

Injury Prevention, Rehabilitation, and Compensation Amendment Act 2005

Public Act 2005 No 12
Date of assent 24 March 2005

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The Parliament of New Zealand enacts as follows:

- 1 Title**
(1) This Act is the Injury Prevention, Rehabilitation, and Compensation Amendment Act 2005.

- (2) In this Act, the Injury Prevention, Rehabilitation, and Compensation Act 2001 is called “the principal Act”.

2 Commencement

This Act comes into force on 26 April 2005.

3 Interpretation

Section 6(1) of the principal Act is amended by inserting, after the definition of parental leave, the following definition:

“**partner**, in the phrase ‘spouse or partner’ and in related contexts, has the meaning set out in section 18A(1) to (3); and, in relation to a deceased claimant, has the meaning set out in section 18A(4) to (6)”.

4 Spouse (and spouse in relation to deceased claimant)

- (1) Section 18 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) Spouse means a person (person A) to whom the claimant is legally married.”

- (2) Section 18 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:

“(4) Spouse, in relation to a deceased claimant, means a person (person B) to whom the deceased claimant was legally married immediately before his or her death.”

5 New section 18A inserted

The principal Act is amended by inserting, after section 18, the following section:

“18A Partner (and partner in relation to deceased claimant)

- “(1) Partner means a person (person A) with whom the claimant is in a civil union or a de facto relationship.

- “(2) However, person A is not the partner of a claimant if—

“(a) person A and the claimant are living apart; and

“(b) the claimant is not contributing financially to person A’s welfare.

- “(3) Subsection (2) does not apply if the circumstances set out in the subsection occurred principally because of the health, imprisonment, or employment obligations of either person A or the claimant.

- “(4) Partner, in relation to a deceased claimant, means a person (person B)—
- “(a) with whom the deceased claimant was in a civil union immediately before his or her death; or
 - “(b) with whom the deceased claimant was in a de facto relationship immediately before his or her death.
- “(5) However, person B is not the partner of a deceased claimant if, at the time of the deceased claimant’s death,—
- “(a) person B and the deceased claimant were living apart; and
 - “(b) the deceased claimant was not contributing financially to person B’s welfare.
- “(6) Subsection (5) does not apply if the circumstances set out in the subsection occurred principally because of the health, imprisonment, or employment obligations of either person B or the deceased claimant.”

6 Compensation payable to surviving spouses under 1972 and 1982 Acts

- (1) The heading to section 384 of the principal Act is amended by inserting, after the word “spouses”, the words “or de facto partners”.
- (2) Section 384(1) of the principal Act is amended by inserting, after the word “spouse”, the words “or de facto partner”.

7 Schedule 1 amended

Clause 66(4) of Schedule 1 is amended by repealing paragraphs (a) and (b), and substituting the following paragraph:

- “(a) because the spouse or partner marries, enters into a civil union, or enters into a de facto relationship; or.”

8 Amendments to principal Act in Schedule

- (1) The provisions of the principal Act specified in Part 1 of the Schedule are amended by inserting, after the word “spouse” wherever it appears, the words “or partner”.
- (2) The provisions of the principal Act specified in Part 2 of the Schedule are amended by inserting, after the word “spouses”, wherever it appears, the words “or partners”.

- (3) The provisions of the principal Act specified in Part 3 of the Schedule are amended by inserting, after the word “spouse’s”, wherever it appears, the words “or partner’s”.

Schedule
Amendments to principal Act

s 8

1

Insertion of “or partner” after “spouse”

The definitions of **child**, **claimant**, **other dependant**, and **weekly compensation** in section 6(1).

Section 10(1) and the heading to section 10, and section 17(1)(b).

Sections 32(6), 69(1)(e), 208(2)(b), 252(5), 363(2).

Sections 382(2) and 383(1) and (3), and the heading to section 382.

Paragraphs (a) and (b) of the definition of **home** in clause 12 of Schedule 1.

Clause 65(1)(a) of Schedule 1.

Clauses 66 and 67 of Schedule 1, and the headings to those clauses.

Clauses 68, 69, 75(1) and (3), and the heading to clause 75, of Schedule 1.

2

Insertion of “or partners” after “spouses”

The headings to sections 382 and 383.

3

Insertion of “or partner’s” after “spouse’s”

The heading to clause 68 in Schedule 1.

Part 3 of Schedule 3 was amended, as from 11 May 2005, by section 61(3) Injury Prevention, Rehabilitation, and Compensation Insurance Amendment Act (No 2) 2005 (2005 No 45) by omitting the words “Section 66(4) and (5) and section 69(1) and (2).”

2005 No 12

**Injury Prevention, Rehabilitation, and
Compensation Amendment Act 2005**

Legislative history

10 March 2005

Divided from Relationships (Statutory References)
Bill (Bill 151-2) as Bill 151-31

15 March 2005

Third reading
