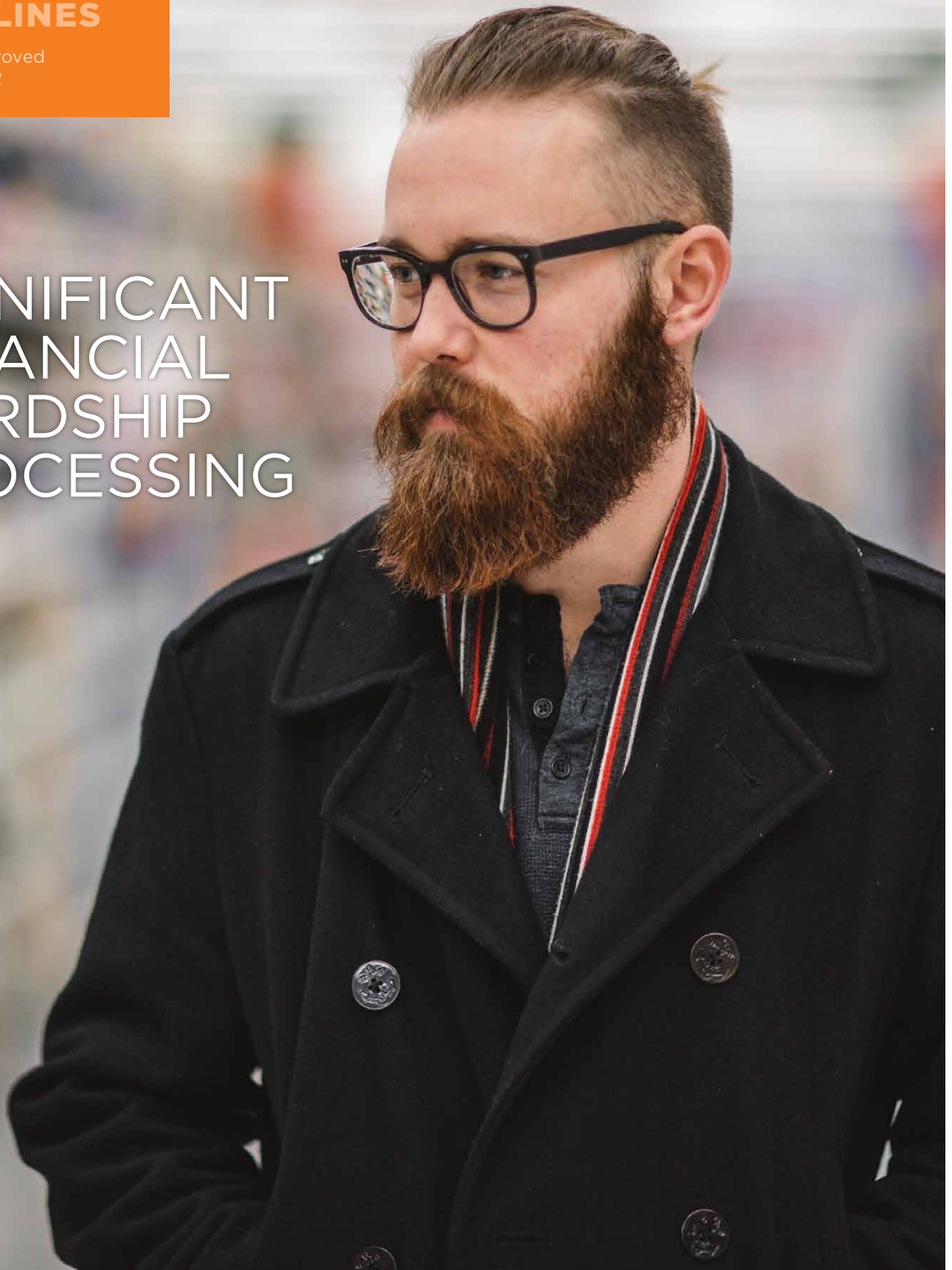
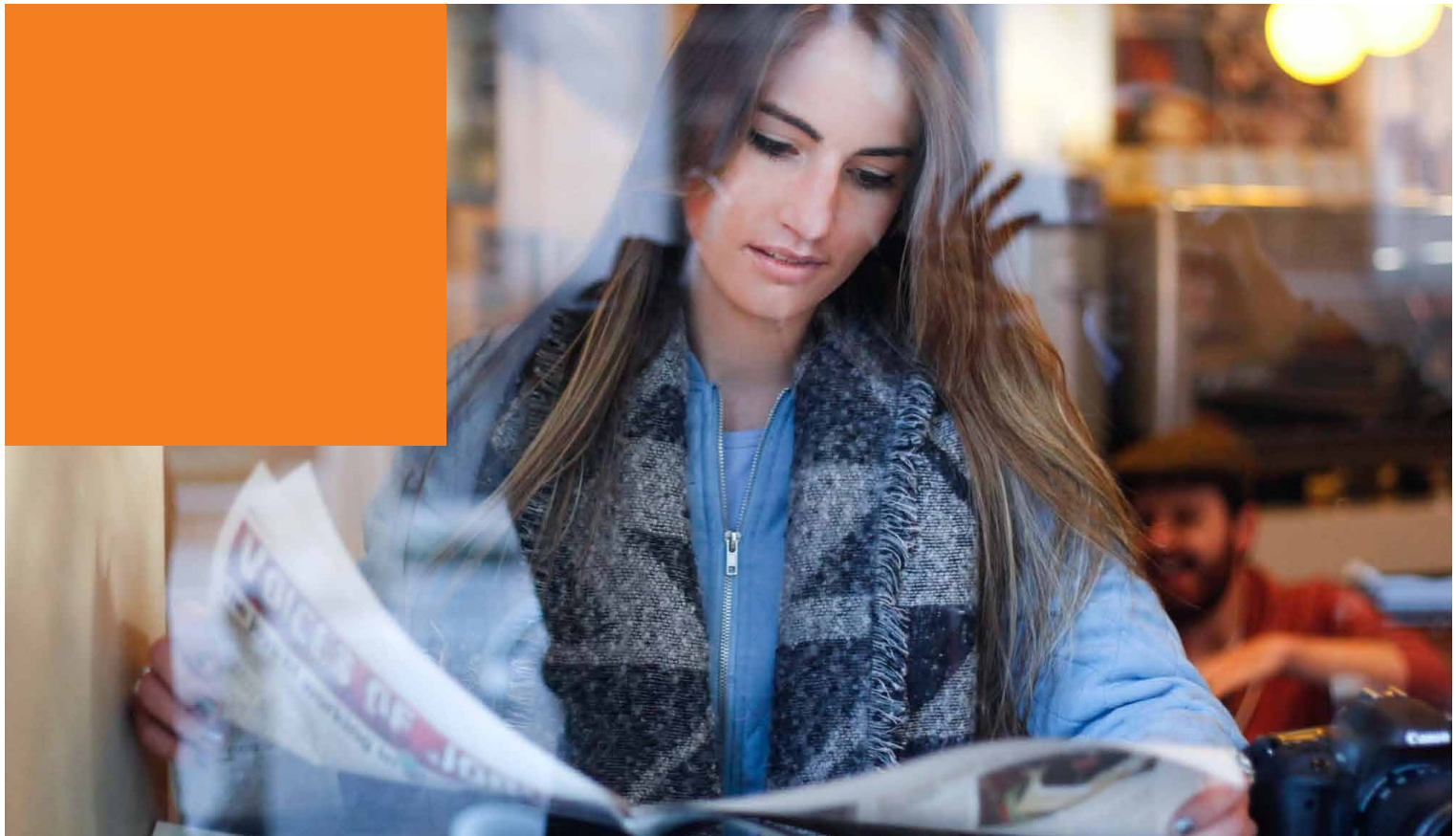


GUIDELINES

Version 2 approved
2 August 2022

SIGNIFICANT FINANCIAL HARDSHIP PROCESSING





ABOUT THE FSC.

