

Pūrongo ā Tau

Annual Report

1 July 2021 – 30 June 2022



Te Aka Matua o te Ture | Law Commission is an independent, publicly funded, central advisory body established by statute to undertake the systematic review, reform and development of the law of Aotearoa New Zealand. Its purpose is to help achieve law that is just, principled and accessible and that reflects the values and aspirations of the people of Aotearoa New Zealand.

Te Aka Matua in the Commission's Māori name refers to the parent vine that Tāwhaki used to climb up to the heavens. At the foot of the ascent, he and his brother Karihi find their grandmother Whaitiri, who guards the vines that form the pathway into the sky. Karihi tries to climb the vines first but makes the error of climbing up the aka taepa or hanging vine. He is blown violently around by the winds of heaven and falls to his death. Following Whaitiri's advice, Tāwhaki climbs the aka matua or parent vine, reaches the heavens and receives the three baskets of knowledge.

Kia whanake ngā ture o Aotearoa mā te arotake motuhake

Better law for Aotearoa New Zealand through independent review

The Commissioners are:

Amokura Kawharu – Tumu Whakarae | President

Claudia Geiringer – Kaikōmihana | Commissioner

Geof Shirtcliffe – Kaikōmihana | Commissioner

The Hon Justice Christian Whata – Kaikōmihana | Commissioner

Presented to the House of Representatives pursuant to
section 150(3) of the Crown Entities Act 2004

Te Aka Matua o te Ture | Law Commission, Wellington 2021

ISSN: 2253-2684 (Online)

Published as Parliamentary Paper E.31

This report is also available on the internet at the Commission's
website: www.lawcom.govt.nz

Table of Contents

PRESIDENT'S MESSAGE	2
YEAR UNDER REVIEW	3
WHO WE ARE AND WHAT WE DO	7
HOW WE UNDERTAKE LAW REFORM PROJECTS	10
ORGANISATIONAL CAPABILITY	12
STATEMENT OF RESPONSIBILITY	15
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2022	16
FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022.....	22
NOTES TO THE FINANCIAL STATEMENTS.....	26
INDEPENDENT AUDITOR'S REPORT	35
APPENDIX A – IMPLEMENTATION OF LAW REFORM REPORTS	39

President's message

Tēnā koutou katoa

Kei te harikoa mātou ki te whakatakoto atu i tēnei pūrongo ā tau mo 2021-2022.

Our annual report describes our activities and achievements over the past year and our progress against our strategic objectives – of working well with our stakeholders, contributing to a wider and more enduring understanding and recognition of te ao Māori and te Tiriti o Waitangi | Treaty of Waitangi, and maintaining an honest, strong and positive workplace culture. Of course, these objectives are interlinked, and work together to support and strengthen our ability to deliver independent, widely informed and practicable recommendations on law reform matters to government.

As we explain over the pages that follow, it has been a productive year, and the Commission continues to enjoy working on a varied and interesting law reform programme. Our highlights are the final reports we delivered to the Minister of Justice in respect of three projects, concerning succession law, surrogacy, and class actions and litigation funding. We have also welcomed three new Kaikōmihana, Geof Shirtcliffe, Justice Christian Whata and Claudia Geiringer, and farewelled outgoing Kaikōmihana Donna Buckingham and Helen McQueen.

The succession and surrogacy reports conclude many years of work by the Commission on family law, beginning with the review of the Property (Relationships) Act 1976, in 2016. The succession review examined legislation dating back to the 1940s, while the surrogacy project addressed what is now a well-established way of family building that is not currently explicitly reflected in law at all. We are pleased our recommendations concerning the need for new statutes to address the division of property upon separation and claims against estates, have been accepted in-principle. These areas of law are intrinsically tied to social values. It is as important as ever that people can be confident that our laws addressing such ordinary and every day matters are modern and fit for purpose.

I wish to thank everyone who has engaged with us or supported our work during the year, including people who have provided submissions on our projects or served on our expert advisory committees, officials, and members of our Māori Liaison Committee. I also thank my Commissioner colleagues and all our staff for their hard work and commitment to our vision of better law for Aotearoa New Zealand through independent review.



Amokura Kawharu

Tumu Whakarae | President

Year under review

LAW REFORM

- 2021-22 was a productive year for Te Aka Matua o te Ture | Law Commission in which the Commission published final reports and concluded its work in respect of three projects. In addition to these reports the Commission published two issues papers and terms of reference for one new project and provided advice to the Minister of Justice on potential law reform projects for future referral to the Commission.
- The Commission completed its review of **succession law** and submitted its Report to the Minister of Justice on 17 November 2021. The Report (NZLC 145) was presented to Parliament on 15 December 2021. We concluded that succession law, the law about who inherits a person's property when they die, needs reform. This is to better reflect the diversity of family relationships in Aotearoa New Zealand and contemporary understandings of te Tiriti o Waitangi | Treaty of Waitangi. The Report makes 140 recommendations for reform that cover a wide range of topics. Key recommendations include introducing a new Inheritance (Claims Against Estates) Act to be the principal source of law regarding entitlements to and claims against estates; and ensuring that succession to taonga can continue to be governed by tikanga rather than state law.
- The Commission completed its review of **surrogacy law** and submitted its Report to the Minister of Justice on 29 April 2022. The Report (NZLC 146) was presented to Parliament on 27 May 2022. The

Commission concludes that surrogacy law is out of date and acknowledges a pressing need for reform. The Report makes 63 recommendations to establish a new framework for determining legal parenthood in surrogacy arrangements and otherwise improve surrogacy law and practice. Key recommendations include introducing a simple administrative pathway for recognising intended parents as the legal parents of a surrogate-born child without the need for a court process, where the surrogacy arrangement was approved by the Ethics Committee on Assisted Reproductive Technology (ECART) and the surrogate gives her consent; providing a separate court pathway for recognising intended parents as the legal parents of a surrogate-born child in situations when the administrative pathway does not apply; and giving effect to children's rights to identity by establishing a national surrogacy birth register to preserve access to information by surrogate-born people about their genetic and gestational origins and whakapapa. The Commission also recommends that further research be undertaken to provide a better understanding of tikanga relating to surrogacy and clarifying the law to allow payments to a surrogate for reasonable costs incurred in relation to a surrogacy arrangement.

- The Commission completed its review of **class actions and litigation funding** and submitted its report to the Minister of Justice on 27 May 2022. The Report (NZLC 147) was presented to Parliament on 27 June 2022. The report makes 121

recommendations for reform of class actions and litigation funding. In relation to class actions, the Commission recommends a new statute called the Class Actions Act as the principal source of law on class actions. The Commission has also made recommendations on the rules that should apply to class actions. These include rules that govern court approval of a case to proceed as a class action, known as certification; procedures for managing concurrent class actions; and provisions for court oversight of matters such as settlement, to protect the interests of class members. The Commission's recommendations on litigation funding include a requirement for court approval of funding agreements in class actions and empowering the court to make orders directly against a litigation funder for the provision of security for costs and payment of adverse costs.

- Following discussions with the Minister of Justice and Ministry of Justice officials, two new projects were referred to the Commission for the 2021-2022 year. These were a study of tikanga and a review of the legislative settings for preventive detention. As required by the Evidence Act, the Minister of Justice also referred to the Commission a third operational review of that Act. At the end of the 2021-2022 year, the tikanga, preventive detention and evidence projects continued. Ngā Huarahi Whakatau, the review of adult decision-making capacity laws commenced in 2020-2021, also continued.
 - The Commission provided advice to the Minister of Justice on potential law reform projects that could be included in the Commission's work programme for the 2022-23 year. The advice covers proposals for reviews of defamation law, cultural background reports in sentencing, professional and occupational regulation, and the Companies Act 1993. The Board of
- the Commission also refined the factors it considers when assessing potential topics for proposing to the Minister and plans to continue refining these factors through consultation with stakeholders. Currently (and in addition to criteria specified in a 2009 Cabinet Circular), the Commission considers how the following might be engaged by potential projects:
- a. Te Tiriti o Waitangi and te ao Māori;
 - b. Intergenerational wellbeing: lives of purpose, balance and meaning;
 - c. An efficient economy (and economic recovery);
 - d. Democracy and the rule of law;
 - e. Removing injustice and creating opportunities;
 - f. Stakeholder interest;
 - g. Modernisation;
 - h. International obligations; and
 - i. Capacity and expertise within the Commission.

FAREWELLS

- Donna Buckingham's warrant as a Law Commission expired in May 2021 but she continued in office to support project work until the appointment of a new Commissioner in September 2021. As acknowledged in last year's annual report, Donna's contributions included her leadership of reviews on how DNA is used in criminal investigations and, with the Ministry of Justice, on search and surveillance law.
- Helen McQueen's term as a Law Commissioner ended in April 2022. During her six years as a Commissioner, Helen oversaw major reviews in family law covering relationship property, succession and surrogacy, and served as Deputy and Acting President. She is now a judge of the High Court, based in Wellington.
- In June the Commission farewelled Te Ripowai Higgins who was a member of the Commission's Māori Liaison Committee for many years. Te Ripowai also translated

the Commission's vision and values into te reo Māori.

NEW KAIKŌMIHANA

- Three Law Commissioner appointments were made in the year under review. The new Commissioners are Geof Shirtcliffe, Justice Christian Whata and Claudia Geiringer.
- Geof was previously a corporate partner at the law firm Chapman Tripp specialising in the fields of company and commercial law. He began his five-year term as a Law Commissioner on 6 September 2021 and is leading the Commission's project on adult decision-making capacity, Ngā Huarahi Whakatau.
- Justice Whata (Ngāti Pikiāo and Ngāti Tamateatūtahi – Kawiti of Te Arawa) was appointed a High Court judge in 2011 and has adjudicated on a wide range of subject matters including major common law, commercial, public, environmental, Māori and criminal matters. His appointment as a Law Commissioner took effect on 12 October 2021 to enable him to lead the Commission's project on tikanga.
- Claudia is taking leave from her position as chair in Public Law at Te Herenga Waka | Victoria University of Wellington and was welcomed to her new role as a Law Commissioner on 2 May 2022. She will lead work on the new reference referred to the Commission as part of its 2022-2023 work programme.

GOVERNANCE

- In October 2021, the Board engaged Dame Marie Shroff to undertake an informal peer review of the Commission's governance practices, drawing on her extensive experience in the independent Crown entity environment as former Privacy Commissioner and current chair of the Electoral Commission. Dame Marie reported favourably on many aspects of

the Commission's governance and made helpful suggestions for strengthening them. A key focus for the Commission is the development of a governance framework. Work on this is ongoing.

