



KiwiSaver Regulations 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of November 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 228 of the KiwiSaver Act 2006, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
<i>Applications for approval as exempt employers</i>	
4 Purpose of regulation on exempt employer applications	3
5 Documents must provide supporting evidence with cross-references	3
<i>Requirements for annual report and annual return on KiwiSaver scheme</i>	
6 Purpose of annual report and annual return regulations	3
7 When annual report must be provided to Government Actuary	3
8 When annual return must be provided to Government Actuary and to what period it must relate	4
9 What is required in annual return	4

	<i>Requirement that KiwiSaver fees not be unreasonable</i>	
10	Purpose of regulations on KiwiSaver fees	4
11	Process for fees assessment by Government Actuary	5
12	Relevant matters for fees assessment by Government Actuary or Court	5
	<i>Scheme provider agreements</i>	
13	Purpose of regulations on scheme provider agreements	6
14	Provider must enter into scheme provider agreement with Commissioner before registration	6
15	Scheme provider agreement may be reviewed every 7 years	7
16	Matters that must be covered by scheme provider agreements	7
	<i>Application of Financial Transactions Reporting Act 1996 to default KiwiSaver schemes</i>	
17	Purpose of regulation on application of Financial Transactions Reporting Act 1996	8
18	What must be treated as reasonable efforts under section 204 of Act	8
	<i>Fees</i>	
19	Fees	9
	Schedule 1	10
	Annual return	
	Schedule 2	45
	Fees	

Regulations

- 1 Title**
These regulations are the KiwiSaver Regulations 2006.
- 2 Commencement**
These regulations come into force on 1 December 2006.
- 3 Interpretation**
In these regulations, unless the context otherwise requires,—
Act means the KiwiSaver Act 2006
administration manager, for a KiwiSaver scheme, means the person to whom the trustees have contracted some or all of the administration of the scheme

fees assessment has the meaning set out in regulation 10

net assets, in relation to a KiwiSaver scheme, means the market value of the scheme assets, net of borrowings, at the close of the financial year to which the annual report relates

scheme assets means, in relation to a KiwiSaver scheme, the assets of the scheme held on behalf of members.

Applications for approval as exempt employers

- 4 Purpose of regulation on exempt employer applications**
The purpose of regulation 5 is to prescribe requirements for documents provided in each application for approval of an employer as an exempt employer under section 29 of the Act.
- 5 Documents must provide supporting evidence with cross-references**
The documents provided in the application must—
- (a) include all supporting evidence that demonstrates the scheme complies with the rules in section 25 of the Act; and
 - (b) contain, or have attached, a statement that provides cross-references, for each rule in section 25, to the relevant page or provisions of the supporting evidence that demonstrates compliance with that rule.

Requirements for annual report and annual return on KiwiSaver scheme

- 6 Purpose of annual report and annual return regulations**
Regulations 7 to 9 provide for the annual report required under section 123 of the Act and the annual return required under section 125 of the Act.
- 7 When annual report must be provided to Government Actuary**
The trustees of a KiwiSaver scheme must provide to the Government Actuary the annual report for the scheme within 28 days after its completion under section 123 of the Act and, if only abridged accounts are contained in the report, a copy of the annual accounts.

8 When annual return must be provided to Government Actuary and to what period it must relate

- (1) The trustees of a KiwiSaver scheme must provide the annual return for the scheme to the Government Actuary on or before 31 May 2008, and 31 May in each subsequent year.
- (2) The annual return must relate to the 12-month period ending on the immediately preceding 31 March.

9 What is required in annual return

- (1) The annual return must be—
 - (a) for a KiwiSaver scheme that is not a default KiwiSaver scheme, in form 1 of Schedule 1; and
 - (b) for a default KiwiSaver scheme, in form 2 of Schedule 1.
- (2) The information contained in the annual return—
 - (a) may be unaudited; and
 - (b) if the scheme was registered as a KiwiSaver scheme for only part of the 12-month period to which the annual return relates, needs to be included only for that part; and
 - (c) need not include information—
 - (i) about an identifiable individual; or
 - (ii) that is not in the possession or control of the trustees or the administration manager of the scheme; or
 - (iii) that is not readily ascertainable from information that is in the possession or control of the trustees or the administration manager.
- (3) The annual return must have attached a certificate by the administration manager of the KiwiSaver scheme that the information contained in the annual return is correct to the best of the administration manager's knowledge and belief (subject to subclause (2)).

Requirement that KiwiSaver fees not be unreasonable

10 Purpose of regulations on KiwiSaver fees

- (1) Regulations 11 and 12 deal with the Government Actuary's function under the Act and a Court's function under the KiwiSaver scheme rules of considering whether a KiwiSaver scheme complies with clause 2 of the KiwiSaver scheme rules

(which requires fees not to be unreasonable) (the **fees assessment**).

