

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

Program: 1.1 AGD Operating Expenses - Civil Justice and Legal Services

Question No. BE17-009

Senator Hinch asked the following question on 24 May 2017:

Senator HINCH: Chair, I recognised the time, but I have one final question and one final point. I raise it with you because I have an example. I have a constituent who went through it all. She received a parenting order that gave her majority custody of her now 10-year-old daughter. The father picked the daughter up for his court-approved weekend and he never returned. That was 21 months ago. The only contact she has had are some monitored phone calls. They know where he lives. The local police—Victoria police, of course—say, 'It's not our problem. It's a federal problem.' I have been made aware, and I am sure that you are aware, that there is a small unit in the federal police in which a complaint can be made to them and they can go—it is almost a kidnapping charge. The federal police have a very small unit which can do that. Is that correct?

Ms Saint: There are probably two issues here. One would be the breach of the Family Court order. As the Attorney explained, enforcement action in respect of that would need to be brought by the other parent in the Family Law Act. But that contact that you refer to could also give rise to some other criminal offence, which would then fall within the remit of the law enforcement agencies.

Senator HINCH: And there is a federal police unit that do apparently do this sort of retrieving of children. It is almost kidnapping.

Ms Saint: There is a unit within the AFP who does look after things like international parental child abduction, correct; but for domestically I would need to take that on notice.

The response to the honourable Senator's question is as follows:

The role of the Australian Federal Police (AFP) in family law matters is primarily to act on orders issued by a court, and to prevent the unlawful removal of children from Australia. This includes orders issued pursuant to the *Family Law Act 1975* and the *Family Law (Child Abduction Convention) Regulations 1986* such as recovery orders, arrest warrants and the Family Law Watchlist.

The AFP is also responsible for the coordination of family law related orders (with the exception of recovery orders in Western Australia). The Crime Operations Response section in the AFP has responsibility for many crime types, including domestic and international parental child abduction and other family law related matters. The AFP also has cooperative agreements in place with the various State and Territory police services throughout Australia for the execution of orders. The AFP does not have dedicated units that deal solely with domestic and international parental child abduction or other family law related matters, as this is covered by the Crime Operations Response Section.