OPERATIONS

- Sindy Gallen took up the role of General Manager for the Commission in late 2021. Prior to joining the Commission she was Business Services Manager and Financial Controller at New Zealand Schools Trustees Association.
- As part of its te reo Māori policy and language development plan, the Commission supports staff to learn te reo Māori by providing weekly classes and additional resources for self-directed learning. The Commission also continues its Whāngaihia te Aka seminar and study programme to build cultural capability in relation to te ao Māori among personnel. These steps enhance the Commission's effectiveness in meeting its statutory duty and strategic priority to take te ao Māori into account in its work. The Commission is also supported in this aspect of its work by its regular meetings with its Māori Liaison Committee.
- The Commission's website is a key communication tool for the Commission and a law reform resource for the wider public. The following information provides context for the Commission's reach into legal, policy and researcher communities and the wider public.

Key website metrics for 2021-2022:

- Visitors = 54,167
- Sessions = 73,114
- Page views = 129,409

These metrics represent a 23.23 per cent increase in visitors, 16.13 per cent increase in sessions and 6.24 per cent increase in page views over 2020-2021.

- During the year the Commission engaged PS/digital to assist with the rebuilding of the Commission's website. This rebuilding will improve the website's general accessibility and its functionality as an online consultation tool.
- The Commission received core funding of \$3.993 million. The year under review resulted in an annual operating deficit of (\$174,919) against a forecast operating deficit of (\$413,533) with a residual equity of \$2,988,497. A significant amount of expenditure relates to rent and personnel. Project costs are generally increasing, reflecting the growing complexity of the work programme. For the same reason, project costs are also more difficult to budget for. The Commission maintains active review of these costs and continues to ensure it uses its funding as effectively and efficiently as practicable.

Who we are and what we do

Te Aka Matua o te Ture | Law Commission is a publicly funded law reform organisation established under the Law Commission Act 1985. It is an independent Crown entity under the Crown Entities Act 2004.

**Our job is to provide advice to the Minister responsible for
the Law Commission about how to reform the law.**

REASONS FOR LAW REFORM

Laws may need to change for many reasons, including:

- because they are out-of-date;
- because they fail to recognise and provide for tikanga Māori;
- changing attitudes and values in society; and
- changes in science and technology.

We promote open and informed debate on law reform issues, make recommendations to the relevant Minister on how the law can be improved and provide implementation and other advice on law reform issues.

WHERE DO OUR PROJECTS COME FROM?

Every year, the Commission proposes a work programme to the Minister responsible for the Commission (currently the Minister of Justice) for discussion. The Commission maintains a register of issues and problems with the laws of Aotearoa New Zealand. It records matters that have been suggested by the legal profession, general public, media and others as requiring reform. This register is used as a starting point for the Commission when generating its advice on potential law reform projects to the Minister.

The agreed programme will normally comprise references from government, taking into account the 2009 Cabinet Circular which sets out a process and the criteria for their selection. This includes assessing whether a project aligns with government priorities and whether departmental resources will be made available. The Minister may at any time require the Commission to review any aspect of the law as a matter of priority. Under the Law Commission Act, the Commission can also initiate law reform work itself.

RECOMMENDATIONS FOR LAW REFORM

The Commission's vision is to promote better law for Aotearoa New Zealand through independent review. We pursue our vision by making law reform recommendations that are

based on in-depth research and public consultation. Our recommendations aim to improve the quality, relevance and effectiveness of the laws that we review.

Anyone can make a submission on our projects. In making our recommendations, we must take into account te ao Māori and give consideration to the multicultural character of Aotearoa New Zealand society.

When we complete a project, we publish a report for the Minister with independent and practicable law reform recommendations. The extent to which the Commission's recommendations are acted upon is then a matter for Parliament.

ADVICE ON IMPLEMENTATION OF LAW REFORM

We also provide advice on the implementation of our law reform recommendations. This work can include assisting with the preparation of Cabinet papers and legislative drafting instructions and attending select committees.

GOVERNMENT PRIORITIES AND EXPECTATIONS ARE EMBEDDED IN OUR WORK

In May 2019, the Government presented its wellbeing budget, putting the wellbeing of current and future generations of all people in Aotearoa New Zealand at the heart of what it does. Through the 2019 Enduring Letter of Expectations, the Government signalled its expectation that Crown entities work towards achieving a unified valued-based government and its expectation that Crown entities take a leadership role in relation to the Treaty relationship. In his March 2021 letter to the Commission, the Minister of Justice noted that the justice sector plays a crucial role in ensuring the protection of individual rights, maintaining trust and supporting democracy. In his March 2022 letter, the Minister signalled the importance of law reform recommendations guided by robust information and a variety of stakeholder views.

By its very nature, independent law reform work carried out by the Commission is aligned to these expectations. We provide advice for improving the law in respect of a law reform programme which is approved by the Minister of Justice. Through our research, engagement and independent recommendations for law reform, the Commission's work contributes to ensuring our laws reflect our values and aspirations as a country, respect the rule of law and promote democratic governance. The particular contributions the Commission makes towards embedding wellbeing, te Tiriti o Waitangi | the Treaty of Waitangi and individual rights (including access to justice) within its current work programme are noted in the 2020-2024 Statement of Intent.

OTHER FUNCTIONS – PARLIAMENTARY CERTIFIER

The Legislation Act 2019 provides a mechanism for systematically revising the presentation of Aotearoa New Zealand's statutes to make them more accessible and for their re-enactment as revision Bills. The President of the Commission is one of the required certifiers. The role of the certifiers is to check that the revision powers in the Legislation Act have been exercised appropriately in the preparation of a revision Bill and that the Bill does not change the effect of the law (except as authorised by the Legislation Act).

THE COMMISSIONERS

Commissioners decide on the content of reports and other papers published by the Commission. Commissioners are appointed by the Governor-General, generally for a five-year term, on the advice of the responsible Minister. Commissioners are also the Commission's Board members. The President is the Commission's Chief Executive and Chair of its Board.

The Commissioners in date order of appointment, as at 30 June 2022, were:

- Amokura Kawharu (term expires on 11 May 2025);
- Geof Shirtcliffe (term expires on 06 September 2026);
- Christian Whata (term expired on 12 October 2022 but continues under the carry-over provisions of the Crown Entities Act 2004); and
- Claudia Geiringer (term expires on 02 May 2027).

STAFF

The Commission has a small team of Legal and Policy Advisers and part-time Law Clerks who support the Commissioners to conduct research and consultation, and to draft and publish reports and other papers. Many have practised as lawyers within government, in private practice or both. The Commission also has a General Manager and a small team of corporate staff who support the Commission's provision of law reform advice and its compliance with legislation including the Official Information Act 1982, the Crown Entities Act 2004, the Public Records Act 2005 and the Public Finance Act 1989.

How we undertake law reform projects

THE PROJECT STARTS

A Commissioner is responsible for each project, although some projects may be led by a Principal Legal and Policy Adviser. Legal and Policy Advisers are allocated to the project. One or more Law Clerks also works with the team.

RESEARCH AND EXPERT INPUT

The project team conducts research, considers similar laws overseas, talks to experts and people affected and identifies the issues. This may include, for example, surveys, wānanga and case law research.

One or more ad hoc panels of experts (each an Expert Advisory Group) will usually be appointed to assist the Commission in its work. Sometimes an officials group, a judicial panel or other relevant consultative group will also be established.

The Commission usually publishes one or more issues papers for each project. An issues paper identifies issues, asks questions and invites the public to respond.

CONSULTATION AND SUBMISSIONS

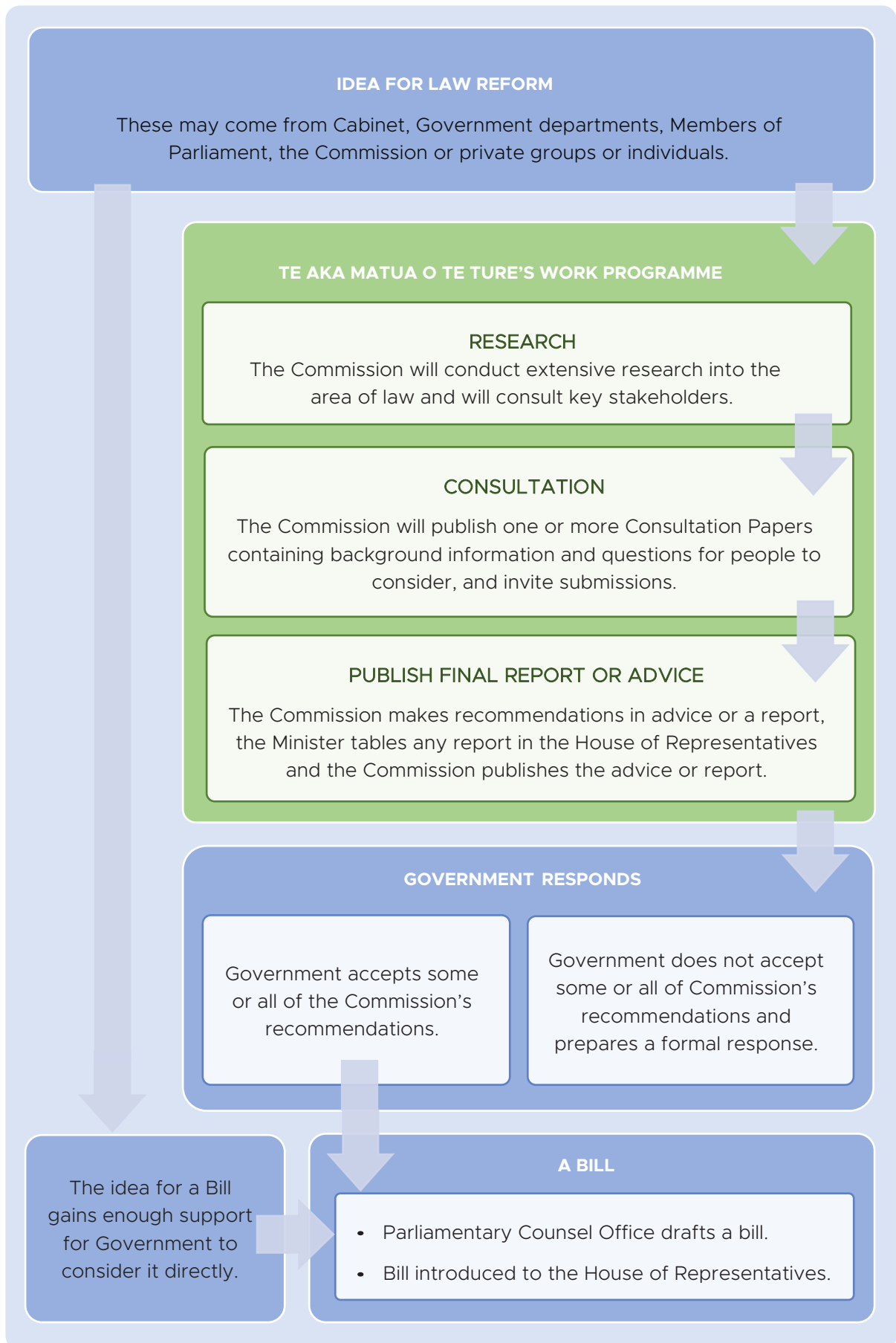
The purpose of consultation is to help us discover, know and understand people's views about and experiences of the law under review. The Commission consults with people affected by the law and takes care to include a wide range of different bodies and groups. We may create a website specifically for the project to assist people to provide us with feedback on the issues. The format of consultation depends on the project.

