Submission on discussion document: *Exposure draft: Financial Markets Conduct (Regulated Financial Advice Disclosure) Amendment Regulations 2019*

Your name and organisation

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Responses to discussion document questions

1	Will the proposed record-keeping requirement be workable in practice?
	Keeping a record of the disclosures made with a reference to the version disclosed could be workable. However, keeping copies of the files that support each individual record can quickly escalate into a storage issue. In this regard we would like clarification if the intended record is to contain -information only- without any attachments.
2	Do you have any comments on the drafting of the Regulations that will require information to be made publicly available?
	Regarding the nature and scope of the advice there is a mention to “limitations”. Please define, what do you mean by “limitations”? An adviser can either offer a product or not, therefore the accreditation on the product with the provider. We don’t see how these “limitations” would apply in this case.
3	Do you have any comments on the draft Regulations that will require the disclosure of information when the nature and scope of the advice is known?
	There seems to be an overlap with the “information to be made publicly available”. Specifically, “licensing information” and “availability of information” seem to be repeated. If we already have disclosed on the website “licensing” and “availability”, what is the purpose of disclosing them again when the “nature and scope is known”? In our view the information would not be materially different to justify the need to disclose it two times.
4	Do you have any comments on the draft Regulations that will require the disclosure of information when the financial advice is given?
	Given 229G’s objective of presenting clear, concise and effective information we don’t see how disclosing at this point the “complaints handling and dispute resolution” would help to meet this objective. We believe giving this “complaint handling” information at this point will encourage complaints that are not complaints. i.e.: you don’t buy a vehicle and with the keys receive a

	card saying here is where you can complain if you have any issues. We consider the information “on the website” and “when a complaint is made” to be enough to inform a customer about the complaints process. On a similar note the “duties information” should be on the website and not at this point as advisers will have the same set of duties regardless of the advice. Rather there is no benefit of lengthening up the disclosure at this point with the same duties all over again every time. Again, “availability of information” seems to be repeated vs “when the nature and scope is known” and “publicly available”. We consider disclosing “availability of information” once in the website should be enough.
5	Do you have any comments on the draft Regulations that will require the disclosure of a provider’s complaints handling and dispute resolution processes when a complaint is received?
	No comments.
6	Do you have any comments on the draft Regulations that set the manner in which information must be disclosed?
	No comments.
7	Are there instances in your business when regulation 229D might apply to someone who is not the one to give advice to the client? Please give examples and provide any comments on how the draft Regulations apply in such scenarios.
	No comments.
8	Do you have any further comments on new regulation 229A to 229H of the draft Regulations?
	Overall there seems to be quite the overlap of information as stated above. Our general view is that all generic information should be on the website and only the bits that are directly relevant to the advice and the advisor be the ones disclosed when the “nature and scope is known”, and when the “financial advice is given”.
9	Do you have any further comments on new Schedule 21A in the draft Regulations?
	229G purpose will not be achieved if we make our disclosures using legislation’s and regulator’s language. Would it be acceptable for us to use our brand of plain English on each disclosure as long as we can demonstrate to the regulator that each bit of these disclosures does match requirements?
10	What (if any) transitional provisions should be included in the regulations?
	No comments.