



**AFP**  
AUSTRALIAN FEDERAL POLICE

# Family Law Kit

# The AFP and Family Law matters

The AFP's role in the family law process is to act upon specific orders of the Court. Those orders are Recovery Orders, Warrants of Arrest and Writs of Possession. The AFP can not enforce Residency, Care or Contact Orders. The AFP Family Law Team will endeavour to assist you where we can and act as quickly as possible in the execution of Orders. We understand that Family Law matters are sensitive and an emotional time for all involved.

The AFP cannot provide legal advice. So, if you would like more information about the Family Court of Australia or the Federal Magistrates Court procedures and forms we recommend you look at their websites - [www.familycourt.gov.au](http://www.familycourt.gov.au) or [www.fmc.gov.au](http://www.fmc.gov.au). The contact numbers for the Family Court throughout Australia are located at the end of this kit.

Or, speak to your solicitor if you have engaged one.

## Airport Watch List

This system is designed to prevent children whose parents are involved in Family Law proceedings being removed from Australia without the consent of the Court.

Generally the system is used for matters where there is an actual fear that the child may be removed from the Commonwealth of Australia. Sections 65Y and 65Z of the *Family Law Act 1975* provides that a child who is subject to family law proceedings or a residence, care or contact specifying non-removal from Australia must not be removed from the Commonwealth of Australia. There is provision for an exception to these Sections under Sections 65Y (2) and 65Z (2) which provide for a child to be removed from Australia with the consent in writing (authenticated as prescribed) of each party. Approval to remove a child from Australia may also be obtained via a new court order. A party who removes or attempts to remove a child from the Commonwealth of Australia may be sentenced up to three (3) years imprisonment.

Where an order is in existence that specifically restrains the travel of a child from Australia, it will, in most instances be necessary to obtain another court order to permit travel regardless of the consent of the parents. That is unless the order restraining travel makes specific allowance for removal of the child with parental consent. Orders restraining travel are in most instances made under Part XIV of the Family Law Act, which operates independent of Sections 65Y and 65Z.

The Watch List is in effect at all international sea ports and airports.

### Placing a child's name on the airport watch list

To place a child's name on the watch list you will be required to obtain a Court Order or an application for an immediate order (often referred to as a Restraining or Retention Order) that directs the AFP to place the name of the child on the Airport Watch List. The direction from the Court must be specific and not implied.

**A certified copy of the Court Order must be provided to the AFP.**

The Court Order can be issued by the Family Court of Australia, the Family Court of Western Australia, the Federal Magistrates Court or a Local Court that exercises

jurisdiction under the *Family Law Act 1975*. The AFP Family Law Teams prefer the following wording for the court order:

***“That until further Order each party, (First Name, Second Name, SURNAME & Date of Birth of each party) their servants and/or agents be and are hereby restrained from removing or attempting to remove or causing or permitting the removal of the said child/children (First Name, Second Name, SURNAME & Date of Birth of each party) from the Commonwealth of Australia AND IT IS REQUESTED that the Australian Federal Police give effect to this order by placing the name/names of the said child/children on the Airport Watch List in force at all points of arrival and departure in the Commonwealth of Australia and maintain the child’s/children’s name/names on the Watch List until the Court orders its removal”.***

If either party desires to take the child/children out of the Commonwealth of Australia, they will only be permitted to travel with an Order of the Court. If there is still a genuine need to keep the child/children on the Watch List, the Court can make an Order which allows travel for a certain period of time with a certain party. (It is recommended that you discuss your intentions to travel with your solicitor). Unless the Restraining Order is discharged, the Watch List Alert will still activate if an attempt is made to travel. That is why it is important to advise the Family Law Team in your State/Territory of your intentions to travel to seek a variation to the Court Order in plenty of time (where possible one week) prior to intended travel to prevent lengthy delays prior to departure.

## **Removing a child’s name from the airport watch list**

A child may only be removed from the Airport Watch List with a Court Order. That Order must discharge the Order or specific paragraph which restrained the parties from removing the child/children from Australia AND/OR direct the AFP to remove the child/children from the Airport Watch List.

A child’s name will be removed from the Airport Watch List when the AFP receives a Court Order to that effect. If there is no longer a fear that a child will be taken out of Australia, it is recommended that you obtain a Discharge Order to avoid future difficulties at Australian Ports.

