



# Relationships (Statutory References) Act 2005

Public Act 2005 No 3  
Date of assent 24 March 2005  
Commencement see section 2

## Contents

1	Title		<i>Property (Relationships) Forms Regulations 2001</i>
2	Commencement		
	<b>Part 1</b>		
	<b>Amendments to Acts</b>		
	<i>Housing Restructuring Act 1992</i>		
3	Amendment to Housing Restructuring Act 1992	9	Interpretation
	<i>Local Authorities (Members' Interests) Act 1968</i>	10	Form of notice of choice of option A or option B by surviving spouse or de facto partner
4	Amendments to Local Authorities (Members' Interests) Act 1968	11	Forms
	<i>Rates Rebate Act 1973</i>		<i>Other regulations amended</i>
5	Amendments to Rates Rebate Act 1973	12	Other regulations amended in Schedule 4
	<i>Status of Children Act 1969</i>		
6	Amendments to Status of Children Act 1969		
	<i>Other Acts amended</i>		
7	Other Acts amended in Schedule 1		
	<b>Part 2</b>		
	<b>Amendments to regulations</b>		
	<i>Family Courts Rules 2002</i>		
8	Rules amended in Schedule 2		

**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Relationships (Statutory References) Act 2005.

## 2 Commencement

Except as provided in sections 3, 4, 5, and 6, this Act comes into force on 26 April 2005.

## Part 1 Amendments to Acts

### *Housing Restructuring Act 1992*

#### 3 Amendment to Housing Restructuring Act 1992

- (1) Section 46(6) of the Housing Restructuring Act 1992 is repealed.
- (2) This section comes into force on 1 April 2007.

### *Local Authorities (Members' Interests) Act 1968*

#### 4 Amendments to Local Authorities (Members' Interests) Act 1968

- (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:  
“**partner**, in the phrase ‘spouse or partner’, means a civil union partner or a de facto partner”.
- (2) Sections 3 and 6 of the Local Authorities (Members' Interests) Act 1968 are amended by inserting, after the word “spouse”, wherever it appears, the words “or partner”.
- (3) This section comes into force on 13 October 2007.

### *Rates Rebate Act 1973*

#### 5 Amendments to Rates Rebate Act 1973

- (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 or in a civil union or a de facto relationship”.
- (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 “or 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 inserting, after the definition of **local authority**, the following definition:

“**partner**, in relation to any ratepayer, means the civil union partner or de facto partner of the ratepayer, being a 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) 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 or husband of the ratepayer, being a wife or husband 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”.

- (6) This section comes into force on 1 July 2006.

### *Status of Children Act 1969*

#### **6 Amendments to Status of Children Act 1969**

- (1) Section 14(1) of the principal Act is amended by repealing the definitions of **de facto partner**, **partner**, and **partnered woman** and substituting the following definitions:

“**partner**,—

“(a) in relation to a woman who is married or in a civil union and to whom paragraph (b) does not apply, means the woman’s husband or civil union partner; and

“(b) in relation to a woman (**woman A**) who is married or in a civil union but is living with a man, or with another woman, as a de facto partner, means the man or other woman who is living with woman A as a de facto partner (and so does not mean woman A’s husband or civil union partner); and

“(c) in relation to a woman (**woman A**) who is not married or in a civil union but is living with a man, or with

another woman, as a de facto partner, means the man or other woman who is living with woman A as a de facto partner

“**partnered woman** means a woman who—

“(a) is married or in a civil union; or

“(b) is married or in a civil union, but is living with a man, or with another woman, as a de facto partner; or

“(c) is not married or in a civil union but is living with a man, or with another woman, as a de facto partner”.

- (2) This section comes into force on 1 July 2005.

### *Other Acts amended*

#### **7 Other Acts amended in Schedule 1**

The Acts specified in Schedule 1 are amended in the manner set out in that schedule.

## **Part 2**

### **Amendments to regulations**

#### *Family Courts Rules 2002*

#### **8 Rules amended in Schedule 2**

- (1) The rules and forms in the Family Courts Rules 2002 that are specified in Part 1 of Schedule 2 are amended by inserting, after the word “marriage” wherever it appears, the words “or civil union”.
- (2) The Family Courts Rules 2002 are also amended in the manner set out in Part 2 of Schedule 2.

#### *Property (Relationships) Forms Regulations 2001*

#### **9 Interpretation**

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

#### **10 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 are amended by

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

**11 Forms**

The Property (Relationships) Forms Regulations 2001 are amended by revoking Schedules 1 and 2 and substituting the schedules set out in Schedule 3.

*Other regulations amended*

**12 Other regulations amended in Schedule 4**

The regulations specified in Schedule 4 are amended in the manner set out in that schedule.

---

s 7

## Schedule 1

### Other Acts amended

#### **Alcoholism and Drug Addiction Act 1966** (1966 No 97)

Repeal section 9(8) and substitute:

- “(8) In this section, **relative** means, in relation to an alleged alcoholic (A), any of the following:
- “(a) A’s spouse, civil union partner, or de facto partner:
  - “(b) A’s parent, grandparent, sibling, half-sibling, child, grandchild, or step-child:
  - “(c) A’s step-parent; but, if A is under the age of 18 years, only if the step-parent shares responsibility for the day-to-day care of A with a parent of A.”

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 a person referred to in paragraph (a):
  - “(c) a parent of the person:
  - “(d) a brother or sister of the person:
  - “(e) a child of the person:
  - “(f) a spouse, civil union partner, or de facto partner of a person referred to in paragraphs (d) or (e).”

#### **Armed Forces Discipline Act 1971** (1971 No 53)

Repeal section 75(7) and substitute:

**Armed Forces Discipline Act 1971** (1971 No 53)—continued

“(7) For the purposes of this section, a person is capable of conspiring with his or her husband, wife, or civil union partner, or with any of them and any other person.”

Repeal section 77(3) and substitute:

“(3) No person subject to this Act who is married or in a civil union and whose spouse or civil union 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 spouse or civil union partner (or the spouse, civil union 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 the heading to section 15, after the words “**married to**”, the words “, **or in civil union with**,”.

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 the heading to section 17, after the word “**marriage**”, the words “**or 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**”.

Insert in section 18(1)(b), after the word “**married**” in both places where it appears, the words “**or entered into a civil union**”.

Insert in section 21, after the word “**married**” in both places where it appears, the words “**or entered into a civil union**”.

Insert in section 21(6), after the word “**marriage**”, the words “**or entry into a civil union**”.

Insert in section 24(3), after the word “**married**” in both places where it appears, the words “**or entered into a civil union**”.

Insert in section 29(1), after the word “**married**”, the words “**or entered into a civil union**”.

Repeal section 50(2)(f) and substitute:

“(f) relationship status at time of death:”.

**Building Act 2004** (2004 No 72)

Omit from clause 15(1)(d) of Schedule 3 the words “or de facto partner (whether of the same or opposite sex)” and substitute “civil union partner, or de facto partner”.

**Burial and Cremation Act 1964** (1964 No 75)

Repeal section 15(1)(a)(ii) and substitute:

“(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 word “step-parent,”.

Repeal the definition of **parent** in section 2(1) and substitute:

“**parent**, in relation to a child, includes a step-parent of the child, but only if the step-parent shares responsibility for the day-to-day care of the child with a parent of the child”.

Add to the definition of **young person** in section 2(1) the words “or in a civil union”.

Add to section 90, after the word “marries”, the words “or enters into a civil union”.

Add to section 108(d), after the word “marries”, the words “or enters into a civil union”.

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 Care of Children Act 2004 with respect to consents for people under the age of 18 years to become parties to de facto relationships.”

Add to section 117(1)(a), after the word “marries”, the words “or enters into a civil union”.

**Children's Commissioner Act 2003** (2003 No 121)

Insert in clause 2(1)(d) of Schedule 1, after the word "spouse,", the words "civil union partner,".

