

## **Other Material Information – Powers in the trust deed and at law**

This document relates to the Kiwi Wealth KiwiSaver Scheme ('Scheme') and should be read in conjunction with the Scheme's Product Disclosure Statement.

In this document Kiwi Wealth Limited ('we', 'our', or 'us') provides a general overview of some powers in the trust deed for the Scheme and at law that may have a material impact on the Scheme.

The information in this document could change in the future. Please check the offer register at <http://www.companiesoffice.govt.nz/disclose> for any updates.

### **We can change the Trust Deed**

We can make changes to the Trust Deed with the agreement of the Supervisor, and within the rules of the Financial Markets Conduct Act, if either:

- the Supervisor is satisfied that amendment does not have a material adverse effect on members; or
- the amendment has been approved by (or is contingent on approval by) a special resolution of members (or, if applicable, of each class of members) that is or may be adversely affected by the amendment.

The Trust Deed could also be amended in any other manner permitted by law.

If the terms of the Instrument of Appointment are not consistent with the Trust Deed, the terms of the Instrument of Appointment override the Trust Deed.

### **The Kiwi Wealth KiwiSaver Scheme could close down**

We could decide to close the Scheme in the circumstances provided for in the Trust Deed. The Scheme could also be closed by order of the court (on the application of the Financial Markets Authority or the Supervisor).

If this happens, we will first pay the costs of closing down the Scheme, including paying costs and any withdrawals that have become payable from the Scheme's assets. Then your remaining interest in the Scheme will be transferred to another KiwiSaver scheme. You would be able to choose what KiwiSaver scheme you transfer to.

### **Changes required by law**

We will make changes that are required by law, such as changes to reflect the KiwiSaver Act, the Financial Markets Conduct Act and other legislation we are required to comply with.