



# ***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

**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**

**FRIDAY, 7 AUGUST 2020**

**Saibai Island**

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**The committee met at 9.30 am.**

**CHAIR:** Good morning, ladies and gentlemen. I declare this public hearing open. I am Aaron Harper, the chair of the committee. The other members are: Michael Berkman, the member for Maiwar; Marty Hunt, the member for Nicklin; and Joan Pease, the member for Lytton. We also have here Lynda from our secretariat staff and Bonnie from Hansard, and I will explain Hansard in a minute. We also have Cynthia Lui, and we could not do this without Cynthia Lui having moved this bill in the parliament.

I acknowledge Mayor Mosby, councillors, elders, traditional owners and community members. We are humbled to be here today. This is going to put a legal framework around the traditional Torres Strait child-rearing custom that has happened for millennia. This will enable future generations to be able to get their licence and their passports, to go to TAFE with a birth certificate reflecting of their parents, the parents who took that child with love and raised that child.

We have heard from other communities—Thursday Island, Bamaga, Cairns and Townsville—about some of those very practical barriers for allowing children to grow up, and we want to fix that. We need to hear from you but I am also aware that this is sacred. This is something that is not spoken, so we are extremely privileged to be here to hear from you today. After the public hearing, we will provide an opportunity for anyone who wants to talk in private. Obviously we will have to move people out to do that because of where we are.

From here, the committee will report back to the parliament on 28 August and we will make recommendations that will then go to the floor of the parliament for debate. That is the process going forward. We know the significance of this. We thank you for having us in your community and we will now hear from Mayor Mosby and councillors.

**LUI, Councillor Getano Jr AM, Torres Strait Island Regional Council**

**MOSBY, Mayor Pillemon, Torres Strait Island Regional Council**

**NOAH, Councillor Aven S, Torres Strait Island Regional Council**

**TABUAI, Councillor Conwell, Torres Strait Island Regional Council**

*Mayor Mosby then gave a welcome to country—*

*Mayor Mosby then prayed—*

**Mayor Mosby:** It is a great privilege and an honour for me to be here today to speak on behalf of my people from the length and breadth of Zenadh Kes—from Mer in the east to Boigu in the west. Today, proceedings will be shared by me as the mayor of the Torres Strait Island Regional Council along with my deputy, Councillor Getano Lui Jr AM, the councillor for division 9 Iama community. He is also the father of the member for Cook, Cynthia Lui. Alongside me is Councillor Aven S Noah, the councillor for division 15 Mer and also the host councillor, Councillor Conwell Tabuai for division 3 Saibai. Also here is staffing support from Mr Luke Ranga, the head of corporate affairs.

I acknowledge this morning our native title holders and Saibaigal Mura Buway Koey Mabaygal and Kuykul Mabaygal and the PBC chair, Mr Herbert Warusam. I would also like to acknowledge the Gudaw Maluligal nation of the top western islands, the Maluligal nation of the western islands, the Kemer Kemer Meriam nation of the eastern islands, the Kulkalgal nation of the central islands and the Kaiwalagal Kaurareg Aboriginal nation of the inner islands. Special acknowledgements go to our elders who have since passed and cannot be here today to witness this important historical occasion. Our elders are the children of the past and have suffered anguish through lack of recognition with the legal system. I acknowledge our children of the present day and age and the future for whom this will empower.

I would also like to acknowledge the committee chair, Mr Aaron Harper, the committee members and the state member for Cook, Cynthia Lui. I think it is important to also note that Torres Strait—or Zenadh Kes is our traditional name—is the home to two traditional language groups and Saibai Island

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six local dialects—Meriam Mir, which has Mer and Erub dialects, and Kala Lagaw Ya, which has the dialects of Kulkalgau Ya, Kalaw Kawaw Ya, Kawrareg and Mabuyag. Please note often this can cause a difference of opinion. However, it is important for us to support this bill's current name and focus on this historical moment.

