

# **Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020**

## **Explanatory Notes**

### **FOR**

**Amendments during consideration in detail to be moved by**

**The Honourable the Minister for Fire and Emergency Services and Minister for Aboriginal and Torres Strait Islander Partnerships**

### **Title of the Bill**

Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020.

### **Objectives of the amendments**

The objectives of the proposed amendments are to make amendments arising from matters raised in Report No. 40 of the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the Committee) and in the submissions to the Committee.

### **Achievement of the policy objectives**

To achieve the policy objectives, amendments are proposed to the Preamble, clause 36 and clause 45 of the Bill.

As suggested in the submission from the Torres Shire Council, it is proposed to amend the Preamble to the Bill to remove the words 'time immemorial' as these words are considered to be inappropriate.

As suggested in the submission from Dr Heron Loban, Zoe Rathus AM and Dr Kathryn van Doore of Griffith University, it is proposed to amend clause 36 of the Bill to refer to how long the child has lived with the cultural parent, rather than how long the child has lived at an 'address'.

As recommended in Recommendation No.6 of the Committee Report No.40, it is proposed to amend clause 45 of the Bill to require the destruction of criminal history information as soon as practicable after it is no longer needed.

## **Alternative ways of achieving policy objectives**

There is no other way to achieve the objectives.

## **Estimated cost for government implementation**

There is no additional costs to government in implementing the amendments.

## **Consistency with fundamental legislative principles**

The proposed amendments are consistent with fundamental legislative principles.

## **Consultation**

Consultation has occurred with the Chair of the Kupai Omasker Working Party in relation to the amendment to the Preamble.

## **Consistency with legislation of other jurisdictions**

The Bill is the first of its kind and is not uniform to legislation of the Commonwealth or another state. Queensland is the only Australian jurisdiction to have legislation to legally recognise Ailan Kastom child rearing practice.

## Notes on provisions

*Amendment 1* amends the Preamble to omit the words ‘been practised in the Torres Strait since time immemorial’ and insert the words ‘always been practised in the Torres Strait’.

*Amendment 2* amends clause 36 to omit the words ‘child’s current address and the period the child has lived at that address’ and insert the words ‘period the child has lived with the cultural parent’.

*Amendment 3* amends clause 45 to insert subclause (5) to provide that the commissioner must ensure the criminal history report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.