



# Social Security Amendment Act 2005

Public Act 2005 No 21

Date of assent 24 March 2005

Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

### 1 Title

- (1) This Act is the Social Security Amendment Act 2005.
- (2) In this Act, the Social Security Act 1964 is called “the principal Act”.

### 2 Commencement

- (1) Except as provided in subsections (2) and (3), this Act comes into force on 26 April 2005.
- (2) Sections 5 and 6 come into force on 1 April 2007.
- (3) Section 7 comes into force on 1 July 2005.

**3 Amendments to principal Act in Schedule 1**

The principal Act is amended in the manner set out in Schedule 1.

**4 Regulations relating to temporary additional support**

- (1) Section 132AB(1) of the principal Act is amended by inserting in paragraphs (b), (e), and (f), after the word "spouse" wherever it appears, the words "or partner".
- (2) Section 132AB(2) of the principal Act is amended by adding the words "or partner".

**5 Amendments to principal Act on 1 April 2007 in Schedule 2**

The principal Act is amended in the manner set out in Schedule 2.

**6 Transitional provision regarding relationships in the nature of marriage**

- (1) For the purposes of sections 21 and 27A to 27H of the principal Act,—
  - (a) a reference to a de facto relationship includes a relationship in the nature of marriage that was entered into at any time before 1 April 2007; and
  - (b) a reference to a de facto partner includes a person who was a partner in any relationship in the nature of marriage referred to in paragraph (a).
- (2) Any relationship that was, immediately before the commencement of this section, regarded by the chief executive under section 63 of the principal Act (as it was before section 5 came into force) as a relationship in the nature of marriage is a de facto relationship.

*Social Security (Long-term Residential Care) Amendment Act 2004***7 Amendments to Social Security (Long-term Residential Care) Amendment Act 2004**

The Social Security (Long-term Residential Care) Amendment Act 2004 is amended in the manner set out in Schedule 3.

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## Schedule 1

s 3

### Amendments to principal Act to come into force on 26 April 2005

#### Section 3(1)

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

Insert in paragraph (a)(i) and (ii) of the definition of **Government occupational pension**, after the word “spouse”, the words “or partner”.

Insert in paragraph (f)(iii) and (xiv)(A) of the definition of **income**, after the word “spouse”, the words “or partner”.

Insert in paragraph (a) of the definition of **Income Test 1**, after the word “spouse”, the words “or partner”.

Insert in paragraph (a) of the definition of **Income Test 2**, after the word “spouse”, the words “or partner”.

Insert in the definition of **Income Test 3**, after the word “spouse”, the words “or partner”.

Insert in the definition of **Income Test 4**, after the word “spouse”, the words “or partner”.

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

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

Insert in paragraph (a) of the definition of **part-time work-tested beneficiary**, after the word “spouse”, the words “or partner”.

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

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

Insert, in its appropriate alphabetical order, the following definition:  
“**single** means not married or in a civil union”.

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

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

“(a) is—

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

“(ii) not married or in a civil union; and

“(b) is not in a relationship in the nature of marriage”.

**Section 3(1)—continued**

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

Insert in paragraphs (a), (b)(i) and (ii), and (c)(i) and (ii) of the definition of **work-test married rate**, after the word “spouse”, the words “or partner”.

Insert in paragraph (b) of the definition of **work-tested beneficiary**, after the word “spouse”, the words “or partner”.

Insert in paragraph (e) of the definition of **work-tested benefit**, after the word “spouse”, the words “or partner”.

Repeal the definition of **work-tested spouse**, and substitute:

“**work-tested spouse or partner** means a person who—

- “(a) has no dependent children, or whose youngest dependent child is aged 6 years or more; and
- “(b) has not been granted an exemption from the work test; and is either—
- “(c) the spouse or partner of a person granted an unemployment benefit, a sickness benefit, or an invalid’s benefit or an emergency benefit, where the benefit is granted at a work-test married rate; or
- “(d) is the spouse or partner of a person who is receiving residential care disability services, is aged under 60 years, and is in receipt of an invalid’s benefit under section 42(2) or an emergency benefit under regulations made under section 132B”.