I will now speak about the legislation's significance to our people and our homeland and Mura Islanders whether they are here in the homeland or on the mainland. Unlike previous notions of island custom within Queensland legislation, this bill carries a specific and important significance as a new nexus between lore and law. This shows a continual progression from the Mabo decision to the bill before us today. The Meriba Omasker Kaziw Kazipa bill will assist in the strengthening of traditional practices and island custom that has existed since time immemorial. Today this is a significant event in strengthening our identity. The kunakanpalan ngoelmun lagaw mina pawal is a Kulkalgaw Ya dialect of my people and region in the central Torres Strait and is a dialect of the Kala Lagaw Ya group. The Azimuarteda Merbi Ged Oroal Ge is a Meriam Mer language group. This is not about being recognised in our community. Finally, this bill (traditional language). This recognition already existed. This is more so for our children to affirm their identity and their place in western society.

As TSIRC, the Torres Strait Island Regional Council, we are unique in comparison to any other local government within Queensland and therefore Australia. This is evident from both our geographical positioning, the international border which you can see—which is of particular significance here on Saibai—and our rich history, culture and island custom. Our service as a local government extends to more than roads, rates and rubbish. Council is deeply invested in the social and economic development of our people.

Our council is made up of 15 councillors from their respective and equally unique island communities and myself as the mayor elected at large. All councillors are themselves traditional owners, from where the sun rises on Mer in the east to where the sun sets on Boigu in the west. Our council—represented by me, our deputy mayor and councillors from our Mer and Saibai communities—is pleased to be here today to offer our unequivocal support to the Meriba Omasker Kaziw Kazipa bill 2020. In our former capacity as the Island Coordinating Council, before the TSIRC amalgamation, and under the former Community Services Act, we have had a legislative responsibility for this process and the recognition of island custom. The bill returns us back to that recognition.

I now go to the relevance of the mat. For Torres Strait Islanders, the mat signifies life's journey from cradle to grave. It is used for housing material, sleeping, conceiving, birthing, initiation, education, marriage, welcoming, meeting, transport, hunting, ceremonies, shelter and to our final journey. The interwoven pattern and the weaving of our mat signifies our strength and our unity in any challenges we face, but most importantly in this context it signifies the interconnection of all Torres Strait Islanders, regardless of which island or community we may originate from. We are all interconnected and the residents of our community are all interrelated. I will pass over to our deputy to continue.

**Councillor Lui:** I would like to start by reiterating what the mayor has said. I want to firstly express our gratitude to the Palaszczuk government for taking this important and monumental step in addressing this issue of island adoption that we have had since time immemorial. This is the first time in history, and I think we set the course for other Indigenous people in Australia, in the sense that this is the first time that government has recognised lore with law together. We have always tried to define the barriers that we have had in the past as to how we can make the two work together in terms of government policies and of us as Torres Strait Islanders—trying to see how we can make it work. This is a typical example of how it can work. This demonstrates the uniqueness of how things can happen with proper consultation and with our hearts in the right place. We thank the Palaszczuk government for that because this will create the precedent for others that need to follow.

Going on from that, the mat, as you can see in front here, has a significance to the communities in this region. When we talk about the interconnectedness of our people with each other, it represents that mat because, unlike the westernised society, we are all connected either through blood or simply because of our very existence in these communities. Each of us are related to each other. That is important for us to understand. That is why we are supporting this, and that is why people could not understand before. We are all cousins, mothers, fathers, grandfathers. I thank the committee again for giving us this opportunity today to sit with us. Before I go further, I want to say that we have with us today one of our very senior elders who has been through this process of traditional adoption, of island adoption. He is with us today.

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Grandad here is 96 years old. For him to witness this historical occasion is something that is very dear to us. Traditional adoption first came to the fore with the former Island Coordinating Council. I was the chairman at the time. It was through the establishment of the Island Coordinating Council in 1984 that we started to usurp the role and responsibilities of the Department of Native Affairs and the Department of Aboriginal and Islanders Advancement. That was when things started to surface and this is going back to the 1980s. For all that time, as the chair said, our adoption was sacred and it was not mentioned.

