. They have the birth certificate to show for school, so we have no problem with that boy until (traditional language) this name he was using, [REDACTED]. That is all I want to say. With the commissioner, you have to have someone with proper knowledge of the Torres Strait culture because young people do not know. They are looking in from outside. The young people do not know the proper culture when (traditional language).

Ms Trevallion: We are running out of time.

CHAIR: We have three more speakers. Would you like to make a contribution?

Ms Amiba: I go back to what Sissy mentioned about the commissioner. The person who is appointed has to have the experience of cultural adoption, the experience of walking it and living it. I am here because I have traditional adoption in my family. My [REDACTED] was traditionally adopted. She was born in 1930. At that time, when I look at the birth certificate for her I think it must have been John Turner who registered her. She was adopted. In our Saibai Island culture, we mainly talk about island adoption along the cultural values of them. It may be our totems. She was Koedal in her biological family and she was adopted to the Suibidam family. When he registered her back in the 1930s or 1940s, on her birth certificate her name was Agie. She was adopted traditionally to the Agie family of Saibai Island. Formerly, Wygana was of the Koedal clan. Whenever you put together your policy, your draft or your guidelines, mention the cultural protocols that are in island adoption. Once when you traditionally adopted to this other family, in the old days it was a taboo. You could not talk about it. When she was given to this other family, she stayed there and got married from there. There was no contact or anything with the biological family. That is how strict it was and that is what her birth certificate said.

In my case, when my [REDACTED] married she adopted to me her third eldest son. He was traditionally adopted to me. When she got married she said, 'You are going to register the children with the husband's surname.' In my case, I just said to her, 'Well, I don't know how my situation is going to be in the future, but I would rather if you still register him under the name of [REDACTED], under the married surname.' It is very important that when he was growing up every cultural activity—initiation and everything—was left up to me to do.

In your policies, it is important that it is okay to adopt a child and put him on the other birth certificate under the name besides the biological name. There are traditions and customs. That is how our culture is. It has to be from that specific clan. That is all I want to say. That is my contribution.

CHAIR: Thank you, Daisy.

Ms Trevallion: Because we do not have plenty of time, can we eat while we talk?

CHAIR: Please help yourselves. We need to stay quiet while we talk. We will need everyone to be quiet while we continue the conversations. Mr Whop?

Mr Whop: Because of time and in case we do not have a private hearing, I think about all the sadness and the elders here who are much older than me. I for one respect Torres Strait Islander traditional adoption. For people who worked here and people like myself who came to high school, Thursday Island

we did not get any government funding, so the people here accepted us as children. The end result was that we call them ‘mum’. You also will find that. Instead of going through the nitty-gritty, I was going to talk about the commissioner. As a cultural obligation, I can see the descendants and that is why we are sitting like this here.

A couple of days ago on 4 August it was my birthday—just in case you want to buy me a belated present. It is a very historical day for Aboriginal and Torres Strait Islander people. It is National Aboriginal and Torres Strait Islander Children’s Day. I finished my thesis on Indigenous perspective and Indigenous views and paradigms as to how we perceive things. I came across this old lady name, she is a familiar name. Her name is Aka Bibi. There are a lot of descendants here from Erub. I can see Dalassa here, I can see Johnno and them, I can see Danny, I can see Bertha. A lot of those people are all interconnected to that old lady. She is from Mabuiag Island that I come from, the western Torres Strait. She got married into Erub-Darnley Island in the eastern Torres Strait and then she left the island and she never came back. She took with her a midwifery skill. She was a midwife and she helped with a lot of births. This year the family were going to have a reunion about this old lady. At that time, a lot of the people were known by just one name. It is either a Christian name or a surname. Even today I know her as Aka Bibi—‘aka’ meaning a grandmother. She is very famous.

I was just looking at this old manuscript. It is 281 pages of manuscript. It was written by Waria in 1898. He mentioned Bibi. I am going to share that information with the family. When I looked at it, I recognised the name. There is a line or two that you write as to how she went and who she married. That is very important. I just want to draw your attention to that, because as Cynthia said earlier this is an opportunity, a time, for us to express. We are so happy and glad. It has been a long time that we helped, contributed to Ivy, along the way. We also give credit to those who were there all this time.

