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Relationship Property Division in New Zealand: Public Attitudes and Values

A General Population Survey 2018

Ian Binnie, Nicola Taylor,
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Shirley Simmonds and
Jeremy Robertson





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Technical Research Report to the
Michael and Suzanne Borrin Foundation

Ian Binnie, Nicola Taylor,
Megan Gollop, Mark Henaghan,
Shirley Simmonds and
Jeremy Robertson



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Associate Professor Nicola Taylor,
on behalf of the Research Team

Contents

2	Acknowledgments	
5	Executive Summary	
	Introduction	5
	Awareness of the Equal Sharing Law	6
	Views on the Equal Sharing Law	6
	Scenarios Testing Views about the Application of the Equal Sharing Law	7
	Making (Pre-nuptial) Agreements about Relationship Property Division	8
	Relationship Status and Experience of Relationship Breakups	9
10	Introduction	
	Project Overview	10
	Background	10
	Research Team	11
13	Method	
	Survey Design	13
	Ethical Approval	13
	Survey Testing	13
	Survey Sample	14
	Sampling Approach for the Core Sample	14
	Sampling Approach for the Ethnic Booster Interviews	16
	Telephone Fieldwork	17
	Data Processing	17
	Survey Weighting	17
	Sample Sizes and Margins of Error	18
	Response Rate	18
	Limitations of the Survey Method	19
	Subgroup Analysis	20
	Notes on Reading Figures Within the Research Report	20
22	Awareness of the Equal Sharing Law	
	General Awareness of the Equal Sharing Law	22
	Awareness that the Law Applies to Couples Who Have Lived Together for Three Years	22
	Awareness that the Law Applies to Married and Unmarried Couples in the Same Way	22
	How Awareness Varied by Different Groups	23
	Awareness of the Equal Sharing Law – Key Findings	25
26	Views on Equal Sharing	
	Views on Deciding If the Equal Sharing Law Should Apply to a Couple	26
	Unprompted Views on How Long a Relationship Should Last Before the Equal Sharing Law Applies	29
	Support for the Current Equal Sharing Law	31
	Views about the Ideal Length of Time Before the Equal Sharing Law Applies (among those who disagreed with the current law)	32
	Whether the Time Period Should Be Shorter for Couples with Children	33
	Views on Equal Sharing – Key Findings	34
35	Relationship Property Division Scenarios	
	Scenario One: Fred and Jan (whether a partner should receive their deposit back if it went towards purchasing the family home)	35
	Scenario Two: Thomas and Penny (whether a partner should receive an equal share of a home that was mortgage-free prior to the relationship)	36
	Scenario Three: James and Alice (whether a partner who put their career on hold to look after children should receive additional financial support)	38
	The Effects of Reversing the Names in the Scenarios	39
	How Aspects of the Scenarios Challenge Support for the Equal Sharing Law	40
	Relationship Property Division Scenarios – Key Findings	43

Contents CONT.

44 Pre-nuptial Agreements

Pre-nuptial Agreements: Consideration, Discussion, and Certification	44
Reasons for Not Discussing a Pre-nuptial Agreement	46
Outcome of Discussions About Pre-nuptial Agreements	48
Pre-nuptial Agreements – Key Findings	49

50 Relationship Status and Experience of Relationship Breakup

Current Relationships	50
Experience of Relationship Breakups	50
Relationship Status and Experience of Previous Relationship Breakups – Key Findings	52

54 Summary of Findings for Māori, Pacific and Asian Respondents

Awareness of the Equal Sharing Law	54
Views on Equal Sharing	54
Pre-nuptial Agreements	56
Relationship Status and Experience of Relationship Breakups	56

57 Discussion and Conclusion

Summary of Key Findings	57
Implications of the Key Findings for Relationship Property Division in New Zealand	58

60 Appendix A – Survey Questionnaire

Executive Summary

Introduction

Background

1. The Property (Relationships) Act 1976 (PRA) establishes the rules for how the property of two partners is divided when they separate or when one of them dies. The underpinning principle is that 'relationship property', as defined by the Act, should be divided equally between the two partners when their relationship ends. Despite dramatic demographic and social changes over the past four decades, including the ways in which relationships and families form and function, the PRA has not been comprehensively reviewed since its inception.
2. On 24 May 2016 the Law Commission commenced a new project examining New Zealand's relationship property legislation to see if it still meets the needs and expectations of diverse families in contemporary society. The Law Commission has undertaken extensive consultation with the general public, and with academics, practitioners, other experts and community groups across New Zealand. It will report to the Minister of Justice with its recommendations in April 2019.
3. While many aspects of the PRA could benefit from empirical examination, the University of Otago research team, in consultation with the Law Commission, designed a study to consider whether the PRA still reflects society's values and attitudes as to what is fair when couples separate.¹ The Michael and Suzanne Borrin Foundation generously funded the University of Otago to undertake this research (November 2017 – July 2018) as one of its inaugural grants. This technical research report presents the findings from a nationwide telephone survey undertaken to ascertain public attitudes and values to relationship property division in New Zealand.
4. A second separate, but inter-related, research project will be undertaken to explore how separated couples divide their relationship property and resolve any disputes that arise. These results will be reported in 2020.

Method

5. The University of Otago research team, in consultation with the Law Commission, developed a nationwide telephone survey to address the research question: *'does the PRA still reflect society's values and attitudes as to what is fair when couples separate?'* The survey covered the following topics to address public attitudes and values regarding the overall research question:
 - Awareness about the way New Zealand law deals with dividing property when couples separate.
 - The factors considered important when deciding whether (or not) to apply the law of equal sharing.
 - The degree of support for the current law of equal sharing.
 - Views on the application of the law of equal sharing in different scenarios.
 - The prevalence of pre-existing agreements about the division of relationship property or debts in the event of separation (often referred to as 'pre-nuptial' agreements).
6. Demographic information including each survey respondent's age, ethnicity, gender, marital and home-ownership status, the presence of children in the home, and experience of relationship breakup was also collected.
7. The questions were designed to avoid raising legalistic aspects of relationship property division with the survey respondents. Instead, generalised descriptions of the law were used.

¹ Please note, that this study does not address attitudes and values relating to relationship property division on death.

Executive Summary CONT.

8. The University of Otago commissioned Colmar Brunton, a leading market and social research company in New Zealand, to administer the survey to members of the public. Between January and March 2018 1,361 telephone interviews were undertaken with a representative sample of:
 - 1,011 people aged 18 years and over
 - 150 additional 'booster' interviews with Māori aged 18 years and over
 - 100 additional 'booster' interviews with Pacific peoples aged 18 years and over
 - 100 additional 'booster' interviews with Asian peoples aged 18 years and over.
9. The total sample of 1,361 respondents identified as New Zealand European (68%), Māori (13%), Pacific Peoples (7%), Asian (15%) and Other (5%).²
10. The final results were weighted to ensure they were representative by ethnicity, age, gender, and region. Results from the total sample are subject to a maximum margin of error of +/- 2.7%.

Awareness of the Equal Sharing Law

11. The law of equal sharing was defined to survey respondents as follows: *The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.*

Overview

12. There was generally high awareness of the equal sharing law, but just under half of the respondents were aware of a key feature of the law: *that it applies to couples who have lived together for three years or longer.*
13. Awareness of the equal sharing law was lower for Māori, Pacific and Asian respondents.

Key findings

14. Almost 8 in 10 (79%) respondents were aware of the equal sharing law.
15. However, just under half (48%) knew that the law applies to couples who had lived together for three years or longer.
16. 68% knew that the equal sharing law applies to married and unmarried couples in the same way.
17. Those for whom the law is most applicable had relatively high awareness of the law (87% of those who lived with a partner³ were aware of the equal sharing law).
18. Awareness of the equal sharing law was particularly low for Pacific and Asian respondents (55% and 58% respectively) – this was the case even among Pacific and Asian respondents who lived with their partner (69% and 65% respectively). These respondents also had particularly low awareness that the law applies to couples who had lived together for three years or longer, and that the law applies to unmarried couples as well as married couples in the same way.

Views on the Equal Sharing Law

Overview

19. Respondents thought a range of factors should be considered when deciding if the law of equal sharing should apply to a couple (such as buying a house together, living together, having children together, and sharing finances).
20. Support for the equal sharing law was reasonably widespread among respondents (three-quarters agreed with the law). However, there was no consensus on the length of time that couples should live together before the law applied to them. Around a third thought it should apply to couples who had lived together for less than three years, a third thought it should apply to couples who had lived together for three years, and a third thought it should apply to couples who had lived together for longer than three years.

² Respondents were able to select multiple ethnicities, hence percentages do not add to 100%.

³ The term 'partner' refers to both married and unmarried partners through this report.

21. Views on the importance of marriage in relation to the equal sharing law were polarised, with around three in 10 respondents thinking the law should apply to a couple as soon as they get married. However, around three in 10 believed that marriage should not even be a factor when applying the law to a couple.
22. Around half thought the law should apply sooner to a couple who had children – those with dependent children in the household were more likely to provide this response.

Key findings

23. 74% agreed with the current equal sharing law – however, views were not particularly strong (for example, under a third ‘strongly agreed’ with the law and less than 1 in 10 ‘strongly disagreed’ with it). Respondents who had experienced a breakup where there was relationship property to divide were more likely than others to ‘strongly agree’ or ‘strongly disagree’ with the equal sharing law.
24. Respondents thought a range of factors should be considered when deciding if the law of equal sharing should apply to a couple. Around 9 in 10 believed that buying a house together, living together, having children together, and sharing finances were key factors.
25. There was no consensus on the single most important factor, although the most common response was whether a couple had children together. However, only 22% believed this was the most important factor, which reflects divergent viewpoints on this issue.
26. Neither was there a clear consensus about the period of time that couples should live together before the law of equal sharing applied. Among those who stated a view about the length of time being important, 32% said it should be sooner than three years, 38% said it should be three years, and 29% said it should be longer than this. The average length of time stated was three years and three months.
27. 70% thought that whether the partners were married was an important factor when deciding if the law of equal sharing should apply to a couple. These respondents tended to think couples should not be married for long before the law applies to them. Two-thirds (66%) of these respondents thought that the qualifying period should be less than three years for married couples. The equivalent proportion for *all* relationships (including unmarried couples) was only 32%.
28. Views on the importance of marriage within the total sample were polarised, with around 3 in 10 of the respondents thinking that the equal sharing law should apply to a couple as soon as they get married. However, around 3 in 10 believed that marriage should not even be a factor when applying the law to a couple.
29. Although there was no clear consensus about how long couples should live together, many did not hold strong opinions and appeared happy to accept the current law (despite a range of opinions about the length of the qualifying period, 60% generally agreed with the current law – i.e., that couples should live together for three years before the law applies).
30. 49% thought that the three-year period should be shortened for couples with children. Respondents from households with dependent children living in them were more likely to provide this response (55% of those with dependent children in their house thought this).

Scenarios Testing Views about the Application of the Equal Sharing Law

Overview

31. After stating their views on the equal sharing law, respondents were asked to consider three scenarios involving different separating couples. The scenarios explored respondents’ viewpoints about particular aspects of the law to find out if their perspectives changed when presented with different situations.

Executive Summary CONT.

32. The findings showed that although three-quarters agreed with the equal sharing law, most thought it was appropriate to depart from equal sharing in particular circumstances.

Key findings

33. Overall, 88% of those who agreed with the equal sharing law in principle responded to the scenarios in a way which suggested they did not always support equal sharing in practice.
34. 72% thought that where a couple purchase a house together and share expenses and mortgage payments, but only one partner applied their pre-relationship savings to pay the deposit, that partner should get their deposit back if they separate after four years. Nearly a quarter (24%) thought this should not happen, and the rest said 'it depends' or 'don't know'.
35. However, only 26% thought that the partner should get their deposit back after separating *if the other partner paid for most of the mortgage payments and living expenses*. Over half (58%) thought this should not happen, and the rest said 'it depends' or 'don't know'.
36. 54% thought that, where a couple live in a home that was owned mortgage-free by one partner before the relationship began, that home should not be shared equally if they separate after six years, even if the other partner paid most of the living expenses. 40% thought that the home should be shared equally and the rest said 'it depends' or 'don't know'. However, respondents were more favourable to sharing only the increase in value of the home: 67% of all respondents said that the increase in value should be shared equally.
37. 59% thought that a partner who gave up their career to look after children during the relationship should receive additional financial support from the other partner after they separated. Around a third (35%) thought this should not happen, and the rest said 'it depends' or 'don't know'.

38. The findings also highlighted some differences in how people respond to scenarios based upon the gender of each character described within them. In general, respondents were more inclined to support shares of relationship property going towards a woman rather than a man. This difference was largest for the scenario where a partner put their career on hold to look after children – almost 7 in 10 thought that a woman who did this should receive additional financial support from the other partner after they separated. Whereas for a separate sub-sample of respondents (where the genders were reversed in the scenarios they were given), just over half thought that a man in the same situation should receive additional financial support. This may relate to different gender roles being assumed by respondents (for example, in the absence of information about childcare arrangements, respondents may have assumed that a woman was the primary carer of children after separation). It could also reflect a broader view that women are generally more vulnerable post-separation and therefore have greater need for legal protection.

Making (Pre-nuptial) Agreements about Relationship Property Division

Overview

39. A quarter of respondents had considered a pre-nuptial agreement at some point in their life, but only 7% said they had made an agreement that was certified by a lawyer. This finding includes pre-nuptial agreements made with either current or previous partners. Six percent of respondents had made an agreement that was *not* certified by a lawyer (such as a verbal agreement or a written agreement).
40. Just under half of those who had considered a pre-nuptial agreement never discussed it with a partner – often they did not feel their relationship was serious enough, or they did not believe they had sufficient relationship property. Many also worried about the negative impact such a discussion might have upon the quality of their relationship.

41. Awareness of the equal sharing law was strongly linked with taking action on pre-nuptial agreements (for example, those who were aware of the law were more likely to have had a discussion with their partner and more likely to have involved a lawyer).

Key findings

42. 25% had considered a pre-nuptial agreement at some point in their life.
43. Almost 6 in 10 (58%) of those who had considered a pre-nuptial agreement said that they discussed it with their partner.
44. 39% of those who did not discuss a pre-nuptial agreement provided responses suggesting that they did not perceive the need (such as 'their relationship was not serious enough' or they 'did not have sufficient relationship property to divide'). Nearly a third (30%) provided responses suggesting that they were concerned about the impact of the discussion on the quality of their relationship (such as 'they were happy as a couple', 'they didn't want to discuss that type of thing' or 'it might set an expectation that the relationship will fail').
45. Among those who did discuss a pre-nuptial agreement with their partner, the most common outcomes were: making an agreement which was certified by a lawyer (47% of those who discussed it), making a verbal agreement without involving a lawyer (30%), and discussing it without reaching agreement (12%, either because they did not take it seriously or because they simply could not reach an agreement).
46. Overall, 7% of the total sample said they had made a pre-nuptial agreement that was certified by a lawyer at some point in their life (this includes historic agreements made with previous partners). This figure increased to 10% of those who lived with their partner (although some of those agreements will have been made with previous partners).
47. Overall, 6% of the total sample said they had made a pre-nuptial agreement that was not certified by a lawyer – often this involved a verbal agreement or a written agreement without legal certification.

48. There was a link between awareness of the equal sharing law and taking action on pre-nuptial agreements about relationship property division. Those who were aware of the law were more likely to:

- Consider making a pre-nuptial agreement about the division of relationship property (28% considered it, compared with 15% of those who were unaware).
- Discuss a pre-nuptial agreement with a partner (62% of those who considered it discussed it with a partner, compared with 37% of those who were unaware).
- Have a pre-nuptial agreement certified by a lawyer. Overall, 2% of those who were unaware of the equal sharing law said they had, at some point in the past, certified a pre-nuptial agreement with a lawyer, compared to 8% of those who were aware of the law.

Relationship Status and Experience of Relationship Breakups

Overview

49. Experiencing relationship breakups is relatively common. Within the total sample, 3 in 10 had split with a partner they had been living with for three years or longer. One in five had experienced a breakup where there was relationship property to divide.

Key findings

50. 60% were living with a partner at the time of the survey interview – this corresponds with the 2013 Census data.⁴
51. 28% had experienced a relationship breakup with a partner they had lived with for three years or longer.
52. In just over 7 in 10 (71%) of these types of breakups there was relationship property to divide. This equates to 20% of the total sample – i.e., 1 in 5 had experienced a breakup where there was relationship property to divide.

4 Drawn from analysis of the 2013 Census:
<http://nzdotstat.stats.govt.nz>

Introduction

Project Overview

53. A nationwide telephone survey was undertaken in New Zealand to consider whether the Property (Relationships) Act 1976 still reflects society's values and attitudes as to what is fair when couples separate. The research was generously funded by the Michael and Suzanne Borrin Foundation as one of their inaugural grants, and undertaken by a research team led by the University of Otago.
54. The University of Otago commissioned Colmar Brunton, a leading market and social research company in New Zealand, to administer the survey to members of the public. Between January and March 2018 1,361 telephone interviews were undertaken with a representative sample of:
 - 1,011 people aged 18 years and over
 - 150 additional 'booster' interviews with Māori aged 18 years and over
 - 100 additional 'booster' interviews with Pacific peoples aged 18 years and over
 - 100 additional 'booster' interviews with Asian peoples aged 18 years and over.
55. The additional booster interviews enabled robust statistical analysis by ethnic groups (in total there were 255 interviews with Māori respondents, 128 interviews with Pacific respondents, and 220 interviews with Asian respondents).
56. The final results were weighted to ensure they were representative by ethnicity, age, gender and region.
57. This technical research report outlines and discusses the findings from the nationwide telephone survey ascertaining public attitudes and values on post-separation relationship property division. A second separate, but inter-related, research project will also be undertaken to explore how separated couples divide their relationship property and resolve any disputes that arise. These results will be reported in 2020.

Background

58. The Matrimonial Property Act 1976 represented a significant and long-awaited step in the development of relationship property law in New Zealand. The Act was subsequently amended in 2001 and 2005 to extend its application beyond married couples to de facto partnerships and civil unions. Now known as the Property (Relationships) Act 1976 (PRA), it establishes the rules for how the property of two partners is divided when they separate or when one of them dies. The underpinning principle is that 'relationship property', as defined by the Act, should be divided equally between the two partners when their relationship ends (the 'equal sharing law'). Despite dramatic demographic and social changes over the past four decades, including the ways in which relationships and families form and function, the PRA has not been comprehensively reviewed since its inception.
59. On 24 May 2016 the Law Commission commenced a new project examining New Zealand's relationship property legislation to see if it still meets the needs and expectations of diverse families in contemporary society. Under the leadership of Helen McQueen (Law Commissioner), the Commission has been consulting widely with the general public and with academics, practitioners, other experts and community groups as part of its review. In October 2017 the Law Commission published an Issues Paper, *Dividing relationship property – time for change? Te mātatoa rawa tokorau – Kua eke te wā?*⁵ and a Study Paper, *Relationships and Families in Contemporary New Zealand: He hononga tangata, he hononga whānau i Aotearoa o nāianei*.⁶ The Commission also prepared a Consultation Paper,⁷ which was a summary version of the Issues Paper identifying key issues and aimed at non-expert readers.

5 Law Commission *Dividing relationship property – time for change? Te mātatoa rawa tokorau – Kua eke te wā?* (NZLC IP41, 2017).

6 Law Commission *Relationships and Families in Contemporary New Zealand: He hononga tangata, he hononga whānau i Aotearoa o nāianei* (NZLC SP22, 2017).

7 Law Commission *Reviewing the Property (Relationships) Act: Consultation Paper* (2017).

The Law Commission will publish a Preferred Approach Paper outlining its proposed recommendations for reform later in 2018 and then report to the Minister of Justice with its final recommendations in April 2019.

60. The lack of an evidence base informing relationship property division by separated couples in New Zealand, and the implications of this for law reform and future policy, practice and service delivery, has been keenly felt by both the Law Commission and the wider family justice sector. While many aspects of the PRA could benefit from empirical examination, the Michael and Suzanne Borrin Foundation funded the first phase of the University of Otago's research proposal (November 2017 to July 2018)⁸ focused on the following key research question:

Does the PRA still reflect society's values and attitudes as to what is fair when couples separate?⁹


Research Team

61. The interdisciplinary research team who designed and conducted this research comprised:
- Ian Binnie, Project Lead (Independent Research Consultant)
 - Associate Professor Nicola Taylor, Principal Investigator (Director, Children's Issues Centre, University of Otago)
 - Dr Megan Gollop (Deputy Director, Children's Issues Centre, University of Otago)
 - Professor Mark Henaghan, Principal Investigator (Faculty of Law, University of Otago)
 - Shirley Simmonds, Kaupapa Māori Research Consultant
 - Dr Jeremy Robertson, Independent Research Consultant
62. Helen McQueen (Commissioner) and Nichola Lambie (Senior Legal and Policy Adviser) from the Law Commission acted as Advisers to the research team.
63. Colmar Brunton, an independent market and social research company, was commissioned by the University of Otago to undertake the nationwide telephone survey on behalf of the research team.

