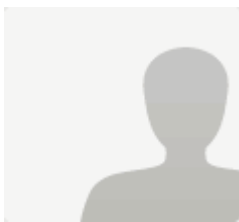


#31



COMPLETE

PAGE 2: Role and regulation of financial advice

Q1: Do you agree that financial adviser regulation should seek to achieve the identified goals? If not, why not?

Respondent skipped this question

Q2: What goals do you consider should be more or less important in deciding how to regulate financial advisers?

Respondent skipped this question

Q3: Does this definition adequately capture what financial advice is? If not, what changes should be considered?

Respondent skipped this question

Q4: Is the distinction in the Financial Advisers Act (FA Act) between wholesale and retail clients appropriate and effective? If not, what changes should be considered?

Respondent skipped this question

Q5: Is the distinction in the Act between a personalised financial service and a class service appropriate and effective? If not, what changes should be considered?

Believe the QFE's purport to issue personalised financial advice, when in fact they represent only one provider. RFA's with a number of agency agreements can demonstrate unbiased costings and policy differences through a number of providers, also needing to demonstrate in writing why a particular insurance provider is the best fit for the consumer (be it- price or policy wording/ client state of health, etc).

Q6: Is it appropriate to have different requirements on advisers depending on the risk and complexity of the products they advise upon?

Yes. Insurance advisors counselling business people and companies would need a greater knowledge than an advisor consulting with a family to cover mortgage/ health, etc.

Q7: Does the current categorisation system accurately reflect the level of complexity and risk associated with financial products? If not, how could it be improved?

Respondent skipped this question

Q8: Do you think that the term Registered Financial Adviser (RFA) gives consumers an accurate understanding of what these advisers are permitted to provide advice on and the requirements that apply to them? If not, should an alternative term be considered?

No. When he explain the differences verbally to a potential client, it induces glazed eyes," like yeah, so what". Would recommend the terms Insurance Broker or adviser, mortgage broker or advisor, investment advisor. This is everyday parlance in New Zealand that most can readily identify with. Still require all RFA and AFA's to be registered.

Q9: Are the general conduct requirements applying to all financial advisers, including RFAs, appropriate and adequate? If not, what changes should be considered?

Yes

Q10: Do you think that disclosing this information is adequate for consumers? Should RFAs be required to disclose any additional information?

No

Q11: Are there any particular issues with the regulation of RFA entities that we should consider?

Adequate as is

Q12: Are the costs of maintaining an adviser business statement justified by its benefits? If not, what changes should be considered?

Marginal

Q13: Is the distinction between an investment planning service and financial advice well understood by advisers and their clients? Are any changes needed to the way that an investment planning service is regulated?

N/A

Q14: To what extent do advisers need to exercise some degree of discretion in relation to their clients' investments as part of their normal role?

n/a

Q15: Should any changes be considered to reduce the costs on advisers who exercise some discretion, but are not offering a funds management-type service?

n/a

Q16: Are the current disclosure requirements for Authorised Financial Advisers (AFAs) adequate and useful for consumers?

n/a

Q17: Should any changes be considered to improve the relevance of these documents to consumers and to reduce the costs of producing them?

/a

Q18: Do you think that the process for the development and approval of the Code of Professional Conduct works well?

yes

Q19: Should any changes to the role or composition of the Code Committee be considered?

No

Q20: Is the Financial Advisers Disciplinary Committee an effective mechanism to discipline misconduct against AFAs?

Respondent skipped this question

Q21: Should the jurisdiction of this Committee be expanded?

Respondent skipped this question

Q22: Does the limited public transparency around the obligations of Qualifying Financial Entities (QFEs) undermine public confidence and understanding of this part of the regulatory regime?

Yes

Q23: Should any changes be considered to promote transparency of QFE obligations?

QFE's and their staff should have the same duties of disclosure as RFA's. It seems they get away with murder. I have been approached by banking staff, intending to sell me life insurance, travel insurance, Kiwi saver and there advice is laughable, in fact embarrassing. There is no process, no needs analysis, no recommendation advice, no culpability. They expect to make a sale in 15 minutes, I would need to spend 5 to 6 hours on the same product, justifying and proving this is the correct product - this is an RFA being compliant.

Q24: Are the current disclosure requirements for QFE advisers adequate and useful for consumers?

No

Q25: Should any changes be considered to improve the relevance of these documents to consumers or to reduce the costs of producing them?

n/A

Q26: How well understood are the broker requirements in the FA Act? How could understanding be improved?

N/A

Q27: Are these requirements necessary and/or adequate to protect client assets? If not, why not?

Respondent skipped this question

Q28: Should consideration be given to introducing disclosure requirements for brokers? If so, what would need to be disclosed and why?

Respondent skipped this question

Q29: What would be the costs and benefits of applying the broker requirements in the FA Act to insurance intermediaries?

