

(...)

**RE: Senate enquiry – International Child Abduction to and from Australia**

To Whom it May Concern,

My name is Daniel Wass, I am 34 Years old and I live in Springwood NSW.

On the 10<sup>th</sup> of May 2010, without my knowledge or consent, my son Sean Jukia Wass (born 9-3-09) was taken by his mother Yuka Wheatley to Japan and has not yet returned.

Yuka left Australia after Court proceedings had already commenced in the family law court. On the 12<sup>th</sup> July 2010 The Federal Magistrates court made Parenting orders, Location orders, and Return orders. Yuka Wheatley has not replied to these orders nor has she made any contact with the Australian Authorities, including the CSA.

On the 20<sup>th</sup> June 2011, The Court made additional orders. I now have a Publication order and a stay order on my Child support obligation. The stay order is from the date of abduction 10-5-10 to the time of Sean's returned to Australia. In addition orders have also been served on Penrith city council and (...) asking them to provide information on her location.

I have not heard from Yuka or Sean since the 3<sup>rd</sup> May 2010.

***Reference to court orders:***

***Federal Magistrates Court of Australia Parramatta***

***(P)PAC1498/2010***

***Daniel Benjamin Wass***

***V***

***Yuka Wheatley***

**Issues I have been faced with and suggestions.**

1. Prior to Yuka leaving Australia I wasn't able to have my son placed on the Airport watch list. The reason given by my solicitor was that I could not prove Yuka Wheatley was a flight risk. I would like this process to be easier when needing a child to placed on the Airport Watch List. I'd like it mandatory that approval is required from both parents each time before any child leaves Australia to a non Hague Signatory Country. In addition to assist in reducing child abductions to a non signatory country, I think if one or both parents originate from a non Hague country this alone should be enough to have your child placed immediately on the airport watch list.
2. My experience when trying to having the Child Support Agency understand my situation was very difficult. On 3<sup>rd</sup> of September 2010 I contacted the Child Support Agency via email asking if my CS assessment could take into consideration the Parenting orders (dated 12 July) and adjust my care percentage obligation. I also asked the Agency what options I had in relation to freezing my child support obligations due to the abduction of my son Sean. I also forwarded

the return and location orders with my request. The reply from the CSA was by phone. I was told that unfortunately no changes could be made to my assessment using the court orders. The reason given was that I did not physically have Sean in my care for the times stated in the parenting orders. I'd like changes made to the assessment process, I believe the Child Support Agency should recognise parenting orders when presented for assessment. In addition I think that Child Abduction should be recognised as child abuse. Child support payments should be reliant on both parents meeting the rights of the child and all of other parenting obligations. In January 2011 I stopped paying money to the CSA. As mentioned on the 20-6-11 the Magistrates court made orders to stay all Child support obligations until the return of Sean to Australia. Changes need to be made to what now happens with the money I paid to the agency. In response to location orders served on the Child Support Agency they reported to have had no contact with Yuka Wheatley since the 12 July 2010. This alone should be enough to Stay CS obligations. However the CSA continued to demand and collect payments. The money I paid is now in a CSA holding account. I am told this money now reverts into State or Federal revenue. I would like to see this money refunded or diverted to support my other two children still here in Australia.

3. (...) Despite my family and I trying to re-establish contact, Yuka has made no attempt to contact me or the Australian Authorities since the 3<sup>rd</sup> on May 2010. The court process is both long and costly (to date approx \$20000). The court orders sent to Yuka have been returned to Australia unopened. I have registered Sean on the missing persons list with the Department of Foreign Affairs. Sean is registered on Interpol's Yellow list. I also have an application for the return of Child under The Hague Convention pending at the Central Authority. In early 2011 I received an email suggesting Yuka had moved to America therefore I made the application for return. Yuka and Sean were not in America and the Central authority is now holding my application as pending. I would like to see the Australian Government provide more assistance (financial and physical) in child abduction cases like mine. I would like to see the Australian Government condemn Japan on its poor record of child abduction. I would like the Australian Government to demand to know the location of my son Sean and then demand the return of my son, after all Sean is an Australian Citizen. Australia like Japan is signatory to the UN's Convention on the Rights of the Child, I would also like the Australian Government to place more pressure on Japan to meet its obligations as a signatory to this convention. I would like the Australian Government to apply more pressure on Japan to become a signatory to the Hague Convention.
4. On the 18-3-11 I contacted my local Federal Member Louise Marcus via email, this at first felt very positive I attended a meeting to discuss my issues. I also attended a public forum, I didn't get the opportunity to ask my questions at the public forum however I did speak with Louse afterwards. Louise then asked me to contact her office as she understood my issue and wanted to have another meeting with me to discuss this further. On her request the next day (18-6-11) I contacted her office via email with my forum questions also asking for Louise Marcus to

- confirm an appointment date. I have not had a reply to this contact. I followed this up today. (28-9-11)
5. On the 10-6-11 I contacted the AFP by phone and DOCS by email asking for advice and assistance to have Yuka Wheatley Prosecuted under section 65Z. The AFP directed me to obtain a court order through the family court. I am still waiting on a reply for assistance from DOCS. I followed this up (28-9-11) Australia and Japan have an Interpol agreement for extradition. This is one avenue I wish to pursue to retrieve my son Sean ( ... ).

- In addition I would like to see all forms of Child Abduction/retention turned into a criminal offence. I believe it should be made easier to get the DDP to act on this type of criminal offence.
6. Thank you for the opportunity to be part of this senate enquiry. International child abduction is becoming more common. Changes need to be made to our legal system to stop Abductions and support the left behind parents and their children alike. I have all my supporting documents and would be honoured to participate further in the enquiry.

Thankyou & Regards,  
Daniel Wass