The Commission uses the submissions, consultations, the advice of the Expert Advisory Groups and any officials group or judicial panel, and public input, as well as its research findings and analysis, as the basis for its recommendations.

FINAL REPORT OR OTHER ADVICE

At the end of a project, we write a final report or provide advice. A final report includes recommendations for reform agreed by the Commissioners. The report is delivered to the responsible Minister and the Minister tables the report in the Parliament. The report is then published on the Commission's website.

THE LAW REFORM PROCESS



Organisational capability

OUR BOARD

The Board meets formally six times a year. To ensure timely and ongoing good governance, the Commissioners and the General Manager meet and address any matters arising on a weekly basis. Given the Commissioners are responsible for both day-to-day management and governance functions, the transparency of these arrangements works well. The Board completes a governance self-assessment on an annual basis. The Commission continually reviews the structure of Board meetings to ensure the Board maintains focus on its high-level strategic priorities.

OUR PEOPLE

The Commission is committed to being an equal opportunities employer, and this commitment is led by the Commissioners and the General Manager. The Commission has an open and impartial employment process, which includes selection and interviewing by panels comprising Commissioners and staff. We value diversity in the workforce and apply an 'equal opportunity' and 'best person for the role' approach in our recruitment. We are committed to employee development and deliver this through in-house coaching and mentoring, 'stretch assignments' within projects, opportunities to progress, lunch-time seminars and external courses.

Our work-life balance initiatives, including our flexible work policy, play a role in enabling our people to perform at their best while also recognising their commitments outside of work. We have ICT facilities that enable staff to work remotely and support flexible work arrangements.

We have a remuneration policy that recognises performance of employees among other factors such as affordability and prevailing market conditions. Employee remuneration is reviewed annually, as agreed under individual employment contracts and in accordance with the policy. In the year under review, the Commission also considered pay restraint guidance issued by the Public Services Commission in the remuneration review process.

We apply principles of pay equity to all Commission staff. As an inclusive workplace, we do not require staff to indicate their gender identity. Accordingly, we are not in a position to report on pay equity among all personnel. However, it is our impression from indicators such as email signatures and voluntary disclosures that there is not a gendered pay gap and nor is there a gendered imbalance of personnel at senior levels.

We continue to enjoy our office accommodation at Level 9, 70 The Terrace Wellington. It is 582.8sq m. We have a nine-year initial lease (expiring in 2027) with two rights of renewal for further terms of three years each. The building has a seismic rating of 90-100% NBS.

We offer a range of well-being assistance to our people, including an Employee Assistance Programme, on-site flu vaccinations, and, as part of our office accommodation, we have ergonomic sit-stand desks for all employees. We offer workstation assessments as required and respond appropriately to any needs that are identified. In 2022 we also provided additional

paid special leave for any staff member who required time off work due to contracting Covid-19 or caring for a dependent with Covid-19.

All staff have free access to an in-building gym fully equipped with an extensive range of modern cardio and weight equipment, and a table tennis table and large boxing area. We have health and safety tools and resources including first aid training, emergency management (and emergency management training) and incident/hazard management.

Our supportive culture and policies, together with the Public Services Commission's Standards of Integrity and Conduct, detail our expected behaviours. The Commission does not tolerate bullying or harassment. We have policies and processes in place to respond to and resolve any concerns relating to unacceptable workplace behaviour.

EFFICIENT AND EFFECTIVE SYSTEMS AND PROCESSES

We have continued to review our systems, the way we operate our business and the tools we use to achieve and deliver our work programme so that they are fit-for-purpose.

All staff are equipped with surface-pro laptops that help to enhance the Commission's business continuity resilience and help to protect the Commission's internal operations against risks from any future disruptions.

The Commission's library collection strategy prioritises electronic resources over hard copy where possible, supplemented by a small physical library covering core legal and law reform topics and borrowing from other libraries. The strategy is regularly reviewed to maintain best practice in view of evolving collection practices.

COLLABORATION

As a Crown-funded entity we continue to look for new and better ways of working together with other agencies. We participate in the All-of-Government procurement where appropriate. We are a participating member of Independent Crown Entities (ICE) Forum, a group representing chief executives and chairs of independent Crown entities aimed at promoting collaboration across the ICE sector. We also participate in other, informal inter-agency collaboration initiatives as they arise.

OPENNESS AND TRANSPARENCY

The Commission aims to publish submissions made in relation to our projects on our website so that they are readily available for anyone to access. Submissions from an individual may be redacted to preserve an individual's privacy.

During the year under review, we received 60 requests for information under the Official Information Act 1982. We responded within the statutory timeframe to 100% per cent of these requests, and the average response time was two days, in comparison to an average of 12.5 days across the public sector.

MANAGING RISK

The Board and General Manager are responsible for ensuring that key business, legal compliance and operational risks are identified, and appropriate mitigating controls and procedures are in place for effectively managing these risks.

Key risk areas include the financial sustainability of the Commission, succession of Commissioners, and staff turnover. These are monitored and reviewed as part of Board meetings.

OUR PROGRESS OVER THE LAST YEAR

We have made good progress in building our capabilities over 2021-2022, focussing on:

- continuing to build our cultural capability;
- embedding our vision and values across policies and practices;
- a governance review completed with Dame Marie Shroff;
- developing a new website with external agency PS/digital; and
- ongoing review of our library collection, including the review and revitalisation of our te ao Māori collection and human rights law resources.

Statement of Responsibility

We are responsible for the preparation of Te Aka Matua o te Ture | Law Commission's statement of performance, financial statements and the judgements made in them.

We are responsible for any end-of-year performance information provided by the Commission under section 19A of the Public Finance Act 1989.

We have the responsibility for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of financial reporting.

In our opinion the financial statements and statement of performance fairly reflect the financial position and operations of the Commission for the year ended 30 June 2022.

Signed on behalf of the Board:



Amokura Kawharu

Tumu Whakarae | President

15 December 2022



Geof Shirtcliffe

Kaikōmihana | Commissioner

15 December 202

Statement of Performance for the year ended 30 June 2022

HOW IS PERFORMANCE MEASURED?

The Commission measures its performance achievement through a series of key performance indicators. These indicators are concerned with the quantity and quality of the Commission's law reform work and related processes. The impact of its performance is measured through indicators that are concerned with the influence, including long-term influence, of its work.

PERFORMANCE ACHIEVEMENT MEASURES

The following tables set out the position as at 30 June 2022 in light of the measures and targets identified in the Commission's 2021-2022 Statement of Performance Expectations. The data in the tables should be read alongside the more detailed explanation of the measures and how they have been applied, as set out underneath the relevant measures.

Measure	How	Planned 2021-2022	Actual 2021-2022
Timely production of Terms of Reference, consultation papers, reports and written advice			
The number of Terms of Reference, consultation or other papers, reports or written advice	The number of published terms of reference, consultation or other papers, reports and advice	6	6
In 2021-2022, the Commission published three law reform reports (in respect of its reviews of succession law, surrogacy, and class actions and litigation funding), two issues papers (for the surrogacy and class actions and litigation funding projects), and one terms of reference (for the review of the law relating to adult decision-making capacity).			
Reports or advice produced in the original timeframe advised to the Responsible Minister	The percentage of reports or advice sent to the Responsible Minister within the advised timeframe	100%	100%

Measure	How	Planned 2021-2022	Actual 2021-2022
Stakeholder Engagement			
The number of consultation meetings held	The percentage of target number of consultation meetings per project	100%	100%
<p>The above quantitative measure concerns whether the Commission consulted with at least the target number of core stakeholders during the lifetime of a project. The target number in a given project will likely refer to the number of people or organisations within the core community of interest in relation to the project and will be recorded in a Board paper. Reporting under this measure takes place for projects which are completed during the year. In 2021-2022, the succession, surrogacy, and class actions and litigation funding projects completed:</p> <ul style="list-style-type: none"> • in the succession project, 55 consultation meetings were held (target: 40) • in the surrogacy project 49 meetings were held (target: 30) • in the class actions and litigation funding project 76 meetings were held (target: N/A the project commenced in 2017, when an estimate was not required) 			
The number of submissions received	The percentage of target number of submissions per project	100%	100%
<p>The above quantitative measure concerns whether the Commission received at least the target number of submissions in response to each of its issues papers. The target number for a given issues paper will usually be based on the number of people or organisations within the core community of interest in relation to the project. The number of submissions received will vary greatly depending on the nature of the project. A technical project may receive far fewer submissions than a project of wide public interest. Once a target number is set, this is recorded in a Board paper.</p> <p>In 2021-2022, issues papers were published in the surrogacy and class actions and litigation funding projects:</p> <ul style="list-style-type: none"> • 223 submissions were received in response to the surrogacy issues paper (target: 40) • 32 submissions were received in response to the class actions and litigation funding issues paper (target: 20). 			

Measure	How	Planned 2021-2022	Actual 2021-2022
Consideration of substantive legal and policy issues			
High quality evidence-based legal and policy analysis	Survey of independent experts	Agree	Agree
Recognition of te ao Māori	Survey of:		
	(a) Māori Liaison Committee, and (b) independent experts	(a) Agree (b) Agree	(a) Agree (b) Agree
Clear and understandable papers, reports or written advice	Survey of independent experts	Agree	Agree
Independent and practical recommendations	Survey of independent experts	Agree	Agree

The Commission evaluates the quality of its performance by surveying members of its expert advisory groups (EAGs) and seeking written feedback from its Māori Liaison Committee.