**Civil List Act 1979** (1979 No 33)

Insert, after section 2,—

**"2A Meaning of partner**

In this Act, **partner**, in the phrase 'spouse or partner' and in related contexts, means a civil union partner or de facto partner."

Insert in the heading to section 4, after the word "spouse", the words " or 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 or partner of that person, until that surviving spouse or 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 or 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, 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 or 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."

**Civil List Act 1979** (1979 No 33)—continued

Insert in the heading to section 22, after the word “**spouse**”, the words “ **or partner**”.

Repeal section 22(1)(b) and substitute:

- “(b) to the surviving spouse or partner of that person (whether or not that person has died before the commencement of this Act), until that surviving spouse or 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 “ **or partner**”.

Repeal section 23(1)(a) and substitute:

- “(a) if the member leaves a spouse or partner, there is to be paid to the surviving spouse or 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 or partner”.

Omit from section 25(1)(f) the words “wife, husband, partner, widow, widower” and substitute “spouse or partner, surviving spouse or partner”.

Add, after section 26:

**“27 Conflicting claims**

“(1) If more than 1 person claims to be entitled to an annuity under section 4(2) or section 22(1)(b), or to a payment under section 23(1)(a), an authorised person must decide—

“(a) whether more than 1 person is entitled to the annuity or payment; and

“(b) if so, the proportion of the annuity or payment payable to each person entitled to it.

“(2) In this section, **authorised person** means—

“(a) in relation to an annuity under section 4(2) or section 22(1)(b), a person who has been authorised to make decisions under this section by the Minister who (with

**Civil List Act 1979** (1979 No 33)—continued

the authority of the Prime Minister) is responsible for Ministerial Services; and

“(b) in relation to a payment made under section 23(1)(a), the Parliamentary Service established under the Parliamentary Service Act 2000.

- “(3) An authorised person must pay, or arrange for the payment of, an annuity or payment referred to in this section in accordance with any decision made by the authorised person under subsection (1).
- “(4) If more than 1 person is entitled to an annuity or payment, the total annuity or payment paid to the persons entitled to it must not exceed the amount that would have been paid if only 1 person were entitled to it.
- “(5) If a person who claims to be entitled to an annuity or payment referred to in this section is dissatisfied with a decision made by an authorised person under subsection (1), he or she may appeal against the decision to the High Court.
- “(6) The High Court Rules and sections 74 to 78 of the District Courts Act 1947 apply, with all necessary modifications, to an appeal under subsection (5) as if it were an appeal under section 72 of that Act against a decision of a District Court.
- “(7) The provisions of the Judicature Act 1908 relating to appeals to the Court of Appeal against a decision of the High Court apply to an order or decision of the High Court on an appeal under subsection (5)”.

**Civil Union Act 2004** (2004 No 102)

Omit from Part 1 of Schedule 3 the expressions “9, 10(5),”.

Omit the first item under the heading **Section 8** in Schedule 3 and substitute:

“Insert in subsection (1), after the words ‘a husband and wife’, the words ‘or civil union partners’.”

Insert in the first item under the heading **Section 11** in Schedule 3, before the word “husband”, the word “the”.

Insert, as the first item under the heading **Section 41** in Schedule 3: “Omit from the heading the word ‘intercourse’ and substitute the words ‘sexual connection’.”

Omit from the item under the heading **Section 145D** in Schedule 3 the words “Omit from” and substitute the words “Insert in”.

**Civil Union Act 2004** (2004 No 102)—continued

Insert in Schedule 4, immediately before the heading **Section 7A**:

**“Section 2**

“Insert in section 2, after the definition of **child of the civil union**:  
‘**child of the de facto relationship** means a child of both de facto partners, and includes, in relation to any proceedings under this Part, a child (whether or not a child of either de facto partner) who was a member of the family of the de facto partners at the time when they ceased to live together or at the time immediately before the institution of proceedings, whichever first occurred’.”

Omit from Schedule 4 the heading **New section 8A** and the item relating to that heading.

Omit from the first item under the heading **Section 8** in Schedule 4 the word “or” where it first appears, and substitute the word “and”. Insert in the second item under the heading **Section 8** in Schedule 4, immediately before the word “husband”, the word “the”.

Omit from the third item under the heading **Section 8** in Schedule 4 the word “partners” where it first appears, and substitute the word “partner”.

Insert before the first item under the heading **Section 10** in Schedule 4:

“Insert in subsections (2) and (3), after the word ‘marriage’ in every place where it appears, the words ‘or civil union’.”

Omit from Part 2 of Schedule 5 the last item under the heading **Family Courts Rules 2002**.

**Companies Act 1993** (1993 No 105)

Repeal paragraphs (a) and (b) of the definition of **relative** in section 2(1) and substitute:

- “(a) any parent, child, brother, or sister of that person; or
- “(b) any spouse, civil union partner, or de facto partner of that person; or
- “(ba) any parent, child, brother, or sister of a spouse, civil union partner, or de facto partner of that person; or”.

Repeal the definition of **spouse** in section 2(1).

Omit from section 139(1)(d) the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

**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,”.

**Construction Contracts Act 2002** (2002 No 46)—continued

Repeal section 7(1)(c).

**Contraception, Sterilisation, and Abortion Act 1977**

(1977 No 112)

Omit from section 8(1)(b) the words “marital status” and substitute the words “relationship status”.

Insert in section 9(1) and (2), after the word “spouse” wherever it appears, the words “, civil union partner, or de facto partner”.

**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) step-child, step-parent, step-brother, or step-sister of the person”.

**Corrections Act 2004** (2004 No 50)

Omit paragraph (b) of the definition of **family** in section 3(1) 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 “spouse or civil union partner”.

**Credit Contracts and Consumer Finance Act 2003**

(2003 No 52)

Repeal the definition of **de facto partner** in section 55(2) and substitute:

“**de facto partner, civil union partner, and spouse** have the same meanings as in the Property (Relationships) Act 1976”.

Insert in paragraph (b) of the definition of **end of a relationship** in section 55(2)(b), after the word “spouse”, the words “, civil union partner,”.

Omit the definition of **spouse** in section 55(2).

**Crimes Act 1961** (1961 No 43)

Repeal section 24(3) and substitute:

- “(3) Where a woman who is married or in a civil union commits an offence, the fact that her husband or civil union partner was present at the commission of the offence does not of itself raise a presumption of compulsion.”

Repeal section 67 and substitute:

**“67 Conspiracy between spouses or civil union partners**

A person is capable of conspiring with his or her spouse or civil union partner or with his or her spouse or civil union partner and any other person.”

Repeal section 71(2) and substitute:

- “(2) No person whose spouse or civil union 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 spouse or civil union partner, or the spouse, civil union partner, and any other person who has been a party to the offence, to escape after arrest or to avoid arrest or conviction.”

Insert in section 128(4), after the words “married to”, the words “, or in a civil union or de facto relationship with,”.

Insert in the heading to section 222, after the word “spouse”, the words “or partner”.

Insert in section 222, after the words “married to”, the words “, or in a civil union or a de facto relationship with,”.

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 step-parent of the person; but, if the person is under 18, only if the step-parent shares responsibility for the day-to-day care of the person with one of the person’s parents; and”.

**Criminal Records (Clean Slate) Act 2004** (2004 No 36)

Insert in paragraph (b)(ii) of the definition of **criminal record** in section 4, after the words “marriage certificate”, the words “or civil union certificate”.

Insert in paragraph (b)(ii) of the definition of **criminal record** in section 4, after the words “earlier enactment”, the words “or section 62F of that Act”.

**Crown Entities Act 2004** (2004 No 115)

Omit from section 62(2)(b) the words “de facto partner (whether of the same or different sex)” and substitute the words “civil union partner, de facto partner”.

**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:

- “(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”.

Insert in section 36(4), after the word “married”, the words “or in a civil union”.

