

Relationships (Statutory References) Bill

Government Bill

Explanatory note

General policy statement

Many aspects of the law differentiate between people in committed, exclusive and stable relationships depending on their marital status. A number of legal rights and responsibilities are accessible only to married couples. However, in tax and social security legislation there are significant elements of discrimination against married couples.

The current lack of legal recognition for many non-married couples has led to difficulties; in some instances partners of many years are treated as legal strangers. On the other hand, rates of social security payments are sometimes higher and the ability to engage in beneficial tax arrangements is sometimes greater for non-married couples.

The Human Rights Amendment Act 2001 requires government activities to comply with the anti-discrimination standards set out in section 19 of the New Zealand Bill of Rights Act 1990 for the prohibited grounds of discrimination in section 21 of the Human Rights Act 1993. The prohibited grounds of discrimination include marital status and sexual orientation.

The Government's objective is to have neutral laws on relationships that apply across the board, whether those relationships are marriages, de facto relationships, or same-sex relationships.

As a result of this Bill, the same legal rights and responsibilities will apply to married, de facto (whether opposite or same sex), and civil

union relationships. People's choices and relationships will be protected, and legislation will be amended so that it does not unjustifiably discriminate on the basis of marital status and sexual orientation. This will reduce the risk of the Government being subject to complaints to the Human Rights Commission and litigation under the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

To provide legal recognition for civil unions and de facto couples, the Bill makes several consistent changes across legislation (that is not already part of a review or for which a suitable legislative vehicle already exists). These include—

- placing in the Interpretation Act 1999 a statutory definition of “de facto relationship” to determine when rights and obligations will apply to de facto couples:
- amending a number of statutory references to “step-parent” to concentrate on the caregiving relationship that the parent's partner has with the child:
- extending the rights and responsibilities currently enjoyed by married minors to minors in a civil union or de facto relationship that has been consented to by their parents or guardians:
- consistent with the age of consent for minors to enter into civil unions being 18 years, amending the age of consent for minors to marry and the minimum age of persons who can enter into an enforceable contract to 18 years.

The Bill is submitted for introduction on the basis that it is an omnibus Bill to which Standing Order 262(a) applies. That is, it amends more than 1 Act and the amendments to Acts and regulations contained in it deal with an interrelated topic that can be regarded as implementing a single broad policy.

It is intended that the Bill will be divided at the Committee of the Whole stage into the following Bills:

Relationships (Statutory References) Bill

Administration Amendment Bill

Child Support Amendment Bill

Deaths by Accidents Compensation Amendment Bill

Estate and Gift Duties Amendment Bill

Goods and Services Tax Amendment Bill

Government Superannuation Fund Amendment Bill

Income Tax Amendment Bill
Interpretation Amendment Bill
Life Insurance Amendment Bill
Marriage Amendment Bill
Minors' Contracts Amendment Bill
New Zealand Superannuation Amendment Bill
Property (Relationships) Amendment Bill
Real Estate Agents Amendment Bill
Social Security Amendment Bill
Tax Administration Amendment Bill
Trustee Amendment Bill
War Pensions Amendment Bill
Wills Amendment Bill.

Clause by clause analysis

This Bill makes amendments to Acts and regulations to give effect to the Government's policy of removing unjustified discrimination on the basis of marital status and sexual orientation, and to recognise civil unions.

A large number of amendments are made in *Schedule 13* (to Acts) and in *Schedule 15* (to regulations). Other amendments to Acts are set out in separate subparts in *Part 1* and it is intended that most of these amendments will be split into separate amendment Bills at the Committee of the Whole stage. They are presented this way because they require particular application or savings provisions, or because they have special commencement dates, or because they effect significant related policy changes (the amendments to the Minors' Contracts Act 1969 and the Marriage Act 1955), or because they effect such a large number of amendments to a particular Act that it is desirable for them to eventually form a stand-alone amendment to that Act. The Interpretation Act 1999 is separately amended in *Part 1* to insert new definitions of **de facto partner** and **de facto relationship**, which will apply to all enactments other than enactments in which those terms are given a different meaning.

Clause 1 is the title clause.

Clause 2 provides that, with a number of exceptions, the Bill comes into force on a date to be appointed by the Governor-General by

Order in Council. The reason for the Bill providing for commencement by Order in Council is so that its commencement date can be synchronised with the commencement date of the Civil Union Bill.

Part 1

Amendments to Acts

Subpart 1 amends the Administration Act 1969. As that Act already recognises de facto relationships (including same-sex de facto relationships) for most purposes, the principal effect of the amendments is to recognise civil unions for the purposes of that Act. An application provision clarifies that the amendments will apply only to estates of persons who die on or after the commencement of this subpart.

Subpart 2 amends the Child Support Act 1991. That Act already recognises de facto relationships and has been interpreted by the Courts as being gender neutral. The amendments recognise civil unions and replace references to “relationship in the nature of marriage” with references to “de facto relationship”. Most of the amendments are in *Part 1 of Schedule 1*. They come into force on a date to be appointed by the Governor-General by Order in Council. However, the amendment in *Part 2 of Schedule 1* amends the definition of **de facto relationship** with effect from 1 April 2007, so that the term has the meaning given to it by *new section 3B* of the Social Security Act 1964 (see *Schedule 9*). The changes ensure consistency of treatment under the Child Support Act 1991 for persons who are concurrently social security beneficiaries and custodians or liable parents.

Subpart 3 amends the Deaths by Accidents Compensation Act 1952 to insert references to civil union partners and de facto partners. An application provision clarifies that the amendments will apply only to actions brought in respect of persons who die on or after the commencement of this subpart.

Subpart 4 amends the Estate and Gift Duties Act 1968. The amendments are to be in 2 stages. Those in *Part 1 of Schedule 2* come into force on a date to be appointed by the Governor-General by Order in Council. They amend the principal Act to treat persons in civil unions on the same basis as persons who are married. The amendments in *Part 2 of Schedule 2*, which come into force on 1 April 2007, insert similar references to de facto relationships.

Subpart 5 amends the Goods and Services Tax Act 1985. The amendments are to be in 2 stages. Those in *Part 1 of Schedule 3* come into force on a date to be appointed by the Governor-General by Order in Council. They amend the principal Act to treat persons in civil unions on the same basis as persons who are married. The new *paragraph (b)* in subsection 2A(6) preserves the current recognition of de facto relationships between a man and a woman. The amendments in *Part 2 of Schedule 3*, which come into force on 1 April 2007, ensure that people in same-sex de facto relationships will be treated in the same way as people who are married or in a civil union.

Subpart 6 amends the Government Superannuation Fund Act 1956.

Clause 27 defines **spouse** as the man or the woman whom the Government Superannuation Fund Authority regards as having been, immediately before the death of the deceased person concerned, the husband, wife, civil union partner, or de facto partner of that person.

The amendments to the principal Act made by *clauses 28 to 33* flow from the new definition of spouse in *clause 27*.

Clause 34 protects contributors or beneficiaries from challenges of certain decisions made in their favour on the ground that there was no entitlement to make the decisions. The clause applies to decisions made by the Government Superannuation Appeals Board or the Government Superannuation Fund Authority on or after 2 October 2001 (the commencement of section 35 of the Government Superannuation Fund Amendment Act 2001, which provided for similar protection for decisions taken before that date).

Subpart 7 amends the Income Tax Act 2004. The amendments are to be in 2 stages. Those in *Part 1 of Schedule 4* come into force on a date to be appointed by the Governor-General by Order in Council. They amend the principal Act to treat persons in civil unions on the same basis as persons who are married and continue the recognition, in specific provisions, of de facto relationships between a man and a woman. References to “matrimonial agreement” are changed to references to “relationship agreement” so as to be consistent with the Property (Relationships) Act 1976. The amendments in *Part 2 of Schedule 4*, which come into force on 1 April 2007, extend the recognition of de facto relationships throughout the Act. They ensure that people in all de facto relationships will be treated in the same way as people who are married or in a civil union.

Subpart 8 amends the Interpretation Act 1999 to insert definitions of **de facto partner** and **de facto relationship**.

Clause 39 inserts into the principal Act a definition of **de facto partner**, which term is defined as a person who is a party to a de facto relationship.

Clause 40 inserts into the principal Act a definition of **de facto relationship**. The new definition will apply to any enactment in which the term de facto relationship is used unless the enactment provides otherwise or the context of the enactment requires a different interpretation. The definition basically follows the definition of de facto relationship in the Property (Relationships) Act 1976. The only significant difference between the 2 definitions is that under the 1976 Act the minimum age for de facto partners is 18 years, while under the definition to be inserted by *clause 40* young persons aged 16 years or older, but under 18 years, will be able to form de facto relationships if they have the written consents of their parents and guardians or the consent of the Family Court.

Subpart 9 makes amendments to section 2 of the Life Insurance Amendment Act 1920 to insert references to civil union partners and de facto partners so that the section will apply to parties to a civil union or a de facto relationship in the same way as it applies to persons who are married. An application provision clarifies that the amendments will apply only in respect of persons who die on or after the commencement of this subpart.

Subpart 10 amends the Marriage Act 1955. *Clause 45* amends section 2(1) of the principal Act to provide that, for the purposes of that Act, a minor is a person under the age of 18 years. At present, for the purposes of the principal Act, a minor is a person under the age of 20 years. The effect of the amendment is that a person who is of or over 18 years will now be permitted to marry without the consent of a parent or guardian. *Clause 46* amends the Second Schedule of the principal Act to insert new prohibited degrees of relationship. These new prohibited degrees are relationships created by civil unions.

Subpart 11 amends the Minors' Contracts Act 1969. The effect of the amendments is that, except in limited circumstances (see *clauses 52 and 53*),—

- a person who is of or over the age of 18 years will have the contractual capacity of an adult; and

- the provisions of the Act apply to a person who is younger than 18 years regardless of whether he or she is married, in a civil union, or in a de facto relationship.

Subpart 12 amends the New Zealand Superannuation Act 2001. The amendments are to be in 2 stages. The amendments set out in *Schedule 5*, which come into force on a date to be appointed by the Governor-General by Order in Council, amend the principal Act to treat persons in civil unions on the same basis as persons who are married. The amendments set out in *Schedule 6*, which come into force on 1 April 2007, insert references to de facto relationships. For the purposes of the principal Act **de facto relationship** has the meaning given to it by *new section 3B* of the Social Security Act 1964 (see *Schedule 9*). New Zealand superannuation is a benefit within the meaning of that term in the Social Security Act 1964. Under section 63 of that Act, a person who the chief executive of the department responsible for the administration of that Act is satisfied is in a relationship in the nature of marriage may be treated for benefit purposes as if he or she was married. Therefore, persons who are in opposite-sex de facto relationships at present can be treated for New Zealand superannuation purposes the same way as married persons. The effect of the insertion of references to de facto relationships (and related terminology) into the principal Act from 1 April 2007 will be that persons in same-sex de facto relationships will be treated for New Zealand superannuation purposes the same way as persons who are married.

Subpart 13 amends the Property (Relationships) Act 1976 to insert reference to civil unions into that Act. The Act already deals with de facto relationships.

Subpart 14 amends sections 63 and 86 of the Real Estate Agents Act 1976 to insert references to civil union partners and de facto partners where there are existing references to spouses. An application provision clarifies the application of the new references.

Subpart 15 amends the Social Security Act 1964. The amendments are to be in 2 stages. The amendments set out in *Schedule 8*, which come into force on a date to be appointed by the Governor-General by Order in Council, amend the principal Act to treat persons in civil unions on the same basis as persons who are married. The amendments set out in *Schedule 9*, which come into force on 1 April 2007, insert references to de facto relationships. A definition of **de facto relationship** is inserted into the principal Act (see *Schedule 9*). This definition differs from the general definition to be inserted into the

Interpretation Act 1999 by *clause 40*. The definition for the Social Security Act 1964 provides that in order for 2 persons to be treated as living together as a couple they must be—

- committed to each other emotionally; and
- willing to financially support the other, and any child of the relationship, if the need exists.

This is intended to reflect existing judicial decisions about what is considered to be a relationship in the nature of marriage for social security purposes.

Under section 63 of the principal Act, a person who the chief executive of the department responsible for the administration of that Act is satisfied is in a relationship in the nature of marriage may be treated for benefit purposes as if he or she is married. Also, in relation to widows benefits, domestic purpose benefits and certain other benefits (sections 21, 27A, and 27C), relationships in the nature of marriage are expressly treated in the same way as marriages. Therefore, persons who are in opposite-sex de facto relationships at present can be treated for benefit purposes in the same way as married persons. The effect of the insertion of references to de facto relationships (and related terminology) into the principal Act from 1 April 2007 will be that persons in same-sex de facto relationships will be treated the same for benefit purposes as persons who are married.

There is a transitional provision (*clause 68*) that deals with the treatment under the amended provisions of relationships that would, prior to 1 April 2007, have been called relationships in the nature of marriage.

Subpart 16 amends the Tax Administration Act 1994. The amendments are to be in 2 stages. Those in *Part 1 of Schedule 10* come into force on a date to be appointed by the Governor-General by Order in Council. They amend the principal Act to treat persons in civil unions on the same basis as persons who are married. They continue the recognition, in specific provisions, of de facto relationships between a man and a woman. The amendments in *Part 2 of Schedule 10*, which come into force on 1 April 2007, ensure that people in all de facto relationships will be treated in the same way as people who are married or in a civil union.

Subpart 17 amends sections 40 and 42 of the Trustee Act 1956 by inserting references to civil unions and de facto relationships (and related terminology) where there are existing references to marriage

(and related terminology). An application provision clarifies the application of the new references.

Subpart 18 amends the War Pensions Act 1954. The amendments principally affect Part 6 of the Act, which provides for veterans' pensions. The amendments are to be in 2 stages. The amendments set out in *Schedule 11*, which come into force on a date to be appointed by the Governor-General by Order in Council, amend the principal Act to treat persons in civil unions on the same basis as persons who are married. The amendments set out in *Schedule 12*, which come into force on 1 April 2007, insert references to de facto relationships. For the purposes of the principal Act **de facto relationship** has the meaning given to it by *new section 3B* of the Social Security Act 1964 (see *Schedule 9*). A veteran's pension is a benefit within the meaning of that term in the Social Security Act 1964. Under section 63 of that Act, a person who the chief executive of the department responsible for the administration of that Act is satisfied is in a relationship in the nature of marriage may be treated by for benefit purposes as if he or she was married. Therefore, persons who are in opposite-sex de facto relationships at present can be treated for the purposes of veterans' pensions in the same way as married persons. The effect of the insertion of references to de facto relationships (and related terminology) into the principal Act from 1 April 2007 will be that persons in same-sex de facto relationships will be treated the same for veteran's pension purposes as persons who are married.

Subpart 19 provides for references to civil unions and de facto relationships (and related terminology) to be read into the Wills Act 1837 (UK) so that these relationships are treated the same as marriage for the purposes of that Act as it applies in New Zealand. The Wills Amendment Acts of 1955, 1969, and 1977 are also similarly amended. There is a savings provision that clarifies the application of the new references to civil unions and de facto relationships to wills made before the commencement of this subpart.

Subpart 20 effects the remaining amendments to Acts to implement the Government's policy of removing unjustified discrimination on the basis of marital status and sexual orientation, and to recognise civil unions. Most of these amendments will come into force on a date to be appointed by the Governor-General by Order in Council. This is intended to be on the same date as the Civil Union Bill comes into force.

Two Acts are amended by this subpart with different commencement dates. *Clause 90* amends section 2(1) of the Local Authorities (Members' Interests) Act 1968 to define spouse as including a civil union partner or a de facto partner. This clause comes into force on 16 October 2004. This is intended to synchronise the amendment with the next local body elections. *Clause 91* amends section 2(1) of the Rates Rebate Act 1973 to include references to civil unions and de facto relationships (and related terminology) where there are references to marriage (and related terminology). This clause comes into force on 1 July 2006 in order to enable the changes to be implemented at the start of a financial year.

Part 2

Amendments to regulations

This Part contains the amendments to regulations to implement the policy outlined above.

Minister of Finance's statement on the consultation process followed in the formulation of the amendments in the Bill to the New Zealand Superannuation Act 2001

Introduction

Section 73 of the New Zealand Superannuation Act 2001 (the Act) provides that the Minister must, on the introduction into the House of Representatives of a Government Bill that proposes an amendment to the Act, bring to the attention of the House the consultation process that was followed in the formulation of the proposed amendment. The term "Minister", for the purposes of section 73, is defined in section 5 of the Act as the Minister of Finance.

That statement must include (without limitation)—

- (a) whether consultation has taken place with the parties that are in agreement with the Part proposed to be amended (as listed in Schedule 4 of the Act);
- (b) whether consultation has taken place with the Guardians (to the extent that the amendment relates to Part 2 of the Act);
- (c) the results of the consultation.

Schedule 5 of the Relationships (Statutory References) Bill (to come into effect by Order in Council) amends Part 1 and Schedule 1 of the Act by changing references to "unmarried" to "single"; "married" to "married or in a civil union"; "married couple" to "couple who are married or in a civil union" and "married person" to "a person

who is married or in a civil union”. *Schedule 6* of the Bill (to come into effect on 1 April 2007) amends Part 1 and Schedule 1 of the Act by inserting “or in a de facto relationship” after the words “civil union” where these occur. The Bill does not amend Part 2 of the Act.

Background

The Relationships (Statutory References) Bill flows from decisions made by Government that:

- neutral laws on relationships whether married, de facto, or same sex should be applied across the board:
- people regardless of whether they are married, in a registered civil union, or in a de facto relationship will be given the same rights and responsibilities.

The Relationships (Statutory References) Bill therefore comprises a series of changes to various Acts and regulations that are affected by the Government’s decision to treat all relationships equally. The amendments to the Act are only a small element of those changes. In essence these changes will mean that couples who register a civil union and same-sex de facto couples will be treated the same as married and heterosexual de facto couples in relation to access to New Zealand Superannuation. The number of people this will affect in practice is only a small proportion of the people affected by the changes included in the whole Relationships (Statutory References) Bill as a whole.

Consultation process

No specific consultation process was undertaken in relation to the amendments to the Act contained in the Bill as those changes are only consequential on the main policy changes being promoted in the Bill. None of the parties in agreement with Part 1 of the Act were consulted.

No consultation was undertaken with the Guardians of New Zealand Superannuation as the Bill does not propose to amend Part 2 of the Act.

Hon Dr Michael Cullen.

Minister of Finance.

Regulatory impact statement

Statement of nature and magnitude of problem and need for Government action

The law differentiates between people in committed, exclusive, and stable relationships depending on their marital status, with a number of legal rights and responsibilities accessible only to married couples. Numerous provisions, in statutes and regulations, have been identified as unjustifiably discriminatory under section 5 of The New Zealand Bill of Rights Act 1990. These provisions are diverse, covering next of kin; the legal system; eligibility for benefits and grants; and commercial, property, and employment relations. Legislation that discriminates on the basis of relationship status exposes the Government to risks of complaints and litigation under the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990.

The discrimination disadvantages both de facto and married couples. In the 2001 census 1 307 358 people identified themselves as legally married and 300 843 as “other partnership”, that is, in a de facto relationship.

Public policy objective

The overall objective is to apply neutral laws on relationships, whether married, de facto, or civil union, across all areas of the law.

Feasible options for achieving the desired objective

Non-regulatory options

There are no non-regulatory options available to achieve the objective.

Regulatory options

Status quo

Under the status quo, relationship discrimination is addressed only as part of existing legislative reform. Continuing to deal with relationship discrimination in this way would leave a large number of discriminatory provisions intact with no time frame for resolution.

Extend relationship laws to civil unions

The option of only extending relationship laws to persons who enter into a civil union relationship was also explored. Again, there would

be substantial ongoing discrimination, specifically to de facto couples who do not enter into this form of relationship. This is of particular concern in de facto relationships where one of the parties is vulnerable or disempowered.

Apply relationship laws to all couples

The only option that achieves the desired objective is to apply the same laws to all forms of relationships—married, de facto (same and opposite sex) and civil union. To achieve this option, an omnibus Bill will individually amend the discriminatory legislative provisions.

Statement of net benefit

Benefits/costs for the Crown

The majority of the provisions amended by the Bill do not involve financial entitlements. Consequently, there will not be any fiscal implications for the Crown from most of the reforms (the exceptions being in health, revenue collection, and social assistance).

In health legislation, there will be some fiscal impacts from broadening provisions in the Health Entitlement Cards Regulations 1993. However, cost implications are likely to be minimal. If the effect is to allow a greater range of incomes to be treated as combined for entitlement card thresholds, then this may result in savings rather than representing a cost to the Crown.

It is expected that there will be only minor fiscal impacts associated with most of the changes to revenue legislation, some positive and some negative. However, the combined effect of the proposals for child support and the family tax credits are estimated to be savings for the Crown of up to \$0.583 million in the first fiscal year of implementation and \$2.335 million in subsequent years.

In social assistance, the Crown will receive savings from neutralising benefit legislation across relationship types, largely from recognising the impact of another individual's (ie, a same-sex partner's) income in benefit calculations. It is anticipated that there will be savings of \$3.032 million in the first fiscal year of implementation (which is expected to be the 2005/06 financial year) and \$10.545 million in subsequent years. However, the amendments will result in \$1.422 million in operational costs in 2004/05, \$0.919 million in 2005/06, and \$0.037 million in subsequent years. These costs are associated with adding and operating a new SWIFTT 'relationship'

code to capture information on the various application forms, re-doing all communication material (both replacement of relevant brochures and forms and alterations to electronic forms), and adding an additional security function to the IT system to protect sensitive information.

Benefits/costs for society

In almost all cases, the legislative amendments will not impact adversely on individuals or third parties.

There will be some adverse effects for individuals living in same-sex relationships who are receiving social assistance. Same-sex couples are currently treated as 2 single persons for purposes of social assistance, which means that they can access benefits and other forms of social assistance as single people without any regard to their domestic situation or to their partner's income. As a consequence of the proposed amendments, individuals in same-sex relationships who are receiving social assistance will experience net financial losses, because they will either move from the single to married benefit rate or have their partner's income considered in their entitlement and abatement calculations. The proposal to implement amendments with negative financial impacts 2 years after the date of the Bill's enactment is intended to provide time for affected couples to prepare for, and adjust to, these changes.

However, overall, the reforms are likely to have a net societal benefit. Same-sex and opposite-sex de facto couples will receive greater legal rights and wider legal recognition and support of their relationship. The lack of legal recognition for de facto relationships has led to significant difficulties for many couples. For instance, the law's failure to recognise de facto partners means they are not considered family or "next of kin". As a consequence, a de facto partner may be shut out from care arrangements by the family of their loved one in the event of illness. There are also a number of examples of de facto partners being excluded from funeral arrangements when their deceased partner's family takes over. There are over 100 ways in which de facto couples are treated differently by the law.

In addition, the reforms are likely to result in a society that promotes tolerance and understanding by respecting the diversity of individuals from all backgrounds. Further, the proposed changes will

protect vulnerable parties in relationships. By removing discrimination to ensure equal treatment of different relationships, the proposed changes will enable de facto couples to make decisions for and about each other.

Business compliance costs statement

There are no business compliance costs associated with the proposed amendments in the omnibus Bill.

Consultation

As a result of *Consistency 2000* (a project to support government compliance with the Human Rights Act 1993), the Ministry of Justice published in 1999 a discussion paper 'Same-Sex Couples and the Law'. Two focus groups were held in June 2002 with representatives of community organisations with expertise and practical knowledge about the recognition of same-sex relationships.

The following agencies have been consulted:

Department of Child, Youth and Family Services

Department of Conservation

Department of Corrections

Department of Internal Affairs

Department of Labour

Department of the Prime Minister and Cabinet

Housing New Zealand Corporation

Inland Revenue Department

Land Information New Zealand

Ministry for the Environment

Ministry of Agriculture and Forestry

Ministry of Culture and Heritage

Ministry of Economic Development

Ministry of Education

Ministry of Fisheries

Ministry of Foreign Affairs and Trade

Ministry of Health

Ministry of Housing

Ministry of Pacific Island Affairs
Ministry of Social Development
Ministry of Transport
Ministry of Women's Affairs
Ministry of Youth Affairs
New Zealand Customs Service
New Zealand Defence Force
New Zealand Police
New Zealand Railways Corporation
Office of Disability Issues
Office of Veterans' Affairs
Overseas Investment Commission
Public Trust
Reserve Bank of New Zealand
State Services Commission
Statistics New Zealand
Te Puni Kokiri
The Treasury.

