



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: IndgIssuesJDvk708152

25 June 2013

Professor Helen Rhoades, Chair
Family Law Council
3-5 National Circuit
Barton ACT 2600

By email: Cressida.limon@unimelb.edu.au

Dear Professor Rhoades,

Legal parentage of children under the *Family Law Act 1975 (Cth)*

I am writing on behalf of the Indigenous Issues Committee of the Law Society of NSW ("Committee"). The Committee represents the Law Society on issues which impact upon Indigenous peoples in NSW, and includes experts drawn from the ranks of the Law Society's membership

The Committee notes that in the recent NSW Government Discussion Paper on Child Protection Legislative Reform the option of "open adoption" was canvassed. In the Committee's view the agenda of the Department of Family and Community Services ("FACS") towards adoption in the care and protection of children requires further meaningful consideration.

The Committee provided its strongly held view that adoption is not a culturally appropriate option for Aboriginal children. In both written and verbal submissions to FACS, the Committee strongly opposed the inclusion of adoption as a proposal for Aboriginal children in the Children's Court.

The Committee also notes that at roundtable discussions with FACS there appeared to be acknowledgment of this point. The Committee brings the following points to the attention of the Family Law Council:

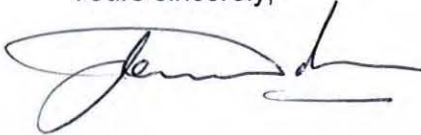
1. In the Committee's experience there are many situations where children's Aboriginal identity can be dismissed or overlooked under the current government proposal; and that
2. FACS stated it did not want to exclude Aboriginal families from the opportunity to have their children adopted.

The Committee's view is that, as the number of Aboriginal children in care is so high, it is very likely that Aboriginal children will be subject to this proposed adoption policy.

Finally, the Committee raises its concern that under any proposed changes to family law legislation that the proposed "open adoptions" should ensure that "parents" are notified and served in relation to these proceedings. The Committee submits that, as with any other parents, parents of an Aboriginal child will have a substantial interest in the welfare of their child.

Thank you for the opportunity to provide comments. Please contact Vicky Kuek, policy lawyer for the Committee, if you have any questions on (02) 9926 0354 or victoria.kuek@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Dobson', with a long horizontal flourish extending to the right.

John Dobson
President