The lack of an evidence base informing relationship property division by separated couples in New Zealand, and the implications of this for law reform and future policy, practice and service delivery, has been keenly felt by both the Law Commission and the wider family justice sector.

⁸ Using a mixed-methods approach (an online survey and in-depth interviews with separated people), Phase Two will focus on the following research question: How do separated couples divide their property and resolve any property disputes?

⁹ This study focuses on post-separation relationship property division and does not address relationship property division on death.



The University of Otago research team, in consultation with the Law Commission, developed a nationwide telephone survey to address the research question: 'does the PRA still reflect society's values and attitudes as to what is fair when couples separate?'

Method

Survey Design

64. The nationwide telephone survey was designed to address the Law Commission's need for information to help inform their PRA review regarding public perceptions about how couples should share their property following separation, including issues of fairness. The research aimed to shed light on contemporary public values, attitudes and opinions, which may well be quite different to those underpinning relationship property law 42 years ago (in 1976) when people generally partnered/married early, raising children and building their wealth together over time.¹⁰
65. The University of Otago research team, in consultation with the Law Commission, developed a nationwide telephone survey to address the research question: *'does the PRA still reflect society's values and attitudes as to what is fair when couples separate?'* The survey covered the following topics to address public attitudes and values regarding the overall research question:
 - Awareness about the way New Zealand law deals with dividing property when couples separate.
 - The factors considered important when deciding whether (or not) to apply the law of equal sharing.¹¹
 - The degree of support for the current law of equal sharing.
 - Views on the application of the law of equal sharing in different scenarios.
 - The prevalence of pre-existing agreements about the division of relationship property or debts in the event of separation (often referred to as 'pre-nuptial' agreements).

10 For more information about the changing social context see: Law Commission *Relationships and Families in Contemporary New Zealand: He hononga tangata, he hononga whānau i Aotearoa o nāiane* (NZLC SP22, 2017).

11 The law of equal sharing was defined to survey respondents as follows: *The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.*

66. Demographic information was also collected including each survey respondent's age, ethnicity, gender, marital and home-ownership status, the presence of children in the home, and experience of relationship breakup.
67. The questions were designed to avoid raising legalistic aspects of relationship property division with the survey respondents. Instead, generalised descriptions of the law were used and the questions did not necessarily reflect the language of the PRA.¹²

Ethical Approval

68. The University of Otago Human Ethics Committee granted approval for the survey on 19 December 2017 (Reference number: D17/428). The University of Otago Māori consultation process was also undertaken with the Ngāi Tahu Research Consultation Committee.

Survey Testing

Cognitive interviews

69. Once the survey had been drafted by the Research Team it was pre-tested face-to-face with members of the public through 'cognitive interviews'. These involve an in-depth approach whereby a research specialist probes for understanding and then makes detailed recommendations about how to improve words and phrases so the questions are well-understood.
70. Colmar Brunton was commissioned to undertake seven qualitative cognitive interviews with members of the public aged between 18 and 55 years on 11-12 January 2018 in Auckland and Wellington. A further four cognitive interviews were conducted by Ian Binnie. Participants were drawn from a range of age-groups, gender, ethnic backgrounds and relationship status/history.

12 For example, the different rules for short-term relationships in sections 14-14A of the PRA were not addressed; and the survey asked questions about "couples who live together" rather than adopting the precise wording for de facto relationships in section 2D of the PRA.

71. A number of significant changes to question wording, questionnaire routing and the survey introduction were made as a result of the cognitive interviews. This ensured that the final questionnaire flowed well and resonated with respondents.

Pilot testing

72. The survey questionnaire was also tested using a conventional pilot (45 interviews), that replicated the main fieldwork procedures. This enabled the final fieldwork processes to be checked prior to progressing to the main fieldwork stage. The length of the pilot interviews meant that changes were made to the questionnaire following the pilot to reduce its length. The final survey questionnaire is set out in Appendix A.

Interview length

73. The final average interview length for the survey was 14.5 minutes.

Survey Sample

74. Colmar Brunton conducted 1,361 CATI (Computer Assisted Telephone Interviewing)¹³ interviews via Random Digit Dialling with a random sample of:
- 1,011 people aged 18 years and over (referred to as 'the core sample')
 - 150 additional 'booster' interviews with Māori aged 18 years and over
 - 100 additional 'booster' interviews with Pacific peoples aged 18 years and over
 - 100 additional 'booster' interviews with Asian peoples aged 18 years and over.
75. The additional booster interviews enabled robust statistical analysis by ethnic groups. Table One outlines the profile of the total sample (i.e., the core sample plus the boosters).

Sampling Approach for the Core Sample

76. The core sample consisted of 1,011 adults aged 18 and over. To source this core sample Colmar Brunton included a mix of randomly generated landline numbers (the contact details for 646 of the 1,011 respondents in the core sample were generated this way) and randomly generated mobile phone numbers (the contact details for 365 of the 1,011 respondents in the core sample were generated this way).¹⁴
77. Respondents in the core sample were randomly selected from all New Zealanders with access to a landline telephone or a mobile phone (which covers approximately 98% of all adults in the country). For the landline component, Colmar Brunton randomly selected someone aged 18 and over in the household (unless there was only one person in the household in which case that person was selected for the interview). For the mobile phone component, the main user of the mobile phone was interviewed (provided they were aged 18 and over).
78. Potential contact phone numbers were generated through Random Digit Dialling (RDD). RDD involves generating a large volume of telephone numbers through matching known telephone 'pre-fixes' (the first part of a phone number) with a random generation of the remaining digits.

13 CATI is a telephone surveying technique in which the interviewer follows a script provided by a specialist software application. It is a structured system of data collection by telephone that speeds up the collection and editing of data. The software customises the flow of the questionnaire based on the answers provided during the interview. The method minimises the need for post-survey editing of the data because all routing is followed automatically by the script (rather than relying on the interviewer to manually follow questionnaire routing).

14 This corresponds with the landline/mobile mix used by researchers in the United States of America where dual frame surveys are well-established (refer to: <http://www.aapor.org/Education-Resources/Reports/Cell-Phone-Task-Force-Report/Coverage-and-Sampling.aspx>).

Table One: Sample Profile

	Raw unweighted number of respondents	Weighted percentages
Age		
18 – 24 years	118	12%
25 – 29 years	83	9%
30 – 39 years	156	16%
40 – 49 years	216	15%
50 – 59 years	270	20%
60 – 69 years	263	12%
70 – 79 years	181	10%
80 plus years	50	4%
Declined to answer	24	2%
Gender		
Male	567	48%
Female	794	52%
Ethnicity [selection of multiple ethnicities allowed]		
New Zealand European	784	68%
Māori	255	13%
Pacific Island peoples	128	7%
Asian	220	15%
Another ethnic group	103	3%
Birthplace		
New Zealand	956	75%
Outside New Zealand	404	25%
Housing tenure		
Own/partly own/held on trust	942	63%
Rent or board	378	34%
Other/declined to answer	41	3%
Dependent child living in the household		
Yes	449	33%
No	912	67%
Relationship status		
Married or civil union	748	50%
Living with partner	120	10%
With a partner, but not living with them	92	9%
Not living with a partner	387	30%
Other/declined to answer	14	1%

Please note that some respondents did not provide information to some demographic questions and this is only indicated in Table One when this occurred for more than a few respondents.

Sampling Approach for the Ethnic Booster Interviews

79. The major ethnic groups used by Statistics New Zealand include European, Māori, Pacific peoples, Asian and Middle Eastern/Latin American/African.¹⁵ A random survey of the general public tends to only generate relatively small sample sizes of respondents from particular ethnic groups. For example, a representative survey of 1,000 respondents would only generate around 60 interviews with Pacific peoples, which would limit the ability to conduct analyses by ethnic group.
80. Using a mixed-method approach, the Research Team therefore asked Colmar Brunton to deliberately boost the number of Māori, Pacific peoples and Asian peoples in the telephone survey. This was important because the way people regard relationship property may vary between different ethnic groups.
81. The total sample contained Māori, Pacific and Asian respondents from a number of different sources:
- 255 Māori respondents in total (105 from the core sample and a further 150 from the Electoral Roll – described below).
 - 128 Pacific respondents in total (28 from the core sample and a further 100 from a combined tele-matching and research-panel process – described below). Please note that ‘Pacific’ is an umbrella category encompassing Samoan, Cook Island Māori, Tongan, Niuean and other Pacific ethnic identities.
 - 220 Asian respondents in total (120 from the core sample and a further 100 from a combined tele-matching and research-panel process – described below). Please note that ‘Asian’ is an umbrella category encompassing Chinese, Indian and other Asian ethnic identities.

¹⁵ Statistics New Zealand recognise that these groups are, in fact, ‘umbrella’ categories that encompass a large variety of populations within them. An ethnic group can contain a number of different populations who are linguistically, culturally and geographically distinctive from each other. Refer to the 2013 Census QuickStats about culture and identity (Statistics New Zealand) for a fuller description of each ethnic group.

82. Hence the survey results presented for the general public are representative by ethnic background. They do not over-represent any particular ethnic groups because corrective weighting (discussed further below) adjusted for the effects of the ethnic boosts.

Māori booster process

83. The Māori booster respondents were sourced from the Electoral Roll (from among those providing a Māori descent indicator on the General Roll and from among those registered on the Māori Roll).¹⁶ The roll was stratified by age and a random sample was telematched to obtain phone numbers.¹⁷ One hundred percent of the Māori booster respondents were sourced in this way.

Asian and Pacific booster process

84. The Asian and Pacific booster respondents were sourced in two ways:
- Statistics New Zealand census meshblock data was used to identify meshblocks with a minimum of 80% Asian population and meshblocks with a minimum of 80% Pacific population.¹⁸ The sample was then drawn from the Electoral Roll that fitted into these meshblocks using the meshblock indicator on the Electoral Roll. A telematching process then sourced telephone numbers from these meshblocks. This approach had limited success. Thirteen percent of the Asian booster interviews and 20% of the Pacific booster interviews were conducted in this way.

¹⁶ The General Electoral Roll and the Māori Roll are public registers created by the Electoral Commission under the Electoral Act 1993. The Roll for each parliamentary district (electorate) contains the names of persons who are registered to vote in the electorate, as well as other information such as a self-identified Māori descent indicator (people selecting this may appear in either the General Roll or the Māori Roll – the Māori booster interviews drew upon both Rolls). Following an application from the University of Otago, the Electoral Commission supplied an electronic list of electors to the research team because the project was for human health or scientific research purposes (described under section 112 of the Electoral Act 1993). Colmar Brunton then conducted telephone matching against commercially available telephone registers to generate a sample frame for the survey.

¹⁷ Telematching involves cross-referencing names and addresses with commercially available telephone registers (including the White Pages) and publicly available records from Credit Referencing Agencies.

¹⁸ Meshblocks aggregate Census 2013 data for small geographical areas. Each meshblock typically contains around 100 adults, although the size varies significantly depending on whether the meshblock is in a rural or urban area.

- Colmar Brunton operates a representative telephone panel of individuals who have agreed to be re-contacted following participation in Colmar Brunton's other random probability telephone surveys (such as political polls). This panel was used to boost the number of Asian and Pacific respondents, with 87% of the Asian booster interviews and 80% of the Pacific booster interviews being sourced this way.

Telephone Fieldwork

85. The survey pilot was undertaken on 24 January 2018. The main fieldwork was conducted from 26 January to 11 March 2018. Survey fieldwork was conducted using telephone interviewers at Colmar Brunton's data-collection business partner, Symphony Research. Both Colmar Brunton and Symphony Research adhere to data collection standards set out in the ISO 20252 standard manual. The fieldworkers pursued a number of strategies to maximise the response rate including:
 - Interviewer training that emphasised the importance of a high response rate and the need for particular sensitivity at the initial contact stage. Interviewers were briefed to volunteer alternative appointment times to those who sounded hesitant about taking part upon first contact.
 - Using Māori, Pacific and Asian interviewers within the survey team (who were allocated to call-backs when requested by survey respondents).
 - Conducting a minimum of seven calls (an initial call plus up to six call-backs) to each contact until successful contact was made.
 - Making call-backs at different times and/or on different days to increase the likelihood of contacting respondents. Deploying a widespread call-pattern across a substantial fieldwork period helps ensure a representative sample.
 - Having the survey team work as one integrated unit. Interviews were conducted on weekdays between 9.00am and 9.00pm (with first contacts ending at 8.00pm), with some restrictions on weekend mornings.

Data Processing

86. The survey was programmed in Nebu, the CATI survey software used by Colmar Brunton. Programming the survey using CATI meant that routing and text-substitution was automated, thus minimising the possibility of human-error in data entry.
87. Colmar Brunton created code-frames to categorise responses given in 'other-specify' questions and open-ended questions. These code-frames were used to translate 'free text' from relevant questions into categories suitable for analysis (please note that for each 'other-specify' question or open-ended question it was possible for respondents to fall into more than one response category).
88. Coding was a manual process conducted by trained staff within Colmar Brunton. Quality control processes ensured that more than 10% of each coder's work was validated by another person. If issues were found, then 100% of that coder's work was validated and corrective action was pursued.
89. Following the quality control process, a full SPSS database of respondents was finalised and checked. The data was then analysed by Ian Binnie (a member of the research team and independent research consultant subcontracted by the University of Otago).

Survey Weighting

90. As with all general population surveys, this survey would have had some inherent biases relating to differential response rates (for example, females and older people are known to be more likely to respond to surveys). These biases needed to be corrected in the survey results to accurately reflect the wider population through weighting. Weighting also corrected for the disproportionate sampling approach used to deliberately boost the number of interviews with Māori, Pacific or Asian respondents – corrective weighting adjusted the effects of these boosts.

Method CONT.

91. Survey results were weighted to be representative of the population according to:
- Access to phones (mobile only, dual phone, landline only – this was based upon data from the 2013 Census, but projected to 2017/18 telephone usage in New Zealand based upon recent data from the Commerce Commission).¹⁹
 - Age within gender (based upon data on age-gender compositions in the 2013 Census).
 - Ethnicity (prioritised) (based upon Statistics New Zealand ethnic population projections for 2018).²⁰
 - Region (Northland, Auckland, Waikato, Bay of Plenty, Gisborne/Hawkes Bay, Taranaki/Manawatu-Wanganui, Wellington, Tasman/Nelson/Marlborough/West Coast, Canterbury, Otago/Southland) (based upon regional data in the 2013 Census).
92. The final weighted sample profile is detailed in Table One on page 15.
94. However, the margin of error increases for sub-populations or for filtered questions – such as findings from Māori, Pacific or Asian respondents; or respondents who have separated from a partner in the past.
95. Table Two sets out some guidelines about margins of error for these different groups of the survey sample.
96. Note that each survey statistic is subject to its own margin of error – the maximum margin of error assumes a 50/50 split on a binary question (results for questions which vary from a 50/50 split are subject to smaller margins of error).
97. As described in the subgroup analysis section on page 20, all differences included in this report by ethnic group or by other subgroups are statistically significant (meaning that the stated difference takes margins of error into account).

Sample Sizes and Margins of Error

93. This technical research report is based upon a telephone survey of 1,361 respondents. This sample size means that findings are subject to a maximum margin of error of +/- 2.7%.

Response Rate

98. The final response rate for the telephone survey was 23%. The fieldwork outcomes and the response rate calculations are detailed in Table Three.

Table Two: Guidelines around Margins of Error

Population	Margin of error
All respondents (n=1,361)	+/- 2.7%
Māori respondents (n=255)	+/- 6.1%
Pacific respondents (n=128)	+/- 8.7%
Asian respondents (n=220)	+/- 6.6%
Respondents who had been involved in a breakup where there was relationship property to divide (n=268)	+/- 6.0%

¹⁹ Refer to <https://comcom.govt.nz/regulated-industries/telecommunications/monitoring-the-telecommunications-market/annual-telecommunications-market-monitoring-report> (based upon the 2017 Annual Monitoring Report).

²⁰ Projections were preferred to 2013 Census data for ethnic group weighting. This was because projections for the ethnic composition of New Zealand adults suggested some major changes between 2013 and 2018. Using projections for age-gender compositions is not possible with publicly available information.

Table Three: Response Rate Calculation

	Research outcome	Total sample	RDD sample	Booster sample
A	Contact made, eligibility established, eligible, interviewed	1361	1000	361
	Completed interviews	1361	1000	361
B	Contact made, eligibility established, eligible, not interviewed	667	479	188
	Qualifier refusal (respondent directly refuses)	599	445	154
	Terminated/abandoned (stopped half way through)	11	9	2
	Hard appointment (appointment made for a call-back, but was not fulfilled)	57	25	32
C	Contact made, eligibility established, not eligible	409	146	263
	Non-qualifier – under 18 years	409	146	263
D	Contact made – eligibility not established	1498	2121	1220
	Not available in survey period (interviewer told respondent is not available during fieldwork)	576	229	347
	Language/sound difficulties meant interview is not possible	400	243	157
	Contact refusal/other refusal (refusal based on person who picks up phone before eligibility can be established)	1722	1336	386
	Soft appointment (interviewer agrees to call-back without being able to confirm a date or time, but the soft appointment is never fulfilled)	643	313	330
E	Contact not made – not eligible	4343	3288	1055
	Unobtainable number – disconnected/no such number	2,756	1,756	1,000
	Fax/Computer/Modem	275	270	5
	Business number	1312	1262	50
F	Contact not made – eligibility not established	1498	1032	466
	No Answer/No Reply	985	693	292
	Busy/Engaged	24	12	12
	Answering Machine	489	327	162
G	<i>Eligibility rate from all units whose eligibility has been established: $G=(A+B)/(A+B+C)$</i>	83%	91%	68%
H	<i>Expected eligibility from units with eligibility not established: $H=G \times (D+F)$</i>	4010	2870	1141
J	<i>Estimated total number of eligible units: $J=A+B+H$</i>	6039	4349	1691
K	<i>Refusal rate: $K=(\text{Qualifier refusal}+\text{contact refusal})/(A+B+D)$</i>	66%	49%	31%
	Response rate: A/J	23%	23%	21%

Limitations of the Survey Method

99. As with any survey approach, there are some limitations associated with the survey methods used for this project. These should be taken into account when interpreting the findings.
100. Firstly, the sample size of 1,361 provides a robust picture for most of the survey estimates (such as views about the equal sharing law). However, the sample sizes for some subgroups are relatively small. For example, only 92 people who had a partner

they did not live with were surveyed – meaning that results for subgroups should be treated with caution. (However, please note that only statistically significant subgroup analyses are reported in this technical research report – if the difference displayed by a particular subgroup sits within the relevant margins of error then the subgroup difference is not described within the report).

101. There is also the potential for response-bias whereby different subgroups within the population respond at different rates. This is a limitation of the research method common to all sample-surveys that are voluntary in nature. For example, older people tend to respond at a higher rate than younger people. Survey weighting attempts to mitigate the effects of this, but it is still possible there are unknown differences between the type of person responding to the survey compared with the type of person not responding to the survey.
102. The PRA is a complex area of law and is difficult to fully explain in the context of a time-limited telephone survey. Many respondents would not have considered relationship property (or its legal implications) prior to the telephone interview. However, the survey was not intended to assess whether respondents had a comprehensive understanding of the law, but rather focused on confined issues. It is possible that the provision of further information might have changed their viewpoints. This is largely an issue of interpretation rather than quality. The survey reflects current viewpoints within the general population, which naturally includes a mix of informed and uninformed views. However, the reader should keep in mind the proportion of respondents who provided 'don't know' responses to particular questions.
103. Finally, there is the possibility of social desirability whereby respondents may have had a tendency to answer questions in a manner that might have been perceived favourably by others. The research team attempted to mitigate this by providing a full set of response options and making clear that the respondent was being asked for their personal viewpoint (rather than what they perceived the law to be). However, social desirability may have had an un-measurable influence on responses to more sensitive questions, such as relationship-status and self-reported knowledge.

