



Michael & Suzanne Borrin Foundation

Knowledge and Understanding of Relationship Property Division

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Research Highlight

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This Research Highlight is based on findings from research about relationship property division in New Zealand,¹ led by researchers from the Faculty of Law, University of Otago, and generously funded by the Michael and Suzanne Borrin Foundation. This research was undertaken in two phases:

- Phase One involved a nationwide telephone survey ascertaining public attitudes and values about post-separation relationship property division. During 2018, 1,361 telephone interviews were undertaken with a representative sample of 1,011 people, with additional interviews with 150 Māori, 100 Pasifika and 100 Asian respondents.
- Phase Two examined how separated couples divided their property and resolved any disputes. During 2020, an anonymous nationwide online survey was completed by 378 people and 110 of these respondents also participated in a telephone interview about their experiences and perspectives. The majority of the 378 survey respondents were women (82%), were born in New Zealand (79%), and had a tertiary qualification (71%). Most identified as New Zealand European (89%) and/or Māori (7%).

For full details of the study methods, participants and findings, please refer to our research reports and summaries, referenced at the end of this Research Highlight.

Introduction

When couples separate, they have to consider how they will divide their property, including their assets and any debts. The Property (Relationships) Act 1976 (PRA) says that the family home, household items (such as furniture and the car) and other property (such as money and other assets) the couple gets during the relationship are considered to be ‘relationship property’ and should be shared equally if they separate. This is sometimes known as a 50/50 split or the ‘equal sharing law’ and is a key underpinning principle of the PRA.² The PRA also distinguishes between ‘relationship debt’ and ‘personal debt’.³

1 The research informed a review of the Property (Relationships) Act 1976; see Te Aka Matua o te Ture | Law Commission *Review of the Property (Relationships) Act 1976 – Te Arotake i te Property (Relationships) Act 1976* (NZLC Report | Pūrongo 143, 2019).

2 PRA 1976, s 11(1): On the division of relationship property under this Act, each of the spouses or partners is entitled to share equally in (a) the family home; and (b) the family chattels; and (c) any other relationship property.

3 PRA 1976, s 20.

Research Highlight 1

Knowledge and understanding of the equal sharing law is important because of its influence on the division of relationship property within, or outside of, the family justice system. Our research found that people most commonly divided their relationship property with their former partner predominately by themselves (48%) or through negotiation using professionals (45%), mainly lawyers. Less than 8% resolved their property division through the courts. The many people who are resolving their property division without legal or court intervention are sometimes doing what is described as “bargaining in the shadow of the law”.⁴ They are essentially settling matters themselves in a way that takes into account what would happen if the matter went to court. Their discussions and negotiations, as well as any agreements reached with their former partner, may therefore be influenced by their knowledge and understanding of the law.

We also found that 71% of those who had resolved their property division themselves reported that their property division was fully, or partially, consistent with the law of equal sharing. This suggests that separated people are actually quite aware of the approach taken by the PRA and, generally, divide their relationship property in a way that is consistent with it.

This Research Highlight focuses on the knowledge and understanding that the general public and separated couples have about New Zealand’s relationship property law. It also considers the knowledge and understanding that separated couples have about the process for dividing their property, as well as their information and support needs and their suggestions for how best to educate and inform people about relationship property law.

Knowledge and Understanding of the Law

Our research found that both the general public and separated couples had a high degree of awareness about aspects of the law relating to relationship property division.

General Public: In the Phase One study, 79% of the representative sample of the general public were aware of the equal sharing law, 68% knew it applies to married and unmarried couples, and 48% were aware that it applies to couples living together for three years.

Those with higher-than-average awareness included those who:

- Had experienced a separation where there was property to divide.
- Were older (aged 40+).
- Were living with a partner.
- Owned the home they lived in.
- Were New Zealand European.
- Were born in New Zealand.
- Had dependent children in the household.