- (2) The purpose of these regulations is to prescribe a process for the Government Actuary's fees assessment and the matters to which the Government Actuary or a Court must have regard in carrying out a fees assessment (*see* section 127 of the Act and clause 2 of the KiwiSaver scheme rules).
- (3) Neither regulation 11 nor regulation 12 prevents the Government Actuary or the Court from considering any other matter that the Government Actuary or the Court considers relevant.

11 Process for fees assessment by Government Actuary

The Government Actuary may follow the following process in making a fees assessment:

- (a) compare the relevant fee or fees in relation to a scheme (**A fees**) to fees charged in relation to other schemes or classes of schemes (whether or not KiwiSaver schemes) that the Government Actuary considers comparable, having regard to the relevant matter in regulation 12(a); and
- (b) determine on that basis that—
 - (i) the A fees are not unreasonable; or
 - (ii) the A fees may be unreasonable; and
- (c) if the Government Actuary determines that the A fees may be unreasonable, further assess the A fees having regard to all the relevant matters in regulation 12; and
- (d) determine on that basis whether or not the A fees are unreasonable.

12 Relevant matters for fees assessment by Government Actuary or Court

The following matters are relevant to a fees assessment by the Government Actuary or a Court:

- (a) whether the relevant fee or fees in relation to the scheme are significantly higher than the fees charged in relation to other schemes or classes of schemes (whether or not KiwiSaver schemes) that the Government Actuary or the Court considers comparable; and
- (b) if the relevant fee or fees are significantly higher, whether or not differences in the following matters

mean that it is reasonable for the fee or fees to be higher:

- (i) the cost of the services to which the relevant fee or fees relate; and
- (ii) the structure of the scheme; and
- (iii) the number of members and the number of members actively contributing to the scheme; and
- (iv) the value of the scheme assets at the commencement of the fees assessment and how those scheme assets are invested; and
- (v) the employer contributions in respect of members and employer subsidisation of fees charged in relation to the scheme (if any); and
- (vi) how the relevant fee or fees are charged and the basis on which the relevant fee or fees are calculated; and
- (vii) other costs of the scheme; and
- (viii) any other matter that the Government Actuary or the Court considers relevant.

Scheme provider agreements

13 Purpose of regulations on scheme provider agreements

The purpose of regulations 14 to 16 is to provide for operational matters and electronic compatibility between the Commissioner and providers by way of scheme provider agreements.

14 Provider must enter into scheme provider agreement with Commissioner before registration

- (1) Each provider must enter into a scheme provider agreement with the Commissioner that covers the matters set out in regulation 16 to the Commissioner's satisfaction for the relevant scheme before registration of the scheme as a KiwiSaver scheme.
- (2) This regulation does not mean that the scheme provider agreement is not freely and voluntarily entered into by the parties to the agreement.

15 Scheme provider agreement may be reviewed every 7 years

- (1) The Commissioner must, at least 6 months before a review date, give notice to a provider who is a party to a scheme provider agreement stating whether or not the Commissioner intends to review the agreement.
- (2) If the Commissioner does not give a notice under subclause (1), no review is required under this regulation for that review date.
- (3) If the Commissioner gives a notice under subclause (1) stating that a review is intended, the Commissioner must complete the review and give notice to the provider of his or her decisions under the review on or before the review date.
- (4) In this regulation, **review date** is (unless made earlier or later under subclause (5)) the date that is—
 - (a) 7 years after the registration of a scheme as a KiwiSaver scheme; and then
 - (b) 7 years after the last review date.
- (5) The review date may be—
 - (a) made later if, at least 1 month before the review date that would otherwise apply under subclause (4), the Commissioner gives notice to the provider of the later review date; or
 - (b) made earlier or later by agreement between the parties (but an earlier review date does not invalidate any notice already given under subclause (1)).
- (6) Nothing in this regulation prevents either party reviewing the agreement either separately or together at any time.

16 Matters that must be covered by scheme provider agreements

Each scheme provider agreement must cover the following matters (without limiting other matters it may cover):

- (a) the electronic exchange of information and contributions between the Commissioner and the provider, including the technical interface requirements;
- (b) the refund of contribution overpayments;
- (c) the use and promotion of the KiwiSaver brand and KiwiSaver trademarks;

- (d) the use of information that is received by the provider from the Commissioner (for example, the tax file number) in the administration of the scheme.

Application of Financial Transactions Reporting Act 1996 to default KiwiSaver schemes

17 Purpose of regulation on application of Financial Transactions Reporting Act 1996

- (1) Section 204 of the Act exempts certain cases from section 6 of the Financial Transactions Reporting Act 1996, but requires the provider to make reasonable efforts to verify a person's identity at the time the person becomes a member of a KiwiSaver scheme.
- (2) The purpose of regulation 18 is to determine what must be treated as those reasonable efforts (without limiting what else might constitute those reasonable efforts).