As the voice of the sector, the FSC is a non-profit member organisation with a vision to grow the financial confidence and wellbeing of New Zealanders. FSC members commit to delivering strong consumer outcomes from a professional and sustainable financial services sector. The FSC is a non-profit member organisation and the voice of the financial services sector in New Zealand. Our 106* members manage funds of more than \$95bn and pay out claims of \$2.8bn per year (life and health insurance).

Members include the major insurers in life, health, disability and income insurance, fund managers, KiwiSaver, and workplace savings schemes (including restricted schemes), professional service providers, and technology providers to the financial services sector.

The FSC's guiding vision is to grow the financial confidence and wellbeing of New Zealanders and we strongly support initiatives that align with our strategic intent and deliver:

- strong and sustainable customer outcomes
- sustainability of the financial services sector
- increasing professionalism and trust of the industry.

*As at September 2022

SIGNIFICANT FINANCIAL HARDSHIP PROCESSING
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FSC.

1. INTRODUCTION

KiwiSaver is a long term retirement savings vehicle for New Zealanders. It was established under the KiwiSaver Act 2006 (the Act) to help address the serious problem that New Zealand as a country was facing at the time in respect of the adequacy of retirement savings. The purpose of the Act is to:

“encourage a long-term savings habit and asset accumulation by individuals who are not in a position to enjoy standards of living in retirement similar to those in pre-retirement. The Act aims to increase individuals’ well-being and financial independence, particularly in retirement, and to provide retirement benefits.”

Since its establishment in 2007, KiwiSaver has become progressively more important as a way for New Zealanders to save for retirement. Therefore, it is important that the integrity of the KiwiSaver regime, as a means of achieving the above purpose, is not compromised.

These Guidelines relate to the assessment of applications for early withdrawal from a KiwiSaver scheme made on the basis of significant financial hardship (SFH) under clauses 10 and 11 of the KiwiSaver scheme rules in Schedule 1 to the Act (KiwiSaver Scheme Rules).

The Guidelines are designed for use by an industry audience (primarily KiwiSaver, superannuation and workplace savings scheme supervisors and managers¹) and assume a basic technical knowledge of the KiwiSaver and Financial Markets Conduct legislation. Whilst the Guidelines are not mandatory, they represent commonly agreed industry best practice. The aim of the Guidelines is to help bring consistency across New Zealand’s KiwiSaver industry and drive good customer outcomes. They are intended to give a common basis for assessment, and in doing so, to minimise the prospects of inconsistency of approach.

These Guidelines aim to ensure a consistent understanding of the SFH test and how it operates, and consistency in terms of how SFH is tested, and claims are processed. They do not limit the ability of supervisors to require further information or supporting documentation, or to accept or decline applications on a case by case basis, which they may still do in accordance with the KiwiSaver Scheme Rules.

¹ Clauses 8 and 9 of the Superannuation Scheme Rules in Schedule 12 to the Financial Markets Conduct Regulations 2014 materially mirror clauses 10 and 11 of the KiwiSaver Scheme Rules and a number of workplace savings schemes (notably complying superannuation funds) have materially KiwiSaver equivalent significant financial hardship based early withdrawal facilities.

2. OVERVIEW OF THE SFH WITHDRAWAL FACILITY

In most cases, it is the supervisor of a KiwiSaver scheme (Supervisor) which must assess SFH applications. However, in the case of a restricted KiwiSaver scheme, such applications are addressed to (and decisions are made by) the manager of the scheme (Manager). These Guidelines refer to the Supervisor for convenience.

Pursuant to clauses 10(1) and 10(3)(a) of the KiwiSaver Scheme Rules, a KiwiSaver member may make a SFH withdrawal if the Supervisor is reasonably satisfied (on application in accordance with clause 13 of the KiwiSaver Scheme Rules²) that:

- a) the member is suffering or is likely to suffer from SFH; and
 - b) reasonable alternative sources of funding have been explored and exhausted.³
- See also part 6 of these Guidelines.

The maximum amount payable is an amount equal to the value of the member's accumulation less the Government contributions amount (disregarding any positive or negative investment returns for the purpose of calculating that amount) on the date of withdrawal. However, the Supervisor may direct that the amount withdrawn is to be limited to a specified amount that in its opinion is required to alleviate the particular hardship.⁴

2 Under clause 13(1), the application must be in the form required by the Supervisor and under clause 13(1B), it must include a completed statutory declaration in respect of the member's assets and liabilities.

3 Clause 10(3)(a).

4 Clause 10(3)(b).

3. TESTING SFH - DEFINITION AND GUIDING PRINCIPLES

The first requirement of which the Supervisor must be reasonably satisfied is that the member is suffering or is likely to suffer from SFH.

Clause 11(1) of the KiwiSaver Scheme Rules list examples of circumstances that may cause SFH. If in the member's circumstances any of these has given rise to significant financial difficulties, then SFH is likely to be demonstrated.

The list of scenarios in clause 11(1) includes significant financial difficulties that arise because of the following:


- a) a member's inability to meet minimum living expenses; or
- b) a member's inability to meet mortgage repayments on their principal family residence resulting in the mortgagee seeking to enforce the mortgage on the residence; or
- c) the cost of modifying a residence to meet special needs arising from a disability of a member or a member's dependant; or
- d) the cost of medical treatment for an illness or injury of a member or a member's dependant; or
- e) the cost of palliative care for a member or a member's dependant; or
- f) the cost of a funeral for a member's dependant; or
- g) the member suffering from a serious illness (as defined in the KiwiSaver Scheme Rules⁵).

The list of SFH grounds in clause 11(1) is not exhaustive. It allows for other causative factors to be considered and is merely a guide. SFH must of course be tested objectively, and the hardship (actual or likely) must be genuine. However, Supervisors must take care not to exclude outright other causative factors which are just as capable as others of resulting in hardship.

A hardship assessment therefore needs to address more than merely the cause of the member's financial difficulties. It requires scrutiny of the member's overall financial situation (are the financial difficulties significant in that context?) and financial outlook (will it persist?).

"Significant" denotes important or noteworthy – reinforcing that a serious impact on the member's overall financial situation is required.

⁵ Clauses 11(2) and 12(3)



In *Trustees Executors Ltd v Official Assignee* [2015] NZCA 118, Randerson J observed on behalf of the Court of Appeal, in relation to the expression “*minimum living expenses*” in clause 11(1)(a) of the KiwiSaver Scheme Rules, that:

“the use of the term “minimum” demonstrates a statutory intention to limit withdrawals to meet the basic necessities of everyday living. Our analysis of the early withdrawal provisions of the [KiwiSaver Act] demonstrates a clear statutory intention to restrict a member’s right to early withdrawal to carefully prescribed circumstances focusing on the personal circumstances of each member and their dependants. That is consistent with the general objective of locking in [a] member’s funds until the end payment date of 65 years or the member’s earlier death. This conclusion is also supported by the overall statutory purpose of encouraging long-term savings habits and increasing the financial independence of KiwiSaver members in their retirement.”