EAG surveys: One or more EAGs is established for each project. Members of an EAG are chosen for their independence and expertise and are appointed on a voluntary basis. In some cases, EAG members are nominated by Te Hunga Rōia Māori o Aotearoa, the New Zealand Law Society or other professional body. Eminent academics and practitioners serve on EAGs and are named and acknowledged in our published work. EAG surveys include a sliding scale rating system, where 1 indicates strong agreement and 5 indicates strong disagreement with a survey question. The target is “agree” meaning an average of 2 on this scale. We note the data is based on a limited population of respondents (comprised of subject matter experts) from an internally generated survey, with responses as follows:

- succession (5 out of 5 EAG members responded)
- surrogacy (3 out of 4 EAG members responded)
- class actions and litigation funding (2 of 7 EAG members responded)

Māori Liaison Committee: At the Commission’s invitation, the Committee was convened and continues to be chaired by the Hon Justice Joe Williams KNZM. Its members are independent of the Commission and are drawn from the judiciary, academia, te ao Māori and the legal profession, and comprise experts in te ao Māori including tikanga Māori, and state law. The Committee provides independent feedback on all Commission projects as they progress and more generally on the Commission’s undertaking to recognise te ao Māori across its law reform work. The current members are named on the Commission’s website.

IMPACT MEASURES

Measure	How	Planned 2021-2022	Actual 2021-2022
Long term influence			
Implementation of reports or other advice	The percentage implementation of reports and advice delivered over the previous 10-year period	60%	75.76%
<p>Implementation of the Commission's recommendations, in whole or part, is a matter for the Government and Parliament, and may be influenced by a range of factors including other government priorities. For this reason, the timeframes of legislative implementation of the Commission's recommendations vary from project to project and the Commission reports on the implementation of its past reports over time. The relevant measure is the percentage implementation of reports and advice over the previous 10-year period. The target minimum percentage is 60% implementation. The Commission developed an assessment system of implementation categories and scores, after reviewing and taking into account international practice. Appendix A contains information on the implementation of tabled law reform reports and advice in the period 1 July 2010 – 30 June 2021. As noted in the table above, in the Commission's assessment, 75.76 per cent of its reports and advice have been implemented over the past 10-year period.</p>			
The number of community engagements	The number of community engagements (such as presentations, interviews and published articles)	10	27
The number of references to the Commission's reports or advice	In senior court judgments	60 (judicial)	119 (judicial)
	In Parliamentary debates and committee reports, academic publications and other media	300 (other)	431 (other)

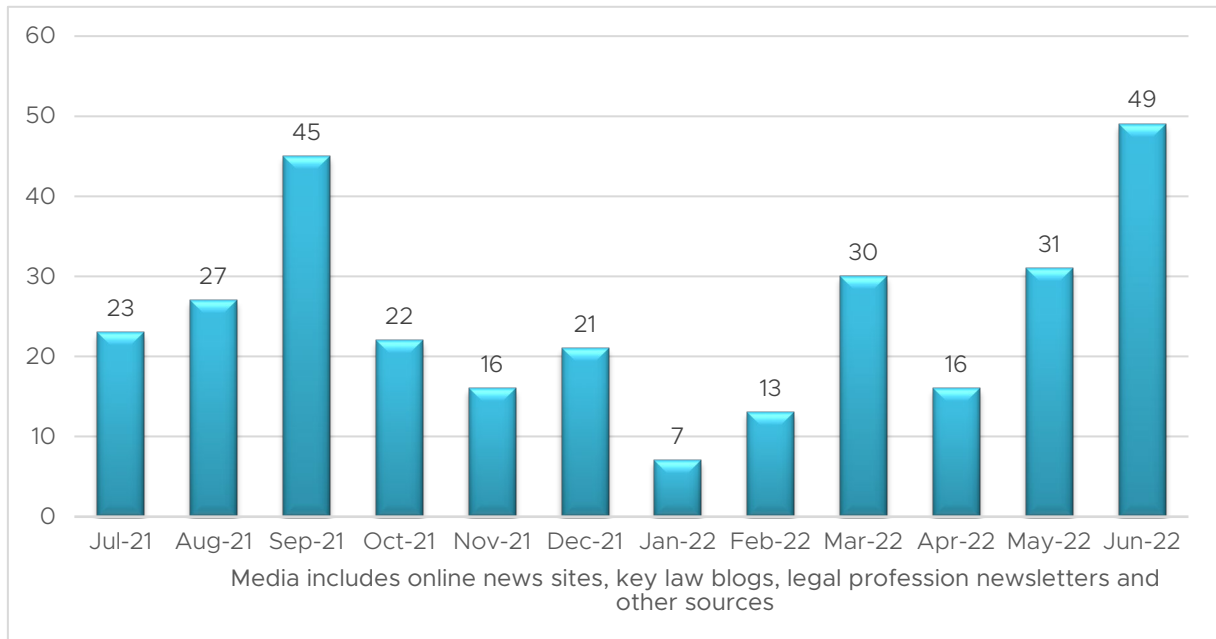
Measure	How	Planned 2021-2022	Actual 2021-2022
<p>The Commission’s work also impacts more widely and significantly in the legal system through its influence in professional and community consideration of the law and law reform issues. These impacts of the Commission’s law reform work help to locate the Commission’s role within a broader context. To demonstrate these impacts, the Commission reports on the number of community engagements that arise from the Commission’s work, and on references to the Commission and its consultation papers, reports or other publications in senior court judgments, the media and other publications. More detail on judicial and other references is provided in the tables below.</p>			

REFERENCES TO THE COMMISSION’S PUBLICATIONS IN SENIOR COURT JUDGMENTS

Year	Supreme Court	Court of Appeal	High Court	Total
2021-2022	5	26	88	119
2020-2021	13	29	42	84
2019-2020	4	14	45	63
2018-2019	6	15	54	75
2017-2018	7	22	53	82

REFERENCES TO THE COMMISSION’S WORK IN THE MEDIA, ACADEMIC AND OTHER PUBLICATIONS AND PARLIAMENTARY DEBATES

The Commission and its publications are regularly mentioned in the media, enhancing public debate on matters of significance and extending the reach and impact of the Commission’s work. This is the case even when the Commission’s report may have been written some time ago. There were 300 identified mentions of the Commission in the media (other than journals, texts and parliamentary debates) in the year under review. Overall media references are shown in the graph below:



In addition, the Commission has identified 70 New Zealand law journal articles that cited 75 different Commission publications during the year. The Commission has also identified five legal texts and reports published in New Zealand in 2020-2021 that cited our publications. For example, in its consultation paper *Improving Access to Civil Justice* (May 2021), the Rules Committee drew upon the Commission's analysis of access to justice in the December 2020 issues paper *Class Actions and Litigation Funding* (NZLC IP45, 2020), and the 2004 report *Delivering Justice for All: A Vision for New Zealand Courts and Tribunals* (NZLC R85, 2004).

The Commission was mentioned 56 times in Parliamentary debates.

Financial statements for the year ended 30 June 2022

STATEMENT OF COMPREHENSIVE REVENUE AND EXPENSE FOR THE YEAR ENDED 30 JUNE 2022

		2022 Actual	2022 Budget	2021 Actual
	Note	\$	\$	\$
Revenue				
Funding from the Crown	2	3,993,000	3,993,000	4,293,000
Interest revenue	2	22,673	-	1,874
Sale of publications	2	4,544	4,000	1,350
Total revenue		4,020,217	3,997,000	4,296,224
Expenditure				
Personnel costs	3	3,103,751	3,378,190	2,874,620
Direct project costs		178,123	260,145	137,372
Library		124,295	110,000	106,969
Occupancy	4	256,535	247,690	240,746
Depreciation and Amortisation	7 & 8	80,059	82,500	83,492
Audit		43,955	33,000	32,539
Other operating costs	4	408,418	299,008	270,038
Total expenditure		4,195,136	4,410,533	3,745,776
Net (deficit)/surplus		(174,919)	(413,533)	550,448
Total comprehensive (deficit)/revenue		(174,919)	(413,533)	550,448

The accompanying notes form part of these financial statements. Explanations of major variances against budget are detailed in note 18.

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2022

		2022 Actual	2022 Budget	2021 Actual
	Note	\$	\$	\$
Assets				
Current assets				
Cash and cash equivalents	5	5,284,797	2,927,781	3,180,961
Receivables and prepayments	6	52,681	22,065	47,014
Total current assets		5,337,478	2,949,846	3,227,975
Non-current assets				
Property, plant and equipment	7	341,664	355,005	406,865
Intangible assets	8	31,513	-	-
Total non-current assets		373,177	355,005	406,865
Total assets		5,710,655	3,304,851	3,634,840
Liabilities				
Current liabilities				
Payables	9	395,106	224,842	84,284
Employee entitlements	10	232,051	227,153	268,242
Provisions	11	20,398	-	20,398
Income in advance	12	1,996,500	-	-
Total current liabilities		2,644,055	451,995	372,924
Non-current liabilities				
Provisions	11	78,192	78,192	98,590
Total non-current liabilities		78,192	78,192	98,590
Total liabilities		2,722,247	530,187	471,514
Net assets		2,988,407	2,774,664	3,163,326
Equity				
Accumulated surplus	14	2,988,407	2,774,664	3,163,326
Total equity		2,988,407	2,774,664	3,163,326

The accompanying notes form part of these financial statements. Explanations of major variances against budget are detailed in note 18.

STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2022

		2022 Actual	2022 Budget	2021 Actual
	Note	\$	\$	\$
Balance at 1 July		3,163,326	3,188,197	2,612,878
Total comprehensive revenue and expense for the year		(174,919)	(413,533)	550,448
Balance at 30 June	14	2,988,407	2,774,664	3,163,326

The accompanying notes form part of these financial statements.

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2022

		2022 Actual	2022 Budget	2021 Actual
	Note	\$	\$	\$
Cash flows from operating activities				
Receipts from the Crown		5,989,500	3,993,000	4,293,000
Interest received		22,673	-	1,874
Sale of publications and other income		4,544	4,137	1,350
Payments to employees		(3,139,941)	(3,274,967)	(2,814,759)
Payments to suppliers		(1,024,490)	(1,040,306)	(835,982)
Goods and services tax (net)		297,921	48,171	(5,696)
<i>Net cash flow from/(to) operating activities</i>		2,150,207	(269,964)	639,786
Cash flows from investing activities				
Purchase of property, plant and equipment		(14,859)	(30,000)	(25,158)
Purchase of intangible assets		(31,513)	-	-
<i>Net cash flow to investing activities</i>		(46,371)	(30,000)	(25,158)
Net increase/(decrease) in cash and cash equivalents		2,103,836	(299,964)	614,629
Cash and cash equivalents at the beginning of the year	5	3,180,961	3,227,746	2,566,332
Cash and cash equivalents at the end of the year	5	5,284,797	2,927,781	3,180,961

The accompanying notes form part of these financial statements.

