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LAW·COMMISSION  
TE·AKA·MATUA·O·TE·TURE

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*Report of the*

LAW COMMISSION  
Te Aka Matua o te Ture

*for the year ended 30 June 2004*

*Presented to the House of Representatives under  
section 17 of the Law Commission Act 1985 and  
section 44A of the Public Finance Act 1989*

*September 2004*  
Wellington, New Zealand

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Commission Act 1985

This report is also available on the Internet at the Commission's website:  
<http://www.lawcom.govt.nz>

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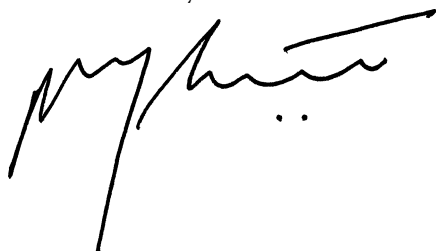
15 September 2004

Dear Minister

I have the honour to submit to you the report of the Law Commission for the year ended 30 June 2004.

This report is prepared under section 17 of the Law Commission Act 1985 and section 44A of the Public Finance Act 1989.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Bruce Robertson'. The signature is fluid and cursive, with a long horizontal stroke at the end.

*J Bruce Robertson*  
President

*The Hon David Benson-Pope*  
Minister Responsible for the Law Commission  
Parliament Buildings  
Wellington



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# The Law Commission: Te Aka Matua o te Ture Directory

THE LAW COMMISSION is an independent, publicly funded, central advisory body established by statute to undertake the systematic review, reform and development of the law of New Zealand. Its purpose is to help achieve law that is just, principled, and accessible, and that reflects the heritage and aspirations of the peoples of New Zealand.

In developing its proposals, the Commission takes into account te ao Māori (the Māori dimension) as well as the community and international experience.

The members of the Law Commission as at 30 June 2004, appointed under section 9 of the Law Commission Act 1985, are:

The Hon Justice J Bruce Robertson – President  
Professor Ngatata Love QSO JP  
Frances Joychild  
Richard Clarke QC  
Dr Warren Young

## ADDRESS DETAILS

The office of the Law Commission is located at:  
Level 10, 89 The Terrace, Wellington

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Information about the Law Commission and its work is available via the Internet from the Commission's website at: <http://www.lawcom.govt.nz>.

## FUNDING

The Law Commission is funded from money appropriated by Parliament through Vote:Justice.

## MĀORI COMMITTEE

The Māori Committee to the Law Commission assists the Commission in identifying projects to advance te ao Māori, and helps the Commission in implementing te ao Māori in its work. The current members are:

Sir Graham Latimer (Chairman)  
Hon Justice ET Durie  
Professor Mason Durie CNZM  
Judge Michael JA Brown CNZM  
Te Atawhai / Archie Tairaoa  
Jacqui Te Kani CNZM  
Shane Jones  
Chief Judge J Williams  
Tumu Te Heuheu  
Neville Baker

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## President's report

### THE HON JUSTICE J BRUCE ROBERTSON

**E**IGHTEEN YEARS AFTER THE COMMISSION'S INCEPTION, it is interesting to be reminded that the challenges that have faced other Law Commissioners remain with us. In assessing its first operational period from 1 February to 31 March 1986, Sir Owen Woodhouse referred to comments from the twentieth annual report of the Law Commission for England and Wales in which it was suggested:

Perhaps the Law Commission's main achievement has been to establish and maintain among informed opinion the reputation and status of an independent constitutional law reform body. This it has done by thorough research, extensive consultation, the ability to harness specialised academic and professional opinion and, notwithstanding the occasional dissenting opinion, a capacity to agree on solutions which command the widest support.

Sir Owen contended that statement of achievement encapsulated the ambitions of the New Zealand Law Commission then. It remains our contemporary ambition.

As is common throughout the world, however, its realisation is never simple. A law commission will always be contentious, challenging and somewhat unsettling, but we have a unique opportunity to provide principled and frank advice that can substantially benefit the community.

The Law Commission is not a faceless institution but a group of people working, thinking and assessing together. During this year Patrick Keane resigned to take up an appointment as Judge of the High Court in October 2003. His sudden departure to the High Court in Auckland was sorely felt especially because it came at a critical time in completing our major work on court structure. We were, however, fortunate to have had his wise counsel, principled determination and varied experience during much of the project.

We were delighted, in April, to be joined by Dr Warren Young who had been a Deputy Secretary for Justice. Dr Young is the acknowledged leader of academic and practical criminology in New Zealand. He has worked with the Commission on previous occasions, most recently in the groundbreaking research on juries.

Justice Eddie Durie will join us on 1 July as our sixth Commissioner. He is the longest serving judicial officer in New Zealand. For 25 years a member of the Māori Land Court and the Waitangi Tribunal, he became the first Māori appointed to the High Court of New Zealand. His unique perspectives will greatly assist in ensuring that we meet our statutory responsibilities to have regard to te ao Māori in all our work.

Dr Ngatata Love, whose three-year term expired on 1 May, has been reappointed.

We have also been fortunate to have barrister Helen Aikman (until recently Deputy Solicitor-General) join Neville Trendle as a part-time senior consultant. These adjuncts at the Commissioner level greatly strengthen the breadth of our experience and our ability to operate in wider and more diverse areas. The involvement of these senior consultants will provide additional capacity especially with my absences as Chairman of the Commission of Inquiry into Police Conduct.

The eight skilled and experienced people at this level are only part of the equation. Our research assessment, judgment and recommendations involve the collective input of all our staff, both administrative and research. We continue to be particularly fortunate in the leadership of Bala Benjamin and Margaret Thompson and the contribution of all who work with them.

Despite anticipation that government departments would follow up on the study paper *Treaty of Waitangi Claims: Addressing the Post-Settlement Phase* (NZLC SP13), various competing priorities have meant a degree of inaction. We therefore decided, for the first time in a number of years, to commence work on a self-referred project. We are seeking to identify and model a mechanism that could be available for Māori groups to utilise if they wish. It would be capable of providing a framework for dealing with communally owned assets and responding to demands on tribal groupings. We are anxious not to duplicate what is otherwise occurring in governmental entities or departments, but there is a pressing need for rigorous and professional input.

We issued in March the discussion paper *New Issues in Legal Parenthood* (NZLC PP54). This is at the cutting edge of major ethical and societal issues and has sparked substantial interest. We are currently involved in ongoing consultation, and work is being undertaken so a final report can be published in this difficult and contentious area during the coming year.

We have been advised that the Ministry of Justice is initiating statutory reform in response to two five-yearly reports of the former Privacy Commissioner. The Court of Appeal has determined in *Hosking v Runting* (CA101/03 25 March 2004) that there is a tort of privacy. Consequently, we have concluded that there is no further work the Law Commission can usefully do in this area in the meantime.

At the end of 2003 we were requested to undertake a finite study with regard to covert filming that has become a matter of public interest and concern. A study paper on that topic, dealing with the civil and criminal implications was issued in June (NZLC SP15) and is currently under consideration by the Government.

Over some time, empirical research and assessment work has been underway with regard to status hearings in the District Court. We have expanded our review to include all issues relating to pre-trial processes in all courts. A discussion paper (NZLC PP55) is being issued in July that highlights the problems in this wider context and offers some solutions.

Similarly, ongoing work with regard to search and search warrants has been substantially broadened in its scope. A final report, due by the end of the year, will no doubt provoke a degree of reaction to the way we recommend accommodating competing interests in this area. It is an area where there is a compelling need for the law to catch up with advances in science and technology.

The creation of the New Zealand Supreme Court involved substantial changes within the judicial hierarchy. An assessment of ancillary consequences led us to conclude that some anomalous situations have developed. It is now possible for there to be no-one present in New Zealand holding the office of Acting Chief Justice and, in the absence of the Chief Justice, the role of Administrator now devolves on judges of an intermediate court rather than on the most senior levels of the judiciary. Issues relating to these two factors, which go to the heart of our constitutional structure, have been drawn to the attention of the Law Officers and the Ministry of Justice.

Work is well underway on a review of access to records in all courts in New Zealand. This is an area that has not developed in a uniform or consistent way and the unevenness that presently exists appears to have little justification. Our current work will consider both underlying issues of principle and the pragmatic reality for those seeking information and those who are the custodians of it.

We are also undertaking a review of those provisions in the Customs and Excise Act 1996 that deal with forfeiture to ensure that there is proportionality and consistency in the State's response to established wrongdoing in this area.

We have been in discussion with the Ministry of Justice about work relating to the infringement and minor offence regimes. The Ministry itself is also heavily engaged in policy and implementation work, but there are discrete areas in which we will initiate proposals and maintain collaborative work generally.

We are about to embark on a major research project into criminal defences. The law on insanity, which has not altered much in almost 200 years, is among the issues that will be reviewed and assessed in the light of its operation in this country and reforms that have been enacted in comparable jurisdictions.

The review of the Life Insurance Act 1908 has been, as we always anticipated, a major task. A discussion paper was issued at the end of 2003 and since then there has been ongoing consideration of the issues and of the submissions received on the discussion paper. We are involved in considering a statutory regime that has existed with little change for some 130 years. Current demands and interactions are very different from those pertaining when the regime was enacted. This work will be completed with a final report in the latter part of 2004.

The final report in our review of the structure of courts and tribunals, which includes more than 160 recommendations, was issued in March. This was the culmination of one of the Commission's largest projects, and one that attracted unprecedented public interest. We concluded that fundamental barriers exist to justice being accessible, available and understandable for the overwhelming bulk of New Zealanders and accordingly made some far-reaching proposals.

As Justice Michael Kirby recently noted in "Permanent Appellate Courts — the Debate Continues" 54 ABR 51, 54-55:

... change for its own sake can be mischievous, particularly in institutions as established and as essential to the operation of a healthy democracy as the courts are. Reform is not change for its own sake, but change for the better. What is better, is necessarily a matter of controversy. The best means of evaluating differing opinions is by the exposure of the competing points of view for the consideration and decision of society and its representatives. Tinkering with the court system is not to be encouraged, unless the projected changes can be justified by clearly stated objects which are deemed worthy of attainment and attainable.