Hon David Benson-Pope

Relationships (Statutory References) Bill

Government Bill

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Relationships (Statutory References)

<p>34 Past decisions</p> <p style="padding-left: 20px;">Subpart 7—Amendments to Income Tax Act 2004</p> <p>35 Income Tax Act 2004 called principal Act in this subpart</p> <p>36 Commencement</p> <p>37 Amendments to principal Act in Schedule 4</p> <p style="padding-left: 20px;">Subpart 8—Amendments to Interpretation Act 1999</p> <p>38 Interpretation Act 1999 called principal Act in this subpart</p> <p>39 Definitions</p> <p>40 New section 29A inserted 29A Meaning of de facto relationship</p> <p style="padding-left: 20px;">Subpart 9—Amendments to Life Insurance Amendment Act 1920</p> <p>41 Life Insurance Amendment Act 1920 called principal Act in this subpart</p> <p>42 Application</p> <p>43 Reversion or vesting of policies assigned to husband or wife</p> <p style="padding-left: 20px;">Subpart 10—Amendments to Marriage Act 1955</p> <p>44 Marriage Act 1955 called principal Act in this subpart</p> <p>45 Interpretation</p> <p>46 Second Schedule amended</p> <p style="padding-left: 20px;">Subpart 11—Amendments to Minors' Contracts Act 1969</p> <p>47 Minors' Contracts Act 1969 called principal Act in this subpart</p> <p>48 Interpretation</p> <p>49 Married minors</p> <p>50 Contracts of minors of or over the age of 18 years, certain contracts concerning life insurance, and contracts of service</p> <p>51 Contracts of minors below the age of 18 years</p> <p>52 Settlement of claims by minors</p> <p>53 Agreements relating to trusts</p> <p style="padding-left: 20px;">Subpart 12—Amendments to New Zealand Superannuation Act 2001</p> <p>54 New Zealand Superannuation Act 2001 called principal Act</p> <p>55 Commencement</p> <p>56 Amendments to principal Act in Schedule 5</p> <p>57 Amendments to principal Act on 1 April 2007 in Schedule 6</p>	<p style="padding-left: 20px;">Subpart 13—Amendments to Property (Relationships) Act 1976</p> <p>58 Property (Relationships) Act 1976 called principal Act in this subpart</p> <p>59 Amendments to principal Act in Schedule 7</p> <p style="padding-left: 20px;">Subpart 14—Amendments to Real Estate Agents Act 1976</p> <p>60 Real Estate Agents Act 1976 called principal Act in this subpart</p> <p>61 Application</p> <p>62 Purchase or lease by agent voidable</p> <p>63 Claims against fund</p> <p style="padding-left: 20px;">Subpart 15—Amendments to Social Security Act 1964</p> <p>64 Social Security Act 1964 called principal Act in this subpart</p> <p>65 Commencement</p> <p>66 Amendments to principal Act in Schedule 8</p> <p>67 Amendments to principal Act on 1 April 2007 in Schedule 9</p> <p>68 Transitional provision regarding relationships in the nature of marriage</p> <p style="padding-left: 20px;">Subpart 16—Amendments to Tax Administration Act 1994</p> <p>69 Tax Administration Act 1994 called principal Act in this subpart</p> <p>70 Commencement</p> <p>71 Amendments to principal Act in Schedule 10</p> <p style="padding-left: 20px;">Subpart 17—Amendments to Trustee Act 1956</p> <p>72 Trustee Act 1956 called principal Act in this subpart</p> <p>73 Application</p> <p>74 Power to apply income for maintenance, etc, and to accumulate surplus income during a minority</p> <p>75 Protective trusts</p> <p style="padding-left: 20px;">Subpart 18—Amendments to War Pensions Act 1954</p> <p>76 War Pensions Act 1954 called principal Act in this subpart</p> <p>77 Commencement</p> <p>78 Amendments to principal Act in Schedule 11</p> <p>79 Amendments to principal Act on 1 April 2007 in Schedule 12</p> <p style="padding-left: 20px;">Subpart 19—Wills Act 1837 (UK)</p> <p>80 Subpart to be read together with Wills Act 1837 (UK)</p>
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81	Gifts to an attesting witness, or his or her wife or husband to be void	Schedule 3 Amendments to Goods and Services Tax Act 1985
82	Creditor attesting a will charging estate with debts to be admitted a witness	Schedule 4 Amendments to Income Tax Act 2004
83	Revocation of wills by marriage	Schedule 5 Amendments to New Zealand Superannuation Act 2001 to come into force on date to be appointed by Governor-General by Order in Council
84	Modifications of principal Act in relation to wills of privileged persons	Schedule 6 Amendments to New Zealand Superannuation Act 2001 to come into force on 1 April 2007
85	Wills in contemplation of marriage	Schedule 7 Amendments to Property (Relationships) Act 1976
86	Wills of minors	Schedule 8 Amendments to Social Security Act 1964 to come into force on date to be appointed by Governor-General by Order in Council
87	Effect of divorce, etc, on wills	Schedule 9 Amendments to Social Security Act 1964 to come into force on 1 April 2007
88	Restriction on operation of section 15 of principal Act	Schedule 10 Amendments to Tax Administration Act 1994
89	Savings provision	Schedule 11 Amendments to War Pensions Act 1954 to come into force on date to be appointed by Governor-General by Order in Council
	Subpart 20—Amendments to other Acts <i>Local Authorities (Members' Interests) Act 1968</i>	Schedule 12 Amendments to War Pensions Act 1954 to come into force on 1 April 2007
90	Interpretation <i>Rates Rebate Act 1973</i>	Schedule 13 Other Acts amended
91	Interpretation <i>Other Acts amended</i>	Schedule 14 New Schedules 1 and 2 in Property (Relationships) Forms Regulations 2001
92	Other Acts amended in Schedule 13 Part 2 Amendments to regulations <i>Property (Relationships) Forms Regulations 2001</i>	Schedule 15 Regulations amended
93	Interpretation	
94	Form of notice of choice of option A or option B by surviving spouse or de facto partner	
95	Forms <i>Other regulations amended</i>	
96	Other regulations amended in Schedule 15	
	<hr/> Schedule 1 Amendments to Child Support Act 1991	
	Schedule 2 Amendments to Estate and Gift Duties Act 1968	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Relationships (Statutory References) Act **2004**.

2 Commencement

Except as provided in **sections 13, 21, 24, 36, 55, 65, 70, 77, 90, and 91**, this Act comes into force on a date to be appointed by the Governor-General by Order in Council.

**Part 1
Amendments to Acts****Subpart 1—Amendments to Administration Act 1969****3 Administration Act 1969 called principal Act in this subpart**

In this subpart, the Administration Act 1969¹ is called “the principal Act”.

¹ 1969 No 52

4 Application

The amendments to the principal Act in **sections 5 to 11** apply only in respect of the estates of persons who die on or after the commencement of this subpart.

5 Administration during minority of executor

Section 9(3)(b) of the principal Act is amended by inserting, after the word “married”, the words “, in a civil union, or in a de facto relationship”.

6 Charges on property of deceased to be paid primarily out of property charged

Section 34(1A) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, or civil union partner,”.

7 Payment without administration

(1) Section 65(2)(a) of the principal Act is amended by inserting, after the word “widower,”, the words “surviving civil union partner,”.

(2) Section 65(2)(d) of the principal Act is amended by inserting, after the word “marriage”, the words “(or by or through a civil union or a de facto relationship)”.

8 Succession to real and personal estate on intestacy

- (1) Items 1 to 6 in column 1 of the table set out in section 77 of the principal Act are amended by omitting the words “or wife” wherever they appear, and substituting in each case the words “, wife, civil union partner,”.
- (2) Column 2 of the table set out in section 77 of the principal Act is amended by omitting the words “or wife or partner” wherever they appear, and substituting in each case the words “, wife, civil union partner, or surviving de facto partner”.

9 New section 77C substituted

The principal Act is amended by repealing section 77C, and substituting the following section:

“77C Succession on intestacy if intestate partner dies leaving husband, wife, or civil union partner and 1 or more de facto partners

- “(1) This section applies if the intestate dies leaving—
 - “(a) 1 or more surviving de facto partners entitled to succeed on the intestacy, and a husband, wife, or civil union partner; or
 - “(b) 2 or more surviving de facto partners entitled to succeed on the intestacy.
- “(2) If this section applies,—
 - “(a) the real or personal estate of the intestate to which section 77 applies must be distributed or held on trust under that section as if the intestate died leaving (as well as issue, or parents, or other classes of relatives (if any)) only a husband, wife, or civil union partner or, as the case requires, only 1 of the surviving de facto partners; but
 - “(b) the husband, wife, or civil union partner and each surviving de facto partner or, as the case requires, each of the surviving de facto partners, is entitled to an equal share of the estate that would, under section 77, be distributed to or held on trust for a husband, wife, or civil union partner or, as the case requires, 1 surviving de facto partner.”

10 Statutory trusts in favour of issue and other classes of relatives of intestate

- (1) Paragraph (a) of section 78(1) of the principal Act and the proviso to that paragraph are amended by inserting, after the word “marry”, in each place where it appears, the words “or enter into a civil union or a de facto relationship”.
- (2) Section 78(1)(b) of the principal Act is amended by inserting, after the word “marrying”, the words “or entering into a civil union or a de facto relationship”.

11 Application to cases of partial intestacy

- (1) Section 79(2) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, civil union partner,”.
- (2) Section 79(2)(a) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, civil union partner,”.

Subpart 2—Amendments to Child Support Act 1991**12 Child Support Act called principal Act in this subpart**

In this subpart, the Child Support Act 1991² is called “the principal Act”.

² 1991 No 142

13 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 14(2)** comes into force on 1 April 2007.

14 Amendments to principal Act in Schedule 1

- (1) The principal Act is amended in the manner set out in **Part 1 of Schedule 1**.
- (2) The principal Act is amended in the manner set out in **Part 2 of Schedule 1**.

Subpart 3—Amendment to Deaths by Accidents
Compensation Act 1952

**15 Deaths by Accidents Compensation Act 1952 called
principal Act in this subpart**

In this subpart, the Deaths by Accidents Compensation Act 1952³ is called “the principal Act”.

³ 1952 No 35

16 Application

The amendments to the principal Act in **sections 17 to 19** apply only to actions brought in respect of persons who die on or after the commencement of this subpart.

17 Interpretation

- (1) Section 2(1) of the principal Act is amended by omitting from the definition of **dependant** the words “wife, husband,” in both places where they appear, and substituting in each case the word “spouse,”.
- (2) Section 2(1) of the principal Act is amended by repealing the definition of **parent**, and substituting the following definition:
“**parent**, in relation to any deceased person,—
“(a) means a father, mother, grandfather, grandmother, of the deceased person; and
“(b) includes a person who, at the deceased person’s death, was married to, or in a civil union or a de facto relationship with, a parent of the deceased person”.
- (3) Section 2(1) of the principal Act is amended by repealing the definition of **wife**, and substituting the following definition:
“**spouse**, in relation to any deceased person,—
“(a) means the person who, at the deceased person’s death, was the deceased person’s husband, wife, civil union partner, or de facto partner; and
“(b) includes any other person who—
“(i) has been the deceased person’s husband, wife, civil union partner, or de facto partner; and
“(ii) at the time of the deceased person’s death, was maintained or entitled to be maintained by the deceased person either wholly or partly, or would, but for the incapacity due to the accident

from which the deceased person's death resulted, have been so maintained or entitled."

18 Action to be for benefit of family

Section 5 of the principal Act is amended by omitting the words "wife or husband", and substituting the word "spouse".

19 Persons who may apply for order or variation of order

- (1) Section 19(b) of the principal Act is amended by omitting the words "husband or wife", and substituting the word "spouse".
- (2) Section 19(c) of the principal Act is amended by inserting, after the word "marriage", the words ", or by or through a civil union or a de facto relationship,".

Subpart 4—Amendments to Estate and Gift Duties
Act 1968

20 Estate and Gift Duties Act 1968 called principal Act in this subpart

In this subpart, the Estate and Gift Duties Act 1968⁴ is called "the principal Act".

⁴ 1968 No 35

21 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 22(2)** comes into force on 1 April 2007.

22 Amendments to principal Act in Schedule 2

- (1) The principal Act is amended in the manner set out in **Part 1 of Schedule 2**.
- (2) The principal Act is amended in the manner set out in **Part 2 of Schedule 2**.

Subpart 5—Amendments to Goods and Services Tax Act 1985

23 Goods and Services Tax Act 1985 called principal Act in this subpart

In this subpart, the Goods and Services Tax Act 1985⁵ is called “the principal Act”.

⁵ 1985 No 141

24 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 25(2)** comes into force on 1 April 2007.

25 Amendments to principal Act in Schedule 3

- (1) The principal Act is amended in the manner set out in **Part 1 of Schedule 3**.
- (2) The principal Act is amended in the manner set out in **Part 2 of Schedule 3**.

Subpart 6—Amendments to Government Superannuation Fund Act 1956

26 Government Superannuation Fund Act 1956 called principal Act in this subpart

In this subpart, the Government Superannuation Fund Act 1956⁶ is called “the principal Act”.

⁶ 1956 No 47

27 Interpretation

Section 2(1) of the principal Act is amended by repealing the definition of **spouse**, and substituting the following definition:

“**spouse**, in relation to a deceased person, means the man or woman whom the Authority, in its discretion, regards as being the man or the woman who, immediately before the person’s death, was the persons’s husband or wife or civil union partner (whether or not separated and living apart) or de facto partner”.

28 Increasing allowance for contributor retiring in consequence of injuries

Section 37(1) of the principal Act is amended by omitting the words “the widow or any dependent widower or other”, and substituting the words “the spouse or any”.

29 Benefits where contributor under this Part dies and leaves spouse

(1) Section 45(1)(a)(ii) of the principal Act is amended by omitting the words “Where the spouse is the widow or widower of the deceased contributor,”.

(2) Section 45 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) Where any contributor under this Part dies, after becoming entitled to a retiring allowance and while still entitled to a retiring allowance, and leaves a spouse who last became the spouse of the contributor before the contributor became entitled to receive a retiring allowance, there is to be paid out of the Fund to the spouse, at the election of the spouse,—

“(a) an annuity at the greater of the following rates:

“(i) one-half of the rate of the retiring allowance to which the contributor was entitled at the date of the contributor’s death, disregarding the effect of any election made under section 40 or section 48:

“(ii) the rate of \$390 a year; or

“(b) the amount of the contributor’s contributions to the Fund, less any amounts received by the contributor from the Fund during the contributor’s lifetime.”

30 Annual allowances to widows or approved dependants in consideration of election to accept reduced retiring allowances

(1) Section 48(1) of the principal Act is amended by repealing the definition of **widow**, and substituting the following definition:

“**widow**, in relation to a contributor, means the person who was the wife or the husband or the civil union partner or the de facto partner of the contributor on the date of an election made by the contributor under this section.”

(2) Section 48(2) of the principal Act is repealed.

- (3) Section 48 of the principal Act is amended by repealing the proviso to subsection (11).
- (4) Section 48 of the principal Act is amended by inserting, after subsection (11), the following subsection:

“(11A) Despite subsection (11), if the contributor marries or enters into a civil union or a de facto relationship while in receipt of a retiring allowance, he or she may make an election under this section in favour of his or her widow at any time within 3 months after the date on which he or she marries or enters into the civil union or the de facto relationship.”

31 Contributions to Fund may be applied in restitution of public money misappropriated by contributor

Section 60(1) of the principal Act is amended by inserting, after the word “wife”, the words “, husband, civil union partner, or de facto partner”.

32 Effect of loss of pay through punishment

Section 71(4) of the principal Act is amended by omitting the words “widow or widower”, and substituting the word “spouse”.

33 Schedule 4 amended

Schedule 4 of the principal Act is amended by inserting in clause 20(d), after the words “or spouse”, the words “, civil union partner, or de facto partner”.

34 Past decisions

- (1) All decisions made on or after 2 October 2001 by the Government Superannuation Appeals Board or the Government Superannuation Fund Authority in favour of an individual contributor, beneficiary, or potential beneficiary have effect, in so far as they relate to that individual, as if the decision were one that that Board or the Authority was entitled to make.
- (2) The decision binds the Authority in any dealings after the commencement of this subpart with the contributor, beneficiary, or potential beneficiary in whose favour the decision was made, unless that person supplied misleading or incorrect information or otherwise acted in bad faith.

- (3) However, the decision does not have any precedent effect in favour of any contributor, beneficiary, or potential beneficiary other than the person in whose favour the decision was made.

Compare: 2001 No 47 s 35

Subpart 7—Amendments to Income Tax Act 2004

35 Income Tax Act 2004 called principal Act in this subpart

In this subpart, the Income Tax Act 2004⁷ is called “the principal Act”.

⁷ 2004 No 35

36 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 37(2)** comes into force on 1 April 2007.

37 Amendments to principal Act in Schedule 4

- (1) The principal Act is amended in the manner set out in **Part 1 of Schedule 4**.
- (2) The principal Act is amended in the manner set out in **Part 2 of Schedule 4**.

Subpart 8—Amendments to Interpretation Act 1999

38 Interpretation Act 1999 called principal Act in this subpart

In this subpart, the Interpretation Act 1999⁸ is called “the principal Act”.

⁸ 1999 No 85

39 Definitions

Section 29 of the principal Act is amended by inserting, after the definition of **consular officer**, the following definition:

“**de facto partner** means a person who is a party to a de facto relationship (as defined in **section 29A**)”.

Compare: 1976 No 166 s 2D

40 New section 29A inserted

The principal Act is amended by inserting, after section 29, the following section:

“29A Meaning of de facto relationship

- “(1) In an enactment, **de facto relationship** has the meaning given to it by this section.
- “(2) A de facto relationship is a relationship between 2 persons (whether a man and a woman, a man and a man, or a woman and a woman) who—
- “(a) live together as a couple; and
 - “(b) are not married to, or in a civil union with, each other; and
 - “(c) are both aged 16 years or older.
- “(3) Despite **subsection (2)**, a person who is younger than 18 years does not have a de facto relationship with another person unless consent to the person living as a couple with the other person has been given—
- “(a) in writing by the person’s parents and guardians; or
 - “(b) on application, by the Family Court.
- “(4) In determining whether 2 persons live together as a couple, all the circumstances of the relationship are to be taken into account, including any of the following matters that are relevant in a particular case:
- “(a) the duration of the relationship;
 - “(b) the nature and extent of common residence;
 - “(c) whether or not a sexual relationship exists;
 - “(d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
 - “(e) the ownership, use, and acquisition of property;
 - “(f) the degree of mutual commitment to a shared life;
 - “(g) the care and support of children;
 - “(h) the performance of household duties;
 - “(i) the reputation and public aspects of the relationship.
- “(5) In determining whether 2 persons live together as a couple,—
- “(a) no finding in respect of any of the matters stated in **subsection (4)**, or in respect of any combination of them, is to be regarded as necessary; and
 - “(b) any court or person required to determine the question is entitled—

- “(i) to have regard to any matter that may seem appropriate to the court or the person in the circumstances of the case; and
 - “(ii) to attach any weight to the matter that seems appropriate to the court or the person in the circumstances of the case.
- “(6) A de facto relationship ends if—
- “(a) the de facto partners cease to live together as a couple;
 - or
 - “(b) one of the de facto partners dies.
- “(7) Rules may be made under section 16A of the Family Courts Act 1980 relating to applications under **subsection (3)**.
Compare: 1976 No 166 s 2D”.

Subpart 9—Amendments to Life Insurance Amendment Act 1920

41 Life Insurance Amendment Act 1920 called principal Act in this subpart

In this subpart, the Life Insurance Amendment Act 1920⁹ is called “the principal Act”.

⁹ 1920 No 84

42 Application

The amendments to the principal Act in **section 43** apply only in respect of persons who die on or after the commencement of this subpart.

43 Reversion or vesting of policies assigned to husband or wife

- (1) Section 2 of the principal Act is amended by omitting from the heading the words “**or wife**”, and substituting the words “**, wife, civil union partner, de facto partner**”.
- (2) Section 2(1) of the principal Act is amended by omitting the words “policyholder, being a man, has assigned a policy on his own life to his wife, or, being a woman, has assigned a policy on her own life to her husband, and such wife or husband” and substituting the words “policyholder has assigned a policy on his or her own life to his or her wife or husband, civil union partner, or de facto partner and that wife or husband, civil union partner, or de facto partner”.

- (3) Section 2(1) of the principal Act is amended by inserting, after the words “husband or wife,”, the words “civil union partner, or de facto partner,”.
- (4) Section 2(2) of the principal Act is amended by omitting the words “policyholder, being a man, has assigned a policy on his own life to his wife, or, being a woman, has assigned a policy on her own life to her husband, and such wife or husband” and substituting the words “policyholder has assigned a policy on his or her life to his or her wife or husband, civil union partner, or de facto partner, and that wife or husband, civil union partner, or de facto partner”.

Subpart 10—Amendments to Marriage Act 1955

44 **Marriage Act 1955 called principal Act in this subpart**

In this subpart, the Marriage Act 1955¹⁰ is called “the principal Act”.

¹⁰ 1955 No 92

45 **Interpretation**

Section 2(1) of the principal Act is amended by inserting, after the definition of **Minister**, the following definition:

“**minor** means a person under the age of 18 years”.

46 **Second Schedule amended**

The Second Schedule of the principal Act is amended by adding the following clauses:

- “5 A man may not marry his—
- “(1) Grandmother’s civil union partner
 - “(2) Grandfather’s civil union partner
 - “(3) Mother’s civil union partner
 - “(4) Father’s civil union partner
 - “(5) Son’s civil union partner
 - “(6) Daughter’s civil union partner
 - “(7) Grandson’s civil union partner
 - “(8) Granddaughter’s civil union partner
 - “(9) Civil union partner’s grandmother
 - “(10) Civil union partner’s mother
 - “(11) Civil union partner’s daughter
 - “(12) Civil union partner’s granddaughter.
- “6 A woman may not marry her—
- “(1) Grandmother’s civil union partner

- “(2) Grandfather’s civil union partner
 - “(3) Mother’s civil union partner
 - “(4) Father’s civil union partner
 - “(5) Son’s civil union partner
 - “(6) Daughter’s civil union partner
 - “(7) Granddaughter’s civil union partner
 - “(8) Grandson’s civil union partner
 - “(9) Civil union partner’s grandfather
 - “(10) Civil union partner’s father
 - “(11) Civil union partner’s son
 - “(12) Civil union partner’s grandson.
- “7 In this schedule, the term civil union partner means a former civil union partner whether he or she is alive or deceased, and whether the civil union was terminated by death or dissolution or otherwise.
- “8 In this schedule, the terms stepfather and stepmother include a person who is either—
- “(a) married to the parent of the child; or
 - “(b) in a civil union with the parent of the child.”

Subpart 11—Amendments to Minors’ Contracts Act 1969

47 **Minors’ Contracts Act 1969 called principal Act in this subpart**

In this subpart, the Minors’ Contracts Act 1969¹¹ is called “the principal Act”.

¹¹ 1969 No 41

48 **Interpretation**

- (1) Section 2(1) of the principal Act is amended by inserting, after the definition of “**Court**”, the following definition:

“**minor** means a person who has not attained the age of 18 years; and a person is of **full age** if he or she has attained the age of 18 years”.
- (2) Section 2 of the principal Act is amended by repealing subsection (2).

49 **Married minors**

- (1) The principal Act is amended by repealing section 4.
- (2) Section 66C of the Life Insurance Act 1908 is consequentially amended by repealing subsection (5).

