

# Application for Cultural Recognition Order - Child and Adult



## Eligibility

The application process for legal recognition of traditional child rearing practice is an opt-in consent-based system.

The subject person's birth needs to be registered in Queensland

At least one birth parent and one cultural parent must be a Torres Strait Islander person

The birth and cultural parent/s' must be adults at the time of the application

At least one birth and one cultural parent must be living at the time the application is made

All parties to the application must consent to the application being submitted

## Before you start

We recommend using a computer (desktop or laptop) to complete this form.

- 1 Save the form to your computer before starting to fill it out for the most reliable experience.
- 2 Make sure your device has Adobe Acrobat or Acrobat Reader/Acrobat DC installed. This can be downloaded free-of-charge from the Adobe website. You may be unable to complete this form without this software.
- 3 You will need to print and sign the completed application form. Please read the checklist on the first page of the application form for details.





Get Adobe  
Acrobat here



<https://www.adobe.com/acrobat.html>

**Read our information privacy and conflict of interest statement (p.32)** for what we do with your confidential information.

## Need Help?

-  If you need help filling out this form, general inquiries and advice bookings, call our office on **1800 571 102** (free call).
  -  If you need an interpreter call the Translating and Interpreting Service on 13 14 50. Ask them to connect you to Office of the Commissioner (Meriba Omasker Kaziw Kazipa). This is a free service.
  -  Post your completed form to: PO Box 7576, Cairns, Qld 4870
  -  Hand deliver completed form to:  
Office of the Commissioner (Meriba Omasker Kaziw Kazipa)  
Level 3, Citi Central Building, 46-48 Sheridan Street Cairns,  
Queensland 4870
- Office of the Commissioner (Meriba Omasker Kaziw Kazipa)  
The Torres Haus Offices, 1/46 Victoria Parade Thursday Island,  
Queensland 4875

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## OFFICE USE ONLY

## Checklist

Date application received	
Application No.	

- Eligibility
- Certified documents:
  - Subject Person/s' birth certificate
  - At least two of the proof of identity documents for all parties
  - Informed consent given
  - Statements signed and witnessed by an authorised witness
- Addendum Form completed
- Additional information may be applicable to a child application with an other carer:
  - Court Orders

## Important:

Original application must be sent with original copies of certified identification documents (not physical ID).

## Glossary

\*Birth Parent: is a person who is recognised at law as being a parent of the child at the time the child is born.









\*\*Cultural Parent: is a person who, in accordance with Ailan Kastom child rearing practice, agrees to accept the permanent transfer of the parental rights and responsibility for a child from the child's Birth Parents to the person.

\*\*\*Informed Person: is a person who has knowledge and understanding of the specific Ailan Kastom child rearing practice that occurred in relation to the application and can verify that the cultural transfer of parentage in relation to the subject child occurred in accordance with Ailan Kastom.

\*\*\*\* Other Carer: is a person other than the child's Birth Parent or Cultural Parent who has the right and responsibility to make decisions about the child's daily care under legislation other than this Act or the Child Protection Act 1999 – i.e. someone who is not a Birth or Cultural Parent but has parental rights (for example a grandparent of the subject child may have family law orders providing for parental responsibility or contact). This is to ensure that person who holds those rights is also informed of and consents to this application.

\*\*\*\*\*Authorised Witness: means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.

## Key

-  Subject person information to be filled, acknowledged or signed by relevant person/s
-  Adult application information to be filled, acknowledged or signed by relevant person/s
-  Birth Parent's information to be filled, acknowledged or signed by relevant person/s
-  Cultural Parent's information to be filled, acknowledged or signed by relevant person/s
-  Informed Person's information to be filled, acknowledged or signed by relevant person/s
-  Other Carer's information to be filled, acknowledged or signed by relevant person/s
-  Addendum
-  Office Use Only

# Part 1 | Applicant details

## Subject person that this application relates to

Details to be exactly as on the current birth certificate

Title	Mr	Mrs	Ms	Miss	Other ▶ Give details	
First name						
Middle names						
Last name						
Date of birth	DD	MM	YEAR			
Place of birth						
Phone number			Gender	Male	Female	Other
Is the subject person's birth registration in Queensland?	Yes	No *If 'no', please contact our office for further assistance				
Registration number of the original birth certificate						
Postal address						
Suburb						
State			Postcode			
Email Address						
Desired first and middle names						
Desired last name						



Desired names to be on Cultural Recognition Order and new birth certificate.  
Wanem name youpla wandem on the Cultural Recognition Order and new birth certificate.

## Details of any parties with impaired capacity that require assistance in providing their views and wishes

Name of person					
Does any person completing this application need an interpreter to help complete this form? (eg Kala Lagaw Ya)	No	Yes ▼ Which language and dialect?			
Does any person in this application have a disability that affects how they access our service?	No	Yes ▼ Which disability?			
		Intellectual	Psychological/psychiatric		
		Sensory (including speech)	Physical ▼ Give details		
Does anyone need extra or practical help to access our services? (eg do you need help to read or write)	No	Yes ▼ Which disability?			

The following parts are divided into sections

Are you applying for a Cultural Recognition Order as an Adult  
Yes No  
Go to Part 2 (page 5)  
See page 35 for more information.

Are you applying for a Cultural Recognition Order as Child  
Yes No  
Go to Part 2 (page 7)  
See page 33 for more information.

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BEEN LEFT BLANK  
INTENTIONALLY**



## Part 2 | Statement by the Adult Applicant

**i** This part of the form is for use by Torres Strait Islander persons who are applying for a Cultural Recognition Order made by the Commissioner (Meriba Omasker Kaziw Kazipa) in relation to an adult (a person aged 18 years or over). If you are an adult (a person aged 18 years or over) and you from Zenadth Kes if you wandeh apply for Cultural Recognition Order this part e por you.