## **What are my obligations?**

Once you have obtained an Order from the Court, you or your solicitor should provide an original sealed copy to the AFP Family Law representative in the State/Territory office for the following **as soon as practicable**:

- a) All Court Orders issued by the Court which relate to the Airport Watch List;  
and
- b) All Court Orders issued by the Court while the child/children remain on the Watch List;

If the Court has allowed travel for a certain period of time, it is recommended that you or your solicitor provide a copy of the amended Court Order to the AFP Family Law representative at least 7 working days prior to travel dates. Where the parties consent has been obtained for travel under section 65Y or 65Z of the *Family Law Act 1985*, and the parties signatures have been witnessed by a person authorised to witness a Statutory Declaration (as required by Regulation 13 of the *Family Law Regulations 1984*.) it should be presented to the AFP Family Law representative at least 7 days prior to travel to allow authentication of consent details in order to avoid lengthy delays at Airport Terminals or the possibility that travel will be refused. In all other circumstances where a Care, Contact or Residence Order has been made by a

Court, a Court Order authorising overseas travel by a child should be provided to the Australian Federal Police at least 7 working days prior to travel.

In the event that your child presents at an international port of departure and is prevented from departure by the Australian Federal Police, you will be required to attend at such place and time (to be advised by the AFP) to take delivery of the child. All costs incurred in effecting the delivery (i.e. travel, sustenance for yourself, your agent and the child/ren) **WILL NOT** be met by the Family Court or the Australian Federal Police. Hence it is important that you notify the AFP of any changes to your personal details as a matter of priority. It is additionally important that when providing your details, a 24hr contact be nominated. This will also assist with confirmation of variations to the order.

## Confirming if a child is on the airport watch list

To seek a watch list entry status to establish whether a child is on the Airport Watch List, you or your solicitor will need to send a written request to the AFP Family Law representative within your State/Territory by fax or mail including the following information:

- Full name, date of birth and gender for your child/children;
- Your full name, date of birth and association to the child/children;
- A copy of the last Court Order issued if available; and
- Your contact number to advise the status of the Watch List Alert.

Unfortunately, due to overwhelming workload of the Family Law representatives, we are not able to provide you a response in writing.

## Children already taken overseas

When a parent believes a child has already been removed from the Commonwealth of Australia, an application can be made for the return of the child under the provisions of an International treaty known as the **Hague Convention (Civil Aspects of Child Abduction)**. Proceedings can only be instituted if the country to which the child has been taken is a signatory to the Hague Convention.

To find out if a particular country is a signatory to the Hague Convention, you can call the Commonwealth Central Authority on 1800 100 480 (free call) or you can check on the website of the Hague Conference on Private International Law, the body which administers the Convention. The website is at [www.hcch.net](http://www.hcch.net) Further information regarding the Hague Convention can be found at [www.law.gov.au/childabduction](http://www.law.gov.au/childabduction) or speak to your solicitor. The Attorney-General's Department also have information relating to International Child Abductions.

## Recovery of Children

A Recovery Order is a court order that directs Federal, State and/or Territory Police to recover and return a child mentioned in the order to the person nominated in the order (usually the Applicant). A Recovery Order can be issued by the Family Court of Australia, the Federal Magistrates Service or by relevant courts within your State or Territory exercising Family Law jurisdiction, under Section 67Q of the *Family Law Act 1975*. A Recovery Order is valid for twelve (12) months from the date of issue unless

otherwise stated. Recovery Orders also contain an order prohibiting the person (generally the Respondent) from again taking or removing the child. If the person again removes the child, they may be arrested without warrant. – Section 65Q of the Act.

Even though a person may have a Court Order giving the person residence, care or contact of a child, the Police are unable to become involved when the child is removed or not returned to the person unless a Recovery Order has firstly been obtained. Breaches of a Residence, Care or Contact Order can be reported to the Court. Police will only act on a Recovery Order that is received from the Court in Form 34 format should the State/Territory Police be actioning the orders.

AFP will not generally recover a child, except in extraordinary circumstances, until the person to whom the child is to be returned is in a position to receive the child and is close by. This is especially so if the child is very young or does not speak English. If the child is interstate the Applicant must still be as close as possible to receive the child. This reduces the stress on the child and the necessity for the child to remain in police care. Please speak to the AFP Officer in Charge of your Recovery Order for more detail.

**The applicant will not be permitted to be present during the execution of the Recovery Order.**

To assist the AFP in locating subject children, investigating police require as much information as you have regarding the children's possible whereabouts. Applicants can assist the AFP by completing a Family Law Information Sheet and providing a copy to the Court when making application for a Recovery Order.

If you do not know where your child/children can be located, the AFP may request that you obtain a Location or Information Order from the Court. It is highly recommended that you discuss these options with your solicitor or the Family Law representative.

