



**THE ACCIDENT REHABILITATION AND COMPENSATION  
INSURANCE (ORDINARY RESIDENCE DEFINITION)  
REGULATIONS 1992**

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CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of June 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 3 and 167 of the Accident Rehabilitation and Compensation Insurance Act 1992, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Accident Rehabilitation and Compensation Insurance (Ordinary Residence Definition) Regulations 1992.

(2) These regulations shall come into force on the 1st day of July 1992.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Accident Rehabilitation and Compensation Insurance Act 1992:

“Child”, in relation to a person referred to in paragraph (a) or paragraph (b) of regulation 3 (1) of these regulations, means a natural child of that person; and includes any other child of that

person, being a child in respect of whom that person stands as a parent by reason of being a spouse of a parent of the child:

“Spouse”, in relation to a person referred to in paragraph (a) or paragraph (b) of regulation 3 (1) of these regulations, means a person—

(a) To whom that person is legally married; or

(b) Of the opposite sex with whom that person is in a relationship in the nature of marriage:

Expressions defined in or for the purposes of the Act have the meanings so defined.

**3. Definition of term “ordinarily resident in New Zealand” —**

(1) For the purposes of the Act, the term “ordinarily resident in New Zealand”, in relation to any person, means—

(a) Any person who is a New Zealand citizen and whose permanent place of abode is in New Zealand, whether or not that person also has a place of abode outside New Zealand; or

(b) Any person—

(i) Who holds a residence permit granted under section 35 of the Immigration Act 1987; or

(ii) Who holds a returning resident’s visa or residence visa issued under the Immigration Act 1987 allowing that person to lawfully return to New Zealand or come to New Zealand for the purposes of residence; or

(iii) Who is exempt from any requirement to hold a permit under the Immigration Act 1987—

and whose permanent place of abode is in New Zealand, whether or not that person has a place of abode outside New Zealand; or

(c) Any person who is a spouse, child, or dependant of any person referred to in paragraph (a) or paragraph (b) of this subclause, and who generally accompanies the person referred to in paragraph (a) or paragraph (b) of this subclause.

(2) Subject to subclause (4) of this regulation, a person who is absent from New Zealand shall be deemed to have a permanent place of abode in New Zealand if that person has been personally present in New Zealand for a period or periods exceeding in the aggregate 183 days in the 12-month period immediately before last becoming absent from New Zealand.

(3) For the purposes of subclause (2) of these regulations, where a person is personally present in New Zealand for part of a day, that person shall be deemed to be personally present in New Zealand for the whole of that day and not to be personally absent from New Zealand for any part of that day.

(4) Subject to subclause (5) of this regulation, a person shall be deemed not to have a permanent place of abode in New Zealand if that person has been and remains absent from New Zealand for more than 6 months or intends to be absent from New Zealand for more than 6 months.

(5) A person shall not cease to have a permanent place of abode in New Zealand by reason of absence from New Zealand primarily in connection with the duties of that person’s employment, the remuneration for which is treated as income derived in New Zealand for New Zealand income tax purposes, or for 6 months following the completion of the period of

employment outside New Zealand, so long as the person intends to resume a place of abode in New Zealand.

(6) A person shall not be regarded as being ordinarily resident in New Zealand if that person is in New Zealand unlawfully within the meaning of the Immigration Act 1987; and any period during which any person is in New Zealand unlawfully shall not be counted as time spent in New Zealand for the purposes of subclause (2) of this regulation.

BOB MacFARLANE,  
Acting for Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations define the term "ordinarily resident in New Zealand" for the purposes of the Accident Rehabilitation and Compensation Insurance Act 1992. The definition is relevant mainly to cover for personal injury suffered outside New Zealand, as only persons who are ordinarily resident in New Zealand have cover for such personal injury. The definition is also relevant to cover for those on board ships or aircraft.

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These regulations are administered in the Accident Rehabilitation and Compensation Insurance Corporation.