- 50 Contracts of minors of or over the age of 18 years, certain contracts concerning life insurance, and contracts of service**
- (1) Section 5 of the principal Act is amended by omitting the heading and substituting “**Certain contracts concerning life insurance, and contracts of service**”.
 - (2) Section 5 of the principal Act is amended by repealing subsection (1)(a).
- 51 Contracts of minors below the age of 18 years**
- (1) Section 6 of the principal Act is amended by omitting the heading and substituting “**Contracts of minors**”.
 - (2) Section 6 of the principal Act is amended by repealing subsection (1) and substituting the following subsection:
“(1) Subject to the provisions of this section, every contract (other than a contract to which paragraph (b) or paragraph (c) of subsection 5(1) applies) entered into by a minor is unenforceable against the minor but otherwise has effect as if the minor were of full age.”
- 52 Settlement of claims by minors**
- (1) Section 12(5) of the principal Act is amended by omitting the expression “20”, and substituting the expression “18”.
 - (2) Section 12(5) of the principal Act is amended by inserting, after the word “marrying”, the words “or entering into a civil union or a de facto relationship”.
- 53 Agreements relating to trusts**
- Section 16(2) of the principal Act is amended by inserting, after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Subpart 12—Amendments to New Zealand
Superannuation Act 2001

54 New Zealand Superannuation Act 2001 called principal Act

In this subpart, the New Zealand Superannuation Act 2001¹² is called “the principal Act”.

¹² 2001 No 84

55 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 57** comes into force on **1 April 2007**.

56 Amendments to principal Act in Schedule 5

The principal Act is amended in the manner set out in **Schedule 5**.

57 Amendments to principal Act on 1 April 2007 in Schedule 6

The principal Act is amended in the manner set out in **Schedule 6**.

Subpart 13—Amendments to Property (Relationships)
Act 1976

58 Property (Relationships) Act 1976 called principal Act in this subpart

In this subpart, the Property (Relationships) Act 1976¹³ is called “the principal Act”.

¹³ 1976 No 166

59 Amendments to principal Act in Schedule 7

- (1) The provisions of the principal Act specified in **Part 1** of **Schedule 7** are amended by inserting, after the word “spouses” wherever it appears, the words “, civil union partners,”.
- (2) The provisions of the principal Act specified in **Part 2** of **Schedule 7** are amended by inserting, after the word “spouse” wherever it appears, the words “, civil union partner,”.
- (3) The provisions of the principal Act specified in **Part 3** of **Schedule 7** are amended by inserting, after the word “marriage” wherever it appears, the words “, civil union,”.
- (4) The provisions of the principal Act specified in **Part 4** of **Schedule 7** are amended in the manner set out in that Part.

Subpart 14—Amendments to Real Estate Agents
Act 1976

60 Real Estate Agents Act 1976 called principal Act in this subpart

In this subpart, the Real Estate Agents Act 1976¹⁴ is called “the principal Act”.

¹⁴ 1976 No 9

61 Application

- (1) The amendments to section 63 of the principal Act in **section 62** apply only to an agreement to sell or lease any land or business that was entered into on or after the commencement of this subpart.
- (2) **Subsection (1)** applies whether the agreement is conditional or unconditional, and regardless of the date on which, according to the agreement, the purchaser or lessor is to take possession of the land or business.
- (3) The amendment to section 82 of the principal Act in **section 63** applies only in respect of any theft of a kind referred to in section 82(6) that occurred on or after the commencement of this subpart.

62 Purchase or lease by agent voidable

- (1) Section 63(1)(b) of the principal Act is amended by inserting, after the word “spouse”, the words “, civil union partner, de facto partner,”.
- (2) Section 63(2)(b) of the principal Act is amended by inserting, after the word “spouse”, the words “, civil union partner, de facto partner,”.

63 Claims against fund

Section 82(6) of the principal Act is amended by inserting, after the word “spouse”, the words “, civil union partner, or de facto partner”.

Subpart 15—Amendments to Social Security Act 1964

64 Social Security Act 1964 called principal Act in this subpart

In this subpart, the Social Security Act 1964¹⁵ is called “the principal Act”.

¹⁵ 1964 No 136

65 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Sections 67 and 68** come into force on **1 April 2007**.

66 Amendments to principal Act in Schedule 8

The principal Act is amended in the manner set out in **Schedule 8**.

67 Amendments to principal Act on 1 April 2007 in Schedule 9

The principal Act is amended in the manner set out in **Schedule 9**.

68 Transitional provision regarding relationships in the nature of marriage

- (1) For the purposes of sections 21 and 27A to 27H of the principal Act,—
 - (a) a reference to a de facto relationship includes a relationship in the nature of marriage that was entered into at any time before 1 April 2007; and
 - (b) a reference to a spouse includes a person who was a partner in any relationship in the nature of marriage referred to in **paragraph (a)**.
- (2) Any relationship that was, immediately before the commencement of this section, regarded by the chief executive under section 63 of the principal Act (as it was before **section 67** came into force) as a relationship in the nature of marriage is a de facto relationship within the meaning of **section 3B** of the principal Act (as inserted by **section 67**).

Subpart 16—Amendments to Tax Administration Act 1994

69 Tax Administration Act 1994 called principal Act in this subpart

In this subpart, the Tax Administration Act 1994¹⁶ is called “the principal Act”.

¹⁶ 1994 No 166

70 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 71(2)** comes into force on 1 April 2007.

71 Amendments to principal Act in Schedule 10

- (1) The principal Act is amended in the manner set out in **Part 1 of Schedule 10**.
- (2) The principal Act is amended in the manner set out in **Part 2 of Schedule 10**.

Subpart 17—Amendments to Trustee Act 1956

72 Trustee Act 1956 called principal Act in this subpart

In this subpart, the Trustee Act 1956¹⁷ is called “the principal Act”.

¹⁷ 1956 No 61

73 Application

- (1) The amendments made to section 40(2) of the principal Act by **section 74** apply in respect of any accumulated residue referred to in section 40, even if the accumulation was made before the commencement of this subpart.
- (2) The amendments made to section 42(1)(b) of the principal Act by **section 75** apply in respect of any trust coming into operation under section 42, even if the trust came into operation before the commencement of this subpart.

74 Power to apply income for maintenance, etc, and to accumulate surplus income during a minority

- (1) The principal Act is amended by inserting in section 40(2)(a)(i), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.
- (2) The principal Act is amended by omitting from section 40(2)(a)(i) the words “his marriage” and substituting the words “he or she marries or enters into a civil union or a de facto relationship”.
- (3) The principal Act is amended by omitting from section 40(2)(a) the word “marriage” in the second and third places where it appears and substituting in each case the words “marrying or entering into a civil union or a de facto relationship”.

75 Protective trusts

- (1) The principal Act is amended by omitting from section 42(1)(b)(i) the words “or husband”, and substituting the words “, husband, civil union partner, or de facto partner,”.
- (2) The principal Act is amended by inserting in section 42(1)(b)(ii), after the word “husband”, the words “or civil union partner or de facto partner,”.

Subpart 18—Amendments to War Pensions Act 1954

76 War Pensions Act 1954 called principal Act in this subpart

In this subpart, the War Pensions Act 1954¹⁸ is called “the principal Act”.

¹⁸ 1954 No 54

77 Commencement

- (1) Except as provided in **subsection (2)**, this subpart comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) **Section 79** comes into force on **1 April 2007**.

78 Amendments to principal Act in Schedule 11

The principal Act is amended in the manner set out in **Schedule 11**.

79 Amendments to principal Act on 1 April 2007 in Schedule 12

The principal Act is amended in the manner set out in **Schedule 12**.

Subpart 19—Wills Act 1837 (UK)

80 Subpart to be read together with Wills Act 1837 (UK)

- (1) This subpart must, for the purposes of the law of New Zealand, be read together with the Wills Act 1837 of the United Kingdom Parliament.
- (2) In this subpart, the Wills Act 1837¹⁹ is called “the principal Act”.

¹⁹ 1837, 7 Will 4 and 1 Vict, c 26

81 Gifts to an attesting witness, or his or her wife or husband to be void

For the purposes of the law of New Zealand,—

- (a) the heading of section 15 of the principal Act must be read as if, instead of the words “**wife or husband**”, there were the words “**wife, husband, civil union partner, or de facto partner**”; and
- (b) section 15 of the principal Act must be read as if, instead of the words “wife or husband”, wherever they appear, there were the words “wife, husband, civil union partner, or de facto partner”.

82 Creditor attesting a will charging estate with debts to be admitted a witness

For the purposes of the law of New Zealand, section 16 of the principal Act must be read as if, instead of the words “wife or husband”, there were the words “wife, husband, civil union partner, or de facto partner”.

83 Revocation of wills by marriage

For the purposes of the law of New Zealand,—

- (a) the heading of section 18 of the principal Act must be read as if, after the word “**marriage**”, there were the words “**or civil union**”; and
- (b) section 18 of the principal Act must be read as if, after the word “marriage”, there were the words “or civil union”.

84 Modifications of principal Act in relation to wills of privileged persons

Section 7(1) of the Wills Amendment Act 1955 is amended by omitting the words “wife or husband”, and substituting the words “wife, husband, civil union partner, or de facto partner”.

85 Wills in contemplation of marriage

Section 13 of the Wills Amendment Act 1955 is amended by—

- (a) adding to the heading the words “**or civil union**”; and
- (b) inserting in subsection (1), after the word “marriage” in both places where it appears, the words “or civil union”.

86 Wills of minors

- (1) Section 2(1) of the Wills Amendment Act 1969 is amended by omitting the words “his or her marriage”, and substituting the words “he or she marries or enters into a civil union or a de facto relationship”.
- (2) Section 2(2) of the Wills Amendment Act 1969 is amended by inserting, after the word “married”, the words “, in a civil union, or in a de facto relationship”.

87 Effect of divorce, etc, on wills

- (1) Section 2(1), (2)(a), (3)(a), and (3)(b) of the Wills Amendment Act 1977 is amended by inserting, after the word “marriage”, the words “or civil union”.
- (2) Section 2(3)(c) of the Wills Amendment Act 1977 is amended by omitting the words “the nullity of the marriage” and substituting the words “for the dissolution or nullity of the marriage or civil union”.

88 Restriction on operation of section 15 of principal Act

- (1) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouses” the words “, civil union partners, or de facto partners”.
- (2) Section 3(1) of the Wills Amendment Act 1977 is amended by inserting, after the word “spouse”, the words “civil union partner, or de facto partner”.

89 Savings provision

- (1) The principal Act applies to any will made before the date on which this subpart comes into force as if this subpart had not been enacted.
- (2) For the purposes of this section—
 - (a) if a will or any part of a will, is, by any codicil, confirmed or ratified or in any manner revived, it is deemed to have been made at the time when it was first made, and not at the time when it was confirmed or ratified, or revived:
 - (b) if a will or any part of a will is re-executed, it is deemed to have been made at the time when it was re-executed, and not at the time when it was first made.

Subpart 20—Amendments to other Acts

*Local Authorities (Members' Interests) Act 1968***90 Interpretation**

- (1) Section 2(1) of the Local Authorities (Members' Interests) Act 1968 is amended by inserting, after the definition of **local authority**, the following definition:

“**spouse** means husband, wife, civil union partner, or de facto partner”.
- (2) This section comes into force on 16 October 2004.

*Rates Rebate Act 1973***91 Interpretation**

- (1) Section 2(1) of the Rates Rebate Act 1973 is amended by repealing the definition of **child** and substituting the following definition:

“**child** means a person under the age of 18 years who is not married, in a civil union, or in a de facto relationship, other than a person who is—
“(a) aged 16 years or 17 years; and
“(b) financially independent”.
- (2) Section 2(1) of the Rates Rebate Act 1973 is amended by inserting in the definition of **dependant**, after the word “spouse” wherever it appears, the words “, civil union partner, or de facto partner”.

- (3) Section 2(1) of the Rates Rebate Act 1973 is amended by omitting from paragraph (b) of the definition of **dependant**, the words “or adoption”, and substituting the words “by or through a civil union or de facto relationship, or by adoption”.
- (4) Section 2(1) of the Rates Rebate Act 1973 is amended by repealing the definition of **spouse** and substituting the following definition:
- “**spouse**, in relation to any ratepayer, means the wife, husband, civil union partner, or de facto partner of the ratepayer, being a wife, husband, civil union partner, or de facto partner who, at the commencement of the rating year in respect of which an application for a rebate under this Act is made, ordinarily resides on the property in respect of which the rates are payable”.
- (5) This section comes into force on 1 July 2006.

Other Acts amended

92 Other Acts amended in Schedule 13

The Acts specified in **Schedule 13** are amended in the manner set out in that schedule.

Part 2

Amendments to regulations

Property (Relationships) Forms Regulations 2001

93 Interpretation

Regulation 3 of the Property (Relationships) Forms Regulations 2001 (SR 2001/379) is amended by inserting in the definition of **option B**, after the word “spouse” wherever it appears, the words “, civil union partner,”.

94 Form of notice of choice of option A or option B by surviving spouse or de facto partner

Regulation 5 of the Property (Relationships) Forms Regulations 2001 and the heading to regulation 5 is amended by inserting, after the word “spouse”, the words “, civil union partner,”.

95 Forms

The Property (Relationships) Forms Regulations 2001 are amended by revoking Schedules 1 and 2 and substituting the schedules set out in **Schedule 14**.

Other regulations amended

96 Other regulations amended in Schedule 15

The regulations specified in **Schedule 15** are amended in the manner set out in that schedule.

Schedule 1 Amendments to Child Support Act 1991

Part 1

Amendments to come into force on date to be appointed by
Governor-General by Order in Council

Section 2

Omit the definition of **married person**.

Section 5

In paragraph (b), replace “a married person” with “living with another person in a marriage, civil union or de facto relationship”.

Section 8

In subsection (2)(b), replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

Section 10

Replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

Section 25

Replace subsection (1)(a)(iii) with the following:

“(iii) enters a marriage, civil union or de facto relationship; or”.

In subsection (1)(d)(ii), replace “as the legal spouse of that person or in a relationship in the nature of marriage” with “in a marriage, civil union or de facto relationship”.

Section 30

Replace subsection (2)(a) with the following:

“(a) is not living with another person in a marriage, civil union or de facto relationship; and”.

Replace subsection (3)(a) with the following:

“(a) is living with another person in a marriage, civil union or de facto relationship; and”.

In subsection (5), replace paragraph (f) of the definition of **dependent child** with the following:

“(f) who is not living with another person in a marriage, civil union or de facto relationship”.

Section 47

In subsection (3)(a), insert “or civil union partners” after “wife”.

Part 1—*continued***Section 47**—continued

In subsection (3)(b), replace “marriage that has been dissolved” with “marriage, civil union or de facto relationship that has ended”.
In subsection (3)(c), replace “married to” with “in a marriage or civil union with”.

Section 95

In the heading, replace “**child**” with “**financial**”.

Section 99

In subsection (4)(d), replace “married to a parent of the child” with “living with a parent of the child in a marriage, civil union or de facto relationship”.

Section 113

In subsection (3), replace “the rights of the spouse concerned” with “the rights of the party concerned”.

Section 119

In subsection (2) in the words before paragraph (a), replace “any spouse” with “spousal maintenance”.

In subsection (2)(a), replace “spouse who is the payee” with “person who is the payee”.

In subsection (2)(b), replace “spouse who is the liable person” with “person who is the liable person”.

Section 124

In subsection (4)(b), replace “marriage counselling” with “relationship counselling”.

Section 230

In subsection (1), insert “civil union,” after “death,”.

Part 2

Amendments to come into force on 1 April 2007

Section 2

After the definition of **Commissioner**, insert the following:

“**de facto relationship** has the same meaning as in **section 3B of the Social Security Act 1964**”.

s 22

Schedule 2 Amendments to Estate and Gift Duties Act 1968

Part 1

Amendments to come into force on date to be appointed by
Governor-General by Order in Council

Section 2

In subsection (3)(b)—

- (a) replace “marriage” with “marriage or civil union”;
- (b) replace “married to the other or to” with “in a marriage or civil union with the other or with”.

Section 65

In subsection (2)(a), replace “marriage” with “marriage or civil union”.

In subsection (2)(b), replace “marriage” with “marriage or civil union”.

Section 68D

In subsection (1)(b), replace “marriage” with “marriage or civil union,”.

In subsection (3)(a), replace “marriage” with “marriage or civil union,”.

Section 72

After “wife, husband,” insert “civil union partner,”.

Section 74

In paragraph (a), insert “, civil union partner,” after “spouse”.

In paragraph (b), insert “or civil union partner” after “spouse”.

Section 75

In subsection (1)(b)(ii), insert “or civil union partner” after “spouse”.

In subsection (1)(b)(iii), insert “or civil union partner” after “spouse”.

In subsection (1)(c)—

- (a) in the words before subparagraph (i), insert “or the surviving civil union partner” after “widower”;
- (b) in subparagraph (ii)—
 - (i) insert “or the surviving civil union partner” after “widower” in both places that it occurs;
 - (ii) insert “or civil union partner” after “spouse”;
- (c) in subparagraph (iii)—

Part 1—*continued***Section 75**—continued

- (i) insert “or surviving civil union partner” after “widower”:
- (ii) insert “or civil union partner” after “spouse”.

Section 75A

In subsection (1), after the definition of **agreement**, insert the following:

“**child of the civil union** has the meaning given to it by section 2 of the Property (Relationships) Act 1976”.

In subsection (5)—

- (a) insert “, civil union partner” after “spouse” in both places that it occurs:
- (b) replace “de facto relationship” by “civil union or de facto relationship”.

Part 2

Amendments to come into force on 1 April 2007

Section 2

In subsection (3)(b), replace “or civil union”, in both places that it occurs, with “, civil union or de facto relationship”.

Section 65

In subsection (2)(a), replace “marriage or civil union” with “marriage, civil union or de facto relationship”.

In subsection (2)(b), replace “marriage or civil union” with “marriage, civil union or de facto relationship”.

Section 68D

In subsection (1)(b), replace “marriage or civil union” with “marriage, civil union or de facto relationship”.

In subsection (3)(a), replace “marriage or civil union” with “marriage, civil union or de facto relationship”.

Section 72

Insert “de facto partner,” after “civil union partner,”.

Section 74

In paragraph (a), insert “de facto partner,” after “civil union partner,”.

In paragraph (b), replace “or civil union partner” with “, civil union partner or de facto partner”.

Part 2—*continued***Section 75**

In subsection (1)(b)(ii), replace “or civil union partner” with “, civil union partner or de facto partner”.

In subsection (1)(b)(iii), replace “or civil union partner” with “, civil union partner or de facto partner”.

In subsection (1)(c)—

- (a) in the words before subparagraph (i), insert “or de facto partner” after “civil union partner”:
 - (b) in subparagraph (ii), insert “or de facto partner” after “civil union partner” in both places that it occurs:
 - (c) in subparagraph (iii), insert “or de facto partner” after “civil union partner”.
-

Schedule 3 s 25
Amendments to Goods and Services Tax Act 1985

Part 1

Amendments to come into force on date to be appointed by
Governor-General by Order in Council

Section 2A

Replace subsection (1)(c) with the following:

- “(c) two persons who are—
 - “(i) connected by blood relationship:
 - “(ii) connected by marriage, civil union or de facto relationship:
 - “(iii) connected by adoption:
 - “(iv) trustee of a trust and a beneficiary who has benefited, or is eligible to benefit, from the trust:”.

Omit subsection (5).

In subsection (6)—

- (a) replace the words before paragraph (a) with “For the purpose of subsection (1)(c)—”:
- (b) replace paragraph (b) with the following:
 - “(b) persons are connected by marriage, civil union or de facto relationship if—
 - “(i) one is in a marriage or civil union with the other:
 - “(ii) one is in a marriage or civil union with a person who is connected by blood relationship to the other:
 - “(iii) one is in a de facto relationship, between a man and a woman, with the other:”.

Section 3

In the definition of **life insurance contract** in subsection (2), replace “marriage” with “marriage or civil union,”.

Part 2

Amendments to come into force on 1 April 2007

Section 2A

Replace **subsection (6)(b)** with the following:

- “(b) persons are connected by marriage, civil union or de facto relationship if one is in a marriage, civil union or

Part 2—*continued***Section 2A**—continued

de facto relationship with the other or with a person who is connected by blood relationship to the other.”.

Section 3

In the definition of **life insurance contract** in subsection (2), replace “marriage or civil union,” with “marriage, civil union or de facto relationship,”.

Schedule 4 Amendments to Income Tax Act 2004

s 37

Part 1

Amendments to come into force on date to be appointed by
Governor-General by Order in Council

Section CB 19

In subsection (1)(b), replace “spouse” with “spouse or civil union partner”.

Section CB 20

In subsection (1)(a), replace “spouse”, in both places that it occurs, with “spouse or civil union partner”.

Section CD 5

In subsection (1)(a)(iii), replace “spouse” with “spouse or civil union partner”.

Section CD 14

In paragraph (b) of the definition of **counted associate** in subsection (9), replace “spouse”, in both places that it occurs, with “spouse, civil union partner”.

Section CD 19

In subsection (1)(b), replace “spouse” with “spouse or civil union partner”.

Section CD 33

In subsection (16)(a), replace “spouse” with “spouse or civil union partner”.

In subsection (16)(c), replace “spouse” with “spouse or civil union partner”.

In subsection (16)(d), replace “spouse” with “spouse or civil union partner”.

In subsection (16)(d), replace “their spouse’s child” with “a child of their spouse or civil union partner”.

Section CE 3

In the heading to subsection (4), replace “*matrimonial agreements*” with “*relationship agreements*”.

In subsection (4), replace “matrimonial agreement” with “relationship agreement”.

Section CE 5

In subsection (2), replace “spouse” with “spouse or civil union partner”.

Part 1—*continued***Section CE 5**—continued

In subsection (3)(f), in the words before subparagraph (i), replace “spouse” with “spouse or civil union partner”.

In subsection (3)(f)(ii), replace “spouse”, in both places that it occurs, with “spouse or civil union partner”.

In subsection (3)(g), replace “spouse” with “spouse or civil union partner”.

In subsection (3)(h), replace “spouse” with “spouse or civil union partner”.

In subsection (3)(i), replace “spouse” with “spouse or civil union partner”.

Section CF 1

In the definition of **pension** in subsection (2), replace “spouse”, in each place that it occurs, with “spouse or civil union partner”.

Section CS 4

Replace **section CS 4** with the following:

“CS 4 Exclusion of withdrawal to settle division of relationship property

Section CS 1 does not apply to a withdrawal to the extent that the withdrawal is necessary to settle the division of relationship property under the Property (Relationships) Act 1976 upon the ending of a marriage, civil union or de facto relationship for the purpose of whichever is applicable of sections 2A(2), **2AB(2)** and 2D(4) of that Act.”

Section CW 26

In paragraph (b), replace “spouse or former spouse” with “spouse, civil union partner, former spouse or former civil union partner”.

Section CW 38

In paragraph (a)(ii), replace “spouses” with “spouses, civil union partners”.

In paragraph (a)(iii), replace “spouses” with “spouses and civil union partners”.

Section CX 15

In subsection (3), replace “spouse” with “spouse or civil union partner”.

In subsection (4), in the words before paragraph (a), replace “spouse” with “spouse or civil union partner”.

In subsection (5)(a), replace “spouse” with “spouse or civil union partner”.

Part 1—*continued***Section CX 15**—*continued*

In subsection (5)(b)(i), replace “spouse” with “spouse or civil union partner”.

In subsection (6)(a), replace “spouse” with “spouse or civil union partner”.

In subsection (6)(b), replace “spouse” with “spouse or civil union partner”.

Section CZ 6

In subsection (2), replace “matrimonial agreement” with “relationship agreement”.

Section DB 34

In subsection (1)—

- (a) in the words before paragraph (a), replace “spouse” with “spouse or civil union partner”:
- (b) in paragraph (a), replace “spouse” with “spouse or civil union partner”.

Section DC 2

In subsection (1)(d)—

- (a) replace “spouse”, in each place that it occurs, with “spouse or civil union partner”:
- (b) replace “remarries” with “enters a new marriage or civil union”.

In subsection (2), replace “spouse” with “spouse or civil union partner”.

In subsection (3)(f)—

- (a) replace “spouse”, in each place that it occurs, with “spouse or civil union partner”:
- (b) replace “remarries” with “enters a new marriage or civil union”.

In subsection (4), replace “spouse” with “spouse or civil union partner”.

Section DC 3

In subsection (3), in the words before paragraph (a), replace “spouse” with “spouse or civil union partner”.

