|  |
| --- |
| Application for Cultural Recognition Order – Child **This form is for use by Birth Parents and Cultural Parents 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:1. at least 1 Birth Parent is a Torres Strait Islander and
2. the birth of the child subject to the application was registered in Queensland and
3. 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:1. by the child’s Birth Parents and Cultural Parents (unless a dispensation order is applicable) and
2. if the Birth Parents and Cultural Parents are at least 18 years of age and
3. 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 applicationDocumentsWhere an application is being made in relation to a child, you must include:1. a certified copy of the subject child’s Queensland birth certificate
2. 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):
3. each of the Birth Parents
4. each of the Cultural Parents
5. each of the Informed Persons (both the Birth Parents and Cultural Parents may nominate the same Informed Person if they wish) and
6. 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:1. any adoption orders made in relation to the subject child under the *Adoption Act 2009*
2. 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
3. any orders made under the *Child Protection Act 1999*, such as a Child Protection Order granting custody, guardianship of the subject child.

Signed StatementsThis application must include:1. Birth Parent’s statement
2. Cultural Parent’s statement
3. Informed person’s statement
4. 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\*\*\*\*. |

|  |
| --- |
| Birth Parent’s StatementA statement from each Birth Parent (except where a dispensation of consent order applies) must include:1. the nature and details of the Ailan Kastom child rearing practice that occurred
2. that the parental rights and obligations for the child were permanently transferred under Ailan Kastom to the Cultural Parents under Ailan Kastom
3. the reasons the Birth Parents consider a Cultural Recognition Order will be in the best interests of the child
4. whether to the Birth Parent’s knowledge, the child is aware that the Ailan Kastom child rearing practice occurred
5. that the Birth Parent is not aware of any matter that might be detrimental to the wellbeing and best interests of the child
6. the name and address of a person both Birth Parents nominate as the Informed Person for the application
7. that the Birth Parents 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
8. that the Birth Parent gives their informed consent to the application being made.

The Birth Parents may also provide details about (optional, include if you believe this will assist the Commissioner in deciding your application):1. their relationship with the child
2. any relevant financial support
3. any decisions the Birth Parents have been involved in (such as education or medical treatment).

Cultural Parent StatementA statement from each Cultural Parent (except where a dispensation of consent order applies) must include:1. the nature and details of the Ailan Kastom child rearing practice that occurred
2. that the parental rights and obligations for the child were transferred under Ailan Kastom to the Cultural Parents under Ailan Kastom
3. the reasons the Cultural Parents consider a Cultural Recognition Order will be in the best interests of the subject child
4. the period the child has lived with the Cultural Parent
5. the name and address of a person both the Cultural Parents nominate as the Informed Person for the application
6. 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
7. whether to the Cultural Parent’s knowledge, the child is aware that the Ailan Kastom child rearing practice occurred
8. 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 make the Cultural Recognition Order
9. 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 Parents may also provide details about:1. the relationship between the Birth Parents and the subject child
2. the relationship between the Cultural Parents and the subject child
3. the child’s living arrangements
4. any relevant financial support
5. decisions made in relation to the child (such as who makes decisions about education or medical treatment).

Informed Person/s’ StatementThe Birth Parents’ nominated Informed Person\*\*\* and the Cultural Parents’ nominated Informed person’s statements must include:1. the Informed Person’s understanding of the Ailan Kastom child rearing practice that occurred in relation to the application and
2. whether the Ailan Kastom child rearing practice occurred in accordance with Ailan Kastom and
3. the Informed Person’s relationship, if any, to the Birth Parents, the Cultural Parents and the child the subject of the application.

Other Carer StatementIf the child has an Other Carer then a statement must include:1. the Other Carer’s relationship with the child and
2. the Other Carer gives their informed consent to the application being made and
3. the reasons the Other Carer considers a Cultural Recognition Order will be in the best interests of the child.
 |

*\*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.