Respondent skipped this question

Q30: Are the requirements on custodians effective in reducing the risk of client losses due to misappropriation or mismanagement?

Respondent skipped this question

Q31: Should any changes to these requirements be considered?

Respondent skipped this question

Q32: Is the scope of the FA Act exemptions appropriate? What changes should be considered and why?

Respondent skipped this question

Q33: Does the FA Act provide the Financial Markets Authority (FMA) with appropriate enforcement powers? If not, what changes should be considered?

Respondent skipped this question

Q34: How accessible and useful is the guidance issued by the FMA? Are there any improvements you would like to see?

IT'S OK

PAGE 3: Key FA Act questions for the review

Q35: What changes should be considered to make the current regulatory regime simpler and easier for consumers to understand? For example, removing or clarifying the distinction between AFAs and RFAs.

I'm all for QFE's and RFA's requiring to lift their game to the same level only if this results in better consultative results for the consumer. Basically consumers do not know the distinction at present and all they want to know is "can you give me good insurance advice or good mortgage advice".

Q36: To what extent do consumers understand that some financial advisers' primary roles may be selling financial products, rather than solely acting as an unbiased adviser to their clients?

Consumers still recognise us as an insurance agent/broker or mortgage broker, they don't recognise RFA, AFA or QFE (not interested in the distinctions). Our clients primary concern is obtaining advice on a variety of insurance products and in particular from a variety of insurance providers. It is our knowledge and expertise that consumers are seeking from us as opposed to Australian bank QFE staff.

Q37: Should there be a clearer distinction between sales, information provision, and advice? How should such a distinction be drawn? What should or should not be included in the definition of financial advice?

The current situation works well as it protects the consumer and the advisor. After discussion with the consumer it is ascertained as to what advise the client requires ie. Health insurance (limited advise), or 'protect them from all risks' (full recommendation). To surmise - the current definitions on financial advise are fine.

Q38: Do you think that current AFA disclosure requirements are effective in overcoming problems associated with commissions and other conflicts of interest?

No comment

Q39: How do you think that AFA information disclosure requirements could be improved to better assist consumer decision making?

No comment

Q40: Do you support commission and conflict of interest disclosure requirements being applied to all financial advisers? If so, what requirements are appropriate for different adviser types?

No changes are required

Q41: Do you think that commissions should be restricted or banned in relation to financial advice, and if so, in what way? What would be the costs and benefits of such an approach?

No commissions should not be restricted as it will impact on the level of independent advice consumers receive. Consumers are constantly looking at ways to reduce their premium costs and sometimes it may mean having to place their business with an alternative provider. Consumers want the very best products at the very best price.

Q42: Has the right balance been struck between ensuring advisers meet minimum quality standards and ensuring there is competition from a wide range of providers (and potential providers)?

Yes

Q43: What changes could be made to increase the levels of competition between advisers?

NIL. The only competition is between QFE's. and their sales staff having to reach specific sales targets. Independent advisers do not compete with each other. One either wins or loses a client and generally it is based on personality.

Q44: Do you think that the Code of Professional Conduct for AFAs strikes the right balance between requiring them to understand their clients and ensuring that consumers can get advice on discrete issues?

No comment

Q45: To what extent do you think that the categorisation of types of advice and advisers is distorting the types of advice and information that is provided?

It has no impact as client

Q46: Are there specific compliance requirements from the FA Act regulation that have affected the cost and availability of independent financial advice?

Respondent skipped this question

Q47: How can regulatory requirements be made less onerous without reducing the quality and availability of financial advice?

NO comment

Q48: What impact has the Anti-Money Laundering and Countering Finance of Terrorism Act had on compliance costs for advisers? How could these costs be minimised?

No comment

Q49: What impact do you expect that KiwiSaver decumulation will have on the market for financial advice in New Zealand? Are any specific changes to regulation needed to specifically promote the availability of KiwiSaver advice?

No comment

Q50: What impact do you expect that the introduction of the Financial Markets Conduct Act (FMC Act) will have on the market for financial advice in New Zealand? Should any changes to the regulation of advice be considered in response to these changes?

Respondent skipped this question

Q51: Do you think that international financial advice is likely to increase? Is the FA Act set up appropriately to facilitate and regulate this?

Respondent skipped this question

Q52: How beneficial are the current arrangements for trans-Tasman mutual recognition of qualifications? Should further arrangements be considered?

Respondent skipped this question

Q53: In what ways do you expect new technologies will change the market for financial advice?

Respondent skipped this question

Q54: How can government keep pace with technological developments to ensure that quality standards for advice are maintained, without inhibiting innovation?

Respondent skipped this question

Q55: Are the minimum ethical standards for AFAs appropriate and have they succeeded in fostering the ethical behaviour of AFAs?

