



26 February 2024

[REDACTED]
[REDACTED]

Dear [REDACTED]

Thank you for your request made under the Official Information Act 1982 (OIA), received on 29 January 2024. You requested the following:

1. *Rule 8(3)(b)(i) of the KiwiSaver scheme rules in the KiwiSaver Act 2006 requires: "the land is, or is intended to be, the principal place of residence for the member or for the member and members of the member's family"*
 - a) *Does IRD hold any guidance or interpretations of this rule?*
 - b) *Many people cite the requirement to live in the house for 6 months post settlement. Does IRD hold any guidance or interpretations of this rule that uses this timeframe?*
2. *Which agency is responsible for ensuring members who withdraw their KiwiSaver for the purchase of a first home comply with the KiwiSaver scheme rules, and do use the land purchased as the principal place of residence for the member?*
3. *Do any agencies conduct checks to ensure members use the land purchased as their principal place of residence?*
4. *How many enforcement actions have been taken by IRD against members breaching the KiwiSaver scheme rules, for example, not using the land purchased as the principal place of residence for the member?*
5. *How many enforcement actions have been taken by IRD against members for making a false declaration regarding a KiwiSaver withdrawal for the purposes of purchase of a first home?*

Questions 1a and 1b

Inland Revenue does not hold any guidance or interpretations of Rule 8(3)(b)(i) of the KiwiSaver scheme rules.

Questions 2 and 3

Inland Revenue does not conduct checks regarding members complying with the KiwiSaver scheme rules. The Ministry of Business, Innovation and Employment (MBIE) is responsible for administering Schedule 1 of the of the KiwiSaver scheme rules that apply to all KiwiSaver schemes. More information can be found on MBIE's website at: mbie.govt.nz/business-and-employment/business/financial-markets-regulation/kiwisaver/

Questions 4 and 5

None. Inland Revenue does not take enforcement actions against members breaching the KiwiSaver scheme rules, or for making a false declaration regarding a KiwiSaver withdrawal for the purposes of purchase of a first home.

Publishing of OIA response

We intend to publish our response to your request on Inland Revenue's website (www.ird.govt.nz) as this information may be of interest to other members of the public. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the OIA's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of officials.

Thank you for your request.

Yours sincerely



Andrew Robertson

Group Lead

Customer and Compliance Services, Individuals