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Code Working Group
c/o Code Secretariat (Max Lin)
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Submission on the Code of Professional Conduct for Financial Advice Services

Thank you for the opportunity to comment on the draft Code of Professional Conduct for Financial Advice Services (**Code**).

ANZ Bank New Zealand Limited (**ANZ**) would like to commend the Code Working Group (**CWG**) on the work that it has done in preparing the draft Code. We also continue to support the CWG's principles based approach to drafting the Code, which should allow for flexible application across a wide range of financial advice situations.

ANZ's responses to the questions on the Code standards in the consultation paper are set out in Appendix I.

About ANZ

ANZ is the largest financial institution in New Zealand. The ANZ group comprises brands such as ANZ, UDC Finance, ANZ Investments, ANZ Securities and Bonus Bonds.

ANZ offers a full range of financial products and services including a significant range of financial advisory services, personal banking, institutional banking and wealth management services. ANZ is a Qualifying Financial Entity under the current Financial Advisers Act regime and has over 4,000 QFE Advisers providing advice on 32 different product types. ANZ is also an employer of over 100 Authorised Financial Advisers.

Disclosure of Potential Conflict

ANZ notes that Melanie Biss, an ANZ employee, is a member of the current Code Committee. To avoid any conflict, Melanie was not involved in preparing ANZ's submission.

Contact for submission

ANZ welcomes the opportunity to discuss our submission with CWG officials. Please contact Jason Moss, Head of Regulatory Affairs, at [s 9\(2\)\(a\)](#)

Once again, we thank the CWG for the opportunity to comment on the draft Code.

Yours sincerely
[s 9\(2\)\(a\)](#)


Chief Risk Officer

Appendix I – ANZ’s response

A. [Standard 1] Treat clients fairly and act in their interests

We agree with the inclusion of a standard that seeks to promote treating clients fairly.

We note that the new section 431J of the Financial Markets Conduct Act (**FMC Act**) (proposed under the Financial Services Amendment Bill (**FSLAB**)), will impose a statutory duty on financial advice providers to take all reasonable steps to give priority to client’s interests. Therefore, the Code should not introduce the obligation to “act in their interests”, as it will likely confuse the interpretation of the statutory duty. We also note that a broader requirement to act in the client’s interests was considered through the FSLAB consultation process but that did not go any further than the proposed section 431J. The CWG should take care not to revisit the policy intent around the inclusion of this duty. We recommend that this part of the Code Standard be removed.

We also recommend the Code Standard be amended to ensure clients are treated reasonably. This is consistent with the approach taken in the New Zealand Bankers’ Association Code of Banking Practice.

We are unclear about the CWG’s intention behind the reference to fairness not being “one-sided” in the commentary. If the intention is that what is fair in the circumstances also depends on the conduct of clients then we recommend that some commentary to that effect should be included.

We are also concerned about the codification of “acting in accordance with the spirit and intent of a person’s legal obligations”. While we presume the aim is to encourage financial advice providers to take a less legalistic approach to compliance, this may have the potential to be interpreted very broadly, and as a result could create an amount of compliance uncertainty. We recommend that this be removed from the Code Standard.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 1] Treat clients fairly and *reasonably* act in their interests

*A person who gives financial advice must always treat clients fairly and **reasonably** act in their interests.*

COMMENTARY

*Fairness ~~is not one-sided and depends on~~ **what is reasonable** in the particular circumstances **and includes the conduct of the client**. Treating clients fairly usually includes:*

- *treating clients with respect*
- *listening to clients, considering their views and responding to their concerns and preferences*
- *communicating with clients in a timely, clear and effective manner*
- *not **deliberately** exploiting clients’ vulnerabilities, including lack of financial knowledge*
- ~~*applying business practices that promote the interests of clients, having regard to the nature and scope of the financial advice*~~
- ~~*acting in accordance with the spirit and intent of the person’s legal obligations, including under the FMC Act, FMC Regulations and the code.*~~

Other standards in the code and obligations under the FMC Act and the FMC Regulations address specific elements of treating clients fairly. Those obligations and standards do not limit this standard.

B. [Standard 2] Act with integrity

We agree with the inclusion of a standard that seeks to promote integrity.

We presume the CWG's intention in the commentary is to create a concept of "openness" and that could be specifically included. We also think the example in the commentary is confusing in an advice context and recommend that it be removed.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 2] Act with integrity

A person who gives financial advice must always act with integrity.