Subgroup Analysis

104. Key analyses of the survey data focus on the range of viewpoints held by respondents, as well as key demographic characteristics (such as age, gender, ethnicity, housing tenure, presence of children in the household, marital status, relationship experience, and whether the respondent was born in New Zealand or overseas). Unless otherwise stated, reported differences between subgroups mentioned in this report are statistically significant at the 95% confidence level.
105. Comprehensive subgroup significance testing was undertaken across all demographic variables, so the absence of a subgroup finding means that the difference for that group (compared with the total) was not statistically significant.

Notes on Reading Figures Within the Research Report

106. Please note that:
 - Where a result is greater than zero, but less than one (e.g., 0.4%) it is recorded as '<1%' in the tables. A proportion of 0% is recorded as '-' in the tables.
 - Figures that contain rating statements have 'nett' scores on the far right-hand side for each rating statement. These nett scores combine the top two ratings within a scale. Sometimes when netts are created from two categories, such as merging 'strongly agree' and 'agree' into 'overall agree' (a nett score), the percentages of the two individual categories may not add up to the percentage of the nett. This is because of rounding (for example, 4.4% would appear as '4%', and if two scores of 4.4% were added together this would appear as '9%' – although the reader might expect it to appear as '8%'). The reader may also find that when the proportions from various response categories in a single-coded question are added together that the total comes to slightly more, or slightly less, than 100% – this is due to rounding.



This technical research report is based upon a telephone survey of 1,361 respondents.

Awareness of the Equal Sharing Law

107. All respondents were asked questions about their awareness of: the equal sharing law, that the law applies to couples who have lived together for three years, and that the law applies to unmarried couples (as well as married couples).

General Awareness of the Equal Sharing Law

108. In order to test prompted awareness of the equal sharing law, respondents were read out the following description by interviewers:

In this survey we are interested in how New Zealand law deals with dividing property when couples separate. The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.²¹

Forty-eight percent of all respondents knew about the equal sharing law and knew that it applies to couples who have lived together for three years or longer.

109. After being read this statement, almost 8 in 10 (79%) respondents said they were aware that New Zealand law says a couple should share relationship property equally if they separate (a further 4% answered 'maybe/think so').

110. Table Four (see pages 24-25) shows how awareness varied among different groups of the total sample.

111. Two follow-up questions asked about *awareness that the law applies to couples who have lived together for at least three years*, and *awareness that the law applies in the same way to married and unmarried couples*. Although these two questions were only asked of respondents who were aware of the equal sharing law in the first place, the findings have been re-calculated so they represent the total sample.

Awareness that the Law Applies to Couples Who Have Lived Together for Three Years

112. Forty-eight percent of all respondents knew about the equal sharing law *and* knew that it applies to couples who have lived together for three years or longer. A further 3% had vague awareness that the law applies to couples who have lived together for three years (i.e., they said 'maybe/think so').

Awareness that the Law Applies to Married and Unmarried Couples in the Same Way

113. Sixty-eight percent of all respondents knew about the equal sharing law *and* knew that it applies to married and unmarried couples in the same way. A further 1% had vague awareness of this (i.e. they said 'maybe/think so').

²¹ After this was read out, interviewers used the shorter phrase 'the equal sharing law' in subsequent questions. However, the full description of the law (in italics at paragraph 111) was repeated to respondents if requested.

How Awareness Varied by Different Groups

114. Table Four demonstrates how awareness of the law varied by different subgroups of the sample. The table focuses on subgroups where awareness was significantly higher than the total sample (these groups are described as having awareness that was 'higher than average'), and subgroups where awareness was significantly lower than the total sample (these groups are described as having awareness that was 'lower than average').
115. Those respondents who lived with a partner²² tended to have higher awareness than those who did not have a partner. Those who had a partner, but did not live with them, tended to have relatively low awareness (this group largely consisted of young people aged in their 20s and 30s).
116. Awareness was relatively low among those who did not identify with the New Zealand European ethnic category, and was particularly low among Asian and Pacific respondents. Awareness was lower than average even among Pacific and Asian respondents who lived with their partner (awareness was *slightly higher* than average among Māori respondents who lived with their partner).
117. Awareness was also generally lower than average among young people, those not born in New Zealand, and those who rented (rather than owned their own home).
118. Please note that differing age-profiles should be taken into account when interpreting differences by 'relationship status'. The median age of married respondents was 52 years;²³ the median age of respondents living with their partner was 37 years; the median age of people in a relationship, but not currently living with their partner, was 25 years; and the median age of those not currently in a relationship was 51 years. (The median age of those who declined to indicate their relationship status, or said 'other' type of relationship, was 57 years).

²² Please note that in this report 'partner' refers to both married and unmarried partners.

²³ Please note that 'married' respondents includes those who said they were in a 'civil union' with their partner. Throughout this report the phrase 'married respondents' is used as shorthand for respondents who were 'married or in a civil union with their partner' at the time of the survey interview.

The effects of being with a partner for three years or longer

119. Awareness (of any of the measures relating to the equal sharing law) did *not* vary between those who had lived with their partner for more than three years and those who had lived with their partner for less than three years – although there is only a small sample size for the latter group (44 respondents) which means this finding should be treated with caution.
120. Among those who had a partner, but *did not* live with them, awareness was high or low depending on whether or not they had been together for three years or longer. For example, 83% of those who had been with their partner for three years or longer (but were not living with them) were aware of the equal sharing law, compared with 52% of those who had been with their partner for less than three years. This difference may relate to differences in age – the former group had a median age of 42 years, whereas the latter group had a median age of 23 years.
121. Table Four shows how awareness of the equal sharing law varied among different groups of the total sample.

Awareness was relatively low among those who did not identify with the New Zealand European ethnic category, and was particularly low among Asian and Pacific respondents.

Awareness of the Equal Sharing Law CONT.

Table Four: Groups with Higher or Lower Awareness of the Equal Sharing Law

Groups which display significant differences from the total sample	Base size (n=)	Aware of equal sharing law (%)	Aware that law applies to couples living together for 3 years (%)	Aware that the law applies to married and unmarried couples (%)
Findings from total sample ('the average'):	1,361	79	48	68
Groups where awareness was generally higher than average (see definition in table footnote)				
Relationship status				
Those who have experienced a previous breakup where there was relationship property to divide	268	91	59	80
Those currently living with their partner† (note that awareness did not significantly vary between married and unmarried respondents)	868	87	55	77
Ethnicity				
New Zealand European	784	87	53	78
New Zealand European living with their partner	511	93	60	86
Māori who live with their partner had slightly higher awareness (see figures in this row – but interestingly Māori overall had lower awareness – see overleaf)	142	93	60	86
Age				
Those aged between 40 and 79 years old	930	88	57	77
Other demographics				
Born in New Zealand	956	84	51	73
Those who own the home they live in	942	87	56	78
Those with dependent children in the household	449	84	50	74
Groups where awareness was generally lower than average (see definition in table footnote)				
Relationship classification				
Those in a relationship but not currently living with their partner	92	63	31	52
Those not currently in a relationship	387	70	38	64
Ethnicity				
All Māori respondents (see above for Māori respondents living with their partner)	255	70	38	58
All Pacific respondents	128	55	24	35
Pacific respondents who live with their partner	79	69	34	51
Asian respondents	220	58	35	38
Asian respondents who live with their partner	138	65	39	44
Other ethnic backgrounds – such as European or Middle Eastern	103	67	36	56
Other ethnic backgrounds who live with their partner*	76	74	43	63
All those who did not select 'New Zealand European' as their ethnicity	398	63	36	45
All those who did not select 'New Zealand European' as their ethnicity but are living with their partner	271	72	44	55

Groups which display significant differences from the total sample	Base size (n=)	Aware of equal sharing law (%)	Aware that law applies to couples living together for 3 years (%)	Aware that the law applies to married and unmarried couples (%)
Age				
Those aged under 25	118	53	19	34
Those aged under 40	357	68	33	53
Those aged over 79	50	65	52	58
Other demographics				
Those not born in New Zealand	404	67	38	51
Those who rent	334	68	35	51
Those without dependent children living in the household*	912	78	47	64

Note: 'average' means the equivalent proportions from within the total sample.

Source: U1: Before today, did you know that New Zealand law says a couple should share relationship property equally if they separate?, U4: Before today, did you know that couples have to live together for 3 years for the law of equal sharing to apply? and U5: Before today, did you know that the law of equal sharing applies to unmarried couples in the same way as it does to married couples?

Base: Refer to relevant column in the table.

Green text indicates this subgroup had significantly higher awareness than the average result from the total sample. Red text indicates this subgroup had significantly lower awareness than the average result from the total sample. As stated in the method section all reported differences are statistically significant at the 95% confidence level unless otherwise stated.

* Note that awareness was not significantly lower than average for these subgroups (for any of the awareness measures), but the rows are included in the table for purposes of comparison against other rows in the table.

† Note that almost all respondents (95%) who lived with their partner had done so for three years or longer.

Awareness of the Equal Sharing Law – Key Findings

- 8 in 10 respondents were aware of the equal sharing law.
- However, just under half of the total sample knew that the law applies to couples who have lived together for three years or longer.
- Those most affected by the law, namely people who lived with their partner, had relatively high awareness of the law.
- Awareness was particularly low for Pacific and Asian respondents – this was the case even among Pacific and Asian respondents who lived with their partner.

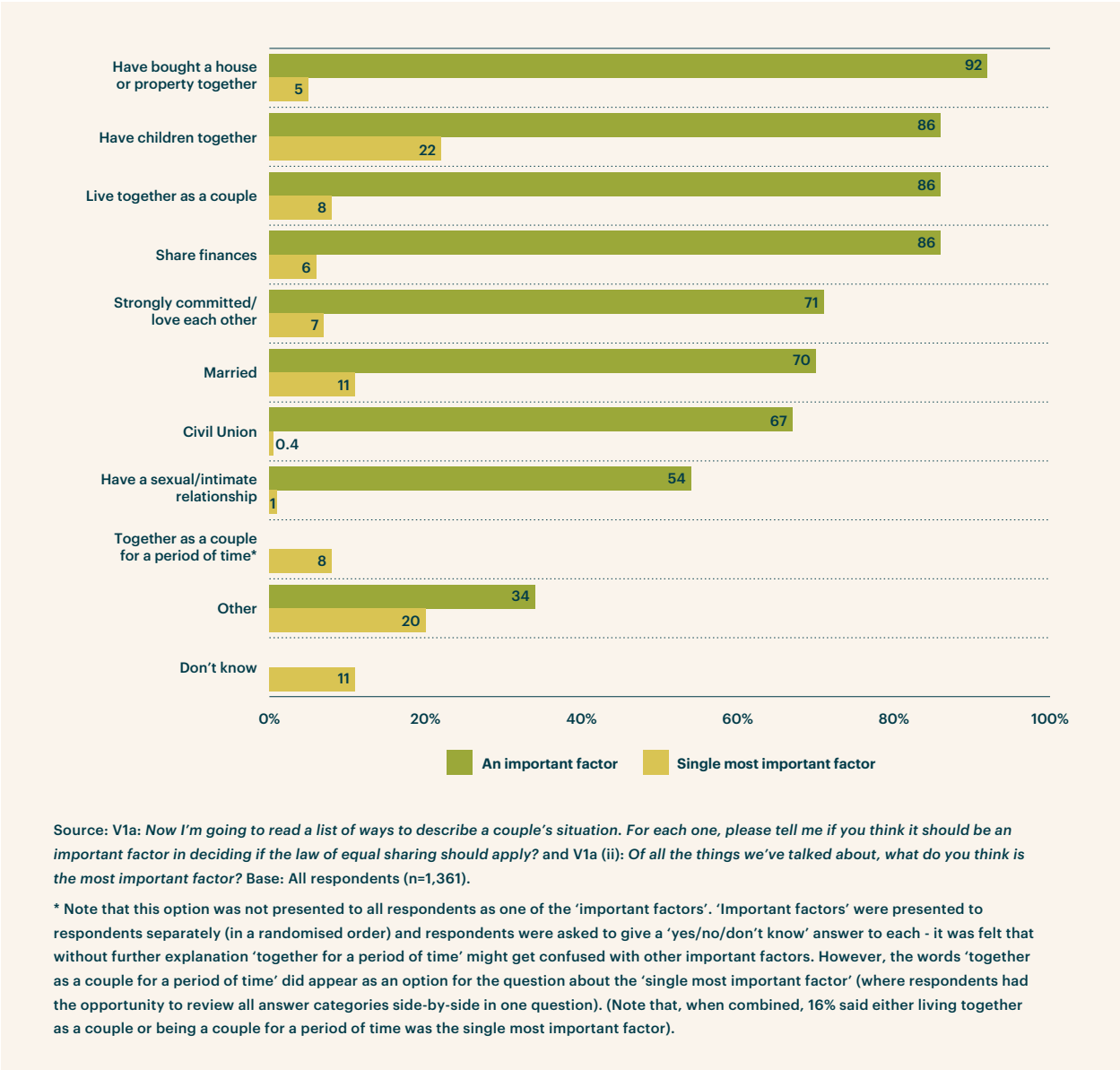
Views on Equal Sharing

122. Respondents were asked to state the factors that should influence when the law applies to a couple. They were also asked how much they agreed with the current equal sharing law and with the ‘three-year period’ (i.e., that the law applies to couples after they have lived together for three years). Interviewers reiterated that the survey sought the personal viewpoints of the respondent, rather than their knowledge about the law.

Views on Deciding If the Equal Sharing Law Should Apply to a Couple

123. Respondents were asked what factors should be considered when deciding whether to apply the equal sharing law to a couple who separate. They were then asked for the single most important factor. The results are set out in Figure One.

Figure One: Factors to Consider When Deciding Whether to Apply the Equal Sharing Law to a Couple Who Separate



124. Around 9 in 10 said that buying a house together, having children together, living together as a couple, and sharing finances were important factors to consider when deciding whether to apply the equal sharing law. On average, respondents thought that six of the eight factors described to them were important when deciding to apply the equal sharing law to a couple.

125. When asked for the single most important factor, views were mixed. The most common responses were:

- Whether the couple had children together (22%).
- Whether they were married (11%).
- Whether they lived together as a couple (8%) or had been together for a period of time (8%) (16% when both those responses are combined).
- 'Other factors' not on the list (described further below) (20%).

Variation in views about the most important factor

126. There were no *major* differences in viewpoints about the most important factor between different subgroups of the sample. However, some differences (which are statistically significant) are noted below.

127. In total, 22% of the sample thought that having children together was the most important factor when deciding to apply the equal sharing law to a couple – this was larger for some groups:

- Females (26%, compared to 18% of males).
- Those aged under 40 (27%, compared to 18% of those aged over 40).
- There was only a slight tendency for those with dependent children in the household to provide this response – the difference was only statistically significant at the 90% confidence level (25%, compared to 21% of those without dependent children).

128. In total, 11% of the sample thought that being married was the most important factor – this was larger for some groups:

- Males (14%, compared to 9% of females).
- People aged under 40 (13%, compared to 10% of those aged 40 and over).
- (Note this viewpoint was significantly *less* common among those who lived with their partner – 5% of whom said marriage was the most important factor).

129. People aged over 40 were more likely to have said that couples should 'live together for a period of time' (10%, compared to 6% of those aged under 40).

'Other' factors to consider

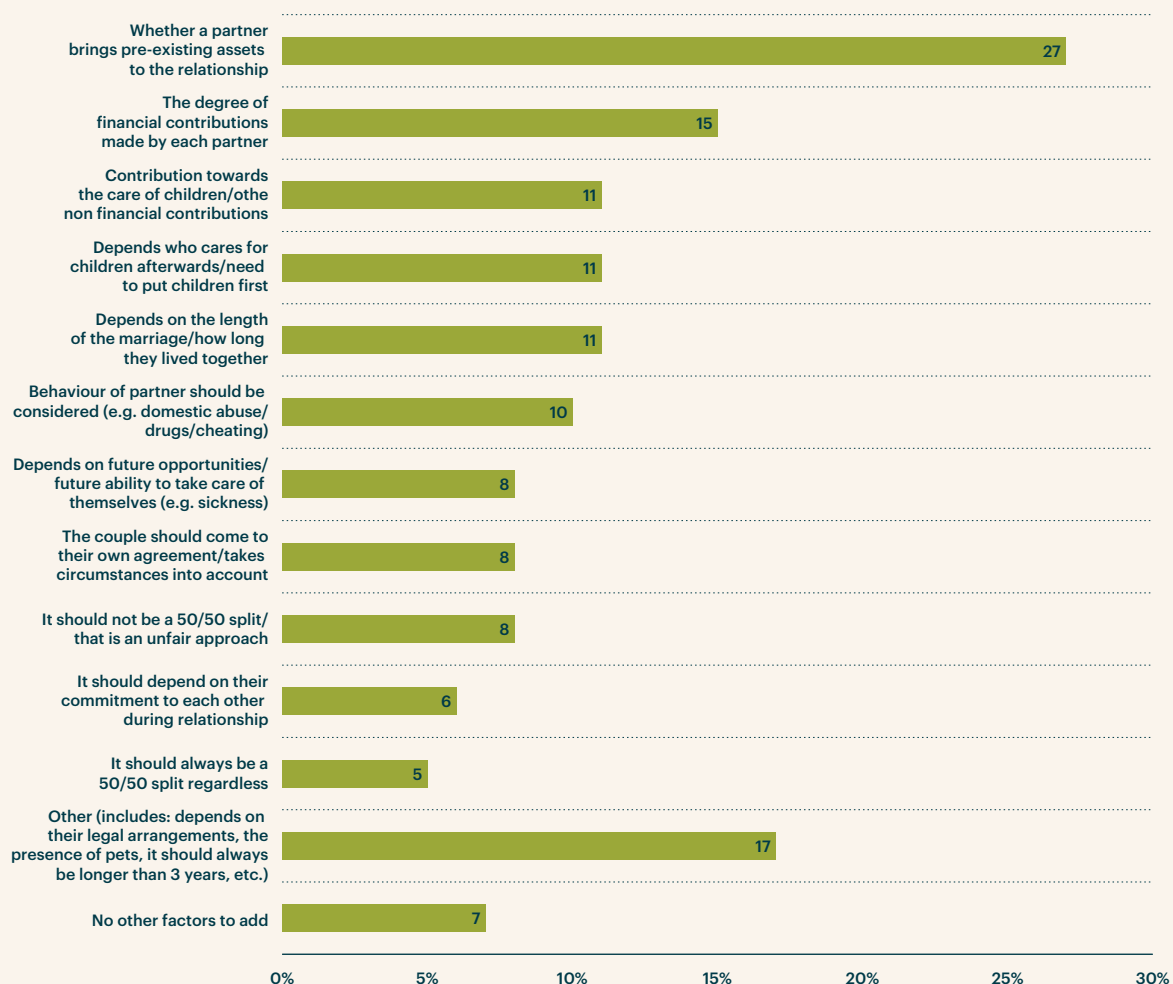
130. As can be seen in Figure One above, around a third of the respondents provided 'other' responses (this is a high proportion based upon the experience of the researchers working on this project).

131. Respondents used their own words to detail their 'other' responses (i.e., the format was open-ended). Analysis of these responses revealed a range of viewpoints (outlined in Figure Two). The most common 'other factor' provided was whether a partner brought pre-existing assets to the relationship (27% of those who provided 'other' responses).

Around 9 in 10 said that buying a house together, having children together, living together as a couple, and sharing finances were important factors to consider when deciding whether to apply the equal sharing law.

Views on Equal Sharing CONT.

Figure Two: 'Other' Factors to Consider When Deciding to Apply the Equal Sharing Law (among those who stated 'other')



Source: V1a1: *Is there anything else you think is important in deciding if the equal sharing law should apply?* Base: All respondents who provided an 'other' answer (n=500). Note: This was an unprompted question and respondents could provide more than one answer.

