

Significant financial hardship withdrawal factsheet

Please note:

- Significant financial hardship withdrawals can only be made for locked in retirement savings. There are no circumstances where unlocked retirement savings can be withdrawn as part of a Significant financial hardship withdrawal;
- Members with locked in retirement savings should only consider making a request to withdraw part of their retirement savings due to significant financial hardship as a last resort after considering all alternative options.

Members cannot use significant financial hardship to manage day to day debt. Instead, Members should contact the Employee Assistance Programme for help to review their financial situation.

In this factsheet, you'll find information on how to determine if you are eligible to apply for a Significant Financial Hardship withdrawal of your locked retirement savings, and the process you must follow.

Can I apply for a significant hardship withdrawal?

You can only apply for a significant hardship withdrawal of your locked in retirement savings in a limited set of circumstances. There are no circumstances where unlocked retirement can be withdrawal.

Do any of these apply to you?

- ☐ Unable to pay for minimum living expenses such as power, water, and food bills?
- ☐ Unable to pay minimum mortgage repayments on your principal family home and the bank is seeking to enforce the mortgage?
- ☐ Unable to pay to modify your home to meet special needs if you or a dependent family member is disabled?
- ☐ Unable to pay for medical treatment for you or a dependent family member because of illness, injury, or palliative care?
- ☐ Incurring funeral costs (does not include travel costs) for a dependent family member has died?

YES

If you feel you are suffering hardship from any of the circumstances above, and you have exhausted all other alternative sources of funds, you can apply for a hardship withdrawal.

It's not guaranteed your hardship application will be approved. The Trustee will assess your application objectively based only on the evidence provided in your application. Subjective factors, for example stress or emotions are not deciding factors and not taken in to account.

NO

If your hardship results from something else you are not eligible to apply for a hardship application.

If you need some help with your finances, you could arrange to visit a Budget Adviser in your area. There are lots of free Budget Advisory Services across New Zealand who can give advice about government support, debt consolidation and finance options.

What does all this mean?

Minimum living expenses only include:

- basic food and groceries
- mortgage/rent/board payments
- basic clothing
- utility bills (power, water, phone)
- basic public transport costs
- expenses in relation to any financial dependants with special needs.

Minimum living expenses don't include:

- credit card debt
- fines or infringement notices
- debt collection agency bills
- hire purchase debt
- any costs/debt related in investment or rental properties
- holidays (or debit as a result of holidays)
- travel to visit a sick relative.

Dependant means:

- Only a partner or children (no other person is eligible); and

That person must:

- Must live in the same house as you; and
- Be 100% financially dependent on you for all their living costs.

How much can I apply to withdraw?

You can **apply to withdraw** all of the retirement savings in your **mysuper** account, excluding any Member Tax Credits, and you must retain a minimum account balance of at least \$1,000, excluding any Member Tax Credits, but this doesn't mean that you'll be entitled to receive this amount.

If your application is approved, you'll receive an amount that, in the trustee's opinion, is required to relieve your hardship. Generally, this covers any shortfall for your minimum living expenses for three months, plus an amount to pay any overdue bills or arrears.

How do I apply for a withdrawal and how long will it take?

If you think you're eligible for a hardship withdrawal **you must complete all five steps** below before you will be provided with a Hardship Application Form.

IMPORTANT: you can complete steps 1 -4 simultaneously to keep the timeframe to a minimum. Please note the timeframes associated with each step below are approximate only.

Steps	Timeframe	Written Evidence Required	Who to contact
1 You must, except in the case of incurred funeral costs, attend your employer's Employer Assistance Programme (EAP) and work with them to help get your finances back on track. They can also give you advice about government support, debt consolidation and finance options. Attending EAP and working with them on your finances normally takes 6-8 weeks – You'll be working with them to see what non-minimum costs you can cut from your budget to resolve your hardship yourself.	6-8 weeks	Yes. We'll need to see written evidence* that you've attended EAP	eapservices.co.nz 0800 327 669
2 You must ask Work and Income New Zealand (WINZ) for assistance.	4-6 weeks Plus 14 days for decision	Yes. Whether they can help you or not, we'll need to see written evidence* that you've talked to WINZ	workandincome.govt.nz
3 You must talk to your employer to see whether they will 'cash up' any annual leave.	1-2 weeks	Yes. Whether they can help you or not, we'll need to see written evidence* that you've talked to your employer	hrhelp@acc.co.nz
4 You must ask your bank for help.	1-2 weeks (dependent on your bank)	Whether they can help you or not, we'll need to see written evidence* that you've talked to your bank	Your chosen bank
5 You and your EAP or Budget Adviser must complete the statutory declaration at the back of this factsheet and sign it in the presence of a solicitor, a notary public, a justice of the peace, or a commissioner for oaths.	n/a		A solicitor, a notary public, a justice of the peace, or a commissioner for oaths

* Written evidence on letterhead is required. Emails are not an acceptable form of written evidence.