18 What must be treated as reasonable efforts under section 204 of Act

- (1) A provider makes reasonable efforts for the purposes of section 204(3)(a) of the Act as set out in the following table:

Steps for provider

Step 1: make a request to the member that—

- (a) sets out what the member needs to do for the provider to verify his or her identity (eg, provide documentary evidence); and
- (b) is in writing; and
- (c) is sent by post to the address provided by the Commissioner under section 51(3) of the Act (or if only an electronic address is provided, by email to that address); and
- (d) is sent as soon as practicable after the address is provided.

Step 2: verify the identity of the member as soon as practicable after the member complies with the request.

When step constitutes reasonable efforts

Until the member complies with the request, the provider has made reasonable efforts.

If the member complies with the request at any time (whether before or after any time for compliance set out in the request), the provider must do step 2.

If the provider does step 2, the provider has made reasonable efforts.

- (2) A reference in the steps in subclause (1) to **verifying identity** means verifying that identity in the way that would be

required under section 6 of the Financial Transactions Reporting Act 1996 if it were not for the exemption in section 204(2) of the Act.

Fees

19 Fees

- (1) The fees set out in Schedule 2 must be paid to the Government Actuary for the matters to which they relate.
 - (2) The fees are inclusive of goods and services tax.
-

Schedule 1 Annual return

Form 1

Annual return for KiwiSaver schemes (other than default KiwiSaver schemes)

Name of scheme:

Registration number:

Contact person for annual return purposes:

Postal address and other contact details of that contact person:

Annual return for year ended 31 March [*year*]

Notes: In this form—

- all section references are to the KiwiSaver Act 2006;
- any term or expression that is used in the KiwiSaver Act 2006 or the KiwiSaver Regulations 2006 and used (but not defined) in this form has the same meaning as in that Act or those regulations.

Form 1—*continued*

Table 1
Income and expenditure summary

	Number of members	Amount (\$)	Total (\$)
<i>Opening balance of scheme assets at start of annual return year</i>			[A: amount]
Categories of income for annual return year			
Member contributions at section 64 contribution rate	[number]	[amount]	
Employer contributions	[number]	[amount]	
Crown contributions (section 226) and fee subsidies	[number]	[amount]	
Transfers of members' accumulations into scheme from other KiwiSaver schemes	[number]	[amount]	
Transfers of members' accumulations into scheme from registered superannuation schemes	[number]	[amount]	
Lump sum contributions	[number]	[amount]	
Other voluntary contributions over section 64 contribution rate	[number]	[amount]	
Income from investment of scheme assets		[amount]	

Form 1—*continued*Table 1—*continued*

	Number of members	Amount (\$) <i>[amount]</i>	Total (\$)
Other income		<u><i>[amount]</i></u>	
<i>Total income for annual return year</i>			[B: total income amount]
Categories of expenditure for annual return year			
First home purchase withdrawals	<i>[number]</i>	<i>[amount]</i>	
Mortgage instalment withdrawals	<i>[number]</i>	<i>[amount]</i>	
KiwiSaver end payment date withdrawals	<i>[number]</i>	<i>[amount]</i>	
Withdrawals on death	<i>[number]</i>	<i>[amount]</i>	
Serious illness withdrawals	<i>[number]</i>	<i>[amount]</i>	
Withdrawals or transfers on permanent emigration	<i>[number]</i>	<i>[amount]</i>	
Significant financial hardship withdrawals	<i>[number]</i>	<i>[amount]</i>	
Transfers of members' accumulations out of scheme into other KiwiSaver schemes	<i>[number]</i>	<i>[amount]</i>	
Amounts required to be paid under other enactments	<i>[number]</i>	<i>[amount]</i>	

Form 1—*continued*Table 1—*continued*

	Number of members	Amount (\$)	Total (\$)
Administration fees		[<i>amount</i>]	
Investment management fees		[<i>amount</i>]	
Trustee fees		[<i>amount</i>]	
Insurance premiums		[<i>amount</i>]	
Other scheme expenses		<u>[<i>amount</i>]</u>	
<i>Total expenditure for annual return year</i>			[<i>C: total expenditure amount</i>] <hr/>
<i>Closing balance of scheme assets at end of annual return year</i>			[<i>A + B - C</i>] <hr/>

Notes: In this table—

- income should be gross of deductions for direct fees, etc:
- income and expenditure should be entered on a cash basis.

