



KiwiSaver (Life-shortening Congenital Conditions) Amendment Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 22nd day of February 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 228(1)(e) and (mb) of the KiwiSaver Act 2006—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce and Consumer Affairs.

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Regulations

1 Title

These regulations are the KiwiSaver (Life-shortening Congenital Conditions) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 26 March 2021.

3 Principal regulations

These regulations amend the KiwiSaver Regulations 2006 (the **principal regulations**).

4 New regulation 32 and cross-heading inserted

After regulation 31, insert:

Withdrawal for life-shortening congenital conditions

32 List of life-shortening congenital conditions for purposes of KiwiSaver scheme rules

- (1) This regulation prescribes the life-shortening congenital conditions for the purposes of clause 12B(1)(a) of the KiwiSaver scheme rules.
- (2) The conditions are—
 - (a) Down syndrome (Down’s syndrome); and
 - (b) cerebral palsy; and
 - (c) Huntington’s disease (Huntington’s chorea); and
 - (d) fetal alcohol spectrum disorder.

5 Schedule 1 amended

- (1) In Schedule 1, form 1, table 1, after the item relating to serious illness withdrawals, insert:

Life-shortening congenital condition withdrawals	[number]	[amount]
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- (2) In Schedule 1, form 2, table 1, after the item relating to serious illness withdrawals, insert:

Life-shortening congenital condition withdrawals	[number]	[amount]	[number]	[amount]
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Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 26 March 2021, amend the KiwiSaver Regulations 2006.

The KiwiSaver scheme rules (the **rules**) allow a person to apply for early withdrawal of their savings under certain circumstances. This includes when the person has had, since birth, a condition that is likely to reduce the life expectancy for persons in general with the condition to below the New Zealand superannuation age (65 years) (a **life-shortening congenital condition**).

A person with a life-shortening congenital condition has 2 options for withdrawal, as follows:

- withdrawal under clause 12B(1)(a) of the rules for a condition identified as a life-shortening congenital condition by a regulation (a **listed condition**):
- for conditions that are not listed, withdrawal under clause 12B(1)(b) of the rules, which requires the person to supply a medical certificate that verifies that the condition is a life-shortening congenital condition.

The regulations identify the listed conditions for the purposes of clause 12B(1)(a) of the rules. A person with a listed condition will no longer have to supply a medical certificate verifying that the condition is a life-shortening congenital condition.

The regulations also amend the annual return forms for KiwiSaver schemes in Schedule 1 of the KiwiSaver Regulations 2006. As amended, the annual return forms now require KiwiSaver scheme managers to include information about withdrawals made for life-shortening congenital conditions during the relevant 12-month period.

Regulatory impact assessment

The Ministry of Business, Innovation, and Employment produced a regulatory impact assessment on 13 August 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.treasury.govt.nz/sites/default/files/2019-08/ria-mbie-wkd-aug19.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 25 February 2021.

These regulations are administered by the Ministry of Business, Innovation, and Employment.