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## Announcements

**Relationship property in New Zealand - Papers by Bill Atkin, Professor of Law, Victoria University of Wellington**

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## LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES

### VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

- **"Property Division: Lessons from New Zealand"**   
*In Panagiotis I Kanellopoulos, Elini Nina-Pazarzi and Cornelia Delouka-Inglessi (eds) Essays in Honor of Penelope Agallopoulou (Athens, Ant N Sakkoulas, 2011) pp 129-151.*  
*Victoria University of Wellington Legal Research Paper No. 17/2017*

**BILL ATKIN**, Victoria University of Wellington - Faculty of Law  
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One of the aims of the law is provide a framework by which people can live their lives with a degree of assurance. The framework ought to contain rules that are tolerably clear but not so inflexible that unusual situations cannot be catered for. This paper questions to what extent family law may be an exception to this? Family law embraces the foibles of human nature and, perhaps increasingly, the volatile values of multicultural societies. Setting out hard and fast rules, especially in relation to the care of children, is arguably not always appropriate. However, is this also true of property and financial issues? Common law countries such as England and Australia have said yes, and have systems containing a notable component of judicial discretion. Others such as New Zealand, drawing on the civil

law tradition have said no. Yet despite New Zealand's deferred community regime, this essay shows that there remain many issues where bright lines are not easy to draw.

### "From Parental Relocation, Rights and Responsibilities to 'Relationship' Property"

*A Bainham (ed) The International Survey of Family Law (2003 edition, Jordan Publishing, Bristol, 2003). Victoria University of Wellington Legal Research Paper No. 18/2017*

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New Zealand family law in 2001 grappled with many issues, both in Parliament and in the courts. The courts dealt with various issues regarding the relocation of children. Guardianship issues were also raised, both in appointing and dismissing a guardian. Child Support payments were increased, and litigation surrounded the calculation of support after departure orders are granted. Various issues in adoption law were litigated. Finally, major reforms were introduced in relationship property.

### "Reforming Property Division in New Zealand: From Marriage to Relationships"

*(2001) 3 EJLR 349. Victoria University of Wellington Legal Research Paper No. 19/2017*

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Relationship property law in New Zealand has undergone massive reform. This article first looks at comparative frameworks, as well as the reform process that led to the changes. It discusses the differences between a unified and separate system of property for married and de facto couples, before describing the changes that the Bill institutes. These changes include varying the equal division rule, narrowing the contracting out provisions, and modifying the discretion the Court has where property is put out of reach of the Court. Finally, the article discusses the position of de facto couples and when they can qualify under the Bill, as well as the rules about surviving a spouse.

### "Economic Disparity – How Did We End Up with it? Has it Been Worth it?"

*(2007) 5 NZFLJ 299 Victoria University of Wellington Legal Research Paper No. 20/2017*

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The Property (Relationships) Amendment Act 2001 was controversial for a number of reasons. Some of the main controversies were around sections 15 and 15A of the Act, provisions addressing economic disparity compensation. This article analyses the historical background to the Amendment's enactment, both in the legislature and in the courts. It then explores some of the key benefits and key detriments of the reform, especially in the context of the Matrimonial Property Act 1976 (as it was originally known), and of the law as a whole.

### "The Rights of Married and Unmarried Couples in New Zealand – Radical New Laws on Property and Succession"

*Child and Family Law Quarterly, Vol. 15, No. 2, pp. 173-184, 2003*

**BILL ATKIN**, Victoria University of Wellington - Faculty of Law  
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Legislative reforms in New Zealand have ushered in a unified approach to property division for married and unmarried couples. The rules also apply to same-sex couples and widowed parties. The article explores the changes with an eye to human rights considerations.

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The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper

Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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