Form 1—*continued*

Table 2
Membership summary

	Number of members	Total
<i>Number of contributing members at start of annual return year</i>		[A: number]
Categories of entries of members for annual return year		
New members (other than transfers from other schemes)	[number]	
Members restarting contributions at end of section 104 contribution holidays	[number]	
Members restarting contributions after stopping contributions for any other reason	[number]	
Members transferring into scheme from other KiwiSaver schemes	[number]	
Members transferring into scheme from registered superannuation schemes	[number]	
	<hr/>	
<i>Total entries for annual return year</i>		[B: total entries]

Form 1—*continued*Table 2—*continued*

	Number of members	Total
Categories of membership exits for annual return year		
KiwiSaver end payment date exits	[<i>number</i>]	
Deaths	[<i>number</i>]	
Permanent emigration exits	[<i>number</i>]	
Transfers out of scheme into other KiwiSaver schemes	[<i>number</i>]	
Other permanent exits	[<i>number</i>]	
Members starting section 104 contribution holidays	[<i>number</i>]	
Members stopping contributions for other reasons	[<i>number</i>]	
<i>Total temporary and permanent exits for annual return year</i>	<hr/>	[<i>C: total exits</i>]
<i>Number of contributing members at end of annual return year</i>		[<i>A + B - C = D</i>]
		<hr/>

Form 1—*continued*Table 2—*continued*

	Number of members	Total
Non-contributing members on section 104 contribution holidays		
<i>Number of members on section 104 contribution holidays at start of annual return year</i>	[E: number]	
Members starting section 104 contribution holidays	[F: number]	
Members ending section 104 contribution holidays and restarting contributions	[G: number]	
Members ending section 104 contribution holidays but not restarting contributions for any reason	[H: number]	
	<hr/>	
<i>Number of members on section 104 contribution holidays at end of annual return year</i>		[E + F - (G + H) = I]
Other non-contributing members (not on section 104 contribution holidays)		
<i>Number of other non-contributing members (not on section 104 contribution holidays) at start of annual return year</i>	[J: number]	
Members stopping contributions without section 104 contribution holidays	[K: number]	

Form 1—*continued*Table 2—*continued*

	Number of members	Total
Members restarting contributions after having stopped contributions without section 104 contribution holidays	<i>[L: number]</i>	
	<hr/>	
<i>Number of other non-contributing members (not on section 104 contribution holidays) at end of annual return year</i>		<i>[J + K - L = M]</i>
		<hr/>
<i>Total number of members at end of annual return year</i>		<i>[D + I + M]</i>
		<hr/>

Form 1—*continued*

Table 3
Age and gender profile of members

Age at end of annual return year	Female	Male	Unknown gender	Total
17 and under	[number]	[number]	[number]	[total 17 and under]
18–25	[number]	[number]	[number]	[total 18–25]
26–30	[number]	[number]	[number]	[total 26–30]
31–35	[number]	[number]	[number]	[total 31–35]
36–40	[number]	[number]	[number]	[total 36–40]
41–45	[number]	[number]	[number]	[total 41–45]
46–50	[number]	[number]	[number]	[total 46–50]
51–55	[number]	[number]	[number]	[total 51–55]
56–60	[number]	[number]	[number]	[total 56–60]
61–65	[number]	[number]	[number]	[total 61–65]
66–70	[number]	[number]	[number]	[total 66–70]
71–75	[number]	[number]	[number]	[total 71–75]
76–80	[number]	[number]	[number]	[total 76–80]
81–85	[number]	[number]	[number]	[total 81–85]

Form 1—*continued*Table 3—*continued*

Age at end of annual return year	Female	Male	Unknown gender	Total
86 and over	[number]	[number]	[number]	[total 86 and over]
Unknown age	[number]	[number]	[number]	[total unknown age]
<i>Totals</i>	[total female]	[total male]	[total unknown gender]	[total members]

Form 1—*continued*

Table 4
Summary of non-contributing members (not on section 104 contribution holidays)

	Number of members	Scheme assets held for those members (\$)
<i>Number of non-contributing members (not on section 104 contribution holidays) at start of annual return year</i>	[number]	[amount]
<i>Number of non-contributing members (not on section 104 contribution holidays) at end of annual return year</i>	[number]	[amount]

Form 1—*continued*

Table 5

Profile of non-contributing members (not on section 104 contribution holidays)

How long ago last contribution made (calculated from end of annual return year)	Number of members	Scheme assets held for those members (\$)
1 year or less	[<i>number</i>]	[<i>amount</i>]
2 years or less, but more than 1 year	[<i>number</i>]	[<i>amount</i>]
3 years or less, but more than 2 years	[<i>number</i>]	[<i>amount</i>]
5 years or less, but more than 3 years	[<i>number</i>]	[<i>amount</i>]
More than 5 years	[<i>number</i>]	[<i>amount</i>]

Form 1—*continued*

Table 6
Investment fund summary

Investment funds	Number of members in each investment fund	Amount in each investment fund (\$)
Conservative	[<i>number</i>]	[<i>amount</i>]
Balanced	[<i>number</i>]	[<i>amount</i>]
Growth	[<i>number</i>]	[<i>amount</i>]
Single sector funds (<i>[insert relevant sector]</i>)	[<i>number</i>]	[<i>amount</i>]
[<i>List any other investment funds available</i>]	<u>[<i>number</i>]</u>	<u>[<i>amount</i>]</u>
<i>Totals</i>	<u>[<i>total number</i>]</u>	<u>[<i>total amount</i>]</u>

Note: In this table—

- the investment funds listed are examples only. Complete the table by inserting a row for each investment fund in the scheme:
- members who split their contributions across investment funds should be included in the “number of members” column for each relevant investment fund.