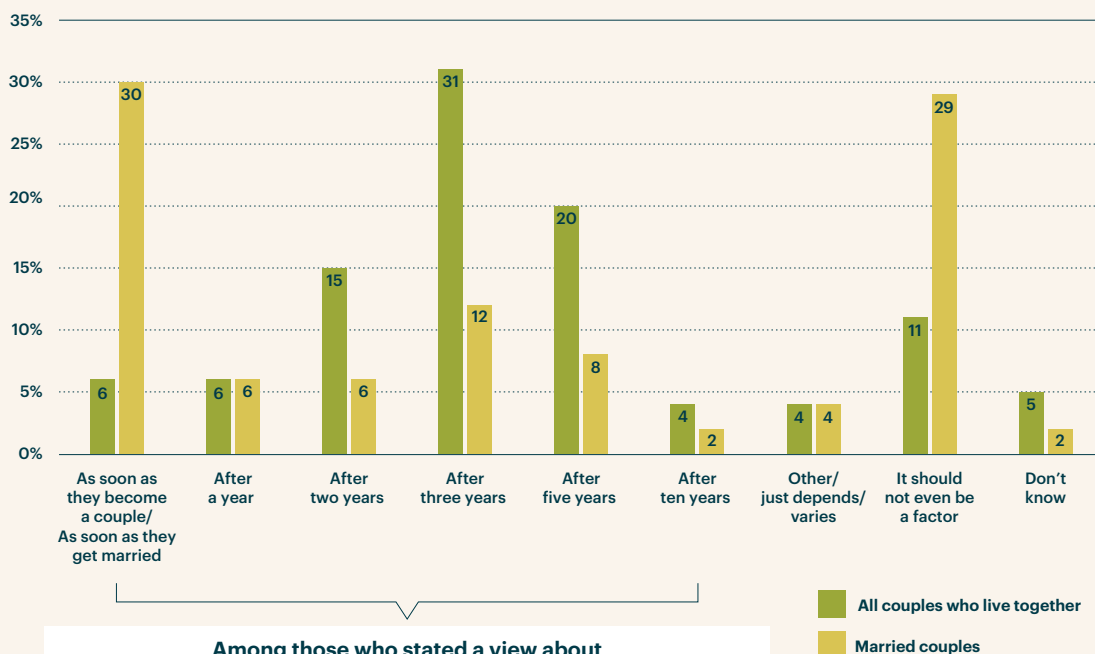
Unprompted Views on How Long a Relationship Should Last Before the Equal Sharing Law Applies

132. Respondents were asked how long couples should live together before the law of equal sharing applies. (Note that this question did not make a distinction between married and unmarried couples living together).

133. A similar, but more specific, question was asked about how long *married couples* should live together before the law of equal sharing applies. (For this question respondents were told that this included time spent living together before marriage).

134. Figure Three represents the viewpoints of all survey respondents and illustrates how the responses to both questions varied.

Figure Three: Length of Time Before the Equal Sharing Law Should Apply



Among those who stated a view about the length of time being important...

%	It should be less than 3 years	It should be 3 years	It should be more than 3 years
All couples living together	32	38	29
Married couples	66	19	15

Source: V1b: How long do you think couples should live together before the law of equal sharing applies? and V1d: When should the law of equal sharing apply to couples who get married? (when we say 'living together' this includes time spent living together before marriage). Also V1a: Now I'm going to read a list of ways to describe a couple's situation. For each one, please tell me if you think it should be an important factor in deciding if the law of equal sharing should apply? Base: All respondents (n=1,361).

Views on Equal Sharing CONT.

Views about how long couples should live together

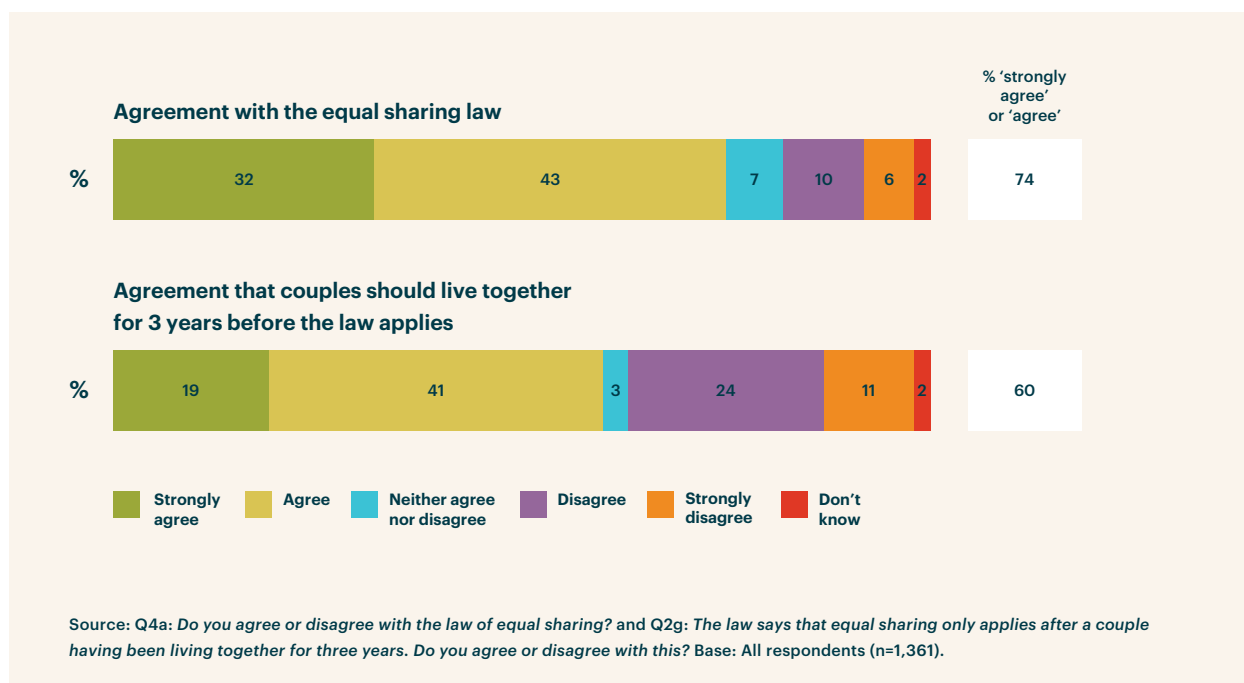
135. There was no clear consensus about the period of time that couples should live together before the equal sharing law applies (with responses ranging between ‘as soon as they move in’ through to ‘over ten years’). However, the average length of time stated was *three years and three months* (among those who stated a period of time).
136. Among those who stated a time period for couples living together, 32% felt that the law should apply to couples *before* three years. This was higher for some groups:
- Pacific peoples (51%).
 - People who did not live with their partner (45%).
 - People aged under 40 (43%).
 - Renters (44%, compared with 27% of those who owned the home they live in).
 - Females (35%, compared to 30% of males) – although this difference was only significant at the 90% confidence level (in other words, the difference between females and males was not large).
137. Among those who stated a view about how long couples should live together, 38% felt that the law should apply after couples have lived together *for three years* (i.e., the current definition of the law). This was higher for some groups:
- Those who had been through a breakup where there was relationship property to divide (46%).
 - Those with dependent children in their household (43%, compared with 36% of those without).
 - New Zealand Europeans (43%, compared with 28% of who did not identify as a New Zealand European).
 - Males (42%, compared to 35% of females).
 - Those aged in their 50s (44%) or 60s (46%).
138. The only subgroup significantly more likely to think that couples should live together for *longer than three years* was those aged in their 70s (40% thought this, compared to the norm of 29%).

Views about how long married couples should live together

139. Marriage was sometimes viewed differently to ‘living together’. Among those who believed that marriage should be a factor when applying the equal sharing law, the average length of time stated was only *one year and nine months* (assuming that those who said ‘as soon as they get married even if they haven’t lived together beforehand’ meant 0 years).
140. Among those who felt that marriage was an important factor, two-thirds (66%) said that the law should apply to a married couple who had lived together for less than three years. This is much higher than the equivalent proportion (32%) for *all* couples who live together (including unmarried and married couples – described in more detail above).
141. A sizeable group of the total sample (3 in 10) believed that the law should apply as *soon as a couple gets married*.²⁴ Those under 40 were more likely to be in this group (39%), as were Māori (37%) and Pacific respondents (38%). This group often drew a clear distinction between marriage and living together. They all said that the law should apply to married couples immediately, but over half of them (52%) thought that unmarried couples should live together for a period of time (typically three years) before the equal sharing law applies.
142. Views on the importance of marriage within the total sample were polarised, with around 3 in 10 of all respondents thinking that the law should apply to a couple as soon as they get married. However, around 3 in 10 believed that marriage should not even be a factor when applying the law to a couple.
143. Those who lived with a partner (they were not married to) were more likely to believe that marriage should not be a factor (36%), as were those who had experienced a previous breakup where there was relationship property to divide (40%). This was also a relatively common viewpoint among New Zealand Europeans (35%) and those aged in their 40s (42%).

²⁴ The equivalent proportion among those who believed marriage is an important factor was 47% (i.e., almost half of those who said that marriage was important believed that the law should apply as soon as the couple get married).

Figure Four: Agreement with the Equal Sharing Law and the Three-Year Period



Support for the Current Equal Sharing Law

144. Respondents were asked how much they agreed or disagreed with the current equal sharing law. As shown in Figure Four, almost three-quarters agreed with the law of equal sharing, although only a third 'strongly agreed' with the law.
145. Respondents were also asked how much they agreed or disagreed that the law should apply to couples who had been living together *for three years*. (Note: this prompted question was asked *after* the unprompted question about how long couples should live together before the law applies – reported above).
146. The majority, 6 in 10, agreed with the three year-period when prompted – under a fifth 'strongly agreed' (indicating that feelings were not particularly strong). This suggests that, although the earlier unprompted question about how long couples should live together did not generate any consensus,²⁵ many appeared happy to accept the current definition of the law.

²⁵ Around a third said less than three years, a third said three years, and a third said more than three years.

How agreement varied within the survey sample

147. Agreement with the equal sharing law was higher than average among those currently living with their spouse or partner (78%).
148. Agreement with the law was lower than average for some groups:
- Those in a relationship, but not living with their partner (71%), and those not in a relationship (66%).
 - Those who had arranged a formal pre-nuptial agreement in the past (65%).
 - Those aged under 25 (64%).
 - Māori respondents were slightly less likely than average to agree with the equal sharing law (68%, compared with 74% of all respondents). (Agreement did not vary between all Māori respondents and those who only identified as Māori).
149. On balance, those who had experienced a previous breakup where there was relationship property to divide were less likely to agree with the current law (68% agreed, compared with 74% of the total sample). However, views among this group were more

Views on Equal Sharing CONT.

polarised than other groups. Compared with the total sample, those who had experienced a previous breakup where there was relationship property to divide were more likely to 'strongly disagree' with the law (10%, compared with 6%), but were also more likely to 'strongly agree' with the law (37%, compared with 32%). However, their views on the 'three-year period' were no different from other groups.

150. Agreement with the three-year period was higher than average for some groups:

- Married respondents (64%, compared with 57% of those who lived with a partner they were not married to, and 57% of those who did not live with a partner).
- Those who had a dependent child living in their household (64%, compared with 58% of those who did not).

151. Agreement with the three-year period was lower than average for some groups:

- Māori (53%) or Pacific (51%) (compared with 56% of Asian respondents and 63% of New Zealand European respondents).
- Those not born in New Zealand (55%, compared with 62% of those born in New Zealand).

- Those who rented (54%, compared with 63% of those who owned their own home).

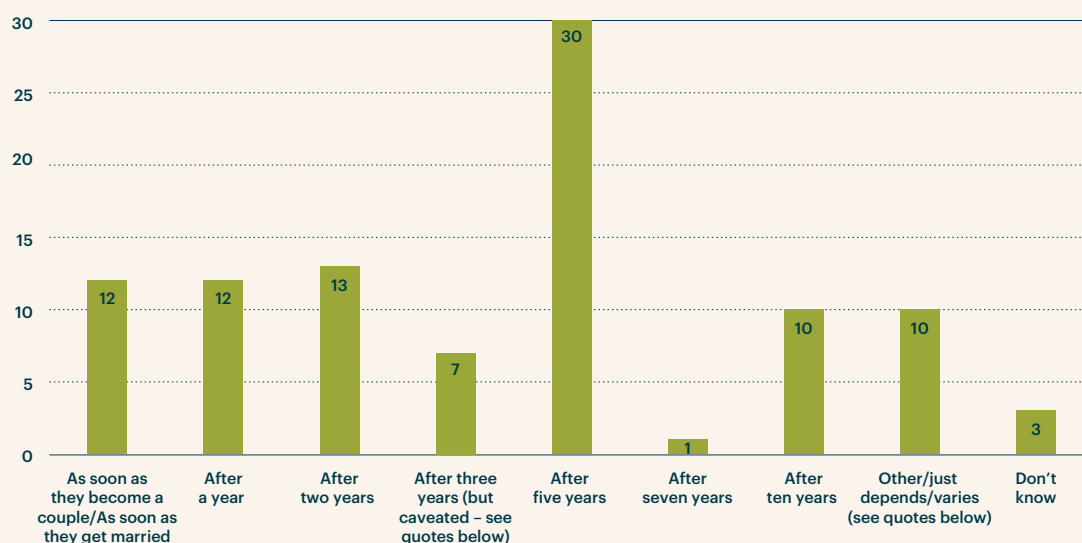
These groups contain a mix of those who said the period should be shorter than three years and those who thought that it should be longer (although Māori and Pacific respondents were slightly more likely to have thought that the period should be shorter than three years, but this difference was not statistically significant).

Views about the Ideal Length of Time Before the Equal Sharing Law Applies (among those who disagreed with the current law)

152. Just over a third (35%) disagreed that the law should apply to couples who had been living together for three years. They were asked how long it should be. Their responses are described in Figure Five.

153. As with the earlier unprompted question about how long couples should live together before the law applies (see Figure Three), there was no consensus, with a mix of responses that were shorter and longer than three years (although 'five years' was a relatively common answer).

Figure Five: Views about the Ideal Length of Time Before the Law Applies (among those who disagreed with the current legal definition)



Source: V3b: *How long should it be?* Base: All respondents who disagree with the three year period (n=478).

Table Five: Average Number of Years Couples Should Live Together by Opinion about the Current Legal Definition

Viewpoint on the current three-year period (if stated)	Base size (n=)	Average number of years/months before law applies
Strongly agree with the three-year period	232	3 years
Agree with the three-year period	457	3 years and 2 months
Neither agree nor disagree with the three-year period	39	3 years
Disagree with the three-year period	314	3 years and 4 months
Strongly disagree with the three-year period	164	4 years and 2 months
Don't know	17	2 years and 9 months
Total	1,223	3 years and 3 months

Source: V1b: *How long do you think couples should live together before the law of equal sharing applies?* and V3b: *How long do you think it should be?*
Base: Refer to relevant column in the table.

154. A tenth provided other 'non-time bound' responses (some illustrative quotes from those holding this viewpoint are listed below). Interestingly, 7% still said 'three years', but with caveats (some of these 'caveats' are also quoted below).

Some Illustrative Quotes from those who Provided Caveats or Non-time bound Responses

Depends on what each one brings to the table.
Depends how much each one contributes.
It would depend on their individual circumstances, it should be different if one person brings in a large inheritance.
If someone comes into the relationship with nothing, why should they get anything at all?
You cannot determine it using a time period.
Three years is fine, but they should both be ready and make their minds up about sharing.
Three years of being serious about their relationship.
Once they are settled into married life.
It should be by mutual agreement only.

155. All the survey responses about the period of time couples should live together before the law applies were averaged and then indexed to respondents' opinions about the current legal definition. The results (set out in Table Five) suggest that those who felt less comfortable about the current three-year period only had a slight tendency to provide an answer that was longer than three years.

Whether the Time Period Should Be Shorter for Couples with Children

156. All respondents were asked if the time period should be shorter for couples with children. (Note that the status of the children was not defined for the respondents). Views were mixed – 49% said 'yes, it should be shorter than three years'; 3% said 'maybe'; 43% said 'no'; and 5% were unsure.
157. Some groups were more likely to say that the equal sharing law should apply earlier if a couple had children:
- Those aged under 40 (62%, compared with 47% of those aged between 40 and 59, and 36% of those aged 60 and over).
 - Pacific respondents (62%) and Asian respondents (57%) (compared with 46% of New Zealand Europeans and 51% of Māori).
 - Those who were born overseas (57%, compared to 47% of those born in New Zealand).
 - Those who had a dependent child living in their household (55%, compared with 46% of those who did not).
 - Those who agreed with the current equal sharing law (53%, compared with 34% of those who disagreed with the current law). (Please note there was no variation based on viewpoints about the three-year period).
 - Those who rented (62%, compared to 44% of those who owned the home they live in).

Views on Equal Sharing CONT.

Views on Equal Sharing – Key Findings

- Overall, three-quarters of the respondents agreed with the current equal sharing law – however, views were not particularly strong (for example, under a third ‘strongly agreed’ with the law, and less than 1 in 10 ‘strongly disagreed’ with it).
- The experience of going through a separation where there was relationship property to divide had a tendency to polarise opinion (this group contained a relatively high proportion of people who strongly agreed *and* a relatively high proportion of people who strongly disagreed).
- Respondents thought a range of factors should be considered when deciding if the law of equal sharing should apply to a couple. Around 9 in 10 believed that buying a house together, living together, having children together, and sharing finances were key factors.
- There was no consensus on the single most important factor, although the most common answer was *whether a couple have children together*. However, only 1 in 5 believed this was the most important factor, which reflects divergent viewpoints on this issue.
- There was no clear consensus about the period of time that couples should live together before the law of equal sharing applies. Around a third said it should be sooner than three years, a third said it should be three years, and a third said it should be longer than this. The average length of time stated was three years and three months.
- 70% thought that whether the partners were married was an important factor when deciding if the law of equal sharing should apply to a couple. These respondents tended to think couples should not be married for long before the law applies to them. Two-thirds (66%) of these respondents felt that the qualifying period should be less than three years for married couples. The equivalent proportion for *all* relationships (including unmarried couples) was only 32%.
- Views on the importance of marriage within the total sample were polarised, with around 3 in 10 of all respondents thinking that the law should apply to a couple as soon as they get married. However, around 3 in 10 believed that marriage should not even be a factor when applying the law to a couple.
- Interestingly, when prompted with what the law actually says (that is, it applies to couples who have been living together for three years or longer) around 6 in 10 agreed with this period of time. This suggests that, although there was no clear consensus about how long couples should live together before the law of equal sharing applies, many did not hold strong opinions and appeared happy to accept the current definition of the law.
- However, around 3 in 10 disagreed with the three-year period. This group contained a mix of people who said it should be shorter *and* people who said it should be longer (although there were slightly more of the latter than the former).
- About half of the respondents thought that the three-year period should be shortened for couples with children. Respondents from households with dependent children living in them were more likely to provide this response.

Overall, three-quarters of the respondents agreed with the current equal sharing law – however, views were not particularly strong.

Relationship Property Division Scenarios

158. After respondents' views about the equal sharing law, and when it should apply, were ascertained they were then asked to consider three scenarios involving separating couples. These real-world scenarios were used to test respondents' views on more complex aspects of the PRA that are less amenable to general questions, such as what property should be shared and what should happen when one partner is financially disadvantaged as a result of decisions the couple made during the relationship. This approach enabled a more in-depth examination of respondents' viewpoints about particular aspects of the law and whether these changed when respondents were presented with different situations.

159. The three scenarios were:

- **Scenario One:** Fred and Jan: *whether a partner should receive their deposit back if it went towards purchasing the family home.*
- **Scenario Two:** Thomas and Penny: *whether a partner should receive an equal share of a home that was mortgage-free prior to the relationship.*
- **Scenario Three:** James and Alice: *whether a partner who put their career on hold to look after children should receive additional financial support.*

160. In each scenario respondents were told that the couple was separating, but that they had no pre-existing agreements about the division of their relationship property.

161. In order to explore gender issues, the names in each scenario were reversed for a random sub-sample of respondents. Swapping the names in each scenario did have an effect on the results which is described later.

Scenario One: Fred and Jan (*whether a partner should receive their deposit back if it went towards purchasing the family home*)

162. Respondents were read the following scenario:

Fred and Jan are a couple with no children. They bought their home together at the start of their relationship, but Jan²⁶ paid the deposit with money she saved before she met Fred. During the relationship they both contributed to the mortgage payments and other living expenses. They are now separating after four years together. In your opinion, should Jan get the deposit back when they separate?

163. Over 7 in 10 (72%) of respondents said Jan should get the deposit back (see Figure Six for details).

164. It should be noted that the current equal sharing law indicates that Jan would *not* get the deposit back if it helped pay for the family home. As described later in this section, even the majority of those who supported the equal sharing law still felt that Jan should get her deposit back.