Table of Contents

[**Part 1** – Application details 5](#_Toc81221766)

[**Part 2** – Statement by Birth Parents 8](#_Toc81221767)

[Additional information 9](#_Toc81221768)

[Declaration 9](#_Toc81221769)

[**Part 3** – Statement by Cultural Parents 12](#_Toc81221770)

[Additional information 13](#_Toc81221771)

[Declaration 13](#_Toc81221772)

[**Part 4** – Statement by Informed Person/s 16](#_Toc81221773)

[Additional information 17](#_Toc81221774)

[Declaration 17](#_Toc81221775)

[**Part 5** – Statement by Other Carer *(If applicable – see definition of Other Carer to determine whether this part must be completed)* 19](#_Toc81221776)

[Additional information 19](#_Toc81221777)

[Declaration 20](#_Toc81221778)

[Proof of identity 22](#_Toc81221779)

[Office Use Only 22](#_Toc81221780)

[Important Information 23](#_Toc81221781)

[Making this application 23](#_Toc81221782)

[Authorised Witness 23](#_Toc81221783)

[Withdrawing this application 23](#_Toc81221784)

[New birth certificate details 23](#_Toc81221785)

[Legal advice 24](#_Toc81221786)

[Proof of Identity Documentation 24](#_Toc81221787)

[Privacy Notice 24](#_Toc81221788)

# **Part 1** – Application details

|  |
| --- |
| Subject Child that this application relates toDETAILS TO BE Exactly as on the current birth certificate |
| **First name**  |  |
| **Last name**  |  |
| **Date of birth** |  |
| **Place of birth**  |  |
| **Sex** | [ ]  Male [ ]  Female |
| **Address** (Where the subject child resides) |  |
| **Desired first name** (To be on Cultural Recognition Order and new birth certificate) |  |
| **Desired last name** (To be on Cultural Recognition Order & new birth certificate) |  |
| Birth Parent 1 |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| **Cultural identity:Are you a Torres Strait Islander person?**  | At least one Birth Parent must be Torres Strait Islander for the subject child to be eligible for a Cultural Recognition Order.Yes [ ] No [ ]  |
| Birth Parent 2 |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| **Cultural identity:Are you a Torres Strait Islander person?**  | At least one Birth Parent must be Torres Strait Islander for the subject child to be eligible for a Cultural Recognition Order.Yes [ ] No ☐ |
| CULTURAL Parent 1 |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| **Cultural identity:****Are you a Torres Strait Islander person?**  | At least one Birth Parent must be Torres Strait Islander for the subject child to be eligible for a Cultural Recognition Order.Yes [ ]  No ☐ |
| CULTURAL Parent 2 |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| **Cultural identity:Are you a Torres Strait Islander person?**  | At least one Birth Parent must be Torres Strait Islander for the subject child to be eligible for a Cultural Recognition Order.Yes [ ]  No ☐ |
| informed person Birth Parents |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| informed person Cultural Parents |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |

|  |
| --- |
| **Details of any parties with impaired capacity that require assistance in providing their views and wishes** |
| * Insert details if applicable

       |

**For use only if applicable**

|  |
| --- |
| Other Carer 1 |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |
| **Other Carer 2** |
| **First name** |  |
| **Last name** |  |
| **Date of birth** |  |
| **Address** |  |
| **Phone** |  |
| **Email** |  |

|  |
| --- |
| **Details of any parties with impaired capacity that require assistance in providing their views and wishes** |
| * Insert details if applicable

      |

# **Part 2** – Statement by Birth Parents

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

       |
| **Please provide reasons why you consider that a Cultural Recognition Order will be in the best interests of the subject child** |
| * Insert details

       |
| **To the best of your knowledge, is the subject child aware of the transfer of parental rights and obligations under Ailan Kastom has occurred?** |
| Yes [ ]  No ☐  |
| **If yes to the above, please provide details** |
| * Insert details

       |

## Additional information (optional)

|  |
| --- |
| **Additional information or documents**You may provide any other information or documents that you consider may help the Commissioner in deciding whether to make a Cultural Recognition Order such as details about the nature of your relationships with the child, financial support for the child, any decisions in relation to the child or any other relevant information. |
| * List additional information or documents

       |
| **Disclosure of relationships and interests**Details of any other information that may impact the Commissioner’s ability to independently consider this application, for example any family relationships, previous legal dealings, or financial interests with the Commissioner |
| * List other relevant information

       |

## Declaration

|  |
| --- |
| **First Birth Parent’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  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 were transferred to the Cultural Parents under Ailan Kastom.[ ]  The information about me set out in Part 1 and 2 of this application is true and correct.[ ]  I consent to the person/s listed in Part 4 of this application to be nominated as the Informed Person/s for this application.[ ]  I consent to the Commissioner making inquiries and exchanging information with the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.[ ]  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.[ ]  I understand that I or any other applicant may give the Commissioner written notice to withdraw consent to the application and any stage before a Cultural Recognition Order is made.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

|  |
| --- |
| **Second Birth Parent’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  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 were transferred to the Cultural Parents under Ailan Kastom.[ ]  The information about me set out in Part 1 and 2 of this application is true and correct.[ ]  I consent to the person/s listed in Part 4 of this application to be nominated as the Informed Person/s for this application.[ ]  I consent to the Commissioner making inquiries and exchanging information with the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.[ ]  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.[ ]  I understand that I or any other applicant may give the Commissioner written notice to withdraw consent to the application and any stage before a Cultural Recognition Order is made.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

