

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 13 January 2023 6:42 PM
To: s 47F(1)
Cc: s 47F(1); Peter Roberts; Claire Elias; s 22(1)(a)(ii); Marco Salvo; s 22(1)(a)(ii); s 47E(d); s 22(1)(a)(ii); s 47E(d)
Subject: Grateful FM view: 6 Monthly Update to Affected Parents - January 2023 draft [REDACTED]
Attachments: 230109 January 2023 - Updated to affected parents Post DRAFT.docx; English Translation - Interim Proposal for Revisions to the Family Law System.pdf
Categories: Child Abduction



s 47F(1)

s47E(d)

HOM has advised he may have additional minor edits, but is comfortable with FMO considering this version, so as not to delay your advice.

In terms of likeminded outreach, s 33(a)(iii)

As you know, the purpose of this outreach is to update affected parents on Australian advocacy, and encourage them to make submissions to the Family Law Subcommittee’s public consultation process.

To that end, para 6 of the draft refers to an English translation of the Family Law Subcommittee’s proposal, which post has prepared and will attach to the outreach letter – I have attached it here for your reference.

s 33(a)(iii)

Kind regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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s47E(d)

From: s 22(1)(a)(ii)
Sent: Tuesday, 10 January 2023 1:11 PM
To: s 47F(1) @dfat.gov.au
Cc: s 47F(1) @dfat.gov.au; Peter Roberts <Peter.Roberts@dfat.gov.au>; Claire Elias <Claire.Elias@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Marco Salvio <Marco.Salvio@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 47E(d) @dfat.gov.au; s 47E(d) @dfat.gov.au
Subject: Grateful FM view: 6 Monthly Update to Affected Parents - January 2023 draft [REDACTED]

s 47F(1) O/R

Happy New Year. Good to talk with you, s 47F(1) and thanks for taking my call when you were already on a call. You may recall that Japan's Ministry of Justice Family Law Subcommittee is conducting a public consultation process on its reform proposal, to include sole custody, until midnight on 17 February (listed as 18 February). We will put a minsub to the FM for her decision on whether to make a public submission. s 33(a)(iii), s 33(b)

As part of broader advocacy, s 33(a)(iii) briefing affected parents on latest developments. Post does so biannually, the last time in July 2022. With our support, and thanks to colleagues for their initiative, post intends to send a letter to affected parents updating them on our advocacy, inviting them to make public submissions to the

consultation process, and advising them we are considering doing so. Timing is key, to give affected parents sufficient notice to consider making a submission. Post will brief the new HOM. Post has been transparent with affected parents in the past about the former FM raising the issue of parental abduction and child custody with counterparts, simply confirming whether or not the issue was raised, nothing further. It is prudent to do so, as they ask the question directly.

s 47C, s 47E(d)

Kind regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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T: s 22(1)(a)(ii)

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s 22(1)(a)(ii) - Duplicate

s 22(1)(a)(ii)

From: s 22(1)(a)(ii)

Sent: Tuesday, 24 January 2023 4:41 PM

To: s 22(1)(a)(ii); s 47F(1); s 22(1)(a)(ii)

Cc: Peter Roberts; Claire Elias; s 22(1)(a)(ii); Marco Salvio; s 22(1)(a)(ii)

Subject: RE: Thanks for confirmation of comfortability with content: 6 Monthly Update to Affected Parents - January 2023 draft [REDACTED]

Categories: Child Abduction

[REDACTED]

Hi all

Many thanks for all your engagement and collaboration on this to date. It's greatly appreciated.

I'll touch base with Conops to coordinate the email to affected families this week.

With thanks

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Second Secretary (Management) & Consul | 二等書記官兼領事
 (Consular, Crisis Management & Emergency Planning, HR, Protocol)
Australian Embassy Tokyo | オーストラリア大使館
 Mobile/WhatsApp: +s 22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au>

Sent: Tuesday, 24 January 2023 10:44 AM

To: s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>

Cc: Peter Roberts <Peter.Roberts@dfat.gov.au>; Claire Elias <Claire.Elias@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Marco Salvio <Marco.Salvio@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 47E(d) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 47E(d) @dfat.gov.au>

Subject: Thanks for confirmation of comfortability with content: 6 Monthly Update to Affected Parents - January 2023 draft [REDACTED]

[REDACTED]

s 47F(1) No worries – much appreciated.

s 22(1)(a)(ii) : Good news – for you to coordinate with Conops in sending the letter as the biannual update to affected families at post and in Australia, with thanks.