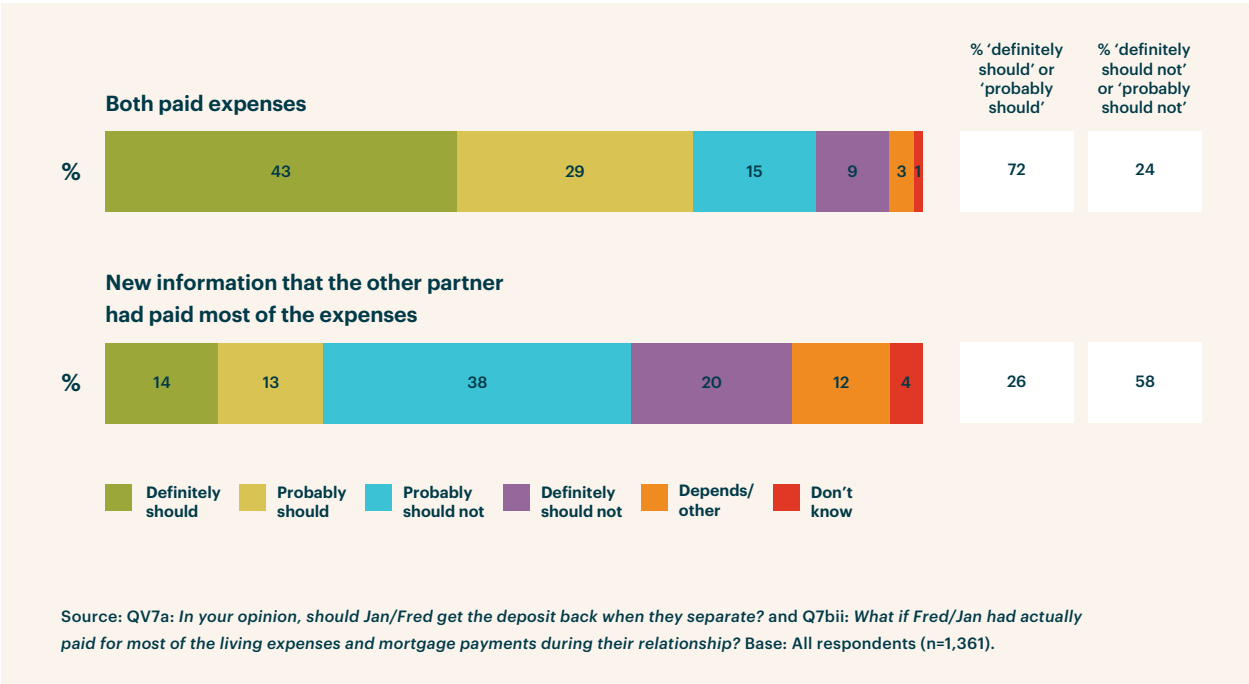
165. Respondents were asked an additional follow-up question: 'Would you change your answer if Fred had actually paid for most of the living expenses and mortgage payments during the relationship?'

166. Viewpoints changed significantly as a result of this new piece of information. The proportion who thought that Jan should get the deposit back dropped from 75% to 26%. (The proportion who felt that Jan should *not* get the deposit back increased from 24% to 58%).

²⁶ As explained above, the names were reversed in each scenario for some respondents. For example, a proportion of respondents were told it was Fred, not Jan, who paid the deposit. However, for ease of reading throughout this section, only one order of the names is described and discussed for each of the three scenarios.

Relationship Property Division Scenarios CONT.

Figure Six: Whether a Deposit Should Be Returned Upon Separation (views before and after new information about the other partner paying most of the living expenses/mortgage)



167. As Figure Six shows, a reasonable proportion said ‘it depends’ or provided ‘other’ miscellaneous responses (3% for the initial scenario and 12% for the follow-up question). Sometimes respondents provided additional feedback to the interviewer when they answered this way – a thematic analysis of their responses indicates some common themes:
- Some/part of the deposit should be returned.
 - The amount returned should be conditional upon other contributions made during the relationship (responses tended to focus on financial contributions).
 - It depends on the size of the deposit.
 - It depends on whether one or the other are earning a reasonable income.
 - If depends on whether there are children involved.
 - They should negotiate with each other.

Scenario Two: Thomas and Penny (whether a partner should receive an equal share of a home that was mortgage-free prior to the relationship)

168. Respondents were read out the following scenario:
- Thomas owns a house with no mortgage. He starts a relationship with Penny, who moves into his house. Penny pays for most of the living expenses while they are together.²⁷ After six years, they decide to separate. In your opinion, should Penny get an equal share of the value of the house?*

²⁷ Please note that it was felt that most respondents would answer negatively to Thomas having to share his mortgage-free home, so the situation was balanced to include significant living-expense contributions from Penny.

169. After being read the statement above, over half (54%) of the respondents said Penny should not receive an equal share in the value of the house. Forty percent thought that Penny should receive an equal share, which she would be entitled to under the current equal sharing law. However, as described later, many of those who supported the equal sharing law in principle did not think that it should apply to this situation.

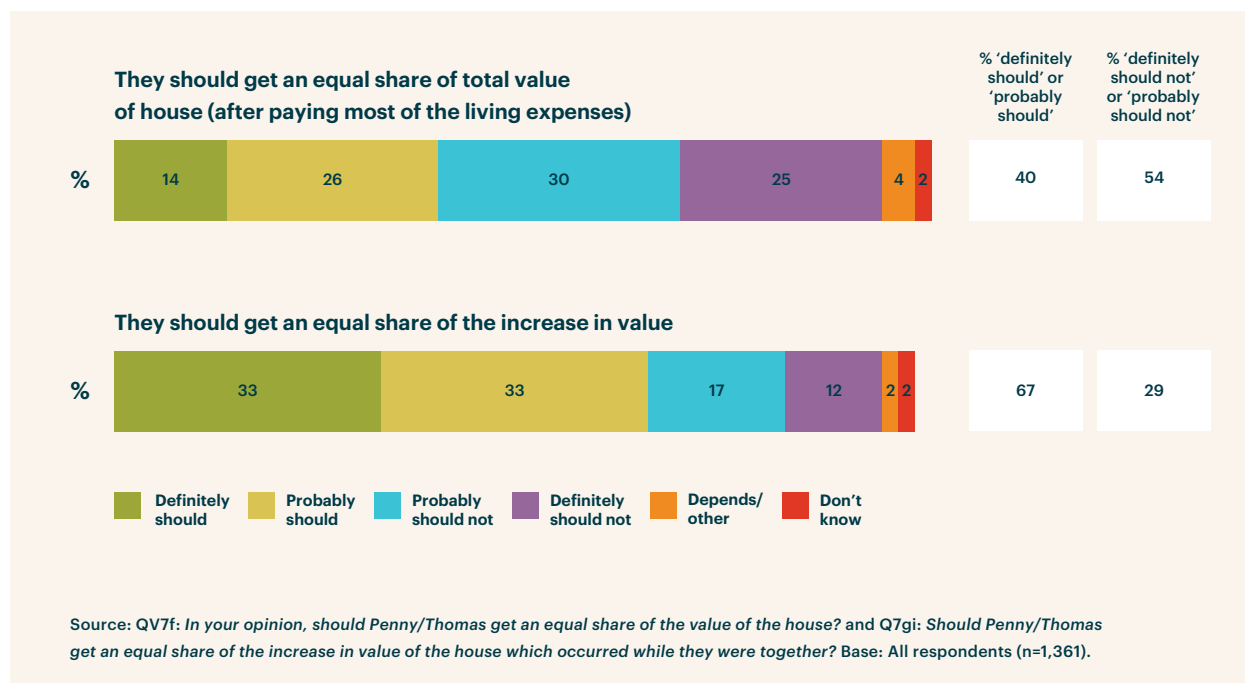
170. All respondents were asked an additional follow-up question: *'In the six years they were together, the house increased in value. Should Penny get an equal share of the increase in value of the house which occurred while they were together?'*

171. Around two-thirds (67%) thought that Penny should get an equal share of the increase in the value of the house that occurred while they were together.

172. The findings are illustrated in Figure Seven.

173. A small proportion of the respondents said 'it depends' or provided 'other' miscellaneous responses (4% for the initial scenario and 2% for the follow-up question). Almost all respondents who answered this way felt that Penny should get a share, but not an equal share (this applied to both the question about the overall value of the house and the question about sharing the increase in value of the house). Others mentioned that 'it depends on how much each contributed during the relationship' (most of those responses focused on the relative 'financial' contributions made by each partner).

Figure Seven: Whether the Value of a Mortgage-free Home Brought by A Partner Should be Shared with the Other Partner (if that other partner pays most of the living expenses)



Relationship Property Division Scenarios CONT.

Scenario Three: James and Alice (whether a partner who put their career on hold to look after children should receive additional financial support)

174. Respondents were read out the following scenario:
- James and Alice separate after 10 years of living together. James was the breadwinner while Alice put a hold on her career to stay at home and look after the children. James has an established career and a good income, but Alice has been struggling to find a job since they separated. In this situation, do you think Alice should get additional financial support from James after they separate?*
175. Fifty-nine percent of respondents thought that Alice should receive additional financial support and 35% thought that she should not (see Figure Eight).
176. As shown in Figure Eight, a small proportion said 'it depends' or provided 'other' miscellaneous responses that are grouped into the following themes:
- It depends on the behaviour of the person seeking additional financial support – both during the relationship (for example, if they were violent), and after the relationship (for example, if they were genuinely seeking employment).

- It should be at the discretion of the breadwinner.
 - It depends on other financial support available to the person seeking additional financial support.
 - Government benefits should support the person seeking additional financial support.
177. Respondents who thought that the non-breadwinner should receive additional financial support from the breadwinner were asked a follow-up question about the best way to provide support (see Figure Nine).
178. The most common response was that the non-breadwinner should receive a share of the other's future income for a set period (49% said this). Twenty-seven percent thought that the non-breadwinner should receive more when the relationship property was divided.
179. The rest were either unsure or provided other miscellaneous responses. Respondents were allowed to provide their own answer using free-form text – most of these responses focused on the need to tailor a solution based upon the individual circumstances of the couple.

Figure Eight: Whether Someone Who Put their Career on Hold to Look After Children Should Receive Additional Financial Support From the Breadwinning Partner

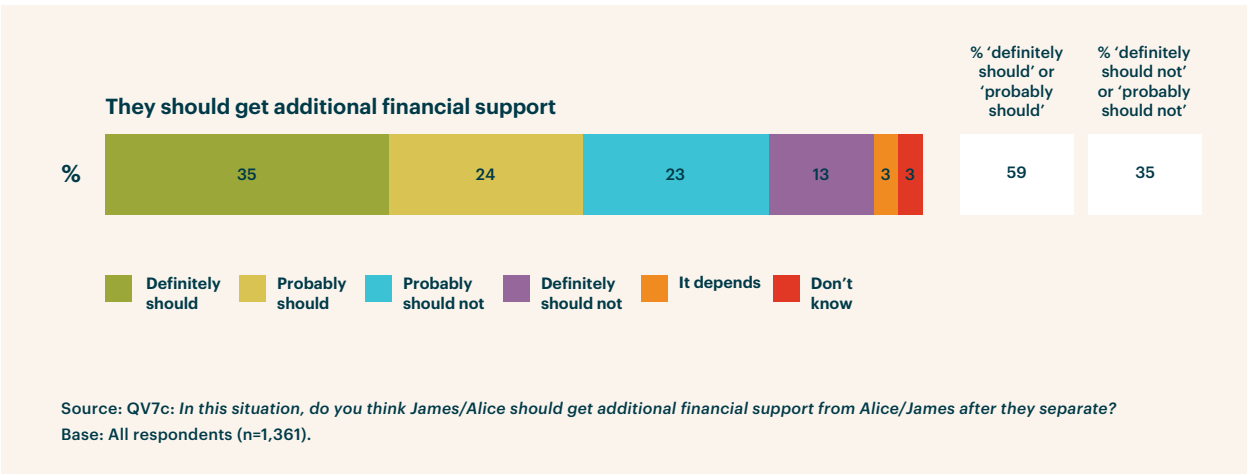
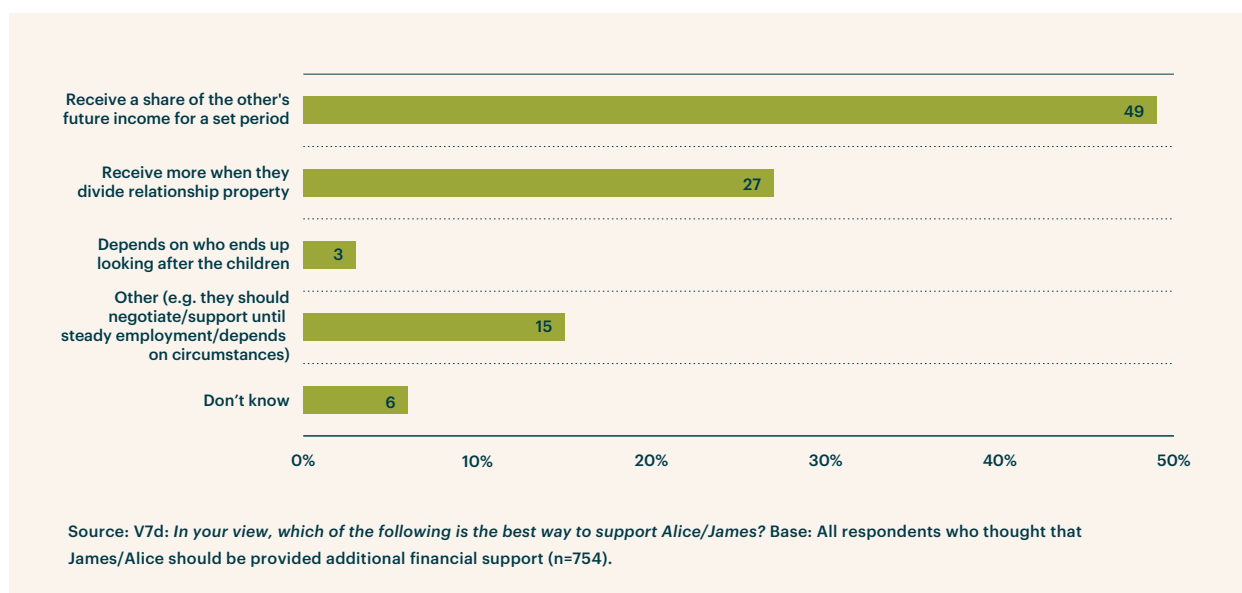


Figure Nine: How Additional Financial Support Should be Received



The Effects of Reversing the Names in the Scenarios

180. To explore gender issues the names in each scenario were randomly reversed (for example, in the first scenario a random selection of respondents were told Fred paid the deposit on the house – whereas the main sample was told it was Jan who paid the deposit).²⁸ The findings highlighted some differences in how people responded to scenarios based upon the gender of each character described within them. In general, respondents were more inclined to support shares of relationship property being given to a female rather than a male. As shown in Table Six, the difference was largest for Scenario Three where a partner put their career on hold to look after children.

²⁸ The random sub-sample did not generate a sample that was completely representative; nor was the full sample subject to randomisation. The intent was to subject the full sample to randomisation, but approximately half of the sample was subject to randomisation. This was due to an error in the fieldwork processes that was not adjusted until mid-way through the fieldwork. To ensure correct representation, both the main sample and the random sub-sample were weighted to the same specification – which meant that the results from both samples were representative by age, gender and ethnicity (relationship status and region did not require weighting because these were representative without weighting). To ensure that the combined results presented earlier (in Figures Six to Nine) included both sets of scenarios evenly (i.e., male and female characters were spread evenly) a probability-of-selection weighting was applied. This post-hoc adjustment up-weighted the sub-sample so that it represented 50% of the data for analysis purposes.

181. It is possible that the respondents applied different assumptions in different scenarios. For example, in Scenario Three (James and Alice) there may have been a tendency to assume that a male non-breadwinner (James) had the ability to return to his career quickly and/or there may have been a tendency to assume that a female (Alice) was the primary carer for the children after the separation. It could also reflect a broader view that women are generally more vulnerable post-separation and therefore have greater need for legal protection.

182. Although the proportions in each scenario varied depending on the gender of the characters, the effects were not so large that they altered the overall tendency to support (or not) relationship property decisions. For example, regardless of the roles assigned to James and Alice, the proportion that believed additional financial support was *required* from the breadwinner was greater than the proportion that believed additional financial support was *not required*.

Relationship Property Division Scenarios CONT.

Table Six: Gender Analysis: How Responses Changed When the Names were Reversed in Each Scenario

Scenario	Proportion that said 'definitely should' or 'should'		Proportion that said 'definitely should not' or 'should not'	
	Female character	Male character	Female character	Male character
Thought that a partner should get a deposit back after four years of living together	77%	66%	18%	30%
Thought that a partner should get a deposit back after four years of living together (if the other partner paid for most of the living expenses)	32%	20%	52%	65%
Thought that a partner should receive an equal share of the other partner's home which was mortgage-free before the relationship (assuming they paid most of the living expenses during the relationship).	43%	36%	49%	60%
As above, but thought that a partner should receive an equal share of the increase in value of the house that occurred while the couple were together	71%	63%	24%	34%
Thought that a partner should receive additional financial support from the breadwinner to compensate for putting their career on hold to look after children	68%	51%	26%	43%

Source: QV7a: *In your opinion, should Jan/Fred get the deposit back when they separate?* and Q7bii: *What if Jan/Fred had actually paid for most of the living expenses and mortgage payments during their relationship?* and QV7f: *In your opinion, should Penny/Thomas get an equal share of the value of the house?* and QV7c: *In this situation, do you think James/Alice should get additional financial support from Alice/James after they separate?* Base: All respondents (n=1,361) separated by 'female character' vs 'male character' being the subject of the scenario. This involved the names being swapped for a random sub-sample of n=314; whereas the main sample involved n=1047 (see the survey questionnaire in Appendix A to determine the exact roles described to the sub-sample). Green text indicates that the proportion for the female was higher than the equivalent proportion for the male. Red text indicates that the proportion for the female was lower than the equivalent proportion for the male.

183. Please note that the answers to the question about *the nature of additional financial support* (i.e., whether the non-breadwinner should receive a share of the other's future income, a larger share of the relationship property division, or something else – described in Figure Nine) did *not* vary depending on whether the breadwinner was male or female.

How Aspects of the Scenarios Challenge Support for the Equal Sharing Law

184. As detailed earlier, three-quarters of the sample agreed with the current equal sharing law. However, use of the scenarios has shown that most respondents thought it was appropriate to depart from equal sharing in particular circumstances.

185. Table Seven presents how those who agreed with equal sharing reacted to four situations described in the three scenarios. The analysis only relates to questions that directly asked about a 50/50 split of relationship property.²⁹ The four situations included in this analysis are:

- Should a partner get a deposit back after four years of living together? (If yes, this suggests a variation from a 50/50 split).
- Should a partner get a deposit back after four years of living together *if* the other partner paid for most of the living expenses and the mortgage while they were together?³⁰ (If yes, this suggests a variation from a 50/50 split).

²⁹ Other situations not included in this analysis dealt with the manner of support, for example, receiving lump-sum financial support vs. ongoing payments.

³⁰ Please note that it was important to include *both* points i and ii in the analysis because reactions often differed in one and not the other.

Table Seven: Proportion of Those Who Agreed with the Equal Sharing Law But Provided a Viewpoint Opposed to Equal Sharing

Situation	Proportion of those who agreed with the equal sharing law ³¹
1 Thought that a partner should get a deposit back after four years of living together	68%
2 Thought that a partner should get a deposit back after four years of living together (if the other partner paid for most of the living expenses)	24%
3 Thought that a partner should not receive an equal share of a home which was mortgage free before the relationship? (Even if that partner paid most of the living expenses).	50%
4 Thought that a partner should receive additional financial support from the breadwinner to compensate for putting their career on hold to look after children	58%
Did not support equal sharing in one or more situations	88%
Held firm to support for equal sharing in all situations	12%

Source: QV7a: *In your opinion, should Jan/Fred get the deposit back when they separate?* and Q7bii: *What if Jan/Fred had actually paid for most of the living expenses and mortgage payments during their relationship?* and QV7f: *In your opinion, should Penny/Thomas get an equal share of the value of the house?* and QV7c: *In this situation, do you think James/Alice should get additional financial support from Alice/James after they separate?* Base: All those who agreed with the equal sharing law (n=1,276).

- iii. Should a partner not receive an equal share of a home that was mortgage-free before the relationship (even if that partner paid most of the living expenses)? (If yes, this suggests a variation from a 50/50 split).
 - iv. Should a partner receive additional financial support to compensate for putting their career on hold to look after children? (If yes, this suggests a variation from a 50/50 split). However, this is not as straightforward as the other three situations above because current law allows for additional financial support in some situations. Hence this analysis simply seeks situations where respondents were willing to reconsider their support for a straightforward 50/50 split.
186. The findings in Table Seven represent the proportion of those who agreed with the equal sharing law, but provided a viewpoint opposed to equal sharing in practice in the scenarios.
187. Eighty-eight percent of those who agreed with the equal sharing law did not support equal sharing in one or more situations; whereas only 12% held firm to their support for the equal sharing law throughout all of the scenarios presented to them.
188. The following subgroups were more likely to be in this '12%' category who held firm in their support of equal sharing throughout all of the scenarios:
- Those who have had a pre-nuptial agreement certified by a lawyer in the past (20%).
 - Those aged in their 70s or 80s (21%).
 - New Zealand European respondents (13%, compared with 10% of Māori, 6% of Pacific, 3% of Asian respondents, and 11% of 'other' ethnic groups such as European or African).

