Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006

Public Act 2006 No 34
Date of assent 30 June 2006
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Amendments to principal Act

3 Principal Act amended

This Part amends the Act that was previously called the Housing Restructuring Act 1992.

4 Title amended

Paragraph (c) of the Title is amended by adding "**, income-related rents, information matching, and other tenancy matters**".

5 Name of principal Act changed

(1) After the commencement of this Act, the principal Act is called the Housing Restructuring and Tenancy Matters Act 1992.

(2) Section 1(1), and all of the following enactments, are consequentially amended by inserting "and Tenancy Matters" after "Restructuring" wherever it appears:

- (a) section 19A(1) of the Housing Act 1955; and
- (b) the definition of **HNZ** in section 2, and sections 20B(3) and (4) and 52(2), of the Housing Corporation Act 1974; and
- (c) sections 24(3) and 25(2), and the heading to Schedule 3, of the Housing Corporation Amendment Act 2001; and
- (d) the enacting statement, regulation 1, and the definition of **Act** in regulation 3, of the Housing Restructuring (Appeals) Regulations 2000; and
- (e) section 7(1)(i) of the Legal Services Act 2000; and
- (f) section 3, and the heading above section 3, of the Relationships (Statutory References) Act 2005; and

(g) section 25(3) of the Residential Tenancies Act 1986; and

(h) paragraph (f)(xvi) of the definition of **income** in section 3(1), and section 61EA(2A), of the Social Security Act 1964; and

(i) clause 5(b)(iii) of Schedule 2 of the Social Security (Temporary Additional Support) Regulations 2005; and

(j) regulation 9(2)(aa) of the Student Allowances Regulations 1998.

(3) Unless the context otherwise requires, any reference to the Housing Restructuring Act 1992 in any enactment, rule, order, agreement, deed, or document of any other kind in force on the commencement of this Act must be read as a reference to the Housing Restructuring and Tenancy Matters Act 1992.

6 New Part 6 inserted

The following Part is inserted after Part 5:

"Part 6
"Information matching

"66 Interpretation

In this Part, unless the context otherwise requires,—

"**benefit** means—

"(a) a benefit as defined in section 3(1) of the Social Security Act 1964; or

"(b) a lump sum payable under any of sections 61DB, 61DC, and 61DD of that Act; or

"(c) any special assistance granted out of a Crown Bank Account from money appropriated by Parliament under section 124(1)(d) of that Act; or

"(d) an allowance established by regulations made under section 303 of the Education Act 1989

"**Corporation**, despite section 2(1), includes the company

"**Corporation housing** means premises (whether owned by the Crown, the Corporation, or any other person) let or to be let by or on behalf of the Corporation for occupation by any person as a place of residence

"**department** means the department for the time being responsible for the administration of the Social Security Act 1964

"**partner**, in the phrase 'spouse or partner' and in related contexts, means, in relation to any person (**A**), a person—

"(a) who is A's civil union partner or de facto partner; and

"(b) who is not, in the Corporation's opinion, living apart from A.

"**67 Purpose of section 68**

The purpose of section 68 is to facilitate the disclosure of information by the Corporation to the department for the purpose of helping the department to—

"(a) verify the entitlement or eligibility of any person to or for any benefit; and

"(b) verify the amount of any benefit to which any person is or was entitled or to which any person is or was eligible; and

"(c) recover debts due to the Crown (acting by and through the department) in respect of benefits.

"**68 Disclosure of tenancy information for benefit purposes**

"(1) For the purpose stated in section 67, the chief executive of the department may from time to time request the Corporation to supply, in respect of persons who are tenants in relation to Corporation housing, or were tenants of that kind on or after the commencement of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006,—

"(a) the biographical information held by the Corporation that is sufficient to identify those persons, including their addresses; and

"(b) the details of the tenancies of those persons held by the Corporation that are necessary for the purpose stated in section 67.

"(2) A request under subsection (1) must be made in accordance with arrangements made from time to time between the chief executive of the department and the Corporation.

"(3) On receipt of a request under subsection (1), the Corporation may supply the information requested to any person who is an officer or employee or agent—

"(a) of the chief executive of the department; and

"(b) authorised for the purpose by that chief executive.

"(4) Information supplied under a request under subsection (1) may be supplied in a form determined by agreement between the Corporation and the chief executive of the department.

"69 Information and details to be disclosed

Examples of the information and details referred to in section 68(1)(a) and (b) are, for every tenant or former tenant,—

"(a) his or her full name, any other names used by him or her, and his or her date of birth; and

"(b) the full name, any other names used by, and the date of birth of, his or her spouse or partner (if any) and the full names, any other names used by, and the dates of birth of, any dependent children of the tenant or his or her spouse or partner (if any); and

"(c) the physical address of the Corporation housing that is the subject of the tenancy; and

"(d) the start date, end date (if any), and weekly rent of the tenancy; and

"(e) his or her income, and the components of it, as advised by him or her on any form or forms, or in any other information, supplied to the Corporation for the purposes of enabling it to determine his or her rental, and the period or periods to which that income, or a component of it, relates; and

"(f) any address or other details supplied to the Corporation for the purposes of enabling it to contact him or her after the tenancy has ended."

Part 2
Consequential amendments to Privacy Act 1993

7 Principal Act amended

This Part amends the Privacy Act 1993.

8 Interpretation

(1) The definition of **specified agency** in section 97 is amended by inserting, after paragraph (b), the following paragraph:

"(ba) the company within the meaning of section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992:".

(2) The definition of **specified agency** in section 97 is amended by inserting, after paragraph (f), the following paragraph:

"(fa) the Housing New Zealand Corporation established (as the Housing Corporation of New Zealand) by section 3(1) of the Housing Corporation Act 1974:".

9 Schedule 3 amended

Schedule 3 is amended by inserting, in its appropriate alphabetical order, the following item:

Housing Restructuring and Tenancy Matters Act 1992	Section 68

Legislative history

6 December 2005	Introduction (Bill 8–1)
13 December 2005	First reading and referral to Social Services Committee
15 May 2006	Reported from Social Services Committee (Bill 8–2)
13 June 2006	Second reading
27 June 2006	Committee of the whole House (Bill 8–3)
29 June 2006	Third reading
30 June 2006	Royal assent

This Act is administered by the Department of Building and Housing.