**Disabled Persons Community Welfare Act 1975** (1975 No 122)

Insert in section 2, after the definition of **occupational centre**:

“**partner** has the same meaning as in the Social Security Act 1964”.

Insert in section 2, after the definition of **sheltered workshop**:

**Disabled Persons Community Welfare Act 1975**

(1975 No 122)—continued

“**spouse** has the same meaning as in the Social Security Act 1964”.

Insert in section 5A, after the word “spouse”, the words “or partner”.

Repeal section 25B(b)(iii) and substitute:

“(iii) a close relative of the person, including the spouse or partner of the person.”

**District Courts Act 1947** (1947 No 16)

Insert in section 50(2), after the word “married”, the words “or in a civil union”.

Insert in section 50(3), after the word “married”, the words “or in a civil union”.

**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:

“(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 the phrase ‘spouse or partner’ and in related contexts, means, in relation to a person,—

“(a) the person’s civil union partner; or

“(b) the person’s de facto partner; or

“(c) any other person, in any case where those persons are the biological parents of the same person”.

Omit from the definition of **representative** in section 2 the word “child” in both places where it appears and substitute the words “minor aged 16 or under”.

Omit from section 4(1)(a) the words “a partner” and substitute “a spouse or partner”.

Omit from section 7(2) the words “a child” and substitute the words “under 16 years of age”.

Omit from section 7(4) the words “not a child” and substitute the words “aged 16 years or older”.

**Domestic Violence Act 1995** (1995 No 86)—continued

Insert in section 9(1), after the expression “(2)”, the expression “(2A)”.

Omit from section 9(2) the word “child” and substitute the words “minor under 16 years of age”.

Insert after section 9(2):

“(2A) Subject to sections 11 and 12, a minor aged 16 years may make an application either on his or her own behalf under subsection (4), or by a representative pursuant to rules of Court.”

Insert in section 9(3), after the expression “(2)”, the words “or subsection (2A)”.

Omit from section 9(3) the word “child” where it first appears and substitute the words “minor under the age of 17”.

Omit from section 9(3) the word “child” where it appears for the second and third times and substitute the word “minor”.

Repeal section 9(4)(a) and substitute:

“(a) who is aged 17 years or over; and”.

Omit from section 10(1) and (2) the word “child” and substitute the words “minor under the age of 17 years, unless the minor is or has been married or in a civil union or de facto relationship”.

Insert into section 10(3)(a), after the word “married,”, the words “or in a civil union or de facto relationship,”.

Omit from section 11(1) the words “(not being a child)” and substitute the words “aged 16 years or over”.

Insert in section 12(1)(a), after the word “person”, the words “aged 16 years or over”.

Omit from section 12(1)(a) the words “a child or”.

Omit from sections 52, 56(1) and 66 the words “(other than a child)” and substitute in each case the words “aged 16 years or over”.

Omit from the heading to section 71 the words “**who are not children**”.

Repeal section 71(a) and substitute:

“(a) who is aged 17 years or over; and”.

Insert in section 71, as subsection (2):

“(2) Subject to sections 11 and 12, a minor aged 16 years may either make the application on his or her own behalf under subsection (1), or may make it by a representative pursuant to rules of Court; and in either case orders may be made on the application, and enforced, as if the minor were of full age.”

**Domestic Violence Act 1995** (1995 No 86)—continued

Omit from section 72(1) the word “child” and substitute the words “minor under the age of 17 years, unless the minor is or has been married or in a civil union or de facto relationship”.

Insert in section 72(2)(a), after the word “married,”, the words “or in a civil union or de facto relationship,”.

Omit from section 82(2)(b) the words “the partner” and substitute the words “the spouse or partner”.

**Education Act 1964** (1964 No 135)

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”, 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”.

Insert in the definition of **immediate caregiver** in section 92(1), after the word “spouse” wherever it appears, the words “or partner”.

Insert in section 92(1), after the definition of **parent**:

“**partner**, in the phrase ‘spouse or partner’ and in related contexts, means civil union partner or de facto partner”.

Repeal the definition of **spouse** in section 92(1).

Add to section 303(4)(a) the words “or partner”.

Repeal section 303(4)(b) and substitute:

“(b) defining the terms **parent**, **spouse**, **partner**, and any related terms, for the purposes of the regulations:”.

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)

Omit from section 72(6) and (10) the words “or de facto partner of the same or different sex” wherever they appear and substitute in each case the words “, civil union partner, or de facto partner”.

Omit section 80(3)(b)(ii) and substitute:

“(ii) is the spouse, civil union partner, de facto partner, or child of the person referred to in subparagraph

**Electoral Act 1993** (1993 No 87)—continued

(i), or the child of the spouse, civil union partner, or de facto partner of that person.”

Omit from section 98(1)(b)(ii) the words “or de facto partner of the same or different sex” and substitute “, civil union partner, or de facto partner”.

Insert in section 109(2)(c)(ii), after the word “spouse,”, the words “civil union partner, de facto partner,”.

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 or step-parent of that person:

“(c) a parent or step-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 or step-child of that person:

“(g) a grandchild of that person.”

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**”.

Omit from section 4 the words “and wives” and substitute the words “, wives, or civil union partners”.

**Families Commission Act 2003** (2003 No 128)

Omit from section 4 the definition of **de facto partner** and **de facto relationship**.

Insert in section 8(b)(i), after the word “marriage”, the words “, civil union,”.

Insert in section 10(2), after the word “marriage,”, the words “civil union,”.

Insert in section 13(2)(a), after the word “spouses”, the words “, civil union partners,”.

Insert in clause 13(1)(d) of Schedule 1, after the word “spouse,”, the words “civil union partner,”.

**Family Protection Act 1955** (1955 No 88)

Repeal the definition of **child of a de facto relationship** in section 2(1).

Repeal the definition of **child of a marriage** in section 2(1) and substitute:

“**child of a marriage, civil union, or de facto relationship** includes a child whose parents marry each other, or who enter into a civil union or de facto relationship 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 spouse 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  
“(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:

**Family Protection Act 1955** (1955 No 88)—continued

“(a) the spouse or civil union partner of the deceased.”

Repeal section 3(1)(e) and substitute:

“(e) the parents of the deceased.”

Insert in section 3, after subsection (1):

“(1A) A parent of the deceased may not make a claim under this Act unless—

“(a) the parent was being maintained wholly or partly, or was legally entitled to be maintained wholly or partly, by the deceased immediately before his or her death; or

“(b) at the date of the claim, none of the following is living:

“(i) the spouse or civil union partner of the deceased:

“(ii) a de facto partner of the deceased in whose favour the Court can make an order under this Act:

“(iii) a child of the marriage, civil union, or de facto relationship of the deceased.”

Repeal section 4(3)(a) and substitute:

“(a) the person is—

“(i) the spouse or civil union partner of the deceased; 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; or

“(iii) a child of a marriage, civil union, or de facto relationship of the deceased, or a child of a marriage, civil union, or de facto relationship of any such child; or”.

**Fisheries Act 1996** (1996 No 88)

Insert in section 93A(7), after the word “marriage,”, the words “civil union, de facto relationship,”.

Repeal section 93A(7)(b).

**Friendly Societies and Credit Unions Act 1982** (1982 No 118)

Omit from section 43(3) the words “husband, wife” and substitute the words “spouse, civil union partner, de facto partner”.

Insert in section 43(5), after the word “marriage”, the words “or civil union”.

Insert in section 44(4), after the word “marriage”, the words “or civil union”.

Omit section 102(4) and substitute:

**Friendly Societies and Credit Unions Act 1982**

(1982 No 118)—continued

- “(4) In subsection (3), **relative**, in relation to any person, means—
- “(a) any current or former spouse, civil union partner or de facto partner of the person; and
  - “(b) any lineal ancestor, lineal descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin of the person or of any current or former spouse, civil union partner, or de facto partner of the person; and
  - “(c) any current or former spouse, civil union partner, or de facto partner of any person referred to in paragraph (b).”