The Goods and Service Tax (net) component of operating activities reflects the net Goods and Service Tax paid and received by the Inland Revenue Department.

Explanations of major variances against budget are detailed in note 18.

Notes to the Financial Statements

NOTE 1 STATEMENT OF ACCOUNTING POLICIES

Reporting Entity

Te Aka Matua o te Ture | Law Commission is a Crown Entity as defined by the Crown Entities Act 2004 and is domiciled and operates in New Zealand. The relevant legislation governing the Law Commission's operation includes the Crown Entities Act 2004 and the Law Commission Act 1985. The Law Commission's ultimate parent is the New Zealand Crown.

The Law Commission's role is to promote the systematic review, reform and development of the law of New Zealand. It undertakes law reform projects and provides advice to Ministers and public sector agencies.

The Law Commission has designated itself a public benefit entity (PBE) for financial reporting purposes.

The financial statements for the Law Commission are for the year ended 30 June 2022 and were approved by the Board 2022.

Basis of preparation

The financial statements have been prepared on a going concern basis, and the accounting policies have been applied consistently throughout the financial year.

Statement of compliance

The financial statements of the Law Commission have been prepared in accordance with the requirements of the Crown Entities Act 2004, which includes the requirement to comply with New Zealand generally accepted accounting practice ("NZ GAAP").

The financial statements have been prepared in accordance with Tier 2 PBE accounting standards. This classification is because Law Commission has expenditure under \$30m and is not deemed to be publicly accountable as it does not have shares issued on a public market. Accordingly, they comply with PBE accounting standards.

Presentation currency and rounding

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar.

Measurement Basis

The financial statements have been prepared on a historical basis. Cost is based on the fair value of the consideration given in exchange for assets.

Summary of significant accounting policies

Significant accounting policies are included in the notes to which they relate.

Significant accounting policies that do not relate to a specific note are outlined below.

Goods and Services Tax (GST)

Items in the financial statements are presented exclusive of GST, except for receivables and payables, which are presented on a GST-inclusive basis. Where GST is not recoverable as input tax, it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue Department is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from, the Inland Revenue Department, including the GST relating to investing and financing activities, is classified as a net operating cash flow in the statement of cash flows.

Commitments and contingencies are disclosed exclusive of GST.

Income tax

The Law Commission is a public authority and consequently is exempt from the payment of income tax. Accordingly, no provision has been made for income tax.

Budget figures

The budget figures are derived from the Statement of Performance Expectations as approved by the Board at the beginning of the financial year. The budget figures have been prepared in accordance with NZ GAAP, using accounting policies that are consistent with those adopted by the Board in preparing these financial statements.

Critical accounting estimates and assumptions

In preparing these financial statements the Law Commission has made estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

There are no estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

NOTE 2 REVENUE**Accounting policy**

The specific accounting policies for significant revenue items are explained below:

Revenue from non-exchange transactions**Funding from the Crown**

The Law Commission is primarily funded from the Crown (Ministry of Justice). This funding is restricted in its use for the purpose of the Law Commission meeting its objectives as specified in its founding legislation and the scope of the relevant appropriations of the funder.

Where there are unfilled conditions attached, the amount relating to the unfilled condition is recognised as a liability and released to revenue as the conditions are fulfilled.

The fair value of revenue from the Crown has been determined to be equivalent to the amounts due in the funding arrangement.

Revenue from exchange transactions**Interest revenue**

Interest revenue is recognised by using the effective interest method.

Sale of publications

Sales of publications are recognised as revenue when the product is sold to the customer.

NOTE 3 PERSONNEL COSTS**Accounting policy****Superannuation schemes****Defined contribution schemes**

Employer contributions to KiwiSaver are accounted for as defined contribution superannuation scheme and are expensed in the surplus or deficit as incurred.

Breakdown of personnel costs and further information

	2022 Actual	2021 Actual
	\$	\$
Salaries and wages	3,075,031	2,748,491
Defined contribution plan employer contributions	75,129	70,214
Increase/(decrease) in annual leave (note 10)	(46,409)	55,915
Total personnel costs	3,103,751	2,874,620

Employee remuneration

Total remuneration paid or payable	2022 Actual	2021 Actual*
\$100,000 and \$109,999	1	3
\$110,000 and \$119,999	1	0
\$130,000 and \$169,999	1	2
\$260,000 and \$329,999	2	2
\$410,000 and \$469,999	1	1
Total employees	6	8

During the year ended 30 June 2022, one employee received compensation and other benefits in relation to cessation of employment amounting to \$30,519.30 (2021: \$nil).

*The figures for 2021 have been restated from 12 employees, that were reflected in the 2021 annual report, to 8 employees. This is because they were being based on employees FTE equivalent for the year instead of remuneration actually paid or payable. The Crown Entities Act 2004 prescribes that remuneration paid or payable must be disclosed. Current and prior year numbers in the table above are based on employees' actual remuneration paid or payable for the year.

Board member remuneration

Included in the total personnel cost above is the total value of remuneration paid or payable to each Board member during the year:¹

	2022 Actual	2021 Actual
	\$	\$
Amokura Kawharu	465,900	407,358
Helen McQueen	299,496	321,729
Donna Buckingham	90,330	310,838
Claudia Geiringer	38,968	-
Geof Shirtcliffe	261,464	-
Total Board Remuneration	1,156,158	1,039,925

Justice Christian Whata is also a member of the Board. However Justice Whata's salary is paid by the Ministry of Justice. The Commission contributes to this via the appropriations agreement with the Ministry of Justice. No remuneration is paid directly by the Commission to him.

No Board member received compensation and other benefits in relation to cessation (2021: \$nil).

In terms of the Law Commission Act 1985, the President of the Law Commission is the Chairperson and Chief Executive.

¹ The remuneration of the Board members is set by the Remuneration Authority.

NOTE 4 OTHER EXPENSES

Accounting policy

Operating leases

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset to the lessee. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the period of the lease. Lease incentives are recognised in the surplus or deficit as a reduction of rental expense over the initial lease term.

Operating lease as lessee

The Law Commission leases one property. The lease expires on 24 April 2027 and the Law Commission has rights of renewal for two further terms of 3 years each.

There are no financial restrictions placed on the Law Commission by any of its leasing arrangements.

The future aggregate minimum lease payments to be paid under non-cancellable operating leases are as follows:

	2022 Actual	2021 Actual
	\$	\$
Not later than one year	284,916	268,088
Later than one year and not later than five years	1,092,178	1,072,352
Later than five years	-	223,407
Total non-cancellable operating lease	1,377,094	1,563,847

Breakdown of other operating expenses

	2022 Actual	2021 Actual
	\$	\$
Repairs and maintenance	9,295	8,858
Professional services	153,037	83,968
Communications	13,715	14,198
Other expenses	232,371	163,014
Total other operating	408,418	270,038

Occupancy costs

	2022 Actual	2021 Actual
	\$	\$
Rent	256,535	240,746
Total accommodation costs	256,535	240,746

NOTE 5 CASH AND CASH EQUIVALENTS

Breakdown of cash and cash equivalents and further information

	2022 Actual	2021 Actual
	\$	\$
Cash on hand and at bank	5,284,797	3,180,961
Total cash and cash equivalents	5,284,797	3,180,961

The carrying value of cash at bank and short-term deposits with original maturities less than three months approximates their fair value.

Cash and cash equivalents include cash on hand, deposits held on call with banks, and other short-term highly liquid investments with maturities of three months or less. While cash and cash equivalents at 30 June 2022 are subject to the expected credit loss requirements of PBE IFRS 9, no loss allowance has been recognised because there is minimal risk of credit losses.

The Law Commission is part of the All-of-Government Procurement arrangement with Ministry of Business, Innovation and Employment, under which it is offered the best available rates by Westpac. The current account attracts interest, as part of the All-of-Government banking arrangement. Interest rates varies between 0.25% - 4.7%.

NOTE 6 RECEIVABLES AND PREPAYMENTS

Accounting policy

Short-term receivables are recorded at the amount due, less any loss for credit losses.

The Law Commission applies the simplified expected credit loss model of recognising lifetime credit losses for receivables. In measuring expected credit losses, short-term receivables have been assessed on a collective basis as they possess shared credit risk characteristics.

Short-term receivables are written off when there is no reasonable expectation of recovery.

The carrying value of receivables approximates their fair value. Receivables and prepayments at 30 June 2022 are subject to the expected credit loss requirements of PBE IFRS 9. On conducting a review of accounts

receivable at year end, no provision for doubtful debts has been recognised.

Breakdown of receivables and further information

	2022 Actual	2021 Actual
	\$	\$
Exchange Receivables		
Trade debtors	5,280	7,170
Less: provision for impairment	-	-
Non-Exchange Receivables		
GST receivable	-	22,432
Prepayments	47,401	17,412
Total receivables	52,681	47,014

NOTE 7 PROPERTY, PLANT AND EQUIPMENT

Accounting policy

Property, plant and equipment

Property, plant and equipment consist of the following asset classes: library collection, furniture and fittings, computer equipment and office equipment.

All classes are initially recorded at cost.

Additions

The cost of an item of property, plant and equipment is recognised as an asset only when it is probable that future economic benefits or service potential associated with the item will flow to the Law Commission and the cost of the item can be measured reliably.

In most instances, an item of property, plant, and equipment is initially recognised at its cost. Where an asset is acquired through a non-exchange transaction, it is recognised at its fair value as at the date of acquisition.

Costs incurred subsequent to initial acquisition are capitalised only when it is probable that future economic benefits or service potential associated with the item will flow to the Law Commission and the cost of the item can be measured reliably.

The costs of day-to-day servicing of property, plant and equipment are recognised in the surplus or deficit as they are incurred.

Disposals

Gains and losses on disposals are determined by comparing the proceeds with the carrying amount of the

asset. Gains and losses on disposals are reported net in the surplus or deficit.

Depreciation

Depreciation is provided either on a straight-line or diminishing value basis on all property, plant and equipment, at rates that will write off the cost of the assets to their estimated residual values over their useful lives. The useful lives and associated depreciation rates of major classes of property, plant and equipment have been estimated as follows:

Computer equipment	1.5 - 8 years	13-67%
Office equipment	1.5 - 5 years	20-67%
Furniture and fittings	2.5 - 10 years	10-40%
Library collection	5 years	20%
Leasehold improvements	Term of the lease	Term of the lease

The residual value and useful life of an asset is reviewed, and adjusted if applicable, at each financial year end.