We have been heartened by the manner in which some agencies and organisations have responded to the deficiencies exposed and have immediately initiated new and beneficial approaches to address these deficiencies. However, we also recognise that the existing system is comfortable for many who work within it and some of our core ideas will inevitably be seen as threatening and will be resisted.

The challenges that we faced in recommending possibilities for restructuring our court system were not new. Arthur T Vanderbilt, who had a similar task with regard to the New Jersey court system in the 1930s, contended that:

... no set of recommendations, however wise, will avail unless both judges and lawyers constantly remember that the courts exist not for judges and lawyers but for the benefit of litigants and of the public. They must constantly bear in mind what have been termed the fundamental rights of litigants. Every litigant is entitled (1) to a prompt and efficient trial of his case, ... (2) at a reasonable cost; (3) represented by competent attorneys; (4) before impartial and trained judges and honest and intelligent jurors; (5) with the privilege of a review of the trial Court's determination by an appellate tribunal composed of similar judges ...

We adopted the same perspective with a commitment to ensure that the focus is on the litigants and the public. The Hon TG Zuber, in reviewing the courts of Ontario in the 1980s, said:

It is the opinion of this Inquiry that the principle that courts exist for the benefit of litigants and the public is one which must be kept in mind whenever reform or restructuring of the courts is under consideration. The courts are like all institutions, they tend to take on a life of their own. The impetus for change generally comes from within, and the objectives of the changes are usually to improve the lives of the people who are inside the institution.

It appeared to us that the unique role that Parliament has provided for the Law Commission imposed an obligation on us to fearlessly challenge the existing system and its comfort levels where we were persuaded that was necessary to meet the needs of litigants and the public. The Commission awaits with interest the reaction and response of Government.

We have been criticised for failing to cost our proposals. The Commission is not surprised by this, but the criticism fails to grasp the underlying conclusion of the report. What exists at present, although theoretically an accessible structure, fails in its fundamental responsibility to deliver justice universally. If we want to say, as a nation, that courts and tribunals are readily available to all New Zealanders when there is no other way of people resolving their disputes, we must change the way we do things. Our recommendations for achieving that must, of course, be costed and prioritised; this is the next stage in the exercise that we have proposed. But, if it is important to us as a nation to turn the rhetoric of an accessible and fair justice system into reality, we cannot maintain the current framework and approach.

As Justice Ronald Sackville, of the Federal Court of Australia, noted in March 2003 when speaking to the New Zealand Court of Appeal/High Court Judges and Masters:

The crucial point is that, generally speaking, courts are now committed to understanding and responding to the forces that influence their work. Those forces include the expectations of the community, even if those expectations sometimes appear to judicial officers to be ill informed and unduly demanding. This new role is

not always comfortable or risk-free. But the willingness of the courts to accept additional responsibilities enhances the prospects that the rule of law will be preserved in increasingly difficult and hazardous times.

Our report involves major challenges. The problems associated with the delivery of justice in New Zealand will not be met simply by appointing new judges, building new courthouses and doing more and more of the same. A radical re-think of how we do things is essential if we are to achieve sensible economies and ensure justice is accessible to the entire community in a principled and practical manner.

A highlight of our year was hosting the biennial Australasian Law Reform Agencies Conference in Wellington in the days immediately following Easter. We were able to attract the largest number of participants ever to this conference and had delegates from more than 25 countries around the world. Generous financial assistance from Ministry of Foreign Affairs and Trade enabled representatives of six Pacific nations to participate.

The papers were of a very high standard and the local organising committee, which was ably serviced by Christine Kleingeld of the Law Commission, provided a diverse and interesting programme. We were fortunate to have substantial support from the judiciary, legal profession and the wider community that enabled the programme to include varied and stimulating activities. It was of real benefit to have an opportunity to meet with others involved in law reform.

In addition, a number of Commissioners and staff have had the opportunity to participate in workshops, seminars or visits with comparable organisations in New Zealand and abroad, all of which have enhanced our ability to meet our statutory obligations.

As always, our work has been both fascinating and frustrating which is the essence of law reform.

*J Bruce Robertson*  
President  
30 June 2004

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# The Commissioners

## CURRENT COMMISSIONERS

### **Hon Justice J Bruce Robertson**

**J**USTICE ROBERTSON began a five-year term as President of the Law Commission on 1 May 2001. He was appointed a High Court Judge in 1987 sitting in Auckland. He has been a member of the Criminal Appeal Division of the New Zealand Court of Appeal since 1996 and has regularly presided in the Court of Appeal of Vanuatu.

Justice Robertson graduated BA, LLB from the University of Otago. As a Harkness Fellow of the Commonwealth Fund of New York he completed an LLM at the University of Virginia in the early 1970s. He has been awarded an Honorary Doctorate of Laws from Otago where he was both a part-time lecturer and a Council member for almost 20 years. For six years he was Pro-Chancellor.

He was a partner in the Dunedin law firm Ross Dowling Marquet & Griffin and is a former President of the Otago District Law Society, served on the Council of Legal Education, and was, for 10 years, President of the Legal Research Foundation. He is a founding member of the Legislation Advisory Committee.

He is the consulting editor of both *Adams on Criminal Law* and the New Zealand Law Society's *Introduction to Advocacy*.

### **Dr Ngatata Love**

Dr Love was appointed as a part-time Law Commissioner on 1 May 2001 for a term of three years and has been reappointed for a further term of three years from 1 May 2004. He works part-time as a Professor in the School of Management at Victoria University of Wellington and is an Emeritus Professor of Massey University, Palmerston North. He was formally the Chief Executive of Te Puni Kōkiri. From 1973 to 1995, Dr Love held a number of academic posts at Massey University. He served as Dean of the Faculty of Business Studies between 1986 and 1995. Dr Love provides the Law Commission with specialist knowledge on Māori issues and policy practices in the public sector.

### **Frances Joychild**

Frances Joychild was appointed a full-time Commissioner for a term of three years from 10 February 2003. She graduated LLM (Hons) from Auckland University in 1998. At the time of her appointment, she had been a barrister sole in private practice for five years, specialising in civil litigation, including public law, human rights, privacy and employment law.

Prior to entering private practice, Ms Joychild was employed by the Human Rights Commission for 16 years, the last 10 of which she spent as legal adviser and counsel to the Commission and Proceedings Commissioner. She has been the updating author of *Brooker's Human Rights Law* since 2001.

### **Richard Clarke QC**

Richard Clarke was appointed as a part-time Law Commissioner for a term of three years from 21 January 2003. He was a Parliamentary Counsel in the Parliamentary Counsel Office from 1975 to 1981 and from 1981 until 1999 was a commercial partner in Rudd Watts and Stone and Chapman Tripp Sheffield Young respectively. He has been in practice as a barrister sole since 1999 and was appointed as a Queens Counsel in 2002. He has been chairman of the Legislation Advisory Committee since 1999.

### **Dr Warren Young**

Dr Young was appointed a full-time Commissioner for a term of three years from 3 May 2004. Prior to that he was Deputy Secretary for Justice for four years, with responsibility for criminal law, criminal justice and crime prevention. From 1980 to 2000, Dr Young was Director of the Institute of Criminology and then a Professor of Law at Victoria University of Wellington. He also served as Assistant Vice Chancellor (Research) for five years. He was a Fulbright Fellow in 1985. He has been a co-author of *Adams on Criminal Law* since 1992.

## **FORMER COMMISSIONER**

### **Hon Justice Patrick Keane**

Justice Keane resigned with effect from 10 October 2003 to take up a position as a High Court Judge in Auckland.

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## The year under review

THE COMMISSION published reports and discussion papers during the year in the areas of structure of the courts, life insurance, legal parenthood and covert filming.

The first publication was a preliminary paper released on 17 December 2003 entitled *Life Insurance* (NZLC PP53). The Commission's terms of reference asked it to consider and report on the framework for regulation and supervision of life insurers and life insurance products in New Zealand, and the most appropriate way to regulate the provision of life insurance.

The paper set out New Zealand's current system of life insurance regulation, as well as regulation in Australia, the United Kingdom and other jurisdictions, and international principles that had been developed.

The paper asked whether there were any issues that arose with respect to New Zealand's current system of life insurance regulation, particularly in the areas of financial market integrity, consumer protection and financial safety. These areas were referred to in the 1997 Australian *Financial System Inquiry Final Report*.

The Commission sought views on regulation of reinsurers and the actuarial profession together with the inter-relationship with overseas (Australia in particular) life insurance regimes.

Work is progressing well towards a final report due for release in October/November 2004.

In March 2004, the Commission released its final report and recommendations on significant changes to the court system. *Delivering Justice for All: A Vision for New Zealand Courts and Tribunals* (NZLC R85) was released following the earlier publication of two discussion papers, wide consultation throughout the country and receipt of a large number of submissions from the wider legal establishment, community organisations and the public.

The report made 160 recommendations aimed at improving the way the court system worked. The recommendations were aimed at simplifying the system and making it more accessible to all New Zealanders.

Initiatives to redistribute the heavy workload of the District Court were at the centre of the Commission's recommendations. Considerable shortcomings were identified in the way the court system dealt with its "high volume" criminal workload, namely preliminary appearances for all criminal offences and less serious criminal cases such as drink driving, shop lifting and other theft, minor fraud and damage to property.

The Commission recommended that the structure, culture and process around the high volume part of the District Court's jurisdiction be significantly changed and reorganised by the development of a new court called the Community Court. The name "District Court" would effectively disappear from the system's terminology.



The Community Court and eight other courts would collectively be named the Primary Courts. The full list of Primary Courts would be: Community Court, Primary Civil Court, Primary Criminal Court, Family Court, Youth Court, Environment Court, Employment Court, Māori Land Court and Coroners' Court.