I just noticed what Atei Waria has on his first line, and I am going to read it in language. He said, ‘Ngai Netwaria ngat na inab tisi paladin wagem kozika.’ Then he has got ‘ngulaig ka’—for them to know that word. Kazika is very important. Because of Aka Bibi and the central island speakers, we would say ‘Kazika’. Your dad would say it. Your Atei was born Cynthia on Mabuiag. You would say Kazika. Because it is an inclusive bill, we have Meriba Omasker and we have Kazipa. Let us include Kaziu Kazika on behalf of Bibi, on behalf of the central islands and on behalf of Badu speakers. Then it connects all the dialects and language speakers of the region. We have got Kaziw Kazipa. It accommodates the northern islands, the southern islands. Kaziu Kazika will accommodate the central islands and the western islands.

CHAIR: We had a submission from the surname Bani asking the same, to include those same names to recognise the central and other islands.

Mrs Adidi: They would be the same words; the same meaning.

CHAIR: Thank you for all of your work.

Mr Whop: That is my contribution.

Ms Suberia: I would like to acknowledge our traditional owners of this land—the Kaurareg people. I also want to acknowledge our elders here present for this historical moment. I acknowledge our member for Cook, Ms Cynthia Lui.

I am here on behalf of education. I am the head of campus at Tagai State College at Thursday Island Secondary Campus. I spoke to Ivy a couple of years ago when she started pursuing and consulting with community about pushing this bill through parliament. She came to the high school to discuss this with me. I have been in education for 20 years, mainly here on Thursday Island. We have seen our kids go through schooling without birth certificates. It has been very difficult for us, especially the students who have been island adopted, to gain birth certificates—especially to be enrolled at TAFE and to get their USI numbers. That has been very difficult.

I remember years ago there was a student who excelled in everything and he wanted to pursue a career in the Navy. He found out that he was not even registered. He was given to his grandfather but because of island adoption it was not discussed until after he graduated that he could not get into the Navy. A lot of our kids miss a lot of employment and tertiary opportunities after school because of a lack of a birth certificate. I feel that this will give our students the opportunity to gain further qualifications and employment in the future.

Thank you very much for pushing through this bill. I think it is very, very important for our people and especially for our children for the future. Yesterday we also discussed in our youth stakeholders group about running driving programs for students to get their learner’s, but for them to get their learner’s again they need a birth certificate. That is what I want to contribute. This is very, very important for our students’ education and employment opportunities.

CHAIR: Thank you very much. Does anyone else want to share their experience in the time remaining before we go to our private session?

Ms Kris: I want to share my experience as a traditional adopted kid—a product of this thing that happened so many years ago. First of all, I guess it is taboo—you do not talk about it. That has been practised when we were young. As you grow up, I think you need to know where you come from because of marriage and maybe when you have kids. We really need to know where we come from.

For me, I was adopted from one sister to another. It was not confirmed until I was probably 17 years old when I thought I was 18. I went for my birth certificate and found out I did not exist. I did not exist because I existed under another name. It took me from when I was 17 to fight to change my name. I did not think I had to pay to change my name. I paid probably \$400 or \$500 to change my name in the end.

It is loss of identity, it is loss of culture. We grew up, my dad was a Kris. My dad is originally from Mabuiag. The family relocated to St Paul's so we grew up under the western island culture. At the age of 15 my dad died. My mum is from the east—both of my mums are from the east. For me I have been blessed with this process because I grew up from birth to 15 as a young adult under the western island culture, my dad's culture. Then from 15 I have been trying to find my eastern island connection and really connect back to my blood.

As a product of a female, I do not own land. I think my dad probably came on the convict ship 150 years ago or through London Missionary Society somewhere, so I do not own land so land is an issue. I acknowledge that. The way around that is I bought my own land so now I have a piece of heaven on earth on 1.40.14 on Tumagain. It is the loss of culture. Wherever the commissioner is employed or wherever he is based, it needs to be somebody who understands both cultures. You cannot have an eastern island man make a process and sign off for western island culture, and you cannot have a western island person sign off on the other—whether it is a joint partnership or some reference group underneath, or two people who actually sit together and share this role. The two cultures are different. For me, growing up here in this community, it is Tumagain. This is where we connect—this piece of land here that actually belongs to Kaurareg people. Our parents built this community here.

