

KiwiSaver (Vulnerable Children) Amendment Bill

(Divided from the Vulnerable Children Bill)

Government Bill

As reported from the committee of the whole
House

This bill was formerly part of the Vulnerable Children Bill as reported from the Social Services Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- the Vulnerable Children Bill comprising clauses 1 and 2, Part 1, and Schedules 1 and 2
 - the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Bill comprising subpart 1 of Part 3
 - this bill comprising subpart 2 of Part 3
-

**KiwiSaver (Vulnerable Children)
Amendment Bill**

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

text deleted

Hon Paula Bennett

KiwiSaver (Vulnerable Children) Amendment Bill

Government Bill

Contents

	Page
1 Title	1
2 Commencement	1
.	
138 Principal Act	2
139 Section 4 amended (Interpretation)	2
140 Section 35 amended (Opting in by persons under 18)	2
141 Children, Young Persons, and Their Families Act 1989 amended	3
.	

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the KiwiSaver (Vulnerable Children) Amendment Act **2014**.

- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.

138 Principal Act

This **subpart** amends the KiwiSaver Act 2006 (the **principal Act**).

139 Section 4 amended (Interpretation)

- (1) In section 4(1), definition of **guardian**, after “the Care of Children Act 2004”, insert “, but excludes a CYPFA guardian”. 5
- (2) In section 4(1), insert in its appropriate alphabetical order:
 “**CYPFA guardian**, of a person, means any other person—
 “(a) appointed by an order under **section 110(1)(a) to (d)** of the Children, Young Persons, and Their Families Act 1989 as the sole guardian, or as a guardian of the person in addition to any other guardians (whether or not guardians by virtue of that Act), of the person; or 10
 “(b) whose sole guardianship of the person arises under section 119 of that Act (about the death of a guardian appointed under **section 110(1)(e)** of that Act who, on his or her death, was the person’s sole guardian”). 15

140 Section 35 amended (Opting in by persons under 18)

- (1) In section 35(3),—
 (a) after “with a guardian”, insert “or a CYPFA guardian”; 20
 and
 (b) after “and 1 of their guardians”, insert “or CYPFA guardians”.
 (2) After section 35(4), insert:
 “(5) A person who is less than 16 years with a CYPFA guardian 25
 may opt in if the CYPFA guardian ~~while his or her guardianship of the person has effect (and independently~~
~~-(independently~~ from the person, and from all other, if any, CYPFA guardians, guardians, or both, of the person) contracts 30
 directly with a provider, in the name of the person. If the provider accepts the person, then the person is treated as—
 “(a) contracting directly with the provider; and
 “(b) 18 years for the purposes of the Minors’ Contracts Act 1969; and

“(c) opting in under section 34(1)(a).

- “(6) If a person who is less than 16 years with a CYPFA guardian is a member of a KiwiSaver scheme (whether opted into before or while the CYPFA guardian’s guardianship has effect), the CYPFA guardian has for the purposes of this Act, ~~while the CYPFA guardian’s guardianship has effect,~~ authority (instead of all guardians, if any, of the person, and independently from the person, and from all other, if any, CYPFA guardians of the person) to make decisions (for example, voluntary transfer decisions), or to take other steps, in respect of the person’s membership of the scheme.”

141 Children, Young Persons, and Their Families Act 1989 amended

- (1) This section amends the Children, Young Persons, and Their Families Act 1989.
- (2) In section 2(1), definition of **guardianship**, after “corresponding meaning”, insert “, and includes, without limitation, a person who is a guardian by virtue of this Act”.
- (3) In section 390(1)(a), after “any bank”, insert “, or opt into a KiwiSaver scheme in the name of the young person ~~under section 35(3) or (5) of the KiwiSaver Act 2006~~ (but only if the young person is under the person’s guardianship, and only in accordance with section 35(3) or (5) of the KiwiSaver Act 2006)”.
- (4) In section 390(1)(b), after “into that account”, insert “or into any KiwiSaver scheme (whenever it was opted into) of which the young person is a member”.
- (5) After section 390(3), insert:
- “(4) Subsections (2) and (3) do not apply to, or to money standing to the young person’s credit in, a KiwiSaver scheme of which the young person is a member, and do not limit or affect section 35(6) of the KiwiSaver Act 2006 (which authorises specified guardians under this Act to make decisions or take steps in respect of a KiwiSaver scheme membership of a person younger than 16 years).”

**KiwiSaver (Vulnerable Children)
Amendment Bill**

• • • • •

Legislative history

17 June 2014

Divided from Vulnerable Children Bill (Bill 150–2)
as Bill 150–3B