**Details regarding how you were made aware that you were the subject of Ailan Kastom child rearing practice and what information you were provided with about the practice.**

**i** Example: when, how, and where did it take place? | Example: Wiskine you be find out, can you yarn the story?

Insert Details

**Details about the nature of the relationship you have with your Cultural Parents**

**i** Example: how do you refer to your Cultural Parents? | Example: Wanem you koleh grow up parents blo you?

Insert Details

**Details about the nature of the relationship you have with your birth Parents**

**i** Example: how do you refer to your Birth Parents? | Example: Wanem you koleh Birth parents blo you?

Insert Details

# Part 2.1 | Declaration

## Applicant's consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to the application being made.
- The information set out in Part 1 of this application is true and correct.
- As the subject person, I am aware that I have obtained or had the opportunity to obtain independent legal advice in relation to the impact and effect of this application the making of the Cultural Recognition Order.
- I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.
- I consent to the person's listed in Part 5 of this application to be nominated as the Informed Person's for this application.
- I consent to the Commissioner and the Commissioner's officers to conduct inquiries and exchange information with, the Birth Parents', Cultural Parent/s' and Informed Person/s' for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I understand that as an applicant I have the right to provide the Commissioner with written notice to withdraw my consent at any stage prior to the Cultural Recognition Order being made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.)

Signature

Date


DD

MM

YEAR

Place

## Authorised Witness

-  Completed by an Authorised Witness under the Regulation.
- Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.
- Authorised Witness under the Regulation gor fill out this part.
- Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date

DD

MM

YEAR

Place

## Part 3 | Birth Parent/s' details

**i** At least one Birth Parent must be Torres Strait Islander for the subject child/person to be eligible for a Cultural Recognition Order.  
If you wandeuh apply for Cultural Recognition Order e must gud one Birth Parent blo the pikinini whoda from Zenadth Kes.

### Birth Parent 1

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode

Email

Do you identify as Torres Strait Islander?  Yes  No

Which Island(s) in the Torres Strait does your family identify with?  [Details ▶](#)

### Birth Parent 2

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode


Email

Do you identify as Torres Strait Islander?  Yes  No

Which Island(s) in the Torres Strait does your family identify with?  [Details ▶](#)

## Part 3.1 | Statement by the Birth Parent/s'


**Please provide details regarding the nature of the Ailan Kastom child rearing practice that occurred**

-  Example: when, how, why and where did the gifting occur? When was the agreement made?  
Example: Wiskine e be happen, can you yarn the story?

Insert Details

If this is an adult application, you don't need to complete the next 2 questions. Go to Part 3.2 - Declaration


**Please provide reasons why you consider a Cultural Recognition Order will be in the best interests of the subject person**

-  Examples: protects and preserves our sacred and secret Ailan Kastom child rearing practice. We will no longer have to disclose to authorities a confidential cultural practice repeatedly. The granting of a Cultural Recognition order will ensure the subject person's legal identity will match their cultural identity.  
Examples: E protect mepla Ailan Kastom. Mepla nor have to keep yarn the story blo mepla, for all kind people. Mepla pikinini legal identity gor match cultural identity blo em.

Insert Details

**To the best of your knowledge, is the subject child aware that the Ailan Kastom has occurred?**

Yes ▼ Give details      No - Go to Part 3.2 – Declaration

-  Example: when was the child made aware of this Ailan Kastom and how were they made aware of it?  
Example: What time and wiskine the pikinini be find out?

Insert Details

# Part 3.2 | Declaration

## First Birth Parent's consent and statement to this application

I, (full name),

declare and state that:


- I freely and willingly give my informed consent to the application being made.
- The information set out in Part 3 of this application is true and correct.
- As the Birth Parent, I have obtained or had the opportunity to obtain independent legal advice in relation to the impact and effect of this application and the making of a Cultural Recognition Order.
- I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.
- I confirm that my parental rights and obligations relating to the subject person/child were transferred to the Cultural Parents under Ailan Kastom.
- I consent to the person's listed in Part 5 of this application to be nominated as the Informed Person's for this application.
- I consent to the Commissioner and the Commissioner's officers to conduct inquiries and exchange information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- To the best of my knowledge, I am not aware of any matter that might be detrimental to the wellbeing and best interests of the child subject to a child application. See the Guidance note at Page 16 of the Guidelines for more information.
- I understand that any applicant involved in this application may provide the Commissioner with written notice to withdraw their consent at any stage prior to the Cultural Recognition Order being made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.)

Signature

Date DD MM YEAR

Place

## Authorised Witness

-  Completed by an Authorised Witness under the Regulation.  
**Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.  
Authorised Witness under the Regulation gor fill out this part.  
**Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date DD MM YEAR

Place

## Part 3.2 | Declaration (continued)

### Second Birth Parent's consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to the application being made.
- The information set out in Part 3 of this application is true and correct.
- As the Birth Parent, I have obtained or had the opportunity to obtain independent legal advice in relation to the impact and effect of this application and the making of a Cultural Recognition Order.
- I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.
- I confirm that my parental rights and obligations relating to the subject person/child were transferred to the Cultural Parents under Ailan Kastom.
- I consent to the person's listed in Part 5 of this application to be nominated as the Informed Person's for this application.
- I consent to the Commissioner and the Commissioner's officers to conduct inquiries and exchange information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- To the best of my knowledge, I am not aware of any matter that might be detrimental to the wellbeing and best interests of the child subject to a child application. See the Guidance note at Page 16 of the Guidelines for more information.
- I understand that any applicant involved in this application may provide the Commissioner with written notice to withdraw their consent at any stage prior to the Cultural Recognition Order being made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.)

Signature

Date


DD

MM

YEAR

Place

### Authorised Witness

-  Completed by an Authorised Witness under the Regulation.
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- Authorised Witness under the Regulation gor fill out this part.
- Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date

DD

MM

YEAR

Place

## Part 4 | Cultural Parent/s details

**i** At least one Cultural Parent must be Torres Strait Islander for the subject child/person to be eligible for a Cultural Recognition Order.  
If you wande apply for Cultural Recognition Order e must gud one Cultural Parent blo the pikinini whoda from Zenadth Kes.

