



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

13 MAY 2022

MEDIA RELEASE

MEAD v PAUL AND ANOR

(SC 07/2022)

**Update 24 May: case was due to be heard in the Supreme Court
Wednesday 25 May; new date of hearing 22 July 2022**

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court. The synopsis does not comprise part of the reasons for the judgment of the Court of Appeal. A direct link to the judgment is included at the end of this synopsis.

Background

Ms Lilach Paul and Mr Brett Paul were married in 1993. They formed a polyamorous relationship with Ms Fiona Mead in 2002, moving into a property which had been purchased in Ms Fiona Mead's name. The parties lived together at this property for 15 years. Ms Lilach Paul left the relationship in 2017. Mr Brett Paul and Ms Fiona Mead separated in 2018.

In 2019, Ms Lilach Paul applied to the Family Court for a determination of the parties' shares in the relationship property and a declaration that the parties were in three contemporaneous qualifying relationships under the Property (Relationships) Act 1976 (PRA). Ms Fiona Mead contended that a relationship between three people was not a qualifying relationship under the PRA. The Family Court referred the case to the High Court.

In 2020, the High Court held that the Family Court does not have jurisdiction under the PRA to determine the property rights of three persons in a polyamorous relationship.

In 2021, the Court of Appeal overturned the High Court's decision. It held that the Family Court has jurisdiction to determine relationship property claims between two persons who were in a qualifying relationship (marriage, civil union or de facto relationship) while also in a polyamorous relationship. Where there are multiple qualifying relationships in the polyamorous relationship, the Family Court has jurisdiction in respect of each couple.

Ms Fiona Mead applied for leave to appeal against the decision of the Court of Appeal.



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This Appeal

The Supreme Court granted the leave application on the question of whether the Court of Appeal was correct to allow the appeal against the High Court decision. The main issue to be determined is whether the Family Court has jurisdiction under the PRA to determine relationship property claims in regards to a polyamorous relationship.

Remote viewing of hearing

This hearing can be viewed remotely by a limited number of members of the public. The [Protocol for Remote Viewing of Hearings](#) will apply. No recording is permitted.

If you wish to view this hearing remotely, please email your request with your name and phone number to the Supreme Court Registry, supremecourt@courts.govt.nz, before 1 pm on 24 May 2022.

Contact person:

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Court of Appeal decision: [\[2021\] NZCA 649](#) (10 August 2021)

Supreme Court leave decision: [\[2022\] NZSC 25](#) (22 March 2022)