Insert in clause 1 of Schedule 1, after the word “spouses”, the words “, civil union partners, or de facto partners (in this schedule referred to as a member’s **spouse or partner**)”.

Insert in clauses (1), 2(c), and (4) of Schedule 1, after the word “spouse” in each place where it appears, the words “or partner”.

Insert in clause 4 of Schedule 1, after the word “spouses”, the words “or partners”.

Add to clause 5 of Schedule 1 the words “or entry into civil union”.

**Gambling Act 2003** (2003 No 51)

Insert in paragraph (b)(ii) of the definition of **harm** in section 4, after the word “spouse,”, the words “civil union partner, de facto”.

Omit from clause 17(1)(d) of Schedule 4 the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

**Harassment Act 1997** (1997 No 92)

Omit the definition of “**child**” in section 2(1).

Insert in paragraph (a) of the definition of **family member** in section 2(1), after the word “marriage”, the words “, civil union, de facto relationship”.

Repeal paragraph (c) of the definition of **family member** in section 2(1).

Repeal the definition of **partner** in section 2(1).

Omit from the definition of **representative** in section 2(1) the word “child” in both places where it appears, and substitute the words “minor aged 16 or under”.

Omit from section 2(2)(a) the word “partner” and substitute the words “current or former spouse, civil union partner, or de facto partner”.

**Harassment Act 1997** (1997 No 92)—continued

Omit from section 9(2) the word “child” and substitute the words “minor under 16 years of age”.

Insert in section 11(1), after the expression “(2)”, the expression “, (2A),”.

Omit from section 11(2) the word “child” and substitute the words “minor under 16 years of age”.

Insert after section 11(2):

“(2A) A minor aged 16 years may apply for a restraining order either on his or her own behalf under subsection (4), or by a representative in accordance with rules of Court.”

Omit from section 11(3) the word “child” and substitute the words “minor under the age of 17”.

Omit from section 11(4) the words “who is or has been married, or who is”.

Omit from section 12(1) and (2) the word “child” and substitute the words “minor under the age of 17 years, unless the minor is or has been married or in a civil union or de facto relationship”.

Omit from section 12(3)(a), after the word “married,”, the words “or in a civil union or de facto relationship,”.

Omit from section 13(1)(a) the words “(other than a child)” and substitute the words “aged 16 years or over”.

**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”, 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 or in a civil union”.

Omit from section 57(6)(a) the words “an unmarried minor” and substitute the words “a minor who is not married or in a civil union”.

**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)”.

**Health Practitioners Competence Assurance Act 2003**

(2003 No 48)

Omit from clause 11(1)(d) of Schedule 3 the words “or de facto partner (whether of the same or opposite sex)” and substitute “civil union partner, or de facto partner”.

**Holidays Act 2003** (2003 No 129)

Insert, after the definition of **ordinary weekly pay** in section 5(1):

“**partner**, in the phrase ‘spouse or partner’ and in related contexts, means civil union partner or de facto partner”.

Repeal the definition of **spouse** in section 5(1).

Insert, after the word “spouse” in sections 36(1), 38(1), 39(1), 61A(1), 65(1), 68(3), and 69(2) in each place where it appears, the words “or partner”.

Insert in section 69(2)(a)(vii), after the word “spouse’s”, the words “or partner’s”.

**Housing Act 1955** (1955 No 51)

Omit from section 21(1) 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 Restructuring Act 1992** (1992 No 76)

Omit from paragraph (b) of the definition of **applicable person** in section 42 the word “partner” and substitute the words “spouse or partner”.

Repeal the definition of **partner** in section 42 and substitute:

“**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 company’s opinion, living apart from A”.

Omit from section 46(6) the word “partner” and substitute the words “de facto partner”.

Omit from section 53(2)(b) the words “marital status” in both places where they appear and substitute in each case the words “relationship status”.

Omit from clauses 2(a) and 11(a) of Schedule 2 the word “partner” and substitute in each case the words “spouse or partner”.

Omit from paragraph (c) of the definition of **55+ rent protection programme** in clause 1 of Schedule 3 the word “partner” and substitute the words “spouse or 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, de facto relationship,”.

Repeal section 21(1)(b) and substitute:

- “(b) marital status, which means being—
  - “(i) single; or
  - “(ii) married, in a civil union, or in a de facto relationship; or
  - “(iii) the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship; or
  - “(iv) separated from a spouse or civil union partner; or
  - “(v) a party to a marriage or civil union that is now dissolved, or to a de facto relationship that is now ended:”.

Omit from section 21(1)(i)(iii) the words “relationship in the nature of a marriage” and substitute the words “civil union or de facto relationship”.

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”.

Omit from section 92N(1) the words “an unmarried minor” and substitute the words “a minor who is not married or in a civil union”.

Omit from section 92N(4)(a) the words “an unmarried minor” and substitute the words “a minor who is not married or in a civil union”.

**Human Rights Amendment Act 1994** (1994 No 138)

Repeal section 2(1)(b) and substitute:

- “(b) the civil union partner or de facto partner of that member,—”.

Repeal section 5(1)(b) and substitute:

- “(b) the civil union partner or de facto partner of that member,—”.

**Human Tissue Act 1964** (1964 No 19)

Omit from section 3(2)(b) the words “surviving de facto partner of the same or different sex” and substitute “civil union partner, de facto partner”.

**Human Tissue Act 1964** (1964 No 19)—continued

Omit from section 5(1)(a) and (b) the words “or surviving de facto partner (whether of the same or different sex)” and substitute “, civil union partner, or de facto partner”.

Insert in section 5(2)(b), after the word “spouse”, the words “, civil union partner, 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 words “a child under 17 years of age who is not married or in a civil union and”.

Omit from paragraph (e) of the definition of **New Zealand address** in section 2(1) the words “an unmarried person 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”.

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”.

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”.

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”.

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”.

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”.

Omit from section 141B(1) the word “unmarried” and substitute the words “not married or in a civil union”.

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

**Immigration Act 1987** (1987 No 74)—continued

“(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 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.”.

**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”.

Omit section 54B(3) and substitute:

“(3) If, at any time before the verdict of the jury is taken, any juror becomes in the opinion of the Court incapable of continuing to perform his or her duty, or it becomes known to the Court that the juror is disqualified, or that a relative of the juror is ill or has died, the Court may, in its discretion,—

“(a) discharge the jury without giving their verdict; or

“(b) proceed with the remaining jurors and take their verdict.

“(3A) In subsection (3), **relative of the juror** means—

“(a) the spouse, civil union partner, or de facto partner of the juror; and

“(b) a member of the juror’s family; and

“(c) a member of the family of the juror’s spouse, civil union partner, or de facto partner.”

Insert in rule 66(5) in the Second Schedule, after paragraph (k):

**Judicature Act 1908** (1908 No 89)—continued

“(ka) the Civil Union Act 2004:”.

**Land Act 1948** (1948 No 64)

Insert in section 54(1)(a), after the word “widow”, the words “or civil union partner or surviving civil union partner”.

Omit from section 98(1) the words “unmarried woman” and substitute the words “a person who is not married or in a civil union or in a de facto relationship who is”.

Insert in section 98(3), after the word “married”, the words “or entered into a civil union or de facto relationship with”.

Insert in section 152(2), after the word “widow”, the words “or civil union partner or surviving civil union partner”.

**Land Transport Management Act 2003** (2003 No 118)

Omit from clause 16(1)(d) of Schedule 4 the words “or spouse” and substitute the words “spouse, civil union partner, or de facto 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,”.

**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 with,”.

Insert in section 49(5), after the word “widower,”, the words “surviving civil union partner,”.

Insert in section 85(9), after the words “married to”, the words “, or in a civil union with,”.

**Maori Housing Amendment Act 1938** (1938 No 17)

Insert in section 11(3), after the word “widower,”, the words “surviving civil union partner,”.