In subsection (3)(c)—

- (a) replace “spouse”, in each place that it occurs, with “spouse or civil union partner”:
- (b) replace “remarries” with “enters a new marriage or civil union”.

Part 1—*continued***Section DZ 1**

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

Section EE 34

In subsection (4)(c), replace “matrimonial agreement” with “relationship agreement”.

Section EE 38

In subsection (2)(b), replace “matrimonial agreement” with “relationship agreement”.

In subsection (3)(b), replace “matrimonial agreement” with “relationship agreement”.

In subsection (7)(b), replace “matrimonial agreement” with “relationship agreement”.

Section EW 10

In the heading to subsection (5), replace “*matrimonial agreement*” with “*relationship agreement*”.

In subsection (5)(c), replace “matrimonial agreement” with “relationship agreement”.

In the heading to subsection (6), replace “*matrimonial agreement*” with “*relationship agreement*”.

In subsection (6)(c), replace “matrimonial agreement” with “relationship agreement”.

Section EZ 11

In subsection (2)(a), replace “matrimonial agreement” with “relationship agreement”.

Section EZ 20

In subsection (1)(b), replace “matrimonial agreement” with “relationship agreement”.

Section EZ 42

In paragraph (c), replace “matrimonial agreement” with “relationship agreement”.

Section FB 4

In subsection (2), replace “matrimonial agreement” with “relationship agreement”.

Section FC 5

In subsection (1)(b)(ii), replace “matrimonial agreement” with “relationship agreement”.

Part 1—*continued***Section FC 5**—continued

In subsection (3)(b), replace “matrimonial agreement” with “relationship agreement”.

Subpart FF

In the heading, replace “**Matrimonial transfers**” with “**Transfers under relationship agreements**”.

Section FF 1

In subsection (2), replace “spouse”, in both places that it occurs, with “spouse or civil union partner”.

In subsection (2), replace “matrimonial agreement” with “relationship agreement”.

Section FF 2

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 3

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 4

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 5

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 6

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

Section FF 7

In the heading, replace “**matrimonial agreement**” with “**relationship agreement**”.

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

In subsection (3), replace “matrimonial agreement” with “relationship agreement”.

Section FF 8

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 9

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 10

In subsection (1)(a)(i), replace “matrimonial agreement” with “relationship agreement”.

Part 1—*continued***Section FF 10**—continued

In subsection (1)(b), replace “matrimonial agreement” with “relationship agreement”.

In subsection (2)(a), replace “matrimonial agreement” with “relationship agreement”.

Section FF 11

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 12

Replace “matrimonial agreement” with “relationship agreement”.

Section FF 13

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

In subsection (3), replace “matrimonial agreement” with “relationship agreement”.

Section FF 14

In paragraph (c), replace “matrimonial agreement” with “relationship agreement”.

Section FF 15

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

Section FF 16

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

Section FF 18

In subsection (1), replace “matrimonial agreement” with “relationship agreement”.

In subsection (2), replace “matrimonial agreement” with “relationship agreement”.

Section FF 19

Replace “matrimonial agreement” with “relationship agreement”.

Section GD 1

In subsection (4), replace “matrimonial agreement” with “relationship agreement”.

Section GD 4

In the heading, replace “spouse” with “spouse or civil union partner”.

In the section, replace “spouse”, in both places that it occurs, with “spouse or civil union partner”.

Part 1—*continued***Section HH 3F**

In subsection (3), replace “marriage” with “marriage or other partnership”.

Replace subsection (4)(b) with the following:

- “(b) persons are connected by marriage or other partnership if—
 - “(i) 1 person is in a marriage or civil union with the other or with a person who is connected by blood relationship, adoption or guardianship to the other:
 - “(ii) 1 person is in a de facto relationship, between a man and a woman, with the other or with a person who is connected by blood relationship, adoption or guardianship to the other.”.

Section KC 4

In subsection (2)—

- (a) in the definition of **communal home**, replace “spouse” with “spouse or civil union partner”:
- (b) in paragraph (a) of the definition of **housekeeper**, in the words before subparagraph (i), replace “a divorced person, an unmarried person,” with “a surviving civil union partner, a divorced person, a person whose civil union has been dissolved, a person who is not in a marriage or civil union,”:
- (c) in paragraph (b) of the definition of **housekeeper**—
 - (i) replace “a married person (other than a separated person),” with “living with the taxpayer’s spouse or civil union partner”:
 - (ii) replace “spouse” with “spouse or civil union partner”:
- (d) in paragraph (c) of the definition of **housekeeper**—
 - (i) replace “a married person (other than a separated person)” with “living with the taxpayer’s spouse or civil union partner”:
 - (ii) replace “spouse” with “spouse or civil union partner”:
 - (iii) replace “spouses” with “spouses or civil union partners”:
- (e) in the definition of **separated person**—

Part 1—*continued***Section KC 4**—continued

- (i) replace “a married person” with “a person in a marriage or civil union”:
- (ii) replace “spouse” with “spouse or civil union partner”.

Section LD 1

In subsection (2A)(a), replace “spouse” with “spouse or civil union partner”.

Section OB 1

In paragraph (b) of the definition of **child**, replace “an unmarried person who” with “a person who is not in a marriage, civil union, or de facto relationship between a man and a woman, and who”.

In the definition of **date of transfer**—

- (a) replace “(Matrimonial transfers)” with “(Transfers under relationship agreements)”:
- (b) replace “matrimonial agreement” with “relationship agreement”.

In the definition of **income year of transfer**, replace “matrimonial agreement” with “relationship agreement”.

Omit the definition of **matrimonial agreement**.

After the definition of **related person**, insert the following:

“**relationship agreement**, for a person, means—

- “(a) an agreement for the purpose of Part 6 of the Property (Relationships) Act 1976 that is made on or after 28 July 1983 by the person with another person:
- “(b) an order under section 25 of the Property (Relationships) Act 1976 that is made by a court on or after 28 July 1983 in relation to the person and another person”.

In the definition of **relative**—

- (a) in paragraph (a)(i), replace “other; or” with “other:”:
- (b) replace paragraph (a)(ii) with the following:
 - “(ii) marriage or other partnership, that is, one is in a marriage or civil union with the other or with a person who is connected by blood relationship to the other:”:
- (c) in paragraph (c)(i), replace “other; or” with “other:”:
- (d) replace paragraph (c)(ii) with the following:
 - “(ii) marriage or other partnership, that is, one is in a marriage or civil union with the other or with a person who is connected by blood relationship to the other:”.

Part 1—*continued***Section OB 1**—*continued*

In paragraph (b)(v) of the definition of **salary or wages**, replace “wife or husband” with “wife, husband, civil union partner”.

In the definition of **spouse**—

- (a) in the words before paragraph (a), insert “**eligible period**,” after “definitions of”:
- (b) replace paragraph (a) with the following:
 - “(a) includes a person who has entered into—
 - “(i) a civil union:
 - “(ii) a de facto relationship between a man and a woman; and”.

In paragraph (b) of the definition of **transferee**—

- (a) replace “(Matrimonial transfers)” with “(Transfers under relationship agreements)”:
- (b) replace “matrimonial agreement” with “relationship agreement”.

In paragraph (c) of the definition of **transferor**—

- (a) replace “(Matrimonial transfers)” with “(Transfers under relationship agreements)”:
- (b) replace “matrimonial agreement” with “relationship agreement”.

In the definition of **type**, replace “(Matrimonial transfers)” with “(Transfers under relationship agreements)”.

Section OB 3

In subsection (3)(b), replace “marriage” with “marriage or civil union”.

In subsection (3)(c), replace “marriage dissolution” with “dissolution of marriage or civil union”.

Section OD 8

In subsection (4)(b)(ii), replace “spouse” with “spouse or civil union partner”.

In subsection (4)(b)(iv), replace “person or spouse” with “person, spouse, civil union partner”.

In subsection (4)(c), replace “spouse”, in both places that it occurs, with “spouse, civil union partner”.

Part 2

Amendments to come into force on 1 April 2007

Section CB 19

In subsection (1)(b), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section CB 20

In subsection (1)(a), replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”.

Section CD 5

In subsection (1)(a)(iii), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section CD 14

In paragraph (b) of the definition of **counted associate** in subsection (9), replace “spouse, civil union partner”, in both places that it occurs, with “spouse, civil union partner, de facto partner”.

Section CD 19

In subsection (1)(b), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section CD 33

In subsection (16)(a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (16)(c), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (16)(d), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (16)(d), replace “a child of their spouse or civil union partner” with “a child of their spouse, civil union partner or de facto partner”.

Section CE 5

In subsection (2), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (3)(f), in the words before subparagraph (i), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (3)(f)(ii), replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”.

In subsection (3)(g), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (3)(h), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Part 2—*continued***Section CE 5**—continued

In subsection (3)(i), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section CF 1

In the definition of **pension** in subsection (2), replace “spouse or civil union partner”, in each place that it occurs, with “spouse, civil union partner or de facto partner”.

Section CW 26

In paragraph (b), replace “spouse, civil union partner, former spouse or former civil union partner” with “spouse, civil union partner, de facto partner, former spouse, former civil union partner or former de facto partner”.

Section CW 38

In paragraph (a)(ii), replace “spouses, civil union partners” with “spouses, civil union partners, de facto partners”.

In paragraph (a)(iii), replace “spouses and civil union partners” with “spouses, civil union partners and de facto partners”.

Section CX 15

In subsection (3), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (4), in the words before paragraph (a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (5)(a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (5)(b)(i), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (6)(a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (6)(b), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section DB 34

In subsection (1)—

- (a) in the words before paragraph (a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”:
- (b) in paragraph (a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section DC 2

In subsection (1)(d)—

Part 2—*continued***Section DC 2**—continued

- (a) replace “spouse or civil union partner”, in each place that it occurs, with “spouse, civil union partner or de facto partner”:
- (b) replace “enters a new marriage or civil union” with “enters a new marriage, civil union or de facto relationship”.

In subsection (2), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (3)(f)—

- (a) replace “spouse or civil union partner”, in each place that it occurs, with “spouse, civil union partner or de facto partner”:
- (b) replace “enters a new marriage or civil union” with “enters a new marriage, civil union or de facto relationship”.

In subsection (4), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section DC 3

In subsection (3), in the words before paragraph (a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (3)(c)—

- (a) replace “spouse or civil union partner”, in each place that it occurs, with “spouse, civil union partner or de facto partner”:
- (b) replace “enters a new marriage or civil union” with “enters a new marriage, civil union or de facto relationship.”

Section FF 1

In subsection (2), replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”.

Section GD 4

In the heading, replace “**spouse or civil union partner**” with “**spouse, civil union partner or de facto partner**”.

In the section, replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”.

Section HH 3F

Replace **subsection (4)(b)** with the following:

- “(b) persons are connected by marriage or other partnership if 1 person is in a marriage, civil union or de facto relationship with the other or with a person who is

Part 2—*continued***Section HH 3F**—continued

connected by blood relationship, adoption or guardianship to the other.”.

Section KC 4

In subsection (2)—

- (a) in the definition of **communal home**, replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”:
- (b) in paragraph (a) of the definition of **housekeeper**, in the words before subparagraph (i), replace “a surviving civil union partner, a divorced person, a person whose civil union has been dissolved, a person who is not in a marriage or civil union,” with “a surviving civil union partner, a surviving de facto partner, a divorced person, a person whose civil union has been dissolved, a person who is not in a marriage, civil union or de facto relationship,”:
- (c) in paragraph (b) of the definition of **housekeeper**, replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”:
- (d) in paragraph (c) of the definition of **housekeeper**—
 - (i) replace “spouse or civil union partner”, in both places that it occurs, with “spouse, civil union partner or de facto partner”:
 - (ii) replace “spouses or civil union partners” with “spouses, civil union partners or de facto partners”:
- (e) in the definition of **separated person**—
 - (i) replace “a marriage or civil union” with “a marriage, civil union or de facto relationship”:
 - (ii) replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section LD 1

In subsection (2A)(a), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

Section OB 1

In paragraph (b) of the definition of **child**, omit “between a man and a woman”.

In the definition of **relative**—

- (a) in paragraph (a)(ii), replace “marriage or civil union” with “marriage, civil union or de facto relationship”:

Part 2—*continued***Section OB 1**—continued

- (b) in paragraph (c)(ii), replace “marriage or civil union” with “marriage, civil union or de facto relationship”:

In paragraph (b)(v) of the definition of **salary or wages**, replace “wife, husband, civil union partner” with “wife, husband, civil union partner, de facto partner”.

In the definition of **spouse**, replace paragraph (a)(ii) with the following:

- “(ii) a de facto relationship as defined in **section 3B of the Social Security Act 1964**; and”.

Section OB 3

In subsection (3)(b), replace “marriage or civil union” with “marriage, civil union or de facto relationship”.

In subsection (3)(c), replace “dissolution of marriage or civil union” with “ending of a marriage, civil union or de facto relationship”.

Section OD 8

In subsection (4)(b)(ii), replace “spouse or civil union partner” with “spouse, civil union partner or de facto partner”.

In subsection (4)(b)(iv), replace “civil union partner” with “civil union partner, de facto partner”.

In subsection (4)(c), replace “civil union partner”, in both places that it occurs, with “civil union partner, de facto partner”.

Schedule 5

s 56

Amendments to New Zealand Superannuation Act 2001 to come into force on date to be appointed by Governor-General by Order in Council**Section 12**

Omit from subsection (2) the words “married person” and substitute the words “person who is married or in a civil union and”.

Omit from subsection (3)(a) and (b) the word “married”.

Section 13(1)

Omit the word “unmarried”, and substitute the word “single”.

Section 16

Omit the words “married couple” wherever they appear, and substitute in each case the words “couple who are married or in a civil union”.

Section 17(2)

Omit the word “unmarried” wherever it appears, and substitute in each case the word “single”.

Section 19

Omit from subsection (2) the words “married person with no dependent children and an unmarried” and substitute the words “person who is married or in a civil union and who has no dependent children and a single”.

Repeal subsection (7) and substitute:

“(7) If, after 13 weeks’ hospitalisation, the New Zealand superannuation of a person who is married or in a civil union is reduced under subsection (4) or subsection (5), and that person’s spouse is either not in hospital or has been in hospital for less than 13 weeks, any New Zealand superannuation payable to or for the spouse must be increased, on the same date as the effective date of that reduction, by an amount equal to the difference between—

“(a) the maximum rate of New Zealand superannuation payable to a single person; and

“(b) the maximum rate of New Zealand superannuation payable to a person who is married or in a civil union and whose spouse is receiving New Zealand superannuation.”

Omit from subsection (9) the words “an unmarried person or a married couple” and substitute the words “a single person or a couple who are married or in a civil union”.

Section 26

Omit from subsection (2) the words “married person”, in the first place where they appear, and substitute the words “person who is married or in a civil union and”.

Omit from subsection (2) the words “married person”, in the second place where they appear, and substitute the words “person who is married or in a civil union”.

Section 32(2)(b)

Omit the words “married person” and substitute the words “person who is married or in a civil union”.

Schedule 1

Omit from clause 1(a) and (b) the words “an unmarried” and substitute in each case the words “a single”.

Omit from clause 1(c) the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from clause 2 the words “married person” in the first place where they appear and substitute the words “person who is married or in a civil union and”.

Omit from clause 2(a) the words “married person” and substitute the words “person who is married or in a civil union and”.

Omit from clause 2(b) the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from clause 3 the words “married person with no dependent children, or an unmarried” and substitute the words “person who is married or in a civil union and who has no dependent children, or a single”.

Schedule 6 s 57
**Amendments to New Zealand Superannuation Act
2001 to come into force on 1 April 2007**

Section 12(2)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 16(a)

Insert, after the word “union” wherever it appears, the words “or in a de facto relationship”.

Section 19

Insert in subsection (2), after the word “union”, the words “ or in a de facto relationship”.

Insert in subsection (7), after the word “union” in both places where it appears, the words “or in a de facto relationship”.

Insert in subsection (9), after the word “union”, the words “or in a de facto relationship”.

Section 26(2)

Insert, after the word “union” in both places where it appears, the words “or in a de facto relationship”.

Section 32(2)(b)

Insert, after the word “union”, the words “or in a de facto relationship”.

Schedule 1

Insert in clauses 1(c), 2, and 3, after the word “union” wherever it appears, the words “or in a de facto relationship”.

Schedule 7

Amendments to Property (Relationships) Act 1976

Part 1

Insertion of “civil union partners” after “spouses”

Sections 1H, 1I, 1J, 1M(c), and 1N(c). The definitions of **family chattels** and **family home** in section 2.

Sections 2F(2), 2H(2)(a), (b), and (3), 4(1) and (4), 7(2), and 7A(1) and (2)(a), and the heading to section 7A.

Sections 8, 9(5), and 10(3).

Section 10A and the heading to section 10A. Sections 10B(1)(a) and (2), 10C, and 10D(1).

Sections 11(1), 11B(1), 15A(1), and 16(2)(c) and (3). The heading to section 18 and the heading to section 18A. Sections 18B(1) and (3) and 18C(3).

The definition of **relationship debt** in section 20(1). Sections 20B(2)(a) and (3)(a)(ii), 20C(2)(b)(i), and 20D.

Section 21(2) and the heading to section 21. The heading to section 21A. Sections 21B(1)(a) and (2), 21D(1)(c), and 21N(2) and (3).

Sections 23(1)(b) and (3), 24(4), 25(1)(a)(ii), 27(5), 28(7), 28A(3), 29, 33(3), 37(2), 39(6), 44B(1), 44C(1), 44D(1), 44E(1), 44F(1), and 47(1) and (3).

Section 59(3)(b). The heading above section 60. Sections 60(1)(a) and (7), 61(1), 79(1), 80(2), 86, 87(1)(a), 91(1), and 94(1)(a).

Part 2

Insertion of “civil union partner” after “spouse”

Sections 1H(b) and 1K. The definitions of **life insurance policy** and **superannuation scheme entitlement** in section 2.

Sections 4(1)(b)(ii), 4B(1), 8(1), 9(1), (4), (5), and (6), 9A(2) and (3), and 10(1)(a), (2), and (3).

The heading to section 10B. Sections 10C(c) and 10D(3).

Sections 11A(1), 11B(2), 12, 13(1), 15(1) and (2), and 15A(1) and (2)(a), and the heading to section 15A.

Section 16(1), (2), and (3), and the heading to section 16.

Part 2—*continued*

Sections 17(1), 17A(1), 18(1), 18A(1) and (2), 18B(2), and 18C(2). Sections 19, 20A(1) and (2), 20B(1), (2), and (3), and 20C, and the heading to section 20C. Section 20E(1).

Section 21B(1), (2), and (3), and the heading to section 21B. Section 21C(1) and the heading to section 21C. Sections 21D(1)(b) and (c), 21J(5), and 21N(1).

Sections 23(1)(a) and (2), 25(1)(a)(i) and (2), 26(2), 26A(1), 27, 28(1) and (1A), 28C(1) and (2), 29, 30, 31(1), 32, 33(3) and (4), 35(1), 44B(1), 44C(2) and (3)(a), 44D(1)(b), 44E(1), 44F(2), 46, 47(1) and (4), and 53(2A)(ba).

The heading to Part 8. Sections 56 and 57. The heading above section 58. Sections 58, 59, and 60(1), (2) and (6), and the heading to section 60. The heading above section 61. Section 61 and the heading to section 61. Sections 62 and 63(a), and the heading to section 63. Sections 65(1), 66, 67(1), 68(1), 69(1) and (2), 70, 71, 72(1), 73(1), 74(1), 75, 76, and 77, and the heading to section 77.

Section 78 and the heading to section 78.

The heading above section 79. Sections 79(1), 80(2)(b), and 81(1), and the heading to section 81. Section 82(1) and the heading to section 82. Sections 83, 84, 86, and 87(2) and (3), and the heading to section 87. Sections 88, 90(1) and (4), 91(2) and (3), 92, 93, and 94(1), (2), and (6), and the heading to section 94. Section 95.

Part 3

Insertion of “civil union” after “marriage”

Sections 1G(c) and 1N(c). The definitions of **life insurance policy** and **superannuation scheme entitlement** in section 2.

Sections 2H(2)(b), 7A(2)(a), 8(1), 15(1), 15A(1)(a), 16(1)(a) and (2), 18(1)(c), 18A(2)(a), 18B(1) and (2), 21(1), 21D(1)(b), 51(2), 79(1), 80(2), and 86(2).

Part 4

Other amendments to Property (Relationships) Act 1976

Section 1C

Insert in subsection (1), after the words “married couples”, the words “and civil union couples”.

Insert in subsection (2), after the word “wife”, the words “or the civil union between the civil union partners”.

Part 4—*continued***Section 1C**—continued

Insert in subsection (2)(a), after the word “marriages” in both places where it appears, the words “and civil unions”.

Section 1G

Insert, after the word “wife”, the words “or civil union partners”.

Insert in paragraph (b), after the word “spouses”, the words “or civil union partners”.

Insert in paragraph (c), after the word “spouses”, the words “, or civil union partners,”.

Insert in paragraph (d), after the word “marriage”, the words “, or of the partners to the civil union”.

Section 1K

Insert, after the word “wife”, the words “, civil union partners,”.

Section 1M

Insert in paragraph (a), after the words “married couples”, the words “and civil union couples,”.

Insert in paragraph (b), after the words “marriage partnership,”, the words “of civil union partners to the civil union,”.

Insert in paragraph (c), after the words “children of the marriage”, the words “or children of the civil union”.

Section 1N(b)

Insert, after the words “marriage partnership,”, the words “civil union,”.

Section 2

Insert, after the definition of **administration**:

“child of the civil union—

“(a) means any child of both civil union partners; and

“(b) includes any other child (whether or not a child of either civil union partner) who was a member of the family of the civil union partners—

“(i) at the time when they ceased to live together; or

“(ii) at the time immediately before an application under this Act, if at that time they had not ceased to live together; or

“(iii) at the date of the death of 1 of the civil union partners”.

Insert in paragraph (c) of the definition of **child of the marriage**, after the word “relationship” in both places where it appears, the words “or civil union”.

Part 4—*continued***Section 2**—continued

Repeal the definition of **voluntary agreement** and substitute:

“**voluntary agreement** means a written agreement—

- “(a) made between spouses, civil union partners, or de facto partners who are parties to proceedings; and
- “(b) providing for 1 spouse, civil union partner, or de facto partner to pay sums of money to the other spouse, civil union partner, or de facto partner for the maintenance of—
 - “(i) the other spouse, civil union partner, or de facto partner:
 - “(ii) a child of the marriage or child of the civil union partnership or child of the de facto relationship.”

New section 2AB

Insert, after section 2A:

“2AB Meaning of civil union

- “(1) In this Act, **civil union** includes a civil union that—
 - “(a) is void; or
 - “(b) is ended while both civil union partners are alive by a legal process that occurs within New Zealand; or
 - “(c) is ended by the death of 1 of the civil union partners, whether within or outside New Zealand.
- “(2) For the purposes of this Act, the civil union of 2 civil union partners ends if—
 - “(a) they cease to live together as civil union partners; or
 - “(b) their civil union is dissolved; or
 - “(c) 1 of them dies.”

New section 2BA

Insert, after section 2B:

“2BA Immediately preceding marriage or civil union

For the purposes of this Act,—

- “(a) if a marriage was immediately preceded by a civil union between the husband and the wife, the civil union must be treated as if it were part of the marriage; and
- “(b) if a civil union was immediately preceded by a marriage between the civil union partners, the marriage must be treated as if it were part of the civil union.”

Part 4—*continued***Section 2D(1)(c)**

Insert, after the words “married to”, the words “, or in a civil union with,”.

Section 2E

Insert, after subsection (1)(a):

“(ab) in relation to a civil union, a civil union in which the civil union partners have lived together as civil union partners—

“(i) for a period of less than 3 years; or

“(ii) for a period of 3 years or longer, if the Court, having regard to all the circumstances of the civil union, considers it just to treat the civil union as a relationship of short duration:”.

Insert in subsection (2), after the expression “(a)(i)”, the expression “, (ab)(i),”.

Insert in subsection (2), after the word “wife”, the words “, civil union partners,”.

