

SISTERS AWAIT LANDMARK CHALLENGE



The full bench of the High Court will decide if four sisters at the centre of an international custody dispute have the right to a voice in court.

The girls, who have been trying to avoid a Family Court order to return to Italy with their father, will remain in Australia until the matter is heard in August.

High Court Justice Susan Kiefel on Friday ruled the full bench of the court should hear a challenge brought by an aunt on the girls' behalf.

Speaking outside the court, the aunt's barrister, Tony Morris, QC, said he was mounting a constitutional challenge to federal law, which he hoped would set a precedent for future cases.

He said that under current laws, children in such cases did not have the right to be heard in court unless there were exceptional circumstances.

"Our argument is that piece of legislation is unconstitutional because it takes away the fundamental right of every person, including children, to have their position heard by the courts," he said.

"This decision - when the High Court hands it down - will set in stone for all time the rights of children to be treated as human beings and not just the goods and chattels of their parents."

He said if the challenge succeeded, the case would go back to the Family Court where the sisters would be given an opportunity to have their wishes heard.

It would then be up to the Family Court to make a final decision about whether they could stay in Australia.

A Family Court judge made an order last year that the girls be returned to Italy.

He found the mother had brought the sisters - aged between nine and 14 - to Australia two years ago without the permission of their father, who shares custody.

He ruled the girls must be returned so the matter could be settled by the Italian courts, in line with the Hague Convention on the Civil Aspects of International Child Abduction.

Australia is a signatory to the international treaty, which sets out arrangements for the return of children who have been wrongfully removed from their country of residence.

The mother missed the May 15 deadline set by the Family Court to present the children for return to Italy.

The sisters went into hiding, but were found by police on Monday this week at a home on Queensland's Sunshine Coast.

Mr Morris said the sisters were currently staying with a foster family arranged by Queensland's Department of Communities.