### Cultural Parent 1

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode

Email

Do you identify as Torres Strait Islander?  Yes  No

Which Island(s) in the Torres Strait does your family identify with? [Details ▶](#)

### Cultural Parent 2

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode

Email

Do you identify as Torres Strait Islander?  Yes  No

Which Island(s) in the Torres Strait does your family identify with? [Details ▶](#)

## Part 4.1 | Statement by the Cultural Parent/s

### Please provide details regarding the nature of the Ailan Kastom child rearing practice that occurred

- i** Example: when, how, why and where did the gifting occur? When was the agreement made?  
Example: Wiskine e be happen, can you yarn the story?

Insert Details

If this is an adult application, you don't need to complete the next 3 questions. Go to Part 4.2 - Declaration

### Please provide reasons why you consider a Cultural Recognition Order will be in the best interests of the subject person

- i** Example: protects and preserves our sacred and secret Ailan Kastom child rearing practice. We will no longer have to disclose to authorities a confidential cultural practice repeatedly. The granting of a Cultural Recognition order will ensure the subject person's legal identity will match their cultural identity.  
Examples: E protect mepla Ailan Kastom. Mepla nor have to keep yarn the story blo mepla, for all kind people. Mepla pikinini legal identity gor match cultural identity blo em.

Insert Details

### Please provide details about the period the subject child has lived with you as a Cultural Parent

- i** Example: parental responsibilities were transferred to me from birth.  
Example: The pikinini bin stap where me from birth.

Insert Details

### To the best of your knowledge, is the subject child aware that the Ailan Kastom has occurred?

Yes ▼ Give details      No    Go to Part 4.2 – Declaration

- i** Example: when was the child made aware of this Ailan Kastom and how were they made aware of it?  
Example: What time and wiskine the pikinini be find out?

Insert Details

# Part 4.2 | Declaration

## First Cultural Parent's consent and statement to this application

I, (full name),

declare and state that:


- I freely and willingly give my informed consent to the application being made.
- The information about me set out in Part 4 of this application is true and correct.
- As a Cultural Parent, I have obtained or had the opportunity to obtain independent legal advice in relation to the impact and effect of this application and the making of the Cultural Recognition Order.
- I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.
- I confirm that the Birth Parent's parental rights and obligations relating to the subject person/child were transferred to me under Ailan Kastom.
- I consent to the person's listed in Part 5 of this application to be nominated as the Informed Person's for this application.
- I consent to the Commissioner making inquiries exchanging information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I understand that any applicant involved in this application may provide the Commissioner with written notice to withdraw consent at any stage prior to the Cultural Recognition Order being made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.) See the Guidance note at Page 8 of the Guidelines for more information.
- Additional declarations relating to a child application (only):
  - \* To the best of my knowledge, I am not aware of any matter that might be detrimental to the wellbeing and best interests of the child subject to this application. (If there is or you are unsure, please list those details at page 25.) See the Guidance note at Page 16 of the Guidelines for more information.
  - \* I consent to the Commissioner, at their discretion, to requesting a written report about my criminal history from the Queensland Police Service and give authority to the Commissioner to disclose my criminal history with other applicants for the purposes of this application.
  - \* I understand that if a criminal history report has been requested the results of that report will be disclosed to me and other applicants, before the Commissioner makes any decision and I will have 30 business days to respond.

Signature

Date DD MM YEAR

Place

## Authorised Witness

-  Completed by an Authorised Witness under the Regulation.  
**Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.  
Authorised Witness under the Regulation gor fill out this part.  
**Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date DD MM YEAR

Place

# Part 4.2 | Declaration (continued)

## Second Cultural Parent’s consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to the application being made.
- The information about me set out in Part 4 of this application is true and correct.
- As a Cultural Parent, I have obtained or had the opportunity to obtain independent legal advice in relation to the impact and effect of this application and the making of the Cultural Recognition Order.
- I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.
- I confirm that the Birth Parent’s parental rights and obligations relating to the subject person/child were transferred to me under Ailan Kastom.
- I consent to the person’s listed in Part 5 of this application to be nominated as the Informed Person’s for this application.
- I consent to the Commissioner making inquiries exchanging information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I understand that any applicant involved in this application may provide the Commissioner with written notice to withdraw consent at any stage prior to the Cultural Recognition Order being made.
- I declare that I have no disclosable information that may impact the Commissioner’s ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.) See the Guidance note at Page 8 of the Guidelines for more information.
- Additional declarations relating to a child application (only):
  - \* To the best of my knowledge, I am not aware of any matter that might be detrimental to the wellbeing and best interests of the child subject to this application. (If there is or you are unsure, please list those details at page 25.) See the Guidance note at Page 16 of the Guidelines for more information.
  - \* I consent to the Commissioner, at their discretion, to requesting a written report about my criminal history from the Queensland Police Service and give authority to the Commissioner to disclose my criminal history with other applicants for the purposes of this application.
  - \* I understand that if a criminal history report has been requested the results of that report will be disclosed to me and other applicants, before the Commissioner makes any decision and I will have 30 business days to respond.

Signature

Date DD MM YEAR

Place

## Authorised Witness



Completed by an Authorised Witness under the Regulation.

**Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.

Authorised Witness under the Regulation gor fill out this part.

**Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date DD MM YEAR

Place

# Part 5 | Informed Person/s' details

**i** An informed person is someone who has knowledge of the arrangement made between the Birth Parent/s' and Cultural Parent/s' about the subject person and can verify that this arrangement has occurred in accordance with Ailan Kastom child rearing practices. This person may be a relative such as a grandparent or close family friend. An informed person gor sabeh the Ailan Kastom agreement that e gud where birth parents and the grow up parents for the pikinini. All can be pamleh or pamleh friend.