Form 1—*continued*

Table 7
Switches between investment funds

Investment funds	Switches into investment funds in annual return year		Switches out of investment funds in annual return year		Net change in amounts (\$)
	Number of switches	Amount (\$)	Number of switches	Amount (\$)	
Conservative	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Balanced	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Growth	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Single sector funds ([insert relevant sector])	[number]	[A: amount]	[number]	[B: amount]	[A – B]
[List any other investment funds available]	[number]	[A: amount]	[number]	[B: amount]	[A – B]
<i>Totals of switches between investment funds</i>	[total number]	[A: total amount]	[total number]	[B: total amount]	[A – B]

Note: In this table the investment funds listed are examples only. Complete the table by inserting a row for each investment fund in the scheme.

Form 1—*continued*

Table 8
Profile of switches between investment funds

How many switches between investment funds made in annual return year	Number of members who made those switches
1 switch	[<i>number</i>]
2 switches	[<i>number</i>]
3 switches	[<i>number</i>]
4 switches	[<i>number</i>]
5 switches or more	[<i>number</i>]

Form 2
Annual return for default KiwiSaver schemes

Name of scheme:

Registration number:

Contact person for annual return purposes:

Postal address and other contact details of that contact person:

Annual return for year ended 31 March [*year*]

Notes: In this form—

- all section references are to the KiwiSaver Act 2006:
- **default members** means members allocated to the KiwiSaver scheme by the Commissioner under section 51 (other than persons to whom section 50(4) applies):
- any term or expression that is used in the KiwiSaver Act 2006 or the KiwiSaver Regulations 2006 and used (but not defined) in this form has the same meaning as in that Act or those regulations.

Form 2—*continued*

Table 1
Income and expenditure summary

	Default members			Other members of scheme		
	Number of members	Amount (\$)	Total (\$) [A: amount]	Number of members	Amount (\$)	Total (\$) [A2: amount]
<i>Opening balance of scheme assets at start of annual return year</i>						
Categories of income for annual return year						
Member contributions at section 64 contribution rate	[number]	[amount]		[number]	[amount]	
Employer contributions	[number]	[amount]		[number]	[amount]	
Crown contributions (section 226) and fee subsidies	[number]	[amount]		[number]	[amount]	
Transfers of members' accumulations into scheme from other KiwiSaver schemes				[number]	[amount]	
Transfers of members' accumulations into scheme from registered superannuation schemes	[number]	[amount]		[number]	[amount]	
Lump sum contributions	[number]	[amount]		[number]	[amount]	

Form 2—*continued*
Table 1—*continued*

	Default members		Other members of scheme			
	Number of members	Amount (\$)	Total (\$)	Number of members	Amount (\$)	Total (\$)
Other voluntary contributions over section 64 contribution rate	[number]	[amount]		[number]	[amount]	
Income from investment of scheme assets		[amount]			[amount]	
Other income		[amount]			[amount]	
<i>Total income for annual return year</i>			[B: total income amount]			[B2: total income amount]
Categories of expenditure for annual return year						
First home purchase withdrawals	[number]	[amount]		[number]	[amount]	
Mortgage instalment withdrawals	[number]	[amount]		[number]	[amount]	
KiwiSaver end payment date withdrawals	[number]	[amount]		[number]	[amount]	
Withdrawals on death	[number]	[amount]		[number]	[amount]	

Form 2—*continued*
Table 1—*continued*

	Default members			Other members of scheme		
	Number of members	Amount (\$)	Total (\$)	Number of members	Amount (\$)	Total (\$)
Serious illness withdrawals	[number]	[amount]		[number]	[amount]	
Withdrawals or transfers on permanent emigration	[number]	[amount]		[number]	[amount]	
Significant financial hardship withdrawals	[number]	[amount]		[number]	[amount]	
Transfers of members' accumulations out of scheme into other KiwiSaver schemes	[number]	[amount]		[number]	[amount]	
Amounts required to be paid under other enactments	[number]	[amount]		[number]	[amount]	
Administration fees		[amount]			[amount]	
Investment management fees		[amount]			[amount]	
Trustee fees		[amount]			[amount]	
Insurance premiums		[amount]			[amount]	

Form 2—*continued*Table 1—*continued*

	Default members			Other members of scheme		
	Number of members	Amount (\$)	Total (\$)	Number of members	Amount (\$)	Total (\$)
Other scheme expenses		<u>[amount]</u>			<u>[amount]</u>	
<i>Total expenditure for annual return year</i>			<i>[C: total expenditure amount]</i>			<i>[C2: total expenditure amount]</i>
<i>Closing balance of scheme assets at end of annual return year</i>			<u>[A + B – C]</u>			<u>[A2 + B2 – C2]</u>

Notes: In this table—

- income should be gross of deductions for direct fees, etc:
- income and expenditure should be entered on a cash basis.

