

FAMILY LAW CHILD ABDUCTION Hague convention Application adjourned Family Law (Child Abduction Convention) Regulations 1986 Family Law Act 1975 (Cth) APPLICANT: State Central Authority; Department Of Human Services RESPONDENT: Ms Hunt FILENUMBER: MLC 8095 of 2014 DATE DELIVERED: 12 September 2014 PLACE DELIVERED: Melbourne PLACE HEARD: Melbourne JUDGMENT OF: Cronin J HEARING DATE: 12 September 2014 REPRESENTATION SOLICITORS FOR THE APPLICANT: Ms Accornero; Department of Human Services; State Central Authority ORDERS (1) THAT leave is granted to the applicant to proceed ex parte with orders in terms of paragraphs (b), (c) and (d) of the application filed on 10 September 2014. (2) THAT the application be amended at paragraph f (iv) to March 2014. (3) THAT the application be adjourned for further hearing on 29 September 2014 at 9:00am. (4) THAT the applicant effect service of the application and this Order on the respondent mother as soon as practicable. (5) THAT in the event that the respondent mother has been served with the application by the adjourned date: (a) she file and serve an affidavit in response to the application indicating her defence to the application no later than 26 September 2014; (b) she file and serve a Notice for Address for Service; and (c) she attend Court personally on 29 September 2014 at 9:00am and remain at Court pending further order of the Court. (6) THAT until further order, the respondent mother, her servants or agents be restrained by injunction from causing or permitting or suffering the children L born ... June 2007, K born ... May 2009 and O born ... May 2009 and E born ... May 2011 (the children): (i) to be removed from the Commonwealth of Australia, and in this regard all officers of the Australian Federal Police be directed to enforce, if required, the provisions of such order; (ii) to be removed from the State of Victoria; or (iii) to reside at any address other than their present residential address or any other residence at which the applicant has agreed that the children reside. (7) THAT the Australian Federal Police place the names of the children on the Airport Watch List in force at all points of arrival and departure in the Commonwealth of Australia and maintain the children's names on the Airport Watch List until further order of the Court. (8) THAT the respondent mother, her servants or agents forthwith deliver up to the Registrar of the Family Court of Australia at Melbourne for safe custody any and all passports held in the names of the children or upon which the children appear

and be restrained from applying for any further or other passports for the children pending further orders of this Court. (9) THAT a sealed copy of these Orders be provided forthwith to the Marshal of the Family Court of Australia, the Commissioner of the Australian Federal Police and the Secretary of the Commonwealth Department of Foreign Affairs and Trade. IT IS NOTED that publication of this judgment by this Court under the pseudonym State Central Authority & Hunt has been approved by the Chief Justice pursuant to s 121(9)(g) of the Family Law Act 1975 (Cth). FAMILY COURT OF AUSTRALIA AT MELBOURNE FILE NUMBER: MLC 8095 of 2014 STATE CENTRAL AUTHORITY; DEPARTMENT OF HUMAN SERVICES Applicant And Ms Hunt Respondent REASONS FOR JUDGMENT This is an application under the Family Law (Child Abduction Convention) Regulations 1986. The facts asserted by the applicant are that the parents of these children normally resided in New Zealand and separated in August 2013. In September 2013, the father travelled to Brisbane to spend some time with his extended family and some months later, when he returned to New Zealand, he could not locate his children. He then ascertained through his lawyer that the children had left New Zealand in December 2013, and he has not been provided with any details as to contact with the children since October 2013. Having regard to the fact that the mother appears to have unilaterally cutoff the father from the children in circumstances where on the facts of the documents he has rights of custody, it is appropriate to determine the matter today in the absence of notice to the respondent. I certify that the preceding two (2) paragraphs are a true copy of the reasons for judgment of the Honourable Justice Cronin delivered on 12 September 2014. Associate:  
Date: 22 October 2014 AustLII: Copyright Policy | Disclaimers | Privacy Policy | Feedback URL: <http://www.austlii.edu.au/au/cases/cth/FamCA/2014/907.html>