

## **PROPERTY (RELATIONSHIPS) ACT 1976 HARDSHIP GUIDELINES**

The Trustee will consider allowing a Property (Relationships) Act 1976 Hardship benefit to be paid in terms of Clause 10 of the Trust Deed if the withdrawal is required in order for the Member to settle a division of relationship property under the Property (Relationships) Act 1976 upon:

- a) the marriage of two spouses to each other ending (as defined in section 2A(2) of that Act);
- b) the civil union of civil union partners ending (as defined in section 2AB(2) of that Act) or
- c) the de facto relationship of de facto partners ending (as defined in section 2D(4) of that Act).

The Trust Deed specifies that the maximum amount that may be withdrawn is 100% of the Member's No. 1 Account (Member Account) and 100% of the Member's No. 2 Account (employer Account).

The trustees retain an absolute discretion as to whether or not (and to what extent) to allow the withdrawal.

An application for a Property (Relationships) Act 1976 Hardship benefit will be considered only on production of adequate supporting documentation. This must include:

- the amount required;
- confirmation by legal representatives of both parties that the amount is payable in terms of a valid agreement between the parties under the Property (Relationships) Act 1976, and a copy of the Agreement;
- confirmation of the legal representative's Trust Account to which any payment is to be made and consent of all parties to such payment.

To apply for a Property (Relationships) Act 1976 financial hardship benefit the Member should complete a **Property (Relationships) Act 1976 Hardship Form** which is available from the Administration Manager, Melville Jessup Weaver or from the Scheme's website [www.workssuper.org.nz](http://www.workssuper.org.nz). The completed form must be signed by the Member and witnessed and be sent, together with any additional documentation, to the Administration Manager, PO Box 11330, Wellington 6142 marked "**Confidential**".

The Trustee will consider each application with urgency, but will not be advised of the identity of the applicant. The Trustee reserves the right to seek additional information from the member.

**Administration Manager**  
Melville Jessup Weaver

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