Those with lower-than-average awareness included those who were:

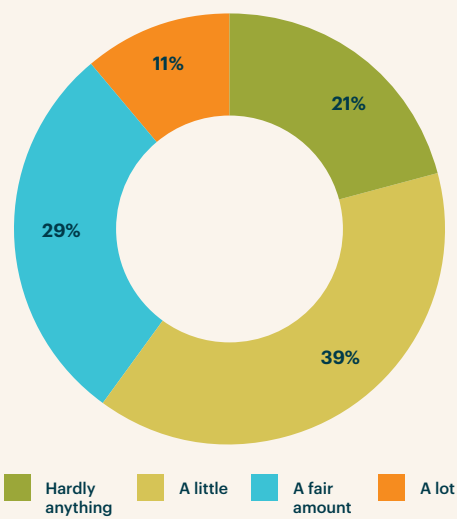
- In a relationship, but not currently living with their partner.
- Not currently in relationship.
- Māori, Asian or Pasifika.

Similar trends were seen in respect of awareness of the equal sharing law applying to married and unmarried couples, and to couples living together for three years.

⁴ Robert Mnookin and Lewis Kornhauser “Bargaining in the Shadow of the Law: The Case of Divorce” (1979) 88(5) *The Yale Law Journal* 950-997.

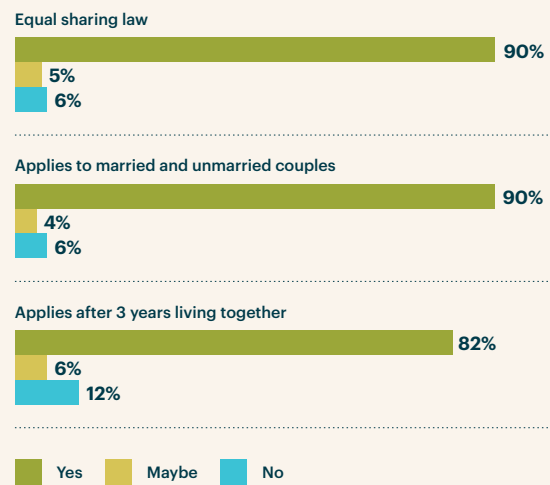
Separated People: In our Phase Two survey, separated people were asked how much they knew, in general, about the law relating to relationship property division – 40% indicated that, at the time they separated, they knew ‘a lot’ or ‘a fair amount’, and a similar proportion knew ‘a little’. Around one in five (21%) said they knew ‘hardly anything’ (see Figure 1).

Figure 1: At the time you separated, how much did you know about the law relating to relationship property division?



However, while 60% of the survey participants reported that they had limited, or almost no, knowledge, in general, about relationship property law when they separated, the majority indicated that they had been aware of the law of equal sharing – 90% knew about it and that it applies to both married and unmarried couples, with another 4-5% thinking they maybe knew this. They had been less aware that the principle of equal sharing applies to couples who have lived together for three years or more. However, most (82%) had known this, with a further 6% saying they maybe knew this (see Figure 2).

Figure 2: Knowledge about the law of equal sharing at the time of separation



Note: Due to rounding, percentages may not add to 100%.

Despite knowing they needed to split their relationship property equally with their former partner, some participants indicated that they lacked the knowledge about *how* to do this.

I had always known that there's a 50/50 division of assets, so ... my starting point was figuring out, well, what is 50/50 in our context, when you've got a combination of properties and cash and debts and so on? What does 50/50 actually look like?

Nearly a fifth (17%) of the participants also reported that their lack of knowledge about relationship property law had made the process of dividing their property difficult.

Lawyers were key in informing separated people about the law, their property entitlements, and which assets and liabilities needed to be included in the property division. When legal advice was not sought, participants sometimes had varying or incorrect interpretations of the law and had overlooked the inclusion of certain assets in the division. To their disadvantage, they only found out after the settlement that these should have been included. Conversely, others had benefited in the property division from the lack of knowledge about the law by one or both parties.

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Sometimes, both parties agreed that their property division would not follow the equal sharing rule. For example, each person agreed to exclude particular assets or debts from the relationship property pool. While people are free to agree to deviate from a 50/50 split of their property, this was sometimes regretted when it was based on their ignorance or misinterpretation of the law.