The report highlighted a number of areas that required action including: making legal information and initial advice more available; providing principled frameworks for cases dealt with outside the court by infringements, police diversion, restorative justice and mediation; reorganising "first instance" courts into a primary courts structure with specifically warranted judges; creating the Community Court as a Primary Court to deal with the work that represented the less serious and highest volume of the District Court's caseload; reinforcing the pivotal constitutional role of the High Court; the creation of uniform appeal rights, and the creation of an umbrella framework for the operation and administration of tribunals.

Officials from the Ministry of Justice are preparing a government response to be tabled in September 2004.

The changing nature of families, brought on by rapid social change and new birth technologies, was behind a discussion paper released on 31 March 2004 entitled *New Issues in Legal Parenthood* (NZLC PP54). The paper reviewed the rules relating to parenthood in New Zealand and sought to ensure that all children and families had the protection and support of clear rules relating to parenthood.

The focus for the paper was on how the law impacted on families where children were not being raised by their genetic fathers, and genetic and gestational mothers. This included: a genetic/non-genetic parent combination raising a child from birth following donor conception; matters relating to paternity including the presumption that a "husband is the father of his wife's child"; matters relating to maternity such as whether a genetic mother could claim legal maternity where she was not the gestational mother; situations where there was no named father on the birth certificate and where the father died before the child was conceived or born; what information was recorded on birth certificates and children's needs and rights to know who was their genetic father and genetic and gestational mother; the place of agreements among adults about parental status and parenting responsibilities; and rules for proving and disproving parenthood.

Options raised for reform of the rules of parenthood addressed a range of situations including: where children have been conceived by donated sperm or a donated egg or embryo; were born into lesbian and gay families and to single women; were born into surrogacy arrangements, and were registered with no named father on their birth certificate.

The team is actively consulting with various interest groups and a final report is expected towards the end of the year.

In June 2004, a study paper was published under the title *Intimate Covert Filming* (NZLC SP15). The paper responded to a request from the Minister Responsible for the Law Commission who asked that the Commission focus in particular on covert filming that involved the taking of a visual record of another person, without their approval, in situations involved nudity, partial nudity, or physical or bodily intimacy where people had a reasonable expectation of privacy, and the subsequent use of any such record.

Subjects of such filming are deprived the right to control access to their most private behaviours and aspects of the self. The privacy invasions are amplified by the ease with which images can now be made, copied, manipulated and distributed.

The Commission found that the existing law did not respond adequately to this conduct, although following a recent Court of Appeal majority decision in *Hosking v Runting*, the subjects of intimate covert filming may be able to seek remedies in the civil courts under the tort of interference with privacy, at least in respect of distribution of the images.

The Commission proposed that offences must relate to images of a very intimate nature. Those filmed must be in circumstances that would reasonably be expected to provide privacy, and must be in a state of undress, engaged in sexual activity, or engaged in other intimate bodily activity such as using a toilet. It would also be an offence to film up, under or down a person's clothing when that person had a reasonable expectation that such filming would not occur.

Separate offences for making distribution and possession of secretly filmed intimate images were recommended in the study paper. Maximum penalties of three years' imprisonment were proposed for the offences of making a voyeuristic recording and publishing a voyeuristic recording, with 12 months' imprisonment as the maximum for the possession offence. The sentencing court should also have the power to order the destruction of images and forfeiture to the Crown of any equipment associated with the offending.

Subjects of intimate covert filming should also have the opportunity to use the civil justice system to seek specifically tailored redress for the harm they had suffered.

The Commission also recommended several amendments to the Privacy Act 1993. The first would ensure that all conduct falling within the proposed offences could be dealt with as a breach of privacy complaint and, secondly, would specifically allow for the remedy of forfeiture of any images and equipment used in making or distributing the images.

In response to the report the Minister of Justice announced that the Government will legislate against covert filming of people in intimate situations.

All these publications are available from the Commission or can be downloaded free-of-charge from our website at [www.lawcom.govt.nz](http://www.lawcom.govt.nz).

## ADVISORY SERVICES TO OTHER STATE AGENCIES

For details please refer page 27.

## CORPORATE SERVICE

### **Finance**

The Commission operated with four Commissioners for most of the year, although the budget was for six Commissioners allowed under the Law Commission Act 1985. Consequently, the expenses on salaries were substantially lower than the budget. All other expenses were largely in line with the budget. The overall result was a deficit of \$270,714 against a budgeted deficit of \$742,895. The deficit was funded from the reserves.

## Changes in staff

During the year the following staff members left the Commission:

- Julia de Bres
- Elizabeth Craig
- Jacki Eves (returned to the Office of the Auditor-General at the end of the secondment)
- Rachael James
- Judith Porter

During the year the following joined the Commission:

- Anne Broughton
- Pam McMillan
- Elizabeth Thomas
- Margaret Thompson.

## Commissioners and staff



*Standing (left to right)* Helen Colebrook, Claire Phillips, Jacqueline Kitchen, Christine Kleingeld, Raewyn Champion, Pam McMillan, Susan Hall, Chris Waight, Marilyn Cameron, Janet November, Rachel Hayward Colleen Gurney, Rosalind Brown, Brenda Speak.

*Seated (left to right)* Margaret Thompson, Eddie Durie, Warren Young, Bruce Robertson, Frances Joychild, Ngatata Love, Richard Clarke.

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# Financial statements for the year ended 30 June 2004

## STATEMENT OF RESPONSIBILITY

**T**HE COMMISSION accepts responsibility for the preparation of the financial statements and the judgments used herein.

The Commission accepts responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of its financial and non-financial reporting.

In the opinion of the Commission the annual financial statements for the year ended 30 June 2004 fairly reflect the financial position and operations of the Law Commission.

*Hon Justice Robertson*  
President

*B Benjamin*  
Executive Manager

15 September 2004

15 September 2004

## STATEMENT OF ACCOUNTING POLICIES FOR THE YEAR ENDED 30 JUNE 2004

### **Reporting entity**

The Law Commission is a Crown entity established by the Law Commission Act 1985.

The Financial Statements have been prepared in accordance with section 17 of the Law Commission Act and section 41 of the Public Finance Act 1989.

### **Measurement base**

The financial statements have been prepared on an historical cost basis, modified by the revaluation of library collections, furniture and fittings and office equipment.

### **Accounting policies**

The following particular accounting policies that materially affect the measurement of financial performance and financial position have been applied:

1 *Budget figures*

The budget figures are those approved by the Commission at the beginning of the financial year.

The budgets have been prepared in accordance with generally accepted accounting practice and are consistent with the accounting policies adopted by the Commission for the preparation of the financial statements.

2 *Revenue*

The Commission derives revenue through the provision of outputs to the Crown, from the sale of its publications to third parties and income from investments. Such revenue is recognised when earned and is reported in the financial period to which it relates.

3 *Goods and Services Tax (GST)*

All items in the financial statements are exclusive of GST, with the exception of receivables and payables, which are stated with GST included.

4 *Taxation*

The Law Commission is a public authority in terms of the Income Tax Act 1994 and consequently is exempt from income tax.

5 *Fixed assets*

All fixed assets are initially recorded at cost. Library collections, furniture and fittings and office equipment are stated at fair value. Fair value is determined using market based evidence. Library collections, furniture and fittings and office equipment are revalued at least every four years. Additions between revaluations are recorded at cost.

Library collections were revalued as at 30 June 2004 by independent valuer, Steph Lambert of Lambert's Library Services. Furniture and fittings and office equipment were revalued as at 30 June 2004 to fair value by independent valuer, Rolle Limited.

Changes in revaluation are charged to the Asset Revaluation Reserve account. When this results in a debit balance in the revaluation reserve account, the balance is expensed in the Statement of Financial Performance.

## 6 *Depreciation*

Depreciation is provided on a straight-line basis on all fixed assets at a rate that will write off the cost (or valuation) of the assets over their useful lives.

The useful lives and associated depreciation rates of major classes of assets have been estimated as follows:

	Estimated useful life (years)	Rate of depreciation (%)
Computer equipment	3	33.3
Furniture and fittings	5	20
Office equipment	3	33.3
Photocopiers – finance lease	4	25
Computer software	3	33.3
Library collections	4	25

## 7 *Investments*

Investments are stated at the lower of cost and net realisable value.

## 8 *Leases*

### *Finance leases*

Leases that effectively transfer to the Commission substantially all the risks and benefits incident to ownership of the leased items are classified as finance leases. These leases are capitalised at the lower of the fair value of the asset or the present value of the minimum lease payments. The leased assets and corresponding lease liabilities are recognised in the Statement of Financial Position. The leased assets are depreciated over the period the Commission is expected to benefit from their use.

### *Operating leases*

Leases where the lessor effectively retains substantially all the risks and benefits of ownership of the leased items are classified as operating leases. Operating lease expenses are recognised on a systematic basis over the period of the lease.

## 9 *Statement of cash flows*

*Cash* means cash balances on hand, held in bank accounts, demand deposits and other highly liquid investments, in which the Commission invests as part of its day-to-day cash management.

*Operating activities* include all activities other than investing and financing activities. The cash inflows include receipts from the sale of goods and services and other sources of revenue that support the Law Commission's operating activities. Cash outflows include payments made to employees, suppliers and for taxes.

*Investing activities* are those activities relating to the acquisition and disposal of non-current assets.

*Financing activities* are those activities relating to changes in equity and debt capital structure of the Commission.

10 *Cost of service statements*

The cost of service statements report the net cost of outputs of the Law Commission.

*Cost allocation policy*

Direct costs identifiable against specific projects are charged directly to those projects. Indirect costs are charged to specific projects in proportion to the direct labour hours recorded against those projects.

*Criteria for direct and indirect costs*

“Direct costs” are those costs directly attributable to a specific project.

