# What is a Cultural Recognition Order?

A Cultural Recognition Order is an order made by the Commissioner (Meriba Omasker Kaziw Kazipa) and will permanently transfer a person’s parentage from the birth parents to the cultural parents. The making of an order provides legal recognition of Torres Strait Islander traditional child rearing practice and will resolve longstanding issues faced by Torres Strait Islanders whose legal identity does not reflect their cultural identity and lived experience.

As the parental responsibility is permanently transferred once a Cultural Recognition Order is made, it is recommended that those considering applying for legal recognition seek [legal advice](https://www.qld.gov.au/firstnations/legal-support-reporting-crime/legal-help) on the impacts a Cultural Recognition Order will have.

Further information about the outcomes of a Cultural Recognition Order is available at <https://www.qld.gov.au/firstnations/family-social-support/torres-strait-islander-traditional-child-rearing-practice>.

# Who can apply for a Cultural Recognition Order?

Torres Strait Islander families who are raising a child, and a Torres Strait Islander person over 18 year of age who has been raised, under Ailan Kastom child rearing practice can apply for a Cultural Recognition Order, if:

* the person’s birth (the child or adult) was registered in Queensland, and
* at least one birth parent is a Torres Strait Islander person, and
* at least one cultural parent is a Torres Strait Islander person.

Where the application is about a person who is a child, it can only be made:

* by the child’s birth parents and the cultural parents, (unless a dispensation of consent order is granted by the court), and
* if both the birth and cultural parents are at least 18 years of age, and
* 30 days, or more, after the child’s birth is registered.

Where a Cultural Recognition Order is sought for an adult, that adult must make the application and each of the birth and cultural parents must consent to the application.

Consent must be provided by all living parents, unless a dispensation of consent order has been granted by the court. It is recommended that parties seek [legal advice](https://www.qld.gov.au/firstnations/legal-support-reporting-crime/legal-help) and assistance, if a dispensation of consent order is required before making an application for a Cultural Recognition Order.

Nothing prevents an application from being made if a birth parent or cultural parent is deceased, however at least one birth parent and one cultural parent must be living at the time of the application.

# How to apply for a Cultural Recognition Order?

There are two types of application forms, one about a child and one about an adult. The application for a Cultural Recognition Order is completed by the cultural and birth parents of the child or the adult applicant.

The application forms are available [online](https://www.qld.gov.au/firstnations/family-social-support/torres-strait-islander-traditional-child-rearing-practice/apply-cultural-recognition-order) at www.qld.gov.au/firstnations. Download the applicable form which can be filled out electronically or by hand before being signed by each party. The signature of each party must be witnessed appropriately.

Before submitting an application, it is recommended that you go through the application checklist to make sure nothing has been left out of the application. A checklist is available at [www.qld.gov.au/firstnations](http://www.qld.gov.au/firstnations). If you have any questions about making an application or accessing documents for an application, you can contact the [Meriba Omasker Kaziw Kazipa Program Support Office](https://www.ocmokk.qld.gov.au/commissioner/meriba-omasker-kaziw-kazipa-program-support-office) on 1800 571 102.

It is also recommended that before making an application for a Cultural Recognition Order all parents and adult applicants seek [legal advice](https://www.qld.gov.au/firstnations/legal-support-reporting-crime/legal-help) given the permanent nature of a Cultural Recognition Order.

# Who decides if a Cultural Recognition Order is made?

The Commissioner (Meriba Omasker Kaziw Kazipa) (the Commissioner) determines if a Cultural Recognition Order is to be made. You can find out more about the Commissioner at [www.ocmokk.qld.gov.au](http://www.ocmokk.qld.gov.au).

# How long does it take for a Cultural Recognition Order to be made?

The Commissioner will make a decision regarding each application within a reasonable amount of time and considers each application individually. The Commissioner may need to ask applicants for more information to assist in the making of a Cultural Recognition Order.

# What happens after a Cultural Recognition Order is made?

If a Cultural Recognition Order is made, the Commissioner will write to all parties to the application and provide a statement of reasons for this decision, and a copy of the Cultural Recognition Order.

The Commissioner will provide the Cultural Recognition Order to the Registrar of Births, Deaths and Marriages. The Registrar will register the transfer of parentage as stated by the Cultural Recognition Order and close the previous birth entry of the person.

For a new birth certificate to be issued to the cultural parent or adult applicant, an application will need to be submitted to the Registry of Births, Deaths and Marriages.

If you have any questions or require assistance applying for the new birth certificate you can call the Registry of [Births, Deaths and Marriages](https://www.qld.gov.au/law/births-deaths-marriages-and-divorces/birth-death-and-marriage-certificates/birth-certificates/applying-for-a-birth-certificate) on 13 74 68.