COMMENTARY

A person who acts with integrity is open, honest and consistently does the right thing.

The standard applies to giving financial advice and to the activities and business practices that surround and support the giving of financial advice. For example, it includes how a person who gives financial advice:

- ~~• describes themselves and their business~~
- ~~• publishes and shares information with clients, prospective clients and the public~~
- ~~• interacts with clients, prospective clients, colleagues, regulators, and the public.~~

C. [Standard 3] Manage conflicts of interests

We agree with the inclusion of a standard that seeks to promote the effective management of conflicts of interest.

However, we consider that the focus should be on those providing financial advice identifying, assessing and appropriately managing conflicts of interests. It should therefore be over to financial advice providers to implement systems and procedures to appropriately deal with this, subject to section 431J of the FMC Act. There will be conflicts of interests in many business models and the inclusion of the wording "where practicable, avoid conflicts of interests" will create concern for financial advice providers regarding compliance with this Code Standard. We presume it is not the intention of the CWG to limit the operation of any particular business model, which is consistent with the commentary provided in FSLAB. We also expect that the related disclosure regulations will deal with the disclosure requirements in relation to conflicts of interests. Therefore, we recommend that reference to the various proposed arrangements, including disclosure be removed from the Code Standard.

If the CWG decides to retain the proposed arrangements those arrangements should be re-ordered more logically and also acknowledge the reduction or mitigation of conflicts as alternatives to avoidance. The commentary should then also make it clear that the standard doesn't prevent the operation of organisations whose business models have inherent conflicts of interest. Also, any reference to disclosure of conflicts of interest to clients should be subject to the existing disclosure regulations that are in existence.

We also consider that the Code Standard should include a materiality threshold, consistent with the equivalent standard under the Code of Professional Conduct for Authorised Financial Advisers.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 3] *Appropriately manage* Manage conflicts of interests

A person who gives financial advice must have arrangements in place to *identify, assess and appropriately manage conflicts of interests that might materially influence the financial advice given to clients, including arrangements to:*

- ~~where practicable, avoid conflicts of interests~~
- ~~identify conflicts of interests~~
- ~~ensure that conflicts of interests are controlled in accordance with the requirements of the FMC Act~~
- ~~adequately disclose conflicts of interests to clients.~~

Conflict of interests: Section 431J of the FMC Act requires that, where there is a conflict of interests, priority must be given to the client's interests by taking all reasonable steps to ensure that the advice is not materially influenced by the other interests. Conflicts of interest may also need to be disclosed to clients in accordance with the requirements of the FMC Regulations.

D. [Standard 4] Take reasonable steps to ensure that the client understands the financial advice

We agree with the inclusion of a standard that seeks to ensure clients understand the financial advice.

However, it is unclear how financial advice providers are expected to demonstrate that a client understands the financial advice under this Code Standard across a wide range of financial advice situations, including where financial advice is provided through brochures or other material that is not personalised. Therefore it should be clearer that financial advice providers can take steps to demonstrate that the client implicitly understands the financial advice. An explanation or an example in the commentary may be helpful in this regard.

We do not think the Code Standard should refer to the duty under section 431I as part of the standard as this relates to a different part of the advice process. However, reference to section 431I at the end of the commentary may offer a useful reminder to financial advice providers of other duties under the FMC Act.

We are unsure how well the commentary generally supports the Code Standard and we consider this should focus more on sufficient information being provided and that information being provided in a way that clients can use it to make informed decisions.

We generally consider the use of examples in the Code to be helpful where they are sufficiently clear and can be flexible in how they are applied. However, where the examples relate to areas that are currently being considered by industry bodies or regulators, there is a risk of confusion, or may offer less flexibility in their application, then they should not be included in the Code. For those reasons we recommend that any examples related to replacement insurance business should be removed from the Code.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 4] Take reasonable steps to ensure that the client understands the financial advice

Having regard to the nature and scope of the financial advice, Aa person who gives financial advice must take reasonable steps to ensure that the client understands the financial advice and all material risks and consequences of:

- *the financial advice, and*
- ~~the nature and scope of the financial advice (and of any limitations on the nature and scope)~~
- *all material risks and consequences of following the financial advice, including any associated fees and costs.*