## Informed Person

Title	Mr	Mrs	Ms	Miss	Other	► Give details
First name						
Middle names						
Last name						
Date of birth	DD	MM	YEAR			
Place of birth						
Phone						
Postal address						
Suburb						
State					Postcode	
Email						
Do you identify as Torres Strait Islander? (optional)	Yes	No				
I am the nominated informed person for the	Cultural Parents	Birth Parents	Both - If both, go to Part 5.1			


## Other Informed Person

**i** If the birth or cultural parents' have nominated a different Informed Person, then that other Informed Person will also need to provide their details (including their own statement).  
If e gud different Informed Person for grow up or birth parents all gor have to fill out thempla details and statement too.

Title	Mr	Mrs	Ms	Miss	Other	► Give details
First name						
Middle names						
Last name						
Date of birth	DD	MM	YEAR			
Place of birth						
Phone						
Postal address						
Suburb						
State					Postcode	
Email						
Do you identify as Torres Strait Islander? (optional)	Yes	No				


# Part 5.1 | Statement by Informed Person

## Details about your understanding of the Ailan Kastom child rearing practice that occurred in relation to the application (eg, when, how, why and where did it take place?)

-  Example: I have knowledge of and was aware that an agreement was made between the birth mother and cultural mother to gift the child once born. As cultural mother could not have children herself.
- Example: I sabel the Birth Mother and grow up Mother be agree for gib em the pikinini when em born. Cultural Mother can't have em own pikinini.


Insert Details

## Details about your relationship, if any, to the Birth Parents

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.


Insert Details

## Details about your relationship, if any, to the Cultural Parents

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.

Insert Details

## Details about your relationship, if any, to the subject person

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.

Insert Details

# Part 5.2 | Declaration

## Informed Person's consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to being nominated as the Informed Person in relation to this application.
- The information about me set out in Part 5 of this application is true and correct.
- I confirm that this arrangement between the Birth Parents' and Cultural Parents' occurred in accordance with Ailan Kastom child rearing practice.
- I consent to the Commissioner and the Commissioner's officers to conduct inquiries and exchange information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.)

Signature

Date


DD

MM

YEAR

Place

## Authorised Witness

-  Completed by an Authorised Witness under the Regulation.
- Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.
- Authorised Witness under the Regulation gor fill out this part.
- Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application.      Yes      No

Signature

Date

DD


MM

YEAR

Place


## Part 5.3 | Statement by other Informed Person

### Details about your understanding of the Ailan Kastom child rearing practice that occurred in relation to the application (eg, when, how, why and where did it take place?)

-  Example: I have knowledge of and was aware that an agreement was made between the birth mother and cultural mother to gift the child once born. As cultural mother could not have children herself.
- Example: I sabel the Birth Mother and grow up Mother be agree for gib em the pikinini when em born. Cultural Mother can't have em own pikinini.


Insert Details

### Details about your relationship, if any, to the Birth Parents

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.


Insert Details

### Details about your relationship, if any, to the Cultural Parents

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.

Insert Details

### Details about your relationship, if any, to the subject person

-  Example: relative such as a grandparent or a close family friend.
- Example: Pamleh such as Aka and Athe or close pamleh friend.

Insert Details

# Part 5.4 | Declaration

## Other Informed Person's consent and statement to this application

I, (full name),

declare and state that:


- I freely and willingly give my informed consent to being nominated as the Informed Person in relation to this application.
- The information about me set out in Part 5 of this application is true and correct.
- I confirm that this arrangement between the Birth Parents' and Cultural Parents' occurred in accordance with Ailan Kastom child rearing practice.
- I consent to the Commissioner and the Commissioner's officers to conduct inquiries and exchange information with all parties mentioned in this application for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I declare that I have no disclosable information that may impact the Commissioner's ability to consider this application independently and impartially, for example any family relationships, previous legal dealings, or financial interests with the Commissioner. (If you do or are unsure, please list those details at page 25.)

Signature

Date DD MM YEAR

Place

## Authorised Witness

 Completed by an Authorised Witness under the Regulation.  
**Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.  
Authorised Witness under the Regulation gor fill out this part.  
**Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application. Yes No

Signature

Date DD MM YEAR

Place

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## Part 6 | Other Carer/s' details

If applicable, see definition\* of Other Carer to determine whether this part must be completed

**i** \*\*\*\* Other Carer: is a person other than the child's Birth Parent or Cultural Parent who has the right and responsibility to make decisions about the child's daily care under legislation other than this Act or the *Child Protection Act 1999* – i.e. someone who is not a Birth or Cultural Parent but has parental rights (for example a grandparent of the subject child may have family law orders providing for parental responsibility or contact). This is to ensure that person who holds those rights is also informed of and consents to this application.  
\*\*\*\* Other Carer: E somebody whodtha nor birth parent or grow up parents whodtha gud rights and responsibility to makeh decision about the pikininis daily care under legislation other than this Act or the *Child Protection Act 1999* – i.e. Aka/Athe or anybody else whodtha gud parental responsibility through family law orders. Sah for make sure whodtha gud them rights sabeh and agree to this application.

### Other Carer 1

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode

Email

Do you identify as Torres Strait Islander?  
(optional)  Yes  No

### Other Carer 2

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Phone

Postal address

Suburb

State  Postcode

Email

Do you identify as Torres Strait Islander?  
(optional)  Yes  No

# Part 6.1 | Statement by Other Carer

## Details about your relationship with the subject child and under what circumstances you have cared for the subject child

**i** Example: carer of the subject child may have family law orders providing for parental responsibility or contact.  
Example: carer blo the pikinini might gud family law orders. Whodtha gud rights and responsibility to makeh decision about the pikininis daily care.

Insert Details

## Please provide reasons why you consider a Cultural Recognition Order will be in the best interest of the subject child

**i** Example: appropriately preserving our Ailan Kastom child rearing practice. We will no longer have to explain the practice to external agents as the subject person's legal identity will match their cultural identity.  
Examples: E protect mepla Ailan Kastom. Mepla nor have to keep yarn the story blo mepla, for all kind people. Mepla pikinini legal identity gor match cultural identity blo em.