It was during that time when our people went to get their driver's licence, marriage certificate, birth certificate that everything came to the fore. Being a ward of the state at the time under the department, only one person—the Director of Aboriginal and Islander Affairs—was making all the decisions on our behalf. He delegated those authorities to us, to the individual island councils in the communities. We were doing things in the communities, thinking that it was above board, but it was by the whim of the director. That made us feel that what we were doing was the right thing by law, until the advent of the Island Coordinating Council. That is when it all started to surface with the question of island adoption. Ever since then, we have taken it upon ourselves, through successive governments, to try to raise the issue of legalising adoption and it has finally happened.

I myself can vouch for those leaders of the time. They are not with us today. I am probably one of the last ones left from that era. Those elders were instrumental in moving the issue of island adoption forward. That is importance of the mat, which is interwoven with the very fabric of our society, our communities. That is how we are connected. It does not matter what islands you come from. We are all connected as one through the length and breadth of Zenadth Kes, from Murray Island in the east to Boigu Island in the west, where the sun sets.

Under the current local government act, under the Aboriginal and Torres Strait Islander Heritage Protection Act, the Commonwealth legislation, to an extent there is a recognition of island custom, but not in its full context. We see this as an opportunity for us as Torres Strait Islanders to be able to move forward in terms of using this legislative framework to develop further recognition of our island custom. This has demonstrated to us the way forward in terms of both lore and law, working together and achieving the same objective for our people.

I hear the governments of Australia and of Queensland talk about closing the gap. The reason it is not closing is because people cannot come together and recognise the importance and the role of lore compared to law. We need to work together in defining issues that affect us, so that government can develop policies that are more user friendly to our communities and so that we can drive this forward and make it happen. This is about us together with both the state and the Commonwealth governments moving forward with a united front. That is what can happen. Torres Strait Islanders have seen and have tasted what is self-management and what is self-determination. This will encourage not only our younger people coming through but also our older ones who have been through the process of island adoption to feel more, to reaffirm our existence under the current regime and to be recognised as who we really are.

Today we are on Saibai and, as you can see, the international border is across from us. Papua New Guinea is not far away. We exist for who we are. Although we have a relationship with our counterparts on the other side of the border, we remain as part of Australia and part of Queensland, while maintaining the uniqueness of our culture and our people. In saying that, Mr Chair, I will hand back to the mayor.

**Mayor Mosby:** Thank you, Councillor Lui. Our island custom ensured that every life matters and there is a place for every child in our village and our community. This island custom was a sacred practice, firmly grounded in the principles of respect and trust. This was not something we ever discussed. However, as the Western world's concept evolved into our world, this sacred ancient practice at times was, and with much trauma for individuals, brought into the open. There are only a few of our elders who were children of the past who have experienced the essence of this ancient practice. For many of our young people today, it is sometimes hard to understand and embrace this ancient spiritual practice. It is important to mention that birth certificates and associated things in this context have caused a lot of hurt to our children, especially as they enter their secondary schooling and tertiary years and then onto adulthood with government identification.

The previous speaker alluded to the days of the Island Coordinating Council under the Community Services (Torres Strait) Act 1984. Previously we as Zenadth Kes people were wards of the state. The Director of Aboriginal and Islander Affairs held the authority to affirm our identity and this practice. This was then delegated to the island chairperson under the Island Coordinating Council model. When our people were married, for example, the island chairperson would respectfully be notified. This process also followed for decisions concerning families like traditional adoption so the Saibai Island

process could be conducted in a private and a respectful way. The independent commissioner model set forth in this bill and that person being a suitable qualified Torres Strait Islander aligns with our island custom and the principles of privacy and respect. This process will enable us to determine truly in the spirit of self-determination our place as Torres Strait Islanders in Western society.

In closing, we make special mention of the Palaszczuk government for their leadership and recognition for island custom in bringing this bill to reality. I acknowledge the Hon. Alastair Nicholson AO RFD QC for his enduring advocacy to ensure formal recognition of this island custom, working alongside other eminent persons being Auntie Ivy Trevallion and Uncle Charles Passi, and the working party members being the late Steve Mam, Bel Lowah, McRose Elu, Francis Tapin, Dana Ober, Paul Ban and all community members throughout the length and breadth of Zenadth Kes. I acknowledge them for their involvement in the consultation process and our former Island Coordinating Council, which acted under the Community Services (Torres Strait) Act 1984, for their previous advocacy and leadership. In closing, I would like to table a letter of support and open up for questions from the committee. Thank you, Chairperson.