COMMENTARY

Sufficient information should be given to clients, and that information should be delivered in a way, that enables clients Clients should be to be able to make informed decisions about the financial advice, for example:

- *whether the nature and scope of the financial advice is acceptable to them*
- *whether the fees and costs associated with following the financial advice, including for example those of any financial advice product or platform, are acceptable to them*
- *whether to act on the financial advice*
- *the nature or extent of any ongoing advice support, and whether and when to seek additional financial advice.*

While there will be situations where it will be possible to obtain explicit acknowledgement from clients that they understand the financial advice, there will be circumstances where it will also be reasonable to demonstrate that clients implicitly understand the financial advice. The code does not limit the ways a person may demonstrate a client's understanding.

Section 431I of the FMC Act requires that a person must not give financial advice unless the person has taken reasonable steps to ensure that the client understands the nature and scope of the financial advice, including any limitations on the nature and scope. The standard requires that reasonable steps must be taken to ensure that the client also understands the material risks and consequences of that nature and scope.

Information that does not aid the client's understanding of the financial advice may not need to be given to the client. For example, some details about suitability that are not relevant to the client's understanding of the financial advice may be retained in internal work papers.

Example: Beth, a financial adviser, recommends that a client replace an existing life insurance policy with a new policy that provides similar benefits to the existing one. The nature and scope of the financial advice given by Beth excludes a comparison between the existing and the new policy. Beth therefore explains to the client that there are some situations that are covered under the existing policy (including specific benefits,

~~premiums applicable now and in the future, health events or life events) that may not be covered under the new policy, and conditions that may apply because of the replacement (such as a requirement for underwriting, loading as a result of the change in health circumstances, and any stand down periods). Beth checks that client understands each of these risks and consequences.~~

If the CWG decides to retain the replacement insurance business example we recommend the following minimum changes:

*Example: Beth, a financial adviser, recommends that a client replace an existing life insurance policy with a new policy that provides similar benefits to the existing one. The nature and scope of the financial advice given by Beth excludes a comparison between the existing and the new policy. Beth therefore explains to the client that **she hasn't compared the two policies and there are** might be some **material differences between the two policies** situations that are covered under the existing policy (including such as specific benefits, **different** premiums applicable now and in the future, **cover for certain** health events or life events) that may not be covered under the new policy, and conditions that may apply **or consequences** because of the replacement (such as a requirement for underwriting, loading as a result of the change in health circumstances, and any stand down periods). Beth checks that **the** client understands **this** each of these risks and consequences.*

E. [Standard 5] Give financial advice that is suitable for the client

We agree with the inclusion of a standard that seeks to ensure the financial advice is suitable for the client.

However, similarly to Code Standard 4, this standard should be subject to a reasonableness test. We also consider it important that various aspects of this Code Standard have regard to the nature and scope of the financial advice. It is also unclear how this approach is intended to work across a wide range of financial advice scenarios and further, what "the strategy underpinning the financial advice" means.

As with Code Standard 4, this may be another situation where the example may offer less flexibility in how financial advice providers may apply similar scenarios and should be removed from the Code.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 5] Have reasonable grounds that the Give financial advice that is suitable for the client

~~A person who gives financial advice must **have reasonable grounds** ensure that the financial advice is suitable for the client. The person must have reasonable grounds for the financial advice, having regard to the nature and scope of the financial advice and the client's circumstances.~~

*Reasonable grounds for the financial advice means grounds that a prudent person engaged in the profession of giving financial advice would consider to be adequate in the same circumstances, **having regard to the nature and scope of the financial advice including in relation to:***

- ~~• the strategy underpinning the financial advice~~
- ~~• each financial advice product covered by the financial advice.~~

The client's circumstances means those aspects of the client's situation, needs, goals, and risk tolerance that a prudent person engaged in the profession of giving financial advice would **take into account in providing** ~~consider to be relevant to the financial advice, having regard to the nature and scope of the financial advice.~~

COMMENTARY

Suitability, in this context, requires the financial advice to be matched to the client's circumstances so that the product or plan is appropriate for the client, having regard to the nature and scope of the financial advice.

In some situations, **this may involve** an in-depth analysis of the client's circumstances ~~may be required. In others, that may be based on~~ it may be reasonable to conclude that ~~the financial advice is suitable where the client's circumstances include~~ particular characteristics **of the client's circumstances.**

If the nature and scope of the financial advice includes an ~~actual or implied~~ comparison between two or more financial advice products, the financial advice should be based on an assessment and comparison of each product. This includes, for example, where an existing product held by the client is being replaced by a new product which provides similar features or benefits.

