

Courts decisions are seen as being made impartially by the Crown, through the judge, and not by the judge himself.

Such hostility towards the Family Court can produce intransigence which does not make the AFP officer's job any easier.

Other people are ignorant of the law and require careful and patient explanation of their rights and obligations by our officers. Even so, they can act in unpredictable and occasionally violent ways. Sometimes in spite, a parent will obtain custody of a child when they do not really want custody or will, for the same reason, take the child from its custodian parent. In other cases, in the heat of a confrontation with their former spouse, a parent will obtain a Family Court warrant concerning child custody only to later ask an AFP officer for it to be withdrawn when they have cooled down.

For AFP officers, the *Family Law Act* is different from most other laws they deal with in that it directs them to do certain things by way of warrant. For example, the wishes of a child over the age of 14 involved in any warrant must be taken into account by the officer. This requires the officer to make sensitive

judgements. The same judgements have to be made in the execution of warrants in situations when the officer is confronted with allegations of various kinds by an emotional person against the former spouse. This is quite common.

In some cases a parent has taken a child, and Family Law Unit officers have been directed to return the child to the custodian parent, only to discover that the child is returning to a far less satisfactory environment. This is a stressful situation for the officer who has the welfare of the child uppermost in mind. Indeed any matter involving the dislocation of children is stressful to an officer.

The Family Law Unit in Sydney has a good success rate in the return of children to custodian parents. It located and returned to the parents 90 of the 105 children the subject of warrants it received last year. Some of those missing children received considerable media attention, which disturbs some members of the Family Law Unit.

The Family Law Court usually does not allow any publicity to be given to any matters before it, but it has allowed publicity to be given to cases of missing children where most avenues of inves-

tigation by the AFP have been exhausted.

The publicity in the Tsambouris case may well have been responsible for the information the AFP received which led to Demetrious being located. In another publicised case the opposite may be true. The television program '60 Minutes' ran a segment on the missing Quintano children whose mother is denying access to the children's father. Family Law Unit members believe the publicity has driven the mother and children underground and made their location extremely difficult.

Is it real investigatory work? Members of the Family Law Unit strongly assert that it is. They point to the great difficulties in locating many of the missing children, or locating parents or maintenance defaulters. Often little or nothing is known about the current lifestyle of a former spouse who is being sought.

Is it rewarding work? Another Unit member said that he had about 60 cases where he had located and returned missing children, and only two or three parents had ever thanked him for his efforts.

It does take a special kind of officer to work in family law. ●

MEDIA HELP FAMILY LAW CASE

by Philip Castle

FOR Senior Constable Graham Blay and his partner First Constable Susan Anderson of the Family Law Squad working in Melbourne's Southern Region chasing abducted children can lead them almost anywhere in Australia and sometimes to the most unusual places. Often they face hostile friends and relatives who seek to protect absconded parents and the abducted child. Officers work long and variable hours.

It's a job where they need lots of patience and plenty of tender loving care when dealing with the children, Senior Constable Blay said recently in Melbourne. He had just been describing one of the longest inquiries involving a family law warrant that he had been involved in: the location of Nicole Dianne Need and her father David Need near Newcastle earlier this year. The case was interesting because it was solved primarily through the national publicity given by the Willessee TV program 'Day by Day'. Senior Constable Blay has been with the AFP for nine years and working with the squad for four years.

He said that the squad handled about ten cases of abducted children at any one

time. The Family Law Court Judge could lift the general media ban on reporting on individual cases and this was quite often applied for by the aggrieved parent. Searching for these children was an AFP responsibility and once the warrant was issued gave very wide powers of search. This meant attempting to locate both fathers and mothers and sometimes going to some pretty unattractive places such as some of the refuges. Often other State-type offences were discovered and they had to call in their State colleagues. But on the family law court matters they were the only Police Officers carrying out this work.

'It's a real eye-opener and sometimes quite sad to see young girls with very young children living in pretty desperate circumstances,' First Constable Anderson said. She is single and has been working in the squad for almost two years. 'We sometimes come across children who are unfed and a mother with no income... I have been to places that I would never have believed existed. We work in pretty closely with the Victoria Police community officers, but they leave the abduction cases to us, but of course will often help particularly in the out-of-the-way places. When we find children

we have to talk to them and reduce the possible trauma because they often don't understand what is going on.

'It can either be the mother or the father who has taken off. Sometimes they haven't properly understood the court's ruling. In nine cases out of ten where the father is accused it is alleged that he has interfered sexually with the child. With mothers it is nearly always alleged that she is an alcoholic.'

Senior Constable Blay said the important thing to realise when dealing with the runaway parent was that they were not your common criminal. They were parents with strong feelings about their children and their future.