**New section 3(2A)**

Insert, after subsection (2):

“(2A) For the purposes of this Act, the relationship of step-parent, stepchild, or any other relationship described by a word containing the prefix ‘step’, may be established by civil union or a relationship in the nature of marriage as well as by marriage.”

**Section 3(3)**

Insert in paragraphs (b) and (d)(ii), after the word “spouse” in each place where it appears, the words “or partner”.

**Section 3(5)**

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

**Section 11A**

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

Repeal subsection (2)(c) and substitute:

- “(c) have had their financial circumstances, or the financial circumstances of their spouse or partner, assessed under this Act.”

**Section 11C**

Insert in subsection (1)(c), after the word “marital”, the words “or relationship”.

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

**Section 21**

Add:

- “(7) For the purpose of determining eligibility for a benefit under this section, a woman whose civil union partner has died is treated in the same way as a widow is treated, and her civil union partner is treated in the same way as a husband of a widow is treated.
- “(8) For the purpose of this section,—
- “(a) a reference in this section to a marriage must be read as a reference to a marriage or civil union; and
  - “(b) a reference in this section to being married must be read as a reference to being married or in a civil union; and
  - “(c) a reference in this section to a date of a marriage must be read as a reference to the date of a marriage or of entering into a civil union.”

**Section 27A(3)(b)**

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

**Section 27B**

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

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

Repeal subsection (1)(c) and substitute:

- “(c) a woman whose marriage or civil union has been dissolved, and who is the mother of 1 or more dependent children.”

Repeal subsection (1)(e) and substitute:

**Section 27B—continued**

- “(e) a woman who is the mother of 1 or more dependent children and who has lost the regular support of her husband or civil union partner because he or she is subject to a sentence of imprisonment and is—  
“(i) serving the sentence in a penal institution; or  
“(ii) subject to release conditions or detention conditions (as those terms are defined in section 4(1) of the Parole Act 2002) that prevent him or her undertaking employment:”.

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

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

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

**Section 27BA(5)**

Repeal and substitute:

- “(5) In this section, **child** means a dependent child of the parents—  
“(a) born of their relationship; or  
“(b) adopted by the parents or by 1 of the parents during their marriage or civil union.”

**Section 27C**

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

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

- “(a) a parent or step-parent of person A:  
“(b) a child of person A or a stepchild of person A who is over the age of 16 years:  
“(c) a grandparent or great grandparent of person A:  
“(d) a sister or brother or stepsister or stepbrother of person A:  
“(f) an aunt or uncle of person A:  
“(g) a child of a brother or sister of person A, or of a person with whom a brother or sister of person A is in a marriage or civil union:  
“(h) a child of an uncle or aunt of person A, or of a person with whom an uncle or aunt of the person is in a marriage or civil union”.

Insert in the definition of **woman alone**, after the word “married”, the words “or in a civil union”.

**Section 27C—continued**

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

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

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

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

**Section 27D**

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

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

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

Repeal subsection (2)(d) and substitute:

- “(d) in the case of a single mother, the applicant gave birth to her child—”.

**Section 27G(2)**

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

**Section 27H(2)**

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

**Section 42(2)**

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

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

Insert in paragraph (b), after the word “spouse” in each place where it appears, the words “or partner”.

**Section 42A**

Insert in subsections (1) and (2)(b), after the word “spouse”, the words “or partner”.

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

**Section 54(2)(b)**

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

**Section 54A**

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

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

**Section 54D**

Insert in subsections (3) and (4), after the word “spouse”, the words “or partner”.

**Section 54E**

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

Insert, after the word “spouse” wherever it appears, the words “or partner”.

**Section 60F(1)**

Repeal and substitute:

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

**Section 60FA**

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

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

**Section 60FB**

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

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

**Section 60H**

Insert in subsection (2)(b), after the word “spouse” in both places where it appears, the words “or partner”.