Section 2F(1)

Repeal and substitute:

“(1) For the purposes of this Act, the share of a spouse, civil union partner, or de facto partner in the relationship property is to be determined as at the following date:

“(a) if the spouses’ marriage, the civil union partners’ civil union, or the de facto partners’ de facto relationship has not ended, the date of the application to the Court:

“(b) if the spouses’ marriage, the civil union partners’ civil union, or the de facto partners’ de facto relationship has ended (other than by the death of 1 of the spouses, civil union partners, or de facto partners), the date on which their marriage, civil union, or de facto relationship ended.”

Section 4(3)(b)

Insert, after the word “wife”, the words “, civil union partners,”.

Section 8(1)(c)

Insert, after the word “wife”, the words “or by the civil union partners”.

Section 9(4)(a)

Insert, after the word “wife”, the words “or as civil union partners”.

Part 4—*continued***Section 13(1)**

Insert, after the word “marriage”, the words “or of each civil union partner to the civil union”.

New section 14AA

Insert, after section 14:

“14AA Civil unions of short duration

- “(1) This section applies if a civil union is a relationship of short duration (as defined in section 2E).
- “(2) If this section applies, sections 11(1)(a), 11(1)(b), 11A, 11B, and 12 do not apply—
- “(a) to any asset owned wholly or substantially by 1 civil union partner at the date on which the civil union began; or
 - “(b) to any asset that has come to 1 civil union partner, after the date on which the civil union began,—
 - “(i) by succession; or
 - “(ii) by survivorship; or
 - “(iii) as the beneficiary under a trust; or
 - “(iv) by gift from a third person; or
 - “(c) where the contribution of 1 civil union partner to the civil union has clearly been disproportionately greater than the contribution of the other civil union partner.
- “(3) In every case to which **subsection (2)** applies,—
- “(a) the share of each civil union partner in the relationship property is to be determined in accordance with the contribution of each civil union partner to the civil union; and
 - “(b) the share of each civil union partner in any other relationship property that falls for division under sections 11(1)(a), 11(1)(b), 11A, 11B, and 12, and is not determined in accordance with **paragraph (a)**, is to be determined in accordance with sections 11(1)(a), 11(1)(b), 11A, 11B, and 12.
- “(4) If this section applies, each civil union partner is entitled to share equally in any relationship property that falls for division under section 11(1)(c), unless his or her contribution to the civil union has been clearly greater than that of the other civil union partner.

Part 4—*continued***New section 14AA**—continued

“(5) If, under **subsection (4)**, the civil union partners do not share equally in any relationship property, the share of each civil union partner in that relationship property is to be determined in accordance with the contribution of each civil union partner to the civil union.

“(6) This section is subject to sections 15 to 17A.

“(7) In proceedings commenced after the death of 1 of the civil union partners, this section is modified by section 85.”

Section 15(2)(b)

Repeal and substitute:

“(b) the responsibilities of each spouse, civil union partner, or de facto partner for the ongoing daily care of any minor or dependent children of the marriage, the civil union, or de facto relationship:”.

Section 15A(2)(b)

Repeal and substitute:

“(b) the responsibilities of each spouse, civil union partner, or de facto partner for the ongoing daily care of any minor or dependent children of the marriage, civil union, or de facto relationship:”.

Section 18(1)

Insert, after the word “marriage” in the first place where it appears, the words “, civil union,”.

Repeal paragraph (a)(i) and substitute:

“(i) any child of the marriage, civil union, or de facto relationship:”.

Section 18A(2)(a)

Insert, after the word “marriage,” the words “or of a civil union partner to the civil union,”.

Section 20(1)

Repeal paragraph (e) of the definition of **relationship debt** and substitute:

“(e) for the purpose of bringing up any child of the marriage, civil union, or de facto relationship.”

Section 21(1)

Insert, after the word “wife”, the words “, civil union partners,”.

Part 4—*continued***Section 21A(1)**

Insert, after the word “wife”, the words “or civil union partners”.

Section 21I(2)

Insert, after the word “married”, the words “or in a civil union”.

Section 24(1)

Insert, after the word “marriage” wherever it appears, the words “or civil union”.

Section 25(2)

Insert in paragraph (a), after the word “marriage” in both places where it appears, the words “or civil union”.

Insert in paragraph (a)(i), after the word “wife”, the words “or civil union partners”.

Heading above section 26

Omit from the heading above section 26 the words “*or children of de facto relationship*” and substitute the words “, *civil union, or de facto relationship*”.

Section 26

Omit from the heading to section 26 the words “**or children of de facto relationship**” and substitute the words “, **civil union, or de facto relationship**”.

Repeal subsection (1) and substitute:

“(1) In proceedings under this Act, the Court must have regard to the interests of any minor or dependent children of the marriage, civil union, or de facto relationship and, if it considers it just, may make an order settling the relationship property or any part of that property for the benefit of the children of the marriage, civil union, or de facto relationship or of any of them.”

Section 26A(1)

Omit all the words after the word “marriage” and substitute the words “, civil union, or de facto relationship”.

Section 28A(1)

Omit all the words after the word “marriage” and substitute the words “, civil union, or de facto relationship, and may also have regard to all other relevant circumstances”.

Section 28C

Omit from subsection (3) all the words after the word “marriage”, and substitute the words “, civil union, or de facto relationship”.

Part 4—*continued***Section 28C**—continued

Omit from subsection (4) all the words after the word “marriage”, and substitute the words “, civil union, or de facto relationship, where those children live, or will be living, with the applicant”.

Section 32

Omit from subsection (1)(b) all the words after the word “marriage”, and substitute the words “, civil union, or de facto relationship”.

Section 44B(1)

Insert, after the word “marriage”, the words “, the civil union,”.

Section 44C

Insert in subsection (1), after the word “marriage”, the words “, the civil union,”.

Repeal subsection (4)(e) and substitute:

- “(e) whether the spouses, civil union partners, or de facto partners, or either of them, or any child of the marriage, civil union, or de facto relationship, is or has been a beneficiary of the trust:”.

Section 44E(1)

Insert, after the word “marriage”, the words “or the civil union”.

Section 44F(1)(a)

Insert, after the word “marriage”, the words “or the civil union”.

Section 51(1)

Insert, after the word “marriage”, the words “or civil union”.

Omit the word “unmarried” and substitute the words “not married or in a civil union”.

Section 52

Insert, after the word “married”, the words “or in a civil union”.

Section 52A

Insert in the heading, after the word “**marriage**”, the words “, **civil union**”.

Insert in subsection (1)(a), after the word “marriage”, the words “or civil union, as the case may be,”.

Insert in subsection (2), after the word “marriage” wherever it appears, the words “or civil union”.

Insert, after subsection (3):

Part 4—*continued***Section 52A**—continued

“(3A) For the purposes of this section, a civil union and a de facto relationship are successive if the de facto relationship begins during the civil union, but after the civil union partners cease to live together as civil union partners.”

Section 55

Insert, after subsection (1)(a):

“(ab) a civil union has ended when 1 of the civil union partners dies; or”.

Insert, after subsection (2)(a):

“(ab) after a civil union has ended by separation or dissolution, 1 of the civil union partners dies, and no proceedings under Part 7 are commenced before the civil union partner’s death; or”.

Section 63(b)

Insert, after the word “spouse”, the words “or civil union partner”.

Section 64

Repeal and substitute:

“64 **Position of surviving spouse or civil union partner if separation order made or marriage or civil union dissolved**

A surviving spouse or civil union partner may apply under this Act for a division of the relationship property without having first chosen Option A if he or she is in 1 of the following situations:

- “(a) a separation order is in force in relation to the marriage or civil union and the deceased spouse or civil union partner dies intestate:
- “(b) the marriage was ended while both spouses were alive by a legal process that occurred within or outside New Zealand:
- “(c) the civil union was ended while both civil union partners were alive by a legal process that occurs within New Zealand.”

Section 85

Insert in the heading, after the word “**Marriages**”, the words “, **civil unions**”.

Insert in subsection (1), after the word “marriage”, the words “or civil union”.

Part 4—*continued***Section 85**—continued

Insert in subsection (1), after the word “spouse”, the words “or civil union partner”.

Insert in subsection (2), after the word “marriage” in both places where it appears, the words “or civil union”.

Section 89(1)

Repeal and substitute:

- “(1) Proceedings may be commenced after the death of 1 of the spouses, civil union partners, or de facto partners, if,—
- “(a) at the date of the death of the deceased spouse, civil union partner, or de facto partner, the spouses, civil union partners, or de facto partners are living together; or
 - “(b) in the case of de facto partners, at the date of the death of the deceased de facto partner, the de facto partners are not living together; or
 - “(c) in the case of spouses or civil union partners, at the date of the death of the deceased spouse or civil union partner the following circumstances exist:
 - “(i) the spouses or civil union partners are not living together; and
 - “(ii) the marriage or civil union has not been dissolved by an order dissolving the marriage or civil union, and an order has not been made declaring the marriage or civil union to be void *ab initio*; or
 - “(d) in the case of spouses or civil union partners, at the date of the death of the deceased spouse or civil union partner the following circumstances exist:
 - “(i) the spouses or civil union partners are not living together; and
 - “(ii) the marriage or civil union has been dissolved by an order dissolving the marriage or civil union, or an order declaring the marriage or civil union to be void *ab initio* has been made; and
 - “(iii) not more than 12 months have elapsed since the taking effect as a final order of the order dissolving the marriage or civil union or the date of the making of the order declaring the marriage or civil union to be void *ab initio*; or

Part 4—*continued***Section 89(1)**—continued

- “(e) in the case of spouses or civil union partners, at the date of the death of the deceased spouse or civil union partner the following circumstances exist:
- “(i) the spouses or civil union partners are not living together; and
 - “(ii) the marriage or civil union has been dissolved by an order dissolving the marriage or civil union, or an order declaring the marriage or civil union to be void *ab initio* has been made; and
 - “(iii) more than 12 months have elapsed since the taking effect as a final order of the order dissolving the marriage or civil union or the date of the making of the order declaring the marriage or civil union to be void *ab initio*, but, either before or after the deceased spouse’s or civil union partner’s death, the Court grants an extension under section 24(2).”
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Schedule 8**Amendments to Social Security Act 1964 to come into force on date to be appointed by Governor-General by Order in Council****Section 3(1)**

Omit from the definition of **child** the words “an unmarried” and substitute the words “a single”.

Omit from paragraph (f)(xiv)(B) of the definition of **income** the words “step-parent” and substitute the words “the deceased spouse of his or her parent”.

Repeal the definition of **married rate** and substitute:

“**married rate**, in relation to New Zealand superannuation, means the aggregate rate payable to a couple who are married or in a civil union, both of whom are entitled to receive New Zealand superannuation”.

Insert, in its appropriate alphabetical order, the following definition:

“**single** means not married or in a civil union”.

Repeal the definition of **sole parent** and substitute:

“**sole parent** means a person who is the principal caregiver in respect of a dependent child and who is—

“(a) married or in a civil union, but living apart from his or her spouse; or

“(b) not married or in a civil union”.

Repeal the definition of **spouse** and substitute:

“**spouse** means husband, wife, or civil union partner”.

Omit from the definition of **work-test married rate** the words “married person”, in both places where they occur, and substitute in each case the words “person who is married or in a civil union”.

Section 21

Repeal subsection (1)(b)(ii) and substitute:

“(ii) that the duration of her marriage or civil union was not less than 15 years, or that the aggregate of the periods of the duration of her marriage or civil union and any subsequent period during which she had the care and control of at least one of her children under 16 years of age was not less than 15 years; and”.

Repeal subsection (1)(c) and substitute:

“(c) every widow who became a widow after—

Section 21—continued

“(i) the expiration of not less than 5 years after the date on which she married or entered into a civil union; and

“(ii) she attained the age of 50 years; and”.

Repeal subsection (1)(d)(iii) and (iv) and substitute:

“(iii) that the duration of her marriage or civil union was not less than 10 years; and

“(iv) that not less than 15 years has elapsed since the date on which she was first married or first entered into a civil union,—”.

Repeal subsection (2)(a) and (b) and substitute:

“(a) both she and her husband or civil union partner were ordinarily resident in New Zealand for not less than 3 years immediately preceding the date of the death of the husband or civil union partner; or

“(b) either she or her husband or civil union partner, being ordinarily resident in New Zealand at the date of the death of the husband or civil union partner, has resided continuously in New Zealand for not less than 5 years.”

Insert in subsection (2D) before the definition of **husband**:

“**duration of her marriage or civil union**, means the period, or the aggregate of all the periods, during which the widow was in either of—

“(a) a marriage; or

“(b) a civil union”.

Omit from subsection (3)(b)(ii) and (iii) the words “the husband’s death” and substitute in each case the words “death of the husband or civil union partner”.

Add to subsection (3)(b)(iv) the words “or civil union partner”.

Insert in subsection (6), after the word “husband”, the words “or civil union partner”.

Section 27A(3)(b)

Insert, after the word “wife”, the words “or civil union partner”.

Section 27B

Add to subsection (1)(a) the words “or civil union partner”.

Omit from subsection (1)(b) the words “An unmarried woman” and substitute the words “a woman who is not married or in a civil union and”.

Repeal subsection (1)(c) and substitute:

Section 27B—continued

“(c) a woman whose marriage or civil union has been dissolved, and who is the mother of one or more dependent children:”.

Repeal subsection (1)(e) and substitute:

“(e) a woman who is the mother of 1 or more dependent children and who has lost the regular support of her husband or civil union partner because he or she is subject to a sentence of imprisonment and is—

“(i) serving the sentence in a penal institution; or

“(ii) subject to release conditions or detention conditions (as those terms are defined in section 4(1) of the Parole Act 2002) that prevent him or her undertaking employment:”.

Repeal subsection (2)(a)(i) and substitute:

“(i) is or has been legally married or in a civil union; or”.

Insert in subsection (2)(c), after the word “wife”, the words “or his or her civil union partner”.

Section 27BA(5)

Repeal and substitute:

“(5) In this section, **child** means a dependent child of the parents—

“(a) born of their relationship; or

“(b) adopted by the parents or, if they were married or in a civil union, by 1 of the parents during the marriage or civil union.”

Section 27C

Omit the definition of **relative** in subsection (1) and substitute:

“**relative** in relation to any person (**person A**) means any of the following:

“(a) a parent of person A, or a person with whom a parent of person A is in a marriage or civil union:

“(b) a child of person A, or of a person with whom person A is in a marriage or civil union, if the child is over the age of 16 years:

“(c) a grandparent or great grandparent of person A:

“(d) a sister or brother of person A:

“(e) a child of a person with whom a parent of person A is in a marriage or civil union:

“(f) an aunt or uncle of person A:

Section 27C—continued

- “(g) a child of a brother or sister of person A, or of a person with whom a brother or sister of person A is in a marriage or civil union:
- “(h) a child of an uncle or aunt of person A, or of a person with whom an uncle or aunt of the person is in a marriage or civil union”

Add to the definition of **woman alone** in subsection (1) the words “or civil union partner”.

Omit from subsection (3)(b) the words “of the duration of her marriage or marriages” and substitute the words “during which she was married or in a civil union”.

Omit from subsection (3)(c) the word “married” and substitute the words “married or in a civil union”.

Insert in subsection (3)(c), after the word “husband”, the words “or civil union partner”.

Section 27D

Insert in subsection (1)(a), after the word “husband”, the words “or civil union partner”.

Insert in subsection (1)(b), after the word “husband”, the words “or civil union partner”.

Insert in subsection (2)(a), after the word “husband”, the words “or civil union partner”.

Repeal subsection (2)(d) and substitute:

- “(d) in the case of a mother who was never married or in a civil union, the applicant gave birth to her child—”.

Section 27G(2)

Insert, after the word “wife”, the words “or civil union partner”.

Section 27H(2)

Insert, after the word “wife”, the words “or civil union partner”.

Section 29

Omit from paragraph (a) the words “step-parent” and substitute the words “spouse of a parent”.

Omit from paragraph (b) the words “step-parent” and substitute the words “spouse of a parent”.

Section 42(2)

Omit the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from paragraph (b) the word “unmarried” and substitute the word “single”.

Section 54(2)(b)

Insert, after the word “married”, the words “or in a civil union”.

Section 54A(2)(a)

Omit the word “unmarried” and substitute the word “single”.

Section 60F(1)

Repeal and substitute:

“(1) The basic qualifications for entitlement to an independent youth benefit are in subsection (2). The qualifications for a single person are in section 60FA. The qualifications for a person who is married or in a civil union are in section 60FB.”

Section 60FA

Omit from the heading the word “**unmarried**” and substitute the word “**single**”.

Omit from subsection (1) the words “An unmarried” and substitute the words “A single”.

Section 60FB

Omit from the heading the words “**married persons**” and substitute the words “**persons who are married or in civil union**”.

Omit the words “married person” and substitute the words “person who is married or in a civil union”.

Section 61DB(d)(ii)

Omit the words “married couple is” and substitute the words “couple who are married or in a civil union are”.

Section 61DD(a)(ii)

Omit the words “married couple is” and substitute the words “couple who are married or in a civil union are”.

Section 61E(3)

Omit the words “married joint tenants” and substitute the words “joint tenants who are married or in a civil union”.

Section 61EB

Repeal and substitute:

“**61EB Special rules for joint tenants who are married or in civil union**

“(1) The rules in **subsection (3)** apply if—

- “(a) premises are occupied by 2 or more joint tenants; and
- “(b) the joint tenants include 1 or more couples who are married or in a civil union.

Section 61EB—continued

“(2) The rules in **subsection (3)** do not apply to the application of the proviso to the definition of accommodation costs in section 61E.

“(3) The rules are—

“(a) each couple who are married or in a civil union are treated as 1 joint tenant; and

“(b) the accommodation costs of that 1 joint tenant are the total of the accommodation costs of each of the partners to the marriage or civil union; and

“(c) the cash assets and income of that 1 joint tenant are the total of the cash assets and income respectively of each of the partners to the marriage or civil union.”

Section 61EC

Repeal subsection (2)(a) and substitute:

“(a) every \$100 of cash assets over \$5,400 held by—

“(i) a person who is married or in a civil union; or

“(ii) a single person who has a dependent child or children; and”.

Repeal subsection (3)(a) and substitute:

“(a) \$16,200 in the case of—

“(i) a person who is married or in a civil union; or

“(ii) a single person who has a dependent child or children:”.

Omit from subsection (5) the words “married person” and substitute the words “person who is married or in a civil union”.

Section 63

Repeal paragraph (a) and substitute:

“(a) regard as single any applicant or beneficiary who is married or in a civil union but is living apart from his or her spouse:”.

Insert in paragraph (b), after the word “married” the words “or in a civil union”.

Section 66(1)

Omit the words “husband or the wife” and substitute the word “spouse”.

Section 69(2)

Omit the words “step-parent or adoptive parent” and substitute the words “adoptive parent or spouse of a parent”.

Section 69(2)—continued

Omit the words “wife or husband” and substitute the word “spouse”.

Section 69C

Omit from subsection (3) the word “wife” and substitute the word “spouse”.

Omit from subsection (5)(a) the words “married person” and substitute the words “person who is married or in a civil union (‘the recipient’)”.

Omit from subsection (5) the words “that married person”, in both places where they occur, and substitute in each case the words “the recipient”.

Section 69F(1)(b)(ii)

Omit the word “unmarried” and substitute the word “single”.

Section 69FA(4)

Repeal and substitute:

“(4) For the purposes of Schedule 30,—

“(a) the following is to be treated as \$1 per week of income:

“(i) every \$100 of cash assets over \$5,400 held by a person who is married or in a civil union:

“(ii) every \$100 of cash assets over \$5,400 held by a single person who has a dependent child or children:

“(iii) every \$100 of cash assets over \$2,700 held by any other person; and

“(b) the income of a person who is married or in a civil union includes the income of his or her spouse.”

Section 74(1)(a)

Omit the words “wife or husband” and substitute the word “spouse”.

Section 74A

Repeal subsection (2)(a) and substitute:

“(a) the rate of benefit payable to the person is the appropriate rate for a single person (and not the rate for a person who is married or in a civil union); and”.

Insert in subsection (3)(a), after the words “married to”, the words “, or in a civil union with,”.

Omit from subsection (3)(b) the words “married person” and substitute the words “person who is married or in a civil union,”.

Section 74A—continued

Omit from subsection (3)(b) the words “married to a person” and substitute the words “married to, or in a civil union with, a person”.

Section 75

Omit from subsection (2) the words “married person with” and substitute the words “person who is married or in a civil union who has”.

Omit from subsection (2) the words “an unmarried” and substitute the words “a single”.

Repeal subsection (5) and substitute:

“(5) If, after 13 weeks’ hospitalisation, the benefit of a person who is married or in a civil union is reduced under subsection (3) or subsection (4), and that person’s spouse either is not in hospital or has been in hospital for less than 13 weeks, any benefit payable to or in respect of the spouse must be increased, on the same date as the effective date of that reduction, by an amount equal to the difference between—

“(a) the maximum rate of benefit payable to a single person; and

“(b) the maximum rate of benefit payable in respect of a person who is married or in a civil union and whose spouse is receiving a benefit.”

Omit from subsection (7) the words “an unmarried person or a married couple” and substitute the words “a single person or a couple who are married or in a civil union”.

Section 80(5)(b)

Repeal and substitute:

“(b) the benefit is a domestic purposes benefit applied for by a person who has entered a refuge following the breakdown of the person’s marriage or civil union, or relationship in the nature of marriage, or similar relationship; or”.

Section 82(3)(b)(ii)

Omit the words “wife or husband” and substitute the word “spouse”.

Section 83

Omit from subsection (1) the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from subsection (1) the words “the married rate” and substitute the words “that rate”.

Section 83—continued

Omit from subsection (2) the words “married rate” and substitute the words “rate referred to in subsection (1)”.

Section 86

Omit from subsection (3) the words “husband or wife”, in the first place where they occur, and substitute the word “spouse”.

Omit from subsection (3) the words “husband or wife, as the case may be,” and substitute the word “spouse”.

Omit from subsection (3) the words “husband or that wife” and substitute the word “spouse”.

Omit from subsection (5) the words “wife or husband”, in both places where they occur, and substitute in each case the word “spouse”.

Omit from subsection (6) the words “husband or wife” and substitute the word “spouse”.

Omit from subsection (7) the words “husband or wife” and substitute the word “spouse”.

Section 89(2)(b)

Insert, after the word “married”, the words “or in a civil union”.

Section 90(3)(b)

Add the words “or in a civil union”.

Section 120

Omit from the heading the words “**married rate of benefit**” and substitute the words “**rate for persons married or in civil union**”.

Omit from subsection (1) the words “married rate”, in the first place where they occur, and substitute the words “rate for a person who is married or in a civil union”.

Omit from subsection (1)(a) and (1)(b) the word “married”.

Section 124(2)(b)

Omit the words “husband or wife” and substitute the word “spouse”.

Sixth Schedule

Omit from clause 1(a), (b), (c), and (d) the word “unmarried” and substitute in each case the word “single”.

Omit from clause 1(e), (f), and (g) the words “married beneficiary (with or without dependent children)” and substitute in each case the words “beneficiary (with or without dependent children) who is married or in a civil union.”.

Omit from the second column of clause 2 the words “an unmarried” and substitute the words “a single”.

Eighth Schedule

Omit from clause 1(aa) the words “an unmarried” and substitute the words “a single”.

Omit from clause 1(b) the word “unmarried” and substitute the word “single”.

Omit from clause 1(c) and (d) the words “an unmarried” and substitute in each case the words “a single”.

Omit from clause 1(e), (f), and (g) the words “married beneficiary (with or without dependent children)” and substitute in each case the words “beneficiary (with or without dependent children) who is married or in a civil union,”.

Ninth Schedule

Omit from clause 1(aa) the words “an unmarried” and substitute the words “a single”.

Omit from clause 1(a) and (b) the word “unmarried” and substitute in each case the word “single”.

Omit from clause 1(c) and (d) the words “an unmarried” and substitute in each case the words “a single”.

Omit from clause 1(e) the words “married beneficiary with 1 or more dependent children” and substitute the words “beneficiary who has 1 or more dependent children and who is married or in a civil union,”.

Omit from clause 1(f) the words “married beneficiary without dependent children” and substitute the words “beneficiary who has no dependent children and who is married or in a civil union,”.