Identity is trauma. When you find out if you have been adopted, it is actually traumatising. You want to know why you were given away. When there are family disputes, it actually comes up—'You're not proper pikinini. You're bush pikinini.' Somehow in this whole bill, there has to be a law maybe if somebody speaks this you can take them to the courts because they do not have the right to tell you that. It is up to your parents—the culture or the parents. My mum is my mum—not my adopted mum; my mum. Even still today I walk around and people speak, 'There is (traditional language).' No, I am a (traditional language) Kris. That is my mum. Other people need to respect that.

I do not know how to put it into this bill but it has to be recognised. I am a Sailor through my mum, [REDACTED]—not a Sailor through [REDACTED]. I am not that. They were two sisters, first cousins. That was through my life. When I found that out, I went off the rails. I dropped out of high school. I had a kid. I hung around with everybody else and got drunk and did that sort of thing. Then uncle actually pulled me up and said to me 'You're not a written paper (traditional language). You're actually a bond. You can bring the Sailor family and the Kris family together and you're a bond.' There was that kind of cultural advice from an old fellow.

I shared a lot of bar talks with uncle back then. It brought me back to a place of who I was. It has taken me a long time. Maybe at the age of 40 I actually started finding myself and a connection to land, connection to family. It is trauma. At the age of 17, I found out that was not my name, I did not exist and I had to do all of that. I had a baby at 17. I made a promise to myself that I would never adopt any of my kids because trauma takes three generations to break—one, two, and I hope they do not give away any of their kids because I will kill them.

It is trauma. I guess I am trying to say it is trauma. It will take a while. Next year is 150 years for the Coming of the Light. We have only been around that long. We have been around longer but colonisation has been around 150 years. It is trauma. That is all I can say. I do not want to read the bill because I fought for this for 55 years of my life. I am not sure where this is going to take me or take anybody. That is my experience.

Ms Binjuda: Thank you, Chair, and panel. [REDACTED] a receiving parent of an enabling adoption process. I felt that I needed to provide some input today. I will not be able to stay around for the individual part of the proceedings, but I would like to follow up from the last speaker. We have a lot of concerns—I started reading the bill—around that conflict, whether it is local, western, eastern, blah,

blah, blah. But I still would like the opportunity to explore that conflict between that commissioner and the rest of the advisory group—however that office is set up. In reading the bill there was another thing of interest that came up. I would like to know more around how this will be seen when it becomes written policy. One dot point I read related to applying for an order or to be recognised in terms of criteria. One point is about exploring the criminal offences of the other parents to whom you are giving away a child. That is something of future concern not only to me but also to a lot of people.

Does that clash with the cultural process or policy that we are trying to push up here? What happens when you put in place those westernised things where you ask for criminal background checks, blah, blah, blah? When those cultural practices are in place where they are actually giving—because of the way it happens—to another family member, however they want to give that sister or brother, what will happen with this eligibility requirement that says you can only do this or be recognised if you have these checks in place? That is what I have read so far of the bill. I want to know if there still is room for us as a nation to be consulted to make sure that the bill is right before it is passed? What if we have things like conflicts, blah, blah, blah and teething problems to deal with?

CHAIR: That is a good point. In the explanatory notes to the bill, the commissioner has discretion. Judge Willis appeared before us in Cairns and said that, for children who commit a minor offence, those things can be put into context when applying as a parent many years on. If it is a major offence, obviously they want someone up here to look at that. I think a fair bit of discretion is given to the commissioner's role to consider those applications for any criminal history checks. That is done at a very discreet level. I hope that goes some way. It is in the explanatory notes.

Ms LUI: Thank you for that. Your feedback day is later today. Once it goes back, the community will sit down and generate a report, but I encourage everyone here today, if there is something about this that you feel you want to express, now is the time to do it so we can put it on record. When they collate it into a report, that is what is going back to the parliament. It is really important that we are very critical about this and that we question it. You do not have to agree with anything, either, but we want to hear what you are saying. Thank you for that. I really appreciate your honesty today.