**CHAIR:** Thank you, Mayor Mosby. Is leave granted? Leave is granted. May we table your opening speech, which will be informative?

**Mayor Mosby:** Yes.

**CHAIR:** Is leave granted? Leave is granted. Before we ask any questions, I want to thank you and also acknowledge the working party, Auntie Ivy Trevallion, Uncle Passi and the Hon. Alastair Nicholson for their work. They have done a lot of consultation before us. Councillor Lui, there is a saying: you do not know where you are going unless you know where you have been. Thank you for taking us through that history to help us understand. Mayor, thank you for articulating very beautifully the sacred custom of traditional island child-rearing practice. In fact, as we have all learnt, Meriba Omasker Kaziw Kazip means 'for our children's children'. I think you have beautifully articulated exactly the importance and the significance of this bill. I put on record, Councillor, that you must be incredibly proud of your work and also of your daughter who introduced the bill into the parliament. I will open up to questions from panel members.

**Mr HUNT:** You have outlined a very long journey to get to this point. I am very keen, as I am sure we all are, to get it right and to have a process that is suitable for the community. Is there any way that you can see the process might be improved or are you happy with the process as it is outlined in the bill? Do you have any concerns? Might what is in the bill be done better?

**Councillor Lui:** Personally I would say let's not try to be 100 per cent perfect. From my experience with legislation, it is probably best that we go ahead with the thrust of what we are trying to achieve in the first instance but be open to amendments as issues arise. We may have one culture but we have 15 different lifestyles. A lot of people do not understand that. Each community is totally different from each other in lifestyle. People need to appreciate that. I will give you an example with the Island Coordinating Council. When we tried to set up our by-laws, we had one general by-law throughout the Torres Strait for law and order, but each community developed their own generic by-law for their community that took into consideration how it impacts on their lifestyle. That recognised that situation.

I would say at this point in time that we should accept this. The main thing is to get the bill through and for this practice to be recognised, but at the same time be open to amendments further down the track because we cannot foresee what could happen. If it were in the eighties, for instance, I would say there would be a clear indication because all of the elders were around at the time. Because of the generational change that we have now with our younger people coming through, that is where we might see changes happening.

**Mr HUNT:** I believe that the intention is to have a review of the system after two years to see how it is going. I thought I would give you the opportunity to comment on any improvements that could be made at this stage. That is what we are here for—to hear what the community thinks of the bill and the process. If you have feedback on that, we are happy to hear it.

**Mayor Mosby:** To further support what has been said by the deputy, in the future it would be great to visit at least one in the cluster to give the committee better exposure to appreciate the uniqueness of the culture. The principles may be the same but the practices are different in different communities. That is why it was very important for me as the mayor to ensure that on reflection our delegation here from TSIRC covered the rest of the region to ensure that an important bill like this recognises the diversity within Mura Kemer Kemer, Torres Strait.

**Mr BERKMAN:** Thank you so much for the insight you have offered us today and for the warm welcome that everyone has extended to us. It is really important work, so thank you for the contribution you have made previously and today.

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Similar to the member for Nicklin's question, we have heard quite explicit suggestions from others in this consultation that the role of a single commissioner is one that might struggle to deal with the diversity of practice across all the island groups and language groups. We have heard variously that there needed to be at least two commissioners—one for eastern and one for western islands—or more to reflect the island groups or language groups. Do you have a view on that? Do you think one commissioner is able to do the job required of them or would broader representation on a panel or a committee be better able to do the job of a commissioner?

**Councillor Lui:** This is the Torres Strait. I am speaking from experience now. Yes, you can have more than one. That is fine. The thing is that you will have a group sitting there and each one will be dealing with their own situation—individually. Do you know what I mean? To me—this is only me personally—I think you would be defeating the purpose of what this is all about. You have to focus on the bill. The bill is about the Torres Strait in its entirety.

