

Administration Amendment Bill (No 2)

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

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act,>

Words inserted by a majority

Hon David Benson-Pope

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Administration Amendment Act (No 2) **2005**.
- (2) In this Act, the Administration Act 1969 is called “the principal Act”.

2 Commencement

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

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4 Application

The amendments to the principal Act in **sections 5 to 11** apply only in respect of the estates of persons who die on or after the commencement of this subpart.

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5 Administration during minority of executor

Section 9(3)(b) of the principal Act is amended by inserting, after the word “married”, the words “<, > <or> in a civil union<, or in a de facto relationship>”.

6	Charges on property of deceased to be paid primarily out of property charged	
	Section 34(1A) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, or civil union partner”.	5
7	Payment without administration	
(1)	Section 65(2)(a) of the principal Act is amended by inserting, after the word “widower,”, the words “surviving civil union partner,”.	
(2)	Section 65(2)(d) of the principal Act is amended by inserting, after the word “marriage”, the words “ <i><(or by or through a civil union or a de facto relationship)><or civil union></i> ”.	10
8	Succession to real and personal estate on intestacy	
(1)	Items 1 to 6 in column 1 of the table set out in section 77 of the principal Act are amended by omitting the words “or wife” wherever they appear, and substituting in each case the words “, wife, civil union partner,”.	15
(2)	Column 2 of the table set out in section 77 of the principal Act is amended by omitting the words “or wife or partner” wherever they appear, and substituting in each case the words “, wife, civil union partner, or surviving de facto partner”.	20
9	New section 77C substituted	
	The principal Act is amended by repealing section 77C, and substituting the following section:	
	“77C Succession on intestacy if intestate partner dies leaving husband, wife, or civil union partner and 1 or more de facto partners	25
“(1)	This section applies if the intestate dies leaving—	
	“(a) 1 or more surviving de facto partners entitled to succeed on the intestacy, and a husband, wife, or civil union partner; or	30
	“(b) 2 or more surviving de facto partners entitled to succeed on the intestacy.	
“(2)	If this section applies,—	
	“(a) the real or personal estate of the intestate to which section 77 applies must be distributed or held on trust under that section as if the intestate died leaving (as	35

well as issue, or parents, or other classes of relatives (if any)) only a husband, wife, or civil union partner or, as the case requires, only 1 of the surviving de facto partners; but

- “(b) the husband, wife, or civil union partner and each surviving de facto partner or, as the case requires, each of the surviving de facto partners, is entitled to an equal share of the estate that would, under section 77, be distributed to or held on trust for a husband, wife, or civil union partner or, as the case requires, 1 surviving de facto partner.”

10 Statutory trusts in favour of issue and other classes of relatives of intestate

- (1) *<Paragraph (a) of>* Section 78(1) of the principal Act *<and the proviso to that paragraph are>* *<is>* amended by inserting, after the word “marry” *<in each place where>* *<wherever>* it appears, the words “or enter into a civil union *<or a de facto relationship>*”.
- (2) Section 78(1)(b) of the principal Act is amended by inserting, after the word “marrying”, the words “or entering into a civil union *<or a de facto relationship>*”.

11 Application to cases of partial intestacy

- Section 79(2) of the principal Act is amended by omitting the words “or wife” *<in both places where they appear>*, and substituting *<in each case>* the words “, wife, civil union partner,”.

Struck out (majority)

- (2) Section 79(2)(a) of the principal Act is amended by omitting the words “or wife”, and substituting the words “, wife, civil union partner,”.

Administration Amendment (No 2)

Legislative history

10 March 2005

Divided from Relationships (Statutory References)
Bill (Bill 151-2) as Bill 151-3A