CHAIR: Thank you.

Ms Yorkston: Thank you for coming today and for being in the Torres Strait. Thank you for presenting the bill and giving us as Torres Strait Islanders an opportunity to read the bill and to provide constructive criticism or feedback and stories today of experiences. For the record, on behalf of the Torres Strait council, I would like to give a quick overview of council's submission. Probably the first thing to note is the time. It has been a very short period of time since the bill was presented. Around this room, I do not believe all of the families here would have had an opportunity to read the 62-page bill. I think it is really important that, in introducing such things into parliament, we make sure that there is an appropriate time to do that.

The other thing I also note for the record is that the community consultations have only been extended to—when we talk about the Torres Strait—Bamaga, Thursday Island and Saibai. This practice has been carried on for generations. This bill impacts every island in the Torres Strait. We understand there is COVID and that there are restrictions on travel and movement, but to provide justice to Torres Strait Islanders, as council said, we encourage the committee to speak to as many people as possible in the Torres Strait. We understand families are in Townsville, Brisbane and Cairns where there were other hearings. From a personal perspective, the further away you are from Torres Strait, there are different influences. I am not saying culture is not practised in the wider mainland, but, as you will find, as you go into the Torres Strait you see a vast difference with the way of life and the way of engagement. That is why council very strongly says that it would give a lot of justice to visit every island in the Torres Strait, because this will impact our future moving forward.

My second point is that we have had a look at the bill. We would like to provide some feedback on the preamble. We note that the preamble states that island custom, child-rearing practices, have been practised in the Torres Strait since time immemorial. We acknowledge that this bill emanates out of British law and that that term 'immemorial' does not have a cultural meaning. We would like the committee to consider, if it is to be a bill about Torres Strait Islander practice, that the preamble introduces us not through recognising British law but through recognising us as Torres Strait Islanders. We would like to give that feedback. Above and beyond any other attribute in the bill, Torres Strait Islander cultural adoptions were always private. The committee today is encouraged to have regard to this truth. That is the first point on the preamble.

My second point relates to terminology. We want to raise the point again. It talks about a 'cultural parent'. Again, in Torres Strait Islander terms a 'cultural parent' is an alien term. When a child is given from one family to another, we do not say, 'You are going from your original parents or biological parents to your cultural parent.' Again, we are asking the committee to reconsider that and Thursday Island

to think about that in terms of the bill because to children who are taken that is quite offensive. They do not become our cultural parents; they become our parents. Could the committee have a look at that terminology?

Thirdly, council would like to highlight the contested will and the estate. Again, a decision should be made. The records should not be closed. We are saying it should be optional. In terms of closing the record, it should be for an adopted child to decide whether or not they would like to. In most cases, while that option is there, it is not practised. These are sacred things that happen which are not spoken about.

With regards to contested wills, we note that section 41D(a) of the Births, Deaths and Marriages Registration Act 2003 is inserted into clause 123 of the bill and that it allows the transfer of parentage affected by a cultural recognition order to be registered for the person's birth on entry to be closed. We are asking the panel and the committee to reconsider that; it should be optional. That issue should be further discussed by members of our community during these hearings in terms of inviting them to see what they think about that.

The fourth one I raise is lore versus law. In relation to the regulation of customary law by a regulation of government, how do we find that balance, how do we ensure that? We say that traditional adoption has been a sacred form of how we do things. There is now a bill being introduced into parliament that prescribes how we will continue to do things. It brings in six other pieces of legislation and, if that legislation changes, that means this bill will change. Thank you, Chair, you did clear this up earlier on, but do we have an option? For example, right now we practise our culture. Customary law is you take a pikinini. This bill says you can do it now, you use this framework, you use the commissioner, you use the process. The question is: if a parent wants to take a child, can they use either or are they bound by one or the other? If we go through the commission and are told, 'Sorry your application is declined,' can we go back and say, 'Alright, I went through a bill and I went through a process, I am still taking this child because this is part of our customary practice'? This is not clearly identified in the bill. It would be really good if the committee could clarify that and advise whether or not it is mandatory. Are we able to take two roads? If things happen for which there was no approval, can you go back and still do it?

