

Statement from a 60 Minutes spokesperson,

For all journalists and news organisations, reporting on matters involving the Family Court of Australia is a notoriously difficult proposition. And it's not just the complexity and sensitivity of the particular cases. Issues of identification make the media's job all the more challenging. However, does that mean stories about family law and the Family Court should not be reported? 60 MINUTES thinks not, and it's that belief that formed the basis of "**The Point of No Return**".

The story shared the distressing experiences of two women navigating the problems that can – and do – occur when Australian and International courts determine cross-border child custody disputes.

It's an important and valid subject. One of the complications though of any reporting of these issues, is the fact the judgments do not reflect the exhaustive nature of the hearings and appeals, nor the personal toll it takes on families. In essence it means relying solely on what's written in the judgment of the Court is not always sufficient. Another problem is that Australia's interpretation of the 'Hague Convention on the Civil Aspects on International Child Abduction' means the Courts here aren't mandated to take into account allegations of domestic violence.

Our specific responses to your questions are:

1. The fathers were not contacted for privacy reasons. No individual involved in Family Court proceedings was identified in the story.
2. We did have access to the judgments along with other Court documents.
3. The story made clear that the judgments were made in favour of the fathers and that the Court did not accept the mothers' evidence.
4. Dr Gina Masterton's assertion about mothers who flee domestic violence with their children, not winning Hague cases, is clearly in relation to her experience as a lawyer and advocate. In the story, we correctly reported the Federal Attorney General had told us that the Courts in Australia have in fact blocked the return of several children because of the 'grave risk' they faced in being taken back to their fathers. This captures the information provided by the Family Court and does not contradict Dr Masterton's experience, given the Family Court told us about five cases between 2003 to 2025 (although they said it was not an exhaustive list)

where the children were blocked from returning. This specific information was reported in our podcast 'Extra Minutes' on the story. It is also important to note the volume of such applications. The Attorney General's department reported that in the year 2019-2020 there were 127 new Hague Convention applications received, with 114 finalised, compared to 145 received and 113 finalised the year before. The Hague Conference on Private International Law also surveys signatory countries intermittently and has found that, globally, across many years, the majority of children were returned to the applicant fathers.

5. In both the Australian cases featured in the program, the women attempted to raise domestic violence concerns as well as fears for their children. However the Court ordered the children to be returned to their fathers. The story did not suggest that the women were believed by the judges. It suggested the opposite. It should also be noted the women shared their personal experiences in family law proceedings which were not exhaustively captured by published judgments.

The global issue of Hague Convention orders is of substantial public interest. Our story focused on the wording of the legislation, which does not require Courts to take into account family violence. It also focused on mothers who said, in their experience, the Court tended to ignore their distress, during what was a highly traumatic time in their lives. This is an underreported issue given the number of these cases before the Courts each year. Many women also report being characterised as 'emotional and distressed' during the hearings. That the women may have appeared that way seems understandable given their children, rightly or wrongly, were about to be taken from them.

The women in our story expressed views that are also noted in various research papers written about Hague orders. Literature shows that in the majority of cases (bearing in mind 75% of them are now brought against women), the convention will favour the return of the child to the parent who resides in the home country, and that this happens notwithstanding claims of domestic violence.

In a submission to the Australian Law Reform Commission (https://www.alrc.gov.au/wp-content/uploads/2019/08/family-law-_133._rosa_saladino_submission.pdf), Barrister Rosa Saladino argued that the system is unfair from the beginning. This is because;

"The lawyers running the case for the Applicant are, in NSW, lawyers from the Department of Family and Community Services, which has a dedicated unit for dealing

with these cases and access to barristers who have developed expertise in this arcane area of the law. A similar situation pertains in other states and territories. The abducting parents, generally the mothers, find themselves in a situation, which, can only be characterised, as desperate. Because this is quite a technical area of the law, the abducting parent may well have a defence but because they are not familiar with the Convention they do not adequately set that defence out in their application for legal aid. Consequently although they might qualify financially for legal aid, they are routinely excluded on the basis of merit.'