Insert in section 14(3), after the word “widower,”, the words “surviving civil union 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,”.

**Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003** (2003 No 21)

Omit from clause 6(1)(d) of Schedule 2 the words “spouse, or partner” and substitute the words “spouse, civil union partner, or 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*)”.

**Maritime Transport Act 1994** (1994 No 104)

Add to section 25:

- “(3) For the purpose of this section, a person’s next of kin may include that person’s civil union partner or de facto partner.”

**Meat Board Act 2004** (2004 No 58)

Omit from clause 9(1)(d) of Schedule 1 the words “or de facto partner (whether of the same or different sex)” and substitute the words “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)

Insert in paragraph (c) of the definition of **conflict of interest** in section 6(1), after the word “spouse”, the words “or partner”.

Insert after the definition of **New Zealand health strategy**:

- “**partner**, in the phrase ‘spouse or partner’ and in related contexts, means a civil union partner or a de facto partner”.

Repeal the definition of **spouse** in section 6(1).

Omit from section 6(2)(d) the words “de facto partner (whether of the same or different sex), or spouse” and substitute the words “spouse or partner”.

Insert in section 92(3)(c)(i), after the word “spouse”, the words “or partner”.

**New Zealand Symphony Orchestra Act 2004** (2004 No 20)

Omit from clause 14(1)(d) of Schedule 1 the words “or partner” and substitute the words “civil union partner, or de facto partner”.

**Overseas Investment Act 1973** (1973 No 14)

Repeal section 2A(a) and substitute:

- “(a) if one person—
  - “(i) is related to the other person by blood within the fourth degree of relationship; or
  - “(ii) is the other person’s spouse, civil union partner, or de facto partner; or
  - “(iii) is the spouse, civil union partner, or de facto partner of a third party to whom the other person

**Overseas Investment Act 1973** (1973 No 14)—continued

is related by blood within the fourth degree of relationship; or

“(iv) is the adopted child of the other person; or

“(v) is the adopted child of a third party who is within the third degree of relationship to the other person; or

“(vi) is the other person’s trustee.”.

**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,”.

**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, or civil union partner**”. Omit from section 13 the words “widow or widower” wherever they appear and substitute in each case the words “widow, widower, or surviving civil union 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)

Repeal section 88.

**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 or in a civil union”.

**Protection of Personal and Property Rights Act 1988**

(1988 No 4)

Repeal the definition of **parent** in section 2 and substitute:

“**parent**, in relation to any person (A), includes a step-parent; but, if A is under the age of 18 years, only if the step-parent shares responsibility for the day-to-day care of A with a parent of A”.

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”.

Add to section 6(2) the words “in a civil union, or in a de facto relationship”.

Omit from section 12(3) the words “of this section in respect of any person who has not attained the age of 20 years and who is not and never has been married” and substitute the words “in respect of a person of the kind referred to in section 6(2)”.

Insert in section 18(1)(a), after the word “marriage” in both places where it appears, the words “or civil union”.

Omit from section 62(4) the words “an unmarried minor” and substitute the words “a minor who is not married or in a civil union”.

Insert in section 62(6)(d)(i), after the word “husband,”, the words “civil union partner, de facto partner,”.

Insert in section 107(2)(a), after the word “marriage”, the words “or civil union”.

Insert in clause 1(b)(i) and (iii) of the First Schedule, after the word “spouse,”, the words “civil union partner,”.

Insert in clause 1(b)(iv) of the First Schedule, after the word “spouse”, the words “, civil union partner,”.

Insert in clause 1(k) of the First Schedule, after the word “marriage”, the words “or civil union”.

**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”.

**Public Works Act 1981** (1981 No 35)

Insert in section 72(3)(a), after the word “spouse”, the words “, civil union partner, or de facto partner”.

**Racing Act 2003** (2003 No 3)

Omit from clause 9(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)

Add to the definition of **adult** in section 2(1) the words “or in a civil union”.

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 “ or in a civil union”.

Insert in section 14(2), after the word “marries”, the words “or enters into a civil union”.

Insert in section 14(3), after the word “marries”, the words “or enters into a civil union”.

**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”.

**Retirement Villages Act 2003** (2003 No 112)

Omit from paragraph (c) of the definition of **resident** in section 5 the words “or partner” and substitute the words “, civil union partner, or de facto partner”.

**Sale of Liquor Act 1989** (1989 No 63)

Omit from section 161(2) the words “(other than the spouse of the licensee)”.

**Sale of Liquor Act 1989** (1989 No 63)—continued

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,”.

**Secondhand Dealers and Pawnbrokers Act 2004** (2004 No 70)

Repeal section 63(2)(a)(ii) and substitute:

- “(ii) the pawnbroker’s spouse, civil union partner, de facto partner, parent, child, or sibling; or”.

**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 Act 1978** (1978 No 103)

Omit from paragraph (a)(ii) of the definition of **employer superannuation scheme** in section 5C(1) the words “de facto”.

Insert, after the definition of **manager** in section 5C(1):

“**partner** means a civil union partner or 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 stepchild; or
  - “(iii) the victim’s brother or sister or step-brother or step-sister; or
  - “(iv) a parent or step-parent of the victim; or
  - “(v) a grandparent of the victim”.

**Social Workers Registration Act 2003** (2003 No 17)

Omit from clause 24(1)(e) of Schedule 1 the words “or spouse” and substitute the words “spouse, civil union partner, or de facto partner”.

**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)

Omit from section 24(2) the words “de facto partner of the same or different sex”, and substitute the words “civil union partner, de facto partner”.

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 or civil union 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 “or civil union 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”.

**Te Ture Whenua Maori Act 1993** (1993 No 4)—continued

Insert in section 296(3), after the word “wife”, the words “or civil union partners or de facto partners,”.

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,”.

**Transport Accident Investigation Commission Act 1990**

(1990 No 99)

Add to section 14G:

“(8) For the purpose of subsection (2)(b), a person’s next of kin may include that person’s civil union partner or 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 step-child; or
  - “(iii) the victim’s brother or sister or step-brother or step-sister; or
  - “(iv) a parent or step-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”.

---

s 8

## Schedule 2

### Amendments to Family Courts Rules 2002

#### Part 1

##### Insertion of “or civil union” after “marriage”

The definition of **Registrar’s list of section 37 applications** in rule 8.

Rules 21(g), 22(e), 32(4)(c), 206(6), 245(1)(b).

Rule 337, the heading to section 337, rules 338 and 339, the heading to rule 339, and rule 340(1).

Rules 346, 347, 348, 354, 355, 356, and the headings to those rules.

Rules 357, 358, the heading to rule 359.

Rules 360, 361, and 362, and the headings to those rules.

Rule 421(1).

Forms G7 and G10 in Schedule 1.

Forms A4 and A5 in Schedule 2.

The list of contents at the start of Schedule 6.

Forms FP8, FP9, FP10, FP11, FP12, FP13, FP14, FP16, FP17, FP19, FP20, FP34, FP35, FP38, FP39, and FP40, including headings and notes in those forms, in Schedule 6.

Forms P(R)1 and P(R)2, including headings and notes in those forms, in Schedule 8.

#### Part 2

##### Other amendments to Family Courts Rules 2002

#### **Rule 72**

Insert in subclause 4(e), after the word “marriage”, the words “, civil union, or de facto relationship”.

#### **Rule 98**

Insert in subclause (1)(b), after the word “marries”, the words “or enters into a civil union”.

#### **Rule 108**

Omit from the heading the words “**de facto**”.

Insert in subclause (1), after the word “spouse” in both places where it appears, the words “, civil union partner,”.

Revoke subclause (2).

#### **Rule 112**

Insert in subclause (2), after the word “married”, the words “or in a civil union”.

Part 2—*continued***Rule 342**

Omit from subclause (2) the words “the husband and wife do not wish to resume or continue the marriage”, and substitute the words “the spouses or partners do not wish to resume the marriage, civil union, or de facto relationship”.