The Act’s purpose of encouraging a long term savings habit, combined with the restrictive wording used in the SFH provisions and the above observations, support applying a carefully high hurdle for a SFH withdrawal.

That said, the Act’s purpose statement does also refer to the Act aiming to “*increase individuals’ well-being and financial independence*”. Although it then says, “*particularly in retirement*” those words do in our assessment support Supervisors having some latitude pre-retirement to take into account wider wellbeing considerations in difficult cases, and to err on the side of common sense (rather than being overly ‘forensic’ or literal).

4. EXPLANATION OF SIGNIFICANT FINANCIAL HARDSHIP

The section below provides more detail in respect of each scenario of SFH outlined within clause 11 of the KiwiSaver Scheme Rules.

a) A member's inability to meet minimum living expenses – clause 11(1)(a)

This is the most common reason for members to make an application for an early withdrawal on the basis of SFH.

“Minimum living expenses” should be assessed in the context of accepted community standards across New Zealand by way of analysing the applicant’s income, expenses, assets and liabilities with a view to determining whether their circumstances are such that they can reasonably be said to satisfy the first criterion for a hardship based early withdrawal. In most cases, members would have insufficient income to cover minimum living expenses. In some cases, the deficit may be due to excessive debt that the member cannot service or other exceptional circumstances which are further discussed below.

Managers and Supervisors should use a weekly budget spreadsheet to analyse the member’s income, expenses, assets and liabilities and determine a deficit.

When completing the budget template for a member, “minimum living expenses” would usually include the actual and reasonable costs of:


(i) Basic food and grocery items

This would include sufficient quantity and quality of goods to maintain a good nutritional diet for the member and their dependants’ household and maintain good hygiene. It is good industry practice to use the ‘moderate costs’ category set out in the latest available Otago Food Cost Survey, which is produced by the University of Otago and is typically updated annually.⁶

(ii) Accommodation (including mortgage repayments, rates and necessary maintenance for the principal family residence).

The actual and reasonable costs of the member’s existing accommodation would be included. It would not generally be reasonable to expect the member to move to less expensive accommodation (whether rental or owned). This would typically cause unnecessary

⁶ <https://ourarchive.otago.ac.nz/handle/10523/12724>. Notes on the Survey: (i) it only estimates food costs (i.e. it does not include non-food items) and basic food costs assume cooking from scratch; and (ii) the University of Otago has advised that due to COVID-19 pandemic-related disruptions it will not be updating the Survey in 2022.



expense and further hardship for the member and dependants. Accommodation expenses would also include rates, insurance and necessary maintenance. However, if the accommodation was of such an excessively high standard that changing accommodation was a reasonable alternative source of funding then the excess costs should not be regarded as falling within minimum living expenses.

(iii) Basic clothing

This includes only essential or otherwise basic wardrobe items. Expensive and upmarket brands of clothing as well as discretionary expenditure on clothing for the member or dependants would not qualify as “minimum living expenses”.

(iv) Utility services such as power, gas, internet and telecommunications

What is included in this category is the reasonable cost of utility services. The reasonableness test can be applied by reference to regional cost variations and the member might be asked to demonstrate what steps they have taken to reduce excessive expenditure on these services. Discretionary expenditure on these services would not be within the definition of minimum living expenses.

Telecommunications includes a home phone line and mobile phone but does not include standalone Sky TV and subscription Internet channels (such as Netflix).

(v) Transportation

This would include the operation and maintenance of up to two vehicles per household and the use of public transport (as applicable). Excluded from the definition would be the estimated additional cost of more expensive or high fuel cost vehicles, where it is considered that those can reasonably be disposed of and replaced (thus providing an alternative source of funding to alleviate the financial hardship).

(vi) Reasonable costs of general and medical insurances

These costs include house, contents and car insurance as well as basic medical insurance plans and life insurance.

(vii) Medical and dental costs necessary for the maintenance of good health for the member and dependents

Discretionary non-essential medical costs such as cosmetic dental treatment or IVF treatment would generally be excluded, however they may be assessed on a case by case basis on their individual merits. The member could be asked to demonstrate that they have taken reasonable steps to minimise these costs to alleviate their current situation.

(viii) The reasonable and actual costs of school attendance

This would include school fees and activity costs such as sports equipment, sports trips or camping trips that are moderately priced within the core part of the New Zealand Curriculum. Discretionary non-essential school costs such as international school trips would be excluded from the definition of minimum living expenses.

Private school fees could also be included where those costs have already been incurred. It would not generally be reasonable to expect the member to source alternative education arrangements, particularly if it requires time to look at alternative, suitable options.

Whether tertiary education costs are 'minimum living expenses' needs to be interpreted according to the circumstances of each individual case. If these costs are to be taken into account, there must be reasonable evidence to support that alternative funding sources such as government funding (namely student loans) have been explored and exhausted.

(ix) The reasonable costs of the purchase and maintenance of normal and basic household items

This would be judged by what could reasonably be expected to be found in an average household (for example, washing machine, fridge and dryer).

(x) The reasonable costs of dependants with special needs

Members will undoubtedly incur extra costs if they have dependant(s) with special needs. The member may need to work reduced hours or may even be unable to work. The actual costs will generally be offset by grants from various agencies and care must be taken to allocate this income to the purpose for which it has been provided.

(xi) Church tithing and/or donations

These expenses may be considered a 'minimum living expense' in certain limited circumstances. Care should be taken to ensure that any refusal of a withdrawal (either wholly or in part) on the basis that (for example) tithing might be either reduced or discontinued does not unlawfully discriminate in terms of the Human Rights Act 1993 on the ground of religious belief.

Overarching all of this, however, is a holistic assessment of the member's circumstances which should not be overly 'forensic' or literal. If the member can establish, to the reasonable satisfaction of the Supervisor, that they cannot meet (or are unlikely to be able to meet) minimum living expenses, then the withdrawal should be treated as permissible even if there is some expenditure at the fringes of what the Supervisor considers to be a minimum living expense.

There are some cases where a member is suffering or is likely to suffer significant financial difficulties not because their expenses exceed their income but because there are other circumstances in the member's life that cause such difficulties. These are discussed below.

b) A member's inability to meet mortgage repayments on their principal family residence, resulting in the mortgagee seeking to enforce the mortgage on the residence - clause 11(1)(b)

This criterion requires two tests to be met:

- (i) the member cannot afford to meet the mortgage repayments on the principal family residence; and
- (ii) the mortgagee is seeking to enforce the mortgage.

Alternatively, the member must establish that both tests are likely to be met, even if the mortgagee has yet to issue a demand.

In other words, it is not necessary for the member to demonstrate that the mortgagee has issued a default notice under the Property Law Act 2007 (PLA). However, some evidence that the mortgagee intends to enforce the mortgage is needed, such as a letter from the mortgagee making a repayment demand or containing a threat to issue a PLA notice.

c) The cost of modifying a residence to meet special needs arising from a disability of a member or a member's dependant – clause 11(1)(c)

Where significant financial difficulties have arisen (or are likely to arise) because of the need to make modifications to a residence to meet the special needs of a member or a dependant due to disability the member needs to establish that:

- (i) the modifications were (or are) necessary or highly recommended by a medical practitioner; and
- (ii) a withdrawal is the only practicable means to alleviate the resulting SFH (i.e. other options for funding the modifications, such as an application to ACC, have been exhausted).