A person who gives financial advice may rely on another person's assessment of a financial advice product or strategy. The person giving the advice should be able to demonstrate that it is reasonable to rely on the other person.

~~Example: A client wants to deposit a one off lump sum with a bank at a branch and asks what type of account should be used to invest the money. The implied nature and scope of the advice is limited to bank account products offered by that bank. The teller asks a few questions to confirm relevant aspects of the client's circumstances, such as when the client will need the money and whether it is possible that the money might be required sooner. The teller has access to the bank's systems that show the client's personal details and that the client already has a transaction account with the bank. The bank has a system to identify what bank products are suitable for a client whose circumstances include particular characteristics. Based on the bank's system, the teller recommends investing the money in a 12 month term deposit account rather than a savings account. The teller briefly explains to the client what the advice is, its limitations, and how to get further advice when the investment matures. The teller checks that the client understands those matters. An electronic file note is kept by the bank of the advice that was given and why it was suitable for the client.~~

[Standard 6] Protect client information

We disagree with the inclusion of this standard and recommend that this Code Standard be removed.

To the extent other legislative regimes (including the Privacy Act) or duties of confidentiality or privacy apply, financial advice providers will need to determine the extent to which the Code may conflict with, or extend, those obligations i.e. use of anonymised client information. Therefore, it is likely that the introduction of this standard will create a significant compliance burden for financial advice providers. We also note that if drafted adequately, the unethical use of client data could arguably be captured within the other standards.

However, if the Code Standard is not removed, we suggest the following minimum drafting changes be made to the Code Standard:

[Standard 6] Protect client information

A person who gives financial advice must take reasonable steps to protect client information against loss and unauthorised access, use, modification, or disclosure.

COMMENTARY

Client information includes all information about clients that is collected or held by a person who gives financial advice. That includes, but is not limited to, information in work papers and records, and the financial advice given to clients.

~~*Unless disclosure is required by law or the client agrees otherwise, client information about a particular client may be used only for giving financial advice to the client or another purpose that is directly related to giving that financial advice. This applies even where the client information would be used for another purpose in an anonymised form.*~~

~~*Physical and electronic security measures should be maintained so that only authorised personnel of the financial advice provider have access to client information.*~~

~~*Client information should only be held for as long as it is required for the purposes of the engagement, or to comply with a regulatory requirement. The client information then should be returned to the relevant client or disposed of securely.*~~

~~*There are also other legal obligations relating to client information. Those obligations include privacy law (for example, the Privacy Act 1993) and laws that require or enable disclosure of client information in certain circumstances (for example, under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009). **The code is subject to those legal obligations and does not seek to create greater legal obligations than those that otherwise exist.***~~

F. [Standard 7] Resolve complaints

We agree with the inclusion of a standard that seeks to promote the effective management of complaints.

However, given the Code relates to financial advice, it would be appropriate to limit the definition of "complaint" to complaints about financial advice. Unless amended, the proposed definition of complaint and commentary will likely create a significant compliance burden in relation to the acknowledgement and provision of information to clients on options for resolving a complaint, particularly where the complaint can be easily resolved, for example, at the point of first contact. We also note that aspects of the commentary are more process oriented than principles based and those may be better dealt with as part of the disclosure regulations.

We also note that the proposed approach is not in line with that of external dispute resolution schemes generally, where escalation occurs if the complaint remains unresolved.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 7] Resolve complaints

*A person who gives financial advice must provide arrangements for resolving complaints by clients **about that financial advice.***

A complaint is an expression of dissatisfaction made to or about a person, related to its *financial advice*, ~~products, services, staff~~ or the handling of a complaint *about financial advice*, where a response or resolution is explicitly or implicitly expected or legally required.

COMMENTARY

The arrangements for resolving complaints should include an appropriate internal complaints process.

Where a complaint is unresolved, ~~The~~the arrangements should provide for the client to be given a prompt acknowledgement of the complaint and information about other options for resolving the complaint, for example how to escalate the complaint to an external dispute resolution scheme or to the Financial Markets Authority.

Where practicable, the investigation and assessment of complaints should be independent of any individual who may have been involved in the cause of the complaint.