**Rule 343**

Omit from subclause (1)(b) the words “husband and wife wish to resume or continue the marriage” and substitute the words “spouses, civil union partners, or de facto partners wish to resume or continue the marriage, civil union, or de facto relationship”.

**Rule 385**

Omit from subclause (2) the words “de facto” in both places where they appear.

**Rule 388**

Omit the words “de facto” wherever they appear.

**Rule 391**

Omit the words “de facto” in both places where they appear.

**Rule 392**

Revoke subclause (1)(a) and substitute:

- “(a) the date of the marriage or civil union, or the date by which the de facto relationship had begun, and the duration of the marriage, civil union, or de facto relationship:”.

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

Omit from subclause (1)(e) the words “de facto” in both places where they appear.

**Schedule 1, form G7**

Insert, after the words “married to, or in a” where they first appear, the words “civil union or”.

Omit the words “are married to each other or in a de facto relationship, or if joint applicants are married to each other or in a de facto relationship” and substitute “, or the joint applicants, are married to or in a civil union or de facto relationship with each other”.

**Schedule 5, form DV4**

Omit the word “partner” in both places where it appears and substitute in each case the words “spouse or partner”.

Part 2—*continued***Schedule 6, list of contents**

Omit from the title of form 35 the words “spouse, former spouse” and substitute the words “spouse or civil union partner, former spouse or civil union partner”.

**Schedule 6, form FP1**

Omit the heading “**Note**” and the paragraph following it.

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

**Schedule 6, form FP2**

Omit the heading “**Note**” and the paragraph following it.

Omit the words “husband or wife” wherever they appear and substitute in each case the words “spouse or partner”.

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

**Schedule 6, form FP3**

Omit the words “marriage partner” wherever they appear and substitute in each case the words “spouse or partner”.

Insert after the word “marriage” wherever it appears (except in the phrase “marriage partner”) the words “or civil union”.

**Schedule 6, form FP4**

Omit the word “husband” wherever it appears and substitute in each case the words “first party”.

Omit the word “wife” wherever it appears and substitute in each case the words “second party”.

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

Omit the note (including the heading) from the end of the form.

**Schedule 6, form FP10**

Omit the words “husband (*or* wife)” in both places where they appear and substitute in each case the words “spouse (*or* partner)”.

**Schedule 6, form FP11**

Omit the words “husband (*or* wife)” wherever they appear and substitute in each case the words “spouse (*or* partner)”.

**Schedule 6, form FP12**

Omit the words “husband (*or* wife)” wherever they appear and substitute in each case the words “spouse (*or* partner)”.

Insert, after the words “husband and wife” in both places where they appear, the words “, or as civil union partners,”.

Part 2—*continued***Schedule 6, form FP14**

Insert, after the words “husband and wife” in both places where they appear, the words “, or as civil union partners,”.

**Schedule 6, form FP17**

Omit from the paragraph following the heading **Warning** the word “again” and substitute the words “or enter into a civil union”.

**Schedule 6, form FP18**

Omit the words “former de facto”.

**Schedule 6, form FP22**

Insert, after the word “spouse” in both places where it appears, the words “or civil union partner”.

**Schedule 6, form FP35**

Omit from the heading the words “spouse, former spouse” and substitute the words “spouse or civil union partner, former spouse or civil union partner”.

Insert in the last paragraph, after the words “or enters into”, the words “a civil union or”.

**Schedule 6, form FP37**

Insert in the heading above the last paragraph, after the word “*entering*”, the words “*a civil union or a*”.

Insert in the last paragraph, after the words “or enters into”, the words “a civil union or”.

**Schedule 8, form P(R)1**

Insert in the note at the end, after the expression “sections 2A(2)” the expression “, 2AB(2),”.

**Schedule 8, form P(R)2**

Omit the words “de facto” wherever they appear.

**Schedule 9**

Insert, after the word “married” wherever it appears in forms PPPR3, PPPR4, PPPR5, PPPR6, PPPR7, PPPR8, PPPR12, and PPPR13, the words “or in a civil union”.

Omit paragraph (a) of the definition of **relative** in forms PPPR4, PPPR6, PPPR8, PPPR11, PPPR12, and PPPR13, and substitute:

“(a) the spouse, civil union partner, or de facto partner of that person; and”.

Omit from form PPPR14, under the heading “**Particulars of other persons or organisations affected**”, the words “person with whom

Part 2—*continued***Schedule 9**—continued

that person has a relationship in the nature of marriage” and substitute the words “civil union partner *or* de facto partner”.

---

s 11

**Schedule 3**  
**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

**Schedule 1**—continued

[*spouse*] (or my civil union with [*civil union partner*] or my de facto relationship with [*de facto partner*]).

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  
*[place]* Registry

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.

**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.
-

s 12

## Schedule 4

### 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 in relation to a person—

“(a) a person’s spouse, civil union partner, or de facto partner:

“(b) the person’s parent, grandparent, sibling, half-sibling, child, grandchild, or step-child:

“(c) the person’s step-parent; but if the person is under the age of 18 years, only if the step-parent shares responsibility for the day-to-day care of the person with a parent of the person:”.

#### Armed Forces Discipline Rules of Procedure 1983 (SR 1983/236)

Omit from the heading to rule 104 the word “**spouse**” and substitute the words “**accused’s spouse or civil union partner**”.

Insert in rule 104(1) and (2), after the word “spouse” wherever it appears, the words “or civil union partner”.

Revoke rule 104(3) and substitute:

“(3) Neither the accused nor the accused’s spouse or civil union partner may be compelled to disclose in the proceeding any communication that one made to the other during the marriage or civil union.”

Insert in rule 104(7), after the word “spouse”, the words “ or civil union partner”.

#### Civil List (Pay Periods) Order 1982 (SR 1982/240)

Insert in the heading to clause 4, after the word “**spouse**”, the words “ **or partner**”.

Insert in the heading to clause 5, after the word “**spouse**”, the words “ **or partner**”.

#### Cremation Regulations 1973 (SR 1973/154)

Revoke the definition of **near relative** in regulation 2 and substitute:

“**near relative**, in relation to a deceased person, means—

**Cremation Regulations 1973** (SR 1973/154)—continued

- “(a) the spouse, civil union partner, or de facto partner of the deceased, but only if the spouse, civil union partner, or de facto partner was living together with the deceased immediately before his or her death; and
- “(b) a parent of the deceased; and
- “(c) any child of the deceased who is aged 16 years or over; and
- “(d) any other relative of the deceased who usually resided with him or her.”

Omit from form A of the First Schedule the words “Whether married, widow, widower, or unmarried” and substitute the words “relationship status, ie, whether the deceased was or had been married, in a civil union, or in a de facto relationship; or was the surviving spouse or partner of a marriage, civil union, or de facto relationship; or had never been married, in a civil union, or in a de facto relationship”.

Omit all the words in the note to form A of the First Schedule after the words “The term ‘near relative’ as used in this form, means”, and substitute:

- “(a) the spouse, civil union partner, or de facto partner of the deceased, but only if the spouse, civil union partner, or de facto partner was living together with the deceased immediately before his or her death; and
- “(b) a parent of the deceased; and
- “(c) any child of the deceased who is aged 16 years or over; and
- “(d) any other relative of the deceased who usually resided with him 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)

Omit from the heading to rule 35 the word “**child**” and substitute the words “**minor under age of 17**”.

Omit from rule 35(1) the word “child” where it first appears and substitute the words “minor under the age of 17 years”.

Omit from rule 35(1)(a)(ii) and (1)(b) the word “child” and substitute the word “minor”.

Omit from rule 35(2) the word “child” where it is used for the first and third times and substitute in each case the word “minor”.

Omit from rule 35(2) the word “child” where it is used the second time and substitute the words “minor under the age of 17 years”.