The next one relates to criminal history checks. Whilst the bill says the commissioner has discretion to seek that information, we noted from the 22 July hearing that the advice was given that, if you do not tick the box on the application, the application fails to proceed. We would like clarity around that. The reason we ask this question is that, as of September 2019, Aboriginal and Torres Strait Islander prisoners represent 28 per cent of the adult prison population whilst only accounting for 3.3 per cent of the general population. Our families are in there for petty crimes. They are not all high crimes; it is because of small things. However, under the bill, the commissioner has the discretion to ask for a criminal history check. Through our practice, we always give consideration of that.

The different example we gave earlier today showed that these adoptions are arranged. They are spoken about. They are closed, private arrangements. We give you baby to baby, we come to the hospital, or you come to a family home. It is not like your traditional adoption where after being in foster home to foster home to foster home you pick up the child from the Child Safety office. When you hear every Torres Strait Islander speak, that is why it is so sensitive and personal to us, because we have connection. We already have regard for things such as that. We do not give children to anyone. We are giving children to families, close people, people I trust—my sister who cannot have a baby.

The next item that I would like to make a representation about concerns the complexities around the commissioner and the process. The commissioner would have to be someone who is predominant. It is going to be a hard thing. It would have been beneficial for the committee to visit every island, because culture is different. It is going to be very hard for a western island commissioner, if they do not have the backing of eastern island groups, to lean upon them to make their decision or determination. We ask again to have a look inside. We believe in a process. We hope that it does not make the process onerous.

If we have practised this for so long and we have been able to protect kids in the community and because you are late you cannot have a birth certificate, could it not be as simple through the birth certificate process with Births, Deaths and Marriages to have one box to tick yes to the question 'Is this child traditional adopted?', tick the name and then it is closed information until the child is 18 and it is up to them whether they want to discover that or not. Is that not a much simpler process rather than going through a commission and a form and getting people so upset? We have been practising this for so long. The stumbling block is ID. Where is my purse? I need my wallet. I cannot

get my licence because I do not have a birth certificate. We are asking again whether we can have a look at that. It is constructive criticism. We would like to test the bill and where it is going.

The possible approach council sees is that right now under the Torres Strait Fisheries Act 1984 traditional inhabitants are eligible through authorities to be granted identity. How that happens now is this. If you would like a traditional Torres Strait Islander fishing licence you go to your councillor. Your councillor or two members of the community who are elected members can sign off and say, 'I verify this person is a Torres Strait Islander.' That licence is recognised, has been used and has allowed commercial trade. We are asking again to consider the process. If the process already works under the Torres Strait Fisheries Act can we have a look at that?

The last thing I want to raise—I do not want to hold you up because there are other members of the community here who wish to speak—relates to the Industrial Relations Act. Council already acknowledges traditional adoption. We do not need it to be onerous. We acknowledge when there are deaths in the community the roles that in-laws have. It is about talking to council and community and finding out what is the best practice. A bill versus practice on the ground is something that the committee could consider. Thank you very much. Sorry for being emotional.

CHAIR: Thank you very much. Jennifer, would you like to speak?

Ms Enosa: Thank you, Mr Chair, the member for Cook and other members around the table. Eso for giving me this opportunity. I am here as an adopted child. I have two mothers. The two mothers that I have are my [REDACTED] sisters. They never had children of their own so my dad gave me to my two adopted mothers. I grew up calling them mums and also acknowledging my biological mother. When I had my own children one adopted mum was living in a de facto relationship and my other adopted mum got married to a non-Indigenous, I will call him, dad. These are another set of parents. There was mum and dad there and mum and dad there. It is a very complicated story within the system that I am coming from.

My being here today is to outline the issue I found with both of my mums. The one living in a de facto relationship has passed on. I could not navigate through the current system to get to her estate. I did not worry about it at the time because of the system that we are under. For one of my [REDACTED] it is a different type of traditional adoption. I placed him with the other mum because she was the one who was involved in my upbringing all the time. I put my [REDACTED] with her because, again, she never had any children of her own. This mum was married. Her husband just passed away and there is a question of another estate. My [REDACTED] is recognised by this dad as their own because they brought him up.

