

Reprint  
as at 28 October 2016



# Financial Markets Conduct (Designation of Restricted Schemes) Order 2016

(LI 2016/199)

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 29th day of August 2016

Present:

The Right Hon John Key presiding in Council

This order is made under clause 23(2) of Schedule 4 of the Financial Markets Conduct Act 2013 on the advice and with the consent of the Executive Council and on the advice of the Minister of Commerce and Consumer Affairs given in accordance with a recommendation of the Financial Markets Authority.

## Contents

	Page
1 Title	2
2 Commencement	2
3 Application	2
4 Designation of managed investment schemes as certain types of scheme	2
5 Revocation	2

---

### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Business, Innovation, and Employment.**

## Schedule

### Designation of schemes as certain types of scheme

3

### Order

#### 1 Title

This order is the Financial Markets Conduct (Designation of Restricted Schemes) Order 2016.

#### 2 Commencement

This order comes into force on 2 September 2016.

#### 3 Application

This order applies to a managed investment scheme on and from the date on which it is treated as being registered under clause 22 of Schedule 4 of the Financial Markets Conduct Act 2013 (the **Act**).

#### 4 Designation of managed investment schemes as certain types of scheme

- (1) The managed investment schemes listed in the Schedule are designated as the type or types of scheme shown in the Schedule.
- (2) For the purposes of the Schedule, a scheme designated—
  - (a) as a legacy scheme in column 3 is designated for the purposes of clause 23(1)(e) of Schedule 4 of the Act;
  - (b) as a restricted legacy scheme in column 4 is designated for the purposes of clause 23(1)(d) and (e) of Schedule 4 of the Act;
  - (c) as a restricted employer-related scheme in column 5 is designated for the purposes of section 172 of the Act;
  - (d) as a workplace savings scheme in column 6 is designated for the purposes of clause 23(1)(f) of Schedule 4 of the Act;
  - (e) as a restricted workplace savings scheme in column 7 is designated for the purposes of clause 23(1)(f) and (g) of Schedule 4 of the Act.
- (3) If a scheme is designated in relation to a section of the scheme, the scheme is designated as the type or types of scheme shown in the Schedule in respect of that section (*see* clause 23(3) of Schedule 4 of the Act).
- (4) In the Schedule, **effective date** in relation to a scheme, means the date on which the scheme is treated as being registered under clause 22 of Schedule 4 of the Act.

#### 5 Revocation

The Financial Markets Conduct (Restricted Schemes) Order 2016 (LI 2016/119) is revoked.

**Schedule**  
**Designation of schemes as certain types of scheme**

cl 4

**Note:** A tick alongside the name of a scheme (or a section of a scheme) means that the scheme (or the scheme in respect of the section) is designated as the type of scheme that appears above the tick.

<b>Column 1</b> <b>Name of scheme</b>	<b>Column 2</b> <b>Approved scheme number</b>	<b>Column 3</b> <b>Legacy scheme</b>	<b>Column 4</b> <b>Restricted legacy scheme</b>	<b>Column 5</b> <b>Restricted employer-related scheme</b>	<b>Column 6</b> <b>Workplace savings scheme</b>	<b>Column 7</b> <b>Restricted workplace savings scheme</b>
3M New Zealand Limited Superannuation Scheme	4456			✓		✓
Accident Compensation Corporation Superannuation Scheme	831			✓		✓
Air New Zealand Superannuation Scheme	606			✓		✓
Akzo Nobel Coatings Superannuation Plan	2623			✓		✓
AlSCO Superannuation Plan	6265			✓		✓
AMI Superannuation Scheme	1019			✓		✓
AMP New Zealand Personal Superannuation Fund	9486					
AMP (New Zealand) Staff Superannuation Plan	9200			✓		✓
AMP (New Zealand) Staff Superannuation Plan (Section 2)	7690			✓		✓
AMP (NMLA) New Zealand Superannuation Scheme	7758			✓		✓
AMP Passive Personal Retirement Plan - International Passive Shares Investment Fund	1319	✓				
AMP Passive Personal Retirement Plan - New Zealand Passive Shares Investment Fund	1318	✓				
AMP Personal Retirement Plan	1235	✓				
AMP Personal Superannuation Scheme	1500	✓				
AMP Superannuation Investment Trust	808	✓				