Here and in relation to (d) and (e) below, note that under clause 13(2)(a) of the KiwiSaver Scheme Rules the Supervisor may require that any medical matter asserted in support of the application for withdrawal is verified by medical evidence.

d) The cost of medical treatment for an illness or injury of a member or a member's dependant – clause 11(1)(d)

Where significant financial difficulties have arisen (or are likely to arise) because of the cost of medical treatment for an illness, disability or injury of the member or one of the member's dependants, there are two elements to this test:

- (i) there has to be (or be a likelihood of) significant financial difficulties as opposed to mere financial hardship; and
- (ii) the significant financial difficulties must have arisen (or become likely) because of the need to provide medical treatment for an illness or injury of the member or their dependent.

The costs taken into account may include indirect costs such as medical transport, caregiver expenses or the costs of modifying a vehicle to meet special needs.

e) The cost of palliative care for a member or a member's dependant – clause 11(1)(e)

The concept of 'palliative care' involves supporting and helping a person who has a life-limiting illness to live as comfortably and fully as possible.⁷

A 'life-limiting illness' is one that cannot be cured and may at some time result in the person dying (whether that is years, months, weeks or days away).

Palliative care involves providing assistance at all stages of the life-limiting illness.⁸

If significant financial difficulties have arisen because of the cost of palliative care for the member or a dependant:

- (i) those difficulties may have arisen because of the need for the member to take a decrease in earnings through a lesser paid job or a reduction in hours while at the same time experiencing an increase in necessary expenditure; and
- (ii) the course of the illness may be very difficult to predict and will change over time (for example most medical experts will be reluctant to estimate a specific timeframe in connection with a terminal illness).

For the above reasons, a more compassionate approach is suggested. However, it will still be necessary as a matter of law (under clause 13(1B) of the KiwiSaver Scheme Rules) for the person seeking a withdrawal to provide a completed statutory declaration in respect of their assets and liabilities.

f) The cost of a funeral for a member's dependant – clause 11(1)(f)

In determining whether significant financial difficulties arisen (or are likely to arise) because of the need to meet the funeral costs of a member's dependant, the member will need to establish what those funeral costs are, how they led (or are likely to lead) to significant financial difficulties, and that they cannot be reasonably met in an alternative manner.

The actual cost of the funeral need not be examined in an overly detailed manner, as people have different sized extended families and cultural needs. It would likely be unreasonable, for example, to ask whether the member has looked at a cheaper funeral, or to demand that other members of the family contribute.

⁷ <https://www.health.govt.nz/your-health/services-and-support/health-care-services/palliative-care>

⁸ <https://www.health.govt.nz/your-health/services-and-support/health-care-services/palliative-care>

g) The member suffering from a serious illness – clause 11(1)(g)

A withdrawal may be made under clause 11(1)(g) provided that the “serious illness” test in clause 12(3) is met. This requires there to have been an injury, illness or disability:

- (i) that results in the member being totally and permanently unable to engage in work for which they are suited by reason of experience, education, or training, or any combination of those things; or
- (ii) that poses a serious and imminent risk of death.

For clarity, “imminent risk of death” is understood to be within 12 months. By definition, “imminent” means ‘likely to happen very soon’.⁹

The serious illness based SFH withdrawal facility is redundant in practical terms. This is because if the Supervisor is reasonably satisfied that a member is suffering from serious illness then under clause 12(2) of the KiwiSaver Scheme Rules:

- (i) the member may make a withdrawal entirely as of right (i.e. without also having to prove SFH); and
- (ii) the withdrawal may be up to the full value of the member’s accumulation (including Government contributions).

Accordingly, a member who is suffering serious illness as defined should apply for a serious illness withdrawal under clause 12.

9 Oxford English Dictionary



5. DEBT REPAYMENT

In some cases, the inability to meet “minimum living expenses” is due to unmanageable debts. Any debt (such as a mortgage, credit card or hire purchase debt or a personal loan) will be included in the budget sheet.

As a general rule of thumb, it is not possible to withdraw funds from KiwiSaver early on the basis of SFH simply to repay debt in full. This includes debt such as a mortgage, credit card, personal loan or car loan.

In some limited circumstances a withdrawal may be permitted to repay arrears. In order for this to occur, it must first be established the member is suffering or is likely to suffer SFH because of an inability to meet minimum living expenses.

6. ALTERNATIVE SOURCES OF FUNDING

The Supervisor must be reasonably satisfied that reasonable alternative sources of funding have been explored and exhausted. Reasonable alternative funding sources include other liquid savings and investments. Additional finance, including mortgage finance and unused credit lines, should not be considered a reasonable alternative due to the affordability issues created by incurring additional repayment obligations and interest costs and the impact on the family unit's overall debt levels.

It is important first to establish what "reasonable alternative sources" of funding are and then to determine whether they have been explored and exhausted. "Exhausted" means used up or depleted entirely. The policy principle is that accessing KiwiSaver funds is a last resort.

Given the legislative requirement for the Supervisor to be reasonably satisfied that reasonable alternative sources of funding have been explored and exhausted, a SFH application cannot be approved unless that test is met, even if (for example) the criterion relating to inability to meet minimum living expenses is satisfied.


The circumstances listed in clause 11 of the KiwiSaver Scheme Rules are less compelling grounds for a SFH based withdrawal in situations where the member has other assets that can be characterised as reasonable alternative sources of funding. However, where those other assets are impaired, or their timely conversion to cash would trigger material losses or penalties, or they are necessary to sustain a reasonable standard of living, those factors become part of the hardship determination.

In addition to assessing whether there are any reasonable alternative sources of funding, other reasonable sources of income should also be considered. It is unlikely to be reasonable, for example, to expect the member to take on additional or different employment or to rent out part of the family home if those activities will undermine the member's ability to lead a normal life. However, additional sources of income will include relevant Government assistance programs as listed in Appendix One of these Guidelines.

7. APPLICATION ASSESSMENT GUIDELINES

When considering what costs may be taken into account when determining the approved withdrawal amount (i.e. the amount, if any, which in the Supervisor's opinion is required to alleviate the particular hardship) the Supervisor must consider each application on its own merits, but in principle:

- a) Applications are to be considered based on an assessment of the financial circumstances of the household as a unit, so members are required to provide financial statements for a spouse, civil union partner or de facto partner in the same household.
- b) The costs to repair, maintain, or replace essential items of the members' or their dependants' real or personal property will be taken into account where need is evidenced and the items are considered basic necessities for the average family, for example:
 - (i) vehicles if no other reasonable transportation alternatives are available; or
 - (ii) major household appliances or items of a non-discretionary nature (for example, washing machines or fridges), including where the need arises from natural disasters or accidents; or
 - (iii) normal wear and tear on real property where it impacts the liveability or safety of living arrangements, for example sanitation and water tightness; or
 - (iv) an allowance for clothing and other personal property.
- c) Costs arising from the member's or their spouse's or partner's pregnancy will be taken into account.
- d) Costs arising from investment properties that require urgent maintenance and mortgage arrears payments or repayments by the member will be taken into account. The sale of investment properties can be considered a reasonable alternative source of funding (but as a sale process may take some time due to the liquidity of the investment, the Supervisor may consider this on a case by case basis).
- e) The following costs will also be taken into account:
 - (i) Costs arising from changes in living arrangements that cause increases in the member's residential rental costs or reductions in board payments received by them.
 - (ii) Costs arising from a relationship breakdown that leads to a reduction of income, a change of living costs, or unplanned one off expenses.