Use of the scenarios has shown that most respondents thought it was appropriate to depart from equal sharing in particular circumstances.

³¹ For purposes of comparison, here are the equivalent proportions among those who **disagreed** with the law of equal sharing: Situation 1: 86%; Situation 2: 43%; Situation 3: 63%; and Situation 4: 58%. The equivalent proportions for the bottom two rows of Table Six are: did not support equal sharing in one or more situations: 98%; and, supported equal sharing in all situations: 2%.

Relationship Property Division Scenarios CONT.

Method notes

189. The scenarios cannot be used to determine if they 'convert' those who disagree with equal sharing towards viewing 'equal sharing favourably'.
190. Please note that although the situations described in Table Six can be used to determine if someone changed their support for equal sharing, it is not possible to determine if the situations built support for equal sharing among people who disagreed with the current law. For example, if a respondent believed that someone should not get their deposit back this does not necessarily mean they support equal sharing.
191. However, Scenario Two (Thomas and Penny) is one situation which directly addresses support (or lack of support) for equal sharing of property. Respondents were asked if Penny should get an equal share of the value of a mortgage-free house which Thomas brought into the relationship. Respondents were also told that Penny paid for most of the living expenses when they were together. Interestingly, 30% of those who disagreed with the equal sharing law felt that Penny *should* get an equal share of the value of the house. This is not much different from the norm (overall 40% felt Penny should get an equal share). Again, this finding suggests that people often do not hold

their views of support or opposition strongly – further details about a couple's situation can sway opinion.

People often do not hold their views of support or opposition strongly – further details about a couple's situation can sway opinion.

192. The PRA states that there is no presumption that monetary contributions are of greater value than non-monetary ones.³² Non-monetary contributions can include management of the household, performance of household duties, care of children, providing assistance and support to the other partner, and the performance of work or services in respect of relationship property or the separate property of the other partner. Scenarios One and Two primarily compared the partners' monetary contributions to the relationship and did not specifically address their non-monetary contributions. If the survey respondents had been told that one partner's non-monetary contributions were greater than the other's then they might have responded differently. As the findings for Scenario Three indicated, respondents tended to give considerable weight to the non-monetary contributions of the stay-at-home partner who put their career on hold to look after children.

³² Section 18(2) PRA 1976: There is no presumption that a contribution of a monetary nature ... is of greater value than a contribution of a non-monetary nature.

Relationship Property Division Scenarios – Key Findings

- Although three-quarters of the respondents generally agreed with the equal sharing law, most thought it was appropriate to depart from equal sharing in particular circumstances. In fact, 88% of those who were supportive of the equal sharing law in principle answered the scenarios in a way that suggested they did not always support equal sharing in practice.
- 72% thought that where a couple purchase a house together and share expenses and mortgage payments, but only one partner applied their pre-relationship savings to pay the deposit, that partner should get their deposit back if they separate after four years. Nearly a quarter (24%) thought this should not happen, and the rest said 'it depends' or 'don't know'.
- However, only 26% thought that the partner should get their deposit back after separating *if the other partner paid for most of the mortgage payments and living expenses*. Over half (58%) thought this should not happen, and the rest said 'it depends' or 'don't know'.
- 54% thought that, where a couple live in a home that was owned mortgage-free by one partner before the relationship began, that home should not be shared equally if they separate after six years, even if the other partner paid most of the living expenses. 40% thought that the home should be shared equally and the rest said 'it depends' or 'don't know'. However, respondents were more favourable to sharing only the increase in value of the home: 67% of all respondents said that the increase in value should be shared equally.
- 59% thought that a partner who gave up their career to look after children during the relationship should receive additional financial support from the other partner after they separated. Around a third (35%) thought this should not happen, and the rest said 'it depends' or don't know'.
- Respondents who thought the non-breadwinner should receive additional financial support from the other partner after separation were asked how that support should be received. The most common response was that the non-breadwinner should receive a share of the other's future income for a set period (49% said this). Twenty-seven percent thought that the non-breadwinner should receive more when the relationship property was divided.

88% of those who were supportive of the equal sharing law in principle answered the scenarios in a way that suggested they did not always support equal sharing in practice.

Pre-nuptial Agreements

193. Respondents were asked whether they had ever made (or considered) an agreement with a partner about the division of relationship property upon separation. These have been referred to as ‘pre-nuptial agreements’ in the survey questionnaire and also in this report. This is a shorthand phrase relating to any agreement about the division of relationship property.

Pre-nuptial Agreements: Consideration, Discussion, and Certification

194. Respondents were asked the following question:

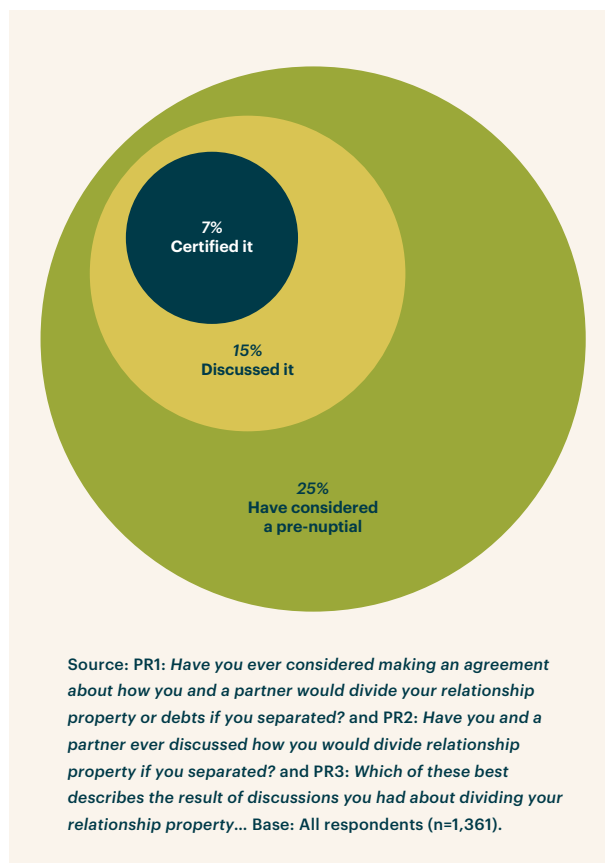
Thinking about all relationships you have ever had ... have you ever considered making an agreement about how you and a partner would divide your relationship property or debts if you separated?

This is sometimes known as a pre-nuptial agreement and can be made before or during a relationship. Please note that relationship property includes the family home, household items (such as furniture or the car) and money or property the couple get during the relationship.

195. A quarter of the total sample said they had considered a pre-nuptial agreement at some point in their life. Fifteen percent said that they had discussed it with a partner, and 7% said they certified the pre-nuptial agreement with a lawyer (see Figure Ten).

196. Six percent of the total sample said they had reached an informal agreement with a partner in the past, but did *not* get that agreement certified with a lawyer – this was often based on a ‘verbal’ agreement with the other partner.

Figure Ten: Proportion of the Sample that had Considered, Discussed and Certified a Pre-nuptial Agreement at Some Point in Their Life



Groups more/less likely to consider a pre-nuptial agreement

197. A quarter of the total sample said that they had considered a pre-nuptial agreement at some point in the past. The following groups were *more* likely (than average) to have considered a pre-nuptial agreement:
- Those who lived with a partner (but were not married to them) (45%).
 - Those who had experienced a previous relationship breakup after living with their partner for three years or longer (44%) – particularly those who said there was relationship property to divide at the time of separation (47%).
 - Those who had a dependent child living in their household (31%, compared to 23% of those without).
 - People aged in their 30s (35%), 40s (33%) or 50s (32%). This compares with 14% of those aged under 30 and 18% of those aged 60 and over.
 - Females were slightly more likely to have considered a pre-nuptial agreement than males (28%, compared to 23%).
198. The following groups were *less* likely (than average) to have considered a pre-nuptial agreement:
- Those who were unaware of the equal sharing law (15%, compared to 28% of those who were aware).
 - Asian respondents (17%) including those Asian respondents who lived with their partner (19%).
 - Those not born in New Zealand (18%, compared with 28% of those born in New Zealand).
 - Married respondents (21%).
 - Those who rented (21%, compared with 28% of those who owned their own home).

Groups who considered a pre-nuptial agreement, but did not discuss it with their partner

199. Fifteen percent of the total sample said that they discussed a pre-nuptial agreement with a partner. The groups who said this were broadly similar to the groups that considered a pre-nuptial agreement in the first place. However, three groups (outlined below) tended to *consider* making a pre-nuptial agreement, but *not* to discuss it with their partner.
200. Almost 6 in 10 (58%) of those who had considered a pre-nuptial agreement actually discussed it with a partner. On the other hand, 42% said '*I considered a pre-nuptial, but didn't discuss it with my partner*'. Some groups were more likely to be in this category:
- Younger people (53% of those aged under 40, compared with 35% of those aged 40 and over). However, younger people may have less relationship property (in another question 8% of those aged under 40 said they had experienced a breakup where there was relationship property to divide, compared to 27% of those aged 40 and over).
 - People who were unaware of the equal sharing law (66%, compared with 38% of those who were aware of the law³³). Please note that this link between lack of awareness and lack of discussion was common across age-groups, but was more pronounced among young people.
 - Asian respondents (62%, compared with 40% of non-Asian respondents).
201. There was no difference by gender.

Seven percent of the total sample said they had a certified pre-nuptial agreement ... six percent said they reached an informal agreement.

³³ On the other hand, 62% of those who were aware of the law (and had considered a pre-nuptial agreement) *did* discuss it with a partner, compared to 37% of those who were unaware of the law.

Pre-nuptial Agreements CONT.

Groups who made an agreement that was certified by a lawyer

202. Overall, 47% of those who discussed a pre-nuptial agreement with a partner said that they certified the agreement with a lawyer (more detail on the outcome of discussions with partners is provided in Figure Twelve).

203. Some groups were more likely to have said their discussion resulted in an agreement that was certified by a lawyer:

- Males (58%, compared to 40% of females).
- Those who owned their own home (54%, compared with 24% of those who rented).
- Those with a dependent child living in the household (55%, compared with 42%).
- New Zealand European respondents (54%, compared with 31% of Māori, 37% of Pacific, 43% of Asian respondents, and 13% of 'other' ethnic groups such as European or African).
- Those who were aware of the equal sharing law (49%, compared with 32% of those who were not).

Lack of awareness of the equal sharing law has a compounding effect on lack of action regarding pre-nuptial agreements

204. The previous analysis identified that those who were unaware of the equal sharing law were less likely than others to consider a pre-nuptial agreement. However, they were also less likely to discuss it (even if they did consider it) and were less likely to certify an agreement with a lawyer (even if they did discuss it with their partner).

Some felt that their relationship was not serious enough or did not involve sufficient relationship property, while others thought that everything would work out well and that discussing it would be awkward.

205. Overall, 2% of those who were unaware of the equal sharing law said that they made a pre-nuptial agreement that was certified by a lawyer (at some point in the past), compared with 8% of those who were aware of the law. (28% of those who were aware of the equal sharing law had considered a pre-nuptial agreement, and 62% of those had discussed it with a partner).

206. This cross-sectional survey can only identify a 'link' between awareness and action; it cannot determine that one causes the other. For example, it is possible that the action of making a pre-nuptial agreement built awareness of the law, rather than the other way around.

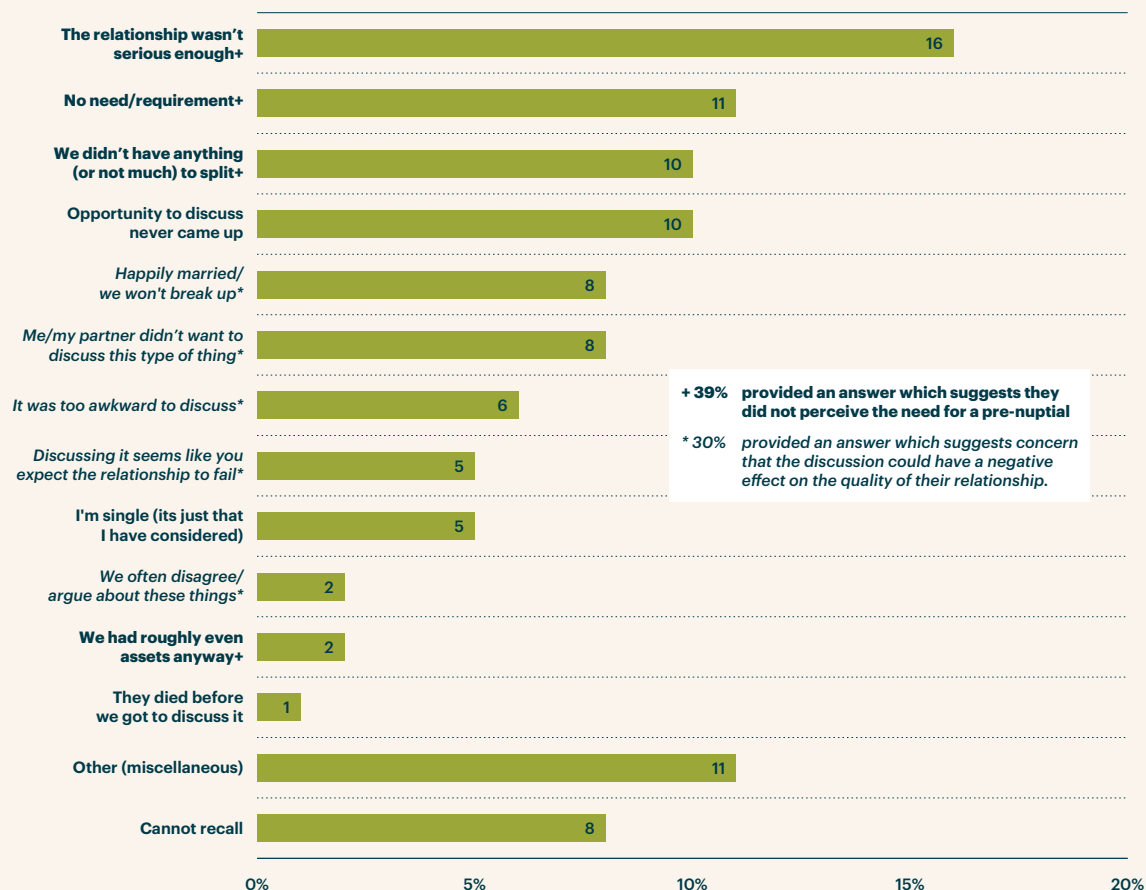
Reasons for Not Discussing a Pre-nuptial Agreement

207. All those who considered a pre-nuptial agreement, but did not discuss it with their partner, were asked *why* they did not discuss it. This was asked in an unprompted question and respondents could provide more than one response.

208. As Figure Eleven shows, those that did not discuss it often did not perceive the need to do so (around 4 in 10 responses were about a 'lack of perceived need'). Some felt that their relationship was not serious enough or did not involve sufficient relationship property, while others thought that everything would work out well and that discussing it would be awkward.

209. Three in 10 respondents (30%) provided responses that suggested they were concerned that a discussion about a pre-nuptial agreement could have a negative effect on the quality of the relationship.

Figure Eleven: Reasons Why Those Who Considered a Pre-nuptial Agreement Did Not Discuss It With Their Partner



Source: PR2b: What are the main reasons that you haven't discussed it? Base: All respondents who have considered a pre-nuptial agreement in the past (n=137). Note: this was an unprompted question and respondents could provide more than one answer.

Bold text adds together categories relating to a perceived 'lack of need'. *Italic* text adds together categories relating to a perceived effect on the quality of relationship.

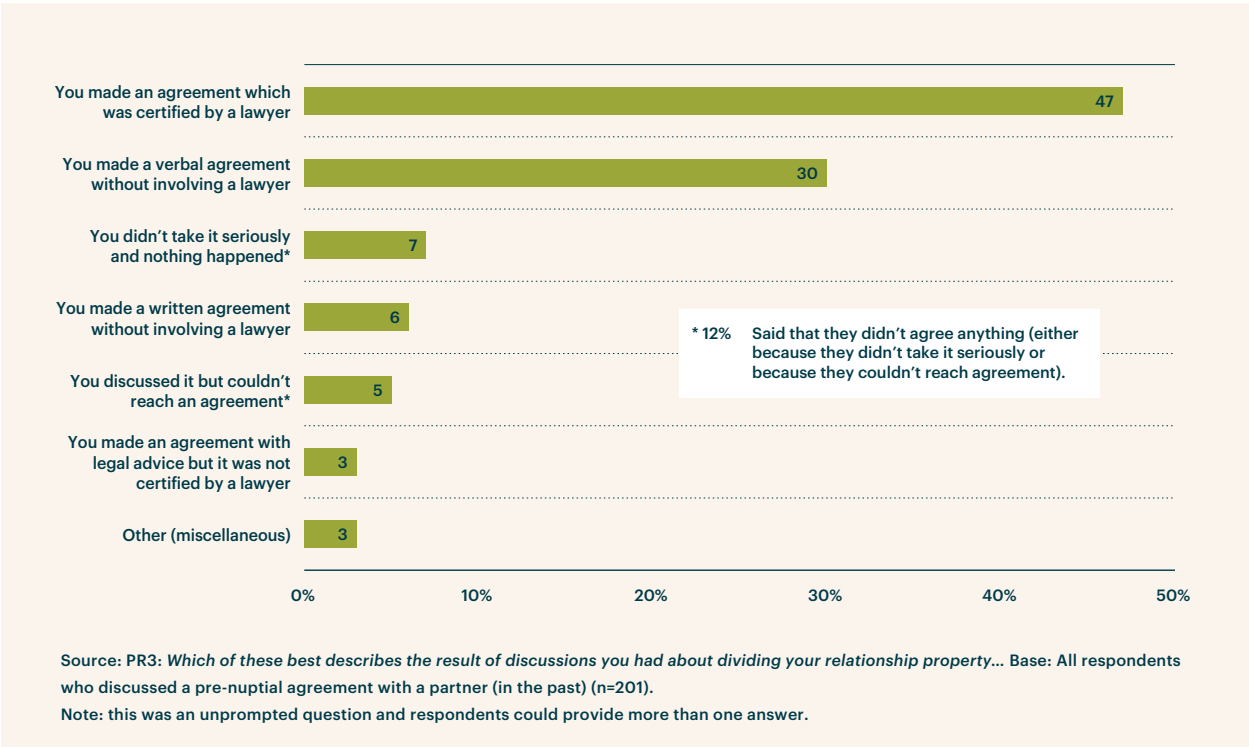
Pre-nuptial Agreements CONT.

Outcome of Discussions About Pre-nuptial Agreements

210. All those who discussed a pre-nuptial agreement with their partner were asked about the outcome of that discussion. The most common outcomes were: making an agreement which was certified by a lawyer (47% of those who discussed it), making a verbal agreement without involving a lawyer (30%), and discussing it without reaching agreement (either because they did not take it seriously or because they simply could not reach an agreement) (12%).

211. As stated earlier in this section, the 47% who said they made a pre-nuptial agreement that was certified by a lawyer (the first bar in Figure Twelve) equates to only 7% of the total sample (because Figure Twelve is based only on those who had discussed a pre-nuptial agreement with a partner in the past).
212. Thirty-eight percent either made a verbal agreement, or a written agreement without involving a lawyer, or made an agreement with legal advice but without certification. This equates to 6% of the total sample that had made an agreement which was *not* certified by a lawyer.

Figure Twelve: Outcomes of Discussions About Pre-nuptial Agreements



Pre-nuptial Agreements – Key Findings

- A quarter of the respondents had considered making a pre-nuptial agreement about the division of relationship property at some point in their life.
- Almost 6 in 10 (58%) of those who had considered making an agreement said that they discussed it with their partner.
- Those that did not discuss it often did not perceive the need to do so. Some felt that their relationship was not serious enough or did not involve sufficient relationship property, while others felt that everything would work out well and that discussing it would be awkward.
- Among those who *did* discuss it, the most common outcomes were: making an agreement that was certified by a lawyer (47% of those who discussed it), making a verbal agreement without involving a lawyer (30%), and discussing it without reaching agreement (either because they did not take it seriously or because they simply could not reach an agreement) (12%).
- Overall, 7% of the sample said they had made a pre-nuptial agreement that was certified by a lawyer at some point in their life (please note this includes historic agreements made with previous partners). This figure increases to 10% of those who lived with their partner (please note this includes agreements made with previous partners).
- Overall, 6% of the total sample said they had made a pre-nuptial agreement that was not certified by a lawyer – often this involved a verbal agreement or a written agreement without legal certification.
- There was a link between awareness of the equal sharing law and taking action on pre-nuptial agreements. Those who were aware of the law were more likely to consider an agreement about the division of relationship property, and were more likely to discuss it with a partner. They were also more likely to have an agreement certified by a lawyer.