Insert Details

# Part 6.2 | Declaration

## First Other Carer's consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to the application being made.
- The information about me set out in Part 6 of this application is true and correct.
- I consent to the Commissioner making inquiries and the exchange of information with all parties mentioned in this application for the purpose of making a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I understand that any applicant involved may provide the Commissioner with written notice to withdraw consent at any stage prior to the Cultural Recognition Order being made.

Signature

Date


DD

MM

YEAR

Place

## Authorised Witness

 Completed by an Authorised Witness under the Regulation.  
**Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.  
Authorised Witness under the Regulation gor fill out this part.  
**Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application.      Yes      No

Signature

Date

DD

MM

YEAR

Place

## Second Other Carer's consent and statement to this application

I, (full name),

declare and state that:

- I freely and willingly give my informed consent to the application being made.
- The information about me set out in Part 6 of this application is true and correct.
- I consent to the Commissioner making inquiries and the exchange of information with all parties mentioned in this application for the purpose of making a Cultural Recognition Order.
- I understand that it is an offence to knowingly provide false and/or misleading information to the Commissioner in this application and may lead to the discharge of any Cultural Recognition Order made.
- I understand that any applicant involved may provide the Commissioner with written notice to withdraw consent at any stage prior to the Cultural Recognition Order being made.

Signature

Date


DD

MM

YEAR

Place

## Authorised Witness

-  Completed by an Authorised Witness under the Regulation.
- Authorised Witness:** means a barrister, solicitor, notary public, commissioner for declarations, justice of the peace or a person who has known the person making the statement for at least 1 year and who has no other involvement in this application.
- Authorised Witness under the Regulation gor fill out this part.
- Authorised Witness:** e mean for all Justice of the Peace (JP), barrister, solicitor, notary public, commissioner for declarations, or someone whoda sabeh you for at least 1 year and all nor involved in the application.

Name of witness

Qualification

I have known the signatory for at least 1 year and I am not involved in the application.

Yes

No

Signature

Date


DD

MM

YEAR

Place

# Additional information

-  You may provide additional information to the Commissioner that you believe will assist with your application such as the details about the relationship with the child, financial support for the child, any decisions in relation to the child or any other relevant information.  
If you wandeh give more information for the Commissioner for help your application write em yah. For example wanem relationship you gud with the pikinini, wanem financial support youpla provide, wanem decision youpla makem for the pikinini.

Insert Details

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# Part 7: Addendum to Application for Cultural Recognition Order

**Form 2 – Addendum to application for a Cultural Recognition Order. Version 3 – 25 May 2023 Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020**

## This form is for use:

- a) by Cultural Parent/s' for applications relating to children, and
- b) applicants for applications relating to an adult applicants.

## Purpose of this form and collection notice

The information collected in this form will be shared by the Commissioner with the Registrar-General of the Queensland Registry of Births, Deaths and Marriages to ensure that following the making of a Cultural Recognition Order, the Registrar can correct the register to ensure that any subsequent birth certificate about that person includes information necessary to accurately reflect the change in parentage from the Birth Parents to Cultural Parents.

The information collected in this form will only be provided to the Registrar of Births, Deaths and Marriages if a Cultural Recognition Order is made.

Whilst there is no obligation to provide the information below with any application for a Cultural Recognition Order, any sections left blank or incomplete in this form may not be updated by the Registrar of Births, Deaths and Marriages. This may lead to certain parts of a birth certificate appearing incomplete. The information provided on this form should reflect the situation at the time of the child or adult applicant's birth.

All information obtained in this application and decision-making process will be managed in accordance with the Information Privacy Principles described in the Information Privacy Act 2009.

## Signing

This form must be signed by:

- a) each Cultural Parent for applications relating to children, and
- b) applicants for applications relating to an adult.

This form does not need to be witnessed.

## Authorisation

By providing the information contained in this form you are authorising:

- a) the Commissioner to provide the information contained in this form to the Registrar of Births, Deaths and Marriages, and
- b) the Registrar of Births, Deaths and Marriages to correct the registry to include the information contained in this form.

# Part 7 | Additional family information

## 1. Previous birth certificate details

Birth certificate registration number

- Registration number contained on the original birth certificate. Wanem registration number blo the original birth certificate.

## 2. Child/Applicant

- Subject child/adult's name that will be placed on new birth certificate. Wanem name you wandem on the pikinini/adult's new birth certificate.

Title  Mr  Mrs  Ms  Miss  Other [▶ Give details](#)

First name

Middle names

Last name

Date of birth  DD  MM  YEAR

Place of birth

Birth Sex  Male  Female

## Other older children from the Cultural Parents ⓘ E gud any older pikinini blo the grow up parents

These are older siblings and half-siblings of the child, living or passed away.

- Enter in order of birth with the oldest child first
- Include any children whose birth certificate shows you as a parent, including children adopted, registered through a surrogacy parentage order, or registered through a Cultural Recognition order
- Next to the parentage field, tell us who each child's parent(s) are, by ticking
- Both parents – child of both parents signing this form
- Mother or parent – child of only the mother, not the father or parent
- Father or parent – child of only the father or parent, not the mother or parent
- Previous children will be shown on the birth certificate, but their parentage will not
- If more than 2 Children attach their details separately

## Child 1 | The oldest

First name

Middle names

Date of birth  DD  MM  YEAR

Parentage child of  Child is alive  Child has passed away  Child was stillborn  
 Both parents  Mother or parent only  Father or parent only

## Child 2

First name

Middle names

Date of birth  DD  MM  YEAR

Parentage child of  Child is alive  Child has passed away  Child was stillborn  
 Both parents  Mother or parent only  Father or parent only

## 3. Parent Information Relationship of parents (at time of the child/applicant's birth)

Marriage  Civil partnership/registered relationship  De facto relationship  None of these


Date of marriage, civil partnership or de facto relationship started  DD  MM  YEAR

Town or city

Australian state or territory

Country

### 3.1 Details of father's/parent's details (as shown on Cultural Recognition order)

 Full name of the Cultural Parent to be described as father.  
Wanem full name blo the grow up father.

