

## NEW ZEALAND

### The applications

#### 1. The number of applications

According to the Central Authority for New Zealand, they received 39 incoming return and 4 incoming access applications in 1999, making a total of 43 incoming applications. The proportion of access to return applications, at less than 10% is below the global norm of 17%. Additionally, they made 29 outgoing return and 7 outgoing access applications in that year. Altogether, therefore, the Central Authority for New Zealand handled 79 new applications in 1999.

#### 2. The Contracting States which made the applications

##### *(a) Incoming return applications*

Requesting States

	Number	Percent
Australia	31	79
USA	4	10
UK - England and Wales	3	8
Greece	1	3
<b>Total</b>	<b>39</b>	<b>100</b>

Given the geographical proximity of the two States, it is not surprising that there were many applications made by Australia. Nevertheless, at 79%, the proportion of applications from Australia is striking and is much greater than the 34% of applications made by New Zealand to Australia. It is interesting that only 4 Contracting States were involved in the 39 applications received by New Zealand.

##### *(b) Incoming access applications*

3 of the 4 access applications came from England and Wales, the fourth application being from Canada. Whereas a high proportion of return applications were made by Australia, there were no access applications made by this State.

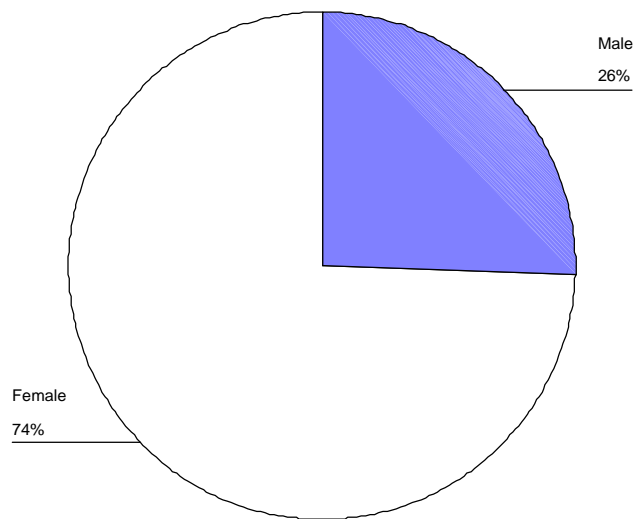
### The taking person / respondent

#### 3. The gender of the taking person / respondent

##### *(a) Incoming return applications*

Gender of the Taking Person

	Number	Percent
Male	10	26
Female	29	74
<b>Total</b>	<b>39</b>	<b>100</b>



The above table and chart show that the proportion of female taking persons was similar to the global norm of 69%.

***(b) Incoming access applications***

All four of the respondents in applications to New Zealand were females.

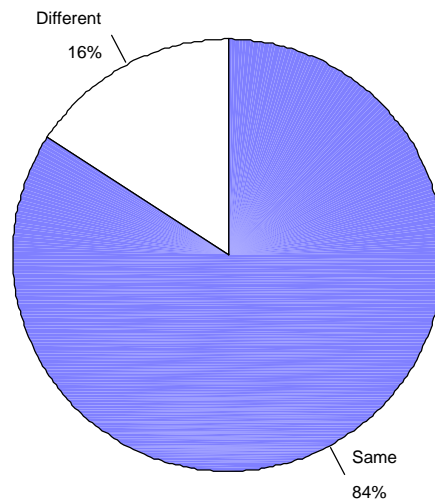
**4. The nationality of the taking person / respondent**

***(a) Incoming return applications<sup>1</sup>***

**Taking Person Same Nationality as Requested State**

	Number	Percent
Same Nationality	32	84
Different Nationality	6	16
<b>Total</b>	<b>38</b>	<b>100</b>

<sup>1</sup> Additionally there was 1 application where the nationality of the taking person was not stated.



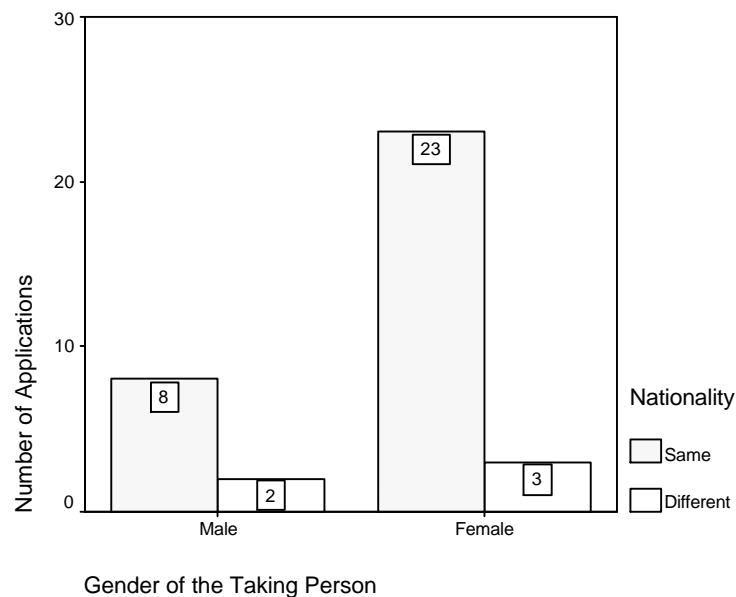
Globally, 52% of taking persons had the nationality of the requested State, while, in applications to New Zealand 84% of taking persons were nationals of New Zealand. This is not only a substantially higher proportion than the global norm, but is also interestingly different to Australia where just 22% of return applications received by Australia involved a taking person who had Australian nationality.

