
RELOCATION DECISIONS MADE APRIL 2015 TO MARCH 2016

In the period from April 2015 to March 2016, there were 29 relocation cases, 23 cases decided after final hearings, 6 at interim hearing stage. Of the final hearings, 2 were subject to appeals, of which one was dismissed and one was withdrawn.

1) Decisions at Final Hearing

Of the 23 relocation cases decided at final hearing between April 2015 and March 2016, 9 were determined by a Judge and 14 were determined by a Magistrate.

a) Final hearings before a Judge

Of the 9 cases determined by a Judge, 5 cases were international relocation applications and 4 cases were interstate relocation applications.

International: 2 of the 5 were permitted to relocate – 40%

(YES - Scandinavia x2, - NO – Scandinavia, USA, to AUS from Indonesia)

Interstate: All of the 4 were permitted to relocate – 100%

(YES – Qld x3, NSW)

b) Final hearings before a Magistrate

Of the 14 cases determined by a Magistrate, 3 were international relocation applications, 3 cases were interstate relocation applications and 8 were intrastate relocation applications.

International: 2 of the 3 were permitted to relocate – 66.6%

(YES – Scandinavia, NZ - NO – NZ)

Interstate: 1 of the 3 were permitted to relocate – 33.3%

(YES - Vic - NO – NSW, SA)

Intrastate: 3 of the 8 were permitted to relocate – 37.5%

(YES – to Perth x2, town to town SW – NO – various)

2) Interim Relocation Applications

6 cases were determined at interim stage. Those cases were all determined by a Magistrate.

Of the Interim Applications, 4 were interstate applications and 2 were intrastate applications.

Interstate: 1 of the 4 was permitted to relocate – 25%

(YES – but both parents moved to NSW – NO – NSW, SA x2)

Intrastate: 1 of the 2 was permitted to relocate – 50%

(YES – to Perth from South- NO – within Mid West)

RELOCATION CASES INVOLVING YOUNG CHILDREN (AGED 6 YEARS OR UNDER) FROM APRIL 2015 TO MARCH 2016

Of the 29 cases from April 2015 to March 2016, there were 13 final hearing cases that involved a child aged 6 years or under and 4 interim hearing cases.

1) Final hearing by a Judge involving young children

Judges determined 6 of the 13 final hearing cases involving young children. 3 of those cases were international and 3 were interstate.

International: 2 of 3 were permitted to relocate – 66.6%

Interstate: 3 of 3 cases were permitted to relocate – 100%

2) Final hearing by a Magistrate involving young children

Magistrates determined 7 of the 13 final hearing cases involving young children. 2 of those cases were international, 2 were interstate relocation applications and 3 were intrastate relocation applications.

International: Both of the 2 cases were permitted to relocate – 100%

Interstate: Neither of the 2 were permitted to relocate – 0%

Intrastate: 2 of the 3 were permitted to relocate – 66.6%

3) Interim hearing by a Magistrate involving young children

4 of the interim hearing applications to relocate heard by Magistrates involved young children, 2 were interstate and 2 were intrastate.

Interstate: 1 of 2 was permitted to relocate – 50%

(This was the case where both parents moved to NSW but needed a decision where the child would live in NSW and with which parent)

Intrastate: 1 of the 2 was permitted to relocate – 50%

(The young child and older siblings were permitted to move from the South West to Perth with the mother)

NB: The above statistics may exclude some cases heard in the Family Court of Western Australia. Cases were searched on the basis of "relocation" as a catchword, so any cases that were not captured within the results yielded for such a search have therefore not been considered for the purposes of the above statistics.