Tell us how the father/parent would like to be shown on the birth certificate  Father  Parent  Mother

First name

Middle names

Last name

Family name at birth if same as current name, enter it again

Date of birth  DD  MM  YEAR  Age in years

Place of birth (Town/City, State.  
If overseas; Town/City, Country)

Australian state or territory

Country


Postal address

Suburb

State  Postcode

Usual occupation  
(e.g. Lawyer, teacher, home duties)

### 3.2 Details of mother's/parent's details (as shown on Cultural Recognition order)

 Full name of the Cultural Parent to be described as father.  
Wanem full name blo the grow up father.

Tell us how the mother/parent would like to be shown on the birth certificate  Mother  Parent  Father

First name

Middle names

Last name

Family name at birth if same as current name, enter it again

Date of birth  DD  MM  YEAR  Age in years

Place of birth (Town/City, State.  
If overseas; Town/City, Country)

Australian state or territory

Country

Postal address

Suburb

State  Postcode

Usual occupation  
(e.g. Lawyer, teacher, home duties)

### 4. Informant details (tick to nominate one of the Cultural Parent's to be the informant)

Cultural Parent Mother

Cultural Parent Mother

## First person's statement and authorisation

I, (full name),

of (residential address),

declare and state that:

I am a Cultural Parent in relation to the above-named child.

I am an Adult Applicant for a Cultural Recognition order.

- I authorise the Commissioner and the Commissioner's office to share the information contained within this form to the Registrar of Births, Deaths and Marriages.
- I authorise the Registrar of Births, Deaths and Marriages to correct the register for the purposes of recording the change in familial details recording in the registry following the making of a Cultural Recognition order by the Commissioner.
- The above information is true and correct.

Signature

Date

DD

MM

YEAR

Place

## Second person's statement and authorisation (if applicable)

I, (full name),

of (residential address),

declare and state that:

- I am a Cultural Parent in relation to the above-named child.
- I authorise the Commissioner and the Commissioner's office to share the information contained within this form to the Registrar of Births, Deaths and Marriages.
- I authorise the Registrar of Births, Deaths and Marriages to correct the register for the purposes of recording the change in familial details recording in the registry following the making of a Cultural Recognition order by the Commissioner.
- The above information is true and correct.

Signature

Date

DD

MM

YEAR

Place

# Important information

## 1. Making this application

In signing this form, you are consenting to an application being made to the Commissioner (Meriba Omasker Kaziw Kazipa) (the Commissioner) to consider and decide to make, or not to make, a Cultural Recognition Order.

The Commissioner must notify the Registrar of Births, Deaths and Marriages (RBDM) as soon as practicable after the making of a Cultural Recognition Order.

Once notice is received by RBDM, the transfer of parentage from the Birth Parent's to the Cultural Parent's and any name change for the child or adult will be registered. The details contained within the Cultural Recognition Order will be reflected in any new birth certificate issued and the original birth record will be closed.

The effect of the Cultural Recognition Order is that:

- the person's parentage is transferred from the Birth Parent's to the Cultural Parent's
- the person becomes a child of the Cultural Parent's
- the Cultural Parent's become the parents of the person
- the person stops being a child of the Birth Parent's, and
- a Birth Parent stops being a parent of the person.

This is a permanent transfer of parentage and once the order is made, can only be discharged by the Childrens Court. Due to the significance of this order the full, free and informed consent of all parties to the application is required.

## 2. Authorised Witness

An Authorised Witness must witness all parties' signatures to this application.

An Authorised Witness is defined in the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Regulation 2021* as:

- a barrister, solicitor or notary public
- commissioner for declarations
- a justice of the peace, or
- a person who has known the person signing the statement for at least 1 year and who has no other involvement in this application.

## 3. Withdrawing this application

An application may be withdrawn by an applicant at any stage before the Cultural Recognition Order is made by giving written notice to the Commissioner. Upon receipt of the notice of withdrawal by the Commissioner, the application ends.

The Commissioner must give all applicants to the application notice the application is withdrawn.

If you intend to withdraw this application or revoke your consent, please provide the written notice of your decision by email or post to the Office of the Commissioner (Meriba Omasker Kaziw Kazipa) at PO Box 7576, Cairns, Queensland 4870 or [office@ocmokk.qld.gov.au](mailto:office@ocmokk.qld.gov.au) as soon as possible.

## 4. New birth certificate details

If the Commissioner decides to make a Cultural Recognition Order, information provided in this application form will be provided by the Commissioner to the Registrar of Births, Deaths and Marriages.

This information will include:

- the Place of the subject person
- the desired name of the subject person following the making of a Cultural Recognition Order
- the Place of the Cultural Parents
- the occupation of the Cultural Parents
- any relevant maiden name of a Cultural Parent
- the informant of the birth.

This information will be used and shared in order for the Registrar of Births, Deaths and Marriages to issue a new birth certificate to reflect that change in parentage from the Birth Parent/s to the Cultural Parent/s.

## 5. Legal advice

Parties to this application may wish to obtain their own independent legal advice.

You may be able to access free legal advice in relation to making an application for a Cultural Recognition Order from the following services.

- Legal Aid Queensland  
– website: [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) or  
phone: 1300 650 143 (Indigenous Hotline)
- Aboriginal and Torres Strait Islander Legal Service  
– website: [www.atsils.org.au](http://www.atsils.org.au) or  
phone: 1800 012 255 (Toll free 24hrs 7 days)
- Queensland Indigenous Family Violence Legal Service  
– website: [www.qifvls.com.au](http://www.qifvls.com.au) or  
phone: 1800 887 700 (free call).