Form 2—*continued*

Table 2
Membership summary

	Default members		Other members of scheme	
	Number of members	Total	Number of members	Total
<i>Number of contributing members at start of annual return year</i>		[A: number]		[A2: number]
Categories of entries of members for annual return year				
New members (other than transfers from other schemes)	[number]		[number]	
Members restarting contributions at end of section 104 contribution holidays	[number]		[number]	
Members restarting contributions after stopping contributions for any other reason	[number]		[number]	
Members transferring into scheme from other KiwiSaver schemes			[number]	
Members transferring into scheme from registered superannuation schemes			[number]	
<i>Total entries for annual return year</i>		[B: total entries]		[B2: total entries]

Form 2—continued

Table 2—continued

	Default members		Other members of scheme	
	Number of members	Total	Number of members	Total
Categories of membership exits for annual return year				
KiwiSaver end payment date exits	[number]		[number]	
Deaths	[number]		[number]	
Permanent emigration exits	[number]		[number]	
Transfers out of scheme into other KiwiSaver schemes	[number]		[number]	
Other permanent exits	[number]		[number]	
Members starting section 104 contribution holidays	[number]		[number]	
Members stopping contributions for other reasons	[number]		[number]	
<i>Total temporary and permanent exits for annual return year</i>		[C: total exits]		[C2: total exits]
<i>Number of contributing members at end of annual return year</i>		[A + B - C = D]		[A2 + B2 - C2 = D2]

Form 2—*continued*Table 2—*continued*

	Default members		Other members of scheme	
	Number of members	Total	Number of members	Total
Non-contributing members on section 104 contribution holidays				
<i>Number of members on section 104 contribution holidays at start of annual return year</i>	[E: number]		[E2: number]	
Members starting section 104 contribution holidays	[F: number]		[F2: number]	
Members ending section 104 contribution holidays and restarting contributions	[G: number]		[G2: number]	
Members ending section 104 contribution holidays but not restarting contributions for any reason	[H: number]		[H2: number]	
<i>Number of members on section 104 contribution holidays at end of annual return year</i>		$[E + F - (G + H) = I]$		$[E2 + F2 - (G2 + H2) = I2]$
Other non-contributing members (not on section 104 contribution holidays)				
<i>Number of other non-contributing members (not on section 104 contribution holidays) at start of annual return year</i>	[J: number]		[J2: number]	
Members stopping contributions without section 104 contribution holidays	[K: number]		[K2: number]	

Form 2—*continued*Table 2—*continued*

	Default members		Other members of scheme	
	Number of members	Total	Number of members	Total
Members restarting contributions after having stopped contributions without section 104 contribution holidays	[L: number]		[L2: number]	
<i>Number of other non-contributing members (not on section 104 contribution holidays) at end of annual return year</i>		$[J + K - L = M]$		$[J2 + K2 - L2 = M2]$
<i>Total number of members at end of annual return year</i>		$[D + I + M]$		$[D2 + I2 + M2]$

Form 2—*continued*

Table 3
Profile of new default and other members

	Number of members	Scheme assets held for those members (\$)
Default members allocated to scheme by Commissioner under section 51 in annual return year	[<i>number</i>]	[<i>amount</i>]
Other new members entering scheme in annual return year (including transfers from other schemes)	[<i>number</i>]	[<i>amount</i>]

Form 2—continued

Table 4
Age and gender profile of members

Age at end of annual return year	Default members				Other members of scheme				Total members
	Female	Male	Unknown gender	Total default members	Female	Male	Unknown gender	Total other members	
17 and under	[number]	[number]	[number]	[A: total 17 and under]	[number]	[number]	[number]	[B: total 17 and under]	[A + B]
18–25	[number]	[number]	[number]	[A: total 18–25]	[number]	[number]	[number]	[B: total 18–25]	[A + B]
26–30	[number]	[number]	[number]	[A: total 26–30]	[number]	[number]	[number]	[B: total 26–30]	[A + B]
31–35	[number]	[number]	[number]	[A: total 31–35]	[number]	[number]	[number]	[B: total 31–35]	[A + B]
36–40	[number]	[number]	[number]	[A: total 36–40]	[number]	[number]	[number]	[B: total 36–40]	[A + B]
41–45	[number]	[number]	[number]	[A: total 41–45]	[number]	[number]	[number]	[B: total 41–45]	[A + B]
46–50	[number]	[number]	[number]	[A: total 46–50]	[number]	[number]	[number]	[B: total 46–50]	[A + B]

