



20 JAN 2017

Bob McCoskrie  
[bob@familyfirst.org.nz](mailto:bob@familyfirst.org.nz)

Dear Mr McCoskrie

Thank you for your request under the Official Information Act of 14 December 2016, addressed to Hon Anne Tolley, Minister for Social Development, regarding polygamist relationships. Your email has been referred to Brendan Boyle, the Chief Executive of the Ministry of Social Development, for response as this matter falls within his area of responsibilities. The Chief Executive has asked me to reply on his behalf.

I can advise that the Ministry is only able to treat one woman as being married to a man at any one time. This is consistent with the Social Security Act legislation. The relevant section of the Act is Section 63 - Conjugal status for benefit purposes, which can be found at the following link: [www.legislation.govt.nz/act/public/1964/0136/latest/DLM363101.html](http://www.legislation.govt.nz/act/public/1964/0136/latest/DLM363101.html)

Polygamous marriages may not be performed in New Zealand. A married person who enters into another marriage in New Zealand is guilty of the crime of bigamy. Similar rules apply for civil unions, which have been legal in New Zealand since 2005.

Multiple marriages are not recognised under the Social Security Act and should such a circumstance arise where a person applied for a benefit with multiple "wives", the Ministry would only be able to treat one wife as being married to the man (or to be living in a relationship in the nature of marriage with the man) at any one time.

As such the other "wives" would be regarded for benefit purposes as being either single or sole parents, depending on their individual circumstances. They may be entitled to receive a benefit in their own right depending on their individual circumstances. Each situation would be assessed on a case by case basis.

The answers to your specific questions are as follows:

*1/ What process is followed when a Muslim male (or a male from any culture that accepts polygamist relationships) has two wives, children by both, no employment and requires income support?*

- The Ministry needs to determine the one wife to be treated as being married to the man for benefit purposes.
- The Ministry needs to consider the circumstances of the couple to determine whether a main benefit is payable; if so, this would be payable at the married with children rate.
- The Ministry needs to consider the circumstances of the other wife to determine whether a main benefit is payable, and also the rate that would be payable.

*2/ What benefit would a wife in a polygamous marriage (which has no legal standing in this country) receive to support herself and her children if both parents are unemployed?*

- Please see 1 above.

*3/ Are polygamous marriages regarded as 'living in the nature of marriage' for the purposes of assessing benefit eligibility?*

- The Ministry will treat one wife as being married to the man (or to be living in a relationship in the nature of marriage with the man) at any one time.

*4/ If so, how many of these relationship types can occur between a primary male and more than one other female within one household and have benefit eligibility?*

- The Ministry would only be able to treat one wife as being married to the man (or to be living in a relationship in the nature of marriage with the man) at any one time for benefit purposes.

I trust this information clarifies matters for you. You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Thank you for writing.

Yours sincerely



Elisabeth Brunt  
General Manager  
Ministerial and Executive Services