“Indirect costs” are those costs that cannot be identified in an economically feasible manner with a specific project.

*Cost drivers for allocation of indirect costs*

The cost of goods and services not directly charged to projects is allocated as overheads using the direct labour hours recorded against projects.

11 *Financial instruments*

The Law Commission is a party to financial instruments as part of its normal operations. These financial instruments include bank accounts, short-term deposits, debtors and creditors. All financial instruments are recognised in the Statement of Financial Position and all revenue and expenses in relation to financial instruments are recognised in the Statement of Financial Performance. All financial instruments are shown at their estimated fair value.

12 *Accounts receivable*

Accounts receivable are stated at their estimated realisable value after providing for doubtful and uncollectable debts.

13 *Employee entitlements*

Provision is made in respect of the Commission’s liability for annual leave. It is calculated on an actual entitlement basis at current rates of pay and is expected to be settled within 12 months of reporting date.

14 *Change in accounting policies*

There have been no changes in accounting policies since the date of the last audited financial statements. All policies have been applied on a basis consistent with the previous years.

STATEMENT OF FINANCIAL PERFORMANCE FOR THE  
YEAR ENDED 30 JUNE 2004

		2004	2003	2004
	Note	Actual	Actual	Budget
		\$	\$	\$
<b>OPERATING REVENUE</b>				
Government grant	8	2,975,111	2,727,111	2,975,111
Interest		86,977	93,937	50,000
Sale of publications		21,843	21,561	10,000
Surplus on sale of fixed assets		0	249	0
Recovery from the Commission of Inquiry for services provided		22,675	0	0
Sundry income		209	461	0
<b>Total operating revenue</b>		<b>3,106,815</b>	<b>2,843,319</b>	<b>3,035,111</b>
<b>OPERATING EXPENDITURE</b>				
Personnel costs		2,034,865	1,751,518	2,398,002
Project costs		368,455	343,687	369,452
Library costs		54,013	51,465	58,300
Administration costs	1	619,347	625,573	655,278
Depreciation	2	300,849	254,150	296,974
<b>Total operating expenditure</b>		<b>3,377,529</b>	<b>3,026,393</b>	<b>3,778,006</b>
<b>Net surplus (deficit) for the period</b>		<b>(270,714)</b>	<b>(183,074)</b>	<b>(742,895)</b>

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The accompanying accounting policies and notes form part of these financial statements.



STATEMENT OF MOVEMENTS IN EQUITY FOR THE  
YEAR ENDED 30 JUNE 2004

		2004	2003	2004
		Actual	Actual	Budget
	Note	\$	\$	\$
<b>Equity as at 1 July 2003</b>		<u>1,634,870</u>	<u>1,817,944</u>	<u>1,630,621</u>
<b>Surplus and revaluations</b>				
Net surplus (deficit) for the year		(270,714)	(183,074)	(742,895)
Increase (decrease) in revaluation reserves	11	<u>245,015</u>	<u>0</u>	<u>0</u>
<b>Total recognised revenues and expenses for the period</b>		<u>(25,699)</u>	<u>(183,074)</u>	<u>(742,895)</u>
<b>Equity as at 30 June 2004</b>		<u>1,609,171</u>	<u>1,634,870</u>	<u>887,726</u>

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The accompanying accounting policies and notes form part of these financial statements.

STATEMENT OF FINANCIAL POSITION AS AT  
30 JUNE 2004

		2004	2003	2004
		Actual	Actual	Budget
	Note	\$	\$	\$
<b>PUBLIC EQUITY</b>				
General funds		1,205,437	1,476,151	729,007
Asset revaluation reserves	11	403,734	158,719	158,719
<b>Total Public equity</b>		<u>1,609,171</u>	<u>1,634,870</u>	<u>887,726</u>
<b>Represented by:</b>				
<b>ASSETS</b>				
<b>CURRENT ASSETS</b>				
Cash and bank		12,472	13,975	10,000
Call deposit at Bank of New Zealand		76,122	135,000	50,000
Short term investments at Bank of New Zealand		1,100,000	1,250,000	662,464
Receivables and prepayments	3	41,220	33,027	23,000
<b>Total current assets</b>		<u>1,229,814</u>	<u>1,432,002</u>	<u>745,464</u>
<b>NON-CURRENT ASSETS</b>				
Fixed assets	4	611,023	458,250	342,262
<b>Total non-current assets</b>		<u>611,023</u>	<u>458,250</u>	<u>342,262</u>
<b>Total assets</b>		<u>1,840,837</u>	<u>1,890,252</u>	<u>1,087,726</u>
<b>LIABILITIES</b>				
<b>CURRENT LIABILITIES</b>				
Payables and accruals	5	200,972	255,382	200,000
Finance leases	12	11,618	0	0
<b>Total current liabilities</b>		<u>212,590</u>	<u>255,382</u>	<u>200,000</u>
<b>NON-CURRENT LIABILITIES</b>				
Finance leases	12	19,076	0	0
<b>Total non-current liabilities</b>		<u>19,076</u>	<u>0</u>	<u>0</u>
<b>Total liabilities</b>		<u>231,666</u>	<u>255,382</u>	<u>200,000</u>
<b>NET ASSETS</b>		<u>1,609,171</u>	<u>1,634,870</u>	<u>887,726</u>

Hon Justice Robertson  
President

B Benjamin  
Executive Manager

The accompanying accounting policies and notes form part of these financial statements.

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED  
30 JUNE 2004

	2004	2003	2004
	Actual	Actual	Budget
Note	\$	\$	\$
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>			
<b>Cash was provided from:</b>			
Government grant	2,975,111	2,727,111	2,975,111
Interest received	85,623	95,756	53,000
Customers	20,701	21,169	16,000
The Commission of Inquiry for services provided	17,416	0	0
Sundry income	461	461	1,000
Net Goods and Services tax	4,144	(4,254)	0
	<u>3,103,456</u>	<u>2,840,243</u>	<u>3,045,111</u>
<b>Cash was applied to:</b>			
Payments to employees	(2,041,901)	(1,682,339)	(2,330,190)
Payments to suppliers	(1,094,023)	(1,059,755)	(1,150,842)
	<u>(3,135,924)</u>	<u>(2,742,094)</u>	<u>(3,481,032)</u>
<b>Net cash inflow (outflow) from operating activities</b>	10 (32,468)	98,149	(435,921)
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>			
<b>Cash was provided from:</b>			
Sale of fixed assets	0	1,591	0
	<u>0</u>	<u>1,591</u>	<u>0</u>
<b>Cash was applied to:</b>			
Purchase of fixed assets	(167,590)	(239,527)	(231,545)
	<u>(167,590)</u>	<u>(239,527)</u>	<u>(231,545)</u>
<b>Net cash inflow (outflow) from investing activities</b>	(167,590)	(237,936)	(231,545)
<b>CASH FLOW FROM FINANCING ACTIVITIES</b>			
<b>Cash was applied to:</b>			
Payment of finance leases	12 (10,323)	0	0
	<u>(10,323)</u>	<u>0</u>	<u>0</u>
<b>Net cash inflow (outflow) from financing activities</b>	(10,323)	0	0
<b>NET INCREASE (DECREASE) IN CASH HELD</b>	<u>(210,381)</u>	<u>(139,787)</u>	<u>(667,466)</u>

	2004	2003	2004
	Actual	Actual	Budget
Note	\$	\$	\$
<b>Plus opening cash balance:</b>			
Bank of New Zealand current account	13,975	21,762	10,000
Bank of New Zealand call deposit account	135,000	117,000	89,930
Bank of New Zealand short-term deposits	1,250,000	1,400,000	1,290,000
	<u>1,398,975</u>	<u>1,538,762</u>	<u>1,389,930</u>
<b>CLOSING CASH BALANCE</b>	<u>1,188,594</u>	<u>1,398,975</u>	<u>722,464</u>
<b>Made up of:</b>			
Bank of New Zealand current account	12,472	13,975	10,000
Bank of New Zealand call deposit account	76,122	135,000	50,000
Bank of New Zealand short-term deposits	1,100,000	1,250,000	662,464
	<u>1,188,594</u>	<u>1,398,975</u>	<u>722,464</u>

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The accompanying accounting policies and notes form part of these financial statements.

NOTES TO FINANCIAL STATEMENTS FOR THE YEAR  
ENDED 30 JUNE 2004

**1 Administration costs include**

	30 June 2004	30 June 2003
	\$	\$
Fees paid to Auditors:		
– External audit	8,500	8,500
Increase (decrease) in provision for doubtful debts	0	0
Rental expenses on operating leases	0	12,755
Finance charges on finance leases	2,612	0
Rent and rates on office accommodation	418,909	417,117

**2 Depreciation on:**

	30 June 2004	30 June 2003
	\$	\$
Computer equipment	58,217	61,370
Furniture and fittings	34,533	35,604
Office equipment	16,022	15,787
Leased office equipment	11,618	0
Computer software	28,321	26,670
Library collections	152,138	114,719
<b>Total</b>	<u>300,849</u>	<u>254,150</u>

**3 Receivables and prepayments**

	30 June 2004	30 June 2003
	\$	\$
Sundry debtors	5,206	4,270
GST receivable	11,160	15,304
Trade debtors	6,903	502
Less: Provision for doubtful debts	(222)	(222)
Prepayments	18,173	13,173
<b>Total</b>	<u>41,220</u>	<u>33,027</u>

#### 4 Fixed assets

	Cost	Valuation	Accumulated depreciation	Net book value 30 June 2004	Net book value 30 June 2003
	\$	\$	\$	\$	\$
Computer equipment	211,726	0	204,677	7,049	58,953
Furniture and fittings	0	157,705	0	157,705	109,521
Office equipment	0	17,205	0	17,205	16,591
Office equipment - leased	46,474	0	19,321	27,153	0
Computer software	372,427	0	350,185	22,242	45,608
Library collections	0	379,669	0	379,669	227,577
<b>Total</b>	<b>630,627</b>	<b>554,579</b>	<b>574,183</b>	<b>611,023</b>	<b>458,250</b>

#### 5 Payables and accruals

	30 June 2004	30 June 2003
	\$	\$
Suppliers of goods and services	98,673	68,351
Employee entitlements	66,877	125,458
Accrued expenses	26,921	28,604
Other creditors	8,501	32,969
<b>Total</b>	<b>200,972</b>	<b>255,382</b>

#### 6 Commitments

##### *Capital expenditure commitments*

There are no commitments for capital expenditure at balance date (30 June 2003, \$Nil).