In our presentation to you we have broken it up into the dialects, the different languages. We are all one people. The point I am making is that we all go through the same process—birth certificate, driver's licence, passport, school—all of that. We all do that. Put that aside and deal with it separately, rather than looking at a group—this is where Indigenous Affairs have been having problems. You end up with not only a group of people but more than a sensible number, if I can put it that way. I am saying this from experience.

For me personally, it is important that you get the right person in that position who can communicate. It is important that the commissioner must be able to communicate with people. He can achieve the same result as 10 people sitting there would. That is the purpose of it. We are talking about the Torres Strait. This is about our people. The problems are the same but the lifestyles are different.

**Mayor Mosby:** In support of Councillor Lui, maybe 50 years ago people would have had that kind of stigma about whether they were from the western islands or the top western islands. Given the day and age we are living in, there are a lot of intermarriages. There are bilingual speakers in our region—our elders—who have married from the eastern islands who reside here now. They can speak their language from the eastern islands and also speak the language where they were married into. When they teach their children, they teach them both cultures—the paternal and the maternal culture—so that when they go back to their home they are able to adapt and be immersed back into their mother's country.

Today is a fine example. Councillor Lui and the member for Cook's families have ventured out from their roots here. Now they are back here. The time they left does not separate them to call Saibai their home. When they come here, they connect to the spirit of their ancestors.

Although we talk about Torres Strait in locality and geographic location, we are one people. We can trace where our aka and where our heart is from. This element or practice of ancient traditional adoption even strengthens that. It benefits not only the child but the wider family that they are adopted from and adopted to. One person is able to do that. At the end of the day it is not about us; it is about the legal system recognising our practice.

**Councillor Noah:** It may be for the commissioner to look seriously at the complexity in the region in relation to on-ground base support. Each of the islands has prescribed body corporates—RNTBCs. They are regularly confronted with that type of information where they confirm it with community. It may be that the commissioner can look at the ground base support that they need in order to have legitimacy in this process.

**Ms PEASE:** Thank you so much for your lovely warm welcome. I am very humbled to be here to listen to your stories. I know that we have all been made aware of the issues that come with not being able to get access to your identity. Can you give an example that may reflect on that in a small community like this, particularly the taboo, the secrecy of it? Kids might need a birth certificate to get into the school or to get a driver's licence. What impact does it have on the families in the community? It is so important that we make it simple for the families to be able to get a birth certificate, because currently it is so hard and it causes great angst and upset in the community.

**Councillor Lui:** From my personal experience, when we were doing that under the normal system, no. What I was told, for instance, is, 'We cannot just give you a birth certificate that has the name changed on it. We have to give you the certificate as an addendum. We have the biological mother's name.' That is a no go because it defeats the purpose of what we are trying to achieve here. We want a birth certificate full stop—that this child belongs to that family and that is it. That is a clear example because it does happen today that you might have the certificate, but it is that bit that they Saibai Island

put underneath by the registrar that indicates that. When the child gets that certificate to get their licence or to get married or something like that, they see, 'I am not really of that family. I am caught between the two.' That is what we need to get rid of.

**Ms PEASE:** It causes great hurt and confusion.

**Councillor Lui:** Yes, it does. Before it was the straight out, 'Sorry, you are not registered with that family. Your biological name is this.' That really caused trauma when men and women learnt about it.

**Ms PEASE:** That is what we are trying to fix.

**Councillor Lui:** Yes.

**Mayor Mosby:** My late [REDACTED] adopted a child through this process. My [REDACTED] passed away, but we never told our younger brother about the adoption. We were caught out because of the high school process, and we had to apply for a birth certificate. We tried our best to try to keep this ancient practice sacred. What we were told from our traditional language is that, when you are adopted through island adoption, you are not allowed to look back to the family you come from. My [REDACTED], said to me, 'It is not rejection; it is respect for the family that will be hard work for you. You show the respect back to them.'