Form 2—continued

Table 4—continued

Age at end of annual return year	Default members				Other members of scheme				Total members
	Female	Male	Unknown gender	Total default members	Female	Male	Unknown gender	Total other members	
51–55	[number]	[number]	[number]	[A: total 51–55]	[number]	[number]	[number]	[B: total 51–55]	[A + B]
56–60	[number]	[number]	[number]	[A: total 56–60]	[number]	[number]	[number]	[B: total 56–60]	[A + B]
61–65	[number]	[number]	[number]	[A: total 61–65]	[number]	[number]	[number]	[B: total 61–65]	[A + B]
66–70	[number]	[number]	[number]	[A: total 66–70]	[number]	[number]	[number]	[B: total 66–70]	[A + B]
71–75	[number]	[number]	[number]	[A: total 71–75]	[number]	[number]	[number]	[B: total 71–75]	[A + B]
76–80	[number]	[number]	[number]	[A: total 76–80]	[number]	[number]	[number]	[B: total 76–80]	[A + B]
81–85	[number]	[number]	[number]	[A: total 81–85]	[number]	[number]	[number]	[B: total 81–85]	[A + B]
86 and over	[number]	[number]	[number]	[A: total 86 and over]	[number]	[number]	[number]	[B: total 86 and over]	[A + B]

Form 2—continued

Table 4—continued

Age at end of annual return year	Default members				Other members of scheme				Total members
	Female	Male	Unknown gender	Total default members	Female	Male	Unknown gender	Total other members	
Unknown age	[number]	[number]	[number]	[A: total unknown age]	[number]	[number]	[number]	[B: total unknown age]	[A + B]
Totals	[total female]	[total male]	[total unknown gender]	[A: total default members]	[total female]	[total male]	[total unknown gender]	[B: total other members]	[A + B]

Form 2—*continued*

Table 5
Summary of non-contributing members (not on section 104 contribution holidays)

	Default members		Other members of scheme	
	Number of members	Scheme assets held for those members (\$)	Number of members	Scheme assets held for those members (\$)
<i>Number of non-contributing members (not on section 104 contribution holidays) at start of annual return year</i>	<i>[number]</i>	<i>[amount]</i>	<i>[number]</i>	<i>[amount]</i>
<i>Number of non-contributing members (not on section 104 contribution holidays) at end of annual return year</i>	<i>[number]</i>	<i>[amount]</i>	<i>[number]</i>	<i>[amount]</i>

Form 2—continued

Table 6

Profile of non-contributing members (not on section 104 contribution holidays)

How long ago last contribution made (calculated from end of annual return year)	Default members		Other members of scheme	
	Number of members	Scheme assets held for those members (\$)	Number of members	Scheme assets held for those members (\$)
1 year or less	[number]	[amount]	[number]	[amount]
2 years or less, but more than 1 year	[number]	[amount]	[number]	[amount]
3 years or less, but more than 2 years	[number]	[amount]	[number]	[amount]
5 years or less, but more than 3 years	[number]	[amount]	[number]	[amount]
More than 5 years	[number]	[amount]	[number]	[amount]

Form 2—*continued*

Table 7
Investment fund summary

Investment funds	Number of members in each investment fund	Amount in each investment fund (\$)
Default investment product under instrument of appointment		
in respect of default members	[<i>number</i>]	[<i>amount</i>]
in respect of other members of scheme	[<i>number</i>]	[<i>amount</i>]
Conservative	[<i>number</i>]	[<i>amount</i>]
Balanced	[<i>number</i>]	[<i>amount</i>]
Growth	[<i>number</i>]	[<i>amount</i>]
Single sector funds (<i>insert relevant sector</i>)	[<i>number</i>]	[<i>amount</i>]
[<i>List any other investment funds available</i>]	[<i>number</i>]	[<i>amount</i>]
<i>Total amounts</i>	[<i>total number</i>]	<u>[<i>total amount</i>]</u>

Form 2—*continued*Table 7—*continued*

Notes: In this table—

- the investment funds listed (other than the default investment product) are examples only. Complete the table by inserting a row for each investment fund in the scheme and separate rows for default members and any other members with contributions in the default investment product:
- members who split their contributions across investment funds should be included in the “number of members” column for each relevant investment fund.