There were certain aspects of the law about which participants were unaware, had different understandings and interpretations, or wanted more information. Most commonly, these related to whether particular assets (e.g., superannuation) were regarded as relationship property or separate property; and whether certain liabilities (e.g., debt) were regarded as relationship debt or personal debt. Other issues on which participants reported a lack of knowledge or understanding about the law included the length and nature of a qualifying relationship under the PRA, economic disparities, occupation orders for the family home, and trusts.

Separate property: The property of former partners that is not relationship property is regarded as separate property⁵ and does not have to be shared equally. Some participants thought that certain assets (including businesses, or items they had bought with their own money) were their separate property, but discovered they had to be included in the relationship property division.

I wasn't aware that there's a little bit of minutiae that goes on with that, that there's some fine print in there. This is yours, but this isn't, and this is everyone's and that isn't; there were some little intricacies in there.

I thought, for example, that all the stuff that I bought with my own money was mine. ... That I'd earned that, it's mine.

Debt: It was a similar story with debt as some participants unexpectedly found themselves liable for a share of what they considered to be their former partner's personal debt.

I found out that he was \$70,000 in debt and that I was now liable for half of that. So that was something I didn't know at the start.

I knew about the personal loan ... but I didn't know that apparently, I was liable for it, because it was a loan that he'd incurred while we were together.

Superannuation: Relationship property includes the proportion of the value of any superannuation scheme entitlements that are attributable to the relationship.⁶ However, many participants were unaware of this when they divided their property and only learnt that superannuation should have been included later, while others were informed about this by their lawyer.

What I knew was 50/50 basically, but there were things that I didn't realise should be divided, like KiwiSaver. Someone told me about that after we divided everything.

I kind of overlooked the KiwiSaver thing and did myself a disservice there. That was the thing that I missed.

Length and nature of a qualifying relationship: Some participants did not know about the length of time a couple needed to be together, or which types of relationships counted, to become entitled to an equal share of the relationship property.⁷

It would have been useful to know, I guess, entitlements about how long you have to be with someone and what your living arrangement needs to be and what that entitles them to, because I don't really feel like that was ever clear.

I didn't know that if you'd been living years together that it counted as a de facto relationship. I understand that now, but back then I didn't. ... I didn't know you're entitled to half until nearly a year later.

⁵ PRA 1976, ss 9 and 9A.

⁶ PRA 1976, s 8(1)(i). Section 2 further defines the meaning of a superannuation scheme entitlement.

⁷ PRA 1976, ss 1C(2) and 2D.

Economic disparities: Some participants said that they had been unaware that economic disparities could be taken into account in relationship property division.⁸

I didn't understand, whatever that clause is, that when he earns more and therefore you're entitled to something. I didn't know that even existed.

I had this idea that we'd just divide what we had, split it 50/50 between us. It wasn't until much later on when I went to a lawyer they mentioned about things like economic disparity.

Occupation orders: The court can make an order granting one party exclusive occupation of the family home for a defined period of time.⁹ This can provide children with stability during the upheaval of their parents' relationship breakdown by enabling them to remain living in a familiar home and community. However, some participants said they had not known about such orders.

I didn't actually realise that I probably had some rights there to have him leave the house. It's not until more recently that I realised there's such a thing as an occupation order.

Trusts: Being unaware of the existence or purpose of a trust, and how assets held in trust might be factored into the property division, or not,¹⁰ could be challenging. Some participants were confused about whether property held in a trust (such as the family home) was subject to the equal sharing law and were shocked upon discovering it was not.

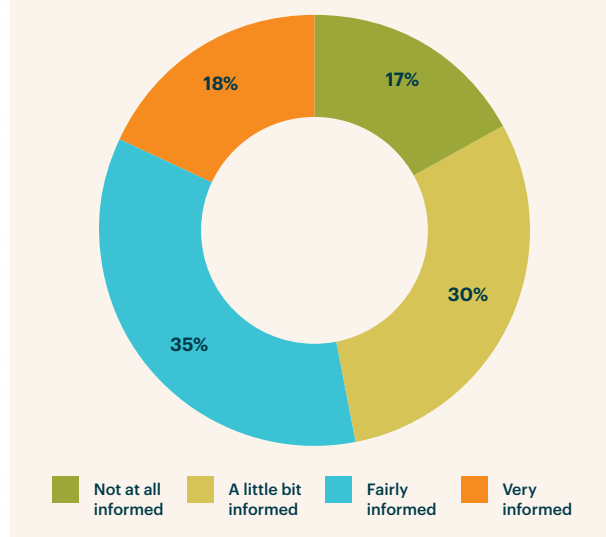
My ex used to call it the trust account. I thought it was like a bank account that just held your assets. I had no clue about the legal implications at all. ... It would've been nice to have had more information about what that meant. I didn't know the terms about settlors and beneficiaries and income beneficiaries, capital beneficiaries, and the gifting and the forgiving of debt and stuff. I just was clueless to all of it until this happened and I felt there wasn't much information. ... I had no idea that was anything to do with relationship property and that was a barrier for me.

