



Queensland

Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Regulation 2021

Subordinate Legislation 2021 No. 120

made under the

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

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1 Short title

This regulation may be cited as the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Regulation 2021*.

2 Commencement

This regulation commences on 1 September 2021.

3 Prescribed documents or information—Act, s 33

- (1) This section prescribes documents for section 33(1)(b)(vi) of the Act.
- (2) For an application that includes a signed statement by a birth parent under section 35 of the Act, the documents are certified copies of at least 2 documents mentioned in schedule 1 that are proof of the birth parent's identity.
- (3) For an application that includes a signed statement by a cultural parent under section 36 of the Act, the documents are certified copies of at least 2 documents mentioned in schedule 1 that are proof of the cultural parent's identity.
- (4) For an application that includes a signed statement by an informed person under section 38 of the Act, the documents are certified copies of at least 2 documents mentioned in schedule 1 that are proof of the informed person's identity.
- (5) For an application that includes a signed statement by an other carer under section 39 of the Act, the documents are certified copies of at least 2 documents mentioned in schedule 1 that are proof of the other carer's identity.

4 Statements to be witnessed

- (1) Subsection (2) applies if an application is made for a cultural recognition order about a person who is a child at the time the application is made.

- (2) A statement from an other carer under section 39 of the Act included in the application must be signed in the presence of an authorised witness.
- (3) Subsection (4) applies if an application is made for a cultural recognition order about a person who is an adult at the time the application is made.
- (4) A statement from an adult who was subject to Ailan Kastom child rearing practice under section 37 of the Act included in the application must be signed in the presence of an authorised witness.
- (5) Subsections (6) to (8) apply if an application is made for a cultural recognition order about a person who is a child or an adult at the time the application is made.
- (6) A statement from a birth parent under section 35 of the Act included in the application must be signed in the presence of an authorised witness.
- (7) A statement from a cultural parent under section 36 of the Act included in the application must be signed in the presence of an authorised witness.
- (8) A statement from an informed person under section 38 of the Act included in the application must be signed in the presence of an authorised witness.
- (9) In this section—
authorised witness means—
 - (a) a barrister, solicitor or notary public; or
 - (b) a commissioner for declarations; or
 - (c) a justice of the peace; or
 - (d) a person who has known the person signing the statement for at least 1 year and who has no other involvement in the application for the cultural recognition order.

commissioner for declarations see the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 3.

justice of the peace see the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 3.

5 Requests under the Act, s 64

A request under section 64(2) of the Act must be accompanied by certified copies of at least 2 documents mentioned in schedule 1 that are proof of the requester's identity.

6 Applications under the Act, s 103

An application under section 103(1) of the Act must be accompanied by certified copies of at least 2 documents mentioned in schedule 1 that are proof of the applicant's identity.

Schedule 1 Documents

sections 3, 5 and 6

- 1 a birth certificate
- 2 a citizenship certificate
- 3 an Australian passport that is current or has been expired for less than 2 years
- 4 a current overseas passport
- 5 a current driver licence containing the person's photograph
- 6 a current photo identification card issued under the *Photo Identification Card Act 2008* (including a current adult proof of age card that continues in force under that Act as a photo identification card) or a corresponding card under the law of another jurisdiction
- 7 a current document evidencing the person's residency or visa status
- 8 a current Medicare card, pensioner concession card, health care card or another identification card issued by the Australian government as evidence of the person's entitlement to a benefit
- 9 a current working with children card issued under the *Working with Children (Risk Management and Screening) Act 2000*
- 10 a current credit card, debit card or other account card from a financial institution that includes an embossed name and signature
- 11 a passbook or statement of account from a financial institution that is not more than 1 year old
- 12 a telephone, gas or electricity account that is not more than 1 year old
- 13 a rates notice from a local government that is not more than 1 year old

Schedule 1

- 14 a current student identity card containing the person's photograph or signature issued by a school or another educational institution
- 15 a Queensland Government employee identity card containing the person's photograph
- 16 an Australian State police officer, Australian Federal Police member or Australian Defence Force identity card containing the person's photograph
- 17 a current licence issued under the *Security Providers Act 1993* to carry out the functions of a crowd controller, private investigator or security officer
- 18 a current licence issued under the *Weapons Act 1990*

ENDNOTES

- 1 Made by the Governor in Council on 19 August 2021.
- 2 Notified on the Queensland legislation website on 20 August 2021.
- 3 The administering agency is the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

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