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer-related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
ANZ National Bank Staff Superannuation Scheme	7727			✓		✓
ANZ National Retirement Scheme	2294			✓		✓
Aon Group Pension Plan	3304			✓		✓
Aon Master Trust	6980					✓
—staff section						
—personal section			✓			
ASB Bank Limited Provident Savings Fund	3183			✓		✓
ASB Superannuation Master Trust	1373					
—specified member section <sup>1</sup>		✓			✓	
—ordinary member section <sup>2</sup>		✓				
—trustee member section <sup>3</sup>		✓				
Ascot	1882					
Asteron Retirement Plus Personal Superannuation Plan	1096		✓			
Asteron Superplan	640		✓			
Automobile Association (Canterbury) Incorporated Staff Superannuation Plan	7143			✓		✓
Bank of New Zealand Officers' Provident Association	3413					✓
Baptist Union Superannuation Scheme	3423					✓
Beca Group Superannuation Plan	3478			✓		✓
Beca Super Scheme	1669			✓		✓
BIC (NZ) Limited Superannuation Scheme	6846			✓		✓
BIL NZ Group Pension Plan	3631			✓		✓
BOC New Zealand Retirement Plan	527			✓		✓
Bostik NZ DB Superannuation Fund	716			✓		✓
BP New Zealand Retirement Plan	3602			✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer- related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
Britannia Superannuation Scheme	1353		✓			
Britannia Superannuation Scheme 2012	1930		✓			
Carter Holt Harvey Retirement Plan	2266			✓		✓
Colgate-Palmolive Limited Superannuation Plan	7375			✓		✓
Commercial Union General Insurance Staff Pension Scheme	4000			✓		✓
Craigs Investment Partners Superannuation Scheme	1642					
—employer section <sup>4</sup>						✓
—individual member section <sup>5</sup>			✓			
Dairy Industry Superannuation Scheme	4126			✓		✓
Defence Force Superannuation Scheme	1331	✓				
Deloitte Retirement Plan	1181		✓			
DIC New Zealand Superannuation Scheme	3947			✓		✓
Douglas Pharmaceuticals Limited Staff Superannuation Scheme	9762			✓		✓
EDS (New Zealand) Staff Superannuation Fund	4139			✓		✓
Employee Retirement Plan	1423			✓		✓
Evergreen Retirement Trust	1924		✓			
Fairfax New Zealand Retirement Fund	351			✓		✓
Fairfax NZ Senior Executive Superannuation Scheme	5777			✓		✓
Fidelity Super-Super Plan, Number 3	1052	✓				
Fisher Funds LifeSaver Plan	1121				✓	
—workplace savings section <sup>6</sup>						
—individual investor section <sup>5</sup>		✓				
Fletcher Building Retirement Plan	8985			✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer-related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
Fonterra Superannuation Scheme	743			✓		✓
Foodstuffs Provident Fund	5154			✓		✓
Foodstuffs (Wellington) Co-operative Society Limited Superannuation Scheme	3760			✓		✓
Ford Motor Company of New Zealand Limited Pension Fund	6238			✓		✓
FreedomPlan	1098	✓				
Fuji Xerox New Zealand Superannuation Plan	1346			✓		✓
Future Lifestyle Plan	6166	✓				
FuturePlan	410	✓				
GBP International Superannuation Scheme	1960		✓			
Glaxo New Zealand Pension Plan	5360			✓		✓
GMI Superannuation Scheme	1758				✓	
—employer section <sup>7</sup>		✓				
—legacy section <sup>8</sup>						
Goodman Fielder (NZ) Retirement Plan	4760			✓		✓
Guardian Assurance Superannuation Plan	5431			✓		✓
Heinz-Wattie Pension Plan	991			✓		✓
Holcim (New Zealand) Limited Superannuation Fund	2234			✓		✓
Holden New Zealand Limited Pension Plan	1499			✓		✓
i-Select Superannuation Scheme	1953	✓				
IBM New Zealand Limited Pension Scheme	5773			✓		✓
Imperial New Zealand Superannuation Fund	4889			✓		✓
Inland Revenue Department Superannuation Scheme	1027			✓		✓
Investor Choice Superannuation Scheme	1794		✓			