Form 2—*continued*

Table 8
Switches out of default investment product into other investment funds

	Number of members out of default investment product	Number of members into others	Amount (\$) out of default investment product	Amount (\$) into others
Switches in annual return year				
<i>Switches out of default investment product under instrument of appointment</i>	[number]		[amount]	
<i>Switches into other investment funds</i>				
Conservative		[number]		[amount]
Balanced		[number]		[amount]
Growth		[number]		[amount]
Single sector funds (<i>insert relevant sector</i>)		[number]		[amount]
[<i>List any other investment funds available</i>]		<u>[number]</u>		<u>[amount]</u>
<i>Totals of switches into other investment funds</i>		<u>[total number]</u>		<u>[total amount]</u>

Note: In this table the investment funds listed (other than the default investment product) are examples only. Complete the table by inserting a row for each investment fund in the scheme.

Table 9
Switches between investment funds other than default investment product

Investment funds (other than default investment product under instrument of appointment)	Switches into other investment funds in annual return year		Switches out of other investment funds in annual return year		Net change in amounts (\$)
	Number of switches	Amount (\$)	Number of switches	Amount (\$)	
Conservative	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Balanced	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Growth	[number]	[A: amount]	[number]	[B: amount]	[A – B]
Single sector funds (<i>[insert relevant sector]</i>)	[number]	[A: amount]	[number]	[B: amount]	[A – B]
[List any other investment funds available]	[number]	[A: amount]	[number]	[B: amount]	[A – B]
<i>Totals of switches between other investment funds</i>	[total number]	[A: total amount]	[total number]	[B: total amount]	[A – B]

Note: In this table the investment funds listed are examples only. Complete the table by inserting a row for each investment fund in the scheme (other than the default investment product under the instrument of appointment).

Form 2—*continued*

Table 10
 Profile of switches between investment funds (including default investment product)

How many switches between investment funds made in annual return year	Number of default members who made those switches	Number of other members who made those switches
1 switch	[<i>number</i>]	[<i>number</i>]
2 switches	[<i>number</i>]	[<i>number</i>]
3 switches	[<i>number</i>]	[<i>number</i>]
4 switches	[<i>number</i>]	[<i>number</i>]
5 switches or more	[<i>number</i>]	[<i>number</i>]

Schedule 2 Fees

r 19

Matter	Fee
On application to register a Kiwisaver scheme under section 131 of the Act	\$100
For an application for approval of a transfer under section 9BAA of the Superannuation Schemes Act 1989 (as applied by section 120 of the Act)	\$100 for each half-hour spent by the Government Actuary considering the application
For lodging an amendment to a trust deed of a Kiwisaver scheme under section 129 of the Act	\$50
For providing an annual report under regulation 7	\$100 if net assets of the scheme are less than \$3,000,000 \$350 if net assets of the scheme are \$3,000,000 or greater
For requesting consent to the reversion of assets to an employer in accordance with section 10 of the Superannuation Schemes Act 1989 (as applied by sections 120 and 130 of the Act)	\$100 for each half-hour spent by the Government Actuary considering the request
On application under section 168(c) of the Act for cancellation of registration of a Kiwisaver scheme	\$250
For filing, under section 174 of the Act, the final accounts of a Kiwisaver scheme that is wound up	\$250

Diane Morcom,
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—

- require documents provided in applications for exempt employer approvals under section 29 of the KiwiSaver Act 2006 (the **Act**) to include all supporting evidence with cross-references to the rules in section 25 of the Act; and
- require the annual report for a KiwiSaver scheme under section 123 of the Act to be provided to the Government Actuary within 28 days of its completion; and
- require the annual return for a KiwiSaver scheme under section 125 of the Act to be provided to the Government Actuary on or before 31 May in each year for the 12-month period ending on the preceding 31 March. *Schedule 1* sets out the form of the annual return, which differs according to whether the relevant KiwiSaver scheme is a default KiwiSaver scheme or not. The purpose of the annual return is to provide unaudited statistical information that may be collated for the purposes of the Government Actuary's annual report to Parliament; and
- support the requirement in clause 2 of the KiwiSaver scheme rules that fees for KiwiSaver schemes not be unreasonable. Under the Act the Government Actuary or a Court may assess whether a scheme complies with this requirement. *Regulation 11* sets out the process for the Government Actuary in making this assessment. *Regulation 12* sets out matters to which both the Government Actuary and a Court must have regard in making this assessment. The matters in *regulation 12* are not intended to preclude the person charging the fee from making a profit; and
- require providers of KiwiSaver schemes to enter into scheme provider agreements with the Commissioner. The scheme provider agreements may be reviewed every 7 years. The scheme provider agreements must cover the matters set out in *regulation 16*; and

- state what must be treated as reasonable efforts by a provider to verify a person's identity for the purposes of section 204 of the Act. That section exempts providers from the Financial Transactions Reporting Act 1996 on the default allocation of members to KiwiSaver schemes, but requires them to make reasonable efforts to verify those persons' identities at the time they become members; and
- set the fees for matters arising under the Act.

These regulations come into force on 1 December 2006.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 November 2006.

These regulations are administered by the Ministry of Economic Development.