Respondent skipped this question

Q56: Should the same or similar ethical standards apply to all types of financial advisers?

Respondent skipped this question

Q57: What is an appropriate minimum qualification level for AFAs?

Respondent skipped this question

Q58: Do you think that RFAs (for example insurance or mortgage brokers) should be required to meet a minimum qualification relevant to the area of advice they specialise in? If so, what would be an appropriate minimum qualification?

Respondent skipped this question

Q59: How much consideration should be given to aligning adviser qualifications with those applying in other countries, particularly Australia?

Nil. The Australian insurance market is very different to New Zealand.

Q60: How effective have professional bodies been at fostering professionalism among advisers?

Personally I prefer aggregator groups as opposed to PAA.

Q61: Do you think that professional bodies should play a formal role in the regulation of financial advisers and if so, how?

No

Q62: Should any changes be considered to the relative obligations of individual advisers and the businesses they represent? If so, what changes should be considered?

No

Q63: Is the QFE system achieving its goals in terms of consumer protection and reducing compliance costs for large entities? If not, what changes should be considered?

Absolutely not. Who really cares about compliance costs for large corporate entities - I'm certain consumers don't. It seems AFA's and RFA's are nailed down by the FA. QFE's seem to have a license for shoddy service, shoddy products, shoddy advice through shoddy education of their staff. There is an absolute double standard -

Aussie banks flexing muscle versus SME insurance/ mortgage advisers (also the one's that pay tax into the NZ economy). Compliance costs seem to be a fact of life - why should Aussie bank QFE's be given special treatment.

PAGE 4: Role of financial service provider registration and dispute resolution

Q64: Do you agree that the Register should seek to achieve the identified goals? If not, why not?

Respondent skipped this question

Q65: What goals do you consider should be more or less important in reviewing the operation of the Register?

Respondent skipped this question

Q66: Do you agree that the dispute resolution regime should seek to achieve the identified goals? If not, why not?

Yes

Q67: What goals do you consider should be more or less important in reviewing the dispute resolution regime?

No comment

PAGE 5: How the FSP Act works

Q68: Does the FMA need any other tools to encourage compliance with financial service provider (FSP) registration? If so, what tools would be appropriate?

Respondent skipped this question

Q69: What changes, if any, to the minimum registration requirements should be considered?

Respondent skipped this question

Q70: Does the requirement to belong to a dispute resolution scheme apply to the right types of financial service providers?

Yes

Q71: Is the current framework for the approval of dispute resolution schemes appropriate? What changes, if any, should be considered?

Respondent skipped this question

Q72: Is the current framework for monitoring dispute resolution schemes adequate? What changes, if any, should be considered?

Respondent skipped this question

Q73: Is the existence of multiple schemes and the incentive to retain and attract members sufficient to ensure that the schemes remain efficient and membership fees are controlled?

We should have choice. If there was only one disputes resolution provider fees would probably increase as there is no competition.

Q74: Should the \$200,000 jurisdictional limit on the size of claims that dispute resolution schemes can hear be raised in respect of other types of financial services, and if so, what would be an appropriate limit?

Respondent skipped this question

Q75: Should additional requirements to ensure that financial service providers are able to pay compensation to consumers be considered in New Zealand?

Respondent skipped this question

PAGE 6: Key FSP Act questions for the review

Q76: What features or information would make the Register more useful for consumers?

Respondent skipped this question

Q77: Would it be appropriate for the Register to include information on a financial adviser's qualifications or their disciplinary record?

Respondent skipped this question

Q78: Do you consider misuse of the Register by offshore financial service providers is a significant risk to New Zealand's reputation as a well-regulated jurisdiction and/or to New Zealand businesses?

Respondent skipped this question

Q79: Are there any changes to the scope of the registration requirements or the powers of regulators that should be considered in response to this issue?

Respondent skipped this question

Q80: What are the effects of (positive and negative) competition between dispute resolution schemes on effective dispute resolution?

Respondent skipped this question

Q81: Are there ways to mitigate the issues identified without losing the benefits of a multiple scheme structure?

Respondent skipped this question

Q82: Are the current regulatory settings adequate in raising awareness of available dispute resolution options? How could awareness be improved?

Respondent skipped this question

PAGE 7: Demographics

Q83: Please provide your name and/or the name of the group of people, business, or organisation you are providing this submission on behalf of:

Rod Kelk and Yvonne Procter from Insurance Works Ltd

Q84: Please provide your contact details:

18(d)

Q85: Are you providing this submission: AS AN INDIVIDUAL AND ON BEHALF OF AN ORGANISATION Insurance Works Ltd

Q86: If submitting on behalf of an organisation: How many people are in the organisation, or work in the organisation, that you are providing this submission on behalf of? 1-5

Q87: I would like my submission (or specified parts of my submission) to be kept confidential, and explain my reasons for this, for consideration by MBIE: NO