**Section 61A**

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

Insert in subsections (1)(a) and (2)(b), after the word “spouse”, the words “or partner”.

**Section 61D**

Insert in the definition of **non-assessable assets**, after the word “spouse”, the words “or partner”.

**Section 61DB**

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

Insert in paragraphs (a), (d)(ii), and (e), after the word “spouse”, the words “or partner”.

**Section 61DC**

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

**Section 61DE**

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

**Section 61E**

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

Omit from subsection (3) the words “married joint tenants” and substitute the words “joint tenants who are married or in a civil union”.

**Section 61EA**

Insert in subsections (3) and (4)(d), after the word “spouse”, the words “or partner”.

**Section 61EB**

Repeal and substitute:

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

- “(1) The rules in subsection (3) apply if—
  - “(a) premises are occupied by 2 or more joint tenants; and
  - “(b) the joint tenants include 1 or more couples who are married or in a civil union.
- “(2) The rules in subsection (3) do not apply to the application of the proviso to the definition of **accommodation costs** in section 61E.
- “(3) The rules are—
  - “(a) each couple that is married or in a civil union is treated as 1 joint tenant; and

**Section 61EB—continued**

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

**Section 61EC**

Repeal subsection (2)(a) and substitute:

- “(a) every \$100 of cash assets over \$5,400 held by—
  - “(i) a person who is married or in a civil union; or
  - “(ii) a single person who has a dependent child or children; and”.

Repeal subsection (3)(a) and substitute:

- “(a) \$16,200 in the case of—
  - “(i) a person who is married or in a civil union; or
  - “(ii) a single person who has a dependent child or children:”.

Insert in subsections (4), (4A), and (5), after the word “spouse”, the words “or partner”.

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

**Section 63**

Repeal paragraph (a) and substitute:

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

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

**Section 66(1)**

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

**Section 68A(3)**

Omit the words “his or her spouse’s hospitalisation” and substitute the words “the hospitalisation of his or her spouse or partner”.

**Section 69(2)**

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

**Section 69C**

Insert in subsection (1)(c) and (d), after the word “spouse” wherever it appears, the words “or partner”.

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

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

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

Insert in subsection (5)(b) and (c), after the word “spouse”, the words “or partner”.

Omit from subsection (5) the words “spouse’s hospitalisation” and substitute the words “hospitalisation of the spouse or partner”.

**Section 69E**

Insert in the definition of **assets**, after the word “spouse” in each place where it appears, the words “or partner”.

Insert in paragraphs (d), (e), (g), and (i) of the definition of **income**, after the word “spouse”, the words “or partner”.

**Section 69F**

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

Insert in subsections (2), (3), (5)(b) and (c), (6), and (8), after the word “spouse” in each place where it appears, the words “or partner”.

**Section 69FA**

Repeal subsection (4) and substitute:

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

- “(a) the following is to be treated as \$1 per week of income:
  - “(i) every \$100 of cash assets over \$5,400 held by a person who is married or in a civil union;
  - “(ii) every \$100 of cash assets over \$5,400 held by a single person who has a dependent child or children;
  - “(iii) every \$100 of cash assets over \$2,700 held by any other person; and

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

Insert in subsections (5), (7)(b) and (c), (8), and (9), after the word “spouse”, the words “or partner”.

**Section 69G**

Insert in subsections (1)(a), (2)(c) and (d), and (4)(b)(i), after the word “spouse”, the words “or partner”.

**Section 69H**

Insert in subsections (1)(b), (3)(b), and (4)(a), after the word “spouse”, the words “or partner”.

**Section 70**

Insert in subsection (1)(a), after the word “spouse” in both places where it appears, the words “or partner”.

**Section 71A**

Insert in subsection (1)(a) and (b), after the word “spouse”, the words “or partner”.

**Section 72**

Insert in paragraph (c), after the word “spouse” in both places where it appears, the words “or partner”.

