

**Queensland Department of Communities Submission
Inquiry into International Child Abduction to and from Australia
Legal and Constitutional Affairs Reference Committee**

The Department of Communities (Court Services) has managed international child abduction matters on behalf of the Queensland Government since the Convention entered into force in Australia on 1 January 1987.

Protocol or Memorandum of Understanding (MoU) between the Central Authority (CA) and the State Central Authorities (SCAs)

At the Biennial Conference in 2010, the CA proposed the development of an MoU or Protocol to clarify roles responsibilities between the CA and SCAs. The Department of Communities continues to support the development of more formalised relationship through the collaborative development of an MoU or Protocol.

Continuation of existing funding arrangements

As the Australian Government is the CA for matters relating to the Hague Convention, costs remain their responsibility. Currently, the Department of Communities bills the CA for work undertaken by this department, under the Convention. For this reason, Queensland supports the continuation of existing funding arrangements, under which full cost recovery is met by the Commonwealth.

Greater public information about the aims of the Convention

The main aim of the Convention is to ensure that children who are abducted by a parent will be returned as quickly as possible to or from Australia so that issues of parental responsibility can be resolved by the Family Court in Australia or Family Court of the other Convention country. The Convention also allows parents to seek:

- the return of children who are wrongly retained in another country, for example, at the end of a contact visit
- assistance in obtaining contact with their children who live with another parent overseas.

Generally speaking, these aims of the Convention are not well understood. Common misunderstandings of applicants reporting to Court Services include:

- An application under the Hague Convention will also resolve substantive issues of parental responsibility. In fact, the aim of the Convention is to ensure that children who are abducted by a parent will be returned as quickly as possible to the appropriate jurisdiction so the court system in that country (where the child habitually resides) can determine parenting issues on application by the parties.
- A return order means that the child will return to the 'left behind' parent. In fact, the return order has the effect of returning the child to the country of their habitual residence. It could mean, for example, that the absconding parent who chooses to return to Australia with the subject child could reside in Sydney while the 'left behind' parent continues to reside in Brisbane.

It may also be helpful if public awareness of the issue was raised so that parents were mindful of the consequences of the wrongful removal of a child from Australia. Resources available at airports and through the Family Court may be of benefit in increasing awareness of Australia and other countries obligations under the Convention.