

the petition and can show that the separation was due to the wrongful act or conduct of the petitioner.

In 1953, the idea of marriage breakdown was extended and separation, where the parties have been living separate and apart for seven years or more and are unlikely to be reconciled, was made a ground for divorce. By the 1953 Act the court, however, was obliged to refuse the decree if the respondent objected and could show that the separation was caused by the conduct of the petitioner. This limitation was removed by the latest Act. Nevertheless, this bar still applies to the ground of three years separation under a separation agreement or order. The ground is, however, a discretionary one. Yet, while the court is specifically directed not to refuse a decree because either party had committed adultery since the separation, no other guidance is provided as to how the court shall exercise its discretion.

Another interesting feature of the grounds for divorce provided in New Zealand is the absence of a ground of cruelty. There is a ground of "inebriety and cruelty for three years" but it is little used. However, the grounds are wide enough in New Zealand to insure that anyone with a just cause can find relief somewhere.

Of the many grounds provided by the New Zealand Act, only four or five are used to any extent—(i) a separation agreement between the parties that has been similarly in effect for three years; (iii) adultery; (iv) desertion; and (v) the parties have lived separate and apart for seven years and are unlikely to be reconciled. It is obvious that while the separation grounds are widely used in New Zealand, more so than in Australia, there is still considerable reliance upon the matrimonial offences of adultery and desertion.

## 2. *Domicile*

Although New Zealand is not a federal country, its law has always shown considerable concern for the fate of the wife deserted or left by her husband, who, because of the rules of domicile, found access to the courts difficult or impossible. The 1963 Act has provided an extremely simple solution to this problem. For the purposes of the Act, a married woman's domicile is to be determined as if she was unmarried, and a divorce petition may be founded upon the domicile of either the husband or the wife in New Zealand.

## 3. *Reconciliation and Bars*

Provisions for reconciliation were introduced into New Zealand by the recent Act. The court must now consider the possibilities of reconciliation between the parties and may adjourn the proceedings from time to time and appoint conciliators, if it believes it worthwhile.

Following the practice of Australia and England, New Zealand has also relaxed the bar of condonation, so that a trial period of cohabitation with reconciliation as its primary intention, will not raise a bar to any subsequent divorce petition. The Act provides for "one occasion for a continuous period of not more than two months". The New Zealand Act also follows the 1963 English Act by abolishing the anomalous rule that a husband who had sexual intercourse with his wife after becoming aware of a matrimonial offence on her part was