

29 April 2002

02/3033

Senator M Payne  
Chair  
Legal and Constitutional Committee  
Parliament House  
CANBERRA ACT 2001

Dear Senator Payne

**Requests for additional information pursuant to the inquiry into the provisions of the Family Law Amendment (Child Protection Convention) Bill 2002**

The purpose of this letter is to respond to three questions taken on notice during hearings conducted by the Senate Legal and Constitutional Legislation Committee (the Committee) on 19 April 2002 with regard to the above mentioned Bill.

**Questions**

The three questions taken on notice were:

1. Senator McKiernan requested details of current membership of the Child Abduction Convention be provided to the Committee (Proof Committee Hansard, paragraph 1, page 5);
2. Senator Ludwig requested details of landmark court cases which provide authority for a definition of "habitual residence" be provided to the Committee, given that the term is not defined in the draft Child Protection Convention (Proof Committee Hansard, paragraph 5, page 5); and
3. Senator Ludwig also requested a copy of the national interest analysis of the Child Protection Convention be provided to the Committee (Proof Committee Hansard, paragraph 11, page 5).

**Responses**

1. As at April 2002, 73 countries had ratified or acceded to the Convention. A complete list of the countries is included in the table at Attachment A. The Convention is in force between Australia and 66 of those countries. The Government is considering the acceptance of the remaining 7 accessions.
2. Numerous authorities exist in Australian, English and United States of America case law which provide a comprehensive discussion of the meaning of "habitual residence" and have consistently provided a basis for employment of that term under the *Family Law Act* in determining

cases under the Child Abduction Convention. As indicated in Attorney-General's department submission to the committee, the term "habitual residence" is a question of fact to be determined by reference to all the circumstances of a particular case and is an internationally agreed concept used in a number of international instruments. Arriving at a flexible statutory definition would be extremely difficult, given the wide variety of factual situations that may present themselves in any family conflict. An annotated list of authorities is at Attachment B.

3. A national interest analysis of the *Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures for the protection of children* was tabled in Parliament on 12 March 2002. A copy of the analysis is at Attachment C.

I trust the enclosed material adequately addresses the Senators' queries.

Yours sincerely

John McGinness  
Acting Assistant Secretary  
B Branch  
Civil Justice Division

**ABDUCTION CONVENTION COUNTRIES**

<i>No*</i>	<i>Convention Country</i>	<i>Date in force with Australia</i>
1	Argentine Republic	1 June 1991
2	Austria	1 October 1988
3	Bahamas	1 September 1994
4	Belarus, Republic	1 November 1998
5	Belgium	1 May 1999
6	Belize	1 March 1990
7	Bermuda	1 March 1999
8	Bosnia and Herzegovina	1 December 1991
9	Brazil	1 May 2001
10	Burkina Faso	1 April 1993
11	Canada	1 January 1987
12	Chile	1 November 1994
13	Colombia	1 December 1997
14	Costa Rica	1 May 2000
15	Croatia	1 December 1991
16	Cyprus	1 November 1995
17	Czech Republic	1 March 1998
18	Denmark	1 July 1991
19	Ecuador	1 April 1993
20	Fiji	1 May 2000
21	Finland	1 August 1994
22	France	1 January 1987
23	Georgia	1 January 1998
24	Germany, Federal Republic	1 December 1990
25	Greece	1 June 1993
26	Honduras	1 September 1994
27	Hong Kong	1 September 1997
28	Hungary	1 March 1988
29	Iceland	1 December 1997
30	Ireland	1 October 1991
31	Israel	1 December 1991
32	Italy	1 May 1995
33	Luxembourg	1 January 1987
34	Macau	1 March 1999
35	Macedonia, The Former Yugoslav Republic of	1 December 1991
36	Malta	1 May 2001
37	Mauritius	1 January 1994
38	Mexico	1 June 1992