Those who were aware of the law were more likely to consider an agreement about the division of relationship property, and were more likely to discuss it with their partner.

Relationship Status and Experience of Relationship Breakup

213. To provide a picture within a representative sample of contemporary New Zealand society respondents were asked to describe their relationship status and their experience of previous relationship breakups. Relationship status and experience of past breakups were also used in subgroup analyses throughout this report (for example, an earlier section of the report described how those who had experienced a breakup were more likely to be aware of the equal sharing law).

Current Relationships

214. Respondents were asked about their current relationship. Sixty percent were living with their partner (50% were married or in a civil union³⁴ and 10% were living with their partner, but were not in a marriage/civil union with them). Nine percent were in a relationship with someone, but not living with them. A further 30% were not currently in a relationship.

215. Living with a partner was more common for the following groups:

- Those aged in their 30s, 40s, 50s, or 60s (74%, 78%, 68%, and 68% respectively, compared with 13% of those aged 18-25, 55% of those aged 26-29, and 57% of those in their 70s, and 46% of those aged over 80).
- Those with dependent children living in the household (84% – whereas 49% of those who did not live with a partner said they had a dependent child living in their household).
- Those who owned their own home (72%, compared with 40% of those who rented).

216. The proportions living with a partner were *lower* for Māori and Pacific respondents (48% and 53% respectively). This compares with 62% of the New Zealand European respondents and 61% of Asian respondents.

217. Almost all (97%) of those who said they were married (or in a civil union) also said they had been living together for three years or longer – whereas the equivalent figure for those living with a partner (they are not married to) was 65%. (Note that only 33% of those who did not live with their partner said that their relationship lasted for three years or longer).

Experience of Relationship Breakups

218. Almost 3 in 10 (28%) respondents had experienced a breakup with a partner they had lived with for three years or longer.

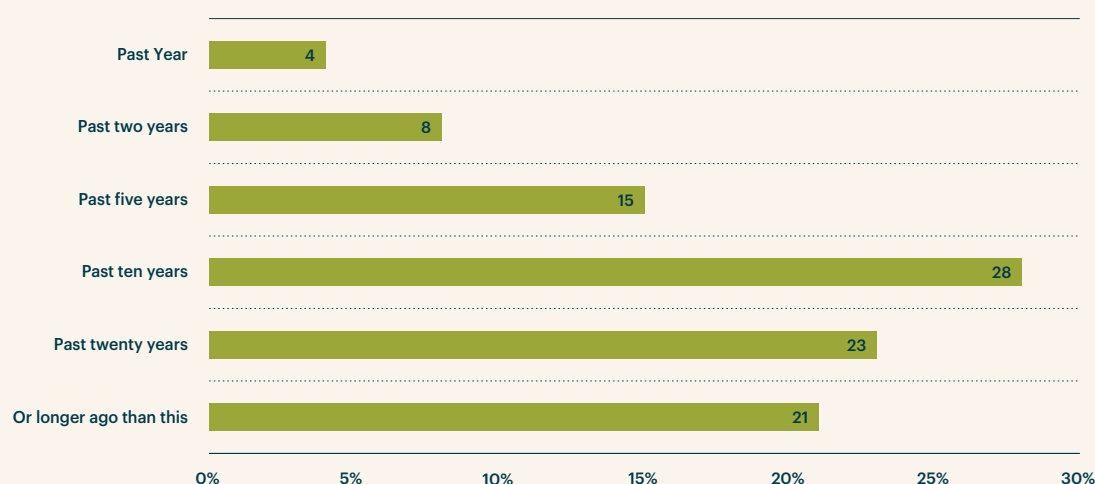
219. In just over 7 in 10 (71%) of these types of breakups there was relationship property to divide (this equates to 20% of the total sample – i.e., 1 in 5 had experienced a breakup where there was relationship property to divide). A further 2% said 'I think so/a bit' to this question.

220. The following groups were more likely to have experienced a breakup where there was relationship property to divide:

- Those who lived with their partner (but were not married to them) (29%, compared with 13% of married respondents and 27% of everyone else).
- Those who said they had made a pre-nuptial agreement certified by a lawyer in the past (44%, compared with 17% of those who had not).
- Those aged in their 50s (only 1% of those aged 18-25; 5% of those aged 26-29; 17% of those aged in their 30s; 24% of those in their 40s; 34% of those in their 50s; 28% of those in their 60s; 20% of those in their 70s; and 10% of those aged 80 plus).
- Females (22%, compared to 18% of males).
- New Zealand Europeans (25%, compared with 16% of Māori, 10% of Pacific, 4% of Asian, and 24% of other ethnic groups).
- Those born in New Zealand (23%, compared to 12% of those born overseas). Note that almost all (9 in 10) of those born overseas separated from their partner after they moved to New Zealand.

³⁴ It is possible that some respondents misinterpreted the words 'a civil union partner' to mean 'common law spouse'.

Figure Thirteen: Length of Time Since Previous Separation (among those who had lived with their partner for three years or longer)



Source: R8: Please think about the last time you separated from a partner or spouse you were living with. Did this separation happen in the past... Base: All respondents who have separated from someone they were living with for three years or longer (n=385).

221. All respondents who had broken up with a partner they had lived with for three years or longer were asked how long ago their separation happened. As Figure Thirteen shows, most said it was ten years ago or longer.
222. By comparing the results from Figure Thirteen with the question about the respondent's age it is possible to determine an approximate age when they separated (after living with a partner for three years or longer). This involves some assumptions which assign a number of years to some of the longer time-periods described in Figure Thirteen (for example 'within the past five years' was assumed to be 4 years³⁵).

223. Because of the assumptions stated above, the resulting data should be treated with caution. The analysis suggests that the median age of separation was 41 years old for males and 38 years old for females (for couples that had lived together for at least three years). Please note that if respondents had encountered multiple separations, they were asked to consider the timing of their most recent separation.

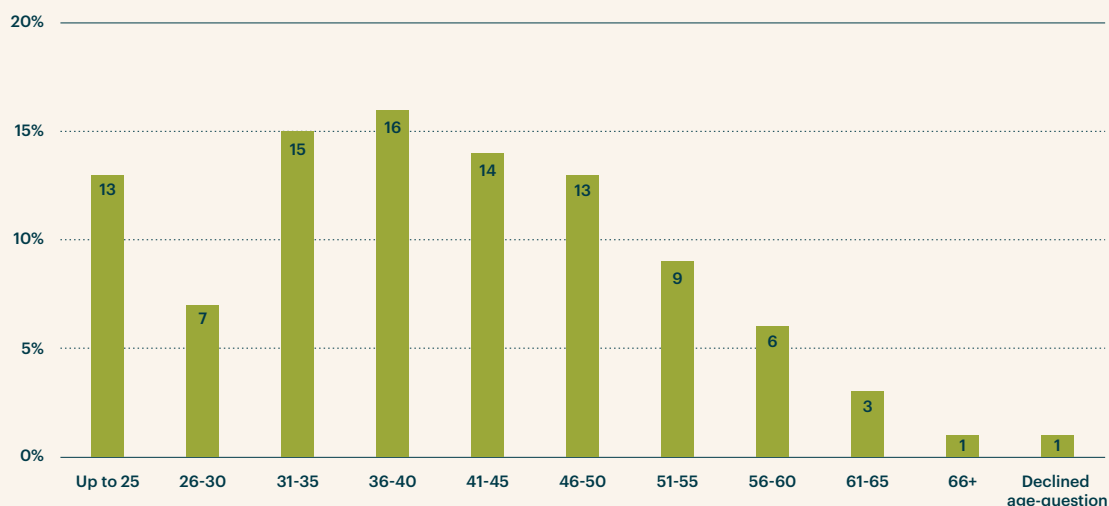
224. The age of separation is described in Figure Fourteen (please note it is not possible to separately report different sub-groups due to small sample sizes).

The analysis suggests that the median age of separation was 41 years old for males and 38 years old for females (for couples that had lived together for at least three years).

³⁵ Other assumptions made were: 'within the past ten years' was assumed to be 8 years, 'within the past twenty years' was assumed to be 15 years, and 'longer ago' was assumed to be 25 years.

Relationship Status and Experience of Relationship Breakup CONT.

Figure Fourteen: Estimated Age at Separation (among those who had lived with their partner for three years or longer)




Source: R8: Please think about the last time you separated from a partner or spouse you were living with. Did this separation happen in the past... Tabulated against C1: What is your current age? Base: All respondents who have separated from someone they were living with for three years or longer (n=385).

Relationship Status and Experience of Previous Relationship Breakups – Key Findings

- Sixty percent of respondents were living with a partner at the time of the survey interview – this corresponded with the 2013 Census data.³⁶
- Among all respondents, almost 3 in 10 (28%) had experienced a breakup with a partner they had lived with for three years or longer.
- In just over 7 in 10 (71%) of these types of breakups there was relationship property to divide (this equated to 20% of the total sample – i.e., 1 in 5 had experienced a breakup where there was relationship property to divide).

³⁶ Drawn from analysis of the 2013 Census:
<http://nzdotstat.stats.govt.nz>



Among all respondents, almost 3 in 10 (28%) had experienced a breakup with a partner they had lived with for three years or longer.

Summary of Findings for Māori, Pacific and Asian Respondents

225. The study design deliberately boosted the number of Māori, Pacific and Asian respondents. This section of the report summarises the findings for all three groups. For comparative purposes the equivalent findings from all respondents in the total sample are also described (this is sometimes referred to as the ‘average’).
226. Responses were also analysed from those who identified only as Māori and no other ethnic group³⁷ – any differences between the views of this group and the views of all Māori respondents are identified below.

Awareness of the Equal Sharing Law

227. Table Eight shows the proportions of each major ethnic group who were aware of various aspects of the equal sharing law. As stated earlier, awareness was lower than average for Māori, Pacific and Asian respondents.
228. Awareness did not significantly vary between those who identified only as Māori and those who identified as Māori plus at least one other ethnic group.

Views on Equal Sharing

Views on deciding if the equal sharing law should apply to a couple

229. Respondents were asked for their viewpoints on ‘factors’ that should be used when deciding whether (or not) to apply the equal sharing law to a couple who separate. Respondents were asked to identify all factors that should be considered, and to identify the ‘most important’ factor (from their perspective).
230. Views about the ‘most important’ factor did not vary by ethnic group.
231. However, Māori, Pacific, and Asian respondents were slightly more likely than average to think that marriage should be one of several deciding factors (note that views on whether marriage should be *the most important* factor did not vary by ethnicity). Seventy-eight percent of Māori respondents thought that marriage should be a factor (compared with 70% of all respondents). The equivalent proportions for Pacific and Asian respondents were 83% and 80% respectively.
232. Views on the other factors did not significantly vary between all Māori respondents and those who identified only as Māori.

Table Eight: Awareness of the Equal Sharing Law among Major Ethnic Groups

Awareness question	% All respondents (n=1,361)	% Māori (n=255)	% Pacific (n=128)	% Asian (n=220)
Overall awareness of the equal sharing law	79	70	55	58
Awareness that the law applies to couples who have been living together for three years	48	38	24	35
Awareness that the law applies to married and unmarried couples in the same way	68	58	35	38

Red text indicates that this subgroup had significantly lower findings than the ‘all respondents’ figure.

37 167 respondents identified only as Māori, whereas 88 identified as Māori and at least one other ethnic group.

Views about how long a relationship should last before the equal sharing law applies

233. There were some variations in how different ethnic groups answered the questions about how long a relationship should last before the equal sharing law applies (this included a question about the ‘three-year qualifying period’ which is how long couples live together before the law applies).

Views of Māori respondents

234. Agreement with the three-year qualifying period was slightly lower than average for Māori respondents (53%, compared with 60% of all respondents). However, Māori views about the preferred length of time for the qualifying period did not vary from the total sample. Views on the qualifying period did not significantly vary between all Māori respondents and those who identified only as Māori.
235. Māori respondents were more likely than average to think that the law should apply immediately to couples who get married (37%, compared with 30% of all respondents). Māori respondents who did not identify with other ethnic groups were particularly likely to think this (43%).
236. 51% of Māori respondents thought that the qualifying period should be shorter for couples with children (this did not vary from the average, which was 49%). Views on this did not significantly vary between all Māori respondents and those who identified only as Māori.

Views of Pacific respondents

237. Pacific respondents were more likely than average to think that the law should apply to all couples who have lived together for less than three years (51% of Pacific respondents who stated a view about the qualifying period felt that it should be less than three years, compared with 32% of all respondents).
238. Pacific respondents were more likely than average to think that the law should apply immediately to couples who get married (38%, compared with 30% of all respondents).
239. 62% of Pacific respondents thought that the qualifying period should be shorter for couples with children (this was higher than the average, which was 49%).

Views of Asian respondents

240. The views of Asian respondents did not vary from the total sample regarding applying the law immediately to couples who marry, nor did their views about the qualifying period vary from the total sample.
241. However, 57% of Asian respondents thought that the qualifying period should be shorter for couples with children (this was higher than the finding for the total sample – 49%).

Overall agreement with the equal sharing law

242. To test their support for the status quo, respondents were asked whether they agreed or disagreed with the current equal sharing law. Māori respondents were slightly less likely than average to agree with the equal sharing law (68%, compared with 74% of all respondents). (Agreement did not vary between all Māori respondents and those who only identified as Māori).
243. The proportion of Pacific and Asian respondents who agreed with the current equal sharing law did not vary from the total sample (76% and 72% respectively, compared with 74% of all respondents).

Whether views changed when presented with various relationship property division scenarios

244. Overall, 88% of those who agreed with the equal sharing law in principle did not support equal sharing in one or more situations. The equivalent proportion for each ethnic group is stated below:
- 89% of Māori respondents (this finding is not significantly different from the total sample).
 - 94% of Pacific respondents (this is significantly higher than the total sample).
 - 96% of Asian respondents (this is significantly higher than the total sample).
245. Please note that the equivalent proportion for respondents who only identified as Māori did not vary from the responses given by all Māori respondents.

Summary of Findings for Māori, Pacific and Asian Respondents CONT.

Table Nine: Pre-nuptial Agreements among Major Ethnic Groups

Awareness question	% All respondents (n=1,361)	% Māori (n=255)	% Pacific (n=128)	% Asian (n=220)
Had considered a pre-nuptial agreement	25	28	22	17
Had discussed a pre-nuptial agreement	15	14	12	6
Had certified a pre-nuptial agreement	7	4	5	3
Had made an informal agreement	6	7	6	2

Red text indicates that this subgroup had significantly lower findings than the ‘all respondents’ figure.

Pre-nuptial Agreements

246. Respondents were asked whether they had ever considered or discussed a pre-nuptial agreement with a partner. They were also asked whether they had ever reached an agreement with a partner (and whether that agreement was certified by a lawyer or not). Table Nine presents the findings for Māori, Pacific and Asian respondents.
247. As shown in Table Nine, Māori and Pacific respondents did not vary from the average in relation to whether they had considered, discussed or certified a pre-nuptial agreement in the past. Nor did they differ in terms of the proportion making an informal agreement. In addition, the experiences of those who only identified with the Māori ethnicity did not vary from the experiences of all Māori respondents.
248. Asian respondents were significantly less likely than the average to have considered, discussed or certified a pre-nuptial agreement or made an informal agreement.

Relationship Status and Experience of Relationship Breakups

249. In total, 60% of respondents were living with a partner at the time of the survey. This proportion was lower for Māori respondents (48%) and Pacific respondents (53%), but was the same for Asian respondents (60%).
250. In total, 20% of respondents had experienced a separation where there was relationship property to divide (and that separation was from a partner they had lived with for at least three years). The equivalent proportion was not significantly different for Māori respondents (16%), but was significantly lower for Pacific and Asian respondents (10% and 4% respectively).
251. The relationship status and experience of separations (where there was relationship property to divide) did not vary between those who identified only with the Māori ethnicity and all Māori respondents.

Discussion and Conclusion

Summary of Key Findings

252. Just under 80% of people were aware of the equal sharing law in New Zealand's relationship property law. However, under half (48%) knew the law applies to couples who have lived together for three years or longer. Those most affected by the law, mainly those who are married or living with a partner, had a high awareness of the law (87%). Awareness of the equal sharing law was particularly low for Pacific and Asian respondents (55% and 58% respectively). This was also true for Pacific and Asian respondents who lived with their partner (69% and 65%). This group also had a low awareness that the law applies to couples who have lived together for three years or longer, and that it applies to unmarried as well as married couples.
253. Three-quarters of those surveyed supported the idea of equal sharing of property at the end of a relationship or marriage. But, there was no consensus on the length of time that couples should live together before the law applies to them. One third thought it should apply to couples who have lived together for less than three years. One third thought it should apply to couples who have lived together for three years. One third thought it should apply to couples who have lived together for more than three years.
254. The importance of marriage polarised opinion. The majority (7 in 10) believed that marriage was an important factor when deciding whether to apply the equal sharing law to a couple, and most of this group thought that the law should apply to couples within a year or two of getting married. While a third of all respondents thought that the law should apply as soon as a couple get married, another third thought that marriage should not be a factor when applying the law to a couple.
255. Around half of the respondents thought the law should apply sooner to a couple who have children. The majority of these respondents had dependent children in the household.
256. There were a range of factors that respondents thought were important when deciding if the equal sharing law should apply to a couple. About 90% believed that buying a house together, living together, having children together and sharing finances were key factors. There was no consensus on the single most important factor in deciding if the rule of equal sharing should apply. The most common response was whether a couple have children together, however, only 22% believed this was the most important factor.
257. Specific scenarios were given to the respondents. Overall, 88% of those who agreed with the equal sharing law in principle responded to the scenarios in a way which suggested they did not always support equal sharing in practice in some situations.
258. Nearly three-quarters (72%) thought that, where a couple purchase a house together and share expenses and mortgage payments, but only one partner applies their pre-relationship savings to pay the deposit, that partner should get their deposit back if they separate after four years. Whereas, by comparison, only 26% thought that the partner should get their deposit back if the other partner paid for most of the mortgage payments and living expenses.
259. Over half (54%) thought that, where a couple live in a home that was owned mortgage-free by one partner before the relationship began, that home should not be shared equally if they separate after six years, even if the other partner paid most of the living expenses. Forty percent thought that the home should be shared equally. However, respondents were more favourable to sharing only the increase in value of the home: 67% said that the increase in value should be shared equally.
260. Fifty-nine percent thought that a partner who gives up their career to look after children in the relationship should receive additional financial support after they separate. Around a third (35%) thought this should not happen.

Discussion and Conclusion CONT.

261. A quarter of the respondents had considered a pre-nuptial agreement. Fifty-eight percent of those who considered it said they discussed it with their partner. Thirty-nine percent of those who did not discuss a pre-nuptial agreement said they did not perceive they needed it because the relationship was not serious enough or they did not have sufficient property. Nearly a third (30%) responded in a way that showed they were concerned with the effects of this kind of discussion on their relationship (“they didn’t want to discuss that type of thing”). Among those who did discuss a pre-nuptial agreement, 47% made an agreement which was certified by a lawyer, 30% made a verbal agreement without involving a lawyer and 12% discussed it without reaching an agreement.
262. Overall, 7% of those who were surveyed said they had made a pre-nuptial agreement that was certified by a lawyer at some point in their life. On the other hand, 6% said they had made an agreement with their partner, but it was not certified by a lawyer (for example, a verbal or written agreement).
263. There was a link between awareness of the equal sharing law and those taking action on pre-nuptial agreements. Of those aware of the equal sharing of the law, 28% considered a pre-nuptial agreement compared to 15% of those who were unaware of the law. Of those who were aware, 62% discussed it with their partner compared with 37% of those unaware. Those who were aware of the equal sharing law were more likely to have a pre-nuptial agreement certified by a lawyer. Overall, 2% of those who were unaware of the equal sharing law had a pre-nuptial agreement certified by a lawyer, whereas, 8% of those who were aware of the law had it certified by a lawyer.
264. Sixty percent of respondents were living with a partner at the time of the survey. Over a quarter (28%) had experienced a breakup with a partner they had been living with for three years or longer. In most (71%) of these types of breakups there was relationship property to divide.

