

## **Interpretation Amendment Bill**

### Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Relationships (Statutory References) Bill, as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Relationships (Statutory References) Bill, comprising subpart 20 of Part 1, Part 2, and Schedules 13, 13A, 14, and 15
- The Administration Amendment Bill (No 2), comprising subpart 1 of Part 1
- The Care of Children Amendment Bill, comprising subpart 1A of Part 1 and Schedule 1AA
- The Child Support Amendment Bill (No 3), comprising subpart 2 of Part 1 and Schedule 1
- The Deaths by Accidents Compensation Amendment Bill, comprising subpart 3 of Part 1
- The Estate and Gift Duties Amendment Bill, comprising subpart 4 of Part 1 and Schedule 2
- The Goods and Services Tax Amendment Bill, comprising subpart 5 of Part 1 and Schedule 3
- The Government Superannuation Fund Amendment Bill (No 4), comprising subpart 6 of Part 1 and Schedule 3A
- The Income Tax Amendment Bill, comprising subpart 7 of Part 1 and Schedule 4
- The Injury Prevention, Rehabilitation, and Compensation Amendment Bill (No 4), comprising subpart 7A of Part 1 and Schedule 4A

- The Interpretation Amendment Bill, comprising subpart 8 of Part 1
  - The Life Insurance Amendment Bill (No 2), comprising subpart 9 of Part 1
  - The Marriage Amendment Bill, comprising subpart 10 of Part 1
  - The Minors' Contracts Amendment Bill, comprising subpart 11 of Part 1
  - The New Zealand Superannuation Amendment Bill (No 2), comprising subpart 12 of Part 1 and Schedules 5 and 6
  - The Parental Leave and Employment Protection Amendment Bill (No 2), comprising subpart 12A of Part 1 and Schedule 6A
  - The Property (Relationships) Amendment Bill, comprising subpart 13 of Part 1 and Schedule 7
  - The Real Estate Agents Amendment Bill, comprising subpart 14 of Part 1
  - The Social Security Amendment Bill, comprising subpart 15 of Part 1 and Schedules 8, 9, and 9A
  - The Tax Administration Amendment Bill, comprising subpart 16 of Part 1 and Schedule 10
  - The Trustee Amendment Bill, comprising subpart 17 of Part 1
  - The War Pensions Amendment Bill (No 3), comprising subpart 8 of Part 1 and Schedules 11 and 12
  - The Wills Amendment Bill, comprising subpart 19 of Part 1.
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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (majority)

Subject to this Act,

Text struck out by a majority

#### New (majority)

Subject to this Act.

Text inserted by a majority

<Subject to this Act.>

Words struck out by a majority

<Subject to this Act.>

Words inserted by a majority

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*Hon David Benson-Pope*

## Interpretation Amendment Bill

Government Bill

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

#### **1 Title**

- (1) This Act is the Interpretation Amendment Act **2005**.
- (2) In this Act, the Interpretation Act 1999 is called “the principal Act”.

#### **2 Commencement**

This Act comes into force on **26 April 2005**.

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#### **39 Definitions**

Section 29 of the principal Act is amended by inserting, after the definition of **consular officer**, the following definition:

“**de facto partner** means a person who is a party to a de facto relationship (as defined in **section 29A**)”.

Compare: 1976 No 166 <s 2D> <s 2C>

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#### **40 New <section 29A> <sections 29A and 29B> inserted**

The principal Act is amended by inserting, after section 29, the following sections:

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##### **“29A Meaning of de facto relationship**

##### **Struck out (majority)**

“(1) In an enactment, **de facto relationship** has the meaning given to it by this section.

“(2) *<A de facto relationship is a>* *<In an enactment, de facto relationship means a>* relationship between 2 *<persons>* *<people>* (whether a man and a woman, a man and a man, or a woman and a woman) who—

“(a) live together as a couple *<in a relationship in the nature of marriage or civil union>*; and 5

“(b) are not married to, or in a civil union with, each other; and

“(c) are both aged 16 years or older.

#### Struck out (majority)

“(3) Despite **subsection (2)**, a person who is younger than 18 years does not have a de facto relationship with another person unless consent to the person living as a couple with the other person has been given— 10

“(a) in writing by the person’s parents and guardians; or

“(b) on application, by the Family Court. 15

#### New (majority)

“(3) Despite **subsection (2)**, a relationship involving a person aged 16 or 17 years is not a de facto relationship unless that person has obtained consent for the relationship in accordance with **section 46A** of the Care of Children Act 2004.

#### Struck out (majority)

“(4) In determining whether 2 persons live together as a couple, all the circumstances of the relationship are to be taken into account, including any of the following matters that are relevant in a particular case: 20

“(a) the duration of the relationship;

“(b) the nature and extent of common residence: 25

“(c) whether or not a sexual relationship exists;

“(d) the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;

“(e) the ownership, use, and acquisition of property: 30

“(f) the degree of mutual commitment to a shared life:

**Struck out (majority)**

- “(g) the care and support of children;
  - “(h) the performance of household duties;
  - “(i) the reputation and public aspects of the relationship.
- “(5) In determining whether 2 persons live together as a couple,—
- “(a) no finding in respect of any of the matters stated in **subsection (4)**, or in respect of any combination of them, is to be regarded as necessary; and
  - “(b) any court or person required to determine the question is entitled—
    - “(i) to have regard to any matter that may seem appropriate to the court or the person in the circumstances of the case; and
    - “(ii) to attach any weight to the matter that seems appropriate to the court or the person in the circumstances of the case.

**New (majority)**

- “(5) In determining whether 2 people live together as a couple in a relationship in the nature of marriage or civil union, the court or person required to determine the question must have regard to—
- “(a) the context, or the purpose of the law, in which the question is to be determined; and
  - “(b) all the circumstances of the relationship.
- “(6) A de facto relationship ends if—
- “(a) the de facto partners cease to live together as a couple <in a relationship in the nature of marriage or civil union>; or
  - “(b) one of the de facto partners dies.

**Struck out (majority)**

- “(7) Rules may be made under section 16A of the Family Courts Act 1980 relating to applications under **subsection (3)**.”
- Compare: 1976 No 166 s 2D.

**New (majority)****“29B Meaning of step-parent, etc**

For the purposes of an enactment, the relationship of step-parent, stepson, stepdaughter, or any other relationship described by a word containing the prefix ‘step’, may be established by civil union or by de facto relationship as well as by marriage.”

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**Legislative history**

10 March 2005

Divided from Relationships (Statutory References)  
Bill (Bill 151–2) as Bill 151–3J

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