As we sit here today, that mum is in a nursing home. When this non-Indigenous dad passed on the question of estate came up for my [REDACTED]. We do not have the paperwork. It was an arrangement between me and my adopted mum that he be there with them. He was telling me that when the old fella went he was faced with a lot of road blocks within the system. As mum [REDACTED] is in a nursing home the estate has been taken over by the Public Trustee which is looking after her money and everything. It is very difficult for him.

I came in late and I have not seen the bill. If there were something in there to make it easier for families in these sorts of situations that would really help out. I am not sure what I am going to do with my [REDACTED] estate because there are laws there. After a certain time it is closed. I do not know. Given all the complications in the system and to save the hassle I did not pursue that. Within the lore I am her traditional adopted daughter. Her and her partner's estate is just there. I cannot do anything about it.

Ms LUI: Aunty Jenny, are they asking him to provide legal documentation to show a linkage to that family?

Ms Enosa: Yes, and there are no signed documents whatsoever. It was just an arrangement. I did it out of love. Love for some people might be just I-o-v-e, but it is deep for me. I gave him to her out of love so that one day when she cannot have end-of-life conversations or make decisions for herself I am at peace because he is there on my behalf. That means more to me than legal papers. My issue is around the estates in these sorts of situations.

CHAIR: I am just trying to get clarification on that particular issue. I will come back to you.

Ms Enosa: Thank you.

CHAIR: David, would you like to speak?

Mr Abednego: Thank you Cynthia and members of the parliamentary committee. I am not here as an employee of a council. I am here as an individual. I have been adopted. I would like to acknowledge my older brother, John, who is here today. After quickly reading through the contents of the bill, like everybody else the issue for me is the wording 'cultural parents'. I shared this with a few people.

My parents are on my birth certificate. It was not until I was 19 years of age that I could get my birth certificate. I could not access it at the old courthouse on Thursday Island. Every time I applied for it the request had to go to Brisbane. For some reason my birth certificate comes out of Brisbane. If I were to go to the new courthouse today I would still have to apply for it through Brisbane. I cannot get a copy locally.

On my birth certificate it has my parents. As some other speakers mentioned, I also found 'cultural parents' a bit offensive when I saw it. I was given to my parents. They are my parents. Their names are on the birth certificate. They teach me culture. They teach me life. They are my cultural parents. To actually have it documented like that I find a bit offensive.

In terms of consultation, I think the CEO of Torres shire mentioned that consultation should be across every island, and not just because it is two different cultures. I grew up with a lot of kids from the outer islands and we went to school together on TI. Some of them are adopted. They have found that out. Even through my work life I have found that. It would have been good for the parliamentary committee to go to every island. You talk about consulting with Torres Strait Islanders. Torres Strait Islanders are on 15 islands and also on the mainland. I think consultation should have happened on every island, not only Thursday Island and Saibai.

The last point I wanted to raise relates to the commissioner. Is it mandatory for a family to use the commissioner going forward? Is that correct?

Ms PEASE: If you are choosing to go through the adoption process then yes that would be within it, but it is not mandatory to go through the process. You can continue on as you always have.

Mr Abednego: A proper brief should have come out to everybody in this hall today. Some package should have come with you as the parliamentary panel or prior to the panel coming. All I see on social media is people saying they are happy about what was presented. What has been presented? Cynthia presented the bill. There are a lot of positive comments about that. I speak for myself and say that it was a good thing. How will people know what this is about? Not everybody has social media. An information package should have gone to everybody here so they could have a better understanding of what you are actually here to engage with the community about.

CHAIR: Thank you, David. The explanatory notes talk about a big education campaign—that is, to go to all the islands and all communities and talk about this particular bill and inform people about it. You will see more discussions through the outer islands—all islands. People are aware, but that is a very good point.

Ms Tabuai: Thank you for this opportunity. I am here for personal reasons. I wanted to share a couple of things. I was traditionally adopted to my grandparents. I was the eldest of my biological mum. There were four of us. We were all the eldest of our biological mothers given back to our grandparents. My grandparents moved here in the early 1950s from Saibai. They were the first settlers of Tamwoy Town in this community.

