

# Appendix A – Terms of Reference

The Property (Relationships) Act 1976 (“the Act”) created a code which governs the division of property held by married couples, civil union couples and couples who have lived in a de facto relationship when they separate or one of them dies.

The Act was amended in 2001 and 2005 to extend its application to civil unions and de facto partnerships but has not been comprehensively reviewed since its inception. Over time the Act affects almost every New Zealander, both adults and children, and as such it should be reviewed to ensure that it is operating appropriately and effectively.

The Law Commission’s review of the Act will include (but not be limited to) the following matters:

1. The definitions of property, relationship property, and separate property;
2. How a de facto relationship is defined for the purposes of the Act;
3. Differences in the rules governing de facto relationships and marriages/civil unions;
4. Whether the Act gives rise to matters of particular concern to Māori and how these should be addressed;
5. How the interests of children are recognised and protected under the Act and in how it is applied;
6. How the Act functions in relation to sequential relationships and blended families;
7. The ability to make adjustments to take account of economic disparity between spouses and partners, and other departures from equal sharing as contemplated by the Act;
8. The operation of Part 5 of the Act concerning relationship property and creditors;
9. How the Act deals with property held by a company or trust and the powers of the courts in this area;
10. The relationship between and application of the Act and section 182 of the Family Proceedings Act 1980;

11. The provisions relating to contracting out and settlement agreements;
12. The provisions relating to division of property on death;
13. The requirements for disclosure of information in relationship property matters and the consequences for failing to disclose;
14. The jurisdiction of the courts over relationship property matters and the range of orders the courts can make;
15. Whether the Act adequately deals with cross-border issues;
16. Whether the Act facilitates the resolution of relationship property matters in accordance with the reasonable expectations of the parties.

The Law Commission will consult with experts, stakeholders, and the general public over 2016 and 2017. The Commission will report to the Minister with its recommendations by November 2018.

# Appendix B – Consultation

The Law Commission consulted with the following people and organisations during the preparation of this Paper:

Asian Leaders Network	Frances Gush	Professor Patrick Parkinson
Professor Bill Atkin	Dr David Hall	Professor Nicola Peart
Associate Professor Nicola Atwool	John Hancock	Hazel Phillips
Professor Anne Barlow	The Honourable Rodney Hansen CNZM QC	John Porter
Judge Andrew Becroft	Deborah Hart	Richard Power
David Boyle	Eva Hartshorn-Sanders	Hon John Priestley
Professor Margaret Briggs	Anna Heenan	Dr Jan Pryor
Richard Broad	Professor Mark Henghan	Nazmeen Rasheed
Dr Andrew Butler	Andrew Hubbard	Professor Charles Rickett
Charlotte Butruille-Cardew	Simon Jefferson QC	Dr Jeremy Robertson
Natalia Cabaj	Jeremy Johnson	Professor Carol Rogerson
Professor Paul Callister	Mark Jones	Professor Jacinta Ruru
Lady Deborah Chambers QC	Lynda Kearns	Judge Laurence Ryan
Anita Chan QC	Greg Kelly	Caroline Sawyer
Eva Chen	Vasantha Krishnan	Dr Jens Scherpe
Nelly Choy	Professor Tahu Kukutai	Cushla Schofield
Spencer Clarke	Daria Kwon	Fern Seto
Thomas Cleary	Jade Lattimore	Renika Siciliano
Lloyd Collins	Karinia Lee	Hayley Sinclair
Peter Cordtz	Carolyn Luey	Praveen Singh
Jenny Corry	Kai Luey	Judge Anna Skellern
Vivienne Crawshaw	Jan McCartney	Rachel Smith
Robert Didham	Anna McDowell	Sija Spaak
Shamubeel Eaquib	Wendy McGowan	Associate Professor Susan St John
Andrew Easterbrook	Sir Jim McLay KNZM QSO	John Stephenson
Associate Professor Vivienne Elizabeth	Jan McLean	Kirsty Swadling
Chris Ellis	Judith McMillan	Kiriana Tan
Penelope England	Leona McWilliam	Associate Professor Nicola Taylor
Denise Evans	Lisa Mellville	Jessica Temm
Nick Fagerland	Joanna Miles	Professor Rollie Thompson
Robert Fisher QC	Associate Professor Susan Morton	Stephen Van Bohemen
Michael Fletcher	Kent Newman	Holly Walker
Jane Forrest	Julie Nind	Professor Margaret Wilson DCNZM
Dr Megan Gollop	Dr Kathryn O’Sullivan	
David Goddard QC	Gill Palmer	
Dr Gaye Greenwood	Associate Professor Jessica Palmer	
Bharat Guha		