Kind regards

s 22(1)(a)(ii)

s 22(1)(a)(ii)

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T: s 22(1)(a)(ii) @dfat.gov.au
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From: s 47F(1) @dfat.gov.au
Sent: Tuesday, 24 January 2023 11:57 AM
To: s 22(1)(a)(ii) @dfat.gov.au; s 47F(1) @dfat.gov.au; s 47F(1) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Cc: Peter Roberts <Peter.Roberts@dfat.gov.au>; Claire Elias <Claire.Elias@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; Marco Salvio <Marco.Salvio@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 47E(d) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 47E(d) @dfat.gov.au
Subject: RE: Grateful FM view: 6 Monthly Update to Affected Parents - January 2023 draft [REDACTED]

Hi s 22(1)(a)(ii)

Apologies for the delay in getting back to you on this. We're comfortable with the content. Please proceed.

s 47F(1)

s 22(1)(a)(ii) - Duplicate

s22(1)(a)(ii)

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Monday, 30 January 2023 9:21 AM
To: s 47F(1) @dfat.gov.au>
Cc: Peter Roberts <Peter.Roberts@dfat.gov.au>; Claire Elias <Claire.Elias@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; Marco Salvio <Marco.Salvio@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 47E(d) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: Japan Child Custody - Bloomberg Article (with Catherine Henderson) [SEC=OFFICIAL]

OFFICIAL

Hello s 47F(1)

From Tokyo post, with thanks to colleagues, please see attached the Bloomberg article we have been expecting. It was published on Wednesday, 25 January and Catherine Henderson, affected Australian, is mentioned towards the end of the article.

The article was also published in the Japan Times: [Japan tries to fix a child custody system under fire from all sides | The Japan Times](#)

It also appears that the class action that Catherine was a part of was unsuccessful but we are basing this on Catherine’s tweet below. The outcome was due on 25 Jan but we haven’t seen anything in the media as yet. We will let you know as soon as we find something.

“Japan child’s abduction issue: although we lost the case the judge agreed that Japan should bring its family law in line with the treaties it has ratified”.
<https://twitter.com/hayarinacat/status/1619076921186467842>

s22(1)(a)(ii)

Thanks,

s 22(1)(a)(i)

s 22(1)(a)(ii)

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We acknowledge the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging.

s 22(1)(a)(ii)

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s 22(1)(a)(ii)

From: s 47F(1)
Sent: Monday, 1 May 2023 5:37 PM
To: s 22(1)(a)(ii) ; s 47F(1)
Cc: Warren Macilwain; Kate Logan; s 22(1)(a)(ii)
Subject: RE: Japan: Proposed HOM joint statement on family law reform [REDACTED]
Categories: Child Abduction

[REDACTED]

Hi s 22(1)(a)(ii)

No need to provide the draft via minsub, but if you can keep the office informed on negotiation process, and then the final text and company should be put to FMO via email.

I understand a broader strategy is under consideration so when that is ready for FM signoff, it can refer to the joint statement (which presumably will have been released/privately sent by then).

Thank you
s 47F(1)

From: s 22(1)(a)(ii) @dfat.gov.au
Sent: Monday, 1 May 2023 2:50 PM
To: s 47F(1) @dfat.gov.au; s 47F(1) @dfat.gov.au
Cc: Warren Macilwain <Warren.Macilwain@dfat.gov.au>; Kate Logan <Kate.Logan@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au
Subject: Japan: Proposed HOM joint statement on family law reform [REDACTED]

[REDACTED]

Hello s 47F(1)

Further to child custody and parental abduction issues in Japan, Tokyo Post reported s47E(d) that
s 33(a)(iii)

////

s 33(a)(iii)

s 22(1)(a)(i)

s 22(1)(a)(ii)

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s22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Friday, 3 March 2023 1:00 PM
To: s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Cc: Kate Logan <Kate.Logan@dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: Japan: Child custody and Parental Abduction [REDACTED]

Dear all,

We recommend the Foreign Minister offer a written statement for inclusion in the upcoming 60 Minutes piece on child custody and parental abduction in Japan, s 47E(d)

The statement would allow the government to present its key messages, s 47E(d)

The statement could include:

s 33(a)(iii)

s 47C, s 47E(d)

s 33(a)(iii), s 47E(d)

s 47C, s 47E(d)

We have consulted with HOM Tokyo, Communications Branch and North East Asia Branch on these recommendations.

