

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

Statement of Compatibility

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

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Craig Crawford, Minister for Queensland Fire and Emergency Services and Minister for Aboriginal and Torres Strait Islander Partnerships, make this statement of compatibility with respect to amendments to be moved during consideration in detail for the Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020 (the Bill).

In my opinion, the amendments to be moved to the Bill are compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The purpose of the Bill is to recognise Ailan Kastom child rearing practice, establish a process for applications to be made for the recognition of the practice and provide for a decision making process that will establish the legal effect of the practice.

The proposed amendments arise 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.

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 parents, 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.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights consideration under the *Human Rights Act 2019*.

If human rights may be subject to limitation if the amendments to be moved to the Bill are enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (Section 13 *Human Rights Act 2019*)

The proposed amendments do not raise any additional human rights consideration under the *Human Rights Act 2019*.

Conclusion

In my opinion the amendments to be moved to the Bill are compatible with the human rights protected under the *Human Rights Act 2019*.

Craig Crawford MP
Minister for Queensland Fire and Emergency Services and
Minister for Aboriginal and Torres Strait Islander Partnerships

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