**Note:** It should be remembered that the Family Law representative may work on many Recovery Orders simultaneously. The AFP understands these matters are difficult for all involved and will action these Orders as soon as possible. It is important that the AFP is aware of the background in the matter before an attempt is made to recover a child. AFP may request the Applicant to complete an 'Information Request' for this purpose.

## Publication Orders

Publication Orders are an order that permits a person to publish in a newspaper or periodical publication or by radio broadcast or television an account of family law proceedings. If a Recovery Order has been issued, the AFP may request that you obtain a publication order to permit the AFP to seek assistance from the public, especially when the location of the child is not obtained through a Location or Information Order. Please speak to your AFP Case Officer regarding a Publication Order.

# Writs of Possession

Writ of Possession, also known as a Sequestration Order, is a Court Order that directs that the estate of the person against whom the decree has been made be sequestered. This Order will direct Police to remove nominated persons from the premises and to secure that premises.

## Emergency Orders

There is an after hours service available through the Family Court of Australia where a Judicial Officer may be contacted to consider the making of an emergency order. However this is available only in cases of extreme urgency. The AFP will give priority to Emergency Orders on request by the Courts.

To obtain emergency orders, the Judicial Officer must be satisfied that there is an **immediate risk of a child being removed from Australia or a need for immediate action by the Police**. If you have immediate concerns for the safety or welfare of a child, contact your local police.

The Family Court Emergency Line number is **1800 622 395**. The Judicial Officer does not have immediate access to a Court file and will not be able to answer questions in relation to your particular Family Court matter.

If an Emergency Orders is made, the Judicial Officer will advise the AFP Airport in your state so that immediate action can commence. If the above circumstances relate to you, you can contact the Family Court Emergency Line on **1800 622 395**.

## Secrecy

Section 121 of the *Family Law Act 1975* creates secrecy obligations regarding disclosure of court proceedings and related information.

## Further advice

The AFP cannot provide you with legal advice.

If you require further information, speak to your solicitor or visit the Websites provided in this form. There is also a list of contact numbers attached that may be useful.

# AFP Contact Details

## Australian Federal Police

National Headquarters  
68 Northbourne Avenue, Canberra ACT 2600

## AFP Operations Co-ordination Centre Family Law - Airport Watch List Alerts

Phone Number: (02) 6126 7999  
Fax Number: (02) 6126 7914  
Email: [A OCC-PACE@afp.gov.au](mailto:A OCC-PACE@afp.gov.au)

## Family Law – Recovery Orders

Phone Number: (02) 6126 7777  
Email: [A OCC-Family-Law@afp.gov.au](mailto:A OCC-Family-Law@afp.gov.au)

Website:

[www.afp.gov.au/national/family\\_law.html](http://www.afp.gov.au/national/family_law.html)

## Adelaide

Level 8, 55 Currie Street, Adelaide SA 5000  
Phone Number: (08) 8416 2811  
Fax Number: (08) 8416 2921

## Brisbane

203 Wharf Street, Spring Hill QLD 4000  
Phone Number: (07) 3222 1222  
Fax Number: (07) 3222 1218

## Cairns

Level 1, 110 McLeod St., Cairns QLD 4870  
Phone Number: (07) 4051 7744  
Fax Number: (07) 4051 2672

## Canberra

City Police Station, London Cct., ACT 2600  
Phone Number: (02) 6245 7248  
Fax Number: (02) 6245 7259

## Darwin

Level 4, 21 Lindsay St., Darwin NT 0800  
Phone Number: (08) 8981 1044  
Fax Number: (08) 8981 4100

## Hobart

47 Liverpool St., Hobart TAS 7000  
Phone Number: (03) 6231 0166  
Fax Number: (03) 6234 7809

## Melbourne

383 Latrobe Street, Melbourne VIC 3000  
Phone Number: (03) 9607 7777  
Fax Number: (03) 9607 7768

## Sydney

110 Goulburn Street, Sydney NSW 2000  
Phone Number: (02) 9286 4000  
Fax Number: (02) 9286 4837

## Perth

619 Murray Street, West Perth WA 6005  
Phone Number: (08) 9320 3444  
Fax Number: (08) 9321 3052

# Family Court Contact Details

## Family Court – National Enquiry Centre (Except WA)

Family Law Courts, National Enquiry Centre  
GPO Box 9991, Parramatta NSW 2124  
Phone Number: 1300 352 000  
Fax Number: (02) 8892 8585  
Email: [enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au)  
Website: [www.familycourt.gov.au](http://www.familycourt.gov.au)

