

Process for Relationship Property Claims

This Fact Sheet outlines the process that applies when the Trustee of the NZAS Retirement Fund is asked to consider requests to release funds as the result of an agreed relationship property settlement reached following the end of a marriage, civil union or de facto relationship.

In the same way as a KiwiSaver scheme, the Fund's rules require any relationship property settlement prescribing an agreed payment from the Fund to a member's former partner to be **court-ordered**. This means that you and your former partner must:

- enter into a relationship property agreement which complies with the requirements of the Property (Relationships) Act 1976 (**Act**) - these include each of you obtaining independent legal advice and a solicitor's certificate, and
- obtain from the Family Court, under sections 25 and 31 of the Act, a consents-based court order which gives legally binding effect to the agreed payment to your former partner from the Fund.

The usual first steps would be to request from the Administrator your account balances as at the date of separation, then to contact a specialist family lawyer to guide you through the process and documentary requirements.

To enable the agreed payment then to be made as quickly as possible, the **court order needs to include**:

- the correct scheme name – NZAS Retirement Fund
- your full name and member number
- your former partner's full name
- the amount required to be paid from the Fund to the trust account of your former partner's legal adviser, and
- the details of that trust account.

Before the Trustee can release the funds, you must give the Administrator fully signed, dated and certified copies of both the relationship property agreement and the court order (and proof of the legal adviser's trust account). The Administrator will then check these materials to ensure that they are correctly detailed, in which case the Trustee must comply with the court order by making the payment.

We suggest sharing drafts of the materials with the Administrator before seeking the court order, so it can confirm for avoidance of doubt (ahead of time) that the drafts include the required information.

You can provide the draft or issued documents to the Administrator by email, but it may also require hard copies of the fully signed, dated and certified finals by courier.

All documentation should be submitted to:

The Administrator
NZAS Retirement Fund
Mercer (N.Z.) Limited
PO Box 1849
WELLINGTON 6140

Email: nzasrf@mercer.com

Fund Member Helpline: 0508 266 787 (or +61 3 8306 0964 if calling from overseas).