Knowledge and Understanding of the Property Division Process

Participants varied in their knowledge and understanding of the property division process. Those with prior experience of dividing property with a previous partner had a clear understanding, while other participants described themselves as 'ignorant' or 'naïve'.

Just over half (53%) of the participants felt 'very' or 'fairly' informed about what they needed to do to divide their property when they started the process, while 17% felt 'not at all informed' (see Figure 3).

Figure 3: When you began the process of dividing your property, how informed did you feel about what you needed to do?



⁸ PRA 1976, ss 15 and 16.

⁹ PRA 1976, s 27.

¹⁰ PRA 1976, ss 10, 44B and 44C.

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Around a quarter (26%) of the participants reported that they found understanding and navigating the process/system difficult, and 48% needed information or advice about how to resolve their property division.

A lack of knowledge and understanding about the property division process could result in people feeling they had little control of, or input into, the process. Not knowing what was 'normal' or usual in terms of the cost or the time the process might take could be stressful.

I had no idea it would take so long, so, I don't know if that's normal or not. ... Just to understand what the process is because, although my lawyer was very helpful and proactive, I felt like I was just a little pawn because there was a lot of stalling going on in the other party. It was incredibly frustrating and difficult. I just felt like I didn't have a lot of control at that part of it and that was really difficult. ... I guess with the benefit of hindsight, I would try to be better informed before starting the whole process so that I could be perhaps a little bit more proactive and set myself up in order to cope with that year ahead of difficulty.

Some participants, therefore, thought it would have been helpful had they been better informed about the process and what to expect. Some suggested that publicly available resources, timelines, guides or models about the property division process would have been helpful.

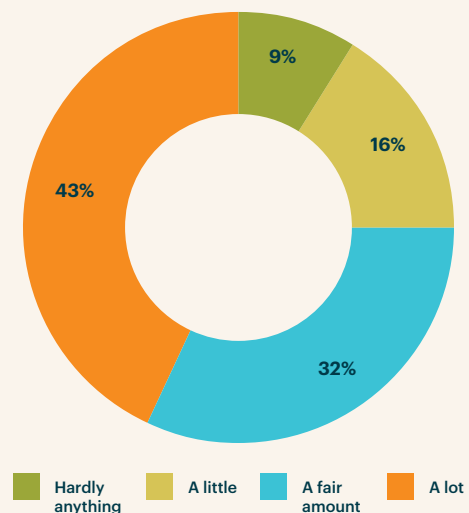
It would have been really helpful if there was publicly available information that was like: here's the situation you're in; this is what you are exposed to; this is what you can expect; this is what your partner can expect.

I wish I had the knowledge at the start of the process that I had accumulated by the end. The lawyers deal with this stuff every day and aren't interested in educating their clients. It would have been great to have education up front to understand the process. ... Education about the process at the time of the split.

Financial Knowledge and Awareness

Knowing what assets and liabilities a separated couple has to divide is critical for a fair property division. In our research, most participants were well informed about their financial situation at the time they separated – three quarters knew 'a fair amount' or 'a lot' about the assets and debts/liabilities they had to divide (see Figure 4).

Figure 4: At the time you separated, how much did you know about the assets and debts/liabilities you had to divide?



Those participants who had managed the couple's finances while they were together had a good knowledge of their financial situation which was helpful for their property division. Having access to the couple's accounts, financial and bank records, receipts, files, and so forth, enabled assets and debts (and their values) to be documented, providing a comprehensive picture of the property that needed to be divided.