Implications of the Key Findings for Relationship Property Division in New Zealand

265. High public awareness and general support for equal sharing are key findings from this research. This indicates that New Zealanders are generally satisfied with the fundamental premise of the PRA. After 42 years, it seems that equal sharing is now firmly embedded in the New Zealand mindset.
266. What is most striking is the extent to which New Zealanders acknowledge the need to depart from equal sharing in some cases to ensure a fair result. Eighty-eight percent of respondents who supported equal sharing thought that it was appropriate to depart from equal sharing in certain situations. This suggests some aspects of the PRA’s one size fits all model may no longer be appropriate in contemporary society where relationship and family forms are becoming increasingly diverse.³⁸
267. The first situation is where one partner brings property to the relationship. The majority of respondents thought that pre-relationship property, in the form of the family home or money used as a deposit on the family home, should not be shared in the same way as property acquired during the relationship. This suggests there is a need to reconsider *what* property is shared under the PRA.
268. The second situation is where one partner finds their post-separation earning potential is impaired because they stopped working to care for children during the relationship. The majority of respondents thought that partner should receive additional financial support from the other partner. This confirms public support for provisions that redress economic disparities following separation, which already feature in the PRA, but are difficult to access in practice.

³⁸ The increasing diversity in relationship and family formation, structure and functioning in New Zealand is discussed in: Law Commission *Relationships and Families in Contemporary New Zealand: He hononga tangata, he hononga whānau i Aotearoa o nāianei* (NZLC SP22, 2017).

269. Another significant finding is the diversity of views on *when* the PRA should apply. While 60% of respondents agreed that the PRA should apply to all couples who live together for three or more years, there were strong views about the significance of other factors, such as having children together and getting married. Many respondents thought that the PRA should apply sooner when these factors applied, particularly among Māori, Pacific and Asian respondents. These results highlight the different ways in which people think about commitment, and suggest that a more nuanced approach to establishing eligibility under the PRA (which generally prioritises the length of the relationship over other factors) might be appropriate.

270. That just 7% of all respondents had contracted out of the PRA is a strong indication of the need to get the default rules of the PRA right: it is not enough to rely on a couple's freedom to make their own arrangements. The fact that a similar number of people are making their own informal agreements also raises concerns about whether couples appreciate that, for their agreement to be binding under the PRA, each partner requires independent legal advice.

271. Finally, the need for better education about the PRA and what it means for people entering relationships is evident. While awareness of the equal sharing law was high, less than half of respondents knew that it applied to all couples who had lived together for three years or longer. More education is needed about the property consequences of forming intimate relationships, particularly among certain sections of the public, including Māori, Pacific and Asian communities, younger New Zealanders and people born outside New Zealand.

272. These research findings provide evidence, for the first time, of public values and attitudes about the fair division of property on separation. This reveals that some areas of the current law do not align with people's expectations of fairness in contemporary New Zealand, and indicates directions for reform on that basis. This evidence therefore has the potential to make an invaluable contribution to those reviewing the PRA, ensuring that the views of New Zealanders on such a profoundly personal issue as post-separation financial well-being are reflected in any recommendations for future amendment of the law.

More education is needed about the property consequences of forming intimate relationships, particularly among certain sections of the public, including Māori, Pacific and Asian communities.

Appendix A – Survey Questionnaire

Contact: Introduction and survey description

Good morning/afternoon/evening my name is ... from Colmar Brunton, a research company. We are doing an important nationwide survey for the University of Otago to find out New Zealanders' views about what is fair when couples separate.

- **If landline:** May I please speak to the person in your home who is 18 or over and has the next birthday?
- **If mobile:** This may involve speaking with you for about 15 minutes. Can I just check whether it is safe for you to take this call at the moment? If not, I am happy to call you back when it is more convenient.
- **Also check:** Just to check, are you the main user of this mobile phone and are you 18 or over?
- **If useful:** The results of the survey will help inform the Law Commission's review of the Property Relationships Act.
- **If necessary:** We are interested in the views of all New Zealanders regardless of whether they have been in a relationship or not.
- **Re-introduce to randomly selected adult as required.**
- **If landline:** The interview should take around 15 minutes, but it can be shorter or longer depending on your answers.
- **Both landline and mobile:** Can I go through this with you now?
- **Arrange to call back when appropriate** (particularly check safety of mobile respondents and ensure speaking to main user of mobile upon contact).
- **Read to everyone:** Thank you for agreeing to help us with this research. Just to let you know, all of our calls are recorded for quality control purposes and everything you say is treated in total confidence.
- **Do not pause.** Continue to next screen unless respondent is concerned.
- **If necessary:** "The purpose of the recording is to check that I have conducted the survey correctly".
- **If necessary:** "All recordings are stored securely and can only be accessed by authorised staff".

If querying where we got their details from: Your number was generated at random from a list of all possible phone numbers in New Zealand. We will only use your phone number for the purposes of this research and will not use it for any other purpose.

If querying who is funding the research/what will be done with the research: This is a project funded by the Borrin Foundation who promote public understanding of law. The Law Commission is a key stakeholder for this research and has been involved in the design of the survey. The survey results will inform their review of the Property Relationships Act.

If querying confidentiality: Your answers will be kept private so that the identity of individuals will not be identified in the survey report. Apart from Colmar Brunton, no one else can find out whether or not you did the survey, nor what answers you provided. Confidentiality is very important to us; no-one will be able to be identified in the results of the survey.

If querying what will be done with their data: Your details will only be used for the purposes of this research. Any identifying information will be removed from the data and it will be stored on a secure server which is only accessible by the research team.

Who can I contact for further questions/queries?

If you have any questions feel free to contact Lisa Neilsen at Colmar Brunton (lisa.neilsen@colmarbrunton.co.nz), or Associate Professor Nicola Taylor at the University of Otago (nicola.taylor@otago.ac.nz).

Who can I contact if I want to discuss relevant legal issues or other issues related to this topic? (This should be available to interviewers at end of survey)

- Your local Community Law Centre (refer to <http://communitylaw.org.nz/our-law-centres/>)
- Victim Support – 0800 VICTIM (0800 842 846)
- Citizens Advice Bureau – 0800 FOR CAB (0800 367 222)
- Family Violence Information Line – 0800 456 450
- Questions on legal aid please call 0800 2 LEGAL AID (253 425)
- Ministry of Justice website (refer to <https://www.justice.govt.nz/family/separation-divorce/>)
- For information on the Family Legal Advice Service call 04 472 9040

Understanding of equal sharing

- u1 In this survey we are interested in how New Zealand law deals with dividing property when couples separate.

The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.

Before today, did you know that New Zealand law says a couple should share relationship property equally if they separate?

Do not read out and code one only

Yes	1	Go to U5
Maybe/think so	2	Go to U5
No	3	Go to V4a

- u5 Before today, did you know that the law of equal sharing applies to unmarried couples in the same way as it does to married couples?

Do not read out and code one only

Yes	1
Maybe/think so	2
No	3

Ask all

- u4 Before today, did you know that couples have to live together for 3 years for the law of equal sharing to apply?

Do not read out and code one only

Yes	1
Maybe/think so	2
No	3

Views on equal sharing

- v4a Do you agree or disagree with the law of equal sharing?

If necessary: that is, generally speaking, the family home, household items, and money, debt or property the couple get during the relationship is shared equally if the couple separate?

*Is that 'strongly agree' or just 'agree'/
is that 'strongly disagree' or just 'disagree'?*

Code one only

Strongly agree	1
Agree	2
Neither agree nor disagree	3
Disagree	4
Strongly disagree	5
Do not read out: Don't know	6

- v1a Now I'm going to read a list of ways to describe a couple's situation. For each one, please tell me if you think it should be an important factor in deciding if the law of equal sharing should apply?

If necessary: Is that yes or no?

Read out and code yes/no for each

Rotate but ask V1a_1 and V1a_2 in sequence

	Yes	No	Don't know
Whether they live together as a couple	1	2	3
Only ask this if V1a_1 = No: How about whether they have been a couple for a period of time? (If necessary: regardless of how long they have lived together)	1	2	3
Whether they have children together	1	2	3
Whether they share finances	1	2	3
Whether they have bought a house or other property together	1	2	3
Whether they are strongly committed to each other or love each other	1	2	3
Whether they have a sexual or intimate relationship	1	2	3
Whether they are married	1	2	3
Whether they are in a civil union	1	2	3

Appendix A – Survey Questionnaire CONT.

v1a.1 Is there anything else you think is important in deciding if the equal sharing law should apply?

Record verbatim. Probe to no.

Allow no/nothing else, and don't know

v1a.2 Of all the things we've talked about, what do you think is the most important factor?

Do not read out. Code one only.

Whether they live together as a couple

Whether they have been a couple for a period of time

Whether they have children together

Whether they share finances

Whether they have bought a house or other property together

Whether they are strongly committed to each other or love each other

Whether they have a sexual or intimate relationship

Whether they are married

Whether they are in a civil union

Something else (specify)

Don't know

Only ask V1b if V1a_1 = Yes

v1b How long do you think couples should live together before the law of equal sharing applies? Would you say...

Read out and code first that applies

As soon as they live together as a couple 1

After a year of living together as a couple 2

After two years of living together as a couple 3

After three years 4

After five years 5

After ten years 6

Something else (specify) 7

Do not read out: Don't know 8

Do not read out: Just depends/varies 9

Only ask V1d if V1a_8 = yes

v1d When should the law of equal sharing apply to couples who get married? Would you say...

If necessary: when we say 'living together' this includes time spent living together before marriage

Read out slowly and code first that applies

As soon as they get married – even if they haven't lived together beforehand 1

After a year of living together – including time living together before marriage 2

After two years of living together 3

After three years 4

After five years 5

After ten years 6

Something else (specify) 7

Do not read out: Don't know 8

Do not read out: Just depends/varies 9

v2g The law says that equal sharing only applies after a couple having been living together for three years. Do you agree or disagree with this?

*Is that 'strongly agree' or just 'agree'/
is that 'strongly disagree' or just 'disagree'?*

Code one only

Strongly agree 1

Agree 2

Neither agree nor disagree 3

Disagree 4

Strongly disagree 5

Do not read out: Don't know 6

Ask V3b if V2g = 4 or 5 – but avoid asking if they have already answered v1b (to avoid duplication)

v3b How long do you think it should be?

*Interviewer to enter answer in years and months.
Other permissible responses are: other (specify),
never, don't know and refused.*

- v2a Currently the law applies to all couples who have lived together for three years. Do you think this should be shorter for couples with children?

Do not read out and code one only

Yes	1
Maybe/think so	2
No	3
Unsure	4

Scenario testing (prompted views on equal sharing applied in practice) – name reversed

- v7a I'm now going to describe some imaginary situations about couples who separate. In each situation please assume that there are no pre-existing agreements about how to divide the relationship property. I'm interested in your own viewpoint about what should or should not happen. But, only answer in relation to the situation I read out.

Ok, here is the first situation...

Fred and Jan are a couple with no children. They bought their home together at the start of their relationship but Jan paid the deposit with money she saved before she met Fred. During the relationship they both contributed to the mortgage payments and other living expenses. They are now separating after four years together.

In your opinion, should Jan get the deposit back when they separate? Would you say she...

Read out and code one only

Definitely should get the deposit back	1	Go to V7bii
Probably should get the deposit back	2	Go to V7bii
Probably should not get the deposit back	3	Go to V7bii
Definitely should not get the deposit back	4	Go to V7c
Do not read out: It depends/other (specify)	5	Go to V7bii
Do not read out: Don't know	6	Go to V7bii

- v7bii Ok. You said that Jan **[insert V7a answer]**. Would you change your answer if Fred had actually paid for most of the living expenses and mortgage payments during their relationship?

Mask response below to remove answer given at v7a

Do not read out – clarify response code with respondent if necessary

If yes, probe for answer they would change to.

No – I would still say Jan [Insert V7A answer]	1
Yes I'd change my answer to she <i>definitely</i> should get the deposit back	2
Yes I'd change my answer to she <i>probably</i> should get the deposit back	3
Yes I'd change my answer to she <i>probably</i> should not get the deposit back	4
Yes I'd change my answer to she <i>definitely</i> should not get the deposit back	5
Do not read out: It depends/other (specify)	6
Do not read out: Don't know	7

- 7c Here is the second situation.

Alice and James separate after 10 years of living together. Alice was the breadwinner while James put a hold on his career to stay at home and look after the children. Alice has an established career and a good income, but James has been struggling to find a job since they separated.

In this situation, do you think James should get additional financial support from Alice after they separate?

If necessary: Is that definitely or probably?

If mention of child support or child care

arrangements: Please assume that child care and support is shared equally between Alice and James.

Read out if necessary and code one only

Definitely should	1	Go to V7d
Probably should	2	Go to V7d
Probably should not	3	Go to V7f
Definitely should not	4	Go to V7f
Do not read out: It depends/other (specify)	5	Go to V7f
Do not read out: Don't know	6	Go to V7f

Appendix A – Survey Questionnaire CONT.

v7d In your view, which of the following is the best way to support James?

Read out entire list before accepting answer and code one only

James should get more when they divide their property	1
James should receive a share of Alice's future income for a set period	3
Or something else (specify)	4
Do not read out: It depends/other (specify)	5
Do not read out: Don't know	6

v7f Ok, here is the last situation...

Thomas owns a house with no mortgage. He starts a relationship with Penny who moves into his house. Penny pays for most of the living expenses while they are together. After 6 years, they decide to separate.

In your opinion, should Penny get an equal share of the value of the house? Would you say she...

Read out entire list before accepting answer and code one only

Definitely should get an equal share	1	Go to R1
Probably should get an equal share	2	Go to V7gi
Probably should not get an equal share	3	Go to V7gi
Definitely should not get an equal share	4	Go to V7gi
Do not read out: It depends/other (specify)	5	Go to V7gi
Do not read out: Don't know	6	Go to V7gi

v7gi In the six years they were together, the house increased in value. Should Penny get an equal share of the increase in value of the house which occurred while they were together?

If necessary: Is that definitely or probably?

Definitely should	1
Probably should	2
Probably should not	3
Definitely should not	4
Do not read out: It depends/other (specify)	5
Do not read out: Don't know	6

Relationship status and experience of breakups

R1 Now I have some background questions to ensure we have spoken with a broad cross section of New Zealanders. Your answers are anonymous and will remain confidential.

Which of these best describes your current situation...

If necessary: By 'living with' we mean you live together in the same household at least half of the time.

Read out and code one only

Living with your married or civil union partner	1	Go to R2
Living with a partner you are not married to	2	Go to R2
In a relationship with someone but not living with them	3	Go to R2
Not currently in a relationship (If necessary: This includes being widowed if you have not re-partnered)	4	Go to R7
Do not read out: Other (specify)	5	Go to R7
Do not read out: Refused	6	Go to R7

- R2 Have you been [if R1 = 1 or 2: living] together as a couple for three years or longer?

Do not read out and code one only

Yes	1	Go to R7
No	2	Go to R7
Refused	3	Go to R7

Ask all

- R7 Just to check, have you ever separated or broken up with a partner or spouse who you were living with for 3 years or longer?

Do not read out and code one only

Yes	1	Go to R8
No	2	Go to Pr1
Don't know	3	Go to Pr1
Refused	4	Go to Pr1

- R8 Please think about the last time you separated from a partner or spouse you were living with. Did this separation happen in the past...

Read out and code first that applies

Year	1
Past two years	2
Past five years	3
Past ten years	4
Past twenty years	5
Or longer ago than this	6
Refused	7

- R9 Did you and your partner have relationship property, money, or debt to divide when you broke up?

If necessary: Relationship property includes the family home, household items (such as furniture or the car) and money, debt or property the couple get during the relationship.

Do not read out and code one only

Yes	1
Maybe/I think so/a bit	2
No	3
Don't know	4
Refused	5

Pre-nuptial

- Pr1 Thinking about all relationships you have ever had... have you ever considered making an agreement about how you and a partner would divide your relationship property or debts if you separated?

This is sometimes known as a pre-nuptial agreement and can be made before or during a relationship.

If necessary: Relationship property includes the family home, household items (such as furniture or the car) and money or property the couple get during the relationship.

Do not read out and code one only

Yes	1	Go to Pr2
No	2	Go to P1
Don't know	3	Go to P1
Refused	4	Go to P1

- Pr2 Have you and a partner ever discussed how you would divide relationship property if you separated?

Do not read out and code one only

Yes	1	Go to Pr3
No	2	Go to Pr2b
Don't know	3	Go to P1
Refused	4	Go to P1

- Pr2b What are the main reasons that you haven't discussed it?

Do not read out and code all that apply – clarify response/s with respondent

The relationship wasn't serious enough	1	Go to P1
We didn't have anything (or not much) to split	2	Go to P1
It was too awkward to discuss	3	Go to P1
Me/my partner didn't want to discuss this type of thing	4	Go to P1
We often disagree/argue about these things	5	Go to P1
Discussing it seems like you expect the relationship to fail	6	Go to P1
Something else (specify)	7	Go to P1
Don't know/cannot recall	8	Go to P1
Refused	9	Go to P1

Appendix A – Survey Questionnaire CONT.

- Pr3 Which of these best describes the result of discussions you had about dividing your relationship property...

Read out and code one only

You didn't take it seriously and nothing happened	1
You discussed it but couldn't reach an agreement	2
You made a verbal agreement without involving a lawyer	3
You made a written agreement without involving a lawyer	4
You made an agreement with legal advice but it was not certified by a lawyer	5
You made an agreement which was certified by a lawyer	6
Do not read out: Other (specify)	7
Do not read out: Don't know/cannot recall	8
Do not read out: Refused	9

Classification for overlapping cell phone/landline weighting (informs design weights)

If landline sample ask P1 now. If mobile phone sample go to P2 now.

- P1 How many mobile phones do you own or personally use on a frequent basis?

Insert number – enabling zero (allow don't know and refused options)

Go to Ca now

Only ask P2 if mobile phone sample:

- P5 Does your home have a landline telephone which can take incoming calls?

Do not read out

Yes	1
No	2
Don't know	3
Refused	4

Demographic classification

Only ask region mobile sample:

Region – Just to check do you live in Auckland which includes the area from the Bombay Hills up to Wellsford?

Do not read out and code one only

Yes	1
No	2
Refused	4

- Ca Interviewer code gender, only ask if required: Can I just check, what is your gender?

Male	1
Female	2
Gender diverse	3
Refused	4

- c1 What is your current age?

Insert age

If refused ask C1b else skip to C2

- c1b Can I ask which of the following age groups you are in?

Read out and code first that applies

18 – 24	1
25 – 29	2
30 – 39	3
40 – 49	4
50 – 59	5
60 – 69	6
70 – 79	7
80 Plus	8
Do not read out: Don't know	9
Do not read out: Refused	10

c2b Do you have dependent children living with you?

If necessary: If they live here more than half of the time, then the answer is 'yes'

Do not read out and code one only

Yes	1
No	2
Refused	4

c3 Which ethnic group do you belong to? Choose the group or groups which apply to you.

Read out and code as many as apply

New Zealand European	2
Māori	1
Samoan	3
Cook Island Maori	4
Tongan	5
Niuean	6
Other Pacific	7
Chinese	7
Indian	8
Other Asian	9
Another ethnic group (please tell us)	10
Do not read out: Don't know	11
Do not read out: Refused	12

c4 Were you born in New Zealand?

Do not read out

Yes	1
No	2
Refused	3

Ask if no to C4:

c4B For how many years have you lived in New Zealand?

Enter number with DK/ref options

c5 Which of these best describes your living situation?

Read out and code one only

You own, or partly own, the house or flat that you live in – including if the home is held on a trust (If necessary: this can be with or without a mortgage)	1
You rent or board at the house or flat you live in	2
Or something else (specify)	3
Do not read out: Refused	4

If R8 = 1-4 ask recruitment questions:

c12 The University of Otago is also undertaking further research later this year with people who have separated in the past five years to explore their views and experiences of dividing relationship property. This would involve completing an online survey and perhaps taking part in an optional interview. Would you be willing to take part in this research? If so, we will provide your contact details to the research team and they will email you a link to the survey later in the year.

Do not read out

Yes	1	Go to C13
No	2	Close

c13 Great, can we record your email address?

Do not read out

Yes (specify) read back before closing	1
No	2

c14 Just to check, is this the best phone number to contact you on? That is **[Insert number]**

Do not read out

Yes	1
No (please tell me how to contact you instead)	2
Refused	3

Standard close script here







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