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- (iii) Costs related to the member's or their dependants' education.
 - (iv) Costs associated with changes in the member's or their partner's employment circumstances that cause reductions in household income (for example a reduction in overtime work available).
 - (v) Costs associated with a reduction in the member's household income because of voluntary changes in the member's or their partner's employment circumstances for work related or family reasons (for example, reducing work hours to contribute to child rearing or taking redundancy rather than moving to a workplace in a different city).
- f) Future discretionary expenditure on non-essential items will generally not be taken into account.

8. INCOME FROM A FAMILY TRUST OR BUSINESS

If a family trust or business is shown as a source of income in either the income or bank statements, then that should be a prompt for the Supervisor to ask for further information. Business income, or income or other distributions from a family trust, will in many cases be a legitimate potential source of alternative funding available to the member.

In any case, it is likely that further information may be required from the member in respect of the income or capital potential of these entities (such as a declaration of the drawings for the last two months and expected drawings from the accountant or Inland Revenue).¹⁰

If the business is at risk of dissolving due to an inability to meet immediate business debt obligations, the Supervisor may request evidence to support whether the member is personally liable for the debt outstanding (for example by reason of being a guarantor of the business) before considering the repayment of debt outstanding. However, if the business does not have loans or other debts secured against the family residence, and is at risk of bankruptcy, the Supervisor may consider a repayment plan arrangement with a debt collector to reduce the outstanding debt.

If the presence of a trust (of which the member is a beneficiary) is indicated, the general approach for the Supervisor should be to check that the member has sought funding from that source. Unless there are exceptional circumstances, looking through the trust is not necessary. Even if the trust has significant assets, and the member is a trustee or beneficiary, if the trust has declined a request for assistance for any reason this is generally sufficient evidence of exhausting reasonable alternative sources of funding.

¹⁰ In this regard note that clause 13(2)(b) of the KiwiSaver Scheme Rules allows the Supervisor to require any other documents, things, or information produced in support of the application to be verified by oath, statutory declaration, or otherwise.



9. COURT ORDERS

The most common reason for a request for an early withdrawal resulting from a court order is a relationship property settlement. In the case of a court ordered relationship property settlement, the member will have to pay the amount stated in the court order. The court order will usually make reference to the actual product (the requirements for superannuation accounts are prescribed in section 31 of the Property (Relationships) Act 1976: Orders in relation to superannuation rights). The Manager needs to be given a certified copy of the court order to enable it to be acted upon. If the court order clearly refers to the member's KiwiSaver account and the amount ordered to be paid does not exceed the member's accumulation, then the Manager must give effect to the order: KiwiSaver Scheme Rules, clauses 7(1) and (2).

In many cases, the couple may agree what the settlement is, and may not go to court. Generally, in these situations the withdrawal request would need to be reviewed under the SFH provisions. If the payment of the settlement amount would put the member into SFH, this should be stated in the summary section. In this instance evidence of a separation agreement co-signed by both parties' lawyers would be required.

10. BANKRUPTCY - OFFICIAL ASSIGNEE

Trustees Executors Ltd v Official Assignee [2015] NZCA 118 made clear that a bankrupt member's KiwiSaver account balance is off limits to the Official Assignee (OA) and that even if it were not, the OA could not use the bankruptcy (of itself) to invoke the SFH based early withdrawal provisions in the Act.

This is on the basis that the Insolvency Act 2006 is overridden (in the relevant respect) by the prohibition on assignments in section 127 of the Act, and that in any case bankruptcy does not automatically satisfy the SFH test in the KiwiSaver Scheme Rules.

In other words, the Act prohibits the OA stepping into the shoes of a KiwiSaver member in relation to the member's account balance (including the funds accumulating for the member's benefit) while the member is bankrupt. Accordingly, whilst a member is in bankruptcy any dealings or instructions in relation to their account must be by and with the member and not the OA.


However, section 171 of the Insolvency Act 2006 continues allowing the OA to obtain documents and information with respect to a bankrupt member's KiwiSaver interest, so Managers will continue receiving and must comply with section 171 notices.

The OA has advised that it will issue a standard letter to any known KiwiSaver scheme provider shortly after a member is made bankrupt, requesting information about:

- a) transactions meeting certain criteria that may indicate an intention to defeat creditors; and
- b) any proposed transactions that may result in funds being paid to bankrupt member;

and that letter should be regarded as having continuing effect throughout the bankruptcy.

The protection resulting from the *Trustees Executors Limited* decision does not extend to amounts that are to be paid to a bankrupt member from their KiwiSaver account. Those funds vest in and must (except potentially as outlined below) be paid to the OA, so it is appropriate for a Manager to ensure that a bankrupt member is aware of the consequences and is given an opportunity to reconsider their request before it is processed.



If a bankrupt member does seek a SFH withdrawal, that may be material to any application the member may wish to make (under section 163 of the Insolvency Act) for the OA to allow a payment to the member or any relative or dependant for support. An OA spokesman has advised that it is anticipated that in most cases:

‘there would be good grounds for [the OA] to make a corresponding allowance to the bankrupt under s 163 Insolvency Act, although it would of course be necessary for the Assignee to independently exercise that discretion before authorising payment of any funds to the bankrupt.’

As noted above, bankruptcy, of itself, does not automatically amount to SFH once bankruptcy has been adjudicated. Entry or pending entry into the No Asset Procedure¹¹ or the prospect of a Debt Repayment Order (see below) under the Insolvency Act 2006 are likely to be consistent with a finding of SFH but are not conclusive factors.

The OA may liaise with the bankrupt member to assist the member to make a SFH withdrawal application. This withdrawal must follow the normal process, in that the member must apply for the withdrawal, and the withdrawal request must meet all of the requirements (statutory declaration, statement of assets and liabilities). It may be appropriate to seek further information from the OA as how funds released would be applied to relieve the member from the SFH being faced. If a withdrawal is sought under SFH grounds, then (as noted above) that may be material to any application the bankrupt member may wish to make under section 163 of the Insolvency Act for the OA to allow a payment to the member or any relative or dependant.

It might be appropriate to check on the Government’s insolvency website¹² at as to whether the member has been adjudicated bankrupt or otherwise.

¹¹ <https://www.insolvency.govt.nz/personal-debt/personal-insolvency-options/no-asset-procedures/>

¹² <http://www.insolvency.govt.nz>

11. DEBT REPAYMENT ORDERS (DROS)

DROs (formerly known as Summary Instalment Orders) are frequently one of the causes that lead members to seek help from the family budgeting service, and also apply for a SFH withdrawal from KiwiSaver. For further explanation of DROs, refer to the Government's insolvency website.¹³

DROs are granted by the OA and mean that in many, if not most, cases the member is likely to be made bankrupt. The application is forwarded to the OA who assesses the case and if approved for a DRO, passes the case to a personally appointed supervisor or one approved by the Ministry of Business, Innovation and Employment.