'The parent cannot accept the court's ruling and takes off sometimes without thinking about the consequences,' he said. He is married and said individual cases make him stop and think and work at his own marriage. Sometimes at the point of apprehension there is the real possibility of violence but this has only happened once. Great care is needed though. Of the 70 cases he has dealt with, some involving many months of tracking down, he and First Constable Anderson have only been thanked twice. They often feel very sorry for the parents and

of course if they have to travel away they often spend time caring for the child. They both agree the challenge of the work is tremendous; they have to be calm, patient, diplomatic, defuse anxiety and show all the wisdom of Solomon in handling the very sensitive work of children in marriage break-ups. On one point they totally agree, it's fascinating work where every day is totally different.

Senior Constable Blay tells in his own words the recent case of Nicole Need.

FAMILY LAW MATTER OF NEED

In March 1982 David John Need started living in a de facto relationship with Lee McQuire at her residence situated in Endeavour Hills, Victoria. Soon after the relationship had started Lee fell pregnant. On 7 January 1983 Nicole Dianne Need was born. On 1 June 1984 David and Lee were married. Eleven days later David fled the Endeavour Hills home with 17-month-old Nicole. Lee Need was not to see her daughter for over two and a half years.

She applied to the Dandenong Family Law Court for a Warrant to take possession of the child. In October 1984 after months of litigation, the Family Court Judge issued a Custody Warrant which ordered that on the child being located the Australian Federal Police deliver her to the paternal grandparents of the child, Mr and Mrs Phillip Need, David's parents.

Our longest enquiry on a Family Law Warrant then began. After fruitless investigation in ascertaining the father and

daughter's whereabouts, Mrs Lee Need applied to the Dandenong Family Law Court for an order for a possible media coverage. The order was made subsequently and the media ban lifted.

In late October 1984, Willessee TV program 'Day by Day' ran the story. Information received led the AFP to the Castlemaine area in Victoria. David Need was interviewed in relation to his daughter's whereabouts but failed to disclose any information. As the Court had not issued an Apprehension Warrant for David Need, the AFP officers left. Several hours later the Family Law Court issued a Warrant for Need's arrest. AFP officers returned to Castlemaine but Mr Need consequently departed the area.

Enquiries were conducted with the Fisheries and Wildlife Department as Mr Need was a licensed wildlife dealer.

Mr Need's relatives and friends were questioned on numerous occasions about his whereabouts, however they all said they did not know where he was. The same story: blood is thicker than water.

Our investigation led us to all parts of Victoria. Enquiries revealed that in late November 1984 Mr Need's de facto wife had joined him and taken over the role as Nicole's mother.

Some two and a half years later, after continuous and rather fruitless inquiries, Mrs Lee Need obtained an order from the Family Law Court for further media coverage. This was granted.

On the 18 February 1987 the Willessee Television Programme ran the story of the case. Reporter Miss Debbie Burnes interviewed Senior Constable Graham Blay. He asked viewers to consider the view that it was their public duty to notify the Australian Federal Police in

Melbourne of David and Nicole's whereabouts.

The program went to air at 6.30 pm. At about 6.40 pm Senior Constable Blay received a number of phone calls from members of the public. One was from a man who said he used to work with David Need some two years ago in a furniture store in the Newcastle area. The caller also mentioned that Need was going under the name of Lest. For the next eighteen hours or so Senior Constable Blay conducted the relevant enquiries and ascertained David and Nicole's whereabouts.

On Thursday 19 February 1987 Senior Constable Blay and First Constable Susan Anderson travelled to Newcastle and upon arrival were met by Federal Police. We then travelled to an address in Pelaw Main a suburb out of Newcastle where David and Nicole were found. Mr Need was arrested and taken to the Newcastle Police Station. Nicole was taken into AFP custody.

The following day both Mr Need and Nicole were flown back to Melbourne and appeared before Mr Justice Walsh of the Dandenong Family Law Court. Mr Need was released from custody and placed on Recognizance and a surety of \$10,000 and certain conditions were entered upon the recognizance.

After two and a half years of search and heartbreak Nicole and her mother were finally re-united. It was a very emotional scene for all parties concerned.

The custody case for Nicole is set down to be heard on the 24 April 1987 at the Melbourne Family Law Court. David Need is to face the same Court to answer to the charge of Contempt of Court.



SLEUTHS GET NEW HEAD

Assistant Commissioner Peter Lamb has taken over as head of the AFP's Investigations Department. He joined the Commonwealth Police in 1961 and has served in Sydney, Cyprus, Papua New Guinea and the United States of America. He takes over from Assistant Commissioner Brian Bates who will now head Personnel and Training.

Photo by Richard Briggs of The Canberra Times.



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