**Section 74(1)(a)**

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

**Section 74A**

Repeal subsection (2)(a) and substitute:

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

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

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

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

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

**Section 75**

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

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

Repeal subsection (5) and substitute:

**Section 75—continued**

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

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

**Section 76(3)**

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

**Section 77**

Insert in subsections (3A) and (4)(a), after the word “spouse”, the words “or partner”.

**Section 79**

Insert in subsection (1), after the word “spouse” wherever it appears, the words “or partner”.

**Section 80(5)(b)**

Repeal and substitute:

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

**Section 80BD(4)**

Insert in paragraphs (a) and (b), after the word “spouse”, the words “or partner”.

**Section 80C**

Add to the heading the words “**or partners**”.

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

**Section 81(1)**

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

**Section 82(3)(b)(ii)**

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

**Section 83**

Add to the heading the words “**or partners**”.

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

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

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

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

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

**Section 84A(c)**

Omit the word “spousal” and substitute the word “domestic”.

**Section 86**

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

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

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

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

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

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

**Section 89(2)(b)**

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

**Section 90**

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

**Section 90—continued**

Add to subsection (3)(b) the words “or in a civil union”.

**Section 97(2)**

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

**Section 99**

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

**Section 105A(1)(b)**

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

**Section 120**

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

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

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

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

**Section 124(2)(b)**

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

**Section 132A(1)(c)**

Insert in subparagraphs (ii) and (iii), after the word “spouse”, the words “or partner”.

**Section 132AC**

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

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

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

**Section 132B**

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

Insert in subsection (2)(c), after the word “spouses”, the words “or partners”.

**Sixth Schedule**

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

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

Insert in clause 1, after the word “spouse” in each place where it appears, the words “or partner”.

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

**Eighth Schedule**

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

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

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

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

Insert in clause 1, after the word “spouse” in each place where it appears, the words “or partner”.

**Ninth Schedule**

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

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

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

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

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

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

Insert in clause 1(e), after the word “spouse” in both places where it appears, the words “or partner”.

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

**Ninth Schedule—continued**

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

**Seventeenth Schedule**

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

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

Omit from clause 3 the words “an unmarried” and substitute the words “a single”.

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

Insert in clauses 5, 6, 7, and 8, after the word “spouse”, the words “or partner”.

**Eighteenth Schedule**

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

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

Insert in the definition of **base rate** in clause 1 of Part I, after the word “spouse” in each place where it appears, the words “or partner”.

Insert in clause 2(b) of Part I, after the word “spouse”, the words “or partner”.

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

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

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

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

**Twenty-second Schedule**

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

**Twenty-sixth Schedule**

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

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

Insert in clause 2, after the word “spouse”, the words “or partner”.

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

**Twenty-seventh Schedule**

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

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

Insert in the heading to Part II, after the word “spouse”, the words “or partner”.

Insert in clauses 1, 2, and 3 of Part II, after the word “spouse”, the words “or partner”.

**Twenty-eighth Schedule**

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

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

**Schedule 30**

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

**Schedule 31**

Omit from clauses 2, 7, and 12 the words “married person” and substitute the words “person who is married or in a civil union”.

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**Schedule 2**

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**Amendments to principal Act to come into force on  
1 April 2007****Section 3(1)**

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

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

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

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

Add to the definition of **partner** the words “or de facto partner”.

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

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

Repeal paragraph (b) of the definition of **sole parent** and substitute:

“(b) is not in a de facto relationship”.

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

**Section 3(2A)**

Repeal.

**Section 21**

Repeal subsection (2D).

Repeal subsections (7) and (8) and substitute:

“(7) For the purpose of determining eligibility for a benefit under this section, a woman whose civil union partner or de facto partner has died is treated in the same way as a widow is treated, and her civil union partner or de facto partner is treated in the same way as a husband of a widow is treated.

“(8) For the purpose of this section,—

“(a) a reference in this section to a marriage must be read as a reference to a marriage or civil union or de facto relationship; and

“(b) a reference in this section to being married must be read as a reference to being married or in a civil union or in a de facto relationship; and

**Section 21—continued**

“(c) a reference in this section to a date of a marriage must be read as a reference to the date of a marriage or of entering into a civil union or a de facto relationship.”