## Adelaide

3 Angas Street, Adelaide SA 5000  
Fax Number: (08) 8219 1625

## Canberra

Corner of Childers Street and University Avenue, Canberra ACT 2600  
Fax Number: (02) 6257 1586

## Brisbane

North Quay & Tank St., Brisbane QLD 4001  
Fax Number: (07) 3236 1534

## Townsville

Lvl 2, 143 Walker St., Townsville QLD 4810  
Fax Number: (07) 4772 3262

## Darwin

80 Mitchell Street, Darwin NT 0800  
Fax Number: (08) 8981 6081

## Hobart

39-41 Davey Street, Hobart TAS 7001  
Fax Number: (03) 6232 1723

## Melbourne

305 Williams Street, Melbourne VIC 3001  
Fax Number: (03) 8600 3750

## Dandenong

53-55 Robinson St., Dandenong VIC 3175  
Fax Number: (03) 9767 6286

**Sydney Registry**

97–99 Goulburn Street, Sydney NSW 2001  
Fax Number: (02) 9217 7136

**Wollongong Registry**

1/43 Burelli Street, Wollongong NSW 2500  
Fax Number: (02) 4228 4770

**Parramatta Registry**

1–3 George Street, Parramatta NSW 2123  
Fax Number: (02) 9893 5600

**Newcastle Registry**

61 Bolton Street, Newcastle NSW 2300  
Fax Number: (02) 4926 5204

**Lismore Registry (Incorporating Coffs Harbour Registry)**

29 – 31 Molesworth St., Lismore NSW 2480  
Fax Number: (02) 6622 0377

**Rockhampton Registry**

46 East Street, Rockhampton QLD 4700  
Fax Number: (02) 07 4920 3866

**Launceston Registry**

Level 3/ANZ Building (Corner of Brisbane and George Streets) Launceston TAS 7250  
Fax Number: (03) 6334 5059

**Dubbo Registry**

Macquarie Street, Dubbo NSW 2830  
Fax Number: (02) 6884 2972

**Alice Springs Registry**

1st Floor, Centrepoint Building, Hartley St., Alice Springs NT 0870  
Fax Number: (08) 8952 8266

**Albury Registry**

1st Floor, 463 Kiewa Street, Albury NSW 2640  
Fax Number: (02) 6021 8964

**Family Court of Western Australia**

The Family Court of Western Australia is a State Court and separate from the Family Court of Australia which is a Federal Court.  
150 Terrace Road (Corner of Victoria Avenue),  
Perth WA 6000  
GPO Box 9991, Perth WA 6848  
Country Free Call: 1800 199 228  
Fax: Number: (08) 9224 8360  
Email: [family.court@justice.wa.gov.au](mailto:family.court@justice.wa.gov.au)  
Website: [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

## Additional Contact Details

**Attorney-Generals Department**

Robert Garran Offices, National Circuit, Barton ACT 2600

Phone Number: 1800 100 480

Fax Number: (02) 6250 5900

Website: [www.ag.gov.au](http://www.ag.gov.au)

**Passports Office**

Phone Number: 131 232

Email: [passports.australia@dfat.gov.au](mailto:passports.australia@dfat.gov.au)

Website: [www.passports.gov.au](http://www.passports.gov.au)

**Legal Aid**

Please refer to your local State/Territory office.

Links via Website: [www.ag.gov.au](http://www.ag.gov.au)  
(Browse by Subject: Legal Aid)

**Relationships Australia**

National Office, 15 Napier Close, Deakin ACT 2600

PO Box 313, Curtin ACT 2605

Phone Number: 1300 364 277

Fax Number: (02) 6285 4722

Website: [www.relationships.com.au](http://www.relationships.com.au)

Relationship Help Online – Online Counselling Service of Relationships Australia

Website:

[www.relationshiphelponline.com.au](http://www.relationshiphelponline.com.au)

**Centrecare – Catholic Social Services**

National Office, 22 Theodore St., Curtin ACT 2605

PO Box 326, Curtin ACT 2605

Phone Number: (02) 6285 1366

Please refer to your local State/Territory office

Email: (enquiries via website)

Website: [www.centrecare.com.au](http://www.centrecare.com.au)

**International Social Service (ISS)**

National Office, Level 2, 313–315 Flinders Lane, Melbourne VIC 3000

Phone Number: 1300 657 843

Fax Number: (03) 9614 8766

NSW Office (for enquiries relating to NSW)

Phone Number: (02) 9267 0300

Fax Number: (02) 9267 3886

Email: [iss@iss.org.au](mailto:iss@iss.org.au)

Website: [www.iss.org.au](http://www.iss.org.au)