Once you have completed all five steps, post the evidence and the completed statutory declarations to:

Scheme Secretary
mysuper
 Freepost 130993
 PO Box 242
 Wellington 6011

NO COMPLETED
 FACTSHEETS
 WILL BE ACCEPTED
 VIA EMAIL

Who makes the final decision?

The board of Shamrock Superannuation Limited, Trustee of the my**super** Superannuation Scheme, makes the final decision. They will make their decisions taking into account your individual circumstances and the requirements of the my**super** Trust Deed and/or KiwiSaver Act 2006.

The Trustee's assessment will be on an objective basis of your individual circumstances. The Trustee cannot consider subjective factors (i.e stress or emotions).

The Trustee's assessment will solely be based on the evidence contained in your Hardship Application Form – if it not written down and evidenced in your Hardship Application Form the Trustee cannot consider it. Please take your time and complete every part of the Hardship Application Form. This will give you the best chance for success.

If you are provided with a Hardship Application Form and you provide all of the information the Trustee need to assess your financial situation, once the Trustee receives your completed Hardship Application Form they'll be able to give you an outcome in **20 working days**. If we have to ask for additional information, or the Hardship Application Form is not fully completed this will cause delays.

Member's Personal Details

First Name(s): _____

Last Name: _____

Date of Birth:

D	D	M	M	Y	Y	Y	Y
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Member Number: _____

Address: _____

Postcode: _____

Mobile:

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Personal Email: _____

Privacy

I agree that the Trustee or any of their authorised agents (each an "Authorised Person") may collect and use the information set out in (or in connection with) this Form for the purpose for which it is provided. Each Authorised Person will hold the information securely and may use it in developing and running my**super**. I may ask any Authorised Person, in writing, to show me the personal information it holds about me to make corrections to it. The information set out in this Form will be collected and held by my**super** whose address is Level 7, 19 Aitken Street, Wellington 6011.

Member - Statutory Declaration

Please don't complete this section in advance. It must be completed and signed in front of a Justice of the Peace, a solicitor, Notary Public or other person authorised to take an Oath or Declaration in accordance with section 9 (for declarations made in New Zealand) or with section 11 (for declarations made outside New Zealand) of the Oaths and Declarations Act 1957. A Conveyancer is not authorised for this purpose under the Oaths and Declarations Act 1957 **and is only valid for 30 working days after being completed.**

I, _____
(Name)

of, _____
(Residential address)

Occupation _____

solemnly and sincerely declare that,

- ☐ I understand this is **not** the Hardship Application form (tick);
- ☐ I have read the Privacy Statement in this Form;
- ☐ I understand only locked retirement savings can form part of significant financial hardship withdrawal, and unlocked retirement savings cannot form part of a significant financial hardship withdrawal under any circumstances;
- ☐ I honestly believe I am suffering from significant hardship on one of the following grounds (tick one):
- ☐ Inability to meet minimum living expenses. Minimum living expenses only includes:
 - a. basic food and grocery items; and
 - b. rental accommodation; and
 - c. basic clothing, and
 - d. utility services such as power,
 - e. gas and telecommunications, and
 - f. transportation, and
 - g. fire and general insurances, and
 - h. medical and dental costs necessary for the maintenance of good health, and
 - i. school fees (excluding private school fees or voluntary donations to a state school) and tertiary education costs, and
 - j. other normal (non-luxury) household items (which is based on a normal New Zealand community standards not what you might, subjectively consider to be non-luxury); or
 - ☐ Inability to meet minimum mortgage repayments on my principal family residence as the mortgagee (ie bank) is seeking to enforce the mortgage on the residence; or
 - ☐ Inability to meet costs in respect of modifying a residence to meet special needs arising from my or one of my dependants' disability; or
 - ☐ Inability to meet costs in respect of medical treatment costs for you or your dependants' illnesses or injuries; or
 - ☐ Inability to meet costs for palliative care for you or your dependants; or
 - ☐ Inability to meet funeral costs for your dependants. This **does not** include travel costs to attend a funeral.