**Section 27A**

Repeal the definition of **husband** in subsection (1).

Omit from subsection (3)(b) the words “husband or wife or civil union partner” and substitute the words “spouse or partner”.

**Section 27B**

Omit from subsection (1)(a) the words “husband or civil union partner” and substitute the words “spouse or partner”.

Repeal subsection (1)(b) and substitute:

“(b) a single woman who is the mother of 1 or more dependent children.”.

Repeal subsection (1)(e) and substitute:

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

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

Repeal subsection (2)(c) and substitute:

“(c) the applicant is not living together with his or her spouse or partner or with the other parent of the child, as the case may be.”

**Section 27BA(5)**

Add to paragraph (b) the words “or de facto relationship”.

**Section 27C**

Add to paragraphs (g) and (h) of the definition of **relative** in subsection (1) the words “or de facto relationship”.

Repeal the definition of **woman alone** in subsection (1) and substitute:

“**woman alone** means a woman who has never been married, in a civil union, or in a de facto relationship, or who has lost the support of her spouse or partner”.

Insert in subsection (3)(b), after the word “union”, the words “or in a de facto relationship”.

**Section 27C—continued**

Insert in subsection (3)(c), after the word “union”, the words “or in a de facto relationship”.

Omit from subsection (3)(c) the words “husband or civil union partner” and substitute the words “spouse or partner”.

**Section 27D**

Omit from subsection (1)(a) the words “husband or civil union partner” and substitute the words “spouse or partner”.

Omit from subsection (1)(b) the words “husband or civil union partner” and substitute the words “spouse or partner”.

Omit from subsection (2)(a) the words “husband or civil union partner” and substitute the words “spouse or partner”.

**Section 27G(2)**

Omit the words “husband or wife or civil union partner” and substitute the words “spouse or partner”.

**Section 27H(2)**

Omit the words “husband or wife or civil union partner” and substitute the words “spouse or partner”.

**Section 42(2)**

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

**Section 54(2)(b)**

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

**Section 60F(1)**

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

**Section 60FB**

Repeal and substitute:

**“60FB Independent youth benefits: persons who are married, in civil union, or de facto relationship**

A person who is married, in a civil union, or in a de facto relationship is entitled to an independent youth benefit if section 60F(2) applies to him or her.”

**Section 61E(3)**

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

**Section 61EB**

Repeal and substitute:

**Section 61EB—continued****“61EB Special rules for joint tenants who are married, in civil union, or de facto relationship**

- “(1) The rules in subsection (3) apply if—
  - “(a) premises are occupied by 2 or more joint tenants; and
  - “(b) the joint tenants include 1 or more couples who are married or in a civil union or in a de facto relationship.
- “(2) The rules in subsection (3) do not apply to the application of the proviso to the definition of **accommodation costs** in section 61E.
- “(3) The rules are—
  - “(a) each couple that is married or in a civil union or in a de facto relationship is treated as 1 joint tenant; and
  - “(b) the accommodation costs of that 1 joint tenant are the total of the accommodation costs of each of the parties to the marriage or civil union or de facto relationship; and
  - “(c) the cash assets and income of that 1 joint tenant are the total of the cash assets and income respectively of each of the parties to the marriage or civil union or de facto relationship.”

**Section 61EC**

Insert in subsections (2)(a), (3)(a), and (5), after the word “union”, the words “or in a de facto relationship”.

**Section 69C(5)(a)**

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

**Section 69FA(4)**

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

**Section 74A**

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

Insert in subsection (3)(a), after the word “union”, the words “or a de facto relationship”.

Insert in subsection (3)(b), after the word “union” wherever it appears, the words “or in a de facto relationship”.

**Section 75**

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

**Section 75—continued**

Insert in subsection (5), after the word “union” in both places where it appears, the words “or in a de facto relationship”.