Omit from rule 35(3) the word “child” and substitute the word “minor”.

Omit from the heading to rule 41 the words “**person ceasing to be child**” and substitute the words “**minor attaining age of 17 years**”.

Omit from rule 41 the word “child” wherever it appears and substitute in each case the word “minor”.

Omit from rule 41(1) the words “or sooner marries”.

Omit from rule 41(1) the word “child’s” and substitute the word “minor’s”.

Omit from the last note in form DV2 in the First Schedule the word “child” and substitute the words “minor under the age of 17 years”.

Insert in points 3 and 8 of form DV3 in the First Schedule, immediately before the word “partner” in both cases, the words “spouse or”.

Omit from form DV6 in the First Schedule the word “child” wherever it appears (except in paragraph (c)(iii) in the part of the form relating to an application to be appointed representative of a person lacking capacity) and substitute in each case the word “minor”.

Omit from paragraph (c)(iii) of the part of form DV6 in the First Schedule that relates to an application to be appointed representative of a person lacking capacity the words “not a child” and substitute the words “under the age of 16 years”.

**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 spouse or civil union partner”.

**Family Proceedings (Court Fee) Regulations 2004**

(SR 2004/32)

Insert in regulation 3(1), after the word “marriage” wherever it appears, the words “or civil union”.

**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,”.

**Game Licences, Fees, and Forms Notice 2004** (SR 2004/47)

Omit from paragraph (a) of the definition of **family** in clause 3 the word “partner” and substitute the words “spouse, civil union partner, or de facto partner”.

Omit from clause 3 the definition of **partner**.

**Government Superannuation Fund (Ceasing Contributions) Regulations 1995** (SR 1995/172)

Insert, after the word “spouse” in regulations 7(5), 10(5), 13(5), 16(5), 19(5), 22(5), and 26(5) wherever it appears, the words “or 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 the spouse or civil union partner of the deceased contributor, a marriage certificate or civil union certificate; and
- “(c) if the application is in respect of a de facto partner of the deceased contributor, such evidence as the Government Superannuation Fund Authority may in its discretion require to establish that the person is a de facto partner of the deceased contributor; and”.

Insert in regulation 3(d), after the word “spouse”, the words “or partner”.

**Health Entitlement Cards Regulations 1993** (SR 1993/169)

Insert in the definition of **family credit income** in regulation 2(1), after the word “spouse” in both places where it appears, the words “or partner”.

Insert in the definition of **family credit income** in regulation 2(1), after the word “married”, the words “or partnered”.

**Health Entitlement Cards Regulations 1993** (SR 1993/169)—  
continued

Revoke the definition of **family income** in regulation 2(1) and substitute:

“**family income** means, as the case requires,—

- “(a) the income of a single person:
- “(b) the combined income of a married or partnered couple (if neither of them are receiving residential care disability services):
- “(c) the income of a married or partnered person who is receiving residential care disability services:
- “(d) the income of a married or partnered person whose spouse or partner is receiving residential care disability services”.

Revoke the definition of **married person** in regulation 2(1) and substitute:

“**married or partnered** means—

- “(a) being married to a spouse (subject to regulations 3(b) and 22(2)); or
- “(b) being in a civil union with a civil union partner”.

Insert, after the definition of **Part KD credit**:

“**partner** means, in the phrase ‘spouse or partner’ and in related contexts, a civil union partner”.

Insert, after the definition of **service agreement** in regulation 2(1):

“**single** includes a person regarded as single under regulation 3”.

Revoke the definition of **superannuation income** in regulation 2(1) and substitute:

“**superannuation income** means—

- “(a) a person’s net income, in the case of—
  - “(i) a single superannuitant:
  - “(ii) a married or partnered superannuitant who is receiving residential care disability services:
  - “(iii) a married or partnered superannuitant whose spouse or partner is receiving residential care disability services; or
- “(b) the combined net income of the person and his or her spouse or partner, in the case of a married or partnered superannuitant where neither spouse or partner is receiving residential care disability services”.

**Health Entitlement Cards Regulations 1993** (SR 1993/169)—  
continued

Revoke the definition of **unmarried** in regulation 2(1).

Revoke paragraphs (a) and (b) of regulation 3 and substitute:

- “(a) regard as single any married or partnered person who is living apart from his or her spouse or partner:
- “(b) regard as married any man and woman who, not being legally married or in a civil union, have entered into a relationship in the nature of marriage—”.

Omit from regulation 8(5) the words “an unmarried” in both places where they appear and substitute in each case the words “a single”. Insert in regulation 8(1) and (3), after the word “spouse” wherever it appears, the words “or partner”.

Insert, after the word “married” in regulation 8(5), the words “or partnered”.

Insert, after the word “spouse” wherever it appears in regulation 14(2), (3), and (4), the words “or partner”.

Omit from paragraph (c)(iii) of the definition of **general medical services** in regulation 17 the word “partner” in both places where it appears and substitute in each case the words “spouse or partner”.

Revoke regulation 22(2) and substitute:

- “(2) For the purposes of this Part, the Director-General may regard as being married any man and woman who, although not legally married or in a civil union, have entered into a relationship in the nature of marriage, and may determine a date on which that relationship is to be taken as having commenced.”

Insert, after the word “married” wherever it appears in regulation 22(1)(a) and (b), the words “or partnered”.

**Health (Immunisation) Regulations 1995** (SR 1995/304)

Revoke the definition of **caregiver** in regulation 2(1) and substitute:

- “**caregiver**, in relation to a child, means—
- “(a) a parent or guardian of the child; or
- “(b) a step-parent of the child, but only if the step-parent shares responsibility for the day-to-day care of the child with a parent of the child; or
- “(c) a person who for the time being has the care of the child”.

Revoke the definition of **parent**.

**Historic Places Trust Elections 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)

Omit from regulation 20(1) the words “An unmarried person” and substitute the words “A child who is not married or in a civil union and”.

Omit from regulation 20(2), (3), and (4)(a) the word “partner” wherever it appears and substitute in each case the words “spouse or partner”.

Revoke regulation 20(4)(b) and substitute:

“(b) **partner**, in relation to an applicant, means the civil union partner or de facto partner of the applicant.”

Omit from regulation 30(5) the words “relationship in the nature of marriage (which may include same sex couples),” and substitute the words “civil union or de facto relationship”.

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 or in a civil union and who is dependent on the adult applicant.”

Omit from regulation 51(6) the words “relationship in the nature of marriage (which may include same sex couples)” and substitute the words “civil union or de facto relationship”.

Omit from form 4 in Schedule 2 the word “unmarried” where it first appears.

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 or in a civil union, a responsible adult)”.

Omit from form 12 in Schedule 2 the word “unmarried”.

**Land Act Regulations 1949** (SR 1949/37)

Insert in regulation 5, after the word “widow”, the words “or civil union partner or surviving civil union partner”.

**Land Transport (Driver Licensing) Rule 1999** (SR 1999/100)

Insert in paragraphs (a) and (b) of the definition of **dependant** in rule 2(1), after the word “spouse” in each place where it appears, the words “or partner”.

Insert in paragraph (b) of the definition of **dependant** in rule 2(1), after the word “marriage,”, the words “civil union,”.

Insert, after the definition of **optometrist** in rule 2(1):

“**partner**, in the phrase ‘spouse or partner’ and in related contexts, means a civil union partner or a de facto partner”.

Revoke the definition of **spouse** in rule 2(1).

Revoke clause 10(3)(a) and (b) and substitute:

“(a) a marriage certificate or a civil union certificate; or

“(b) a dissolution of marriage order or a dissolution of civil union order; or”.

Insert in rule 18(1)(a)(i), after the word “spouse”, the words “or partner”.