Impairment of property, plant, equipment

The Law Commission does not hold any cash-generating assets. Assets are considered cash-generating where their primary objective is to generate a commercial return.

Property, plant, and equipment and intangible assets held at cost that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable service amount. The recoverable service amount is the higher of an asset's fair value, less costs to sell, and value in use.

Value in use is determined using an approach based on a depreciated replacement cost for an asset where the future economic benefits or service potential of the asset are not primarily dependent on the asset's ability to generate net cash inflows and where the Law Commission would, if deprived of the asset, replace its remaining future economic benefits or service potential.

If an asset's carrying amount exceeds its recoverable service amount, the asset is regarded as impaired and the carrying amount is written down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit.

Breakdown of property, plant and equipment and further information

Movements for each class of property, plant and equipment are as follows:

	Computer equipment	Furniture and fittings	Leasehold Improvements	Office equipment	Library collection	Total
	\$	\$	\$	\$	\$	\$
Cost or valuation						
Balance at 30 June 2020	214,623	154,797	454,131	18,685	44,762	886,998
Additions	25,159	-	-	-	-	25,159
Balance at 30 June 2021	239,782	154,797	454,131	18,685	44,762	912,157
Additions	14,859	-	-	-	-	14,859
Disposals	-	-	-	-	(44,762)	(44,762)
Balance at 30 June 2022	254,641	154,797	454,131	18,685	-	882,254

	Computer equipment	Furniture and fittings	Leasehold Improvements	Office equipment	Library collection	Total
	\$	\$	\$	\$	\$	\$
Accumulated depreciation and impairment losses						
Balance at 30 June 2020	177,467	76,505	108,302	14,764	44,762	421,800
Depreciation expense	20,679	11,208	50,454	1,151	-	83,492
Balance at 30 June 2021	198,146	87,713	158,756	15,915	44,762	505,292
Depreciation expense	19,306	9,510	50,454	788	-	80,059
Depreciation on disposal written back	-	-	-	-	(44,762)	(44,762)
Balance at 30 June 2022	217,452	97,223	209,210	16,703	-	540,590
Carrying amounts						
At 1 July 2020	37,156	78,292	345,829	3,921	-	465,198
At 30 June 2021	41,636	67,084	295,375	2,770	-	406,865
At 30 June 2022	37,189	57,574	244,921	1,982	-	341,664

There are no restrictions over the title of the Law Commission's property, plant and equipment, nor are any property, plant and equipment pledged as security for any liability.

NOTE 8 INTANGIBLE ASSETS**Accounting policy****Software acquisition and development**

Computer software licenses are capitalised on the basis of the costs incurred to acquire and bring to use the specific software.

Costs that are not directly associated with the development of software for internal use are recognised as an expense when incurred.

Staff training costs are recognised as an expense when incurred.

Costs associated with maintaining computer software are expensed when incurred.

Costs associated with the development and maintenance of the Law Commission's website are capitalised on the basis of the costs incurred.

Amortisation

The carrying value of an intangible asset with a finite life is amortised on a straight-line basis over its useful life. Amortisation begins when the asset is available for use and ceases at the date that the asset is derecognised. The amortisation charge for each period is recognised in the surplus or deficit.

The useful lives and associated amortisation rates of the major class of intangible assets have been estimated as follows:

Computer Software	3 years	33.33%
Website	4 years	25%

At year end, no amortisation expense was charged on the website due to the website not being ready for use.

Impairment of intangible assets

Refer to the policy for impairment of property, plant, and equipment in Note 7. The same approach applies to the impairment of intangible assets.

Breakdown of intangible assets and further information

Movements for each class of intangible asset are as follows:

	Acquired software	Website	Total
	\$	\$	\$
Cost or valuation			
Balance at 30 June 2020	37,038	-	37,038
Additions	-	-	-
Balance at 30 June 2021	37,038	-	37,038
Additions	-	31,513	31,513
Disposals	(37,038)	-	(37,038)
Balance at 30 June 2022	-	31,513	31,513
Accumulated amortisation			
Balance at 30 June 2020	37,038	-	37,038
Amortisation expense	-	-	-
Balance at 30 June 2021	37,038	-	37,038
Amortisation expense	-	-	-
Amortisation written back on disposal	(37,038)	-	(37,038)
Balance at 30 June 2022	-	-	-
Carrying amounts			
At 30 June 2020	-	-	-
At 30 June 2021	-	-	-
At 30 June 2022	-	31,513	31,513

Restrictions

There are no restrictions over the title of the Law Commission's intangible assets, nor are any intangible assets pledged as security for liabilities.

NOTE 9 PAYABLES**Accounting policy**

Short-term payables are recorded at the amount payable.

Breakdown of payables

	2022 Actual	2021 Actual
	\$	\$
Payables under exchange transactions		
Creditors	63,928	53,983
Accrued expenses	61,272	30,301
Non-Exchange Payables		
GST payable	269,906	-
Total payables	395,106	84,284

NOTE 10 EMPLOYEE ENTITLEMENTS**Accounting policy****Short term employee entitlements**

Employee benefits that are due to be settled within 12 months after the end of the year in which the employee provides the related service are measured based on accrued entitlements at current rates of pay. These include salaries and wages accrued up to balance date, annual leave earned but not yet taken at balance date, and sick leave.

A liability and an expense are recognised for bonuses where there is a contractual obligation or where there is past practice that has created a constructive obligation and a reliable estimate of the obligation can be made.

Presentation of employee entitlements

Sick leave and annual leave are classified as a current liability.

Breakdown of employee entitlements

	2022 Actual	2021 Actual
	\$	\$
Current portion		
Annual leave	154,366	200,775
Sick leave	15,000	15,000
Salary accrual	62,685	52,467
Total employee entitlements	232,051	268,242

NOTE 11 PROVISIONS**Accounting policy****General**

A provision is recognised for future expenditure of uncertain amount or timing when:

- there is a present obligation (either legal or constructive) as a result of a past event;
- it is probable that an outflow of future economic benefits or service potential will be required to settle the obligation; and
- a reliable estimate can be made of the amount of the obligation.

Leasehold Fit-out Contribution

Tirohanga Holdings Limited contributed \$183,582 towards the fit-out for the premises during the 2018 financial year. The leasehold fit-out was capitalised and will be depreciated on a straight- line basis over nine years as detailed in Note 7. A liability was recognised for the \$183,582 contribution payment received from Tirohanga Holdings Limited which will be released over the initial term of the lease, being nine years.

Breakdown of provisions and further information

	2022 Actual	2021 Actual
	\$	\$
Current portion:		
Fit-out provision	20,398	20,398
Total current portion	20,398	20,398
Non-current portion		
Non-current Fit-out provision	78,192	98,590
Total non-current portion	78,192	98,950
Total provisions	98,590	118,988

NOTE 12 INCOME IN ADVANCE

	2022 Actual	2021 Actual
	\$	\$
Ministry of Justice	1,996,500	-
Total income in advance	1,996,500	-

The funds were transferred early on the basis that return of the funds may be demanded prior to 1st of July 2022, therefore it has been treated as income in advance.

NOTE 13 CONTINGENCIES**Contingent liabilities**

The Law Commission has no contingent liabilities (2021: \$ nil).

Contingent assets

The Law Commission has no contingent assets (2021: \$ nil).

NOTE 14 EQUITY**Accounting Policy**

Equity is measured as the difference between total assets and total liabilities. Equity is disaggregated and classified into the following components:

- accumulated surplus/(deficit)

Breakdown of equity and further information

	2022 Actual	2021 Actual
	\$	\$
Balance at 1 July	3,163,326	2,612,878
(Deficit)/ surplus	(174,919)	550,448
Total equity at 30 June	2,988,407	3,163,326

Capital management

The Law Commission's capital is its equity, which comprises accumulated funds. Equity is represented by net assets.

The Law Commission is subject to the financial management and accountability provisions of the Crown Entities Act 2004, which impose restrictions in relation to borrowings, acquisition of securities, issuing guarantees and indemnities, and the use of derivatives. The Law Commission has complied with the financial management requirements of the Crown Entities Act 2004 during the year.

The Law Commission manages its equity as a by-product of prudently managing revenues, expenses,

assets, liabilities, investments, and general financial dealings to ensure that the Law Commission effectively achieves its objectives and purpose, while remaining a going concern.

NOTE 15 RELATED PARTY TRANSACTIONS

For reporting purposes, the Law Commission is considered to be controlled by the Crown.

Related party disclosures have not been made for transactions that are:

- within a normal supplier or client/recipient relationship; and
- on terms and conditions no more or less favourable than those that it is reasonable to expect the Law Commission would have adopted in dealing with the party at arm's length in the same circumstances.

Further, transactions with other government agencies (for example, government departments and Crown Entities) are not disclosed as related party transactions when they are on normal terms and conditions consistent with the normal operating arrangements between government agencies.

Key management personnel compensation

	2022 Actual	2021 Actual
	\$	\$
<i>Total Key Management Personnel</i>		
Remuneration	1,404,324	1,199,302
Total full time equivalent	7.8	3.84

For the purposes of note 15, and in compliance with PBE IPSAS 20 Key management personnel include the President, five Commissioners, the previous General Manager and the current General Manager. The total paid to the President and Commissioners is also noted at Note 3 (because these people also form part of the Board).

There were no transactions entered into during the year with key management personnel.

NOTE 16 FINANCIAL INSTRUMENTS

The carrying amounts of financial assets and liabilities in each of the financial instrument categories are as follows:

Financial assets and liabilities measured at amortised cost

	2022 Actual	2021 Actual
	\$	\$
Payables (note 9)	125,200	84,284
Income in advance (note 12)	1,996,500	-
Total financial liabilities measured at amortised cost	2,121,700	84,284
Loans and receivables		
Cash and cash equivalents (note 5)	5,284,797	3,180,961
Receivables (note 6)	52,681	47,014
Total loans and receivables	5,337,478	3,227,975

NOTE 17 EVENTS AFTER THE BALANCE DATE

No subsequent event occurred after balance date. (2021:\$ nil).

NOTE 18 EXPLANATIONS OF MAJOR VARIANCES AGAINST BUDGET

Explanations for significant variances from the Law Commission's budgeted figures in the Statement of Performance Expectations are as follows:

Statement of comprehensive revenue and expenses**Project Costs**

Reduced project costs were due to a reconfiguration of project work undertaken, including as a result of COVID-19.