I was in a good position because I had been managing our finances for so long that I didn't really need to go looking for any information about what our financial position was. I had access to all the bank accounts and I had valuations on all the properties. So, I had all the information that I needed in order to see what 50 per cent was going to look like for me.

I managed the books, I managed all the purchasing and all the documents, taxes and filings and insurances. Everything, I managed. So, when it did come time to split, I'm very grateful I already kind of knew what I needed to do. Whereas, I have a lot of friends, that their husbands had control of everything, and they weren't privy to anything. Then when it came time for separation, they were just in the dark.

Not having such knowledge could lead to assets or liabilities not being included in the property division.

It would have been helpful for us to have had a better understanding upfront of maybe where our assets were. We had a bit of a scant grip on our own assets. I always think of the KiwiSaver, which we just completely forgot we even owned.

A participant's lack of knowledge about their financial situation could sometimes be due to their former partner's behaviour. For instance, 28% reported that their former partners' non-disclosure of financial information was a difficulty they had faced. Hiding assets or debt, controlling the couple's finances, or being financially abusive during the relationship were also very challenging behaviours by a former partner. Being able to access accurate financial information about assets and liabilities would therefore have made the property division process easier for some participants.

My partner gave false valuations, didn't declare assets.

Because I had always been kept in the dark about our combined finances and everything. I had next to no information or access to it. ... I felt as though a lot of it was on trust and I didn't feel completely confident that everything was revealed.

Some participants encouraged women, in particular, to educate themselves about financial matters and increase their financial literacy. They thought that being more knowledgeable about assets and liabilities, both during the relationship and following separation, would afford people greater protection.

There's a lot you can do to make yourself more aware of your financial situation as a couple.

In general, women need to be more financially educated about how to protect themselves.

Information and Support Needs

While around half of the participants were relatively well informed about what they needed to do to divide their property, nearly all (94%) indicated that they needed some type of advice, information or support when they began the process.

Most commonly, participants needed legal information or advice (77%) or legal representation (62%) (see Table 1). Lawyers were also the first professional that the majority (75%) of the participants sought out for help, advice, or information. Some reported needing more information about how to find a suitable lawyer, particularly when they had never used one before.

I'd never been in this situation before, so I didn't even know what I was looking for, or how to go about it, or where to go for information, or what kind of things to ask.

It's a scary and daunting process and I just sort of didn't know where to start. I'd never had a lawyer by myself before or had to find one.

Some participants reported that dividing property with their former partner would have been easier had they had more information, advice and guidance to help them understand the law, the process, their rights and entitlements, their options, what they could do themselves, what they might need a lawyer for, and the likely property division outcome.

I would have appreciated much better guidance on what I could/should be doing and when.

More understanding of the process and what the outcomes would like for me.

Knowing what I was actually entitled to, what I should have done, what options were available.

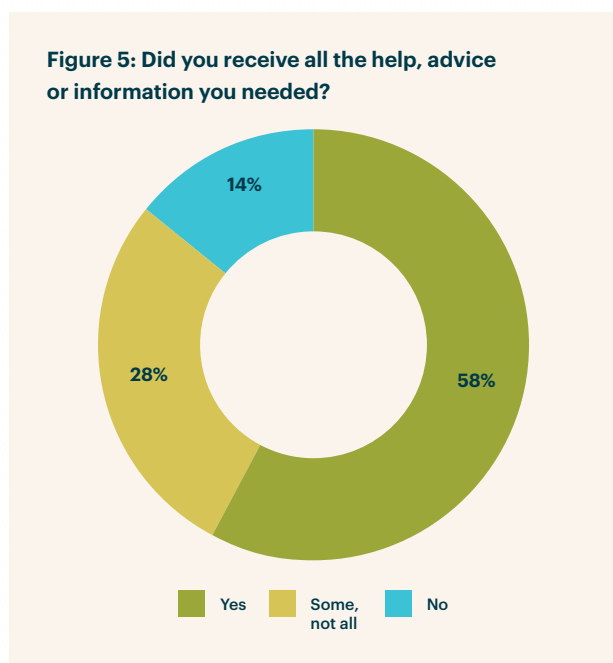
It was not just legal advice that participants needed help with. Around half needed more general advice, information about valuation, and/or the actual process to resolve their property division. Around a fifth required information about other services and/or professionals that could help them (see Table 1).