#### ***(b) Incoming access applications***

In 3 of the 4 access applications received by New Zealand the respondents were not New Zealand nationals. This is markedly different to the situation with return applications, but as the numbers involved are much smaller, meaningful conclusions cannot easily be drawn.

### **5. The gender and nationality of the taking person / respondent combined**

#### ***(a) Incoming return applications***



Proportionally, more female than male taking persons were of New Zealand nationality (89% as opposed to 80%). The difference is however small. Overall a high proportion of both male and female taking persons in return applications had New Zealand nationality compared with the global norm where 53% of males and 52% of females had the nationality of the requested State.

## The children

### 6. The total number of children

There were 60 children involved in the 39 return applications and 4 children involved in the 4 access applications. Altogether, therefore, 64 children were involved in new incoming applications received by New Zealand in 1999.

### 7. Single children or sibling groups

#### (a) *Incoming return applications*

Single Child or Sibling Group

	Number	Percent
Single Child	22	56
Sibling Group	17	44
<b>Total</b>	<b>39</b>	<b>100</b>

Number of Children

	Number	Percent
1 Child	22	56
2 Children	14	36
3 Children	2	5
4 Children	1	3
<b>Total</b>	<b>39</b>	<b>100</b>

Globally, 63% of applications involved single children, while in applications to New Zealand the proportion was lower at 56%. Nevertheless like the global norm the vast majority of applications, (92%), involved 1 or 2 children.

#### (b) *Incoming access applications*

All 4 of the access applications involved single children, whereas globally 69% of access applications involved single children.

## 8. The age of the children

### *(a) Incoming return applications*

**Age of the Children**

	Number	Percent
0-4 years	31	52
5-9 years	18	30
10-16 years	11	18
<b>Total</b>	<b>60</b>	<b>100</b>

Unlike the global pattern, most of the children involved in return applications received by New Zealand were aged between 0 and 4 years old. Globally, 38% of children were in this age category.

### *(b) Incoming access applications*

One child was aged between 0 and 4 years, another was aged between 5 and 9 years, and the final two children were over 10 years old.

## 9. The gender of the children

### *(a) Incoming return applications*

**Gender of the Children**

	Number	Percent
Male	34	57
Female	26	43
<b>Total</b>	<b>60</b>	<b>100</b>

The table above shows a similar pattern to the global norm where 53% of children were male and 47% of children were female.

### *(b) Incoming access applications*

3 of the 4 children involved in the access applications were female while globally, 50% of children in access applications were females.

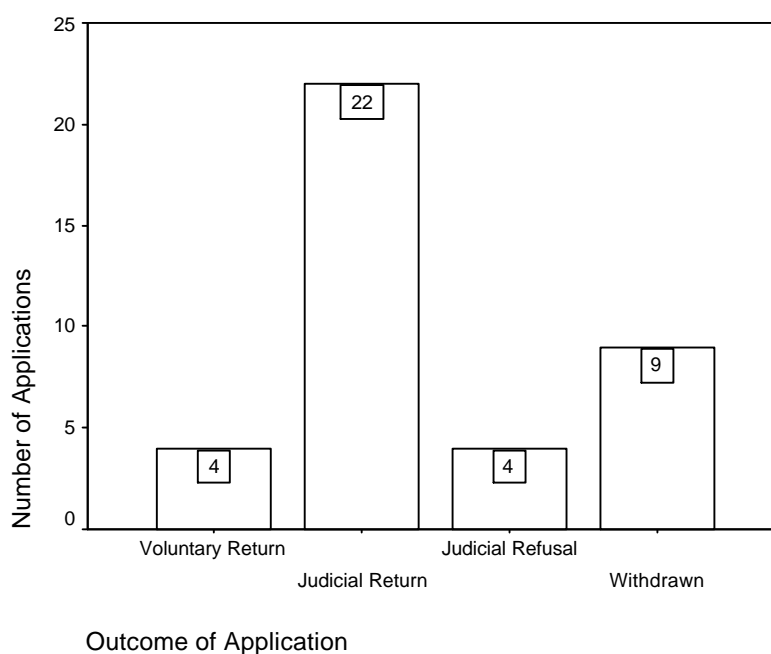
## The outcomes

### 10. Overall outcomes

#### a) Incoming return applications

Outcome of Application

	Number	Percent
Rejection	0	0
Voluntary Return	4	10
Judicial Return	22	56
Judicial Refusal	4	10
Withdrawn	9	23
Pending	0	0
Other	0	0
<b>Total</b>	<b>39</b>	<b>100</b>