The information required in the OA application is provided in checklist format on the Government's insolvency website.¹⁴ The OA will assess the application and order that the member pay their debts by instalments (or otherwise) according to their circumstances. The member may need to come to some agreement with their creditors about the amount to be repaid. When making an order the OA may make other orders covering:

- a) the member's future earnings or income
- b) goods that the member owns (some may need to be sold to help pay debts).

If the member has already completed the DRO application form, then that should be sufficient in practical evidentiary terms (in the SFH context), so long as it is supported by the relevant documents.

An 'approved' DRO will almost certainly evidence SFH, but does not obviate the necessity for a formal SFH application.

¹³ <https://www.insolvency.govt.nz/personal-debt/personal-insolvency-options/debt-repayment-orders/>

¹⁴ <https://www.insolvency.govt.nz/support/how-do-i/apply-for-insolvency/>

12. PERSONS AUTHORISED TO TAKE STATUTORY DECLARATIONS

Please refer to Appendix Two of these Guidelines for a complete list.

13. ALTERNATIVE METHODS TO VERIFY IDENTITY AND FINANCIAL CIRCUMSTANCES FOR SIGNIFICANT FINANCIAL HARDSHIP DURING A PANDEMIC

As at the date of publication of these Guidelines, the Epidemic Preparedness (Oaths and Declarations Act 1957) Immediate Modification Order 2020 continues modifying the requirements imposed by the Oaths and Declarations Act 1957 that may be impossible or impracticable to comply with during the ongoing COVID-19 pandemic. Subject to conditions, the modifications expressly allow an oath, an affirmation, or a declaration to be administered or taken using an audio visual or audio link instead of in the presence of the person swearing the oath or making the affirmation or declaration.

The modifications also enable a declaration to be taken by any officer or employee of an entity who is authorised by the entity, but only if an enactment authorises or requires the declaration to be provided to the entity.

14. WHAT SHOULD NOT BE CONSIDERED SIGNIFICANT FINANCIAL HARDSHIP?

Examples of circumstances that may not be considered SFH are where significant financial difficulties arise because a member is:

- a) engaging (on an ongoing basis) in excessive social or entertainment activities or gambling; or
- b) unable to continue the current rate of mortgage repayments on their principal family residence because those repayments exceed the minimum, or in a circumstance where refinancing the mortgage to reduce repayments is a reasonable alternative.

15. GOVERNMENT ASSISTANCE PROGRAMMES

Appendix One of these Guidelines gives a complete list of all Government Assistance Programmes that are current as at the date of publication of these Guidelines. A review of the member's bank statements will most likely show whether the member is receiving any such benefits but will not reveal whether an application has been made to receive a benefit but has not yet been processed (or if an application has been approved but the benefits have not yet commenced).

If it is apparent that the member would be eligible for one or more benefits, it is reasonable to either ask them to apply, or notionally assess the benefit expected to be available. This is an alternative source of assistance and must be explored before the SFH claim can be determined.

Managers may suggest to members experiencing hardship (irrespective of their SFH application) the use of certain other free Government initiatives. FinCap's **MoneyTalks** confidential hotline¹⁵ is available to assist those experiencing financial stress or hardship. FinCap¹⁶ is funded by the Ministry of Social Development as part of their **Building Financial Capability** initiative, to support financial mentoring services across New Zealand.

¹⁵ <https://www.moneytalks.co.nz/>

¹⁶ <https://www.fincap.org.nz>

16. MEMBERS WITH UK PENSION TRANSFER MONEY IN KIWISAVER

Care must be taken whenever a member has transferred an amount from a UK pension scheme into their current (or any prior) KiwiSaver account. If the member has been UK resident at any time during either:

- a) the year of the withdrawal; or
- b) any of the five preceding UK tax years;

then they may have to pay UK tax on the amount of money transferred from a UK pension scheme if they withdraw it for SFH purposes.

Though most KiwiSaver transferees are no longer subject to this risk (because KiwiSaver schemes ceased to qualify as Qualifying Recognised Overseas Pension Schemes (QROPS) in June 2015), Managers should still be proactive in discussing with those members who have previously transferred amounts from UK pension schemes the risk of incurring a UK tax liability when making a SFH withdrawal (as UK tax will still apply if they have again become UK tax resident within the five complete tax year period prior to the withdrawal). It is not possible for such members to 'leave behind' the UK pension transfer portions of their KiwiSaver balances when making a SFH withdrawal as the UK legislation deems any withdrawal to include in the first instance an amount transferred from a UK pension scheme.

17. THE ROLES OF SUPERVISORS AND MANAGERS ARE DISTINCT

Under the Act the party responsible for deciding whether the grounds for making a SFH withdrawal are met is the Supervisor of the applicant's KiwiSaver scheme.

The Manager is the point of contact for the KiwiSaver member making a SFH withdrawal application. The Manager will receive the SFH withdrawal application and is responsible for collecting the required supporting evidence, analysing the information provided, preparing a budget and submitting the complete application to the Supervisor. The Manager may note where an applicant is working alongside a financial mentor, and liaise with that mentor as appropriate, if the mentor is supporting the applicant in making (or gathering evidence to accompany) a SFH application. A Manager may also make a recommendation to its Supervisor as to whether or not an application should be accepted, but it is the Supervisor who must determine whether a SFH withdrawal application is to be approved or declined, based on its own independent assessment of the information submitted.

The KiwiSaver scheme Rules require that Supervisors must be reasonably satisfied that the member in question is suffering from, or is likely to suffer from, SFH (as defined in the Act), and that reasonable alternative sources of funds have been explored and exhausted, before permitting a withdrawal. Whilst Managers will of course be sympathetic to the plight of members they have no overarching discretion enabling them to relax or bend the rules in this regard.

Even if both tests are met the Supervisor has discretion to limit the amount withdrawn to a specified amount that in its opinion is 'required to alleviate' the particular hardship.

In making a decision whether to approve, decline or to seek further information in order to assess an application, a Supervisor is entitled to request that the information provided to them is verified (by oath, statutory declaration or otherwise).¹⁷

¹⁷ KiwiSaver Scheme Rules clause 13(2)(b).

18. THE ROLE OF THE MANAGER

a) SFH application forms

Managers should ensure that the SFH application form contains a checklist of documents that are required from the member in order to assess the application, as well as clear instructions relating to how the member can make a statutory declaration.


Application forms should also provide members with an indication of how many days it may take to process the application. KiwiSaver default providers are required to have processed an application and sent a confirmation letter within ten (10) days of receiving an application from a member who is in their default investment fund. More generally, timelines should be consistent with any requirements of law.

Application forms should also make clear that Supervisors have discretion to determine the amount paid out to alleviate hardship, and this may be less than the member's accumulation (excluding the Government contributions amount, which cannot be withdrawn) or the amount requested.

b) Processing applications

The Manager should:

- (i) Acknowledge receipt of the application and give the member a clear outline, at the outset of the process, as to how the claim will be assessed and an expected (or typical) timeframe for assessment, noting that an assessment may take longer if insufficient information or evidence has been provided.
- (ii) Be reasonably satisfied that the information provided by the member is accurate and, to the extent possible, verified. In order to satisfy itself that the information provided is accurate, the Manager may request evidence such as bank statements, financial statements or mortgage default documents. Individual circumstances resulting in the SFH withdrawal application will vary and as such, so will the corroborating documents required to support the application.
- (iii) Prepare a weekly budget including standardised expenses and guidance relating to reasonable costs for non-standardised expenses that can be included in a budget. This information can help to ensure that SFH withdrawal applications are treated consistently as between different Managers (in terms of the categories of expenses budgeted for) and that excessive costs can be easily identified and investigated.