A lot of people, even elders today who have gone through this process, who have even gone to their grave, to their final resting place, do not want their biological family to be acknowledged even at the funeral service. That is how powerful our culture is. We want to see this practice continue because it is our custom of kinship and affiliation. To see the biological parents' name there is telling the child where they come from. Where they come from—yes, we are one big family, but their main house, their main kitchen, their main bed, the main mat is their house where they come into. They have gone through that process on that mat with that family, that clan. That is the last mat that they leave from their family. Eso.

**Ms PEASE:** Eso, Mayor. That was lovely. Thank you very much.

**Ms LUI:** We all know that this is a process that when we make the decision to pick a pikinini we do not talk about it. For the benefit of the committee to understand, I want to get your insight on why we do not talk about it. When that decision is made between the giving parent and the receiving parent, the whole family, the immediate family, the community—we all support that decision. Can you explain a little more for my colleagues here to understand?

**Councillor Lui:** Can I put it this way: from our perspective, abortion was never a question with us. That love that we show for each other in the community, that we never leave a child abandoned or disowned, that is how we share that love in the community, with our people. Today people are talking about life. We have not experienced that. When it first started off, when I mentioned about the Island Coordinating Council, the name we gave it when we started talking about island adoption—traditional adoption—we called it kupai omasker. Kupai omasker means that while that child is still attached to the umbilical cord of the mother that is when the decision is made. We do not wait for the child to come out to then say, 'We take that child.' Whatever the condition of that child, they automatically become part of the family. That is the very essence of the secrecy; people do not say it. It is just between the mother and the family. It takes across to either fill the gap or ensure the continuity of the family ties, clans—those sort of things. That is the importance of it. That is why we say that with this other language that you talk about now, it is more about the preservation of the children, their children and their children's children. The initial name we had given to it was kupai omasker which meant at the time that while the child is still attached to the umbilical cord, the adoption process takes place. Hence that is why no-one knows when it happened because that is only between the mother and the adoptive family.

We do not do it like the westernised system. I do not know whether that works that way or not, but we do not wait until the child comes out and then you make up your mind what you want to do with it. We in Torres Strait are Christian people. We believe that it does not matter what the life that was given to us looks like when it comes out, that life is respected and we trust in our community. We accept whatever that holds because we know that life comes from God and that is our respect for it. Who are we to question it? The very fabric of our society is based on Christianity and the sharing of that love within our families. That is all.

**Councillor Noah:** Through the chair—the born mother does not have that attachment, is what the deputy is talking about. When the child is born, the family supports that adoption. Why that pikinini is there—it is Mer talk that pikinini cannot go back from where they come from. Where I come from, Mer, we use that talk there—sagim. Pikinini will always think under sagim, 'Adopted parents reared Saibai Island

me. I cannot turn back and I go for born parents because the one thing that will hold me and support me is that parents for me are the adoptive ones.' That is sagim. Through that same sagim, from sick time, money time, work time, rearing, that is the one good start we had. You can't; no matter how much you look back, you look towards that. That is that word there—sagim. That is born for every family. The family structure, that block, to whoever made that decision, whether it was the head of the family, the eldest of the family—when that decision is made, lock. You look after that pikinini up to death. That is all. Eso.

**Ms LUI:** Over the last few days of the hearing, there was a lot of talk about the cultural ties. I want you to explain a little bit more about the cultural ties for the benefit of all committee members here today. When we give a pikinini to that family one and we keep them together, bonded through that one child, can you just elaborate a little bit more on that one?

**Councillor Tabuai:** In regards to our deputy mayor, the mayor and Councillor Noah, prior to this hearing this morning we had discussions around the importance. When somebody is adopted in the family, it signifies that when that particular person is put there, it indicates a beacon to know that there are family ties through that kinship. It stops or pauses intermarriage, so it educates the family that you cannot—that particular person or maybe their kids. Then in that sense, when he or she grows up and learns that he or she is adopted—to close that gap, he or she now has to close and adopts the other way. It brings that cultural unity and strengthens the kinship within that community. You will see that there is a lot of family here and community members; it is part of the network system that is created through island adoption. Sometimes it is not mentioned because of that sensitivity. In the process when the child grows up and learns that he is from that particular family, then it is a hard with two families going forth and trying to make the change of that surname. In saying so, in the past when that traditional adoption has come about, it is to strengthen that unity of each family, boy and tribe. Intermarriage never happens. One day my kids' kids cannot marry into that because they adopted pikinini. From them came something. It strengthens that and also the bloodline system. Au esoau.