##### *Lease commitments*

Commitments for non-cancellable leases on rental office accommodation (until 30 June 2007):

	30 June 2004	30 June 2003
	\$	\$
Less than one year	375,812	398,153
Between 1-2 years	375,812	391,386
Between 2-5 years	375,812	773,618
Over 5 years	0	0

30 June 2003 commitments included operating leases of photocopiers.

#### 7 Contingent liabilities and assets

There are no contingent liabilities or assets as at balance date (30 June 2003, \$Nil).

## 8 Related party information

The Law Commission is a Crown owned entity. The Commission received from the Ministry of Justice \$2,975,111 as grant for the financial year (year ended 30 June 2003, \$2,727,111).

## 9 Financial instruments

### *Fair value*

The fair value of financial instruments is equivalent to the carrying amount disclosed in the Statement of Financial Position.

### *Credit risk*

Credit risk is the risk that an outside party will not be able to meet its obligations to the Commission.

Financial Assets that potentially subject the Commission to a concentration of credit risk consist principally of cash, short-term deposits and receivables.

The cash and short-term deposits are placed with the Bank of New Zealand, a high-quality bank.

The concentration of credit risk with respect to receivables is limited by its small value and the relatively large number of customers.

### *Interest rate and currency risks*

The Commission does not have exposure to interest rate or currency risks.

There is a letter of credit for \$60,000 in favour of Datacom Employer Services for the purpose of guaranteeing funds to direct credit staff salaries fortnightly (30 June 2003, \$60,000).

## 10 Reconciliation of net deficit to net cash outflow from operating activities

	2004 Actual \$	2003 Actual \$	2004 Budget \$
Net deficit from operations	(270,714)	(183,074)	(742,895)
Add (less) non cash items:			
Depreciation	300,849	254,150	296,974
Add (less) movements in working capital items:			
(Increase) decrease in receivables and prepayments	(8,193)	5,250	10,000
(Decrease) increase in payables and accruals	(54,410)	22,072	0
Add (less) surplus on fixed assets sales shown under investing activities	0	(249)	0
Net cash inflow (outflow) from operating activities	<u>(32,468)</u>	<u>98,149</u>	<u>(435,921)</u>

## 11 Asset revaluation reserves

	Balance as at 1 July 2003	Transfers to (from) revaluation reserve accounts arising from valuations carried out as at 30 June 2004	Balance as at 30 June 2004
	\$	\$	\$
Furniture and fittings	150,049	82,753	232,802
Office equipment	8,670	15,630	24,300
Library collections	0	146,632	146,632
<b>Total</b>	<b>158,719</b>	<b>245,015</b>	<b>403,734</b>

## 12 Finance leases

Balance payable as at 1 July 2003	\$ 9,949
Add: New lease agreements during the year	\$31,068
Less: Payments during the year	(\$10,323)
Balance as at 30 June 2004	<u>\$30,694</u>
Made up of:	
Current liabilities	<u>\$11,618</u>
Non-current liabilities	
1-2 years	\$10,014
2-5 years	<u>\$9,062</u>
<b>Total</b>	<b><u>\$19,076</u></b>

Leases of photocopiers were treated as operating leases in previous years. These have been recorded as finance leases as at 30 June 2004, to comply with SSAP 18.

## 13 Remuneration of the Chief Executive

In terms of the Law Commission Act 1985, the President of the Commission is the Chief Executive. The current President is a High Court Judge and is paid by the Ministry of Justice. In accordance with the formula agreed with the Ministry of Justice, the Commission reimbursed \$144,636 on account of this. This amount does not represent the actual remuneration received by the President. In determining the amount reimbursed, consideration has been given to the fact that he has sat in the Court of Appeal from time to time.

## 14 Remuneration paid to Commissioners and Staff

Remuneration range \$	Number of Commissioners and employees	
	30 June 2004	30 June 2003
Between 120,001 and 130,000	0	1
Between 130,001 and 140,000	1	0
Between 180,001 and 190,000	0	1
Between 240,001 and 250,000	1	0

Total remuneration paid to all Commissioners including the President was \$609,913 (30 June 2003, \$518,048).



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## Statement of Service Performance for the year ended 30 June 2004

### OUTPUT CLASS: POLICY ADVICE

Budgeted expenditure:	\$3,778,006
Actual expenditure:	\$3,377,529

### QUALITY

All outputs and other work completed by the end of the year met the quality standards set out on pages 29 and 30, to the extent applicable.

### QUANTITY AND TIMELINESS

The work produced by the Commission is set out in the annual work programme submitted to the Minister Responsible for the Law Commission under section 7(1) of the Law Commission Act 1985. The work programme is subject to revision from time to time.

The Statement of Service Performance reports the outputs produced during the financial year as compared with those established in the annual work programme agreed in the Memorandum of Understanding with the Minister Responsible for the Law Commission.

### Public Law

Output	Planned	Actual
Review of the Structure of the Courts - Report	31 October 2003 With the agreement of the Minister, the release date was revised to early 2004	NZLC R85 released in March 2004.
Review of Access to Court Records - Preliminary Paper	30 June 2004	Limited work done because of insufficient Commissioner resources.
Review of Forfeiture Provision of Customs and Excise Act 1996 - Scoping Paper	30 November 2003	Limited work done because of insufficient Commissioner resources.
Privacy Law Review - Report	Definition of work to be undertaken was awaited	As suggested by the Ministry of Justice, no further work was carried out.

Human Tissue – Scoping Paper	30 November 2003	Because substantial work is going on in other sectors of the Government, the Commission did not undertake any work on this topic.
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### Common Law

Output	Planned	Actual
Entry, Search and Seizure – Report	31 December 2003	Further research had to be undertaken in the light of new technology. The report is expected in early 2005.

### Criminal Law

Output	Planned	Actual
Status Hearings – Preliminary Paper	31 March 2004	NZLC PP55 published in July 2004.
Defence of Insanity – Scoping Paper	30 June 2004	Because of insufficient Commissioner resources no work was done during the year. Work commenced in July 2004.
Review of Infringement Offences – Preliminary Paper	31 December 2003	The Ministry of Justice has begun a review of the infringement system. The Commission was to be allocated a discrete area to work on and report. Awaiting terms of reference.
Covert Filming – Study Paper	New reference received during the year	NZLC SP15 released in June 2004.

### Commercial Law

Output	Planned	Actual
Review of Life Insurance Act 1908 – Preliminary Paper	31 December 2003	NZLC PP52 released in December 2003.

### Family Law

Output	Planned	Actual
Status of Parenthood – Preliminary Paper	30 November 2003	NZLC PP54 released in March 2004.

## Te ao Māori

Output	Planned	Actual
Commercial Models for Treaty Settlement Assets – Study Paper	Was awaiting definition of work to be undertaken	The Commission could not proceed with this project, because there was no clear definition of the work or the precise nature of its involvement in the work being undertaken on the topic by other agencies.
Human Rights in the Pacific	New topic	Scoping will be done in 2004/05.

### Advisory work

The Commission provided advice to the Ministry of Justice on the following topics:

Criminal Disclosure Bill  
Review of sexual crimes  
Un-represented litigants.

### Submissions

The Commission made submissions to the Health Committee on the Human Assisted Reproductive Technology Bill/Supplementary Order Paper and to the Justice and Electoral Committee on the Care of Children Bill.

### Follow-up work

The Commission carried out follow-up work on the following Law Commission reports:

Report 69 – *Acquittal Following Perversion of the Course of Justice*  
Report 85 – *Delivering Justice for all: A Vision for New Zealand Courts and Tribunals*  
Report 82 – *Dispute Resolution in the Family Court*  
Study Paper 7 – *Simplification of Criminal Procedure Legislation: An Advisory Report to the Ministry of Justice.*

### Work in progress

As at the balance date, 30 June 2004, the following projects were in progress:

Final report on the Review of Life Insurance Act 1908  
Final report on the Status of Parenthood  
Final report on Entry, Search and Seizure  
Preliminary paper on Status Hearings  
Preliminary paper on the Review of Access to Court Records  
Preliminary paper on the review of the Forfeiture Provisions in the Customs and Excise Act 1996.

## COSTS

Project	30 June 2004 Budget	30 June 2004 Actual
	\$	\$
Public Law	1,172,574	1,122,178
Common Law	329,280	322,613
Criminal Law	735,587	564,210
Commercial Law	547,765	559,119
Family Law	808,253	740,955
Te ao Māori	99,563	31,023
Advisory work, submissions and follow-up work	84,984	37,431
<b>Total</b>	<b>3,778,006</b>	<b>3,377,529</b>

## PERFORMANCE STANDARDS

### Background

#### *Functions of the Commission*

The Law Commission Act 1985 stipulates four key activities for the Law Commission. These are:

- to systematically review the law of New Zealand (section 5(1)(a));
- to recommend reform and development of the law of New Zealand (section 5(1)(b));
- to advise on the review of the law of New Zealand conducted by a department or other organisation or on resulting proposals (section 5(1)(c)); and
- to advise the Minister Responsible for the Law Commission on ways in which the law of New Zealand can be made as understandable and accessible as is practicable (section 5(1)(d)).

