

29 March 2023

Section (9)(2)(a)
[REDACTED]

Our ref: OIA 103000

Tēnā koe [REDACTED]

Official Information Act request: Family Trust court proceedings

Thank you for your email of 1 March 2023, in which you requested, under the Official Information Act 1982 (the Act), information regarding the number of court proceedings which involve family trusts over the last 10 years. Specifically, you requested:

“...want to establish how many family trust cases have come before the courts each year, over the last 10 years. I do not want to know the outcomes of those cases, but simply how many of those types of disputes have been issued as court proceedings.”

In response to your request, please refer to Table 1 for figures on the number of applications filed under the Trusts Act 2019 for the calendar years from 30 January 2021 to 28 February 2023. Please note the Trusts Act 2019 came into force 30 January 2021 and therefore your request for data prior to 2019 is refused under 18(g)(i) as the information sought is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

I must advise that any other information regarding cases with proceedings involving family trusts other than those relating to the Trusts Act 2019, is information held by the courts. I am therefore refusing part of your request under section 18(g)(i) as the information sought is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Richard Williams

Acting Group Manager, Courts and Tribunals, Regional Service Delivery

Table 1: Number of applications filed under the Trusts Act 2019, for the calendar years 2021 to 2023

| Year Filed | 2021 | 2022 | 2023 |
|--------------------|------|------|------|
| Applications Filed | 3 | 2 | 2 |

Notes:

- Statistics are based on the Ministry of Justice's Case Management System as of 16 March 2023. Since this is an operational system, data for earlier months may have been updated since any previous publications
- The year is based on the application filing date
- The Trusts Act 2019 came into force on 30 January 2021
- The year 2021 consists of applications filed from 30 January 2021 to 31 December 2021
- The year 2023 consists of applications filed from 1 January 2023 to 28 February 2023
- A search for all application types possible under the Trusts Act 2019 was used for this response, this comprised the following:
 - S54(2) Directions - no information given
 - S74(2) Appointment for special trust adviser
 - S79(3) Directions - appropriate type of notice
 - S83(3) Order of approval - indemnification
 - S84(2) Order of waiver of consent to indemnification
 - S85(2) Set aside the rank of a trust property
 - S93(1) Directions - remove or appoint trustee
 - S95(1) Review removal or appointment of trustee
 - S109(1) Order to prevent trustee's removal
 - S124(3) Approve termination, variation, or resettlement of trust
 - S125(2) Order of waiver of requirement of consent
 - S126(1) Review of trustee's act, omission, or decision
 - S130(2) Vary or extend trustee's powers
 - S133(1) Directions - trust property
 - S135(1) Trustee application to bar claims
 - S136(1) Trustee application to distribute trust property
 - S157 Directions - costs of investigation
 - S158 Cease investigation