

We value your support in improving New Zealand's laws. This newsletter will help you stay up to date with the Law Commission's work and have your say on law reform.



Te Aka Kōrero

News from the Law Commission Te Aka Matua o te Ture

Welcome

Welcome to this issue of Te Aka Kōrero, which is published shortly after the first anniversary of our move to The Terrace. We are delighted with our new office and its convenient location - almost exactly opposite the Law Commission's original premises in the 1980s.



Retirement of President

After three years as President, Sir Douglas White has decided to retire at the end of June. The Minister of Justice, the Hon Andrew Little, has acknowledged Sir Douglas' able leadership of the Law Commission and his contribution to several significant law reform projects completed during his tenure.

[Read the Minister's media release here.](#)

Law Commission's preferred approach to division of property on separation

In November 2018, the Commission published a second Issues Paper in its review of the Property (Relationships) Act 1976. The paper outlined the Commission's preferred approach to reform of the Act. The Commission received 100 submissions on its preferred approach.

The Commission will give its final report to the Minister on 28 June 2019.

[Read more...](#)

The use of DNA in criminal investigations

New Zealand was the second country to create a legislative regime for the use of DNA in criminal investigations – the Criminal Investigations (Bodily Samples) Act 1995. However, the Law Commission says it is no longer possible to read the Act and obtain an accurate picture of the role and function of DNA profiling in criminal investigations.

The Commission published its Issues Paper *The Use of DNA in Criminal Investigations* in December 2018. The Commission has been receiving submissions and meeting with interested parties to discuss the project.

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Class Actions and Litigation Funding

The Minister responsible for the Law Commission, Hon Andrew Little, has confirmed the Law Commission should progress the Class Actions and Litigation Funding project after completing the second review of the Evidence Act 2006 in February 2019.

The Class Actions and Litigation Funding review was put on hold last year, as the Commission reallocated staff to complete the priority request from the Minister regarding abortion law reform. The review is now in the early stages of being reactivated.

Law Commission completes second review of Evidence Act

The Law Commission published its report *The Second Review of the Evidence Act 2006* in March 2019. The report is the result of the Commission's two-year review of the operation of the Evidence Act 2006. It makes 27 recommendations, including a number of reforms to improve the court process for victims of sexual and family violence.

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Abortion law reform

The Commission's Ministerial Briefing Paper *Alternative approaches to abortion law* was tabled in Parliament on 26 October 2018. It provided three possible models the Government could adopt to align New Zealand's legal framework with a health approach to abortion. It set out several other changes that could be adopted, regardless of which model is preferred.

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Contempt of Court

The Administration of Justice (Reform of Contempt of Court) Bill – now titled the Contempt of Court Bill - had its second reading completed on 18 June 2019. The Bill in its original form was based on the Law Commission's 2017 report *Reforming the Law of Contempt of Court: A Modern Statute*, which made recommendations to modernise and clarify the law of contempt.

[Read more...](#)

New strangulation offence

Following a recommendation by the Law Commission, a new offence of strangulation or suffocation came into force on 3 December 2018, carrying a maximum penalty of seven years imprisonment (section 189A of the Crimes Act 1961). The new offence implements the Law Commission's recommendation in its 2016 report *Strangulation: The case for a new offence*.

[Read more...](#)

Other news

- We note with deep sadness the death on 31 May 2019 of Sir Grant Hammond who was President of the Law Commission between 2010 and 2016. During that time, Sir Grant made an extremely significant contribution to the law reform work of the Commission. [Read more...](#)
- The Law Commission's bid for an increase in its funding for 2019/20 was unsuccessful. The Commission has not had an increase in funding for the past ten years. This will inevitably limit the number of new projects the Commission will be able to accept for its future law reform programme.
- The Justice and Electoral Select Committee conducted its annual review of the Law Commission on 21 November 2018. The review looked at the Commission's future and past spending. Commissioners gave an overview of the year's work and answered questions about the Commission's consultation process and the process for determining the work programme. [Listen to audio highlights from the annual review on RNZ's programme *The House*](#).
- One of the challenges for any Law Commission is how to measure its performance. A proxy measure, while it has limitations, is the adoption of Commission recommendations by the Government. It is difficult, if not impossible, to establish with precision the implementation rate for Commission

reports. Nevertheless it is possible to get a reasonable picture of the overall pattern of implementation. [Read more...](#)

- The President, Sir Douglas White, attended certifier meetings for the Partnership Law Bill on 3 December 2018 and 4 March 2019. The Bill revises the Partnership Act 1908, which is old and uses out-of-date language. The Partnership Law Bill was introduced on 28 May 2019 and received its first reading on 11 June. [Read more...](#)

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