Personnel

Reduced personnel costs were due to having fewer staff than budgeted for.

Other Operating Expenses

Other operating expenses increased compared to budget due to increased use of external professional and consulting services.

Statement of financial position**Cash**

Higher than budget cash position due to the 2022/23 funding being received in advance from the Ministry of Justice.

Statement of cash flows

Better cash flow from operating activity position than expected due to the funding received in advance from the Ministry of Justice.

Income in advance

An unbudgeted payment of \$1.9m of 2022/23 appropriation funding was received from the Ministry of Justice for future work (Refer Note 12).

Independent Auditor's Report

Te Aka Matua o te Ture | Law Commission, Wellington 2022

INDEPENDENT AUDITOR'S REPORT

TO THE READERS OF LAW COMMISSION'S FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION FOR THE YEAR ENDED 30 JUNE 2022

The Auditor-General is the auditor of the Law Commission (the Commission). The Auditor-General has appointed me, Ed Louden, using the staff and resources of KPMG, to carry out the audit of the financial statements and the performance information, of the Commission on his behalf.

Opinion

We have audited:

- the financial statements of the Commission on pages 22 to 34, that comprise the statement of financial position as at 30 June 2022, the statement of comprehensive revenue and expense, statement of changes in equity and statement of cash flows for the year ended on that date and the notes to the financial statements including a summary of significant accounting policies and other explanatory information; and
- the performance information of the Commission on pages 16 to 21.

In our opinion:

- the financial statements of the Commission on pages 22 to 34:
 - present fairly, in all material respects:
 - its financial position as at 30 June 2022; and
 - its financial performance and cash flows for the year then ended; and
 - comply with generally accepted accounting practice in New Zealand in accordance with Public Benefit Entity Reporting Standards Reduced Disclosure Regime; and
- the performance information on pages 16 to 21:
 - presents fairly, in all material respects, the Commission's performance for the year ended 30 June 2022, including:
 - for each class of reportable outputs:
 - its standards of delivery performance achieved as compared with forecasts included in the statement of performance expectations for

- the financial year; and
- its actual revenue and output expenses as compared with the forecasts included in the statement of performance expectations for the financial year; and
- what has been achieved with the appropriation; and
- the actual expenses or capital expenditure incurred compared with the appropriated or forecast expenses or capital expenditure; and
- complies with generally accepted accounting practice in New Zealand.

Our audit was completed on 15 December 2022. This is the date at which our opinion is expressed.

The basis for our opinion is explained below. In addition, we outline the responsibilities of the Commission and our responsibilities relating to the financial statements and the performance information, we comment on other information, and we explain our independence.

Basis for our opinion

We carried out our audit in accordance with the Auditor-General's Auditing Standards, which incorporate the Professional and Ethical Standards and the International Standards on Auditing (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board. Our responsibilities under those standards are further described in the Responsibilities of the auditor section of our report.

We have fulfilled our responsibilities in accordance with the Auditor-General's Auditing Standards.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of the Commission for the financial statements and the performance information

The Board is responsible on behalf of the Commission for preparing financial statements and performance information that are fairly presented and comply with generally accepted accounting practice in New Zealand. The Board is responsible for such internal control as they determine is necessary to enable them to prepare financial statements and performance information that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements and the performance information, the Board is responsible on behalf of the Commission for assessing the Commission's ability to continue as a going concern. The Board is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless there is an intention to merge or to terminate the activities of the Commission, or there is no realistic alternative but to do so.

The Board's responsibilities arise from the Crown Entities Act 2004 and the Public Finance Act 1989.

Responsibilities of the auditor for the audit of the financial statements and the performance information

Our objectives are to obtain reasonable assurance about whether the financial statements and the performance information, as a whole, are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit carried out in accordance with the Auditor-General's Auditing Standards will always detect a material misstatement when it exists. Misstatements are differences or omissions of amounts or disclosures, and can arise from fraud or error. Misstatements are considered material if, individually or in the aggregate, they could reasonably be expected to influence the decisions of readers, taken on the basis of these financial statements and the performance information.

For the budget information reported in the financial statements and the performance information, our procedures were limited to checking that the information agreed to the Commission's statement of performance expectations.

We did not evaluate the security and controls over the electronic publication of the financial statements and the performance information.

As part of an audit in accordance with the Auditor-General's Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. Also:

- We identify and assess the risks of material misstatement of the financial statements and the performance information, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- We obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control.
- We evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- We evaluate the appropriateness of the reported performance information within the Commission's framework for reporting its performance.
- We conclude on the appropriateness of the use of the going concern basis of accounting by the Board and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements and the performance information or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Commission to cease to continue as a going concern.

- We evaluate the overall presentation, structure and content of the financial statements and the performance information, including the disclosures, and whether the financial statements and the performance information represent the underlying transactions and events in a manner that achieves fair presentation.
- We obtain sufficient appropriate audit evidence regarding the financial statements and the performance information of the entities or business activities within the Commission to express an opinion on the consolidated financial statements and the consolidated performance information. We are responsible for the direction, supervision and performance of the Commission audit. We remain solely responsible for our audit opinion.

We communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Our responsibilities arise from the Public Audit Act 2001.

Other information

The Board responsible for the other information. The other information comprises the information included on pages 1 to 15 and 39- 48 but does not include the financial statements and the performance information, and our auditor's report thereon.

Our opinion on the financial statements and the performance information does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the financial statements and the performance information, our responsibility is to read the other information. In doing so, we consider whether the other information is materially inconsistent with the financial statements and the performance information or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on our work, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Independence

We are independent of the Commission in accordance with the independence requirements of the Auditor-General's Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1: *International Code of Ethics for Assurance Practitioners* issued by the New Zealand Auditing and Assurance Standards Board.

Other than the audit, we have no relationship with or interests in the Commission.



Ed Loudon

KPMG New Zealand

On behalf of the Auditor-General
Wellington, New Zealand

Appendix A – Implementation of Law Reform Reports from 1 July 2010–30 June 2021

(as at 30 June 2022)

Report Name	Report reference	Implementation assessment
A New Land Transfer Act	NZLC R116 (7/2010)	Implemented Most of the recommendations and the tenor of the regime recommended in the report were implemented in the Land Transfer Act 2017.
Compulsory Treatment for Substance Dependence: A Review of the Alcoholism and Drug Addiction Act 1966	NZLC R118 (10/2010)	Implemented The majority of the report's recommendations were implemented in full, and one was accepted in part, as per the Substance Abuse (Compulsory Assessment and Treatment) Act 2017 which came into force on 21 February 2018.
A Review of the Civil List Act 1979: Members of Parliament and Ministers	NZLC R119 (12/2010)	Implemented in part The Members of Parliament (Remuneration and Services) Act 2013 implemented some of the report's key recommendations—to have the Remuneration Authority determine accommodation entitlements of MPs and electoral candidates and the travel entitlements of family members of MPs, electoral candidates and others. The Act provided for other entitlements to be dealt with by direction of the Speaker or by the Minister Responsible for Ministerial Services. The recommendations for the Remuneration Authority membership to be constituted differently when making these decisions were not accepted, nor the recommendations to amend the Official Information Act.

Report Name	Report reference	Implementation assessment
Mental Impairment Decision Making and the Insanity Defence	NZLC R120 (12/2010)	<p>Ongoing implementation</p> <p>The Government agreed with the Commission's key recommendation that changes should not be made to the defence of insanity. The Government also agreed there are issues with Ministerial decision-making under the Criminal Procedure (Mentally Impaired Persons) Act 2003 (CP(MIP)) and the recommendation instead for an independent tribunal has merit, as do the other recommendations for reform to the CP(MIP) Act and other legislation. Some implementation work continues.</p>
Compensating Crime Victims	NZLC R121 (12/2010)	<p>Overtaken by other reforms or events</p> <p>The Government did not accept the recommendations to amend the Criminal Proceeds (Recovery) Act 2009 to provide a restraining order regime nor the recommendation to reprioritise payment of reparation ahead of legal aid repayments. However, it also appears that the Government had already implemented changes that had been canvassed in the Issues paper in relation to victims' rights and the role played by victims in the criminal justice system following a report of the Justice and Electoral Committee. The report noted that, as these developments addressed many of the broader concerns about the position of victims raised by submissions on our Issues Paper, we confined the report the other issues raised by our terms of reference. The Government did not accept that further changes needed to be made in this area.</p>
Controlling and Regulating Drugs — A Review of the Misuse of Drugs	NZLC R122 (5/2011)	<p>Partial in-principle agreement and/or implementation of some recommendations</p> <p>To date, two recommendations have been implemented through the Psychoactive Substances Act 2013 and the development of a drug court pilot.</p>

Report Name	Report reference	Implementation assessment
<p>Review of the Privacy Act 1993: Review of the Law of Privacy Stage 4</p>	<p>NZLC R123 (8/2011) (See also NZLC SP19, R101 and R113)</p>	<p>Implemented in part</p> <p>As recommended by the Commission, a new Privacy Act was enacted in 2020. The new Act incorporates many of the Commission's recommendations. The purpose section of the Act is broadly consistent with the recommendations except that there is no express purpose to provide remedies for interference with privacy of personal information. One of the Commission's most significant recommendations, the Privacy Commission's ability to issue compliance notices is now contained in the new Act. Additionally, the Privacy Commissioner now has powers to direct an agency to provide an individual with their private information (previously this had to be negotiated or determined by the Tribunal). Other key recommendations adopted include the enhanced powers for sharing information with overseas privacy enforcement agencies, the introduction of two new offences relating to impersonation and evading requests for information by destroying documents.</p>
<p>Consumers and Repossession: A Review of the Credit (Repossession) Act 1997</p>	<p>NZLC R124 (4/2012)</p>	<p>Implemented</p> <p>The overall scheme proposed by the Commission in its report regarding repossession was implemented as part of amendments to the Credit Contracts and Consumer Finance Act 2003, regulations made under the Act and in the development of the Responsible Lending Code.</p>