#### *Work programme*

The Commission's yearly programme is made up of:

- references from the Minister Responsible for the Law Commission in terms of section 7 of the Law Commission Act 1985;
- projects selected by the Commission on its own initiative (but in practice usually in consultation with the Minister Responsible for the Law Commission (section 5 of the Law Commission Act 1985)); and
- projects selected at the request of other State agencies (section 5 of the Law Commission Act 1985).

## Outputs

The Commission's key outputs usually appear in published form. There are four types of publications:

- *Preliminary papers.* For each project the Commission usually publishes a discussion paper on which interested parties are invited to make submissions.
- *Reports.* In most cases a report will follow a preliminary paper. Reports are produced after taking into account the submissions made by the interested parties. Reports will contain recommendations for law changes and/or new laws. In some cases they will include draft legislation. Reports are tabled in Parliament by the Minister Responsible for the Law Commission or the Portfolio Minister.
- *Miscellaneous papers.* Miscellaneous papers contain the findings of the research done on specific subjects that are considered important.
- *Study papers.* These are mainly advice given to other government agencies on specific matters and studies on subjects of a general nature.

## Performance standards

The performance of the Commission is measured against the following four standards: quality, quantity, timeliness and cost.

### Quality

Quality is achieved by ensuring the following:

- *Purpose.* The purpose will be clearly identified and focused on remedying the mischief to which it is addressed.
- *Logic.* All argument will be logical and supported by facts, and explain any assumptions made.
- *Accurate research.* The paper will be supported by research that is thorough, accurate and takes account of all relevant material.
- *Practicality.* The paper will consider questions of practicality, especially issues of implementation, cost, technical feasibility, timing and consistency with other Commission policies.
- *Consultation.* Advice and recommendations will be the result of appropriate consultation with interested parties, and all reasonable objections will be identified. All submissions will be carefully considered before the final report.
- *Peer review.* In many cases, selected external experts will review the papers.
- *Internal review.* Each publication will be subjected to rigorous and critical review by all the Commissioners.
- *Presentation.* The paper will be written in as clear a manner as accepted legal phrasing allows.

### *Quantity*

The outputs listed in the work programme will be achieved.

### *Timeliness*

Timeliness will be achieved by meeting the reporting dates set in the work programme. However, unless the Commission is expressly called upon to meet a particular timeframe, reporting dates are arrived at for the internal purposes of the Commission in relation to such matters as workflow control. Predicted dates can, in practice, be exceeded for a number of reasons, which include such factors as setting aside a particular project to meet a more urgent subsequent deadline and unforeseeable developments in the topic under discussion.

### *Cost*

Each project will be completed within the budgeted cost.

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## REPORT OF THE AUDITOR-GENERAL

### TO THE READERS OF THE LAW COMMISSION'S FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2004

The Auditor-General is the auditor of the Law Commission. The Auditor-General has appointed me, Jo Smaill, using the staff and resources of Audit New Zealand, to carry out the audit of the financial statements of the Law Commission, on his behalf, for the year ended 30 June 2004.

#### **Unqualified opinion**

In our opinion the financial statements of the Law Commission on pages 13 to 30:

- comply with generally accepted accounting practice in New Zealand; and
- fairly reflect:
  - the Law Commission's financial position as at 30 June 2004;
  - the results of its operations and cash flows for the year ended on that date; and
  - its service performance achievements measured against the performance targets adopted for the year ended on that date.

The audit was completed on 15 September 2004, and is the date at which our opinion is expressed.

The basis of the opinion is explained below. In addition, we outline the responsibilities of the Members of the Law Commission and the Auditor, and explain our independence.

#### **Basis of opinion**

We carried out the audit in accordance with the Auditor-General's Auditing Standards, which incorporate the New Zealand Auditing Standards.

We planned and performed our audit to obtain all the information and explanations we considered necessary in order to obtain reasonable assurance that the financial statements did not have material misstatements, whether caused by fraud or error.

Material misstatements are differences or omissions of amounts and disclosures that would affect a reader's overall understanding of the financial statements. If we had found material misstatements that were not corrected, we would have referred to them in the opinion.

Our audit involved performing procedures to test the information presented in the financial statements. We assessed the results of those procedures in forming our opinion.

Audit procedures generally include:

- determining whether significant financial and management controls are working and can be relied on to produce complete and accurate data;
- verifying samples of transactions and account balances;
- performing analyses to identify anomalies in the reported data;
- reviewing significant estimates and judgements made by the Members of the Law Commission;
- confirming year-end balances;
- determining whether accounting policies are appropriate and consistently applied; and
- determining whether all financial statement disclosures are adequate.

We did not examine every transaction, nor do we guarantee complete accuracy of the financial statements.

We evaluated the overall adequacy of the presentation of information in the financial statements. We obtained all the information and explanations we required to support the opinion above.

### **Responsibilities of the Members of the Law Commission and the Auditor**

The Members of the Law Commission are responsible for preparing financial statements in accordance with generally accepted accounting practice in New Zealand. Those financial statements must fairly reflect the financial position of the Law Commission as at 30 June 2004. They must also fairly reflect the results of its operations and cash flows and service performance achievements for the year ended on that date. The Members of the Law Commission's responsibilities arise from the Public Finance Act 1989.

We are responsible for expressing an independent opinion on the financial statements and reporting that opinion to you. This responsibility arises from section 15 of the Public Audit Act 2001 and section 43(1) of the Public Finance Act 1989.

### **Independence**

When carrying out the audit we followed the independence requirements of the Auditor-General, which incorporate the independence requirements of the Institute of Chartered Accountants of New Zealand.

Other than the audit, we have no relationship with or interests in the Law Commission.



Jo Smaill  
Audit New Zealand  
On behalf of the Auditor-General  
Wellington, New Zealand

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### **Matters relating to the electronic presentation of the audited financial statements**

This audit report relates to the financial statements of the Law Commission for the year ended 30 June 2004 included on the Law Commission's website. The Members of the Law Commission are responsible for the maintenance and integrity of the Law Commission's website. We have not been engaged to report on the integrity of the Law Commission's web site. We accept no responsibility for any changes that may have occurred to the financial statements since they were initially presented on the web site.

We have not been engaged to report on any other electronic versions of the Law Commission's financial statements, and accept no responsibility for any changes that may have occurred to electronic versions of the financial statements published on other websites and/or published by other electronic means.

The audit report refers only to the financial statements named above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements. If readers of this report are concerned with the inherent risks arising from electronic data communication they should refer to the published hard copy of the audited financial statements and related audit report dated 15 September 2004 to confirm the information included in the audited financial statements presented on this web site.

Legislation in New Zealand governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

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APPENDIX A  
Members and staff of the  
Law Commission  
as at 30 June 2004

MEMBERS OF THE LAW COMMISSION

The Hon Justice J Bruce Robertson – President

Dr Ngatata Love QSO JP

Frances Joychild

Richard Clarke QC

Dr Warren Young

STAFF OF THE LAW COMMISSION

Executive Manager

Bala Benjamin

Legal Research Manager

Margaret Thompson

Senior Consultants

Neville Trendle

Helen Aikman

Senior Legal Researchers

Helen Colebrook

Susan Hall

Rachel Hayward

Janet November

Victoria Stace

Elizabeth Thomas

Legal Researchers

Anne Broughton

Claire Phillips

Alexander Schumacher

Principal Librarian

Pam McMillan

Librarian

Jacqueline Kitchen

Student Library Assistant

Rosalind Brown

Secretaries

Raewyn Champion

Gloria Hakiwai

Christine Kleingeld

Receptionist/Assistant Publications Officer	Colleen Gurney
Systems Administrator	Brenda Speak
Administration and Library Assistant	Marilyn Cameron
Finance and Administration Assistant	Chris Waight

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APPENDIX B  
Law Commission publications  
as at 30 June 2004

REPORT SERIES

No	Name	Released	Government response
NZLC R1	Imperial Legislation in Force in New Zealand	March 1987	Largely implemented by the Imperial Laws Application Act 1988 and associated legislation.
NZLC R2	Annual Report	1987	
NZLC R3	The Accident Compensation Scheme: Interim Report on Aspects of Funding	November 1987	Considered in preparing the Accident Rehabilitation and Compensation Insurance Act 1992 and some recommendations reflected in its provisions.
NZLC R4	Personal Injury: Prevention and Recovery (Report on the Rehabilitation and Accident Compensation Scheme)	May 1988	Considered also in connection with reviews of the Accident Compensation Insurance Act 1992 and implementing regulations undertaken in 1994.
NZLC R5	Annual Report	1988	
NZLC R6	Limitation Defences in Civil Proceedings	October 1988	One recommendation enacted in section 91 of the Building Act 1991.
NZLC R7	The Structure of the Courts	March 1989	Substantial effect given to the Commission's recommendations in the various enactments passed to reform the jurisdiction of the courts in 1991 and 1992.
NZLC R8	A Personal Property Securities Act for New Zealand	April 1989	Implemented by the Personal Property Securities Act 1999.
NZLC R9	Company Law: Reform and Restatement	June 1989	Companies Act 1993, Receiverships Act 1993 and amendments to the Property Law Act 1952 and the Companies Act 1955 entered into force on 1 July 1994.
NZLC R10	Annual Report	1989	
NZLC R11	Legislation and its Interpretation: Statutory Publications Bill	September 1989	Implemented in part by the Regulations (Disallowance) Act 1989 and the Acts and Regulations Publications Act 1989.