Kind regards,

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Director | Consular Policy Section

Consular Communications and Policy Branch | Consular and Crisis Management Division

Department of Foreign Affairs and Trade

T: s 22(1)(a)(ii)

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From: s 47F(1) @dfat.gov.au>
Sent: Tuesday, 20 June 2023 1:55 PM
To: s 22(1)(a)(ii) @dfat.gov.au>
Subject: RE: Japan - Child Abduction chat [SEC=UNOFFICIAL]

H ^{s 22(1)}

1030 tomorrow works for us. We can do it over teams or you can come up – no dramas for us either way.

^{s 47F}

From: s 22(1)(a)(ii) @dfat.gov.au>
Sent: Monday, 19 June 2023 1:26 PM
To: s 22(1)(a)(ii) @dfat.gov.au>
Subject: Japan - Child Abduction chat [SEC=UNOFFICIAL]

Hi ^{s 22(1)(a)(ii)}

It will be Warren Macilwain, Marco Salvio and s 22(1)(a)(ii) who come up for the chat on Wednesday.

I understand ^{s 22(1)(a)(ii)} is already scheduled to come up and see you on Wednesday. Let me know a time that suits you for the Japan Child Custody chat and I will arrange for Warren and Marco to come up to the office.

Cheers

^{s 22(1)}

s 22(1)(a)(ii)

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We acknowledge the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging.

s22(1)(a)(ii)

From: s 47F(1) @dfat.gov.au
Sent: Tuesday, 11 July 2023 6:18 PM
To: Warren Macilwain <Warren.Macilwain@dfat.gov.au>; s 47F(1) @dfat.gov.au
Cc: s 47E(d) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au; s 22(1)(a)(ii) @dfat.gov.au
Subject: RE: Japan Child Custody - family email and QoN [SEC=OFFICIAL:Sensitive]

Thanks, Warren.

A couple of edits to the email.

Dear Australian parents

It's been almost six months since we were last in touch with all of you collectively. It remains important to us to keep in contact, update you with the work of the Australian Embassy in Tokyo and colleagues in Canberra, and let you know about key developments. An update on this work follows.

We continue to raise child custody and parental abduction issues with Japan and encourage Japan to reform their family law system to establish a shared custody model.

s 33(a)(iii), s 47E(d)

s 33(a)(iii), s 33(b), s 47E(d)

Several of you have asked for a copy of our submission to the Ministry of Justice’s family law reform process lodged in February this year. We have attached a copy of the submission to this email for your reference. We ask that you do not share the submission further.

s 47C, s 47E(d)

We will continue to provide you regular updates. As always, the consular team in Tokyo (for parents living in Japan) and our consular operations team in Canberra (for parents living in Australia) are available to discuss your cases individually.

We ask that you email our teams first to provide a brief overview of what you would like to discuss. Our teams will then be in contact either by email or by phone, but we do ask for your patience in waiting for a response and ask that you treat our staff in both Japan and Canberra respectfully at all times.

From: Warren Macilwain <Warren.Macilwain@dfat.gov.au>
Sent: Monday, 10 July 2023 7:30 AM
To: s 47F(1) @dfat.gov.au>; s 47F(1) @dfat.gov.au>
Cc: s 47E(d) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>; s 22(1)(a)(ii) @dfat.gov.au>
Subject: FW: Japan Child Custody - family email and QoN [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

s 22(1)(a)

A couple of minor updates to bear in mind when considering this:

- Attached e-mail indicates further media stories incoming in next few weeks, including from ABC and Eryk Bagshaw/Nine
- s 33(a)(iii)

cheers

Warren Macilwain

a/g First Assistant Secretary
Consular & Crisis Management Division
Department of Foreign Affairs & Trade

E warren.macilwain@dfat.gov.au

T s 22(1)(a)(ii)

M s 22(1)(a)(ii)

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From: Warren Macilwain

Sent: Tuesday, 4 July 2023 5:28 PM

To: s 47F(1) [@dfat.gov.au](mailto:dfat.gov.au); s 22(1)(a)(ii) [@dfat.gov.au](mailto:dfat.gov.au); s 47E(d) [@dfat.gov.au](mailto:dfat.gov.au)

