FMA
FINANCIAL MARKETS AUTHORITY
TE MANA TATAI HOKOHOKO - NEW ZEALAND

WELLINGTON OFFICE
Level 2, 1 Grey Street
Wellington
PO Box 1179, Wellington 6140
PHONE +64 4 472 9830
FAX +64 4 472 8076

Financial Markets Conduct Act (AMP Legacy Superannuation Schemes) Exemption Notice 2016

Pursuant to section 556 of the Financial Markets Conduct Act 2013, the Financial Markets Authority, being satisfied of the matters set out in section 557 of that Act, gives the following notice.

Contents

Notice

1 Title

This notice is the Financial Markets Conduct Act (AMP Legacy Superannuation Schemes) Exemption Notice 2016.

2 Commencement

This notice comes into force on 31 March 2016.

3 Revocation

This notice is revoked on the close of 31 March 2021.

4 Application

An exemption granted by this notice applies to the following superannuation schemes of the manager:—

(a) AMP New Zealand Personal Retirement Plan; and

(b) AMP Passive Personal Retirement Plans – International Passive Shares; and

(c) AMP Passive Personal Retirement Plans - New Zealand Passive Shares; and

(d) AMP New Zealand Personal Superannuation Fund; and

(e) AMP Personal Superannuation Scheme; and

(f) Future Lifestyle Plan; and

(g) National Mutual Individual Lump Sum Superannuation Scheme; and

(h) National Mutual Individual Pension Superannuation Scheme; and

(i) National Mutual Goldline Series Superannuation Scheme; and

(j) Superannuation Master Trust.

5 Interpretation

(1) In this notice unless the context otherwise requires—

Act means the Financial Markets Conduct Act 2013

manager means AMP Wealth Management New Zealand Limited

Regulations means the Financial Markets Conduct Regulations 2014

scheme means each of the superannuation schemes listed in clause 4 of this notice.

(2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this notice has the same meaning as in the Act or the Regulations.

6 Exemption

The manager in respect of each scheme is exempted from:—

(a) regulations 56(1) and 57(d) of the Regulations; and

(b) clauses 53(1)(j) and (k) and 54(1)(a)(ii) and (d) of Schedule 4 to the Regulations.

7 Conditions

The exemptions in clause 6 in respect of each scheme are subject to the conditions that—

(a) the manager is required to make a fund update for each specified fund, specified multi-fund investment option and specified life cycle stage in that scheme publicly available within 3 months after:

  (i) the last day of each disclosure year; or

  (ii) the balance date of the scheme in each year; and

(b) the manager is required to identify at the start of every fund update the last day of the disclosure year or the balance date of the scheme as at which the fund update is prepared; and

(c) the scheme is registered as a legacy scheme for the purposes of the Act and continues to be closed to new members.

Dated at Wellington this 11th day of March 2016.

Liam Mason
Director of Regulation
Financial Markets Authority

Statement of reasons

This notice comes into force on 31 March 2016 and is revoked on 31 March 2021.

The notice exempts AMP Wealth Management New Zealand Limited (the **manager**) from the following provisions in respect of AMP New Zealand Personal Retirement Plan, AMP Passive Personal

Retirement Plans – International Passive Shares, AMP Passive Personal Retirement Plans - New Zealand Passive Shares, AMP New Zealand Personal Superannuation Fund, AMP Personal Superannuation Scheme, Future Lifestyle Plan, National Mutual Individual Lump Sum Superannuation Scheme, National Mutual Individual Pension Superannuation Scheme, National Mutual Goldline Series Superannuation Scheme and Superannuation Master Trust (the **schemes**):

- regulation 56(1) of the Regulations (which requires a manager to make fund updates publicly available within 20 working days after the last quarter of each disclosure year); and
- regulation 57(d) of the Regulations (which requires each such fund update to identify the last day of the quarter as at which it is prepared); and
- clauses 53(1)(j) and (k) of Schedule 4 to the Regulations (which requires a register entry to contain, respectively, a complete list of individual assets and weekly returns information in respect of each specified fund); and
- clauses 54(1)(a)(ii) and (d) of Schedule 4 to the Regulations (which requires the information lodged with the Registrar when updating a register entry to include, respectively, weekly returns information and a complete list of individual assets in respect of each specified fund).

The exemptions are subject to conditions, in respect of each of the schemes, that:—

- the manager is required to make fund updates publicly available within 3 months after either the last day of each disclosure year or the balance date of the scheme in each year;
- the manager is required to identify at the start of every fund update the last day of the disclosure year or the scheme balance date as at which the fund update is prepared; and
- the scheme is registered as a legacy scheme for the purposes of the Act and continues to be closed to new members.

The Financial Markets Authority (**FMA**), after satisfying itself as to the matters set out in section 557 of the Act, considers that it is appropriate to grant the exemption because—

- as closed superannuation schemes, the schemes qualify automatically for restricted status under the Act:
- the manager has advised that it considers management by a licensed manager and oversight by a licensed supervisor a more appropriate governance model for the schemes than the restricted scheme model:
- the manager accordingly does not intend obtaining restricted status for the schemes (which will be registered under the Act as legacy superannuation schemes):
- without this exemption, and due solely to the manager's voluntary adoption for the schemes of a more robust governance model than the Act requires, the manager will lose the benefit of the compliance relief given to restricted schemes under the Regulations regarding the frequency and timing of fund updates and the content of register uploads:
- losing that compliance relief will trigger considerable additional cost and expense for the schemes:
- the granting of the exemption is desirable in order to promote the purposes of the Act, specifically by avoiding unnecessary compliance costs and promoting flexibility in the financial markets.