Omit from clause 1(g) the words “married beneficiary with 1 or more dependent children” and substitute the words “beneficiary who has 1 or more dependent children and who is married or in a civil union,”.

Omit from clause 1(h) the words “married beneficiary without dependent children” and substitute the words “beneficiary who has no dependent children and who is married or in a civil union,”.

Omit from clause 1(i) the words “married beneficiary with 1 or more dependent children” and substitute the words “beneficiary who has 1 or more dependent children and who is married or in a civil union,”.

Omit from clause 1(j) the words “married beneficiary without dependent children” and substitute the words “beneficiary who has no dependent children and who is married or in a civil union,”.

Seventeenth Schedule

Omit from clause 1 the words “an unmarried” and substitute the words “a single”.

Omit from clause 2 the word “unmarried” and substitute the word “single”.

Omit from clauses 3 and 4 the words “an unmarried” and substitute in each case the words “a single”.

Omit from clauses 5, 6, and 7 the words “married beneficiary (with or without dependent children)” and substitute in each case the words “beneficiary (with or without dependent children) who is married or in a civil union,”.

Eighteenth Schedule

Omit from paragraphs (d) and (da) of the definition of **base rate** in clause 1 of Part I the words “married beneficiary” and substitute in each case the words “beneficiary who is married or in a civil union”.

Omit from paragraph (g) of the definition of **base rate** in clause 1 of Part I the words “married non-beneficiary” and substitute the words “non-beneficiary who is married or in a civil union”.

Omit from clause 1 of Part II the words “married person with dependent children” and substitute the words “person who has 1 or more dependent children and who is married or in a civil union”.

Omit from clause 2 of Part II the words “married person without dependent children” and substitute the words “person who has no dependent children and who is married or in a civil union”.

Omit from clause 4 of Part II the words “married person with dependent children” and substitute the words “person who has 1 or more dependent children and who is married or in a civil union”.

Omit from clause 5 of Part II the words “married person without dependent children” and substitute the words “person who has no dependent children and who is married or in a civil union”.

Twenty-second Schedule

Omit from clauses 1 and 2 the words “married person with no dependent children, or an unmarried” and substitute in each case the words “person without dependent children who is married or in a civil union, or a single”.

Twenty-sixth Schedule

Omit from clause 1 the words “an unmarried” and substitute the words “a single”.

Omit from clause 2 the words “married beneficiary” and substitute the words “beneficiary who is married or in a civil union and”.

Twenty-sixth Schedule—continued

Omit from clause 3 the words “married beneficiary” and substitute the words “beneficiary who is married or in a civil union”.

Twenty-seventh Schedule

Omit from clause 1 of Part I the words “an unmarried” and substitute the words “a single”.

Omit from clauses 2 and 3 of Part I the words “married couple” and substitute the words “couple who are married or in a civil union”.

Twenty-eighth Schedule

Omit from clause 1 the words “married person” and substitute the words “person who is married or in a civil union”.

Omit from clause 2 the words “an unmarried” and substitute the words “a single”.

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Schedule 9
Amendments to Social Security Act 1964 to come
into force on 1 April 2007

Section 3

Insert, in their appropriate alphabetical order:

“**de facto partner** has the meaning given to it in **section 3A**

“**de facto relationship** has the meaning given to it in **section 3B**”.

Repeal paragraph (f)(xiv)(A) and (B) of the definition of **income** and substitute:

“(A) under a contract of insurance on the life of the person’s deceased spouse; or

“(B) where the person is a dependent child, under a contract of insurance on the life of his or her deceased parent or the deceased spouse of his or her parent; or”.

Repeal the definition of **married rate** and substitute:

“**married rate**, in relation to New Zealand superannuation, means the aggregate rate payable to a couple who are married, in a civil union, or in a de facto relationship, both of whom are entitled to receive New Zealand superannuation”.

Repeal the definition of **single** and substitute:

“**single** means not married or in a civil union or a de facto relationship”.

Repeal the definition of **sole parent** and substitute:

“**sole parent** means a person who is the principal caregiver in respect of a dependent child and who is—

“(a) married or in a civil union, but living apart from his or her spouse; or

“(b) not married or in a civil union or a de facto relationship”.

Repeal the definition of **spouse** and substitute:

“**spouse** means husband, wife, civil union partner, or de facto partner”.

Insert in the definition of **work-test married rate**, after the word “union” in both places where it appears, the words “or in a de facto relationship”.

New sections 3A to 3C

Insert, after section 3:

New sections 3A to 3C—continued**“3A Meaning of de facto partner**

For the purposes of this Act, a person is another person’s **de facto partner** if they have a de facto relationship with each other.

“3B Meaning of de facto relationship

“(1) A de facto relationship is a relationship between 2 persons (whether a man and a woman, or a man and a man, or a woman and a woman) who—

“(a) live together as a couple; and

“(b) are not married to, or in a civil union with, each other; and

“(c) are both aged 16 years or older.

“(2) Despite **subsection (1)**, a person who is younger than 18 years does not have a de facto relationship with another person unless consent to the person living as a couple with the other person has been given—

“(a) in writing by the person’s parents and guardians; or

“(b) on application, by the Family Court.

“(3) In order for 2 persons to be treated as living together as a couple for the purposes of this section they must be—

“(a) committed to each other emotionally; and

“(b) willing to financially support the other, and any child of the relationship, if the need exists.

“(4) In determining whether 2 persons are living together as a couple, all the circumstances of the relationship are to be taken into account, including any of the following matters that are relevant in a particular case:

“(a) any joint ownership or use of assets, and any joint liabilities:

“(b) any arrangements for the sharing of household expenses:

“(c) any arrangements for financial support of either person by the other:

“(d) the nature and extent of a common residence:

“(e) the duration of the relationship:

“(f) whether or not a sexual relationship exists:

“(g) arrangements for the care and support of children:

“(h) arrangements for the performance of household duties:

New sections 3A to 3C—continued

- “(i) the extent to which the 2 persons share leisure time or social activities or hold themselves out to others as a couple.
 - “(5) In determining whether 2 persons are living together as a couple, any court or person required to determine the question is entitled to attach any weight to any matter referred to in **subsection (4)** that seems appropriate to the court or the person in the circumstances of the case.
 - “(6) A de facto relationship ends if—
 - “(a) the de facto partners cease to live together as a couple; or
 - “(b) one of the de facto partners dies.
 - “(7) Any rules made under section 16A of the Family Courts Act 1980 relating to applications under **section 29A** of the Interpretation Act 1999 apply to applications made under **subsection (2)**.
- “3C **Chief executive may delay recognition of de facto relationship**
- “(1) This section applies where, in the course of investigating a person’s claim for a benefit, or reviewing his or her entitlement to a benefit or a rate of benefit, the chief executive or an officer of the department considers that the person may recently have entered, or is about to enter, into a de facto relationship.
 - “(2) Where this section applies, the chief executive may do 1 or more of the following:
 - “(a) provide the person with advice on the effect that being in a de facto relationship would have on any benefit to which the person is or may be entitled;
 - “(b) assist the person to come to a decision whether to confirm or leave the de facto relationship, or, as the case requires, to enter into a de facto relationship;
 - “(c) agree with the person on a period (not exceeding 6 weeks) for the person to make the decision referred to in **paragraph (b)**.
 - “(3) If the chief executive agrees on a period with the person under **subsection (2)(c)**,—
 - “(a) the chief executive must give to the person a notice that—
 - “(i) confirms the agreement; and

New sections 3A to 3C—continued

- “(ii) advises the person that if the person confirms the de facto relationship, or, as the case requires, enters into a de facto relationship before the expiry of that period, he or she must as soon as possible advise an officer of the department of that fact under section 80A; and
- “(b) during that period the person is not in a de facto relationship for the purposes of this Act unless and until the person gives an officer of the department advice of the kind referred to in **paragraph (a)(ii)**.”

Section 21

Repeal subsection (1)(b)(ii) and substitute:

- “(ii) that the duration of her marriage, civil union, or de facto relationship was not less than 15 years, or that the aggregate of the periods of the duration of her marriage, civil union, or de facto relationship and any subsequent period during which she had the care and control of at least one of her children under 16 years of age was not less than 15 years; and”.

Repeal subsection (1)(c) and substitute:

- “(c) every widow who became a widow after—
 - “(i) the expiration of not less than 5 years after the date on which she married or entered into a civil union or a de facto relationship; and
 - “(ii) she attained the age of 50 years; and”.

Repeal subsection (1)(d)(iii) and (iv) and substitute:

- “(iii) the duration of her marriage, civil union, or de facto relationship was not less than 10 years; and
- “(iv) not less than 15 years has elapsed since the date on which she was first married or entered into a civil union or a de facto relationship,—”.

Repeal subsection (2)(a) and (b) and substitute:

- “(a) both she and her spouse were ordinarily resident in New Zealand for not less than 3 years immediately preceding the date of the spouse’s death; or
- “(b) either she or her spouse, being ordinarily resident in New Zealand at the date of the spouse’s death, has resided continuously in New Zealand for not less than 5 years.”

Section 21—continued

Repeal subsection (2D) and substitute:

“(2D) For the purposes of this section—

“**duration of her marriage, civil union, or de facto relationship**, means the period, or the aggregate of all the periods, during which the widow was in any of—

“(a) a marriage; or

“(b) a civil union; or

“(c) a de facto relationship

“**widow** means a woman whose spouse has died.”

Repeal subsection (3)(b)(ii) to (iv) and substitute:

“(ii) both of the child’s parents were ordinarily resident in New Zealand for the 3 years immediately preceding the date of the spouse’s death; or

“(iii) one of the child’s parents, being ordinarily resident in New Zealand at the date of the spouse’s death, has resided continuously in New Zealand for not less than 5 years; or

“(iv) the mother, being ordinarily resident in New Zealand on the date of her application for a widow’s benefit under this section, has resided in New Zealand for not less than 10 years at any time before the death of her spouse.”

Omit from subsection (6) the words “husband or civil union partner” and substitute the word “spouse”.

Section 27A

Repeal the definition of **husband** in subsection (1).

Omit from subsection (3)(b) the words “husband or wife or civil union partner” and substitute the word “spouse”.

Section 27B

Omit from subsection (1)(a) the words “husband or civil union partner” and substitute the word “spouse”.

Repeal subsection (1)(b) and (c) and substitute:

“(b) a single woman who is the mother of 1 or more dependent children:

“(c) a woman whose marriage or civil union has been dissolved, or whose de facto relationship has ended, and who is the mother of one or more dependent children:”.

Repeal subsection (1)(e) and substitute:

Section 27B—continued

- “(e) a woman who is the mother of 1 or more dependent children and who has lost the regular support of her spouse because he or she is subject to a sentence of imprisonment and is—
- “(i) serving the sentence in a penal institution; or
 - “(ii) subject to release conditions or detention conditions (as those terms are defined in section 4(1) of the Parole Act 2002) that prevent him or her undertaking employment.”.

Repeal subsection (2)(a)(i) and substitute:

- “(i) is or has been married, in a civil union, or in a de facto relationship; or”.

Repeal subsection (2)(c) and substitute:

- “(c) the applicant is not living together with his or her spouse or with the other parent of the child, as the case may be.”

Section 27BA(5)

Repeal and substitute:

- “(5) In this section, **child** means a dependent child of the parents—
- “(a) born of their relationship; or
 - “(b) adopted by the parents or, if they were married, in a civil union, or in a de facto relationship, by 1 of the parents during the marriage, civil union, or de facto relationship.”

Section 27C

Repeal subsection (1) and substitute:

- “(1) In this section—
- “**relative** in relation to any person (**person A**) means any of the following:
- “(a) a parent, or spouse of a parent, of person A:
 - “(b) a child of person A, or of the spouse of person A, if the child is over the age of 16 years:
 - “(c) a grandparent or great grandparent of person A:
 - “(d) a sister or brother of person A:
 - “(e) a child of a spouse of a parent of person A:
 - “(f) an aunt or uncle of person A:
 - “(g) the child of a brother or sister of person A, or of the spouse of a brother or sister of person A:

Section 27C—continued

“(h) the child of an uncle or aunt of person A, or of the spouse of an uncle or aunt of person A

“**woman alone** means a woman who has never been married, in a civil union, or in a de facto relationship, or who has lost the support of her spouse.”

Insert in subsection (3)(b), after the word “union”, the words “or in a de facto relationship”.

Insert in subsection (3)(c), after the word “union”, the words “or in a de facto relationship”.

Omit from subsection (3)(c) the words “husband or civil union partner” and substitute the word “spouse”.

Section 27D

Omit from subsection (1)(a) the words “husband or civil union partner” and substitute the word “spouse”.

Omit from subsection (1)(b) the words “husband or civil union partner” and substitute the word “spouse”.

Omit from subsection (2)(a) the words “husband or civil union partner” and substitute the word “spouse”.

Repeal subsection (2)(d) and substitute:

“(d) in the case of a single mother, the applicant gave birth to her child—”.

Section 27G(2)

Omit the words “husband or wife or civil union partner” and substitute the word “spouse”.

Section 27H(2)

Omit the words “husband or wife or civil union partner” and substitute the word “spouse”.

Section 42(2)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 54(2)(b)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 60F(1)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 60FB

Repeal and substitute:

Section 60FB—continued**“60FB Independent youth benefits: persons who are married, in civil union, or de facto relationship**

A person who is married, in a civil union, or in a de facto relationship is entitled to an independent youth benefit if section 60F(2) applies to him or her.”

Section 61DB(d)(ii)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 61DD(a)(ii)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 61E(3)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 61EB

Repeal and substitute:

“61EB Special rules for joint tenants who are married, in civil union, or de facto relationship

“(1) The rules in **subsection (3)** apply if—

- “(a) premises are occupied by 2 or more joint tenants; and
- “(b) the joint tenants include 1 or more couples who are married or in a civil union or in a de facto relationship.

“(2) The rules in **subsection (3)** do not apply to the application of the proviso to the definition of accommodation costs in section 61E.

“(3) The rules are—

- “(a) each couple who are married or in a civil union or in a de facto relationship are treated as 1 joint tenant; and
- “(b) the accommodation costs of that 1 joint tenant are the total of the accommodation costs of each of the partners to the marriage or civil union or de facto relationship; and
- “(c) the cash assets and income of that 1 joint tenant are the total of the cash assets and income respectively of each of the partners to the marriage or civil union or de facto relationship.”

Section 61EC

Insert in subsection (2)(a) and subsection (3)(a) and subsection (5), after the word “union”, the words “or in a de facto relationship”.

Section 63

Repeal this section and substitute:

“63 Chief executive’s discretion to regard person as single

- “(1) This section applies for the purposes of—
- “(a) determining any application for any benefit, or reviewing any benefit already granted, or determining the rate of any benefit; or
 - “(b) granting any payment of a funeral grant under section 61DB; or
 - “(c) granting any payment under any welfare programme approved by the Minister under section 124(1)(d); or
 - “(d) assessing the financial means of any person under section 69F or section 69FA.
- “(2) For the purposes described in **subsection (1)**, the chief executive may, in his or her discretion, regard as single—
- “(a) any married applicant or beneficiary who is living apart from his wife or her husband, as the case may be;
 - “(b) any applicant or beneficiary who is in a civil union but who is living apart from his or her civil union partner.
- “(3) The chief executive—
- “(a) may determine a date on which the persons must be regarded as having commenced to live apart; and
 - “(b) may then in the chief executive’s discretion grant a benefit, refuse to grant a benefit, or terminate, reduce, or increase any benefit already granted, from that date accordingly.”

Section 69C(5)(a)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 69FA(4)

Insert, after the word “union”, in both places where it appears, the words “or in a de facto relationship”.

Section 74A

Insert in subsection (2)(a), after the word “union”, the words “or in a de facto relationship”.

Insert in subsection (3)(a), after the word “union”, the words “or a de facto relationship”.

Insert in subsection (3)(b), after the word “union” wherever it appears, the words “or in a de facto relationship”.

Section 75

Insert in subsection (2), after the word “union”, the words “or in a de facto relationship”.

Insert in subsection (5), after the word “union” in both places where it appears, the words “or in a de facto relationship”.

Insert in subsection (7), after the word “union”, the words “or in a de facto relationship”.

Section 80(5)(b)

Repeal and substitute:

“(b) the benefit is a domestic purposes benefit applied for by a person who has entered a refuge following the breakdown of the person’s marriage, civil union, or de facto relationship; or”.

Section 83(1)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 89(2)(b)

Insert, after the word “union”, the words “or in a de facto relationship”.

Section 90(3)(b)

Add the words “or in a de facto relationship”.

Section 120

Insert in the heading, after the word “union”, the words “**or de facto relationship**”.

Insert in subsection (1), after the word “union”, the words “or in a de facto relationship”.

Sixth Schedule

Insert in clause 1(e), (f), and (g), after the word “union”, the words “or in a de facto relationship”.

Eighth Schedule

Insert in clause 1(e), (f), and (g), after the word “union”, the words “or in a de facto relationship”.

Ninth Schedule

Insert in clause 1(e), (f), (g), (h), (i), and (j), after the word “union”, the words “or in a de facto relationship”.

Seventeenth Schedule

Insert in clauses 5, 6, and 7, after the word “union”, the words “or in a de facto relationship”.

Eighteenth Schedule

Insert in paragraphs (d), (da), and (g) of the definition of **base rate** in clause 1 of Part I, after the word “union”, the words “or in a de facto relationship”.

Insert in clauses 1, 2, 4, and 5 of Part II, after the word “union”, the words “or in a de facto relationship”.

Twenty-second Schedule

Insert in clauses 1 and 2, after the word “union”, the words “or in a de facto relationship”.

Twenty-sixth Schedule

Insert in clause 2, after the word “union”, the words “or in a de facto relationship”.

Insert in clause 3, after the word “union”, the words “or in a de facto relationship”.

Twenty-seventh Schedule

Insert in clause 2 of Part I, after the word “union”, the words “or in a de facto relationship”.

Insert in clause 3 of Part I, after the word “union”, the words “or in a de facto relationship”.

Twenty-eighth Schedule

Insert in clause 1, after the word “union”, the words “or in a de facto relationship”.

Schedule 10

Amendments to Tax Administration Act 1994

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Part 1

Amendments to come into force on date to be appointed by
Governor-General by Order in Council

Section 33A

In subsection (1)(e), replace “does not have a spouse” with “is not living in a marriage, civil union, or de facto relationship between a man and a woman, with a person”.

In subsection (1)(f), replace “or the spouse of the natural person” with “or the person with whom the natural person lives in a marriage, civil union, or de facto relationship between a man and a woman,”.

Section 46A

In subsection (3), replace “make an assessment of that person’s entitlement or his or her spouse’s entitlement” with “assess the entitlement of that person, or of the person with whom that person lives in a marriage, civil union, or de facto relationship between a man and a woman,”.

Section 83

In subsection (2)(e), replace “and his or her spouse” with “and the person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(f), replace “and his or her spouse” with “and the person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(g), replace “and his or her spouse” with “and the person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(h), replace “and his or her spouse” with “and the person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

Section 84

In subsection (1)(a), replace “spouse (if any)” with “any person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2), in the words before paragraph (a), replace “spouse (if any)” with “any person with whom the qualifying person lives in

Part 1—*continued***Section 84**—continued

a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(a), replace “spouse (if any)” with “the person (if any) with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(b), replace “spouse (if any)” with “the person (if any) with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (2)(c), replace “spouse (if any)” with “the person (if any) with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

In subsection (3), replace “spouse (if any)” —

- (a) in the first place that it occurs, with “the person (if any) with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”:
- (b) in the second place that it occurs, with “person (if any)”.

In subsection (4), replace “spouse, if any” with “any person with whom the qualifying person lives in a marriage, civil union, or de facto relationship between a man and a woman”.

Section 173M

In subsection (5), in the definition of **relative**, replace “marriage” with “marriage, civil union or de facto relationship”.

Replace subsection (6)(b) with the following:

- “(b) persons are connected by marriage, civil union or de facto relationship if one person is in a marriage, civil union or de facto relationship with the other:”.

Part 2

Amendments to come into force on 1 April 2007

Section 33A

In subsection (1)(e), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (1)(f), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

Section 46A

In subsection (3), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

Part 2—*continued***Section 83**

In subsection (2)(e), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(f), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(g), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(h), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

Section 84

In subsection (1)(a), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2), in the words before paragraph (a), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(a), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(b), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (2)(c), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (3), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

In subsection (4), replace “between a man and a woman” with “as defined in **section 3B of the Social Security Act 1964**”.

Section 173M

Omit subsection (7).

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Schedule 11
**Amendments to War Pensions Act 1954 to come into
force on date to be appointed by Governor-General
by Order in Council**

Section 2

Insert in the definition of **relationship**, after the words “married to”, the words “, or in a civil union with,”.

Repeal the definition of **spouse** and substitute:

“**spouse**, in relation to a member of the forces who is married or in a civil union, means the person to whom the member is married or with whom the member is in a civil union, as the case may be.”

Section 34

Insert in paragraph (a), after the word “marriage”, the words “or entry into the civil union”.

Insert in paragraph (b), after the word “marriage”, the words “or entry into the civil union”.

Section 35

Insert in the heading, after the word “**remarriage**”, the words “, **entry into civil union**,”.

Insert in subsections (1) and (2), after the word “remarriage”, the words “or entry into a civil union”.

Section 35A(1)

Repeal and substitute:

“(1) Despite anything in section 35, if a pension payable to the surviving spouse or the surviving partner of a member of the forces has ceased under that section because of remarriage or entry into a civil union or the commencement of a new relationship, and that remarriage, civil union, or new relationship has subsequently terminated or irreconcilably broken down within 5 years after the date of remarriage, entry into the civil union, or the commencement of the new relationship, the Secretary may, in the Secretary’s discretion, reinstate the pension previously payable.”

Section 67

Insert in its appropriate alphabetical order:

“**single** means not married or in a civil union”

Repeal the definition of **spouse** in subsection (1) and substitute:

Section 67—continued

“**spouse** means the husband or wife or civil union partner of an applicant or person in receipt of a veteran’s pension, as the case may require”.

Section 74

Omit from subsection (2) the words “married person” and substitute the words “person who is married or in a civil union and”.

Omit from subsection (3)(a) the words “married person’s”.

Omit from subsection (3)(b) the words “married person” and substitute the words “person who is married or in a civil union”.

Section 74C(3)

Omit from paragraphs (a), (b), and (c) the words “married couple” and substitute in each case the words “couple who are married or in a civil union and”.

Section 74J(2)

Repeal and substitute:

“(2) However, if a person who is married or in a civil union and whose spouse is not entitled to receive a veteran’s pension has made, or is entitled to make, an election under section 74(2), that person who is married or in a civil union is only entitled to be paid, under this section, 50% of the gross rate payable under clause 1(c) of Schedule 11.”

Section 74P(2)(b)

Omit the words “married person” and substitute the words “person who is married or in a civil union”.

Section 77(c)

Repeal and substitute:

“(c) regard as a single person any claimant or pensioner who is married or in a civil union and who is living apart from his or her spouse—”.

Section 86(2)

Omit the words “wife, or widow” and substitute the words “spouse, or surviving spouse”.

Schedule 11

Omit from clause 1(a) and (b) the words “an unmarried” and substitute in each case the words “a single”.

Omit from clause 1(c) the words “married person” and substitute the words “person who is married or in a civil union”.

Schedule 11—continued

Omit from clause 2 the words “married person”, in the first place where they appear, and substitute the words “person who is married or in a civil union, and”.

Omit from clause 2(a) the words “married person” and substitute the words “person who is married or in a civil union and”.

Omit from clause 2(b) the words “married person” and substitute the words “person who is married or in a civil union”.

Schedule 12

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Amendments to War Pensions Act 1954 to come into force on 1 April 2007**Section 67(1)**

Repeal the definitions of **single** and **spouse** and substitute:

“**single** means not married or in a civil union or a de facto relationship

“**spouse** means the husband, wife, civil union partner, or de facto partner of an applicant or person in receipt of a veteran’s pension, as the case may require.”

Section 74

Insert in subsection (2) and subsection (3)(b), after the word “union”, the words “or in a de facto relationship”.

Section 74C(3)

Insert in paragraphs (a), (b), and (c), after the word “union”, the words “or in a de facto relationship”.

Section 74J(2)

Insert, after the word “union” in both places where it appears, the words “or in a de facto relationship”.