No	Name	Released	Government response
NZLC R12	First Report on Emergencies: Use of the Armed Forces	February 1990	Implemented in the Defence Act 1990.
NZLC R13	Intellectual Property: The Context for Reform	March 1990	For use as a resource. No law changes recommended.
NZLC R14	Criminal Procedure: Part One: Disclosure and Committal	June 1990	Amendments contained in the Criminal Procedure Bill introduced in June 2004.
NZLC R15	Annual Report	1990	
NZLC R16	Company Law Reform: Transition and Revision	September 1990	A supplement to NZLC R9.
NZLC R17	A New Interpretation Act: To Avoid “Prolivity and Tautology”	December 1990	Recommendations form the basis of the Interpretation Act 1999.
NZLC R18	Aspects of Damages: Employment Contracts and the Rule in <i>Addis v Gramophone Co</i>	March 1991	Implemented almost in entirety by the Employment Contracts Act 1991.
NZLC R19	Aspects of Damages: The Rules in <i>Bain v Fothergill</i> and <i>Joyner v Weeks</i>	May 1991	Abolition of the rule in <i>Bain v Fothergill</i> implemented by the Property Law Amendment Act 1994. Problems with the rule in <i>Joyner v Weeks</i> partially addressed in <i>Māori Trustee v Rogross Farms Ltd</i> [1994] 3 NZLR 410 (CA).
NZLC R20	Arbitration	October 1991	Implemented by the Arbitration Act 1996.
NZLC R21	Annual Report	1991	
NZLC R22	Final Report on Emergencies	December 1991	A supplement to NZLC R12. Materially influenced the Biosecurity Act 1993.
NZLC R23	The United Nations Convention on Contracts for the International Sale of Goods: New Zealand’s Proposed Acceptance	June 1992	Implemented by the Sale of Goods (United Nations Convention) Act 1994.
NZLC R24	Annual Report	1992	
NZLC R25	Contract Statutes Review	May 1993	Many of the recommendations have been included in the Statutes Amendment Bill 2001. Proposals relating to the Sale of Goods Act 1908 are the responsibility of the Ministry of Economic Development. Not currently a high ministerial priority.
NZLC R26	Annual Report	1993	
NZLC R27	The Format of Legislation	December 1993	Adopted by Chief Parliamentary Counsel.

No	Name	Released	Government response
NZLC R28	Aspects of Damages: The Award of Interest on Money Claims	May 1994	Recommendations not implemented. The New Zealand Law Society and the Department of Justice did not support the proposals advanced by the Law Commission. There has been no further work to address their concerns, although the Government recently amended the statutory rate of interest for Court orders, with effect from 1 August 2002.
NZLC R29	A New Property Law Act	June 1994	Progress has been made at the Ministry of Justice on updating the proposals and some consultation undertaken.
NZLC R30	Community Safety: Mental Health and Criminal Justice Issues	August 1994	Included in the Criminal Procedure (Mentally Impaired Persons) Act passed in October 2003.
NZLC R31	Police Questioning	October 1994	Report recommendations have been considered by Ministry of Justice officials. Not currently a high ministerial priority.
NZLC R32	Annual Report	1994	
NZLC R33	Annual Report	1995	
NZLC R34	A New Zealand Guide to International Law and its Sources	May 1996	For use as a resource. No law changes recommended.
NZLC R35	Legislation Manual: Structure and Style	May 1996	For use as a resource. Proposals on structure and style substantially adopted by the Parliamentary Counsel Office and in widespread use.
NZLC R36	Annual Report	1996	
NZLC R37	Crown Liability and Judicial Immunity: A response to <i>Baigent's</i> case and <i>Harvey v Derrick</i>	May 1997	Recommendations as to <i>Baigent's</i> case accepted. Implemented in part by section 27 Interpretation Act 1999.
NZLC R38	Succession Law: Homicidal Heirs	July 1997	No action.
NZLC R39	Succession Law: A Succession (Adjustment) Act	August 1997	Some issues addressed in the Property (Relationships) Bill 2001.
NZLC R40	Review of the Official Information Act 1982	October 1997	Some proposals have been included in the Statutes Amendment Bill (No 3) passed in October 2003.

No	Name	Released	Government response
NZLC R41	Succession Law: A Succession (Wills) Act	October 1997	No action.
NZLC R42	Evidence Law: Witness Anonymity Evidence	October 1997	Largely implemented by the (Witness Anonymity) Act 1997.
NZLC R43	Annual Report	1997	
NZLC R44	Habeas Corpus: Procedure	November 1997	Implemented by Habeas Corpus Act 2001.
NZLC R45	The Treaty Making Process: Reform and the Role of Parliament	December 1997	Partially implemented by changes to Standing Orders.
NZLC R46	Some Insurance Law Problems	May 1998	The Minister has considered a report from officials on the issues raised and has directed further work to proceed as other priorities allow.
NZLC R47	Apportionment of Civil Liability	May 1998	No action.
NZLC R48	Annual Report	September 1998	
NZLC R49	Compensating the Wrongly Convicted (1998)	September 1998	Implemented by adoption of new Cabinet policy (prerogative).
NZLC R50	Electronic Commerce Part One: A Guide for the Legal and Business Community	October 1998	Followed by Part Two. No recommendations made but basis for law reform to accommodate needs of electronic commerce explored and submissions invited: see NZLC R58.
NZLC R51	Dishonestly Procuring Valuable Benefits	December 1998	Reflected in the Crimes Amendment Bill (No 6) passed in July 2003.
NZLC R52	Cross-Border Insolvency: Should New Zealand Adopt the UNCITRAL Model Law on Cross-Border Insolvency?	February 1999	Legislation is likely to be introduced later in 2004 or early 2005.
NZLC R53	Justice: The Experiences of Māori Women Te Tikana o te Ture: Te Mātaurangi o ngā Wāhine Māori e pa ana ki tēnei	April 1999	No specific measures proposed.
NZLC R54	Computer Misuse	May 1999	Included in the Crimes Amendment Act (No 6) passed in July 2003.
NZLC R55	Evidence	August 1999	Legislation is likely to be introduced mid-August 2004.
NZLC R56	Annual Report	September 1999	
NZLC R57	Retirement Villages	September 1999	Included in the Retirement Villages Act passed in October 2003.
NZLC R58	Electronic Commerce Part Two: A Basic Legal Framework	November 1999	Reflected in Electronic Transactions Act 2002.

No	Name	Released	Government response
NZLC R59	Shared Ownership of Land	November 1999	A discussion paper is being prepared by the Ministry of Economic Development on a review of the Unit Titles Act 1972, for consultation. This work is being progressed with the aim of obtaining Cabinet policy approvals by the end of 2004.
NZLC R60	Costs in Criminal Cases	May 2000	No action proposed in the report.
NZLC R61	Tidying the Limitation Act	July 2000	The Minister has considered a report from officials on the issues raised. Further work will proceed as other priorities allow.
NZLC R62	Coroners	August 2000	Policy decisions have been made and drafting instructions issued. A bill is expected to be introduced by the end of 2004.
NZLC R63	Annual Report	August 2000	
NZLC R64	Defaming Politicians: A Response to <i>Lange v Atkinson</i>	August 2000	No action.
NZLC R65	Adoption and Its Alternatives: A Different Approach and a New Framework	September 2000	Policy proposals have been developed, but will not proceed this parliamentary term because of other higher priorities.
NZLC R66	Criminal Prosecution	October 2000	Some of the recommendations are contained in the Criminal Procedure Bill introduced in June 2004. Cabinet policy approvals have been obtained for the remaining recommendations and drafting instructions for the Parliamentary Counsel Office are being prepared as other priorities allow.
NZLC R67	Tax and Privilege: Legal Professional Privilege and the Commissioner of Inland Revenue's Powers to Obtain Information	October 2000	Inland Revenue Department officials hope to have legislation introduced in late 2004.
NZLC R68	Electronic Commerce Part Three: Remaining Issues	December 2000	Many of the issues identified are being progressed through legislation.
NZLC R69	Juries in Criminal Trials	February 2001	Amendments contained in the Criminal Procedure Bill introduced in June 2004.
NZLC R70	Acquittal Following Perversion of the Course of Justice	March 2001	Amendments contained in the Criminal Procedure Bill introduced in June 2004.



No	Name	Released	Government response
NZLC R71	Misuse of Enduring Powers of Attorney	April 2001	No action.
NZLC R72	Subsidising Litigation	May 2001	Cabinet has approved the implementation of a conditional fee regime. The provisions are included in the Lawyers and Conveyancers Bill introduced in 2004.
NZLC R73	Some Criminal Defences with Particular Reference to Battered Defendants	May 2001	Government has asked the Law Commission to consider the issues as part of a new reference on criminal defences.
NZLC R74	Minority Buy-Outs	August 2001	Under consideration by the Ministry of Economic Development.
NZLC R75	Annual Report	August 2001	
NZLC R76	Proof of Disputed Facts on Sentence	December 2001	Incorporated in the Sentencing Act 2002.
NZLC R77	The Future of the Joint Family Homes Act	January 2002	The Government intends to undertake further work to assess the impact of the Property (Relationships) Act 1976 and to seek the views of experienced members of the legal profession on the practical implications of removing this option for protecting a home against creditors.
NZLC R78	General Discovery	February 2002	No government action expected. Recommendations were made to the High Court Rules Committee.
NZLC R79	Some Problems in the Law of Trusts	May 2002	The Government agreed that it is timely to consider the issues and intends to undertake further work on the recommendations. The work will be advanced as other priorities allow.
NZLC R80	Protections Some Disadvantaged People May Need	April 2002	The response identified the need for further work before policy decisions are sought, including extensive consultation. Given its scope it is unlikely the project will be completed in this Parliamentary term.
NZLC R81	Annual Report	August 2002	
NZLC R82	Dispute Resolution in the Family Court	April 2003	Work has begun to develop the proposed non-judge-led mediation pilot. The pilot is expected to run from January to December 2005 (subject to success of the budget

No	Name	Released	Government response
			bid). In addition, work has begun on a proposed Family Courts Matters Bill to address a number of the Law Commission's recommendations.
NZLC R83	Improving the Arbitration Act 1996	February 2003	The Government considers generally that further consideration of each recommendation is required, along with consultation and discussion with affected stakeholders. This is to ensure that the recommendations do provide an appropriate balance of competing interests and reflect wider government policy settings. This work will be undertaken as other ministerial priorities allow.
NZLC R84	Annual Report	August 2003	
NZLC R85	Delivering Justice for All: A Vision for New Zealand Courts and Tribunals	March 2004	Officials from the Ministry of Justice are preparing a government response to be tabled in September 2004.

