

Issues Paper | He Puka Kaupapa 44

Review of the Property (Relationships) Act 1976: Preferred Approach

**Te Arotake i te Property
(Relationships) Act 1976:
He Aronga i Mariu ai**



The Law Commission | Te Aka Matua o te Ture 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 people of New Zealand.

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Foreword

In our Issues Paper, *Dividing Relationship Property – Time for Change? Te mātatoha rawa tokorau – Kua eke te wā?* we asked whether the existing rules in the Property (Relationships) Act 1976 are still achieving a just division of property at the end of a relationship.

We received extensive feedback on this question from members of the public as well as experts working in the area. We have also been helped by the results of a survey of public attitudes and values on relationship property division in New Zealand which was carried out by the University of Otago and funded by the Michael and Suzanne Borrin Foundation.

We have concluded that there need to be changes to the Property (Relationships) Act 1976 to ensure that we have law which New Zealanders think is fair for most people most of the time.

Our preferred package of reforms is set out in this paper. Please read it and share your opinions with us about whether you agree with the proposals or not. We are open to altering the proposals if it is shown that they will not work as intended or that there is a better approach. The feedback we receive will influence the final recommendations we make to the Government in 2019.



Douglas White
President

Have your say

This paper setting out our preferred approach to reform of the Property (Relationships) Act 1976 is available online at www.lawcom.govt.nz.

We want to know what you think about this preferred approach. Do you agree or disagree with our preferred approach? Please also explain the reasons for your views.

Submissions or comments (formal or informal) on our preferred approach should be received by **14 December 2018**.

You can email your submission to pra@lawcom.govt.nz.

You can post your submission to:

Property (Relationships) Act Review
Law Commission
PO Box 2590
Wellington 6140

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Acknowledgements

The Law Commission gratefully acknowledges the contributions of people and organisations that have shaped our preferred approach. A list of the organisations that made submissions on our Issues Paper *Dividing relationship property: time for change? Te mātatoha rawa tokorau – Kua eke te wā?* is set out in Appendix 2.

In particular, we acknowledge the generous contributions of time and expertise from our Expert Advisory Group:

- Professor Bill Atkin, Victoria University of Wellington
- Judge Andrew Becroft, Children’s Commissioner
- Mr Stephen van Bohemen, Barrister
- Mr David Goddard QC
- Mr Greg Kelly, Greg Kelly Law
- Professor Nicola Peart, University of Otago
- Judge Laurence Ryan, former Principal Family Court Judge
- Professor Jacinta Ruru, University of Otago
- Ms Renika Siciliano, McCaw Lewis
- Ms Kirsty Swadling, Barrister and Mediator

We also acknowledge the additional assistance provided by Chief Judge Jan-Marie Doogue and the Acting Principal Family Court Judges following Judge Ryan’s retirement.

We have been further assisted by the expertise kindly shared with us by Ms Joanna Miles, Reader in Family Law & Policy, University of Cambridge, England; Dr Jens Scherpe, Reader in Comparative Law, University of Cambridge, England; Professor Carol Rogerson, University of Toronto, Canada; Professor Rollie Thompson QC, Dalhousie University, Canada; Ms Vivienne Crawshaw, Barrister, Auckland; and Ms Suzanne Robertson QC, Auckland.

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We are also grateful for the support and guidance of the Māori Liaison Committee to the Law Commission.

The lead Commissioner on this project is Helen McQueen. The advisers who have worked on this paper are Emma Bassett, John-Luke Day, Nichola Lambie, Lisa Yarwood and Karen Yates. The clerks who have worked on this Issues Paper are Maddy Nash, Oralia Rona, Kate Wilson and Tasneem Haradasa.

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