**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 the definition of **family member** in clause 3 and substitute:

“**family member**, in relation to a person, means—

“(a) a person who is related to that person by blood within the fourth degree of relationship; or

“(b) the person’s spouse, civil union partner, or de facto partner; or

“(c) a person who is the spouse, civil union partner, or de facto partner of a third party to whom the person is related by blood within the fourth degree of relationship; or

“(d) the adopted child of the person; or

“(e) the adopted child of a third party who is within the third degree of relationship to the person”.

**Overseas Investment Regulations 1995** (SR 1995/292)

Revoke regulation 3(a) and substitute:

“(a) if one person—

“(i) is related to the other person by blood within the fourth degree of relationship; or

**Overseas Investment Regulations 1995** (SR 1995/292)—  
continued

- “(ii) is the other person’s spouse, civil union partner, or de facto partner; or
- “(iii) is the spouse, civil union partner, or de facto partner of a third party to whom the other person is related by blood within the fourth degree of relationship; or
- “(iv) is the adopted child of the other person; or
- “(v) is the adopted child of a third party who is within the third degree of relationship to the other person; or
- “(vi) is the other person’s trustee:”.

**Parental Leave and Employment Protection Regulations 2002**  
(SR 2002/98)

Insert in regulation 8(3), after the word “spouse”, the words “or partner”.

Revoke regulation 10 (b) and substitute:

- “(b) signed by the mother, her spouse or partner, and by the employer of her spouse or partner; and”.

Insert in regulation 11(2) and (3), after the word “spouse” in each place where it appears, the words “or partner”.

Revoke regulation 12(1) and (2) and substitute:

- “(1) This regulation applies to the employer of the spouse or partner if a mother is transferring all or part of the entitlement to a parental leave payment to her spouse or partner.
- “(2) The employer of the spouse or partner must specify, on the transfer application,—
  - “(a) the employer’s name, IRD number, and postal address; and
  - “(b) the parental leave commencement date for the spouse or partner and, in the case of a spouse or partner who is intending to take a period of parental leave of less than 13 weeks, the date on which the spouse or partner intends to return to work; and
  - “(c) in the case of a spouse or partner on a fixed term agreement, the date on which the fixed term agreement ends (if it is known); and
  - “(d) the greater of—

**Parental Leave and Employment Protection Regulations 2002**  
(SR 2002/98)—continued

- “(i) the ordinary pay of the spouse or partner before the commencement of the parental leave; or
- “(ii) the average weekly earnings of the spouse or partner during—
  - “(A) the year ending with the expected date of delivery (or, in the case of adoption, the date on which the employee assumes the care of the child with a view to adoption), for an employee to whom section 17(c)(i) or 18(1)(b)(i) of the Act applies; or
  - “(B) the 6 months ending with the expected date of delivery (or, in the case of adoption, the date on which the employee assumes the care of the child with a view to adoption), for an employee to whom section 17(c)(ii) or 18(1)(b)(ii) of the Act applies; and
- “(e) the current tax code for the spouse or partner.”

Insert in regulation 12(3), after the word “spouse” wherever it appears, the words “or partner”.

Insert in regulation 13(1) and the heading to regulation 13, after the word “spouse” wherever it appears, the words “or partner”.

Omit from regulation 13(2) the words “spouse’s application”, and substitute the words “application by the spouse or partner”.

Insert in regulation 14(1), after the word “spouse”, the words “or partner”.

Insert in form 1 in the Schedule, in the text under the heading “**Information about parental leave under the Parental Leave and Employment Protection Act 1987**”, after the word “spouse” wherever it appears, the words “or partner”.

Insert in form 1 in the Schedule, in the unnumbered clause under the heading “*Entitlements for employees on the basis of 12 months’ service*”, after the word “spouses”, the words “or partners”.

Insert in form 1 in the Schedule, in the third unnumbered clause under the heading “*Entitlements for employees on the basis of 6 months’ service*”, after the word “spouses”, the words “or partners”.

**Parental Leave and Employment Protection Regulations 2002**  
(SR 2002/98)—continued

Omit from form 1 in the Schedule in the unnumbered clause under the heading “*Partner’s/paternity leave*” the words “partner’s/spouse’s paternity leave”, and substitute the words “partner’s/paternity leave of the spouse or partner”.

Insert in forms 2 and 3 in the Schedule, in the text under the heading “**Information about early ending and extension of parental leave**”, after the word “spouse”, the words “or partner”.

**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 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”.

**Real Estate Agents Regulations 1977** (SR 1977/248)—continued  
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 words “spouse or partner”.

Revoke regulation 9.

Omit from regulation 15(2) the word “wife” and substitute the words “spouse or partner”.

Omit from regulation 16 the words “widow, widower,” and substitute the words “surviving spouse or partner”.

**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”.

**Student Allowances Regulations 1998** (SR 1998/277)

Insert in paragraph (b) of the definition of **combined income** in regulation 2(1), after the word “spousal”, the words “or partner’s”.

Insert in regulation 2(1), after the definition of **parental income**, the following definitions:

“**partner**, in relation to an applicant for or the recipient of an allowance, in respect of an allowance applied for to undertake

**Student Allowances Regulations 1998 (SR 1998/277)**—  
continued

a portion of a recognised course of study commencing on or after 1 January 2005, means a person who is the civil union partner of that applicant or recipient, if—

“(a) both of them are of or over 25; or

“(b) one or both of them are younger than 25 and at least 1 of them has a supported child

“**partnered**—

“(a) means having a partner; and

“(b) for the avoidance of doubt, does not include a person who is in a civil union but who does not have a partner (as that term is defined in this subclause)”.

Revoke the definition of **single** in regulation 2(1) and substitute:

“**single**—

“(a) means not having a spouse or partner; and

“(b) for the avoidance of doubt, includes—

“(i) a person who is legally married but who does not have a spouse (as that term is defined in this subclause); and

“(ii) a person who is in a civil union but who does not have a partner (as that term is defined in this subclause)”.

Insert in the definition of **spousal income** in regulation 2(1) after the word “**spousal**”, the words “**or partner’s**”.

Insert in that definition in regulation 2(1), after the word “spouse” in each place where it appears, the words “or partner”.

Insert in the heading to Part 2, after the word “SPOUSAL”, the words “OR PARTNER’S”.

Omit from the heading to regulation 6 the words “**spouse’s income**” and substitute the words “**income of spouse or partner**”.

Insert in regulation 6(1), after the word “spousal”, the words “or partner’s”.

Insert in regulation 6(1), after the word “spouse”, the words “or partner”.

Insert in regulation 6(2), after the word “spousal”, the words “or partner’s”.

Insert in regulation 6(3), after the word “spouse”, the words “or partner”.

**Student Allowances Regulations 1998 (SR 1998/277)—**  
continued

Insert in regulation 7(1)(a), after the word “married”, the words “or partnered”.

Insert in regulation 9(2)(b), after the word “married”, the words “or partnered”.

Insert in regulation 9(2)(b), after the word “spouse”, the words “or partner”.

Insert in regulation 9(3), after the word “married”, the words “or partnered”.

Insert in regulation 9(3), after the word “spouse”, the words “or partner”.

Insert in regulation 12(3)(a)(ii), after the word “spouse”, the words “or partner”.

Insert in regulation 13 and the heading to that regulation, after the word “spouse”, the words “or partner”.

Insert in regulation 43, after the word “spouse”, the words “or partner”.

Insert in tables 1, 2, and 3 in Schedule 2, after the word “married” wherever it appears, the words “or partnered”.

Insert in tables 1, 2, and 3 in Schedule 2, after the word “spouse” wherever it appears, the words “or 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,”.

---

**Legislative history**

21 June 2004	Introduction (Bill 151-1)
29 June 2004	First reading and referral to Justice and Electoral Committee
1 March 2005	Reported from Justice and Electoral Committee (Bill 151-2)
8 March 2005	Second reading
9, 10 March 2005	Committee of the whole House (Bill 151-3)
15 March 2005	Third reading
24 March 2005	Royal assent

---

This Act is administered in the Ministry of Justice.

---