Report Name	Report reference	Implementation assessment
<p>The Public's Right to Know: Review of the Official Information Legislation</p>	<p>NZLC R125 (7/2012)</p>	<p>Partial in-principle agreement and/or implementation of some recommendations</p> <p>The Government did not accept the majority of the report's recommendations and these have not been implemented. It did agree in-principle to some of the recommendations (for instance extending the Official Information Act to the administrative functions of the Court, adding withholding grounds on the basis of material prejudice to financial positions, for the Ombudsman to improve guidance and make case notes available - the latter has been implemented) and some recommendations have in practice been actioned (for instance as part of a commitment to open government, the Government is now proactively releasing information).</p>
<p>Review of the Judicature Act 1908: Towards a new Courts Act</p>	<p>NZLC R126 (11/2012)</p>	<p>Implemented</p> <p>The Judicature Modernisation Bill implemented the majority of the Law Commission's recommendations. It was divided into separate legislation at the Committee of the Whole House stage and resulted in the passing of the Senior Courts Act 2016, the District Court Act 2016, a number of new pieces of legislation, including the Judicial Review Procedure Act 2016 and Interest on Money Claims Act 2016, and amendments to other legislation. These have all now come into force.</p>
<p>The 2013 Review of the Evidence Act 2006</p>	<p>NZLC R127 (11/2013)</p>	<p>Implemented</p> <p>The Government accepted all the Commission's recommendations, with modifications to two. The Evidence Amendment Act 2016, which came into force on 8 January 2017, implemented these.</p>

Report Name	Report reference	Implementation assessment
<p>The News Media Meets ‘New Media’: Rights, responsibilities and regulation in the digital age</p> <p>[see report Appendix – <i>Harmful Digital Communication: The Adequacy of the Current Sanctions and Remedies</i> (August 2012)]</p>	<p>NZLC R128 (3/2013)</p>	<p>Implemented in part</p> <p>A Ministerial briefing is in an Appendix to the report. It was added to the work programme after the Issues Paper stage and was requested to be fast-tracked by the then Government. The briefing’s recommendations were substantially implemented in the Harmful Digital Communications Act 2015.</p> <p>Four recommendations in the briefing relating to schools and the Ministry of Education taking up anti-bullying prevention are in part addressed in the cross-sector Bullying Prevention Advisory Group (BPAG) set up in 2014. The Government did not implement recommendations in the final report related to defining “news media” and establishing an independent news media standards authority.</p>
<p>A New Act for Incorporated Societies</p>	<p>NZLC R129 (8/2013)</p>	<p>Implemented</p> <p>The overall scheme recommended in the report has been picked up in the Incorporated Societies Act 2022 including nearly all of the report’s recommendations.</p>
<p>Review of the Law of Trusts: A Trusts Act for New Zealand</p>	<p>NZLC R130 (9/2013)</p>	<p>Implemented</p> <p>Most of the report’s recommendations were enacted in the Trusts Act 2019.</p>
<p>Suicide Reporting</p>	<p>NZLC R131 (4/2014)</p>	<p>Implemented</p> <p>The majority of the report’s legislative reforms were implemented through changes incorporated into the Coroners Act in 2016.</p>
<p>Liability of Multiple Defendants</p>	<p>NZLC R132 (6/2014)</p>	<p>Implemented in part</p> <p>The key recommendation that joint and several liability should remain applicable was accepted. As this was acceptance of the status quo it did not require any legislative implementation. In respect of the other recommendations, the Government requested MBIE and Ministry of Justice to undertake further work on assessing the other recommendations.</p>

Report Name	Report reference	Implementation assessment
Pecuniary Penalties: Guidance for Legislative Design	NZLC R133 (10/2014)	<p>Implemented in part</p> <p>The Government's response to each of the recommendations was either to accept the recommendation or accept it in principle subject to further work by government agencies. Most recommendations did not require a legislative response.</p>
Death, Burial and Cremation: A new law for contemporary New Zealand	NZLC R134 (10/2015)	<p>Partial in-principle agreement and/or some implementation of recommendations</p> <p>The Government agreed with a number of the Commission's recommendations but identified the need for further policy work on other recommendations. Three recommendations were implemented through the Births, Deaths, Marriages, and Relationships Registration Act 2021. Other ongoing implementation work is being led by the Ministry of Health.</p>
The Crown in Court: A review of the Crown Proceedings Act and national security information in proceedings	NZLC R135 (12/2015)	<p>Partial in-principle agreement and/or implementation of some recommendations</p> <p>A key proposal in Part A of the report was agreed with (exclusion against bringing in rem proceedings against the Crown should be retained) but the others were rejected or were under further consideration. A Bill is being drafted in relation to Part B.</p>
The Justice Response to Victims of Sexual Violence: Criminal Trials and Alternative Processes	NZLC R136 (12/2015)	<p>Ongoing implementation</p> <p>To date some operational recommendations have been accepted and implemented, such as a sexual violence pilot court being trialled, information being produced for victims to assist in navigating the court process and courts working on separate court entrances/facilities for victims.</p> <p>The recommendations for legislative amendments were substantially implemented by the Sexual Violence Legislation Act 2021, which largely covers recommendations in Part B of the report.</p>

Report Name	Report reference	Implementation assessment
		Parts C and D of the report have not been implemented: these recommended an alternative out of court process for sexual violence cases and the establishment of a sexual violence commission, respectively. The former is an ongoing work programme, but decisions to implement have not been made. The latter has received no response to date.
Modernising New Zealand's Extradition and Mutual Assistance Laws	NZLC R137 (2/2016)	Ongoing implementation The Government accepted the recommendations to consider enactment of the Extradition Bill and the Mutual Assistance in Criminal Matters and for the Recovery of Criminal Proceeds Bill attached to the Commission's report but required further work to be undertaken to finalise the detail of the proposed new legislation.
Strangulation: The case for a new offence	NZLC R138 (3/2016)	Implemented We assess this report as implemented, as the majority of the report's key recommendations were either included in Family Violence Act 2018 that came into force from 1 December 2018 (recommendations 1-3) or were accepted as administrative practices to be adopted (recommendations 5-7). Recommendation 4—that strangulation should be considered an aggravating factor in sentencing—was recommended in the Cabinet paper but was not accepted by Cabinet, which considered the new offence was sufficient when combined with the guidance in the Sentencing Act and precedent decisions.
Understanding Family Violence: Reforming the Criminal Law relating to Homicide	NZLC R139 (5/2016)	No response No formal Government response has ever been made.

Report Name	Report reference	Implementation assessment
Reforming the Law of Contempt of Court: A Modern Statute - Ko te Whakahou i te Ture mō Te Whawhati Tikanga ki te Kōti: He Ture Ao Hou	NZLC R140 (6/2017)	<p>Implemented</p> <p>The Bill included with the report was not introduced by the Government, but it was drawn as a private members Bill in 2017, having been submitted by Hon Christopher Finlayson. It was subsequently adopted by the Government. Some amendments were made in the course of the legislative process but a majority of the report's recommendations were implemented in the Contempt of Court Act 2019.</p>
Review of the Search and Surveillance Act 2012 - Ko te Arotake i te Search and Surveillance Act 2012	NZLC R141 (1/2018)	<p>Partial in-principle agreement and/or implementation of some recommendations [Provisional]</p> <p>No formal government response as the report was issued jointly with the Ministry of Justice.</p> <p>One recommendation has been implemented to date (recommendation 53, preservation order regime. This relates to the Cabinet decision to accede to the Budapest Convention). Further implementation work, including further stakeholder engagement, is underway.</p>
Alternative approaches to abortion law – a ministerial briefing paper	Briefing Paper to Minister (2018/19)	<p>Implemented</p> <p>As this was a Ministerial briefing paper, no preferred approach or recommendations were made and no formal response was required. The briefing set out three possible options as to how New Zealand's abortion laws could be made consistent with treating abortion as a health issue. The Abortion Legislation Act 2020 implemented a modified version of Model C.</p>
The Second Review of the Evidence Act 2006 – Te Arotake Tuarua i te Evidence Act 2006	NZLC R142 (3/2019)	<p>Ongoing implementation</p> <p>Overall, the Government accepted two-thirds of the recommendations. Some of the recommended amendments are contained in the Sexual Violence Legislation Act 2021. Decisions about the other recommendations in the report are subject to further consideration and work within the Ministry of Justice.</p>

Report Name	Report reference	Implementation assessment
Review of the Property (Relationships) Act 1976 – Te Arotake i te Property (Relationships) Act 1976	NZLC R143 (7/2019)	<p>Ongoing implementation</p> <p>The recommendation to review succession law was accepted. The Government’s response in relation to remaining recommendations was to consider these concurrently with consideration of the succession law review. The succession law review was completed in November 2021.</p> <p>On 15 June 2022, the Government responded to R145. The Government accepted in-principle that reform, including new legislation, is required for the laws relating to the division of property upon separation. The Government said that it will need to take the time to work through the policy detail of implementing many of the Commission’s comprehensive recommendations on both relationship property and succession law.</p>
The Use of DNA in Criminal Investigations Te Whakamahi i te Ira Tangata i ngā Mātai Taihara	NZLC R 144 (10/2020)	<p>Ongoing implementation</p> <p>The Government accepted the overall findings of the report and the conclusions that the Criminal Investigations (Bodily Samples) Act 1995 is no longer fit for purpose and the regime lacks adequate independent oversight and governance structures. The Government also accepted the recommendation for a new Act for the DNA regime and the recommendation to establish an independent oversight body.</p> <p>The Government has indicated it will assess the scope and scale of work required and consider when it could be progressed.</p>

Assessment criteria and categories:

- a. **Implemented:** If the Government has adopted legislative or non-legislative measures that give effect to the majority of a report’s recommendations, even if in a modified or slightly different approach (provided they are consistent with the overall scheme proposed). Score to be assigned 1.0
- b. **Implemented in part:** If the Government has implemented some key recommendations. Score to be assigned 1.0.
- c. **Ongoing implementation:** Where the Government “agrees in principle” to relevant reforms, but implementation is yet to occur. Score to be assigned 0.5.
- d. **Partial in-principle agreement and/or implementation of some recommendations:** Where the Government agrees with some recommendations or implements some

recommendations but considers further policy work is required before they will commit to the majority of/or key recommended reforms. Score to be assigned 0.25

- e. **Rejected:** Where the Government has expressly rejected the report's recommendations. Score to be assigned: 0.0.
- f. **Excluded from count:** Where the Government has either not responded to the report or has decided not to progress work on recommendations (for example, because the matter has been overtaken by other reforms or events).



The office of Te Aka Matua o te Ture | Law Commission is located at:
Level 9, Solnet House, 70 The Terrace, Te Whanganui-a-Tara Wellington

The postal address is:

PO Box 2590, Te Whanganui-a-Tara Wellington, 6140 DX SP23534

Telephone: 0800 832 526

Email: com@lawcom.govt.nz

Information about the Commission and its work is available from the Commission's website at www.lawcom.govt.nz.