## ABDUCTION CONVENTION COUNTRIES

<i>No*</i>	<i>Convention Country</i>	<i>Date in force with Australia</i>
39	Moldova, Republic	1 November 1998
40	Monaco	1 January 1994
41	Montserrat	1 March 1999
42	Netherlands, Kingdom of the	1 September 1990
43	New Zealand	1 June 1992
44	Norway	1 April 1989
45	Panama	1 September 1994
46	Paraguay, Republic of	1 April 1999
47	Poland	1 January 1994
48	Portugal	1 January 1987
49	Romania	1 January 1994
50	Saint Kitts and Nevis	1 November 1995
51	Slovak Republic	1 February 2001
52	Slovenia	1 November 1994
53	South Africa	1 January 1998
54	Spain	1 October 1987
55	Sweden	1 June 1989
56	Switzerland	1 January 1987
57	Trinidad and Tobago	1 May 2001
58	Turkey	1 August 2000
59	Turkmenistan	1 November 1998
60	United Kingdom of Great Britain and Northern Ireland	1 January 1987
61	United States of America	1 July 1988
62	Uruguay	1 May 2001
63	Uzbekistan	1 May 2001
64	Venezuela	1 January 1997
65	Yugoslavia, Federal Republic of (Serbia and Montenegro)	1 December 1991
66	Zimbabwe	1 April 1996

\*Note: countries are listed in alphabetical order and are not listed in order of entry into force.

**Countries that have acceded to the Abduction Convention, but in respect of which the Convention is not yet in force with Australia**

<i>Convention country</i>	<i>Date acceded to Convention</i>
El Salvador	5 February 2001
Estonia	18 April 2001
Guatemala	6 February 2002
Latvia	15 November 2001
Nicaragua	14 December 2000
Peru	28 May 2001
Sri Lanka	28 September 2001

### **Leading cases on the concept of Habitual Residence**

The leading cases on the concept of “habitual residence”, and an explanation of their importance, are set out below. Many of the cases are quite lengthy, however, we are naturally happy to provide complete or partial transcripts if the Committee wishes us to do so.

#### **The concept of “habitual residence” generally**

In *Re J (A Minor)* [1991] FCR 129 Lord Brandon of Oakbrook made the following observations, which have been cited with approval by the Family Court of Australia (eg *Artso v Artso* (1995) FLC 92-566 at 81,637-8):

“ ‘[H]abitually resident’, as used in Article 3 of the Convention, is nowhere defined. It follows, I think, that the expression is not to be treated as a term of art with some special meaning but is rather to be understood according to the ordinary and natural meaning of the two words which it contains”.

“[T]he question of whether a person is or is not habitually resident in a specified country is a question of fact to be decided by reference to all the circumstances of any particular case.”

“[T]here is a significant difference between a person ceasing to be habitually resident in country A and his subsequently becoming habitually resident in country B. A person may cease to be habitually resident in country A in a single day if he or she leaves it with a settled intention not to return to it, but take up long term residence in country B instead. Such a person cannot however become habitually resident in country B in a single day. An appreciable period of time and a settled intention will be necessary to enable him or her to become so. During that appreciable period of time the person will have ceased to be habitually resident in country A.”

“[W]here a child of...[of a young age]...is in the sole lawful custody of the mother, his situation with regard to habitual residence will necessarily be the same as hers.”

#### **“Settled Intention” and an “Appreciable Period”**

In the case of *Cooper v Casey* (1995) 18 FamLR 433 at 435-436, Nicholson CJ approved the summary of applicable principles set out by Waite J in *Re B (Minors) (Abduction) (No.2)* [1993] 1 FLR 993 at 995:

“1. The habitual residence of the young children of parents who are living together is the same as the habitual residence of the parents themselves and neither parent can change it without the express or tacit consent of the other or an order of the court.

2. Habitual residence is a term referring, when it is applied in the context of married parents living together, to their abode in a particular place or country which they have adopted voluntarily and for settled purposes as part of the regular order of their life for the time being whether it is of short or of long duration.

All that the law requires for a “settled purpose” is that the parents’ shared intention in living where they do should have a sufficient degree of continuity about them to be properly described as settled.

3. Although habitual residence can be lost in a single day, for example, upon departure from the initial abode with no intention of returning, the assumption of habitual residence requires an appreciable period of time and a settled intention. The House of Lords in *Re J sub nom C v S* ... refrained ... from giving any indication as to what an “appreciable period” would be. Logic would suggest that providing the purpose was settled, the period of habitation need not be long. Certainly, in *Re F* ... [*Re F (Minor) (Child Abduction)* [1992] 1 FLR 548]... the Court of Appeal approved a judicial finding that a family had acquired a fresh habitual residence only one month after arrival in a new country.”