**Ms LUI:** Councillor Tabuai, just explain that one a little bit more. When we give a pikinini for another family and that pikinini sits down now to prevent any cross-marriages, who would oversee that process to make sure the intermarriages do not happen?

**Councillor Tabuai:** We also have the cultural way. We have lifestyle and cultural ways or practices. When a woman is brought forward into the world, the aunties look after her. When a man is brought into the world, (traditional language) look after him. We have the kinship system now. That is where the education comes through. It is very important that every island still practises that same method of how we continue to pass on through generations the traditional way of life. The father has powerful talk with pikinini—he goes to (traditional language) and the girl pikinini, for mother power, goes to the aunties. That is important. For that kind of thing, that is the authority to practice that. Eso.

**Mayor Mosby:** Member for Cook, you would be aware and appreciate, but for the benefit of other committee members, during that process of child rearing, the uncles on the father's side have a different title and a role. The uncles on the mother's side are the ones—correct me if I am wrong, Councillor Tabuai—they have a more disciplinary role; they are like the judge. The uncles on the father's side—

**Mr PEASE:** They are the fun guys.

**Mayor Mosby:** Yes, the paternal side. But the maternal side uncles are like the teachers; they train the child, they advise, they encourage and they show everything. That is the same for the girls as well. It is not just about getting a bill that recognises this and then maybe the Queensland government and parliament thinking, 'Okay, we are going to give them this.' Working systems are in place. There are systems in place here on the ground. Au esoau.

**Ms LUI:** They started the hearing in Townsville, but I think the overall feedback was for representation right across the board. I think there were comments made here today about we are looking at this bill from the Torres Strait in its length and breadth; we want people in this. There was also feedback around how do we make better representation for eastern, central or western. I am just interested to hear what you think about it. Can you explain a little bit about the different regions and why it is important that your support of the bill remains and that we look at this as a whole and not individual groups.

**Councillor Lui:** For the sake of the committee, we as a council have already passed a resolution that will go to the state government to rename Torres Strait from Torres Strait as it is known now to Zenath Kes. Zenath Kes represents the two mainlands of Papua New Guinea and Australia—that is, in a nutshell, what I am talking about here—and the passage or the strait that runs through. There is a real deep meaning to the language itself. Others can do that. That is where we are at. The



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simple reason is exactly that, to get people out of the notion that when we talk about Torres Strait, we do not talk about groups, clans, different languages. You have to think of the Torres Strait as one. That is what we have had as a guide before. Politically, we have used the divide and conquer: because you come from a western island, you do not agree with central island, with us; you do not agree with eastern island.

It took a while for us to come together as a region. We are in the throes now. All of these things will come to you eventually, but we are also talking about creating a regional assembly which is all of the stakeholders that we have now—namely, the local government councils and the federal government entities—merge and become one. Simply, while we have these three different entities—like the Torres Shire, the Torres Strait Island Regional Council and the Torres Strait Regional Authority—the one objective is for our people. This is what we are trying to create—an entity that is going to be representative of all our people, inclusive. That is why we are heading down that path and creating that pathway first, so that people are aware of where we are heading. This is all part of that process with the adoption narrative.

**CHAIR:** Thank you. That might answer a question that was raised. A submission was raised and spoken about yesterday on Thursday Island from the Banai where they wanted to add other names to the Meriba Omasker Kaziw Kazipa to get recognition of them. I think that answers it. I think just keep it as one, where you are going. Thank you.