Section 74P(2)(b)

Insert, after the word “union”, the words “or in a de facto relationship”.

Schedule 11

Insert in clause 1(c), after the word “union”, the words “or in a de facto relationship”.

Insert in clause 2, after the word “union” wherever it appears, the words “or in a de facto relationship”.

Schedule 13

Other Acts amended

Alcoholism and Drug Addiction Act 1966 (1966 No 97)

Repeal section 9(8) and substitute:

“(8) In this section, **relative** means—

“(a) a spouse, civil union partner, or de facto partner:

“(b) a parent or grandparent:

“(c) a person who—

“(i) is married to, or in a civil union or in a de facto relationship with, a parent of the alleged alcoholic; and

“(ii) in the case of an alleged alcoholic who is younger than 18 years, is responsible for the day-to-day care of the alleged alcoholic; and

“(d) a brother, sister, half-brother, or half-sister:

“(e) a son, daughter, grandson, or grand-daughter:

“(f) a person whose parent is married to, or in a civil union or in a de facto relationship with, the alleged alcoholic.”

Insert in section 18(4), after the word “relative”, the words “, including, without limitation, the patient’s spouse, civil union partner, or de facto partner,”.

Repeal section 32(1)(c) and substitute:

“(c) a relative, business partner, principal, or assistant of the applicant or of the alleged alcoholic or the guardian or trustee of the alleged alcoholic.”

Repeal section 32(2) and substitute:

“(2) A medical practitioner who certifies the medical certificate may not be a relative, business partner, principal, or assistant of the other certifying medical practitioner.”

Insert in section 32(4) and (5), before the word “partner” wherever it appears, the word “business”.

Add to section 32:

“(6) In this section, **relative**, in relation to any person, means any of the following:

“(a) the spouse, civil union partner, or de facto partner of the person:

“(b) a parent of the person:

“(c) a brother or sister of the person:

“(d) a child of the person:

Alcoholism and Drug Addiction Act 1966 (1966 No 97)—
continued

- “(e) a child of the spouse, civil union partner, or de facto partner of the person:
- “(f) a parent of the person’s spouse, civil union partner, or de facto partner:
- “(g) a brother or sister of the person’s spouse, civil union partner, or de facto partner:
- “(h) the spouse, civil union partner, or de facto partner of the person’s child.”

Armed Forces Discipline Act 1971 (1971 No 53)

Repeal section 75(7) and substitute:

“(7) For the purposes of this section, a person is capable of conspiring with his or her husband, wife, civil union partner, or de facto partner, or with any of them and any other person.”

Repeal section 77(3) and substitute:

“(3) No person who is married, in a civil union, or in a de facto relationship and whose husband, wife, civil union partner, or de facto partner has been a party to an offence becomes an accessory after the fact to that offence by doing any act to which this section applies in order to enable the husband, wife, civil union partner, or de facto partner (or the husband, wife, civil union partner, or de facto partner and any other person who has been a party to the offence) to escape after arrest or to avoid arrest or conviction.”

Births, Deaths, and Marriages Registration Act 1995

(1995 No 16)

Insert in section 15(1), after the words “married to”, the words “, or in a civil union with,”.

Insert in the heading to section 17, after the word “**marry**”, the words “**or enter into civil union**”.

Insert in section 17(1)(a), after the word “married”, the words “, or entered into a civil union with,”.

Insert in section 17(1)(b)(i), after the word “marriage”, the words “or civil union”.

Insert in section 17(2), after the word “marriage”, the words “or civil union”.

Burial and Cremation Act 1964 (1964 No 75)

Repeal section 15(1)(a)(ii) and substitute:

Burial and Cremation Act 1964 (1964 No 75)—continued

“(ii) the husband, wife, civil union partner, or de facto partner of a person who has been on operational service in Her Majesty’s Forces:”.

Insert in section 42(2), after the word “wife,”, the words “civil union partner, de facto partner,”.

Children, Young Persons, and Their Families Act 1989

(1989 No 24)

Omit from the definition of **near relative** in section 2(1) the words “step-parent,”.

Repeal the definition of **parent** in section 2(1) and substitute the following definition:

“**parent**, in relation to a child, includes a person—

- “(a) who is, or has been, responsible for the day-to-day care of the child; and
- “(b) who is, or has been, married to, or in a civil union or a de facto relationship with, a parent of the child”.

Add to the definition of **young person** in section 2(1) the words “, in a civil union, or a de facto relationship”.

Add to section 90, after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Insert in section 108(d), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Repeal section 116(5) and substitute:

“(5) Nothing in this section limits or affects—

- “(a) the provisions of the Marriage Act 1955 with respect to consents for minors to marry;
- “(b) the provisions of the Civil Union Act **2004** with respect to consents for people under the age of 18 years to enter civil unions;
- “(c) the provisions of the Interpretation Act 1999 with respect to consents for people under the age of 18 years to become parties to de facto relationships.”

Insert in section 117(1)(a), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Citizenship Act 1977 (1977 No 61)

Insert in section 3(1)(a), after the words “married to”, the words “, or in a civil union with,”.

Civil List Act 1979 (1979 No 33)

Insert in the heading to section 4, after the word “**spouse**”, the words “, **civil union partner, or de facto partner**”.

Omit from section 4(2) the words “widow or widower of that person, until that widow or widower dies or remarries” and substitute the words “surviving spouse, civil union partner, or de facto partner of that person, until that surviving spouse, civil union partner, or de facto partner dies or marries or enters into a civil union or a de facto relationship”.

Repeal section 5(1) and substitute:

“(1) **Subsection (1A)** applies if a person is appointed to the office of Governor-General and, because of the person’s acceptance of that office, the superannuation rights of any of the following persons have been lost or otherwise adversely affected:

“(a) the person who is appointed to the office:

“(b) the spouse, civil union partner, or de facto partner of that person:

“(c) any child of that person.

“(1A) If this subsection applies, then, from the date on which the person appointed to the office of Governor-General ceases to hold that office, there is to be paid, by way of compensation, to that person or to the surviving spouse, civil union partner, de facto partner, or child of that person, any sum or annuity or both, provided for in a written agreement made between that person and the Minister of Finance before that person assumed office as Governor-General.”

Omit from section 5(2) and (3) the expression “subsection (1)” and substitute in each case the expression “subsection (1A)”.

Repeal section 7(1)(c) and substitute:

“(c) the spouse, civil union partner, or de facto partner of the Governor-General or of any person to whom paragraph (b) applies:

“(d) any dependent child or children of the Governor-General or of any person to whom paragraph (b) applies.”

Insert in the heading to section 22, after the word “**spouse**”, the words “, **civil union partner, or de facto partner**”.

Repeal section 22(1)(b) and substitute:

“(b) to the surviving spouse, civil union partner, or de facto partner of that person (whether or not that person has died before the commencement of this Act), until that

Civil List Act 1979 (1979 No 33)—continued

surviving spouse, civil union partner, or de facto partner dies or marries or enters into a civil union or a de facto relationship, an annuity at a rate to be fixed from time to time by the Remuneration Authority.”

Insert in the heading to section 23, after the word “**spouse**”, the words “, **civil union partner, de facto partner,**”.

Repeal section 23(1)(a) and substitute:

- “(a) if the member leaves a spouse, civil union partner, or de facto partner, there is to be paid to the surviving spouse, civil union partner, or de facto partner as income a sum of money equivalent to that which would have been paid to the member if a salary, at the rate payable as at the date of death to a member of Parliament, had been payable to the member in respect of the period of 3 months commencing on the day after the date of death:”.

Omit from section 23(1)(b) the words “wife or husband” and substitute the words “spouse, civil union partner, or de facto partner”.

Companies Act 1993 (1993 No 105)

Repeal the definition of **spouse** in section 2(1) and substitute:

“**spouse**, in relation to a person, means a person who is married to, or in a civil union or a de facto relationship with, that person”.

Construction Contracts Act 2002 (2002 No 46)

Insert in section 7(1)(b), after the word “spouse,”, the words “civil union partner, de facto partner,”.

Repeal section 7(1)(c).

Coroners Act 1988 (1988 No 111)

Repeal the definition of **immediate family** in section 2 and substitute:

“**immediate family**, in relation to any person, includes persons whose relationship to the person is, or is through 1 or more relationships that are, that of—

- “(a) spouse, civil union partner, or de facto partner of the person:
“(b) child of the spouse, civil union partner, or de facto partner of the person:
“(c) spouse, civil union partner, or de facto partner of a parent of the person:

Coroners Act 1988 (1988 No 111)—continued

“(d) child of the spouse, civil union partner, or de facto partner of a parent of the person”.

Corrections Act 2004 (2004 No 50)

Omit paragraph (b) of the definition of **family** in section 3 and substitute:

“(b) the person’s spouse, civil union partner, or de facto partner; and”.

Courts Martial Appeals Act 1953 (1953 No 100)

Omit from section 11(d) the words “husband or wife” in both places where they appear and substitute in each case the words “husband, wife, civil union partner, or de facto partner”.

Crimes Act 1961 (1961 No 43)

Repeal section 67 and substitute:

“67 **Conspiracy between husband and wife or civil union partners**

A person is capable of conspiring with his or her wife or husband or civil union partner or with his or her wife or husband or civil union partner and any other person.”

Repeal section 374(3)(c) and substitute:

“(c) the spouse, civil union partner, or de facto partner of a juror, or a family member of a juror, is ill or has died; or

“(ca) a family member of a juror’s spouse, civil union partner, or de facto partner is ill or has died; or”.

Criminal Investigations (Bodily Samples) Act 1995

(1995 No 55)

Repeal paragraph (b) of the definition of **parent** in section 2(1) and substitute:

“(b) includes a person who—

“(i) is, or has been, responsible for the day-to-day care of that person; and

“(ii) is, or has been, married to, or in a civil union or a de facto relationship with, a parent of that person; and”.

Customs and Excise Act 1996 (1996 No 27)

Insert in section 96(a), after the word “marriage,” where it first appears, the words “civil union, de facto relationship,”.

Repeal section 96(a)(ii) and substitute:

Customs and Excise Act 1996 (1996 No 27)—continued

“(ii) persons are connected by marriage, civil union, or de facto relationship if one—

“(A) is married to, or in a civil union or a de facto relationship with, the other; or

“(B) is married to, or in a civil union or a de facto relationship with, a person who is connected by blood relationship to the other:”.

Repeal clause 1(3)(b) of the Second Schedule and substitute:

“(b) they are married to, or in a civil union or a de facto relationship with, one another or if one is married to, or in a civil union or a de facto relationship with, a person who is within the fourth degree of relationship to the other; or”.

Defence Act 1990 (1990 No 28)

Insert in section 36(1), after the word “married”, the words “or in a civil union or a de facto relationship”.

Insert in section 36(4), after the word “married”, the words “or in a civil union or a de facto relationship”.

Disabled Persons Community Welfare Act 1975 (1975 No 122)

Insert in section 5A, after the word “spouse”, the words “, civil union partner, or de facto partner”.

Repeal section 25B(b)(iii) and substitute:

“(iii) a close relative of the person, including the spouse, civil union partner, or de facto partner of the person.”

District Courts Act 1947 (1947 No 16)

Insert in section 50(2), after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Insert in section 50(3), after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Domestic Violence Act 1995 (1995 No 86)

Add to the definition of **child** in section 2 the words “or in a civil union or a de facto relationship”.

Repeal paragraph (a) of the definition of **family member** in section 2 and substitute:

Domestic Violence Act 1995 (1995 No 86)—continued

- “(a) any other person who is or has been related to the person by blood or by or through marriage, a civil union, or a de facto relationship, or by adoption:”

Repeal paragraph (c) of the definition of **family member**.

Repeal the definition of **partner** in section 2 and substitute:

“**partner**, in relation to a person, means—

- “(a) any other person to whom the person is or has been married or with whom the person is or has been in a civil union or in a de facto relationship:
- “(b) if the person is the biological parent of another person, the other biological parent of that person”.

Insert in section 9(4)(a), after the word “married”, the words “, in a civil union, or in a de facto relationship,”.

Insert in section 10(3)(a), after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Insert in section 71(a), after the word “married”, the words “, in a civil union, or in a de facto relationship,”.

Insert in section 72(2)(a), after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Education Act 1964 (1964 No 135)

Repeal section 194(3).

Insert in section 201E(3), after the word “husband,” the words “civil union partner, de facto partner,”.

Education Act 1989 (1989 No 80)

Insert in section 11F(3)(b) and (c), after the words “married to” in both places where they occur, the words “, or in a civil union with,”.

Repeal section 11F(3)(d) and substitute:

- “(d) a parent of child A is the de facto partner of a parent of child B; or”.

Repeal the definition of **spouse** in section 92(1) and substitute:

“**spouse**, in relation to a person, means a person who is married to, or in a civil union or in a de facto relationship with, another person”.

Omit from clause 19(d) of Schedule 13A the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Electoral Act 1993 (1993 No 87)

Insert in section 109(2)(c)(ii), after the word “spouse,” the words “civil union partner, de facto partner,”.

Electoral Act 1993 (1993 No 87)—continued

Repeal section 145(3) and (4) and substitute:

- “(3) Despite anything in subsection (2), in applying that subsection in the case of any constituency candidate who is, or has been, married to, or in a civil union with, another person, the other person’s surname may be substituted for the candidate’s surname in any of the cases specified in paragraphs (a) to (d) of that subsection, unless, if the other person were nominated as a constituency candidate under that surname, the Returning Officer would be required to reject his or her nomination under the provisions of that subsection.”

Electricity Act 1992 (1992 No 122)

Repeal section 111(2) and substitute:

- “(2) For the purposes of subsection (1), the term **near relative**, in relation to any person, means—
- “(a) a grandparent of that person:
 - “(b) a parent of that person:
 - “(c) a parent of that person’s spouse, civil union partner, or de facto partner:
 - “(d) a brother or sister of that person, including a half-brother or half-sister:
 - “(e) that person’s spouse, civil union partner, or de facto partner:
 - “(f) a child of that person:
 - “(g) a grandchild of that person.
- “(3) For the purposes of **subsection (2)**, in any case where a person (**person A**) is married to, or in a civil union or a de facto relationship with, a parent of another person (**person B**),—
- “(a) person A is to be treated as person B’s parent; and
 - “(b) person B is to be treated as person A’s child.”

Omit from clause 9(1)(d) of Schedule 2A the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Electricity Industry Reform Act 1998 (1998 No 88)

Insert in section 12(1)(b), after the word “spouse,”, the words “civil union partner, de facto partner,”.

Repeal section 12(1)(c).

Evidence Act 1908 (1908 No 56)

Omit from the heading to section 4 the words “**or husband**” and substitute the words “, **husband, or civil union partner**”.

Evidence Act 1908 (1908 No 56)—continued

Omit from section 4 the words “and wives” and substitute the words “, wives, or civil union partners”.

Family Proceedings Act 1980 (1980 No 94)

Repeal section 145B(c) and substitute:

“(c) for the purposes of an application under section 145E(b), to a person who is, or has been, married to, or in a civil union or a de facto relationship with, a parent of the child”.

Omit from section 145G(2) the words “a step-parent of a child” and substitute the words “a person (**person A**) who is, or has been, married to, or in a civil union or a de facto relationship with, a parent of the child”.

Repeal section 145G(2)(b) and substitute:

“(b) the child has at some time lived with person A as a member of person A’s family.”

Add to section 145G(9) the words “or in a civil union or a de facto relationship”.

Add to section 145G(10) the words “or enters into a civil union or a de facto relationship”.

Family Protection Act 1955 (1955 No 88)

Repeal the definition of **child of a marriage** in section 2(1) and substitute:

“**child of a marriage** includes—

“(a) a child of a civil union; and

“(b) a child whose parents marry each other or enter into a civil union with each other after the child’s birth”.

Repeal the definition of **stepchild** in section 2(1) and substitute:

“**stepchild**, in relation to any deceased person, means any person—

“(a) who is not a child of the deceased, but is a child of—

“(i) the deceased’s husband, wife, or civil union partner; or

“(ii) a de facto partner who was living in a de facto relationship with the deceased at the date of his or her death and in whose favour the Court can make an order under this Act; and

“(b) who was living at the date on which the deceased—

“(i) married that spouse; or

Family Protection Act 1955 (1955 No 88)—continued

“(ii) entered into the civil union with that civil union partner; or

“(iii) became a party to that de facto relationship.”

Repeal section 3(1)(a) and substitute:

“(a) the wife, husband, or civil union partner of the deceased:”.

Omit from section 3(1)(e)(ii) the words “or husband” and substitute the words “, husband, or civil union partner”.

Omit from section 4(3)(a)(i) the words “or husband” and substitute the words “, husband, or civil union partner”.

Fisheries Act 1996 (1996 No 88)

Repeal section 93A(7)(b) and substitute:

“(b) persons are connected by marriage if one is married to the other or if one is in a civil union or a de facto relationship with the other:”.

Harassment Act 1997 (1997 No 92)

Add to the definition of **child** in section 2(1) the words “or in a civil union or a de facto relationship”.

Insert in section 11(4)(a), after the word “married”, the words “or in a civil union or a de facto relationship”.

Insert in section 12(3)(a), after the word “married”, the words “or in a civil union or a de facto relationship”.

Health Act 1956 (1956 No 65)

Omit from section 89(b) the words “contracting any marriage” and substitute the words “having a sexual relationship”.

Insert in section 120A(4) and (5), after the word “marriage” in both places where it appears, the words “or by or through a civil union or de facto relationship”.

Health and Disability Commissioner Act 1994 (1994 No 88)

Omit from section 57(3) the words “an unmarried minor” and substitute the words “a minor who is not married, in a civil union, or in a de facto relationship”.

Omit from section 57(6)(a) the words “an unmarried minor” and substitute the words “a minor who is not married, in a civil union, or in a de facto relationship”.

Health and Disability Services (Safety) Act 2001 (2001 No 93)

Omit from section 6(2) the words “(or a relationship in the nature of marriage)” and substitute the words “(or by or through a civil union or a de facto relationship)”.

Holidays Act 2003 (2003 No 129)

Insert in paragraph (a) of the definition of **spouse** in section 5(1), after the word “wife”, the words “or civil union partner”.

Housing Act 1955 (1955 No 51)

Omit from section 21 the words “or husband” in both places where they appear and substitute in each case the words “, husband, civil union partner, or de facto partner”.

Housing Corporation Act 1974 (1974 No 19)

Omit from clause 21(e) of Schedule 1A the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Human Rights Act 1993 (1993 No 82)

Insert in paragraph (a) of the definition of **relative** in section 2(1), after the word “marriage,”, the words “civil union,”.

Repeal section 21(1)(b)(vi) and substitute:

“(vi) in a civil union or in a de facto relationship:”.

Omit from section 21(1)(l)(iii) the words “relationship in the nature of a marriage” and substitute the words “civil union or a de facto relationship with”.

Omit from section 32(a) and (b) the words “living in a relationship in the nature of marriage” in both places where they occur and substitute in each case the words “in a civil union or in a de facto relationship”.

Human Tissue Act 1964 (1964 No 19)

Insert in section 3(2)(b), after the word “spouse,”, the words “surviving civil union partner,”.

Insert in section 5(1)(a) and (b), after the words “surviving spouse” in both places where they occur, the words “, surviving civil union partner,”.

Insert in section 5(2)(b), after the word “spouse”, the words “, civil union partner, or de facto partner,”.

Immigration Act 1987 (1987 No 74)

Omit from the definition of **dependent child** in section 2(1) the words “an unmarried child under 17 years of age” and substitute the

Immigration Act 1987 (1987 No 74)—continued

words “a child under 17 years of age who is not married or in a civil union or a de facto relationship, and”.

Omit from section 35(2) the words “an unmarried person who is under 17 years of age” and substitute the words “a person under 17 years of age who is not married or in a civil union or a de facto relationship”.

Omit from section 59(5) the words “an unmarried person who is under 17 years of age” and substitute the words “a person under 17 years of age who is not married or in a civil union or a de facto relationship”.

Omit from section 62(1)(a) the words “an unmarried person who is under 17 years of age” and substitute the words “a person under 17 years of age who is not married or in a civil union or a de facto relationship”.

Omit from section 128(6)(a) the words “an unmarried person who is under 17 years of age” and substitute the words “a person under 17 years of age who is not married or in a civil union or a de facto relationship”.

Omit from section 128B(7)(a) the words “an unmarried person who is under 17 years of age” and substitute the words “a person under 17 years of age who is not married or in a civil union or a de facto relationship”.

Omit from section 141B(1) the word “unmarried” and substitute the words “not married or in a civil union or a de facto relationship”.

Repeal section 148(2) and substitute:

“(2) If—

- “(a) any person has been or is to be removed, deported, or repatriated from New Zealand; and
- “(b) that person has in New Zealand a spouse, civil union partner, de facto partner, or a dependent child; and
- “(c) the Minister is satisfied that the effect of the removal, deportation, or repatriation has been or will be to separate that person from the spouse, civil union partner, de facto partner, or the dependent child,—

the Minister may provide that person or that person’s spouse, civil union partner, or de facto partner with such assistance as the Minister thinks fit for the purpose of reuniting the spouse, civil union partner, de facto partner, or the dependent child with the person in the country to which the person has been or

Immigration Act 1987 (1987 No 74)—continued

is to be removed, deported, or repatriated, and any such assistance may include the grant of a sum out of the Crown Bank Account to meet all or part of the travelling or other costs that will be incurred in any such exercise.”

Industrial and Provident Societies Act 1908 (1908 No 81)

Insert in section 9(e), after the word “wife,”, the words “civil union partner, de facto partner,”.

Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)

Omit from section 18(1)(b) the words “a relationship in the nature of marriage” and substitute the words “a civil union or a de facto relationship”.

Omit from section 18(4)(b) the words “a relationship in the nature of marriage” and substitute the words “a civil union or a de facto relationship”.

Judicature Act 1908 (1908 No 89)

Insert in section 14, after the word “his” wherever it appears, the words “or her”.

Insert in section 14, after the word “he” wherever it appears, the words “or she”.

Omit from section 14 the word “widow” and substitute the words “surviving wife, husband, civil union partner, or de facto partner”.

Insert in section 54B(3), after the word “spouse” in both places where it appears, the words “or civil union partner”.

Law Reform Act 1936 (1936 No 31)

Insert in section 17(1)(b), after the word “husband,”, the words “civil union partner, de facto partner,”.

Law Reform (Testamentary Promises) Act 1949 (1949 No 33)

Insert in section 3(1), after the word “husband,”, the words “civil union partner, de facto partner,”.

Layby Sales Act 1971 (1971 No 80)

Insert in section 10(3)(b), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Maori Affairs Restructuring Act 1989 (1989 No 68)

Insert in section 2(2), after the words “married to” the words “, or in a civil union or a de facto relationship with,”.

Maori Affairs Restructuring Act 1989 (1989 No 68)—continued

Insert in section 49(5), after the word “widower,” the words “surviving civil union partner, surviving de facto partner,”.

Insert in section 85(9), after the words “married to”, the words “, or in a civil union or a de facto relationship with,”.

Maori Housing Amendment Act 1938 (1938 No 17)

Insert in section 11(3), after the word “widower,” the words “surviving civil union partner, surviving de facto partner,”.

Insert in section 14(3), after the word “widower,” the words “surviving civil union partner, surviving de facto partner,”.

Maori Reserved Land Act 1955 (1955 No 38)

Insert in section 10(1)(d)(iii), after the word “spouse,” the words “civil union partner, de facto partner,”.

Maori Reserved Land Amendment Act 1997 (1997 No 101)

Repeal paragraph (a) of the definition of **spouse** in clause 1(1) of Schedule 1 and substitute:

“(a) a person who is in a civil union or a de facto relationship with the lessee or shareholder or beneficiary; and”.

Maori Soldiers Trust Act 1957 (1957 No 29)

Insert in section 10(2)(b), after the word “wife”, the words “, husband, civil union partner, de facto partner,”.

Maori Vested Lands Administration Act 1954 (1954 No 60)

Insert in section 4A(1)(d)(iii), after the word “spouse,” the words “civil union partner, de facto partner,”.

Insert in section 30(2), after the word “wife”, the words “, or between civil union partners or de facto partners,”.

