



FEDERAL CIRCUIT
COURT OF AUSTRALIA

ABORIGINAL AND TORRES STRAIT ISLANDER FAMILIES AND THE COURT

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of Saltwater Dreamtime

INDIGENOUS LEGAL AID SERVICES

AUSTRALIAN CAPITAL TERRITORY/ NEW SOUTH WALES

- Aboriginal Legal Service:
1800 733 233 or (02) 8836 3444

VICTORIA

- Victorian Aboriginal Legal Service:
1800 064 865

QUEENSLAND

- Aboriginal and Torres Strait
Islander Legal Service:
1800 012 255

WESTERN AUSTRALIA

- Aboriginal Legal Service:
1800 019 900

SOUTH AUSTRALIA

- Aboriginal Legal Rights Movement:
1800 643 222

TASMANIA

- Tasmanian Aboriginal Community
Legal Service
Hobart (03) 6281 3456
Launceston (03) 6700 0389

FAR NORTHERN TERRITORY

- North Australian Aboriginal Justice
Agency: 1800 898 251

SOUTHERN NORTHERN TERRITORY

- Central Australian Aboriginal Legal
Aid Service: 1800 636 079

www.federalcircuitcourt.gov.au

The Federal Circuit Court of Australia works hard to respect cultural protocols and is committed to planning and delivering culturally sensitive services to Aboriginal and Torres Strait Islander people.

The Court has a range of services available to assist Aboriginal and Torres Strait Islander people: this includes registries located all around Australia, including many regional locations. Court appearances and some hearings can also be conducted over the phone or by video when remote locations are involved.



WHAT IS FAMILY LAW?

Family law is about matters like separation and divorce and children and property settlement after the breakdown of a relationship. The Court can assist in making arrangements known as parenting orders that meet the needs of the children and family.

WHAT IS PARENTAL RESPONSIBILITY?

Parental responsibility is about decisions relating to a child's care, welfare and development, for example, a child's health, where a child lives and goes to

school, what surname a child should have and a child's religious and cultural upbringing.

WHAT ARE PARENTING ORDERS?

Parenting orders address things like who a child lives with or spends time with and who a child communicates with. You do not have to be a parent to seek parenting orders, but you do need to be a person concerned with a child's care, welfare and development. This includes kin carers who might be an aunt, uncle, grandparent, adult brother or sister, or a relative who has been involved in the care of a child.

KIN CARERS

Often when family members become kin carers for grandchildren, nieces, nephews and other children, they have no legal authority to authorise medical procedures, enrol children in school or have any say over whether the child they are raising remains with them or is returned to live with their parents.

A parenting order can be made giving parental responsibility to a kin carer. This provides certainty about where the child lives and what time is spent with their parents. It also allows for a recovery order to be made if the child is removed abruptly from their settled living arrangements and placed at risk, for example being taken by parents who are overwhelmed by drug or alcohol addiction, mental health conditions or family violence.

ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN AND THEIR CULTURE

Family law in Australia requires the Court to make decisions based on the best interests of the child/ren. The law also recognises the importance of children keeping a connection with their Aboriginal and Torres Strait Islander culture after family breakdown and separation.

The Court looks at many things when deciding what is best for Aboriginal and Torres Strait Islander children, such as:

- lifestyle, culture and traditions of the children and the parents
- the rights of the child to enjoy his or her culture, including the right to enjoy that culture with other people who share that culture
- any kinship relationships that may impact on a child, and
- the child-rearing practices of Aboriginal and Torres Strait Islander families.

CONTACT US

If you want to know more about the Court or get copies of our publications, visit:

WEBSITE

www.federalcircuitcourt.gov.au



LIVE CHAT on the website

CALL 1300 352 000

8.30am to 5.00pm Monday to Friday