Member - Statutory Declaration

- ☐ I have **attached** certified written evidence on letterhead (emails are not an acceptable form of written evidence):
- ☐ Written confirmation from EAP or a budget service showing:
- You have attended EAP or a budget service and the number of sessions you attended; and
 - They have helped you prepared a budget and you have followed this new budget for at least six weeks; and
 - A copy of your new budget; and
 - In the sole and objective option of the EAP provider or budget service you meet one of the hardship criteria specified on **page 1** of this factsheet; and
- ☐ Written confirmation from your bank they cannot help (i.e. you have applied and been declined for a mortgage holiday/personal loan/mortgage top up); and
- ☐ Written confirmation from WINZ they cannot help (i.e. written evidence showing you are not entitled for any assistance from the government); and
- ☐ Written confirmation from your employer they will not allow you cash up any annual leave.
- ☐ I confirm that I understand penalties for making a false declaration and that if it is determined or suspected that a false declaration has been made the Trustee will refer every matter to the New Zealand Police and/or Serious Fraud Office.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature: _____

Declared at:

Location: _____

On

D	D	M	M	Y	Y	Y	Y
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Before:

Name: _____

Occupation: _____

Please print the name and occupation of the person taking the declaration, being a person authorised under the Oaths and Declarations Act 1957.

Signature: _____

Stamp of
authorised
person

EAP or Budget Advisor - Statutory Declaration

Please don't complete this section in advance. It must be completed and signed in front of a Justice of the Peace, a solicitor, Notary Public or other person authorised to take an Oath or Declaration in accordance with section 9 (for declarations made in New Zealand) or with section 11 (for declarations made outside New Zealand) of the Oaths and Declarations Act 1957. A Conveyancer is not authorised for this purpose under the Oath's and Declarations Act 1957 and is only valid for 30 working days after being completed.

I, _____
(Name)

of, _____
(Residential address)

Occupation _____

solemnly and sincerely declare that,

☐ I have seen _____ (full legal name of Member) for at least six sessions over a three-month period; and

☐ I have **attached** a list of the dates and times of those sessions to this Statutory Declaration; and

☐ During those six sessions, I confirm that for each session I worked with _____ (full legal name of Member) on their new budget and identified area for savings which have been implemented in full; and

☐ I confirm I have objectively evidence that all the savings which have been implemented and I have **attached** evidence to this Statutory Declaration to support this confirmation;

☐ I have **attached** copies of _____ (full legal name of Member) old and new budget to this Statutory Declaration; and

☐ In my professional opinion, based only on an objective and evidenced based standard, _____ (full legal name of Member) is (tick one):

☐ Inability to meet minimum living expenses. Minimum living expenses only includes:

- a. basic food and grocery items; and
- b. rental accommodation; and
- c. basic clothing, and
- d. utility services such as power,
- e. gas and telecommunications, and

- f. transportation, and
- g. fire and general insurances, and
- h. medical and dental costs necessary for the maintenance of good health, and
- i. school fees (excluding private school fees or voluntary donations to a state school) and tertiary education costs, and
- j. other normal (non-luxury) household items (which is based on a normal New Zealand community standards not what you might, subjectively consider to be non-luxury); or

☐ Inability to meet minimum mortgage repayments on their principal family residence as the mortgagee (ie bank) is seeking to enforce the mortgage on the residence; or

☐ Inability to meet costs in respect of modifying a residence to meet special needs arising from _____ (full legal name of Member or one of _____ (full legal name of Member dependants' disability; or

☐ Inability to meet costs in respect of medical treatment costs for _____ (full legal name of Member or _____ (full legal name of Member dependants' illnesses or injuries; or

☐ Inability to meet costs for palliative care for _____ (full legal name of Member or _____ (full legal name of Member dependants; or

☐ Inability to meet funeral costs for _____ (full legal name of Member dependants. **This does not include travel costs to attend a funeral.**

☐ I have **attached** certified written evidence on letterhead to objectively (subjective factors cannot be considered) demonstrate how I have reached this option that _____ (full legal name of Member) is suffering from Significant Financial Hardship against the Significant Financial Hardship criteria shown on page 2 of this factsheet.

☐ I confirm that I understand penalties for making a false declaration and that if it is determined or suspected that a false declaration has been made the Trustee will refer **every** matter to the New Zealand Police, Serious Fraud Office and professional body (if applicable).

☐ I confirm I do not have a personal relationship with _____
(full legal name of Member).

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature: _____

Declared at:

Location _____

On

D	D
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M	M
---	---

Y	Y	Y	Y
---	---	---	---

Before:

Name _____

Occupation _____

Please print the name and occupation of the person taking the declaration, being a person authorised under the Oaths and Declarations Act 1957.

Stamp of
authorised
person

Signature: _____

Once you have completed all five steps, post the evidence and the completed statutory declarations to:

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