Omit from the proviso to clause 4 of the First Schedule the word “(husband)” and substitute the words “(or husband or civil union partner or de facto partner)”.

Meat Board Act 1997 (1997 No 105)

Omit from clause 9(1)(d) of Schedule 1 the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)

Insert in section 2(1), after the definition of **Registrar**:

“**relative**, in relation to any person, includes—

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)—continued

- “(a) a person who is married to, or in a civil union or a de facto relationship with, that person; or
- “(b) a person who is married to, or in a civil union or a de facto relationship with, a person who is connected by blood relationship to that person”.

Mutual Insurance Act 1955 (1955 No 23)

Repeal paragraph 3(1)(g) and substitute:

- “(g) the wife, husband, civil union partner, or de facto partner of any member of the association and the widow, widower, surviving civil union partner, or surviving de facto partner of any person who was a member of the association at his or her death.”

New Zealand Public Health and Disability Act 2000

(2000 No 91)

Repeal the definition of **spouse** in section 6(1) and substitute:

- “**spouse** means husband, wife, civil union partner, or de facto partner”.

Overseas Investment Act 1973 (1973 No 14)

Repeal section 2A(a)(ii) and substitute:

- “(ii) persons are connected by marriage if one is married to, or in a civil union or a de facto relationship with, the other or is married to, or in a civil union or a de facto relationship with, a person who is connected by a blood relationship to the other:”.

Pacific Islands Polynesian Education Foundation Act 1972

(1972 No 138)

Insert in section 24(1)(j), after the word “wife”, the words “, husband, civil union partner, de facto partner,”.

Parental Leave and Employment Protection Act 1987

(1987 No 129)

Insert in the definition of **spouse** in section 2(1), after the word “marriage”, the words “or a civil union”.

Partnership Act 1908 (1908 No 139)

Insert in section 5(c)(iii), after the word “widow”, the words “, widower, surviving civil union partner, surviving de facto partner,”.

Perpetuities Act 1964 (1964 No 47)

Insert in the proviso to section 7(4), after the word “wife”, in both places where it appears, the words “or civil union partner or de facto partner”.

Omit from the heading to section 13 the words “**husband or wife**” and substitute the words “**husband, wife, civil union partner, or de facto partner**”.

Omit from section 13 the words “widow or widower” wherever they appear and substitute in each case the words “widow, widower, surviving civil union partner, or surviving de facto partner”.

Petroleum Demand Restraint Act 1981 (1981 No 12)

Insert in section 18, after the word “spouse”, the words “, civil union partner, or de facto partner”.

Police Act 1958 (1958 No 109)

Insert in section 88(3), after the words “ethical belief”, the words “and ‘marital status’”.

Pork Industry Board Act 1997 (1997 No 106)

Omit from clause 9(1)(d) of Schedule 1 the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Privacy Act 1993 (1993 No 28)

Omit from section 88 the words “an unmarried minor” in both places where they occur and substitute in each case the words “a minor who is not married, in a civil union, or in a de facto relationship”.

Protection of Personal and Property Rights Act 1988

(1988 No 4)

Repeal the definition of **child** in section 2 and substitute:

“**child**, in relation to any person, means—

“(a) a daughter or son of that person; or

“(b) a daughter or son of that person’s spouse, civil union partner, or de facto partner”.

Repeal the definition of **parent** in section 2 and substitute the following definition:

“**parent**, in relation to any person, includes a person who—

“(a) has responsibility for the child’s day-to-day care; and

“(b) is married to the parent, in a civil union with the parent, or in a de facto relationship with the parent”.

Protection of Personal and Property Rights Act 1988

(1988 No 4)—continued

Repeal paragraph (a) of the definition of **relative** in section 2 and substitute:

“(a) the spouse, civil union partner, or de facto partner of that person; and”.

Omit from section 62(4) the words “an unmarried minor” and substitute the words “a minor who is not in a marriage, civil union, or de facto relationship”.

Insert in section 62(6)(d)(i), after the word “husband,”, the words “civil union partner, de facto partner,”.

Public Trust Act 2001 (2001 No 100)

Insert in section 103(1)(b)(i), after the word “partner”, the words “(including civil union partner)”.

Insert in section 119(4)(a), after the word “marriage,”, the words “civil union,”.

Omit from clause 5(1)(d) of Schedule 1 the words “or spouse”, and substitute the words “spouse, civil union partner, or de facto partner”.

Referenda (Postal Voting) Act 2000 (2000 No 48)

Repeal section 26(2)(b)(ii) and substitute:

“(ii) by the father, mother, spouse, civil union partner, or de facto partner of the elector or by a sister or brother of the elector; and”.

Residential Tenancies Act 1986 (1986 No 120)

Insert in the definition of **adult** in section 2(1), after the word “married”, the words “, in a civil union, or in a de facto relationship”.

Repeal paragraphs (a) and (b) of the definition of **member of the landlord’s family** in section 2(1) and substitute:

“(a) the landlord’s spouse or civil union partner:

“(b) the landlord’s de facto partner”.

Insert in section 14(1), after the word “married”, the words “, in a civil union, or in a defacto relationship”.

Insert in section 14(2), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Insert in section 14(3), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Resource Management Act 1991 (1991 No 69)

Insert in section 185(3)(b)(ii), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Insert in section 198(1)(a), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Sale of Liquor Act 1989 (1989 No 63)

Insert in section 161(2), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Omit from section 170(2)(a) the words “or de facto partner (whether of the same or different sex)” and substitute the words “, civil union partner, or de facto partner”.

Omit from section 200(1)(c) the words “or de facto partner (whether of the same or different sex)” and substitute the words “, civil union partner, or de facto partner”.

School Trustees Act 1989 (1989 No 3)

Omit from the definition of **immediate caregiver** in section 2(1) the words “or has a relationship in the nature of marriage with” in both places where they occur and substitute in each case the words “, or in a civil union or a de facto relationship with,”.

Secret Commissions Act 1910 (1910 No 40)

Insert in section 3(2), after the word “wife,”, the words “civil union partner, de facto partner,”.

Insert in section 5(2), after the word “wife,”, the words “civil union partner, de facto partner,”.

Securities Markets Act 1988 (1988 No 234)

Insert in section 8(1)(a), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Sentencing Act 2002 (2002 No 9)

Repeal paragraph (b) of the definition of **immediate family** in section 4(1) and substitute:

- “(b) to avoid doubt includes a person who is—
 - “(i) the victim’s spouse, civil union partner, or de facto partner; or
 - “(ii) the victim’s child or a child of a person who is, or was, the victim’s spouse, civil union partner, or de facto partner; or
 - “(iii) the victim’s brother or sister or the child of a person who is, or was, the spouse, civil union

Sentencing Act 2002 (2002 No 9)—continued

partner, or de facto partner of a parent of the victim; or

“(iv) a parent of the victim or a person who is, or was, the spouse, civil union partner, or de facto partner of a parent of the victim; or

“(v) a grandparent of the victim”.

Summary Offences Act 1981 (1981 No 113)

Insert in the heading to section 17, after the word “**marriage**,” the words “**civil union**,”.

Insert in section 17(1)(a), after the word “marriage,” the words “or civil union”.

Insert in section 17(2), after the word “marriage,” the words “a civil union,”.

Summary Proceedings Act 1957 (1957 No 87)

Repeal section 186(a)(i) and substitute:

“(i) will do the complainant or his or her wife, husband, civil union partner, or de facto partner or his or her child or any member of his or her household bodily harm; or”.

Omit from section 186(a)(ii) the word “his” and substitute the words “the complainant’s”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

Insert in section 108(4), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Repeal section 109(2) and substitute:

“(2) Where the owner of a beneficial interest in any Maori freehold land dies intestate leaving a person who is the owner’s surviving spouse, civil union partner, or de facto partner, that person is, subject to subsection (4), entitled as of right to an interest in that interest for life, or until he or she remarries or enters into a civil union or a de facto relationship.”

Insert in section 109(3), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Insert in section 109(4), after the word “spouse” wherever it appears, the words “or civil union partner”.

Insert in section 109(4), after the word “marriage”, the words “or civil union”.

Insert in section 296(3), after the word “wife”, the words “, or civil union partners, or de facto partners,”.

Te Ture Whenua Maori Act 1993 (1993 No 4)—continued

Insert in section 296(3), after the word “marriage”, the words “, civil union, or de facto relationship”.

Trade Unions Act 1908 (1908 No 196)

Insert in section 22, after the word “wife,”, the words “civil union partner, de facto partner,”.

Tuberculosis Act 1948 (1948 No 36)

Omit from section 3(2)(b) the words “or husband” and substitute the words “, husband, civil union partner, or de facto partner of the patient,”.

Victims’ Rights Act 2002 (2002 No 39)

Repeal paragraph (b) of the definition of **immediate family** in section 4 and substitute:

- “(b) to avoid doubt includes a person who is—
 - “(i) the victim’s spouse, civil union partner, or de facto partner; or
 - “(ii) the victim’s child or a child of a person who is, or was, the victim’s spouse, civil union partner, or de facto partner; or
 - “(iii) the victim’s brother or sister or the child of a person who is, or was, the spouse, civil union partner, or de facto partner of a parent of the victim; or
 - “(iv) a parent of the victim or a person who is, or was, the spouse, civil union partner, or de facto partner of a parent of the victim; or
 - “(v) a grandparent of the victim”.

Repeal paragraph (a) of the definition of **support person** in section 4 and substitute:

- “(a) a spouse, civil union partner, or de facto partner of the victim.”.

Omit from paragraph (c)(ii) of the definition of **support person** in section 4 the words “an unmarried child” and substitute the words “a child who is not married or in a civil union and who is”.

Add to the definition of **young person** in section 4 the words “or in a civil union”.

Wildlife Act 1953 (1953 No 31)

Omit from section 19(3) the words “or husband” and substitute the words “, husband, civil union partner, or de facto partner”.

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Schedule 14
New Schedules 1 and 2 in Property (Relationships)
Forms Regulations 2001

r 4

Schedule 1
Notice of claim to interest, under Act, in certain land

Section 42(2), Property (Relationships) Act 1976

Notice of claim, under section 42(1) of the Property
(Relationships) Act 1976, to an interest in certain land

To the Registrar

..... Land Registration District

Take notice that—

1 I, [*claimant*], of [*address*], [*occupation*], am the spouse, civil union partner, or de facto partner of [*spouse, civil union partner, or de facto partner*], of [*address*], [*occupation*], who is—

*registered as a proprietor of [*nature of estate or interest*] in the land described below.

*entitled to, or beneficially interested [*nature of estate or interest under Land Transfer Act 1952*] in, the land described below, by virtue of an unregistered agreement or other instrument or transmission, or an express or implied trust, or by virtue of some other circumstances.

*2 My marriage to [*spouse*] took place on [*date*] at [*place*].

or

*2 I entered into a civil union with [*civil union partner*] on [*date*] at [*place*].

or

*2 I have been (*or I am*) in a de facto relationship with [*de facto partner*]. The relationship lasted (*or has to date lasted*) for [*duration*].

3 Under the Property (Relationships) Act 1976, I claim an interest in that estate or interest by virtue of my marriage to [*spouse*] (*or my civil union with [civil union partner] or my de facto relationship with [de facto partner]*).

Schedule 1—continued

4 I designate *[address]* as the place where notices relating to this notice of claim may be served.

* Delete if inapplicable.

Date: *[date]*

Signed by *[name]*, the *[claimant or claimant’s agent or attorney]*:

.....
Signature of *[claimant or claimant’s agent or attorney]*

In the presence of:

Signature of *[witness]*
[full name of witness]
[address]
[occupation]

Description of land

[describe land]

Schedule 2

r 5

Notice of choice of option A or option B by surviving spouse, civil union partner, or de facto partner*Section 65(2)(a), Property (Relationships) Act 1976***Notice of choice of option by surviving spouse, civil union partner, or de facto partner, under section 61 of the Property (Relationships) Act 1976****Take notice that—**

1 I, *[name]*, of *[address]*, *[occupation]*. am the spouse, civil union partner, or de facto partner of *[spouse, civil union partner, or de facto partner]*, who died on *[date]* and, at that time, resided at *[address]*.

*2 My marriage to *[spouse]* took place on *[date]* at *[place]*.

or

*2 I entered into a civil union with *[civil union partner]* on *[date]* at *[place]*.

or

*2 My de facto relationship with *[de facto partner]* lasted for *[duration]*.

3 Under section 61 of the Property (Relationships) Act 1976, I choose—

*option A—to elect to make an application under that Act for a division of the relationship property.

or

*option B—

- to elect *not* to make an application under that Act for a division of the relationship property; and
- to receive—
 - any property to which I am entitled as a beneficiary under the will of *[spouse, civil union partner, or de facto partner]*; and
 - any beneficial interest to which I am entitled on his or her intestacy or partial intestacy.

Schedule 2—continued

4 Communications with me on matters arising from this notice may be sent to *[address]*.

* Delete if inapplicable.

.....
Signature of *[name]*

.....
Date

Certificate *[either to be included in notice, or to accompany it]*
I, *[lawyer]*, of *[address]*, lawyer, certify here that I have explained to *[name]* the effect and implications of this notice.

.....
Signature of *[lawyer]*

.....
Date

Heading *[insert at top, but only if the notice is, under section 65(2)(c) of the Act, to be lodged in a registry of the High Court]*

In the High Court
of New Zealand

P No

In the matter of section 61 of the Property (Relationships) Act 1976 and in the estate of *[spouse, civil union partner, or de facto partner]* of *[place]*, *[occupation]*, deceased.

[place] Registry

Notes

- If given by a minor, this notice has effect as if the minor were of full age (*see* section 65(3) of the Act).
- Under section 65(4) of the Act, a choice of option is effective when a notice indicating the choice is lodged in accordance with section 65(2)(c) of the Act, either by lodging the notice with the administrator of the estate or, if the administration of

Schedule 2—continued

the estate has not been granted in New Zealand, in the registry of the High Court in which an application for a grant of administration of that estate would, under the High Court Rules, be required to be filed.

- Once a surviving spouse, civil union partner, or de facto partner has chosen option A or option B, that choice cannot be revoked.
 - However, under section 69 of the Act, the Court may, if satisfied of the matters stated in section 69(2) of the Act, set aside a choice of option A or option B, on an application made by the surviving spouse, civil union partner, or de facto partner before the final distribution of the estate of the deceased spouse, civil union partner, or de facto partner.
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Schedule 15

Regulations amended

Alcoholism and Drug Addiction (Forms) Regulations 1968

(SR 1968/211)

Omit from Form 3 the note appearing against the dagger in Form 3 and substitute:

“†**Relative**, for the purposes of section 9 of the Act means—

“(a) a spouse, civil union partner, or de facto partner:

“(b) a parent or grandparent:

“(c) a person who is, or has been, married to, or in a civil union or in a de facto relationship with, a parent of the said person:

“(d) a brother, sister, half-brother, or half-sister:

“(e) a son, daughter, grandson, or granddaughter:

“(f) a person whose parent is, or has been, married to, or in a civil union or in a de facto relationship with, the said person.”

Armed Forces Discipline Rules of Procedure 1983

(SR 1983/236)

Omit from rule 104(1) and (2) the words “accused’s spouse” and substitute in each case the words “spouse, civil union partner, or de facto partner of the accused”.

Revoke rule 104(3) and substitute:

“(3) Neither the accused nor the spouse, civil union partner, or de facto partner of the accused may be compelled to disclose in the proceeding any communication that one made to the other during the marriage, civil union, or de facto relationship.”

Insert in rule 104(7), after the word “spouse”, the words “, civil union partner, or de facto partner”.

Civil List (Pay Periods) Order 1982 (SR 1982/240)

Insert in the heading to clause 4, after the word “**spouse**”, the words “, **civil union partner, or de facto partner**”.

Insert in the heading to clause 5, after the word “**spouse**”, the words “, **civil union partner, or de facto partner**”.

Cremation Regulations 1973 (SR 1973/154)

Omit from the definition of **near relative** in regulation 2 the words “or husband” and substitute the words “, husband, civil union partner, or de facto partner”.

Omit from form A in the First Schedule the words “Whether married, widow, widower, or unmarried” and substitute the words “State whether the deceased was married, or in a civil union, or in a

Cremation Regulations 1973 (SR 1973/154)—continued

de facto relationship, or whether the deceased was the surviving partner of a marriage, civil union, or de facto relationship, or whether the deceased had never been married, in a civil union, or in a de facto relationship”.

Omit from the note to Form A in the First Schedule the words “or husband” and substitute the words “, husband, civil union partner, or de facto partner”.

Add to the note to Form A in the First Schedule the words “or her”.

Defence Regulations 1990 (SR 1990/78)

Omit from regulation 4(4) the words “widow or widower of the member or, if there is no widow or widower” and substitute the words “widow, widower, surviving civil union partner, or surviving de facto partner of the member or, if there is no widow, widower, surviving civil union partner, or surviving de facto partner”.

Domestic Violence (Programmes) Regulations 1996

(SR 1996/174)

Add to the definition of **child** in regulation 2(1) the words “, in a civil union, or in a de facto relationship”.

Domestic Violence Rules 1996 (SR 1996/148)

Insert in rule 41(1), after the word “marries”, the words “or enters into a civil union or a de facto relationship”.

Employment Court Regulations 2000 (SR 2000/250)

Omit from clause 16(5) of Schedule 2 the words “his wife or her husband” and substitute the words “his or her wife, husband, civil union partner, or de facto partner”.

Futures Industry (Client Funds) Regulations 1990

(SR 1990/227)

Insert in paragraph (a) of the definition of **related party** in regulation 2(1), after the word “spouse”, the words “, civil union partner, or de facto partner,”.

Government Superannuation Fund Regulations 1995

(SR 1995/173)

Revoke regulation 3(b) and (c) and substitute:

- “(b) if the application is in respect of a person who claims to be the spouse of the deceased contributor, any evidence that the Government Superannuation Fund Authority may in its discretion require to establish that the person is the spouse (within the meaning of section 2(1) of the Act) of the deceased contributor; and”.

Health (Immunisation) Regulations 1995 (SR 1995/304)

Revoke the definition of **parent** in regulation 2(1) and substitute:

“**parent**, in relation to a child, includes a person—

- “(a) who is responsible for the day-to-day care of the child;
and
- “(b) who is, or has been, married to, or in a civil union or a de facto relationship with, a parent of the child”.

Historic Places Trust Election Regulations 1993 (SR 1993/302)

Add to regulation 14:

- “(4) For the purposes of subclause (1), a person is a relative of a candidate if the person is related to the candidate by blood or through marriage, a civil union, or a de facto relationship, or by adoption.”

Immigration Regulations 1999 (SR 1999/284)

Revoke regulation 20(4)(b) and substitute:

- “(b) partner, in relation to an applicant, means the spouse, civil union partner, or de facto partner of the applicant.”

Revoke regulation 47(2) and substitute:

- “(2) No bond may be imposed in respect of a dependent child of an adult applicant for a visitor’s visa who is included in that adult applicant’s application. For the purposes of this subclause a **dependent child** is a child under 20 years of age who is not married, in a civil union, or in a de facto relationship and who is dependent on the adult applicant.”

Omit from form 4 in Schedule 2 the words “*AND TO: the following unmarried dependent children under 17 years of age:” and substitute the words “*AND TO: the following dependent children under 17 years of age (not being persons who are married, in a civil union, or in a de facto relationship):”.

Omit from the note to form 4 in Schedule 2 the words “(or, if you are under 17 years of age and unmarried, a responsible adult)” and substitute the words “(or, if you are under 17 years of age and not married, in a civil union, or in a de facto relationship, a responsible adult)”.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

Insert in paragraph (b) of the definition of **dependant** in rule 2(1), after the word “marriage,”, the words “civil union,”.

Revoke the definition of **spouse** in rule 2(1) and substitute:

“**spouse** means husband, wife, civil union partner, or de facto partner”.

Revoke clause 10(3)(a) and (b) and substitute:

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—
continued

- “(a) a marriage certificate or a civil union certificate; or
- “(b) a dissolution of marriage order or a dissolution of civil union order; or”.

Maori Community Development Regulations 1963
(SR 1963/87)

Insert in regulation 3(8), after the word “husband”, the words “or civil union partner or de facto partner”.

Overseas Investment Exemption Notice 2001 (SR 2001/410)

Revoke paragraph (b) of the definition of **family member** in clause 3 and substitute the following paragraph:

- “(b) persons are connected by marriage if one is married to, or in a civil union or in a de facto relationship with, the other or is married to, or in a civil union or in a de facto relationship with, a person who is connected by a blood relationship to the other:”.

Overseas Investment Regulations 1995 (SR 1995/292)

Revoke regulation 3(a)(ii) and substitute the following subparagraph:

- “(ii) persons are connected by marriage if one is married to, or in a civil union or in a de facto relationship with, the other or is married to, or in a civil union or in a de facto relationship with, a person who is connected by a blood relationship to the other:”.

Property (Relationships) Model Form of Agreement Regulations 2001 (SR 2001/177)

Insert in the Prescribed model form of agreement in the Schedule, after the word “marriage” in both places where it appears before clause 1, the words “or civil union”.

Revoke that part of the notes to the Prescribed model form of agreement in the Schedule that is under the heading “*Guide to general scheme and effect of Act*” and substitute:

“In general terms, the purpose of an agreement based on this form is to contract out of the Property (Relationships) Act 1976. The following notes are only a guide to the general scheme and effect of the Act:

- the Act is mainly about how the property of married couples, civil union couples, and couples who have lived in a de facto

Property (Relationships) Model Form of Agreement**Regulations 2001 (SR 2001/177)—continued**

relationship is to be divided up when they separate or 1 of them dies:

- different rules apply depending on the length of the marriage or the civil union or the de facto relationship:
- in the case of marriages and civil unions, special rules apply to marriages and civil unions of less than 3 years:
- in the case of de facto relationships, the Act usually applies only when the de facto partners have lived together for at least 3 years, but it may apply to shorter de facto relationships in certain circumstances:
- in general, the couple's property is to be divided equally between the couple."

Real Estate Agents Regulations 1977 (SR 1977/248)

Insert in form 14 in the First Schedule, after the word "spouse", wherever it appears, the words "or civil union partner or de facto partner".

Insert in form 15 in the First Schedule, after the word "spouse", wherever it appears, the words "or civil union partner or de facto partner".

Sale of Liquor Regulations 1990 (SR 1990/61)

Omit from regulation 21D(b)(iii) the words "or partner", and substitute the words "civil union partner, or de facto partner".

Securities Act (Contributory Mortgage) Regulations 1988

(SR 1988/143)

Insert in regulation 5(2)(a) after the word "spouse" in both places where it appears, the words ", civil union partner, or de facto partner".

Securities Act (Real Property Proportionate Ownership**Schemes) Exemption Notice 2002 (SR 2002/315)**

Insert in clause 4(2)(a), after the word "spouse" in both places where it appears, the words ", civil union partner, or de facto partner".

Insert in clause 13(2)(d) of Schedule 1, after the word "spouse", the words ", civil union partner, or de facto partner".

Social Security (Monetary Benefits) Regulations 1971

(SR 1971/167)

Omit from regulation 8(4) the words "wife or husband" and substitute the word "spouse".

Social Security (Monetary Benefits) Regulations 1971

(SR 1971/167)—continued

Revoke regulation 9.

Omit from regulation 15(2) the word “wife” and substitute the word “spouse”.

Omit from regulation 16 the words “widow, widower,” and substitute the words “surviving spouse”.

Sports Drug (Urine Testing) Regulations 1994 (SR 1994/286)

Omit from regulation 12(1)(b) the word “spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

Wildlife Sanctuary (Gannet Island) Order 1980 (SR 1980/90)

Insert in clause 4(b), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Insert in the proviso to clause 5(a), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Insert in the proviso to clause 5(h), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Wildlife Sanctuary (Motunau Island) Order 1969

(SR 1969/165)

Insert in clause 4(b), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Insert in the proviso to clause 5(a), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Insert in the proviso to clause 5(h), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Wildlife Sanctuary (Whangamata Islands) Order 1976

(SR 1976/301)

Insert in clause 4(b), after the word “spouse”, the words “, civil union partner, de facto partner,”.

Insert in clause 5(2), after the word “spouse”, the words “, civil union partner, de facto partner,”.