Research Highlight 1

Table 1: When you began the process of dividing your property, what information, advice or help did you need?

Legal information/advice	77%
Legal representation	62%
Emotional support	62%
General advice	55%
Information/advice about the value of assets and/or debts	48%
Information/advice about how to resolve your property division	48%
Financial information/advice	41%
Information about services that could assist	23%
Information about professionals who could assist	21%
I did not need any information, advice or help	6%

Most (86%) of the participants reported that they received some or all of the help, advice or information they needed; only 14% did not (see Figure 5).



Some participants did not know where to look for information, could not find the information they sought, or were deterred from seeking advice by the cost of legal fees, which had sometimes disadvantaged them.

I just didn't know where to look for the advice.

I didn't know my rights and I was too scared to try and get anything. I didn't have any money for legal advice.

Information was sourced from a variety of people and services, most commonly lawyers, but also the Citizens Advice Bureau, friends, colleagues and family members. Those who had experience of the property division process themselves could be particularly helpful. Government websites and the Internet were other sources of useful information.

The Justice website's got good information ... so I brushed up on that, and then my lawyer gave me lots of sort of booklet, pamphlet things that the Ministry of Justice put out as well.

I am certain the advice and support we both received from our individual legal advisers was a very big part in assisting us with many decisions.

However, some participants found that while there was a lot of information available to help separating parents resolve their children's post-separation arrangements, there was less relating to post-separation financial and property division matters. There were also complaints that online information was too basic, general, vague, or lacking in detail.

You go online to sort of try and find some help or information, and it's a little bit wishy-washy. There's nothing that's really kind of clear cut. There's nowhere that you can just ring for advice. There just doesn't seem to be much help available actually.

I tried looking at a few websites, but I found most places confusing, or they just said, either you can use a lawyer, or you can do it yourself, but they didn't really go into a lot of detail.

Some participants recognised that, while they themselves had not been disadvantaged by a lack of knowledge and understanding about the law and the property division process, others could be. They suggested that more support and guidance be made available, particularly for those with lower levels of education or literacy (including financial and digital literacy), and those suffering emotional distress. Digital equity issues were also raised by those who considered that online information was not accessible for all.

I am an educated woman and still had trouble navigating the system. I worry for the people who are not as either financially literate or as educated. If they do not have an amicable separation, they are going to be lost.

Whilst the information exists on government websites and phone calls and all of that, it kind of assumes that (a) you know where to find that stuff, (b) English is your first language, and (c) you can actually comprehend it. I don't think I fully appreciated the rats and mice stuff.

I'm just mindful that the system still seems to be geared towards an assumption that everyone has digital equity, and that's just not true. ... It's kind of that thing with many government agencies, it assumes you know where to look and it assumes you have to know what to ask before you go there. That's just not the lived experience of many people.

Need for Non-Legal Information, Advice and Support

Property division occurs within the context of a relationship breakdown where people may also be making other key decisions (e.g., about parenting arrangements, child support, and housing). They may also be struggling to deal with the emotional aspects of their separation, and any family violence or other challenges they have experienced, all while adjusting to significant changes in their living and financial circumstances. The participants in our research reported that, as well as consulting lawyers, they often engaged with a range of other professionals, such as real estate agents, valuers, accountants and banks in relation to their property division, and social service organisations such as Work and Income, Women's Refuge, Police, and family violence agencies.

Participants therefore expressed the need for information, advice and support about broader issues relating to separation and property division, not just information about the law, their entitlements and the property division process.

Almost half (48%) needed to know more about valuing assets and debts and 41% had required advice about financial issues, such as taxation, depreciation, retirement savings, debt, and life insurance policies.

Nearly three-quarters (72%) found that dealing with their former partner and/or their behaviour or attitude was difficult. Many reported that they needed more help, information or advice on how to deal with their former partner's stonewalling or delaying tactics, non-disclosure, dishonesty, fraudulent or abusive behaviour, or lack of engagement in the property division process. Others had needed help and support regarding family violence.