Cc: s 22(1)(a)(ii) [@dfat.gov.au](mailto:dfat.gov.au); s 22(1)(a)(ii) [@dfat.gov.au](mailto:dfat.gov.au)

Subject: FW: Japan Child Custody - family email and QoN [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

s 47F(1)s 22(1)(a)(ii) – further to the e-mail below, we are still waiting on AGD to clear the idea of tabling the attached joint submission in response to the QoN item 3.3. Grateful your views on this point so we can wrap up the QoN draft response when we get AGD reply (anticipated tomorrow)

This is the proposed e-mail to the Australian parents providing a slightly early 6 monthly update (also attaching the submission) . This would be sent by Tokyo to the parents residing there and by s 22(1)(a)(ii) team in CONOPS to the parents residing here. Grateful any comments you may have on this draft. s 47E(d)

Dear Australian parents

It's been almost six months since we were last in touch with all of you collectively. It remains important to us to keep in contact, update you with the work of the Australian Embassy in Tokyo and colleagues in Canberra, and let you know about key developments. An update on this work follows.

We continue to raise child custody and parental abduction issues with Japan and encourage Japan to reform their family law system to establish a shared custody model.

s 33(a)(iii), s 47E(d)

s 33(a)(iii), s 33(b), s 47E(d)

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We will continue to provide you regular updates. As always, the consular team in Tokyo (for parents living in Japan) and our consular operations team in Canberra (for parents living in Australia) are available to discuss your cases individually.

We ask that you email our teams first to provide a brief overview of what you would like to discuss. Our teams will then be in contact either by email or by phone, but we do ask for your patience in waiting for a response and ask that you treat our staff in both Japan and Canberra respectfully at all times.

Many thanks

Warren Macilwain

a/g First Assistant Secretary
Consular & Crisis Management Division
Department of Foreign Affairs & Trade

E warren.macilwain@dfat.gov.au

T s 22(1)(a)(ii)

M s 22(1)(a)(ii)

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From: Warren Macilwain

Sent: Wednesday, 28 June 2023 4:57 PM

To: s 47F(1) [@dfat.gov.au](mailto:dfat.gov.au); s 47F(1)

[@dfat.gov.au](mailto:dfat.gov.au); s 47E(d)

[@dfat.gov.au](mailto:dfat.gov.au)>

Cc: s 22(1)(a)(ii) [@dfat.gov.au](mailto:dfat.gov.au); s 22(1)(a)(ii)

[@dfat.gov.au](mailto:dfat.gov.au)>

Subject: Japan Child Custody - family email and QoN [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s 47F(1)

s 33(a)(iii), s 33(b)

We also want to just check this with AGD but can't see why they'd have an issue. By sending this out shortly to the families we'll bring forward our family email update timetable to next week, assuming all that is ok with FMO. We'll share a draft e-mail for the families with you later this week.

s 47C, s 47E(d)

Cheers

Warren

089 – Budget Estimates

Page:

Topic: 089 - Japanese Child Abductions

Senator Simon Birmingham

Question

1. How many parents is the department assisting in relation to child abduction – in a family law context – in Japan?
1.1. Does the department have any definitive information on how many Australian children are affected by custody disputes – or abduction – in Japan?

2. The Sydney Morning Herald reported on 23 March 2023 that 82 children were "recognised as abducted by their Japanese parents since 2004.....but...the number is likely much higher as Japanese police ignore Interpol missing persons notices and courts fail to enforce visitation orders."

2.1. Does the department have any basis on which to say that figure is correct or otherwise?

3. The Minister advised in response to QoN (No. 1835) asked by Senator Birmingham that she had directed her department to provide ongoing support for parents through consular case managers.

3.1. How many parents is the department assisting?

3.2. How many children does that cover?

3.3. The Minister said in answer to QoN 1835 that Australia had made a submission to a public consultation in Japan on family law reform. Please provide a copy of the submission.

3.4. Please provide details of when this matter has been raised by either officials or Ministers in engagement with Japanese officials/Ministers/diplomats.

>

Warren Macilwain

a/g First Assistant Secretary
Consular & Crisis Management Division
Department of Foreign Affairs & Trade

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T s 22(1)(a)(ii)

M s 22(1)(a)(ii)

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