

How to have your say

Submissions process

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the questions raised in this document.

- Submissions on the questions in Part 3 of this paper (relating to the Financial Service Providers Register) are due by **5pm on Friday 29 January 2016**.
- Submissions on the questions in Part 1 and Part 2 of this paper are due by **5pm on Friday 26 February 2016**.

Your submission may respond to any or all of these questions. We also encourage your input on any other relevant work. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.

Please include your name, or the name of your organisation, and contact details. You can make your submission:

- By filling out the submission template online.
- By attaching your submission as a Microsoft Word attachment and sending to faareview@mbie.govt.nz.
- By mailing your submission to:

Financial Markets Policy
Ministry of Business, Innovation & Employment
PO Box 3705
Wellington
New Zealand

Please direct any questions that you have in relation to the submissions process to:

faareview@mbie.govt.nz.

Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on the operation of the Financial Advisers Act 2008 and the Financial Service Providers (Registration and Dispute Resolution) Act 2008.

We may contact submitters directly if we require clarification of any matters in submissions.

Submissions are subject to the Official Information Act 1982. MBIE intends to upload PDF copies of submissions received to MBIE's website at www.mbie.govt.nz and will do so in accordance with that Act.

Please set out clearly with your submission if you have any objection to the release of any information in the submission, and in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information under that Act.

If your submission contains any confidential information, please indicate this on the front of the submission, mark it clearly in the text, and provide a separate version excluding the relevant information for publication on our website.

MBIE reserves the right to withhold information that may be considered offensive or defamatory.

The Privacy Act 1993 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review.

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Chapter 3 – Barriers to achieving the outcomes

1. Do you agree with the barriers outlined in the Options Paper? If not, why not?
Advisers need to educate consumers on the advice given and limitations so it can be understood.
Consumers need to understand what advice they will receive from different classes of advisers. I.e QFE advisers, Registered Advisers and Authorised Advisers.
Consumers will continue to ask the Uncle or cousin that may have a little knowledge and again need to be aware of seeking the right advice from the right adviser.
2. Is there evidence of other major barriers not captured in the Options Paper? If so, please explain.
Clients not disclosing all information, so a full understanding of their situation may not be available, thus the advice may not be appropriate unless full disclosure is given.

Chapter 4 – Discrete elements

3. Which options will be most effective in achieving the desired outcomes and why?
Option 2 as all advisers need to be compliant and consumers interests are paramount.
Advisers that deal in complex matters need to be compliant in that area. There is no need for advisers to be compliant in areas they do not give advice in or will ever give advice in. The consumer will need to be aware of the advisers limitations.
4. What would the costs and benefits be of the various options for different participants (consumers, financial advisers, businesses)?
Advisers giving complex advice are usually in a niche market and will get rewarded through a fee charged for their professional advice. Businesses would be willing to pay for the specialist advice given and they would benefit by having a specialist adviser to guide them.
5. Are there any other viable options? If so, please provide details.

Enter text here.

4.1 Restrictions on who can provide certain advice

6. What implications would removing the distinction between class and personalised advice have on access to advice?
If Personal advice is given , then the consumer would use an adviser giving personal advice to meet their needs .
Consumers need continuing access to personalised advise as all consumers are different in their needs and goals.
7. Should high-risk services be restricted to certain advisers? Why or why not?
Yes as some advisers are competent to give advice in these areas. Others that are not competent should not advise in high risk services
8. Would requiring a client to 'opt-in' to being a wholesale investor have negative implications on advisers? If so, how could this be mitigated?
Enter text here.

4.2 Advice through technological channels

9. What ethical and other entry requirements should apply to advice platforms?
Disclosure to consumers that advice is class advice , not personalised.
Limitations of advice given should be fully disclosed and understood.
10. How, if at all, should requirements differ between traditional and online financial advice?
Consumers should be required to sign off that they do understand the difference in how they receive advice and any limitations. Requirements should not differ as the outcome for consumers is still the most important issue.
11. Are the options suggested in this chapter sufficient to enable innovation in the adviser industry? What other changes might need to be made?
Enter text here.

4.3 Ethical and client-care obligations

12. If the ethical obligation to put the consumers' interests first was extended, what would the right obligation be? How could this be monitored and enforced?
Enter text here.
13. What would be some practical ways of distinguishing 'sales' and 'advice'? What obligations should salespeople have?
Sales are restricted to only one product line that the adviser can offer. An adviser can offer a selection of options to the consumer and they can select what suits them best with the appropriate advice . Advice will cover benefits and disadvantages where sales may be restricted to just benefits.
14. If there was a ban or restriction on conflicted remuneration who and what should it cover?
Enter text here.