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

**Section 80(5)(b)**

Repeal and substitute:

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

**Section 83(1)**

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

**Section 89(2)(b)**

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

**Section 90(3)(b)**

Add the words “or in a de facto relationship”.

**Section 120**

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

Insert in subsection (1), after the word “union”, the words “or in a de facto relationship”.

**Sixth Schedule**

Insert in clause 1(e), (f), and (g), after the word “union”, the words “or in a de facto relationship”.

**Eighth Schedule**

Insert in clause 1(e), (f), and (g), after the word “union”, the words “or in a de facto relationship”.

**Ninth Schedule**

Insert in clause 1(d), (e), and (f), after the word “union”, the words “or in a de facto relationship”.

**Seventeenth Schedule**

Insert in clauses 5, 6, and 7, after the word “union”, the words “or in a de facto relationship”.

**Eighteenth Schedule**

Insert in paragraphs (d), (da), and (g) of the definition of **base rate** in clause 1 of Part I, after the word “union”, the words “or in a de facto relationship”.

Insert in clauses 1, 2, 4, and 5 of Part II, after the word “union”, the words “or in a de facto relationship”.

**Twenty-second Schedule**

Insert in clauses 1 and 2, after the word “union”, the words “or in a de facto relationship”.

**Twenty-sixth Schedule**

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

Insert in clause 3, after the word “union”, the words “or in a de facto relationship”.

**Twenty-seventh Schedule**

Insert in clause 2 of Part I, after the word “union”, the words “or in a de facto relationship”.

Insert in clause 3 of Part I, after the word “union”, the words “or in a de facto relationship”.

**Twenty-eighth Schedule**

Insert in clause 1, after the word “union”, the words “or in a de facto relationship”.

**Schedule 31**

Insert in clauses 2, 7, and 12, after the words “civil union”, the words “or in a de facto relationship”.

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**Schedule 3**

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**Amendments to Social Security (Long-term Residential Care) Amendment Act 2004****Section 3**

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

**Section 5**

Omit from paragraph (a)(ii) of the definition of **eligible person** in the new section 136 of the principal Act the word “unmarried” and substitute the word “single”.

Omit from the new section 143(1) of the principal Act the word “unmarried” and substitute the word “single”.

Insert in subsections (1) and (2)(b) and (c) of the new section 149 of the principal Act, after the word “spouse”, in each case the words “or partner”.

Insert in paragraph (c) of the new section 150(1) of the principal Act, after the word “spouse” wherever it appears, the words “or partner”.

Omit from the new section 151(1) and (2) of the principal Act the word “unmarried” and substitute in each case the word “single”.

Insert in the new section 151(2) of the principal Act, after the word “spouse”, the words “or partner”.

Add to the new section 151(2)(b) of the principal Act the words “or civil union”.

Insert in the new section 155(1)(a) of the principal Act, after the word “spouse”, the words “or partner”.

**Section 12**

Insert in the new section 17(1) and (3) of the New Zealand Superannuation Act 2001, after the word “spouse”, the words “or partner”.

**Schedule 1**

Insert in clauses 1 to 5 of the new Schedule 27 of the principal Act, after the word “spouse” wherever it appears, the words “or partner”.

Omit from paragraph (f) of the definition of **income** in clause 5 of the new Schedule 27 of the principal Act the words “spouse’s personal effort” and substitute the words “personal effort of the spouse or partner”.

**Schedule 2**

Insert in the new paragraph (c)(ii) of the definition of **work-test married rate** in section 3(1) of the principal Act, after the word “spouse”, the words “or partner”.

Insert in the items relating to the definition of **work-tested spouse** in section 3(1) of the principal Act, after the word “spouse”, in each case the words “**or partner**”.

Insert in the second item relating to section 42(2) of the principal Act, after the word “spouse” in both places where it appears, the words “or partner”.

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**Legislative history**

10 March 2005	Divided from Relationships (Statutory References) Bill (Bill 151–2) as Bill 151–3R
15 March 2005	Third reading
24 March 2005	Royal assent

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This Act is administered in the Ministry of Social Development.

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