The Chief Justice of the Family Court of Australia cited, with approval the principal judgment of Butler-Sloss LJ in the UK Court of Appeal case of *In Re F (Minor) (Child Abduction)* [1992] 1 FLR 548 (CA)(UK). In that decision the Court determined that a month could be an appreciable time if there is a settled intention.

US Court of Appeals in *Feder v Evans-Feder* 63 F. 3d 217 (3rd Cir.1995) referred at 223 to the decision of *Re Bates* (No. CA 122-89, High Court of Justice, Family Div’1 Court, Royal Courts of Justice, UK (1989) where it was concluded, at 10, that

“[T]here must be a degree of settled purpose. The purpose may be one or there may be several. It may be specific or general. All that the law requires is that there is a settled purpose. That is not to say that the propositus intends to stay where he is indefinitely. Indeed his purpose while settled may be for a limited period. Education, business or profession, employment, health, family or merely love of the place spring to mind as common reasons for choice of regular abode, and there may well be many others. All that is necessary is that the purpose of living where one does has a sufficient degree of continuity to be properly described as settled.”

**The position of children:**

The habitual residence in issue in proceedings under the Convention is always that of the child, not of the parent.

*Friedrich v Friedrich* (983 F.2d 1396 (6th Cir.1993) at 1401

“To determine habitual residence the court must focus on the child, not the parents and examine past experience not future intentions”

At 224 the US Court of Appeals in *Feder v Evans-Feder*, referred to above, noted that...

“...a child’s habitual residence is the place where he or she has been physically present for an amount of time sufficient for acclimatization and which has a ‘degree of settled purpose’ from the child’s perspective. We further believe that a determination of whether any particular place satisfied this standard must focus on the child and consists of an analysis of the child’s circumstances in that place and the parents’ present, shared intentions regarding their child’s presence there.”

Relevant considerations in determining the habitual residence of children include:

- The habitual residence of the child’s lawful custodian (*Cooper v Casey* (1995) 18 FamLR 433 at 435 (1995) FLC 92-575 at 81,695 where Nicholson CJ referred with approval to the comments of Waite J in *Re B (Minors)(Abduction)(No.2)* (1993)1 FLR 993 at 995, set out above)
- Joint intention of both parents to a change of a child’s habitual residence is required in cases where both parents have parental responsibility for the child (*State Central Authority v McCall* (1995) 18 FamLR 326 at 330-331 (1995) FLC 92-552 at 81,523 and *Artso v Artso* (1995) FLC 92-566 at 81,638.)

**There is authority to suggest that a person can have only one habitual residence:**

*Friedrich v Friedrich* (983 F.2d 1396 (6th Cir.1993) at 1401 (cited, with approval, by the Full Court of the Family Court of Australia in *Re Marriage of Hanbury-Brown* (1996) 20 FamLR 334 at 366).

“A person can have only one habitual residence.”

Also in *Re Marriage of Hanbury-Brown* (1996) 20 FamLR 334 at 366, the Full Court of the Family Court of Australia concluded that:

“Arts 3 and 15 of the Convention, and the preamble, all refer to “the state” of a child’s habitual residence, not “a state”, the definite article thus clearly conveying the singular meaning rather than the plural. Likewise, Art 13 (the last sentence thereof) refers to “the central or other competent authority of the child’s habitual residence” and not “of a child’s habitual residence of the child””. ... “the notion of dual habitual residence for the purposes of the Convention runs counter to all judicial pronouncements upon it of which we are aware in any English speaking country.”

The Full Court went on to say that

“...[T]he notion of dual habitual residence is simply inconsistent with the wording of the Convention, and with all known judicial pronouncements upon it.”

**There is authority to suggest that a court should try not to leave a child with no habitual residence:**

In the case of *Cooper v Casey*, Nicholson CJ referred to the principal judgment of Butler-Sloss LJ in the case of *Re F (Minor) (Child Abduction)* [1992] 1 FLR 548 where, at 555-6 she paraphrased the argument of counsel for the mother, and for the Central Authority in that case, noting in part that:

“...[W]e should not strain to find a lack of habitual residence...”

Nicholson CJ went on to explain that

“...the making of a finding that a child has no habitual residence could easily operate to defeat the purpose of the Convention and leave children open to the possibility of repeated abductions by both parents.”