# **Part 3** – Statement by Cultural Parents

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

       |
| **Please provide reasons why you consider that a Cultural Recognition Order will be in the best interests of the subject child** |
| * Insert details

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

       |
| **To your knowledge is the subject child aware that the Ailan Kastom child rearing practice occurred?** |
| Yes [ ]  No ☐ |

## Additional information (Optional)

|  |
| --- |
| **Additional information or documents**You may provide any other information or documents that you consider may help the Commissioner in deciding whether to make a Cultural Recognition Order such as details about the nature of your relationships with the child, financial support for the child, any decisions in relation to the child or any other relevant information. |
| * List additional information or documents

       |
| **Disclosure of relationships and interests**Details of any other information that may impact the Commissioner’s ability to independently consider this application, for example any family relationships, previous legal dealings, or financial interests with the Commissioner |
| * List other relevant information

       |

## Declaration

|  |
| --- |
| **First Cultural Parent’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  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 in relation to the subject child were transferred to me under Ailan Kastom in accordance with Ailan Kastom child rearing practice.[ ]  The information about me set out in Part 1 and 2 of this application is true and correct.[ ]  I consent to the person/s listed in Part 4 of this application to be nominated as the Informed Person/s for this application.[ ]  I consent to the Commissioner making inquiries and exchanging information with the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.[ ]  I consent to the Commissioner requesting a written report about my criminal history from the Queensland Police Commissioner and give authority to the Commissioner and his Office to disclose my criminal history with other applicants for the purposes of this application.[ ]  I consent to the Commissioner relying on information contained in my criminal history to decide whether to make a Cultural Recognition Order.[ ]  I understand that the results of a criminal history report will be disclosed to me, before the Commissioner makes a decision in relation to the application and may also be shared with other applicants by the  Commissioner in the Commissioner’s statement of reasons regarding any Cultural Recognition Order.[ ]  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.[ ]  I understand that I or any other applicant may give the Commissioner written notice to withdraw consent to the application and any stage before a Cultural Recognition Order is made.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

|  |
| --- |
| **Second Cultural Parent’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  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 were transferred to the Cultural Parents under Ailan Kastom.[ ]  The information about me set out in Part 1 and 2 of this application is true and correct.[ ]  I consent to the person/s listed in Part 4 of this application to be nominated as the Informed Person/s for this application.[ ]  I consent to the Commissioner making inquiries and exchanging information with the Informed Person for the purpose of helping the Commissioner decide whether to make a Cultural Recognition Order.[ ]  I consent to the Commissioner requesting a written report about my criminal history from the Queensland Police Commissioner and give authority to the Commissioner and his Office to disclose my criminal history with other applicants for the purposes of this application.[ ]  I consent to the Commissioner relying on information contained in my criminal history to decide whether to make a Cultural Recognition Order.[ ]  I understand that the results of a criminal history report will be disclosed to me, before the Commissioner makes a decision in relation to the application and may also be shared with other applicants by the  Commissioner in the Commissioner’s statement of reasons regarding any Cultural Recognition Order.[ ]  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.[ ]  I understand that I or any other applicant may give the Commissioner written notice to withdraw consent to the application and any stage before a Cultural Recognition Order is made.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

# **Part 4** – Statement by Informed Person/s

An informed person is someone who has knowledge of the arrangement made between the Birth Parents and Cultural Parents 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.

|  |
| --- |
| **Details about your understanding of the Ailan Kastom child rearing practice that occurred in relation to the application** |
| * Insert details

       |
| **Details about your relationship, if any, to the Birth Parents** |
| * Insert details

       |
| **Details about your relationship, if any, to the Cultural Parents** |
| * Insert details

       |
| **Details about your relationship, if any, to the subject child** |
| * Insert details

       |

## Additional information

|  |
| --- |
| **Disclosure of relationships and interests**Details of any other information that may impact the Commissioner’s ability to independently consider this application, for example any family relationships, previous legal dealings, or financial interests with the Commissioner |
| * List other relevant information