We have approximately one hour left. Looking at the times, we were going to have morning tea from 11.15 to 11.45. I suggest we move morning tea to 11.30 to 11.45 so we can get another hour in. I would like to spend at least half an hour to see if anyone else from the public wants to come up after you have concluded and then we will move to a private session. Is everyone comfortable with that? If so, I thank Mayor Mosby and the councillors for your significant contributions today. We are far better and far more informed as a committee, so thank you for sharing all of that information given how difficult it is, how personal and deeply sensitive. Thank you for sharing and opening your hearts.

**WARUSAM, Mr Herbert, Private capacity**

**WARUSAM, Mr Mebai, Private capacity**

**Mr M Warusam:** This is what I know about verbal adoption and legal adoption, law and lore. I do not know where this comes from. A long time before, they used verbal adoption. We do not know ... come out of love and that love from different man. He put through ... people and all the people a long time before. They share this verbal adoption from ... When I was small my mother used to talk about adoption. There is an old man named Bamaga ... and they moved from here. He adopted my mother and two kid brothers, [REDACTED] and [REDACTED], and my ... island come over. His ... and his daughter marry over. Do you know how many kids that old man adopted? Verbal adoption, not legal adoption—only verbal adoption. It is something like they used to help each other to share in and in love. They were sharing in love from garden to sea. They hunt dugong and turtle and they share those meats. If there are any crops from the ground, they shared those. There was no worry about money—nothing—but today life is different. Today life is different. People need money today.

Young people do not understand these things, but people like me myself I am a (traditional language) elder from (traditional language). I was born a long time ago, 1 April 1924, so I am 96years now. I remember what my mother said when she was adopted by old man Bamaga and some other kids like my father. My father adopted one elder ... and they used to walk together ... and he adopted that son. That son had five or six kids, three boys and three girls, in a verbal adoption ... legal adoption ... Some people married like intermarriage or ... marriage. This is just different that intermarriage ... but legal has come out from law and verbal now has come out from lore. That is all I have to say.

**CHAIR:** Eso.

**Mr H Warusam:** I came up here in front of the panel just to comment that it is the institutions or what governs the institutions all the way up that are the law givers and the law-makers, but it is about the individual at the end of the day. I think great uncle has mentioned that. Mine was just a small comment that despite what governs the individual nowadays, which is the company he works for, then in turn ultimately there is crossover in that the world and things such as Wall Street and all that affects us as individuals. At the end of the day this is one individual in the Torres Strait Islands. It is about him and it is very important to have a look at that individual. Because we are governed by the institution I work for, I have all the stresses and everything. I think great uncle here has mentioned that before they were not governed by them, but they were still influenced by how the nation is run ultimately. I guess my comment here today is that it is important and it is about the Torres Strait Islander—that individual—to be recognised on that level. That would be much appreciated from me today. Thank you.

**CHAIR:** Thank you, Sir. Thank you, Herbert.

**AKIBA, Mr Keri, Private capacity**

**AKIBA, Mr Ronnie, Private capacity**

**Mr K Akiba:** I have one quick comment. I am not really sure what the previous speakers have mentioned, but the culture that is practised is slightly different. It varies from the island, from the group or the clusters. Maybe from one individual island it is different to now, but it is a bit different now. (Traditional language). That is a language. When you are adopted out—that is the language—you cannot mention the family or even the community itself. They cannot mention that you are adopted or where your biological parents are, whether from a marriage or from a single biological parent. Within the family—say, your paternal family—if my brother does not have a, mostly, son, I would be obligated. There would be an obligation on my part to make sure to give him a kid so he will have a son to carry his name on and to help him in the gardens and what not. That is the word there—(traditional language). It was just recently when they started accessing the kids' birth certificates. Before that the people here who were adopted did not know where their real parents were. It was really, really secret. It was just recently with this education system that they started accessing their real birth certificate and they say, 'Am I adopted?' and they want to know who their biological parents are. That is what I wanted to clarify. I think some of the councillors have touched on this.

**CHAIR:** Thank you. If there is no-one else who wants to come forward for the public hearing, we might close this public hearing with a prayer and then we will move to a private session. I now declare this public hearing closed.

*A prayer was then given—*

**The committee adjourned at 10.46 am.**