If you haven't already, we recommend you obtain independent legal advice about this order as soon as possible.

### 6. Family wellbeing services

There are various counselling and support services available if additional support is sought. A list of services, their contact details and locations are available on the Queensland Government website: <https://www.qld.gov.au/firstnations/family-social-support/torres-strait-islander-traditional-child-rearing-practice/apply-cultural-recognition-order>.

### 7. Proof of identity documentation

The Commissioner must be able to confirm the identity of the parties to an application. This is so the Commissioner can be satisfied that the required statements have been provided by the relevant parties. The Commissioner will only be able to process the application for a Cultural Recognition Order, once the Commissioner is satisfied about the identities of the relevant parties.

The proof of identity documentation requirements in the Schedule to this form are requested by the Commissioner in line with section 32(5) and 34(3) of the Act.

### 8. Privacy notice

In accordance with the Act, the Commissioner is authorised to collect the information requested on this form to decide whether a Cultural Recognition Order is in the wellbeing and best interests of the person to whom the application relates. Your personal information will not be released, except where such release is required and permitted under the Act. For example:

The Commissioner may need to release personal information of a Cultural Parent to Queensland Police Services for the purposes of requesting a criminal history check.

The Commissioner may need to release personal information to the informed person in an application to undertake the necessary enquiries in determining whether a Cultural Recognition Order is made.

Personal information may need to be shared between applicant's for example if the Commissioner decides not to make a Cultural Recognition Order for reasons that relate to one particular applicant, the Commissioner may need to release that information to the other applicants in a statement of reasons why the order has not been made. There may be other situations in which the Commissioner needs to share information with organisations such as Queensland Police Services, the Department of Families, Seniors, Disability Services and Child Safety, the Registrar of Births, Deaths and Marriages or relevant court or tribunal as is permitted, authorised or required under the Act or any other state or federal law.

All information obtained in this application and decision-making process will be managed in accordance with the Information Privacy Principles described in the *Information Privacy Act 2009*.

Identification documents provided with an application will be used by the Commissioner to verify that relevant parties to an application are who they claim to be.

Read the Guidelines to obtain further information about how to fill in the application <https://www.ocmkk.qld.gov.au/publications-resources>

**SCAN WITH YOUR PHONE**



# Application for Cultural Recognition Order



This form is for use by **Birth Parent/s' and Cultural Parent/s'** who are applying for a Cultural Recognition Order made by the Commissioner (Meriba Omasker Kaziw Kazipa) (the Commissioner) in relation to a child (a person under the age of 18 years old).

A person may only make an application for a Cultural Recognition Order in relation to a child if:

- at least 1 Birth Parent is a Torres Strait Islander, and
- the birth of the child subject to the application was registered in Queensland, and
- at least 1 Cultural Parent\*\* is a Torres Strait Islander.

An application for a Cultural Recognition Order about a person who is a child, may only be made:

- by the child's Birth Parents and Cultural Parents (unless a dispensation order is applicable), and
- if the Birth Parent/s' and Cultural Parent/s' are at least 18 years of age, and
- 30 days, or more, after the child's birth is registered in Queensland.

Nothing prevents an application from being made if a Birth Parent or Cultural Parent is deceased, however at least 1 Birth Parent and 1 Cultural Parent must be living at the time of the application.

Please note the consideration of this application does not interfere with existing Ailan Kastom child rearing practice arrangements and is limited to consider whether the making of the Cultural Recognition Order achieves the main principle of the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020*

– that a Cultural Recognition Order is for the wellbeing and best interests of the person.

**Please include the following in your application:**

## 1. Documents

Where an application is being made in relation to a child, you must include:

- a certified copy of the subject child's Queensland birth certificate
- certified copies of at least two of the Proof of Identity documents prescribed by the Regulation in relation to (a list of Proof of Identity documents is found at the Schedule of this application):
  - each of the Birth Parents
  - each of the Cultural Parents
  - each of the Informed Persons (both the Birth Parent's and Cultural Parent's may nominate the same Informed Person if they wish) and
  - each of the Other Carers (if applicable).

Further where an application is being made in relation to a child, you must include only if applicable:

- any adoption orders made in relation to the subject child under the *Adoption Act 2009*
- any family law order relating to parental rights, contact or living arrangements for the subject child made under the *Family Law Act 1975 (C'wlth)* and any orders made under the *Child Protection Act 1999*, such as a Child Protection Order granting custody, guardianship of the subject child.

## 2. Signed statements

This application must include:

- Birth Parent/s statement
- Cultural Parent/s statement
- Informed Person/s statement
- Other Carer/s' statement (if applicable).

Each statement must be (1) signed by the person making the statement and (2) witnessed by an authorised witness\*\*\*\*.

## 3. Birth Parent/s' statement

A statement from each Birth Parent (except where a dispensation of consent order applies) must include:

- the nature and details of the Ailan Kastom child rearing practice that occurred
- that the parental rights and obligations for the child were permanently transferred under Ailan Kastom to the Cultural Parent/s' under Ailan Kastom
- the reasons the Birth Parent/s' consider a Cultural Recognition Order will be in the best interests of the child
- whether to the Birth Parent/s' knowledge, the child is aware that the Ailan Kastom child rearing practice occurred
- that the Birth Parent is not aware of any matter that might be detrimental to the wellbeing and best interests of the child
- vi. the name and address of a person both Birth Parent/s' nominate as the Informed Person for the application
- that the Birth Parent/s' consents to the making of inquiries of and the exchange of information with, the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order
- that the Birth Parent gives their informed consent to the application being made.

The Birth Parent/s' may also provide details about (optional, include if you believe this will assist the Commissioner in deciding your application):

- their relationship with the child
- any relevant financial support
- any decisions the Birth Parent/s' have been involved in (such as education or medical treatment).