However, it must be recognised that because the determination of habitual residence is a factual exercise it is theoretically possible that a child may have ceased, in particular circumstances, to be habitually resident in one country prior to having acquired a new habitual residence in another country. In the case of *Re J (A Minor)* [1991] FCR 129 Lord Brandon of Oakbrook noted, at 140, that:

“During that appreciable time...[necessary to establish a new habitual residence]... the person will have ceased to be habitually resident in country A but not yet have become habitually resident in country B.”



**Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, done at The Hague on 19 October 1996**

**NATIONAL INTEREST ANALYSIS**

**Proposed binding treaty action**

1. It is proposed that Australia ratify the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (the Convention). Before ratification, Australia will first sign the Convention pursuant to Article 57.

**Date of proposed binding treaty action**

2. The Convention entered into force generally on 1 January 2002. It is proposed that the Convention be signed for Australia and its instrument of ratification lodged as soon as practicable after the necessary domestic legislation has been enacted. Under Article 61, the Convention would come into force for Australia on the first day of the month after the expiry of a period of three months after Australia lodges its instrument of ratification.

**Date of tabling of the proposed treaty action**

3. The Agreement is to be tabled on 12 March 2002.

**Summary of the purpose of the proposed treaty action and why it is in the national interest**

4. The purpose of the Convention is to provide for international co-operation between Convention countries in the interests of protecting children. The Convention promotes co-operation among countries by eliminating potential conflicts of jurisdiction between authorities in different countries and by providing for international recognition of measures of protection for children.

5. This means that parents will know which country's courts will make decisions about their children, and will not be subject to uncertainty due to conflicting parenting orders from different courts in different countries. It also means that it will be clear which country's child protection authorities have jurisdiction in relation to a child.

### **Reasons for Australia to take the proposed treaty action**

6. Ratification of the Convention would help resolve current problems in Australian family law in relation to:
- **Removal of jurisdictional uncertainty:** conflict in jurisdiction between Australian courts and overseas courts in children's matters has been a longstanding area of difficulty. In some cases Australian and overseas courts have made conflicting parenting orders in relation to the same children. The jurisdictional rules laid down in the Convention will remove uncertainty for litigants and the courts in determining the appropriate forum to determine disputes as to parental responsibility;
  - **Finality in litigation:** in the absence of reciprocal recognition arrangements, it is open to a parent to ignore orders made by Australian courts and re-litigate residence and contact issues in the other country to the disadvantage of the child and the other parent in Australia. To a limited extent these difficulties have been overcome by bilateral arrangements on recognition of parenting orders. Some countries have refused to negotiate bilateral arrangements with Australia in this area. Ratification of the Convention will extend the number of countries in which Australian parenting orders will be entitled to direct recognition and enforcement;
  - **Recognition of parental responsibility acquired by operation of law:** many countries do not recognise the parental responsibility of a father who is not married to the child's mother. The Convention provides for recognition in other countries of the rights and responsibilities conferred on fathers under Australian law;
  - **Cross border access cases:** parents seeking access to their children living in other countries often face significant problems. The Convention includes a number of provisions designed to assist in these cases by clarifying which State has jurisdiction, which State's laws are to be applied and by promoting cooperation between relevant State authorities.
7. Another major objective of the Convention is to address the problem of international cases involving protection of children from abuse and neglect. It is in the best interests of children that there be internationally agreed rules determining which child protection authorities have jurisdiction in relation to a child. The absence of agreed rules may mean that authorities in one country fail to act because they assume authorities in another country have taken responsibility for protecting a child.
8. There is also an increasing need for formal cooperation procedures between child protection authorities in different countries. Some categories of cases which commonly come to the attention of Australian authorities are: overseas authorities making requests to transfer child protection measures for children immigrating to Australia; cases in which children subject to foreign protection measures are brought to Australia without notice to Australian child protection authorities; cases in which care proceedings are on foot in Australia but the child is removed to another country prior to the conclusion of the proceedings; overseas authorities asking Australian authorities to check on the welfare of a child visiting Australia on an access visit and provide a report; and parents in Australia seeking the transfer to Australian authorities of children in the care of overseas child protection authorities.