G. [Standard 8] Not bring the financial advice industry into disrepute

We agree with the inclusion of a standard that seeks to protect the reputation of the financial advice industry.

However, we consider the standard to be broad enough without extending to "...promote confident and informed participation by consumers in financial markets". The wider provisions of the FMC Act should suitably cover behaviour that impacts participation in financial markets. We understand this has been included from the purpose provisions of the FMCA which are designed to be read in conjunction with each other. We recommend that this wording be removed from the Code Standard.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 8] *Not bring the financial advice industry into disrepute*

A person who gives financial advice must:

- ~~• always act in a manner that promotes confident and informed participation by consumers in financial markets~~
- *not do anything that would, or would be likely to, bring the financial advice industry into disrepute.*

COMMENTARY

The standard prohibits conduct that would undermine public trust or confidence in financial markets or the financial advice industry.

The standard does not prevent the person from:

- *commenting in good faith on the business, actions, or inactions of any other person (including any financial advice provider, financial adviser, regulatory authority, or industry body), or regarding the industry generally*
- *exercising the person's reporting powers under section 431R of the Act.*

H. [Standard 9] Have general competence, knowledge, and skill

We agree with the inclusion of a standard that seeks to provide minimum standards of general competence, knowledge and skill.

However we think the standard could be clearer that:

- certain designations (including NZFMA accredited individuals or certified financial planners) could also be treated as meeting the requirements of certain qualification outcomes; and
- in relation to nominated representatives, the standard is met where the combined capabilities of the nominated representative and financial advice provider is equivalent to those of an individual who alone has achieved the general qualification outcomes.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 9] *Have general competence, knowledge, and skill*

The minimum standards of general competence, knowledge, and skill are the general qualification outcomes of the New Zealand Certificate in Financial Services (Level 5) approved by the New Zealand Qualifications Authority in September 2014 (NZQA reference 2315). The general qualification outcomes are the core qualification outcomes (graduate outcomes 1-4) and the qualification outcomes under the financial advice strand.

The code does not limit the ways that a person may demonstrate their general competence, knowledge, and skill. However, a person may demonstrate the standard by any one of these in many ways, including:

Individuals

- *have the New Zealand Certificate in Financial Services (Level 5) or the National Certificate in Financial Services (Financial Advice) (Level 5)*
- *be an authorised financial adviser immediately before the commencement of the code*

Entities

- *give financial advice only through individuals who can demonstrate the standard*
- *have procedures, systems and expertise that together mean that the entity has the capabilities equivalent to those of an individual who alone has achieved the general qualification outcomes*

Nominated representatives

- *complete the learning outcomes specified for their role by their financial advice provider that mean that, so that together with the procedures, systems and expertise of the financial advice provider, the nominated representative has the combined capabilities of the nominated representative and the financial advice provider are equivalent to those of an individual who alone has achieved the general qualification outcomes.*

COMMENTARY

[Consultation note: The CWG intends to review the latest version of the Level 5 qualification in force at the time the draft code is submitted to the Minister for approval and, if satisfied that its qualification outcomes are appropriate, specify that version in the code.]

A person seeking to demonstrate that an alternative qualification *or designation* satisfies the standard, should be able to demonstrate equivalence in an objective, measurable and independently verifiable manner. Overseas qualifications *or designations* should be accompanied by demonstration of an up-to-date understanding of the regulatory framework for financial advice in New Zealand.

~~Older relevant qualifications may be used to demonstrate achievement of qualification outcomes provided the~~A person *should also be able to*an demonstrate how they have maintained competence, knowledge, and skill since attaining the qualification *or designation*, including having an up-to-date understanding of the regulatory framework for financial advice in New Zealand.

Example: A financial advice provider gives advice only through three nominated representatives. Each nominated representative completes Level 5 and therefore they and the financial advice provider all meet the standard.

Example: A financial advice provider gives advice through a nominated representative. The nominated representative completes the in-house training required by the financial advice provider. The financial advice provider's procedures, systems and expertise include an advice process that the nominated representative must follow, checking and other controls for the financial advice, expertise of the supervisor, and expertise of the person who designed the advice process. The training, taken together with those factors, means that the ~~nominated representative has~~combined capabilities *are* equivalent to the qualification outcomes *and*. ~~The nominated representative and the financial advice provider therefore both meet the standard~~ *is met*.

