

Recent conflicts developments in New Zealand

With the end of the year fast approaching, here is a quick round-up of news from New Zealand:

- The New Zealand Parliament recently passed the Private International Law (Choice of Law in Tort) Act 2017. The Act introduces new torts choice of law rules and abolishes the common law rule of double actionability. The Act is closely modelled on the Private International Law (Miscellaneous Provisions) Act 1995 (UK), with some notable exceptions. A copy of the Act is available [here](#) (and see [here](#) for its legislative history).
- In *Brown v New Zealand Basing Ltd* [2017] NZSC 139, the Supreme Court determined whether age discrimination provisions in New Zealand employment legislation applied to Cathay Pacific pilots based in Auckland. The employment contract, expressed to be governed by the law of Hong Kong, provided for a mandatory retirement age of 55. Pursuant to the Employment Relations Act 2000 (NZ), however, the pilots could not be required to retire until they had reached the age of 65. The pilots brought a personal grievance claim against their employer, a Hong Kong based subsidiary of Cathay Pacific, in reliance on the Act. As many readers will be aware, this is not the first time that the cross-border effect of the airline's retirement age provisions has been the subject of litigation. In *Lawson v Serco Ltd (Crofts)* [2006] UKHL 3, [2006] 1 All ER 823, the House of Lords held that the right not to be unfairly dismissed under the Employment Rights Act 1996 (UK) applied to UK-based pilots of Cathay Pacific. But unlike the UK Act, the New Zealand Act does not contain an equivalent to s 204(1), which provides that it is immaterial for the purposes of the Act "whether the law which (apart from this Act) governs any person's employment is the law of the United Kingdom ... or not". The Court held unanimously that the Act applied to the plaintiffs' claim. A copy of the judgment is available [here](#).
- The New Zealand Law Commission has called for submissions on its Issues Paper *Dividing Relationship Property - Time for Change?* (IP41, 16 October 2017). Part L of the paper deals with cross-border matters

affecting relationship property. The paper forms part of the Commission's review of the Property (Relationships) Act 1976.