



## FAMILY LAW SECTION NEW ZEALAND LAW SOCIETY

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### **New Zealand Relationship Property Survey**

The New Zealand Relationship Property Survey the FLS conducted in conjunction with Grant Thornton was released at the Family Law Conference in Rotorua on 19 October. The [survey report](#) is available to download on the [FLS website](#). A [media statement](#) was released today regarding the survey results. Thank you to all the members who took part in the survey, which has enabled the report to reflect highly meaningful observations. We hope you find the report useful and beneficial to your relationship property practice.

### **Final sitting – Judge Grace – Wellington – 3 November**

FLS members are invited to attend the final sitting for Judge Grace to be held in Wellington on Friday 3 November at 3.30pm. The final sitting will be held in Courtroom 9, Level 4, Wellington District Court. Deputy Chair Rachael Dewar will be speaking on behalf of the FLS. Light refreshments will be served in the jury assembly room on Level 3 following the sitting. For catering purposes, please RSVP by 27 October to Joanne Williams, Personal Assistant to District Court Judges at [joanne.williams@justice.govt.nz](mailto:joanne.williams@justice.govt.nz) or 04 419 8187.

### **Final sitting – Judge Brown – Hamilton – 10 November**

FLS members are invited to attend the final sitting for Judge Brown to be held in Hamilton on Friday 10 November at 3.30pm. A mihi whakatai will take place in the Jury Assembly Room followed by a special sitting in Courtroom 6, Level 4, Hamilton District Court. Light refreshments will be served following the sitting. For catering purposes, please RSVP by 1 November to Glenna James, Personal Assistant to District Court Judges at [glenna.james@justice.govt.nz](mailto:glenna.james@justice.govt.nz) or 07 957 7817.

## **Non-English affidavits in the Family Court**

A number of members have raised an issue regarding the application of rules 160 and 167 of the Family Court Rules in respect of filing a non-English affidavit in the Family Court to accompany without notice applications for parenting and protection orders. A non-English speaking deponent must file an affidavit under rule 160, attaching a copy of the non-English affidavit and the interpreter's translation of that affidavit. The use of rule 167 is limited to affidavits filed by a deponent who can speak English but cannot read English because they are blind, disabled or illiterate. A practice has developed of using rule 167 in urgent applications and adding a section at the end from the oral interpreter to record they have read the affidavit to the applicant. In these cases, some judges are refusing to read the affidavit on the basis that it does not comply with rule 160. The FLS has written to Judge Ryan and also to Deputy Secretary Rajesh Chhana in an effort to have the rule reconsidered as it appears the application of rule 160 is creating hardship for non-English speaking applicants. We will keep you updated on any progress with this issue.

*Kirsty Swadling*

*FLS Chair*