




Speech By
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MEMBER FOR COOK

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MERIBA OMASKER KAZIW KAZIPA (TORRES STRAIT ISLANDER TRADITIONAL CHILD REARING PRACTICE) BILL

 **Ms LUI** (Cook—ALP) (4.30 pm): I rise today in support of the Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020. On 16 July 2020, I had the great privilege of introducing the bill to parliament as a private member's bill. The bill was referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee. I am humbled to stand here today as a First Nation woman, Torres Strait Islander and member of parliament representing the Palaszczuk Labor government. For the first time, we will see island custom or traditional lore be embedded in Queensland law.

I would like to acknowledge the Hon. Craig Crawford, Minister for Aboriginal and Torres Strait Islander Partnerships, the Hon. Di Farmer, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence, and the committee chair, Mr Aaron Harper, committee members and the secretariat for their hard work and contribution to the bill. I also want to acknowledge the member for South Brisbane, Jackie Trad, and the Hon. Shannon Fentiman for their fierce advocacy and support for this important legislative reform.

This bill delivers on the Palaszczuk government's 2017 election commitment to introduce new laws that recognise Torres Strait Islander families' continued use of Torres Strait Islander traditional child-rearing practice. In doing so, I would like to acknowledge the Palaszczuk Labor government and our Premier, the Hon. Annastacia Palaszczuk, for their unwavering commitment to the First Nation peoples of Queensland. This has been a long journey. I acknowledge the Kupai Omasker Working Party for their strong lobbying for the legal recognition of this cultural practice, and of course in the most recent times the three eminent persons—Aunty Ivy Trevallion, Uncle Charles Passi and Hon. Alistair Nicholson—supported by the Department of Aboriginal and Torres Strait Islander Partnerships and the Department of Child Safety, Youth and Women for consulting the Torres Strait Islander community and other stakeholders in November and December 2018.

The legal recognition of this ancient Torres Strait Islander practice is an important step forward in the Queensland government's journey to a reframed relationship with First Nation peoples. It acknowledges the strength of Torres Strait Islander culture and promotes the right of Torres Strait Islanders to enjoy, maintain, control, protect and develop their kinship ties under the Human Rights Act 2019 while still ensuring the protection of children and in their best interests.

In my maiden speech in 2018, I carried with me a Torres Strait Islands mat. The Torres Strait Islands mat is telling of the Torres Strait Islands child-rearing practice in that the overlapping of each strand of pandanus fibre, which is the child, represents the intricate kinship structure that holds Torres Strait families and communities together. When a child is given by their birth parents to the receiving parents, this results in the receiving parents assuming all parental responsibility for the child and the child having the same surname, cultural rights and entitlements, including the right of inheritance.

Torres Strait Islanders have a cultural obligation to protect the right and identity of the child, and under no circumstance is the identity of the child questioned. However, as we heard throughout various public hearings, the identity of the child comes under questioning when, for one reason or another, they present for a birth certificate and face the dilemma of proving their identity. For most, this happens in the very early years and causes a lot of hurt, pain and unnecessary stress for the receiving parents of children and often the children themselves.

The bill provides for a process for making an application for legal recognition. If granted, this will result in a permanent transfer of parentage from the biological parents to the receiving parents and establishes a framework that is consent based and voluntary. Not choosing to apply for legal recognition will not affect what has happened at the cultural level. Culturally, this traditional practice protects the best interests of the child first and foremost. Legal recognition means we give dignity to the receiving parents and the children raised in accordance with the practice. Their legal identity has not reflected their cultural identity and lived experience of family.

At the end of the day, this bill means so much to those who are in a situation where they cannot get a passport or obtain identity documents we take for granted every day, like a driver's licence. It is extremely difficult to get those documents. Opening a bank account and school enrolments are also challenging. This bill not only recognises a tradition from time immemorial—and I will say that in my speech—but also on a practical level will mean that people will be able to do things many of us take for granted. I wholeheartedly commend this bill to the House.