56% of applications to New Zealand resulted in a judicial return, which is much higher than the global norm of 32%. In contrast, there was a lower proportion of voluntary returns (10%), compared with the global norm of 18%. Nevertheless the overall return rate from New Zealand was 67%, which was significantly higher than the global norm of 50%. Of the 26 applications which went to court, 85% ended in a judicial return, which is higher than the global proportion of 74%. The withdrawal rate (23%) was also higher than the global norm of 14%. Conversely, no applications were rejected and there were no pending cases.

### ***(b) Incoming access applications***

In all three cases where a resolution was sought, (one application having been withdrawn), access was either voluntarily agreed (one case), or judicially ordered (two cases). As with the return applications, there were no pending access applications. There were also no judicially refused applications.

## **11. The reasons for judicial refusal**

### ***(a) Incoming return applications***

The proportion of judicial refusals (10%) was similar to the global norm of 11%. Two of the four refused applications were refused on the basis of Article 13 b. One of the other applications was refused because of the objections of two children, one aged between 8 and 10 years and the other aged between 13 and 16 years. The final application was refused because the child was not habitually resident in the relevant Contracting State.

## **12. The reasons for judicial refusal and the gender of the taking person**

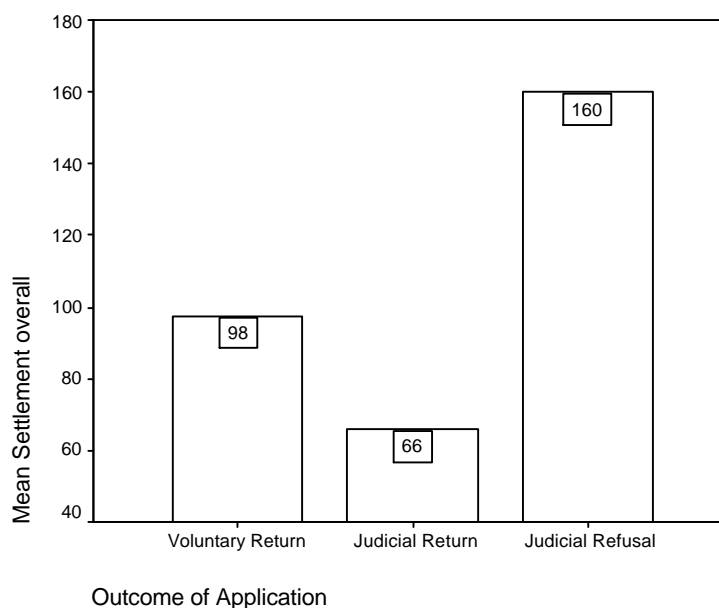
### ***(a) Incoming return applications***

In 1 application where there was a judicial refusal, the taking person was male while in the other 3 refused applications the taking persons were females. This is proportionate to the number of male and female taking persons involved in applications to New Zealand.

## **Speed**

## **13. The time between application and outcome**

### ***(a) Incoming return applications***



Information regarding speed was available on 21 of the 22 judicial returns and these were handled on average within 66 days. This was considerably quicker

than the global mean of 107 days, and indeed New Zealand was one of the quickest jurisdictions included in this analysis with regard to judicial returns. Judicial refusals took slightly longer than the global mean of 147 days and voluntary returns also took slightly longer than the global average of 84 days.

	Outcome of Application		
	Voluntary Return	Judicial Return	Judicial Refusal
Mean	98	66	160
Median	88	60	114
Minimum	81	7	84
Maximum	124	159	282
<b>Number of Cases</b>	<b>3</b>	<b>21</b>	<b>3</b>

The table above shows the number of cases for which we had information regarding time, the mean and median average number of days to final outcome and the minimum and maximum number of days. This gives a more informative picture of the system in New Zealand. It is to be noted that no applications were still pending and consequently, the slowest judicial decision was reached within 282 days of application which is remarkably quick compared with other Contracting States in this analysis.

#### ***(b) Incoming access applications***

The voluntary settlement was concluded in 6 – 12 weeks, while the 2 judicially determined access applications both took over 6 months to be resolved. This type of profile is a common one and illustrates how generally quick and efficient jurisdictions find it more difficult to cope with access applications. Nevertheless, as with return applications, there were no pending cases and therefore all applications received by the New Zealand Central Authority had reached a conclusion.

## **14. Appeals**

#### ***(a) Incoming return applications***

One application was appealed resulting in a judicial return. This application took 149 days to reach a final outcome. The time taken for this application is included in the overall average of 66 days for judicial returns, which again highlights the speed of the New Zealand system with regard to judicial returns.