<b>Column 1</b> <b>Name of scheme</b>	<b>Column 2</b> <b>Approved scheme number</b>	<b>Column 3</b> <b>Legacy scheme</b>	<b>Column 4</b> <b>Restricted legacy scheme</b>	<b>Column 5</b> <b>Restricted employer- related scheme</b>	<b>Column 6</b> <b>Workplace savings scheme</b>	<b>Column 7</b> <b>Restricted workplace savings scheme</b>
IRIS Super	686					✓
Johnson & Johnson (New Zealand) Limited Staff Pension Plan	5939			✓		✓
KPMG Retirement Savings Plan	1066			✓		✓
Lion Employee Benefit Plan	2324			✓		✓
Local Government Superannuation Scheme	1527			✓		✓
Maritime Retirement Scheme	3390			✓		✓
Marsh & McLennan New Zealand Superannuation Scheme	5176			✓		✓
Meat Industry Superannuation Scheme	823			✓		✓
Medical Assurance Society Retirement Savings Plan	1086					✓
—workplace savings section <sup>9</sup>						
—individual section <sup>10</sup>			✓			
Mercer (NZ) Retirement Plan	8949			✓		✓
Mercer Super Trust	1320				✓	
—Section A of the DC Division <sup>11</sup>						
—Section B of the DC Division <sup>12</sup>		✓				
MFL Mutual Fund	2282					
Mobil Employee Retirement and Benefits Plan	1825		✓			✓
National Mutual Goldline Series Superannuation Scheme	770	✓				
National Mutual Individual Lump Sum Superannuation Scheme	6974	✓				
National Mutual Individual Pension Superannuation Scheme	6973	✓				
Nestlé New Zealand Pension Fund	6652			✓		✓
New Zealand Anglican Church Pension Fund	2022					✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer-related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
New Zealand Automobile Association Incorporated Superannuation Scheme	923			✓		✓
New Zealand Fire Service Superannuation Scheme	6231			✓		✓
New Zealand Harbours Superannuation Plan	224			✓		✓
New Zealand Post Superannuation Scheme	6206			✓		✓
New Zealand Refining Company Pension Fund	2301			✓		✓
New Zealand Retirement Trust	1200				✓	
—workplace savings section <sup>13</sup>		✓				
—personal section <sup>5</sup>						
New Zealand Steel Pension Fund	2310			✓		✓
NZ Endeavour Fund	1911		✓			
Orica New Zealand Limited Retirement Plan	5775			✓		✓
Otis NZ Superannuation Plan	9280			✓		✓
Peat Marwick Mitchell (Auckland) Superannuation Fund	9208			✓		✓
Penrose Retirement Scheme	1700		✓			
PGG Wrightson Employee Benefits Plan	4883			✓		✓
Police Superannuation Scheme	987			✓		✓
Portfolio Superannuation Fund	6899					
Presbyterian Church of Aotearoa New Zealand Beneficiary Fund	2675	✓				
—Part C open defined benefit section						✓
—Part B closed defined benefit section			✓			
Reckitt & Coleman New Zealand Pension Fund	2776			✓		✓
Reed Elsevier New Zealand Superannuation Scheme	3741			✓		✓
Renold New Zealand Limited Superannuation Plan	7745			✓		✓



Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer- related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
Reserve Bank of New Zealand Staff Superannuation and Provident Fund	2817			✓		✓
RIG Superannuation Fund	2917			✓		✓
Rio Tinto New Zealand Retirement Fund	1192			✓		✓
Sealed Air (New Zealand) Superannuation Fund	5336			✓		✓
Shell New Zealand Pension Plan	3037			✓		✓
SIFCO Distributors Limited Superannuation Trust Fund	4398			✓		✓
SIL Mutual Fund Employer Lump Sum Scheme	6293		✓			
SIL Mutual Fund Personal Lump Sum Scheme	6288		✓			
Smith & Nephew Limited Superannuation Scheme	3100			✓		✓
Southern Cross Building Society Staff Superannuation Scheme	1160			✓		✓
Sovereign Staff Retirement Fund	3980			✓		✓
Suncorp New Zealand Superannuation Scheme	1363			✓		✓
Super Trustee Fund	1837		✓			
Superannuation Master Trust	1365	✓				
Superbond 2000 Retirement Plan	433		✓			
SuperLife	1068				✓	
—SuperLife workplace savings section <sup>6</sup>						
—SuperLife legacy section <sup>14</sup>		✓				
Supernumerary Fund of the Methodist Church of New Zealand	1772		✓			
The Asteron Superannuation Fund	9958		✓			
The Church of Jesus Christ of Latter-Day Saints Deseret Benefit Plan of New Zealand	9576					✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted employer-related scheme	Column 6 Workplace savings scheme	Column 7 Restricted workplace savings scheme
The Colonial Motor Company Limited Staff Superannuation Fund	7284			✓		✓
The IVCN (NZ) PIE Superannuation Fund	1865	✓				
The Retire Fund	791					✓
—participating party section						
—private member section			✓			
The Salvation Army Lay Workers Superannuation Plan	8834			✓		✓
The Salvation Army New Zealand Officers' Superannuation Scheme	2042					✓
The Tasman-Kaingaroa Employees Retirement Scheme	6681			✓		✓
The United Distillers (NZ) Limited Pension Fund	4243			✓		✓
Todd Group Pension Plan Trust	4474			✓		✓
Toyota New Zealand Group Pension Plan	4018			✓		✓
Unilever New Zealand Superannuation Scheme	1241			✓		✓
UNISAVER New Zealand	981			✓		✓
Unisys New Zealand Employees Retirement Income Fund	3722			✓		✓
Vero and Asteron New Zealand Staff Pension Scheme	3356			✓		✓
Westpac New Zealand Staff Superannuation Scheme	7436			✓		✓
Westpac Retirement Plan	9390	✓				
Whitcoulls Group Pension Fund	2938			✓		✓
Winstone Pulp International Superannuation Plan	461		✓			
Works Superannuation Scheme	486			✓		✓
Wrightson Retirement Scheme	1090			✓		✓
Wrigley Company (NZ) Limited Retirement Income Scheme	4938			✓		✓

**Notes**

- 1 Section that accepts contributions from participating employers who have signed an admission deed and from their employee members
- 2 Section that accepts contributions only from individual or joint natural persons who are members on the effective date
- 3 Section that accepts contributions only from persons who are trustees or managers of a scheme and who are members on the effective date
- 4 Section that accepts contributions only from participating employers who have signed a participating agreement and from members associated with a participating employer
- 5 Section that accepts contributions only from natural persons who are members on the effective date
- 6 Section that accepts contributions only from participating employers who have signed a participation agreement or deed
- 7 Section that admits as members (both in its conditions of entry of scheme participants and in the way those conditions are applied on entry) only either or both of the following: (i) eligible individuals (within the meaning of section 130 of the Act); and (ii) persons who are the trustees or managers of a retirement scheme
- 8 Section that accepts contributions only from members of the scheme (other than members of the employer section) on the effective date who are individuals or the trustees or managers of a retirement scheme
- 9 Section that accepts contributions only from members who join on or after the effective date
- 10 Section that accepts contributions only from members who join before the effective date
- 11 Section that accepts contributions from participating employers who have signed a participation deed and from members associated with a participating employer
- 12 Section that is closed to new members on and from the effective date but in respect of which contributions may be accepted in respect of existing members
- 13 Section that: (i) admits as members (both in its conditions of entry of scheme participants and in the way those conditions are applied on entry) only either or both of the following: (A) eligible individuals (within the meaning of section 130 of the Act); and (B) persons who are the trustees or managers of a retirement scheme; and (ii) includes members admitted as eligible individuals who choose to remain as members of this section upon ceasing to be subject to the rules of the relevant employer agreement
- 14 Section that accepts contributions only from designated employee members, individual members, spouse members, and myFutureFund members
  - Schedule: amended, on 28 October 2016, by clause 4(1) of the Financial Markets Conduct (Designation of Restricted Schemes) Amendment Order 2016 (LI 2016/250).
  - Schedule: amended, on 28 October 2016, by clause 4(2) of the Financial Markets Conduct (Designation of Restricted Schemes) Amendment Order 2016 (LI 2016/250).

Michael Webster,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 1 September 2016.

## **Reprints notes**

### **1 *General***

This is a reprint of the Financial Markets Conduct (Designation of Restricted Schemes) Order 2016 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2 *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3 *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4 *Amendments incorporated in this reprint***

Financial Markets Conduct (Designation of Restricted Schemes) Amendment Order 2016 (LI 2016/250)