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

I write this submission in my personal capacity and as a former Chair of the Family Law Council from 2010 to 2016. I strongly support the Bill, which will, for the first time, provide legal recognition and security for Torres Strait Islander children who are given and received according to Ailan Kastom child rearing practice.

Over a number of years, the Family Law Council (the Council) has identified the need for changes to the law to provide legal security for children in this circumstance. In its 2004 *Out of the Maze* report, the Council's Family Law Pathways Advisory Group suggested that special processes be developed to recognise Torres Strait Islander traditional child rearing practices.

However, in its 2012 report, *Improving the Family Law System for Aboriginal and Torres Strait Islander Clients*, the Council noted that its earlier recommendation had not yet led to any significant change in the law, and that its consultations had revealed a subsisting concern among Torres Strait Islander communities for certainty and security of parenting responsibility for their children. The report noted that while the Family Court of Australia had, for many years, responded to the need for legal security for Torres Strait Islander children by making consent parenting orders in favour of parents who had received children according to Island custom, at the time of writing that practice had been scaled back.

Subsequently, in its 2013 *Parentage and the Family Law Act* report, the Council identified the ongoing need for legal recognition of Torres Strait Islander children who are given and received according to Ailan Kastom child rearing practice and recommended that the Australian Government 'pass separate legislation to enable the family courts to transfer parental status to Torres Strait Islander receiving parents' (Recommendation 18). That recommendation was not implemented.

As this brief review of policy reports by the Family Law Council suggests, the current Bill is an important and much needed step in providing legal recognition of an Indigenous customary practice and the attendant legal security for the children involved. I commend the Queensland Government for its draft Bill, and look forward to its passage and properly resourced implementation.