



Office of Hon Amy Adams

Member of Parliament for Selwyn

Minister of Justice

Minister for Courts

Minister for Social Housing

Minister Responsible for Social Investment

Minister Responsible for HNZC

Associate Minister of Finance

15 FEB 2017

Ruth Herbert, Deborah Mackenzie and Tania Domett
The Backbone Collective
info@backbone.org.nz

Dear Ms Herbert, Ms Mackenzie, and Ms Domett,

Regarding the Que Langdon case

Thank you for your correspondence of 16 January regarding the Que Langdon case. As most of the issues you raise fall within my portfolio responsibilities as the Minister of Justice I am responding on behalf of my colleagues the Minister of Police, Hon Paula Bennett, and the Minister of Social Development, Hon Anne Tolley.

As Minister of Justice, I am unable to intervene in, or comment on, any case before the courts. In our system, Parliament makes laws, and judges apply those laws in the cases that come before them. It is a fundamental principle of our judicial system that judges operate completely independently. This ensures that there can be no political interference in decisions made by judicial bodies in individual cases and is a critical part of our democratic system. However, I can provide some general comments about the relevant aspects of the law.

The sovereignty of countries extends to the limits of their territory. If New Zealand wishes to exert control over a person who has left NZ for another country, it can only do so consistent with any international arrangements and with the agreement of the other country. Examples of this are the reciprocal arrangements in care of children and family violence legislation whereby Australia and New Zealand recognise and enforce each other's parenting and protection orders.

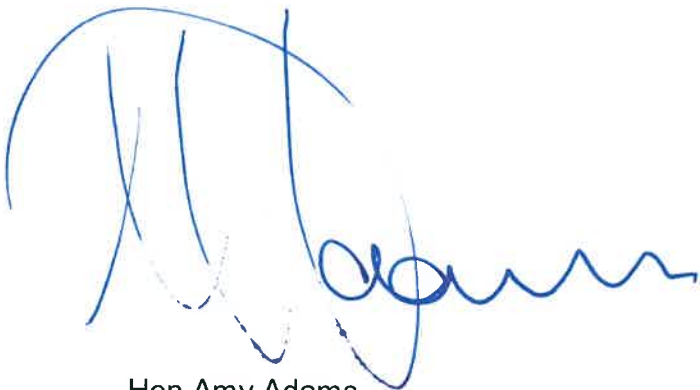
Internationally agreed rules about jurisdiction are being increasingly recognised as important in creating certainty for parties where there are cross-border disputes. It is for this reason that the government is progressing work to enable New Zealand to accede to the Hague Child Protection Convention. The Convention sets out internationally agreed rules about when a court has jurisdiction to hear an international dispute about children and which country's laws are to be applied. It also provides for the recognition and enforcement of court orders covered by the Convention internationally.

The New Zealand Family Court has no jurisdiction to initiate proceedings to bring a child who has been removed to another country back to New Zealand. However, where a child has been removed from New Zealand in contravention of a court order, the court may refer the matter to Police to consider prosecution. A parent may make an application for return of a child who has been wrongfully removed from New Zealand under the Hague Convention on the Civil Aspects of Child Abduction provided the other country is a party to the Convention.

Once the child is back in New Zealand ongoing arrangements for their care are made under the Care of Children Act 2004. The welfare and best interests of the child is the paramount consideration in judicial decision-making. The court will decide what is in the best interests of the child after a full examination of all the evidence.

Should you have any further comments specific to the portfolio responsibilities of Police or the Ministry of Social Development portfolios please feel free to raise them with my colleagues.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Adams', with a large, sweeping flourish at the beginning.

Hon Amy Adams
Minister of Justice

cc: Hon Paul Bennett
Hon Anne Tolley
Dr Kim McGregor