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- (iv) Managers can also provide applying members with a template to complete themselves. For member prepared budgets that have not been prepared using a template, Managers will need to ensure consistency with the standardised costs contained in their template.
 - (v) Prepare the budget on a case by case basis. Any matters raised by the member for inclusion are to be considered with regard to whether they can reasonably be considered minimum living expenses of the member or their financial dependants or are otherwise permitted under the KiwiSaver Scheme Rules. This includes any arrears related to minimum living expenses, and the servicing (but not the full repayment) of outstanding debt balances.
 - (vi) Assess the budgeted deficit and multiply by 13 to ascertain the amount required to cover a 13 week payout period. Given that the assessment is forward looking, 13 weeks is considered to be a reasonable period of time given changes that may occur in the member's financial position, balanced against the administrative burden for the member of making additional withdrawals. Note that the payout period may be adjusted under additional guidelines relating to pandemics and large scale disasters.
 - (vii) Review the application to ensure that it has been completed correctly, that the necessary supporting documents have been supplied and verified (where required), and that the statutory declaration has been taken correctly.
 - (viii) If all is in order, forward the application to the Supervisor for a decision (together with a recommendation, if the Manager considers this appropriate).
 - (ix) If the initial assessment reveals deficiencies, contact the applicant requesting the additional information, additional supporting documents or corrective measures assessed as necessary in this regard:
 - a. the Manager needs to have rigorous internal processes to ensure follow up occurs and that (dependent on the timing of the member's response) queue management processes are initiated. This includes following up on requests for further information that have not been responded to after a reasonable time; and
 - b. the Manager should keep an adequate record of all steps taken to gather additional information.

- (x) Reassess the application and if all is in order, forward the application (with any recommendation) to the Supervisor for a decision.
- (xi) If there remains an information shortfall, or if errors in the application have not been rectified appropriately, recommence the communication loop. If all is then in order, forward the application (with any recommendation) to the Supervisor for decision.
- (xii) Notwithstanding points (viii) through (xi), there will be circumstances where members are unable or unwilling to provide the information that has been requested, or the Manager is uncertain what to ask for due to the member's circumstances. In this case the Supervisor should be engaged as soon as is practicable to provide guidance on the Supervisor's requirements for assessing the application.
- (xiii) Once the Supervisor decides on an application, the Manager should notify the member and provide information on the reason for the outcome, and if successful, what the funds are expected to be applied towards. This will provide transparency and may assist any further review of the decision, if required.

Each Manager should also maintain:

- a) robust follow-up processes to ensure that the Supervisor is turning applications around in accordance with the timing and process requirements set out in the relevant service level agreement; and
- b) robust and suitably sensitive member communication protocols to inform the applicant of the Supervisor's decision.

If the member has not established SFH (actual or likely), the Manager must communicate with the member to convey this information. The member should be informed of any alternative options that may be available, such as any other potential grounds for withdrawing funds and the fact that they can make a complaint if unhappy with the outcome.

19. REASSESSMENT PROCESS

If during the period an application is being prepared or the period covered by the payment period (13 weeks from the payment date) members can provide new information, or if their financial situation changes, Supervisors can reassess their application. Provided that the additional information is supplied within three (3) months of the initial approval/rejection date, this reassessment does not require the member to complete a new SFH application form.

20. THE ROLE OF THE SUPERVISOR

Some Supervisors may carry out the initial assessment of applications instead of the Manager, after receiving the relevant supporting documents forwarded by the Manager, as part of their service agreement with the Manager. In this case, the Supervisor will attend to the steps listed in part 18 (b)(ii), (iii), (v), (vi) and (vii), then the reassessment of the application as contemplated at step (x).


When a Supervisor receives a SFH withdrawal request, it should be dealt with as quickly as practicable (and within time limits set by any service level agreement), given the urgency typically involved. The timeliness of this consideration will be particularly important in situations where the member is applying on the basis of their inability to meet minimum living expenses, or because of a need to meet an immediate or near term cost such as medical treatment or funeral expenses. Supervisors will endeavour to complete their assessments and notify Managers of their decisions within two (2) business days of receiving the relevant information, assuming all pertinent information has been submitted.

Supervisors must disregard irrelevant factors (for example that a member has threatened to go to media or may have acted unwisely when getting themselves into their current financial difficulty).

There is no requirement to give detailed reasons for the Supervisor's decision. However, full notes of factors considered should be maintained, and it is best practice to provide the customer with a reason their application is declined. Those reasons are best couched at a high level, for example:

- a) the Supervisor was not satisfied that your circumstances satisfied the statutory test for SFH, or
- b) the Supervisor was not satisfied that reasonable alternative sources of funding had been explored and exhausted.

The Supervisor cannot bring moral judgments into assessing whether SFH applies. SFH is a test of fact only, at the point of time that the application is made.



The Supervisor must treat each SFH request on a case by case basis, based on the actual (or likely) financial position at the time of the application, irrespective of how the financial difficulties have arisen. By the same token, continued spending on non-essential items or activities may well be a valid consideration for the Supervisor.

The assessment of whether a member is suffering, or is likely to suffer, SFH should not be influenced to a member's detriment by moral or cultural judgements (in and of themselves). However, members continuing for example to engage in extravagant or lavish lifestyles, or who are continually gambling, are unlikely (when viewed objectively) to be regarded as suffering SFH as contemplated by the KiwiSaver Scheme Rules.

The question of what steps the member has taken or will be taking to avoid getting into difficult financial circumstances again in future is perhaps a reasonable one but should not be a determinant in assessing the current status and whether SFH applies.

Any dispute as to the application will be directed to the relevant Supervisor's Dispute Resolution Scheme (DRS) provider. Different Supervisors may have different DRSs depending on their industry classification. The DRS may suggest that the Supervisor reconsiders the application, but the DRS cannot substitute their decision for that of the Supervisor or require a Supervisor to approve an application, provided that the Supervisor has correctly applied the law. The DRS would only be likely to ask a Supervisor to reconsider an application if the DRS is satisfied that the Supervisor made a mistake, did not take into account all relevant information, or did not make a reasonable decision based on the information available. It is recommended that Supervisors keep complete notes of the process, information gathering and assessment of an application, even if the specific deciding factor in turning the application down is not noted.



21. RESPONDING TO EXTERNAL EVENTS

The Government may introduce legislative measures, or regulators may provide additional guidelines, that give Managers and Supervisors clarity and support on matters involving SFH applications during (for example) pandemics or large-scale disasters.¹⁸

These measures and guidelines may include processes or additional considerations that may be taken into account for SFH applications. Supervisors will confirm if any additional guidelines apply at any given time.

Guidelines may also include processes that can be activated, with Supervisor approval, that are intended to help Managers address an extraordinary increase in application volumes.