I. [Standard 10] Keep competence, knowledge, and skill up-to-date

We agree with the inclusion of a standard that seeks to provide minimum standards of competence, knowledge and skill for designing an investment plan.

We are also supportive of the approach of not specifying any minimum hours of continuing professional development in this Code Standard.

J. [Standard 11] Have particular competence, knowledge, and skill for designing an investment plan

We agree with the inclusion of a standard that seeks to provide minimum standards of competence, knowledge and skill for designing an investment plan.

However, we have similar comments to those provided in relation to Code Standard 9.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 11] *Have particular competence, knowledge, and skill for designing an investment plan*

The minimum standards of particular competence, knowledge, and skill for designing an investment plan are the qualification outcomes under the investment strand of the New Zealand Certificate in Financial Services (Level 5) approved by the New Zealand Qualifications Authority in September 2014 (NZQA reference 2315).

The code does not limit the ways that a person may demonstrate their particular competence, knowledge, and skill for designing an investment plan. However, a person may demonstrate the standard by any one of these in many ways, including:

Individuals

- have achieved the qualification outcomes under the investment strand of the New Zealand Certificate in Financial Services (Level 5) or of the National Certificate in Financial Services (Financial Advice) (Level 5)
- be an authorised financial adviser immediately before the commencement of the code

Entities

- give financial advice only through individuals who can demonstrate the standard
- have procedures, systems and expertise that together mean that the entity has the capabilities equivalent to those of an individual who alone has achieved the qualification outcomes under the investment strand of the New Zealand Certificate in Financial Services (Level 5)

Nominated representatives

- complete the learning outcomes specified for their role by their financial advice provider ~~that mean that,~~ so that together with the procedures, systems and expertise of the financial advice provider, ~~the nominated representative has the~~ combined capabilities of the nominated representative and the financial advice provider are equivalent to those of an individual who alone has achieved the qualification outcomes under the investment strand of the New Zealand Certificate in Financial Services (Level 5).

COMMENTARY

This standard is an interim standard. The Code Committee intends to consult in the future on whether higher qualifications should be required to demonstrate particular competence, knowledge, and skill for designing an investment plan for new entrants to the sector after a future date.

K. [Standard 12] Have particular competence, knowledge, and skill for other types of financial advice

We agree with the inclusion of a standard that seeks to provide minimum standards of competence, knowledge and skill for other types of financial advice.

However, we have similar comments to those provided in relation to Code Standard 9 and we also query whether the reference to the "investment strand", in relation to individuals in the Code Standard is applicable in this context.

Accordingly, we suggest the following drafting changes be made to the Code Standard:

[Standard 12] Have particular competence, knowledge, and skill for other types of financial advice

The minimum standards of particular competence, knowledge, and skill for other types of financial advice are the qualification outcomes under the relevant strand of the New Zealand Certificate in Financial Services (Level 5) approved by the New Zealand Qualifications Authority in September 2014 (NZQA reference 2315).

The relevant strand means the product strand of the Level 5 qualification that is most relevant to the type of financial advice product to which the financial advice relates. If the financial advice relates to more than one type of financial advice product, the relevant strand means the product strands that are relevant to all those products.

The code does not limit the ways that a person may demonstrate their particular competence, knowledge, and skill for other types of advice. However, ~~a~~ A person may demonstrate the standard by ~~any one of these~~ in many ways, including:

Individuals

- have achieved the qualification outcomes of the relevant strand of the New Zealand Certificate in Financial Services (Level 5) or of the National Certificate in Financial Services (Financial Advice) (Level 5)
- ~~in the case of the investment strand,~~ be an authorised financial adviser immediately before the commencement of the code

Entities

- give financial advice only through individuals who can demonstrate the standard
- have procedures, systems and expertise that together mean that the entity has the capabilities equivalent to those of an individual who alone has achieved the qualification outcomes of the relevant strand of the New Zealand Certificate in Financial Services (Level 5)

Nominated representatives

- complete the learning outcomes specified for their role by their financial advice provider that mean that, ~~so that~~ together with the procedures, systems and expertise of the financial advice provider, ~~the nominated representative has the combined capabilities of the nominated representative and the financial advice provider are~~ equivalent to those of an individual who alone has achieved the qualification outcomes of the relevant strand of the New Zealand Certificate in Financial Services (Level 5).