I did not get enough help to deal with my ex-partner's vindictiveness and deceit throughout the legal process.

How to deal with a person who refused to respond to any questions or requests.

Some participants thought that information about the interim period between separation and divorce and how to obtain a divorce was also needed.

A booklet entitled 'So, You're Getting a Divorce' would probably have been quite helpful, because I didn't even know that you had to be separated for two years, which seems insane, before you can get divorced.

I'm still legally his wife and I don't understand what that means in terms of obligations, responsibilities. He's re-partnered, but what does that all mean? ... I'm legally his wife, but we're separated, but we've got no paperwork. It's kind of like so what does that mean? ... What am I responsible for if he does something wrong? What happens if he dies? I don't know. That two-year limbo period before you can divorce is a little unclear. All the information is focused around children and that's not relevant for us. ... I really struggled to find anything that said that this is how you divorce.

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Suggestions for How to Better Assist People Dividing Property

Based on their experiences, the participants in our research provided a range of suggestions to better help people with their relationship property division.

Seeking the services of a lawyer was not always considered necessary since, with the right information, separated couples can work out their property division themselves. While lawyers can, of course, provide information about the law, entitlements and the property division process, some participants called for avenues other than lawyers to provide advice, support and information. Sometimes this was due to the perceived expense of legal fees, but there was also recognition that it was not just legal advice that separated people needed help with or that lawyers were necessarily the most appropriate professional to engage with.

I think being clear about what absolutely is required to sort property out, making it clear what couples can do between themselves. Then, at the last point, what they might actually need a lawyer to help them sign off on.

There just needs to be way more information out there than what there is. It shouldn't be held by lawyers. What ends up happening is they hold the information. That's what I found out. You learn about this as you live it. ... You have to go to them for advice. Why isn't the advice out there? Why isn't it published?

Some suggested having someone other than a lawyer to guide people through the property division process, such as a support person, caseworker or advocate, particularly when people felt traumatised, stressed or unable to think clearly. This could be a lay person, someone with experience of property division matters or an online support group.

Having someone that you can sit down with and just talk you through it all. ... So, having someone that is not necessarily a lawyer, but knows their information and can say, 'These are your rights. No, he can't make you do that. This is the process'. Just a support person.

Somebody like me to walk me through it. Someone who's been there to give me the strength. ... I wonder if there's women like myself, who've been through it, who might want to offer advice. ... A network of people. Not a lawyer. ... Not give legal advice, but just support from a 'been there, done that'.

The concept of a 'one-stop shop', where all the information and advice could be available for free, either face-to-face or by telephone, was also proposed.

There needs to be a one-stop shop. I hate going to courts and the justice system. It's just old, it's outdated, it's messy, it's so time consuming. ... You just ring this number and they will give you all the information you need, because that wasn't available, it's not out there. ... So, advice-wise, it would be really nice if there was just a dedicated place that said, 'Are you going through a separation? Ring this number for support, advocacy. Here's a pack, here's the things you need to know. You don't have to go through lawyers to get the settlement'.

The development of 'easy to follow' resources such as a website, brochure, video, 'information pack' or 'crib sheet' was suggested as a way of helping to outline the law, the relationship property division process, what to expect and what steps to take. Similarly, a checklist, model or template for people to work through was seen by participants as a helpful way of ensuring they had considered all the relevant issues to factor into their relationship property division.

Had I known more about the process at the start that would have been helpful. So, perhaps there is something there that can be done. ... If there was just a website perhaps where you can be directed to say, look, these are the steps, this is what you need to know, this is what will happen, maybe even this is what can happen.

Just some sort of real easy read: here's ways you can divide property. That's just in simple bullet points or something.

I was very naïve. I had no idea about lawyers or what the process was or anything. ... I think if I had have known, even if there was a list of the things you should fight for, or consider, or that you kind of know: yeah, I've done that, I've done that, I've done that. Because I really had no idea.

Public education was suggested to help overcome a perceived general lack of awareness of the legal and financial implications of entering into new relationships. This included information about prenuptial or contracting out agreements, trusts, and the legal consequences of marriage, civil unions or de facto relationships. Likewise, public education about relationship property division was advocated so people would know what to expect before they separated, as well as following a breakdown of their relationship.