The Convention will help to solve these problems by clarifying which country's child protection authorities have jurisdiction in relation to a child, and by promoting and facilitating contact and cooperation between the child protection authorities of member States.

### **Obligations**

9. Implementation of the Convention would require that, in any case which has international aspects, courts and other authorities in Australia follow new rules to determine which country has jurisdiction to decide the parental responsibility issues under the *Family Law Act 1975* or to decide cases under State and Territory child protection legislation (Articles 5 to 14).
10. The Convention also provides rules for determining which country's laws are to be applied in parental responsibility and child protection issues (Articles 15 to 22).
11. Upon the request of an interested party, the Convention obliges Australia to recognise and enforce, within Australia, measures of protection made in other State parties. This obligation is subject to exceptions such as where the measure is manifestly contrary to public policy. The measures which Australia may be required to recognise and enforce include measures relating to parental responsibility, rights of custody, guardianship, a child's property, placement of the child in a foster home, and supervision of a child by a public authority (Articles 23 to 28).
12. Australia will be obliged to establish one or more Central Authorities (Article 29) which will co-operate with similar authorities in other Convention countries to implement the Convention, facilitate communications between countries, locate children, and provide reports on the situation of children (Articles 30 to 37). Authorities in each country bear their own costs in implementing these obligations but States retain the right to impose reasonable charges for the provision of services (Article 38). Particular obligations are imposed on Australian authorities to seek the consent of authorities in another Convention country before placing a child in a foster family in that country (Article 33), to co-operate in securing contact by an overseas parent with his or her child in Australia (Article 35) and to notify authorities of another country of any serious danger to a child in that other country (Article 36).
13. The Convention is limited in its scope and it does not apply to the establishment or contesting of a parent-child relationship, decisions on adoption, the names of a child, emancipation, maintenance obligations, trusts or succession, social security, public matters relating to education or health, measures taken as a result of penal offences committed by children, and decisions on the right of asylum and immigration (Article 4). Consequently, the obligations above do not apply to these subject areas.

### **Implementation**

14. In accordance with the existing responsibilities in these areas, the parental responsibility aspects of the Convention will be implemented by the Commonwealth and the child protection aspects will be implemented by the States and Territories.
15. On 20 September 2001, the Family Law Amendment (Child Protection Convention) Bill 2001 was introduced in the Commonwealth Parliament. The Bill lapsed when Parliament was prorogued in October 2001. The Bill is expected to be reintroduced in Parliament in the first half of 2002. The Bill will amend the *Family Law Act 1975* to give effect to the Convention in Commonwealth law.
16. States and Territories are currently considering a model Bill prepared by the Queensland Government which will implement the Convention in State and Territory law.
17. The administrative aspects of the Convention will be implemented in Australia by the Commonwealth Attorney-General's Department (acting as the Commonwealth Central Authority) and State and Territory child protection departments (acting as State Central Authorities). The Attorney-General's Department will transmit parental responsibility orders and agreements under the *Family Law Act 1975* to other Convention countries for registration and will transmit similar orders from Convention countries to the Family Court of Australia for registration. State Central Authorities will undertake similar functions in relation to child protection orders. Other functions of Central Authorities under the Convention will be undertaken by the Commonwealth Attorney-General's Department and State and Territory child protection departments in cooperation.

### **Costs**

18. There are not expected to be any significant additional financial implications arising from ratification of the Convention. It is not proposed to establish any new agencies to deal with matters arising under the Convention. The Commonwealth Attorney-General's Department would undertake the functions of the Australian Central Authority in relation to family law matters. Existing State and Territory agencies will be appointed as additional Central Authorities.
19. The Family Court already has administrative procedures in place for registration of foreign parental responsibility orders and is already hearing applications to make parenting orders in international cases. The costs of proceedings in the Family Court to enforce registered overseas orders would be borne by overseas parents. These parents might apply to Australian legal aid authorities for assistance in such proceedings. However the cost of proceedings to enforce an existing order should be less than the cost (which Australian legal aid bodies currently meet) of funding entirely new proceedings on behalf of indigent overseas parents (who at present cannot register existing overseas orders and are given legal aid to apply to Australian courts for entirely new parenting orders).