¹⁸ A historical example is the KiwiSaver (Significant Financial Difficulties—Canterbury Earthquake) Regulations 2011 which took effect on 21 April 2011 and expired and were revoked nine months later.

1. APPENDIX 1 - GOVERNMENT ASSISTANCE PROGRAMS

This list of Government assistance programs is not exhaustive. It is recommended for the most complete, up to date and accurate list to refer to the Work and Income New Zealand (WINZ) website.¹

\$5k to Work – if the recipient of a benefit needs to relocate for employment purposes they may be able to receive this payment to help with the costs of moving.

Accommodation Supplement – a weekly payment which helps people with their rent, board or the cost of owning a home.

Advance Payment of Benefit – if the recipient of a benefit has an immediate need for essentials, they may be able to get an advance payment of their benefit. WINZ generally pays the supplier for the goods or services required (for example, appliances, furniture, bedding, rent or school uniforms). They will need to pay WINZ back but may be able to do this in instalments.

Away from Home Allowance – weekly payment which helps carers with the living costs for 16 or 17 year olds who are living away from home while on a tertiary or training course.

Child Disability Allowance – a

fortnightly payment made to the main carer of a child or young person with a serious disability.

Childcare Subsidy – a payment that helps families with the cost of pre-school childcare.

Civil Defence Payment – a payment for people who have been evacuated due to a civil defence emergency to help with the costs for accommodation food, bedding and clothing.

Community Costs – a weekly payment which helps people in a short term residential treatment programme meet their essential ongoing costs in the community.

Community Services Card – can help individuals and their families with the costs of health care. They will pay less on some health services and prescriptions.

Contraception – there are several options available.

Disability Allowance – a weekly payment for people who have regular,

¹ <https://www.workandincome.govt.nz/products/a-z-benefits/index.html> and <https://www.workandincome.govt.nz/index.html>

ongoing costs because of a disability, such as visits to the doctor or hospital, medicines, extra clothing or travel. A weekly payment which helps people who are caring for someone at home who needs full time care.

Early Learning Payment – a payment which helps with the costs of Early Childhood Education for children aged 18 months to three years who are from families enrolled in selected Family Start or Early Start Programmes.

Emergency Benefit – is assistance that may be paid to people who cannot support themselves and who do not qualify for any other payments.

Emergency Maintenance Allowance – is assistance that may be paid to sole parents who do not qualify for any other payments.

Flexi wage – helps people get the skills they need for the job, and supporting more employers to hire staff.

Funeral Grant – help with some of the funeral costs of someone close to them who has died.

Guaranteed Childcare Assistance Payment – for those under 20 and have a child under five, and are in full-time education, training or work-based learning, they may be able to get the Guaranteed Childcare Assistance Payment (GCAP) to assist with the cost of childcare.

Home Help – a payment which helps carers or parents with things like laundry, housework, cooking, childcare or parenting skills.

International Custody Dispute Payment – a weekly payment for parents with limited financial support who are involved in an international custody or access dispute over the care of their children.

Jobseeker Support – a weekly payment that helps people until they

find work.

Job Support – a weekly payment which helps people who are not currently working, or are working less hours, because they are sick, injured, disabled or pregnant.

Live Organ Donor Assistance – a payment which helps people who are donating a kidney or liver tissue for transplant within New Zealand with loss of income or childcare costs.

Modification Grant – a payment which helps people with disabilities pay for workplace changes or equipment that makes it easier for them to stay in or get work.

New Employment Transition Grant – a payment which helps people who are no longer on a benefit and who cannot work because of sickness or a breakdown in childcare arrangements.

New Zealand Superannuation – is a fortnightly payment for people aged 65 and over.

Orphan's Benefit – a weekly payment which helps carers supporting a child or young person whose parents have died or cannot be found, or cannot look after them because they have a long term illness or incapacity.

Out of School Care and Recreation (OSCAR) Subsidy – a payment which helps families with the costs of before and after school programmes, and school holiday programmes.

Re-establishment grant (Special Needs Grant) – a payment to help people in specific circumstances re-establish themselves in the community.

Recoverable Assistance Payment Grant – a payment which helps people pay for something they need urgently when they have no other way of paying for it.

Residential Care Loan – many people

going into residential care want to keep their home.

Residential Care Subsidy – if an individual requires long term residential care in a hospital or rest home, they may be able to get a Residential Care Subsidy from the Ministry of Health.

School and Year Start-up Payment – a payment to carers of someone else's child to help with the costs that mostly happen at the beginning of the year, in particular pre-school and school related costs such as clothing, school fees and stationery.

Seasonal Work Assistance – helps seasonal workers who are no longer getting a benefit and have lost wages because of work missed due to bad weather.

Social Rehabilitation Assistance – a payment which helps people who are in a residential social rehabilitation programme and their benefit is not enough to meet the fees.

Sole Parent Support – a weekly payment that helps single parents find part-time work or get ready for future work.

Special Disability Allowance – a weekly payment for people who have a spouse or partner who is in a hospital or rest home (for at least 13 weeks) or who is getting a Residential Care Subsidy.

Special Needs Grant – a payment which helps people in certain circumstances to pay for something when they have no other way of paying for it.

Supported Living Payment – a weekly

payment for people who have, or are caring for someone with a health condition, injury or disability.

Temporary Additional Support – a weekly payment which helps someone who cannot meet their essential living costs from what they earn or from other sources.

Training Incentive Allowance – an allowance which helps with fees and other study costs.

Training Support Funding – a payment which helps disabled people or people with ill health attend training or other activities that make it easier for them to get work or stay in work.

Transition to Work Grant – a payment which helps people with the costs of moving into a job.

Unsupported Child's Benefit – a weekly payment which helps carers supporting a child or young person whose parents can't care for them because of a family breakdown.

Working for Families – a package designed to make it easier to work and raise a family.

Young Parent Payment – a weekly payment which helps young parents aged 16-19.

Youth Payment – a weekly payment which helps young people aged 16 or 17 who cannot live with their parents or guardian and are not supported by them or anyone else.

1. APPENDIX 2 - PERSONS AUTHORISED TO TAKE STATUTORY DECLARATIONS

This list is sourced from the Oaths and Declarations Act 1957:

- a) a person enrolled as a barrister and solicitor of the High Court; or
- b) a Justice of the Peace; or
- c) a notary public; or
- d) the Registrar or a Deputy Registrar of the Supreme Court; or
- e) the Registrar or a Deputy Registrar of the Court of Appeal; or
- f) a Registrar or Deputy Registrar of the High Court or a District Court; or
- g) some other person authorised by law to administer an oath; or
- h) a member of Parliament; or
- i) a person who—
 - (i) is a fellow of the body (incorporated under the Incorporated Societies Act 1908) that, immediately before the commencement of the Oaths and Declarations Amendment Act 2001, was called the New Zealand Institute of Legal Executives; and
 - (ii) is acting in the employment of the holder of a practicing certificate as a barrister and solicitor of the High Court; or
- j) an employee of the New Zealand Transport Agency, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette; or
- k) an employee of Public Trust, constituted under the Public Trust Act 2001, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette; or
- l) an officer in the service of the Crown, or of a local authority within the meaning of the Local Government Act 2002, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the Gazette.

(Note that no appointment is needed to see an official at the District Court, so this might be attractive to claimants).

JPs can be found at <https://justiceofthepeace.org.nz/Page/Search>.

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