There needs to be some more education out there in terms of this is actually what the Property (Relationships) Act means in New Zealand. This is how you become subject to it, this is how it involves you, and this is how, if you want to, you can contract out of it.

Public education around responsibilities in terms of the Property (Relationships) Act because I don't think there is enough on that. People don't ever plan to get separated and so you don't think of it until you're in the thick of it, and, by that time, you're probably highly stressed and emotional and on antidepressants and God knows what else. So, it's useful information to know before you ever get to that point. It's not something you think about until you need it.

I don't think we educate people on these essential bits of law that are quite likely to affect their lives. ... I don't think people are particularly aware of what the law says and how it impacts them. That gets people into trouble down the line, because when things are good you don't want to think about breaking up. But, actually, that's when you do want to be, when things are good, that's when you want to be making plans. When there's not an earthquake, that's when you want to be building your earthquake type stuff.

Summary

Separation can be an emotional time of upheaval with many decisions to be made, including how to divide relationship property in a fair and equitable way. While most of the participants in our research were aware of the underlying principle of equal sharing in the PRA, they were less sure of the finer details and how to make this work in practice. Most noteworthy was a lack of understanding or misunderstanding about:

- what was regarded as relationship property and what was deemed to be separate property, particularly superannuation; and
- whether debt was relationship debt or personal debt.

The participants described different approaches and practices and varying and/or contradictory advice on such matters, that were not always consistent with the PRA. An inability or reluctance to seek legal advice could result in people being unaware of their property entitlements and therefore not claiming them when they divided their relationship property. Therefore, having easily accessible, publicly available information and resources that are not held just by lawyers is vital to enabling equitable access to justice for everyone and making the process of dividing property after separation as clear and straightforward as possible.

Relationship property can be complex and separating couples' situations are diverse. People may also not always know how to access information, advice and support. Having accessible, easy to follow resources that outline the law, property entitlements, and the relationship property division process would therefore be helpful. Research Highlight 6 provides a guide about issues to consider which emerged from our research detailing property to include and matters to consider.

There is also a place for public education about the financial implications of entering into a marriage, civil union or de facto relationship and increasing people's financial literacy.

Research Highlight 1

Relationship Property Division in NZ Research Highlight Series

There are six Research Highlights in this series.
Each provides helpful information and advice about:

1. Knowledge and Understanding of Relationship Property Division
2. Relationship Property Division: Insights From Those Who've 'Been There, Done That'
3. How the Relationship Between Former Partners Affects Their Property Division
4. The Challenges and Impact of Relationship Property Division
5. Prenuptial/Contracting Out Agreements
6. Dividing Relationship Property: A Guide about Issues to Consider

Research Reports and Summaries

Phase One

Ian Binnie, Nicola Taylor, Megan Gollop, Mark Henaghan, Shirley Simmonds and Jeremy Robertson, *Relationship Property Division in New Zealand: Public Attitudes and Values. A General Population Survey* (Technical Research Report, Michael and Suzanne Borrin Foundation, Wellington, New Zealand, 2018).

Ian Binnie, Nicola Taylor, Megan Gollop, Mark Henaghan, Shirley Simmonds and Jeremy Robertson, *Relationship Property Division in New Zealand: Public Attitudes and Values. A General Population Survey* (Research Summary, Michael and Suzanne Borrin Foundation, Wellington, New Zealand, 2018).

<https://www.borrinfoundation.nz/report-relationship-property-division-in-new-zealand-public-attitudes-and-values>

Phase Two

Megan Gollop, Nicola Taylor, Ian Binnie, Mark Henaghan and Jeremy Robertson, *Relationship Property Division in New Zealand: The Experiences of Separated People* (Descriptive Research Report, Children's Issues Centre, Faculty of Law, University of Otago, Dunedin, New Zealand, 2021).

Megan Gollop and Nicola Taylor, *Relationship Property Division in New Zealand: The Experiences of Separated People* (Research Summary, Children's Issues Centre, Faculty of Law, University of Otago, Dunedin, New Zealand, 2022).

<https://www.otago.ac.nz/cic/research/index.html#relationship-property>

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