#### 4. Cultural Parent/s' statement

A statement from each Cultural Parent (except where a dispensation of consent order applies) must include:

- i. the nature and details of the Ailan Kastom child rearing practice that occurred
- ii. that the parental rights and obligations for the child were transferred under Ailan Kastom to the Cultural Parent/s' under Ailan Kastom
- iii. the reasons the Cultural Parent/s' consider a Cultural Recognition Order will be in the best interests of the subject child
- iv. the period the child has lived with the Cultural Parent
- v. the name and address of a person both the Cultural Parent/s' nominate as the Informed Person for the application
- vi. that the Cultural Parent consent to the making of inquiries of and the exchange of information with, the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order
- vii. whether to the Cultural Parent's knowledge, the child is aware that the Ailan Kastom child rearing practice occurred
- viii. the Cultural Parent consent to the Commissioner requesting a copy of the Cultural Parent's criminal history and relying on any information contained in that history to
- ix. make the Cultural Recognition Order
- x. that the Cultural Parent is not aware of any matter that might be detrimental to the wellbeing and best interests of the subject child.

Cultural Parent/s' may also provide details about:

- i. the relationship between the Birth Parent/s' and the subject child
- ii. the relationship between the Cultural Parent/s' and the subject child
- iii. the child's living arrangements
- iv. any relevant financial support
- v. decisions made in relation to the child (such as who makes decisions about education or medical treatment).

#### 5. Informed Person/s' statement

The Birth Parent/s' nominated Informed Person\*\*\* and the Cultural Parent/s' nominated Informed Person/s' statements must include:

- i. the Informed Person/s' understanding of the Ailan Kastom child rearing practice that occurred in relation to the application and
- ii. whether the Ailan Kastom child rearing practice occurred in accordance with Ailan Kastom and
- iii. the Informed Person/s' relationship, if any, to the Birth Parent/s', the Cultural Parent/s' and the child the subject of the application.

#### 6. Other Carer/s' statement

If the child has an Other Carer then a statement must include:

- i. the Other Carer/s' relationship with the child and
- ii. the Other Carer gives their informed consent to the application being made and
- iii. the reasons the Other Carer considers a Cultural Recognition Order will be in the best interests of the child.

# Application for Cultural Recognition Order



**This form is for use by Torres Strait Islander persons who are applying for a Cultural Recognition Order made by the Commissioner (Meriba Omasker Kaziw Kazipa) (the Commissioner) in relation to an adult (a person aged 18 years or over).**

Only the subject person may make an application for a Cultural Recognition Order if they are an adult at the time the application is made and may be made only if:

- a) a) at least 1 Birth Parent is a Torres Strait Islander, and
- b) b) the birth of the person subject to the application was registered in Queensland, and
- c) c) at least 1 Cultural Parent is a Torres Strait Islander.

Nothing prevents an application from being made if a Birth Parent or Cultural Parent is deceased, however at least 1 Birth Parent and 1 Cultural Parent must be living at the time of the application.

Please note that the processing of this application does not interfere with existing Ailan Kastom child rearing practice arrangements and is limited to consider whether the making of the Cultural Recognition Order achieves the main principle of the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* – that a Cultural Recognition Order is for the wellbeing and best interests of the person.

**Please include the following in your application**

## 1. Documents

When the person subject to the application is an adult, you must include:

- a) a certified copy of the subject person's Queensland birth certificate
- b) certified copies of at least two of the Proof of Identity documents set in the list of Proof of Identity documents found in the schedule of this application:
  - i. each of the Birth Parents
  - ii. each of the Cultural Parents
  - iii. each of the Informed Persons (both the Birth Parent's and Cultural Parent's may nominate the same Informed Person if they wish).

## 2. Signed statements

This application must include:

- a) Applicants statement
- b) Birth Parent's statement
- c) Cultural Parent's statement
- d) Informed Person's statement.

Each statement must be (1) signed by the person making the statement and (2) witnessed by an authorised witness\*\*\*\*.

## 3. Applicant's statement

A statement from the applicant must include:

- i. how you were made aware that you were the subject of Ailan Kastom child rearing practice
- ii. what information was provided to you about the Ailan Kastom child rearing practice

- iii. the nature of the relationship you have with your Cultural Parent/s
- iv. the nature of the relationship you have with your Birth Parent/s
- v. your consent to the Commissioner making enquiries and exchanging information with your Birth Parent/s', your Cultural Parent/s and the Informed Person for the purposes of deciding whether to make a Cultural Recognition Order and
- vi. that you give your informed consent to the application.

## 4. Birth Parent/s' statement

A statement from the Birth Parent/s'\*\*\* must include:

- a) the nature and details of the Ailan Kastom child rearing practice that occurred
- b) that the parental rights and obligations for the child were transferred under Ailan Kastom to the Cultural Parent/s' under Ailan Kastom
- c) the name and address of a person both Birth Parent's nominate as the Informed Person for the application
- d) that the Birth Parent consents to the making of inquiries of and the exchange of information with, the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order
- e) that the Birth Parent gives their informed consent to the application being made.

## 5. Cultural Parent/s' statement

A statement from the Cultural Parent/s' must include:

- i. the nature and details of the Ailan Kastom child rearing practice that occurred
- ii. that the parental rights and obligations for the child were transferred under Ailan Kastom to the Cultural Parent/s' under Ailan Kastom
- iii. the name and address of a person both the Cultural Parent/s' nominate as the Informed Person for the application
- iv. that the Cultural Parent/s' consent to the making of inquiries of and the exchange of information with, the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order
- v. that the Cultural Parent/s' gives their informed consent to the application being made.

## 6. Informed Person/s' statement

A statement from the Informed Person/s'\*\*\*\* must include:

- i. The Informed Person's understanding of the Ailan Kastom child rearing practice that occurred in relation to the application
- ii. Whether the Ailan Kastom child rearing practice occurred in accordance with Ailan Kastom

The Informed Person's relationship, if any, to the Birth Parent/s', the Cultural Parent/s' and the person the subject of the application.

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