

# **Proclamation – *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020***

## **Human Rights Certificate**

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

In accordance with section 41 of the *Human Rights Act 2019*, I, Craig Crawford, Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships provide this human rights certificate with respect to the Proclamation made under the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* (the Act).

In my opinion, the proclamation for the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*, as tabled in the Legislative Assembly, is 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 Subordinate Legislation**

The proclamation commences the Act. The purpose of the Act is to legally recognise Torres Strait Islander families' continued use of traditional child rearing practice since time immemorial by providing a voluntary application process and decision making framework by an independent statutory Commissioner.

Commencement of the Act will allow eligible Torres Strait Islander families to apply for a cultural recognition order, and empower the Commissioner to consider and decide applications received.

Prior to receiving applications for a cultural recognition order, the appointment of the Commissioner and establishment of the Office of the Commission must occur first, as a crucial part of the implementation phase for the service.

The proclamation commences the Act in two stages:

- 1 April 2021 as fixed date of commencement for: parts 1 to the extent it is not in force; parts 2 and 3; sections 101 and 102; part 11; sections 108 to 112; part 13, divisions 10, 13 and 14; and schedule 1 of the Act;
- 1 July 2021 as fixed date of commencement for all provisions under the Act not in force and not otherwise commenced under the proclamation.

## Human Rights Issues

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

The authorising law, the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*, engage and limit human rights. The statement of compatibility that accompanied the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020* details how those provisions are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom under section 13 of the *Human Rights Act 2019*.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

As the proclamation itself does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

## Conclusion

I consider that the proclamation for the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* is compatible with the *Human Rights Act 2019* because the limitation of human rights provided for under the authorising law, *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*, are reasonable and demonstrably justified as set out in the statement of compatibility that accompanied the *Meriba Omakser Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Bill 2020*, and the proclamation itself does not raise any human rights issues nor limit any human rights.

**CRAIG CRAWFORD MP**  
MINISTER FOR SENIORS AND DISABILITY SERVICES AND  
MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS