

RECOMMENDATIONS

Recommendation 1

6.11 The committee recommends that the Australian Government should develop a specific prosecution policy for the offences in sections 65Y and 65Z of the *Family Law Act 1975*; and update the policy as necessary to include guidance on any future amendments to the Family Law Act (including the proposed extension of the offences to wrongful retention and participation in family dispute resolution).

Recommendation 2

6.23 The committee recommends that the Australian Government should maintain a 'watching brief' on the implementation and impacts of the proposed amendments to the offences in sections 65Y and 65Z of the *Family Law Act 1975*, and the extension of the offences to parties who are participating in family dispute resolution. In the event that the proposed amendments do not achieve their intended objective, the committee recommends that the Australian Government should reassess the need for the introduction of stronger measures, including the possibility of a stand-alone criminal offence for international parental child abduction.

Recommendation 3

6.26 The committee recommends that the Australian Government should give consideration to strategies to improve public awareness of the offences in sections 65Y and 65Z of the *Family Law Act 1975*, including:

- a standard notice in all orders made under Part VII of the Family Law Act about the existence and effect of the offence provisions;
- information about the offences being included in existing Australian Government guidance materials (for example, the Travel Smart booklet published by the Department of Foreign Affairs, and Trade, and in the passport application and renewal process);
- conspicuous signage at international departure points (such as airports and sea ports) about the offence provisions; and
- information materials about the offences being made available at community legal centres, legal aid offices, family relationship centres, international departure points and government shop-fronts.

Recommendation 4

6.27 The committee recommends that the Australian Government should investigate the feasibility of incorporating international parental child abduction screening and risk-assessment processes into key stages of a family's post-separation engagement with the family law system.

Recommendation 5

6.38 In consultation with State Central Authorities, the committee recommends that the Attorney-General's Department should adopt a coordinated strategy for communications between Australian Central Authorities and applicants in Hague Convention proceedings. The strategy should include provision for the following measures:

- flexible, case-specific communication arrangements, such as enabling applicants to contact the Commonwealth Central Authority directly, rather than the relevant State Central Authority; and
- routine progress updates (such as periodic teleconferences between applicants and case officers in the relevant Australian Central Authority).

Recommendation 6

6.43 The committee recommends that the Australian Government should develop a specific and comprehensive online information portal about international parental child abduction to and from Australia.

Recommendation 7

6.44 The committee recommends that the Australian Government should, in consultation with relevant stakeholders in the legal profession, re-instate and update international parental child abduction resources for legal practitioners, particularly in respect of Hague Convention matters.

Recommendation 8

6.50 The committee recommends that the Australian Government should, in consultation with relevant stakeholders such as International Social Service Australia, investigate strategies to improve the availability and coordinated delivery of support services in international parental child abduction cases, including post-return services.

Recommendation 9

6.55 The committee recommends that the Australian Government should continue to:

- encourage non-contracting states to accede to the Hague Convention;
- support new and existing contracting states to implement the Hague Convention effectively; and
- pursue bilateral agreements, where appropriate, with countries which have not acceded to the Hague Convention, and which are unlikely to do so in the foreseeable future.

Recommendation 10

6.61 The committee recommends that the Australian Government should investigate strategies for the periodic collection and analysis by an appropriate government agency, or agencies, of comprehensive statistical data on international parental child abduction to and from Australia.

Recommendation 11

6.63 The committee recommends that the Australian Government should review the continuing appropriateness of the exceptional circumstances requirement in subsection 68L(3) of the *Family Law Act 1975*, in respect of the appointment of the Independent Children's Lawyer in Hague Convention proceedings before the Family Court of Australia.