20. Ratification of the Convention is not expected to result in a significant increase in the number of international cases being dealt with by Australian child protection authorities. To some extent State child protection departments are already expending resources in dealing with overseas child protection cases. At present such cases arise infrequently but, when they do arise, their resolution can be a complex and lengthy process. There may be some additional costs for State and Territory child protection departments in communicating with overseas authorities on child protection cases arising under the Convention.

21. Ratification of the Convention may have some savings implications for Australian agencies. The Convention will simplify the process of resolving international child protection cases by providing for direct communication between Central Authorities in Convention countries, thus eliminating delays and confusion which often arise from the current practice of using diplomatic channels to identify authorities responsible for handling child protection cases and to pass communications to and from Australian child protection departments. By being designated State and Territory Central Authorities under the Convention, State and Territory child protection departments will avoid problems which have arisen in some past cases in establishing their status and bona fides to the satisfaction of overseas courts and authorities. In some past cases, overseas courts have insisted on involving State Government Ministers as they were unsure of the status and authority of Australian child protection department officers. Another resource benefit of ratification of the Convention will be that overseas child protection agencies will have an obligation under the Convention to cooperate with Australian authorities in providing information and in working to resolve problems arising in Australian child protection cases. In the past a lack of co-operation by some overseas child protection authorities has resulted in Australian authorities expending considerable resources.

### **Consultation**

22. The implementation of the Convention in Australia has been the subject of lengthy consideration by Commonwealth, State and Territory Governments. A working group of Commonwealth and State officials has developed legislation to implement the Convention in Commonwealth, State and Territory law.

23. The working group prepared two issues papers in 1998 'Hague Convention on the Protection of Children - Proposed Amendments to Family Law Legislation' and 'Hague Convention on the Protection of Children - Proposed Amendments to State and Territory Laws'. The issues papers were circulated for comment to relevant Commonwealth and State agencies, courts, legal aid bodies, community legal centres, the Law Council of Australia and family law practitioner associations. The working group's final report stated there was no opposition to Australia's ratification of the Convention and concluded that there were no substantial arguments against ratification. These documents are available on the internet at:  
[http://www.ag.gov.au/aghomes/legalpol/cld/int\\_judicial\\_asst/international\\_child\\_custody/Internationalchildcustodyproposedreforms.html](http://www.ag.gov.au/aghomes/legalpol/cld/int_judicial_asst/international_child_custody/Internationalchildcustodyproposedreforms.html)

24. Following the introduction of the Family Law Amendment (Child Protection Convention) Bill 2001, comments on the Bill and the Convention were sought from courts, legal aid bodies, community legal centres, the Law Council of Australia, law societies, family law practitioner associations, and public interest groups concerned with family law policy issues. Comments received in response were supportive of Australian ratification of the Convention. Two responses raised questions relating to the protection of children who are returned to other countries under the Hague Abduction Convention or pursuant to a foreign custody order registered in Australia. The Attorney-General's Department responded to these questions, referring to steps available to protect the interests of a child returned to another country. Two other responses raised questions as to the operation of the Convention in relation to measures to combat domestic violence. The Attorney-General's Department responded to these questions, pointing out that while the Convention deals with the appropriate forum to determine child protection issues it does not alter the substantive law in Australia relating to the nature of (or procedures for obtaining) measures of protection for children.

25. The Convention has been advised to the States and Territories through the Commonwealth State-Territory Standing Committee on Treaties.

#### **Regulation Impact Statement**

26. No Regulation Impact Statement is required for the proposed treaty action.

#### **Future treaty action: amendments, protocols, annexes and other legally binding instruments**

27. The Convention does not specify how it may be amended, but under Article 39 and 40 of the *Vienna Convention on the Law of Treaties* such a treaty may be amended by agreement between its parties. Any such proposed amendment would be subject to Australia's standard treaty-making procedures.

28. Article 52 of the Convention provides that the Convention does not preclude Contracting States from concluding agreements which contain, in respect of children habitually resident in those States, provisions on matters governed by the Convention.

#### **Withdrawal or denunciation**

29. Article 62 of the Convention provides that a State Party to the Convention may denounce the Convention by notice in writing to the depositary of the Convention. The denunciation would take effect on the first day of the month following the expiration of 12 months after the notice of denunciation is received by the depositary; or if a longer period is specified in the notice of denunciation then that longer period. The depositary of the Convention is the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

#### **Contact Details**

Civil Justice Division  
Attorney-General's Department