I was given back to my grandparents but they were my mum and dad. I did not get to see my dad. My grandfather, my dad, died at the age of 43. Only mum, my grandmother, brought me up. There were four of us. She was a widow. I just wanted to share going through the traditional adoption. My eldest brother, [REDACTED], managed to get a birth certificate with our grandparents, our mum and dad's, names on it. I and my other siblings had our biological parents' names on our birth certificates. I do not know how that one slipped through.

When my mum, my grandmother, passed away, as [REDACTED] was sharing, because they brought us up they will always be our traditional parents or adoptive parents. Our biological parents stepped in when my grandmother—'mamma' we call her—passed away. They came to all of us and said, 'Mamma passed away. Now I am your real mum. You have to call me mum.' I felt really offended about that. All my other siblings went back to their biological parents. I was 17 and in year 12 at the time. They went back. Our biological mothers came to us saying, 'Come back to us. We are your real parents.' I found that really offensive.

Out of all my siblings, I still kept referring to my mum and dad, although they were my grandparents. That created confusion because when I had children and they had children—because all of my other siblings went back to their biological parents—their kids are calling their mums their grandparents and my kids are calling my biological mum aunty. There is confusion there. I just wanted to share that aspect of traditional adoption. My grandparents will always be my mum and dad and it is always going to be like that regardless.

I wanted to share about birth certificates, not only through my work but through personal experiences. When kids go to high school there is a time when they will apply for birth certificates. If they do not have their traditional adoptive parents' name on the birth certificate, it causes a lot of

trauma. When our kids apply for Abstudy or they ask for a birth certificate for identity purposes or whatever—particularly at boarding school when a birth certificate is issued to them for sporting reasons, for example—they look at it and say, ‘They are not my parents.’ They cry and they ring up mum and dad from boarding school and say, ‘You never said I was adopted.’ This process that we are going through is going to help our people, especially down the track when our kids find out where they come from as that causes a lot of conflicts.

CHAIR: Is there anyone else who wishes to speak? If that is the case, we might adjourn until 2.30 pm. We will have a short break and then we will start the private session. We have four people, maybe more. We ask respectfully for everyone else to be outside to allow them to speak in private.

Ms Kris: Can I just say something? You come here as a committee and you have opened up a lot of wounds.

CHAIR: Yes.

Ms Kris: What is the support you are going to provide? I have come 55 years and healed myself. I have just shared my experiences and it has opened up the wounds now. You are going to go to Saibai and to other islands and do the same thing. You are going to open up wounds—emotions and trauma—again. What social support are you going to give me?

Ms LUI: Thank you, Aunty Ella. As part of the parliamentary process, we sit down here but we all come from different political parties. We all make up this committee. This is not my committee. I have asked to be part of this process today. I am speaking on behalf of all of us, but we have come to listen. This information is very sacred and sensitive, and we acknowledge that. That is why we are taking all of this information back to parliament. We will hand a report to parliament so they can understand all the complications, all the hurt, all the anxieties and all the issues. Aunty Jenny, you talked about the estate—all of those kinds of things. That is what our job is—to take that back to the parliament. We will sit down and put a report together. We will unpack all of those things that you have shared here today and from all of the different consultations to look at how we can better facilitate this process.

Obviously there are different views and different opinions. For the sake of this public hearing, the other members do not have this practice or cannot speak for anyone as they have never experienced it. They can listen and work with the community. They can look at all of the disadvantages our people experience under Queensland law because of this practice. They can acknowledge all the hurt that comes with it and all the different aspects of what it means to undergo this practice as a child, as a parent who has taken a child and as a parent who is given a child. It is all of that. There is no one side to this practice. We have to look at it from all different angles.

I can safely say that the conversations we have had are so that we can all sit down with an open mind and take it on board. Like I said, when we go back we want to make sure that something is put in place to benefit everybody.

