



Supreme Court of New Zealand

8 September 2010

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**K v B
(SC 37/2010)
[2010] NZSC 112**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The mother of two girls sought permission from the Family Court to relocate them from Auckland to Sydney. The father opposed that course. The Family Court refused permission. The High Court, on appeal, granted it and on further appeal the Court of Appeal reinstated the Family Court's refusal. The mother's appeal to this Court has been unanimously dismissed. The majority in the Supreme Court considered that the Court of Appeal had not correctly stated the relationship between the principles bearing on the welfare and best interests of the children set out in s 5 of the Care of Children Act 2004, but the Court was not influenced by that misstatement in its approach to the facts of the case. Hence the misstatement was not material to the outcome. The minority did not consider the Court of Appeal had misstated the relationship between the principles. On either footing there was no basis for differing from the conclusion to which the Court of Appeal had ultimately come.

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