



26 February 2024

Dear [REDACTED]

Thank you for your request made under the Official Information Act 1982 (OIA), received on 26 January 2024. You requested:

- 1) *please provide information why our KIWISAVER FUNDS are transferred to a bank, that people have accounts with?*
- 2) *Please provide information as to why our KIWISAVER funds have been issued as an investment to the American company BLACKROCK?*

(Evidence of supporting documents states this).

- 3) *Can you provide a copy of any contract showing; that people have given consent to have their own funds transferred to a bank, and invested.*

(only a signed contract of consent can allow the IRD or Department of Inland Revenue company and bank corporation to make the transfer and issue the funds for investment).

Reminder to your company, that the funds were generated through the pure energy of the people in New Zealand; (fact)

Item 1

As Inland Revenue is not a KiwiSaver provider, it does not retain and invest KiwiSaver funds; therefore, it must transfer the funds to the member's KiwiSaver provider. Several banks are registered KiwiSaver providers, and KiwiSaver members can choose who they wish to be their KiwiSaver provider. You can find a full list of KiwiSaver providers on Inland Revenue's website (www.ird.govt.nz) under "KiwiSaver" or at the [KiwiSaver providers \(ird.govt.nz\)](http://www.ird.govt.nz).

If a person is automatically enrolled into KiwiSaver and they do not choose a KiwiSaver provider, they are allocated to a default provider. Default KiwiSaver providers are appointed by the Ministry of Business, Innovation & Employment (MBIE). You can read about the default providers on MBIE's website (mbie.govt.nz) or at [Appointment of KiwiSaver default providers \(mbie.govt.nz\)](http://mbie.govt.nz).

Item 2

KiwiSaver providers determine where to invest their KiwiSaver contributions. Inland Revenue does not make this decision for KiwiSaver providers. The Financial Markets Authority (FMA)

regulates financial markets, including KiwiSaver scheme providers, and enforces market conduct laws. If a KiwiSaver member is concerned about where their scheme provider is investing KiwiSaver funds, they can approach their scheme provider or the FMA. The FMA's contact details are on its website (fma.govt.nz) or at the link [Contact | Financial Markets Authority \(fma.govt.nz\)](#)

Item 3

As Inland Revenue is not a KiwiSaver provider, it does not retain and invest KiwiSaver funds. The funds must therefore be transferred to a KiwiSaver provider.

Inland Revenue is required by legislation to pass on KiwiSaver members' contributions to their providers. Sections 73(2) and 73(3) of the KiwiSaver Act state (emphasis added):

73 Certain unremitted deductions and employer contributions entered in and paid out of holding account

- (2) *As soon as practicable after receiving employment income information in relation to an amount described in subsection (1), the Commissioner must enter the amount in the holding account in respect of the person, as applicable,—*
- (a) *from whose salary or wages the deduction was made; or*
 - (b) *whom the employer contribution is for.*
- (3) *Subject to sections 75 and 77, as soon as practicable after entering an amount in the holding account under this section, **the Commissioner must pay the amount to the provider of the relevant KiwiSaver scheme, without further authority than this section.***

Inland Revenue's tax technical website (taxtechnical.ird.govt.nz) introduces the KiwiSaver Act 2006. The *Introduction to KiwiSaver* explains that the process involves on-paying (transferring) contributions/funds to KiwiSaver providers (emphasis added):

Government

The [KiwiSaver] Act establishes Inland Revenue as the central administrator of KiwiSaver. This role includes:

- *providing information about KiwiSaver to employers for distribution to employees;*
- *allocating new employees to a default scheme and sending the employee an investment statement for that scheme;*
- ***receiving contributions from employers and others and on-paying these to providers (with interest); and***
- *administering contributions "holidays" and opt-out requests.*

You can read the full article, *Introduction to KiwiSaver*, at taxtechnical.ird.govt.nz or at [Introduction \(ird.govt.nz\)](http://Introduction(ird.govt.nz)).

New KiwiSaver members who are employees receive an information guide, *Your introduction to KiwiSaver – employee information (KS3)*. The guide explains that Inland Revenue transfers a person's KiwiSaver funds to their KiwiSaver provider. Under "making contributions", the form states: "Your employer deducts contributions ... Your employer passes this money to us and we pass it on to your scheme provider".

The information pack is also available on Inland Revenue's website (ird.govt.nz) under "Forms and guides" or at [ks3-2022.pdf \(ird.govt.nz\)](#)

If a KiwiSaver member is concerned about the KiwiSaver process, they can approach their scheme provider or the Financial Markets Authority.

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
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