Ms Kris: I understand that. It is up to this committee to give us something from here, whether an organisation can provide some care—

Ms Trevallion: Aunty [REDACTED], can I help you? I feel personally for you. I share your story. It is close to my heart. I am sorry this process does not have anything to give you. For now we have nothing for you. All I can say is that you have services like Wakai Waian to care for you. They have psychologists and social workers. For the moment you can go and talk to them. They will be able to help with that counselling. Hopefully, if this bill does get through, it will be able to give you services that you need to be able to address all of the social and emotional issues. At the moment this parliamentary committee sitting does not give you that service. You will have to find a service in your community. I am sorry about that.

Ms Harry: Can I say something in conclusion? The issue raised by [REDACTED] is very important. Before I came this morning, I spoke to my brother [REDACTED] who helps me a lot. My brother [REDACTED] helped me a lot through my own Aboriginal voyage. I came here from Western Australia. I was lost. This is not my country. My country back then was Nyungar country in Western Australia. My brother got me to the office there. It was the first time we went into that office—DATSIP.

What [REDACTED] raised here—maybe we do not talk about those things but when we go sit down we hope somebody else raises it. I am ever so grateful for this committee. Koeyma eso, au esoau—a very big thank you. At the end of the day—and I thank you, [REDACTED], for raising that question again—when it comes to a lot of the stories that have been said in this room here nobody knows. Nobody knows the story. Nobody knows my story. [REDACTED] lives up the road here—the next street from my house. [REDACTED] lives there. I do not even know her story. I do not know the story of Daisy and Jennifer. We live

in this community and we do not know each other's story. Come on. Wake up, Torres Strait as a nation.

Take it back. Have a look at the forcibly removed children. I lived in the stolen generation in the early seventies when I was in Perth, trying to find my way. I did not have parents. I was adopted too. Aboriginal people were adopted. Now you cannot continue to live like this. For the forcibly removed children, the stolen generation, the children who were forcibly removed by government, they put something in place for the social, the emotional and the physical wellbeing of a person.

This committee has to go back. You have to go back through your reporting structure and write about what has been raised here today. A lot of people sit here and talk about land. Land is a commodity. A lot of traditional adopted people belong to another land. We belong to land through biological and through adopted parents. Sometimes our family will not allow adopted people to speak—no talk. You have no say, because this is not your land over here. It goes both ways. I thank ■■■ for raising these things.

In your power, in your authority, that you are sitting here today, you go back and you take that back to the government and say, 'This is the outcome of this meeting. These are the issues that have been raised.' It is important—it is imperative—that you bring healing back for those who have gone through traditional adopted practices, which were put in by our forefathers, because these stories have never been told. You cannot go and leave us this way. Are you the head of this committee?

CHAIR: Yes.

Ms Harry: So you have a responsibility. You are here today. It is a good thing. I eso sister Ivy for the great work that she has done, but you can go back and deliver to those people the message that we cannot swim. I think tonight a lot of people are not going to sleep. People came to share their story here tonight. If they can do it for Aboriginal people, they can do it for the Torres Strait Islander people. It is not just about talking here today; endorse it. Make recommendations. Have an outcome from this meeting here today.

A lot of our people do not talk. We will come and sit and just say a few things, but I eso ■■■ for raising that issue. I was sitting and looking at everybody coming up and being emotional, trying to find a way to talk and a way to go forward. Out of this, when you go back, the content—whoever is the narrator of the document, whoever is the writer of the document—give them the information. You have come to sit down here to do the desktop—we call the government 'desktop'. You have come to listen to everybody and go back and try to marry this thing together. You cannot marry something together that has been put in place since time immemorial.

I eso sister ■■■ for raising that. We want something put into place because we have pikinini who have been adopted by a will that has nothing to do with us. When people from New South Wales were removed, the government put something in place. They put in place the New South Wales land act for the people who do not have land. You could put something in place to give people land. There is a lot of freehold land going here. Think about it. We are the people who are lost in the middle. I will leave it at that. Thank you, Chair.

CHAIR: Eso. Thank you so much for opening your hearts and for sharing your deeply personal stories. You have helped inform the committee of your shared experiences. I know how difficult that is. We thank you. The object of this is to stop the hurt for future generations. You are helping us stop the hurt. A big eso to all of you.

The committee adjourned at 2.30 pm.