       |

## Declaration

|  |
| --- |
| **Informed Person/s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to being nominated as the Informed Person in relation to this application.[ ]  I confirm that the Ailan Kastom child rearing practice occurred in accordance with Ailan Kastom.[ ]  The information about me set out in Part 4 of this application is true and correct.[ ]  I consent to the Commissioner making inquiries and exchanging information with me for the purpose of assisting the Commissioner decide whether to make a Cultural Recognition Order and may rely on any information provided by me in making their decision.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

|  |
| --- |
| **Additional Informed Person/s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to being nominated as the Informed Person in relation to this application.[ ]  I confirm that the Ailan Kastom child rearing practice occurred in accordance with Ailan Kastom in relation to the subject child.[ ]  The information about me set out in Part 4 of this application is true and correct.[ ]  I consent to the Commissioner making inquiries and exchanging information with me for the purpose of assisting the Commissioner decide whether to make a Cultural Recognition Order and may rely on any information provided by me in making their decision.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

# **Part 5** – Statement by Other Carer*(If applicable – see definition of Other Carer to determine whether this part must be completed)*

|  |
| --- |
| **Details about your relationship with the subject child and under what circumstances you have cared for the subject child** |
| * Insert details

       |
| **Reasons you consider a Cultural Recognition Order being made by the Commissioner will be in the best interests of the subject child** |
| * Insert details

       |

## Additional information (Optional)

|  |
| --- |
| **Disclosure of relationships and interests**Details of any other information that may impact the Commissioner’s ability to independently consider this application, for example any family relationships, previous legal dealings, or financial interests with the Commissioner |
| * List other relevant information

       |

## Declaration

|  |
| --- |
| **First Other Carer’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.[ ]  The above information about me set out in Part 1 and 5 of this application is true and correct.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

|  |
| --- |
| **Second Other Carer’s consent and statement to this application** |
| **I, (full name),**  |  |  | **declare and state that:** |
| [ ]  I consent to the application being made, freely and fully informed.[ ]  I understand that the making of the Cultural Recognition Order is permanent and will impact on my legal rights.[ ]  The above information about me set out in Part 1 and 5 of this application is true and correct.[ ]  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. |
| Signature |  | Date |  | Place |  |
| **Certificate of Witness** (completed by an Authorised Witness under the Regulation) |
| **Name of witness** |  |
| **Qualification** |  |
| **Other details** (how you know the applicant) |  |
| Signature |  | Date |  | Place |  |

# Proof of identity

|  |
| --- |
| **Schedule – Proof of Identity Documents requested in line with sections 32(5) and 34(3) of the Act** |
| * a birth certificate
* a citizenship certificate
* an Australian passport that is current or has been expired for less than 2 years
* a current overseas passport
* a current driver licence containing the person’s photograph
* 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
* a current document evidencing the person’s residency or visa status
* 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
* a current positive notice blue card issued under the *Working with Children (Risk Management and Screening) Act 2000*
* a current credit card, debit card or other account card from a financial institution that includes an embossed name and signature.
 | * financial institution that is not more than 1 year old
* a telephone, gas or electricity account that is not more than 1 year old
* a rates notice from a local government that is not more than 1 year old
* a current student identity card containing the person’s
* photograph or signature issued by a school or another educational institution
* a Queensland Government employee identity card containing the person’s photograph
* an Australian State police officer, Federal police officer or Australian Defence Force identity card containing the person’s photograph
* a current licence issued under the *Security Providers Act 1993* to carry out the functions of a crowd controller, private investigator or security officer
* a current licence issued under the *Weapons Act 1990.*
 |

# Office Use Only

|  |  |  |  |
| --- | --- | --- | --- |
| **Date Application Received** |  | **Application No.** |  |
| Checklist | [ ]  Certified copies of at least two of the Proof of Identity documents for each:1. Birth Parent
2. Cultural Parent
3. Informed Person
4. Other Carer

[ ]  Any relevant orders in relation to Other Carers[ ]  All sections of the application complete where applicable[ ]  All parties’ statements signed and appropriately witnessed |

# Important Information

## 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 Parents to the Cultural Parents 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 Parents to the Cultural Parents
* the person becomes a child of the Cultural Parents
* the Cultural Parents become the parents of the person
* the person stops being a child of the Birth Parents, 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.

## 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.

## 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.

In 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 as soon as possible.

## 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 birth of the subject person
* the desired name of the subject person following the making of a Cultural Recognition Order
* the place of birth 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.

## 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.

## 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.

## 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 applicants 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 Children, Youth Justice and Multicultural Affairs, 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.