## PRELIMINARY PAPER SERIES

No	Name	Released	Outcome
NZLC PP1	Legislation and its Interpretation: The Acts Interpretation Act 1924 and Related Legislation	June 1987	Followed by report NZLC R17.
NZLC PP2	The Accident Compensation Scheme	September 1987	Followed by reports NZLC R3 and NZLC R4.
NZLC PP3	The Limitation Act 1950	September 1987	Followed by report NZLC R6.
NZLC PP4	The Structure of the Courts	December 1987	Followed by report NZLC R7.
NZLC PP5	Company Law	December 1987	Followed by reports NZLC R9 and NZLC R16.
NZLC PP6	Reform of Personal Property Security Law (report by Prof JH Farrar and MA O'Regan)	1988	Followed by report NZLC R8.
NZLC PP7	Arbitration	November 1988	Followed by report NZLC R20.
NZLC PP8	Legislation and its Interpretation	December 1988	Followed by report NZLC R17.
NZLC PP9	The Treaty of Waitangi and Māori Fisheries – Mataitai Nga Tikanga Māori me te Tiriti o Waitangi	March 1989	For use as a resource. Reference withdrawn by the Minister of Justice at Law Commission's request.
NZLC PP10	Hearsay Evidence	June 1989	Followed by report NZLC R55.
NZLC PP11	"Unfair" Contracts	September 1990	No further consideration is intended.

No	Name	Released	Outcome
NZLC PP12	The Prosecution of Offences	November 1990	Followed by discussion paper NZLC PP28.
NZLC PP13	Evidence Law: Principles for Reform	April 1991	Followed by report NZLC R55.
NZLC PP14	Evidence Law: Codification	April 1991	Followed by report NZLC R55.
NZLC PP15	Evidence Law: Hearsay	April 1991	Followed by report NZLC R55.
NZLC PP16	The Property Law Act 1952	July 1991	Followed by report NZLC R29.
NZLC PP17	Aspects of Damages: Interest on Debts and Damages	November 1991	Followed by report NZLC R28.
NZLC PP18	Evidence Law: Expert Evidence and Opinion Evidence	December 1991	Followed by report NZLC R55.
NZLC PP19	Apportionment of Civil Liability	March 1992	Followed by report NZLC R47.
NZLC PP20	Tenure and Estates in Land	June 1992	No further consideration is intended.
NZLC PP21	Criminal Evidence: Police Questioning	September 1993	Followed by report NZLC R31.
NZLC PP22	Evidence Law: Documentary Evidence and Judicial Notice	May 1994	Followed by report NZLC R55.
NZLC PP23	Evidence Law: Privilege	May 1994	Followed by report NZLC R55.
NZLC PP24	Succession Law: Testamentary Claims	August 1996	Followed by reports NZLC R38, NZLC R39, and NZLC R41.
NZLC PP25	The Privilege Against Self-Incrimination	September 1996	Followed by report NZLC R55.
NZLC PP26	The Evidence of Children and Other Vulnerable Witnesses	October 1996	Followed by report NZLC R55.
NZLC PP27	Evidence Law: Character and Credibility	February 1997	Followed by report NZLC R55.
NZLC PP28	Criminal Prosecution	March 1997	Followed by report NZLC R66.
NZLC PP29	Evidence Law: Witness Anonymity	September 1997	Followed by report NZLC R42.
NZLC PP30	Repeal of the Contracts Enforcement Act 1956	December 1997	Deferred.
NZLC PP31	Compensation for Wrongful Conviction or Prosecution	April 1998	Followed by report NZLC R49.
NZLC PP32	Juries in Criminal Trials: Part One	July 1998	Followed by Juries in Criminal Trials: Part Two NZLC PP37 and report NZLC R69.
NZLC PP33	Defaming Politicians: A Response to <i>Lange v Atkinson</i>	September 1998	Followed by report NZLC R64.
NZLC PP34	Retirement Villages	October 1998	Followed by report NZLC R57.
NZLC PP35	Shared Ownership of Land	January 1999	Followed by report NZLC R59.
NZLC PP36	Coroners: A Review	August 1999	Followed by report NZLC R62.
NZLC PP37	Juries in Criminal Trials: Part Two	November 1999	Followed by report NZLC R69.

No	Name	Released	Outcome
NZLC PP38	Adoption: Options for Reform	October 1999	Followed by report NZLC R65.
NZLC PP39	Limitation of Civil Actions	February 2000	Followed by report NZLC R61.
NZLC PP40	Misuse of Enduring Powers of Attorney	May 2000	Followed by report NZLC R71.
NZLC PP41	Battered Defendants: Victims of Domestic Violence Who Offend	August 2000	Followed by report NZLC R73.
NZLC PP42	Acquittal Following Perversion of the Course of Justice: A Response to <i>R v Moore</i>	September 2000	Followed by report NZLC R70.
NZLC PP43	Subsidising Litigation	December 2000	Followed by report NZLC R72.
NZLC PP44	The Future of the Joint Family Homes Act	August 2001	Followed by report NZLC R77.
NZLC PP45	Reforming the Rules of General Discovery	September 2001	Followed by report NZLC R78.
NZLC PP46	Improving the Arbitration Act 1996	September 2001	Followed by report NZLC R83.
NZLC PP47	Family Court Dispute Resolution	January 2002	Followed by report NZLC R82.
NZLC PP48	Some Problems in the Law of Trusts	January 2002	Followed by report NZLC R79.
NZLC PP49	Protecting Personal Information from Disclosure	February 2002	As requested by the Ministry of Justice no further work will be done.
NZLC PP50	Entry, Search and Seizure	April 2002	Final report to be issued.
NZLC PP51	Striking the Balance: Your Opportunity to Have Your Say on the New Zealand Court System	May 2002	Followed by options paper NZLC PP52 and final report NZLC R85.
NZLC PP52	Seeking Solutions: Options for Change to the New Zealand Court System	December 2002	Followed by report NZLC R85.
NZLC PP53	Life Insurance	December 2003	Final report to be issued.
NZLC PP54	New Issues in Legal Parenthood	March 2004	Final report to be issued.

## STUDY PAPER SERIES

No	Name	Released	Outcome
NZLC SP1	Women's Access to Legal Services	June 1999	No specific measures proposed.
NZLC SP2	Priority Debts in the Distribution of Insolvent Estates: An Advisory Report to the Ministry of Commerce	October 1999	Considered by the Ministry of Economic Development in the review of insolvency law.
NZLC SP3	Protecting Construction Contractors	November 1999	Adopted in Construction Contracts Act 2002.
NZLC SP4	Recognising Same-Sex Relationships	December 1999	Submission to the Ministry of Justice – no further action required.

No	Name	Released	Outcome
NZLC SP5	International Trade Conventions	November 2000	Resource only.
NZLC SP6	To Bind their Kings in Chains: An Advisory Report to the Ministry of Justice	December 2000	Reflected in provisions of Crown Organisations (Criminal Liability) Act 2002.
NZLC SP7	Simplification of Criminal Procedure Legislation: An Advisory Report to the Ministry of Justice	January 2001	Under consideration by the Ministry of Justice.
NZLC SP8	Determining Representation Rights under Te Ture Whenua Māori Act 1993: An Advisory Report for Te Puni Kōkiri	March 2001	Under consideration.
NZLC SP9	Māori Custom and Values in New Zealand Law	March 2001	Resource only.
NZLC SP10	Mandatory Orders Against the Crown and Tidying Judicial Review	March 2001	No action.
NZLC SP11	Insolvency Law Reform: Promoting Trust and Confidence: An Advisory Report to the Ministry of Economic Development	May 2001	Considered by the Ministry of Economic Development in the review of insolvency law.
NZLC SP12	Electronic Technology and Police Investigations	February 2002	Advice to the Ministry of Justice.
NZLC SP13	Treaty of Waitangi Claims: Addressing the Post-Settlement Phase: An Advisory Report for Te Puni Kōkiri, the Office of Treaty Settlements and the Chief Judge of the Māori Land Court	August 2002	Advice to the Ministry for Māori Development.
NZLC SP14	Liability for Loss Resulting from the Development, Supply or Use of Genetically Modified Organisms	August 2002	Advice to the Minister.
NZLC SP15	Intimate Covert Filming	June 2004	Advice to the Minister.

## MISCELLANEOUS PAPER SERIES

No	Name	Released	Outcome
NZLC MP1	What Should Happen to your Property when you Die?	August 1996	Preliminary to NZLC R39 and NZLC R41.
NZLC MP2	Succession Law: Wills Reforms	October 1996	Preliminary to NZLC R39 and NZLC R41.
NZLC MP3	Information about Lawyers' Fees	October 1996	Preliminary to NZLC SP1.

No	Name	Released	Outcome
NZLC MP4	Women's Access to Legal Information	March 1997	Preliminary to NZLC SP1.
NZLC MP5	The Law of Parliamentary Privilege	December 1996	Resource only.
NZLC MP6	The Taking into Account of Te Ao Māori in Relation to Reform of the Law of Succession	July 1996	Resource only.
NZLC MP7	Strategic Business Plan 1996/97	December 1996	Resource only.
NZLC MP8	Women's Access to Civil Legal Aid	March 1997	Preliminary to NZLC SP1.
NZLC MP9	Women's Access to Legal Advice and Representation	April 1997	Preliminary to NZLC SP1.
NZLC MP10	Lawyers' Costs in Family Law Disputes	June 1997	Preliminary to NZLC SP1.
NZLC MP11	The Education and Training of Law Students and Lawyers	September 1997	Preliminary to NZLC SP1.
NZLC MP12	Costs in Criminal Cases	November 1997	Followed by report NZLC R60.
NZLC MP13	Aspects of Memory	August 1999	Resource only.