4.4 Competency obligations

15. How can competency requirements be designed to lift capability, without becoming an undue barrier to entry and continuation in the profession?

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16. Should all advisers be subject to minimum entry requirements (Option 1)? What should those requirements include? If not, how should requirements differ for different types of advisers?

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4.5 Tools for ensuring compliance with the ethical and competency requirements

17. What are the benefits and costs of shifting to an entity licensing model whereby the business is accountable for meeting obligations (Option 1)? If some individual advisers are also licensed (Option 2), what specific obligations should these advisers be accountable for?

Enter text here.

18. What suggestions do you have for the roles of different industry and regulatory bodies?

Enter text here.

4.6 Disclosure

19. What do you think is the most effective way to disclose information to consumers (e.g. written, verbal, online) to help them make more effective decisions?

In written reports with all available relevant information being available.

20. Would a common disclosure document for all advisers work in practice?

No, as expert advisers would need to disclose their areas of work and others disclose their limited advice areas.

21. How could remuneration details be disclosed in a way that would be meaningful to consumers yet relatively simple for advisers to produce?

Instead of dollar amounts a percentage figure is clear enough to clients. Giving ranges of where commission may lie between is not clear to clients as commission is a single figure once the deal is completed. Remuneration details should be given after the completion as a percentage, and this can be given before a contract is put in place.

4.7 Dispute resolution

22. Is there any evidence that the existence of multiple schemes is leading to poor outcomes for consumers?

No.

23. Assuming that the multiple scheme model is retained, should there be greater consistency between dispute resolution scheme rules and processes? If so, what

particular elements should be consistent?

Enter text here.

24. Should professional indemnity insurance apply to all financial service providers? PI cover should apply to all financial service providers as anyone can make an error unintentionally and this could lead to being not in the clients best interest. The consumers need a system that will protect them regardless of what the provider is.

4.8 Finding an adviser

25. What is the best way to get information to consumers? Who is best placed to provide this information (e.g. Government, industry, consumer groups)?

The industry itself and a register with consumer awareness that such a list exists .

Consumers enquiring for an adviser can be directed to a list which they can select from based on areas of expertise, geographical location , and experience.

26. What terminology do you think would be more meaningful to consumers?

Keeping it simple

4.9 Other elements where no changes are proposed

The definitions of ‘financial adviser’ and ‘financial adviser service’

27. Do you have any comments on the proposal to retain the current definitions of ‘financial adviser’ and ‘financial adviser service’?

Enter text here.

Exemptions from the application of the FA Act

28. Are those currently exempt from the regime posing undue risk to consumers through the provision of financial advice in the normal course of their business? If possible, please provide evidence.

Enter text here.

Territorial scope

29. How can the FA Act better facilitate the provision of international financial advice to New Zealanders, without compromising consumer protection? Are there other changes that may be needed to aid this, beyond the technological options outlined in Chapter 4.2?

Click here to enter text.

30. How can we better facilitate the export of New Zealand financial advice?

Enter text here.

The regulation of brokers and custodians

31. Do you have any comments on the proposal to retain the current approach to regulating broking and custodial services?

Enter text here.

Chapter 5 – Potential packages of options

32. What are the costs and benefits of the packages of options described in this chapter?
Enter text here.
33. How effective is each package in addressing the barriers described in Chapter 3?
Enter text here.
34. What changes could be made to any of the packages to improve how its elements work together?
Enter text here.
35. Can you suggest any alternative packages of options that might work more effectively?
Enter text here.

Chapter 6 – Misuse of the Financial Service Providers Register

36. Do you agree with our assessment of the pros and cons of the options to overcome misuse of the FSPR?
Enter text here.
37. What option or combination of options do you prefer and why? What are the costs and benefits?
Enter text here.
38. What are the potential risks and unintended consequences of the options above? How could these be mitigated?
Enter text here.
39. Would limiting public access to parts of the FSPR help reduce misuse?
Enter text here.

Demographics

1. Name:
Tim Stevenson A.F.A
Ark Financial Group Christchurch
2. Contact details:
3. Redacted
4. Are you providing this submission:
 As an individual
 On behalf of an organisation
(Describe the nature and size of the organisation here)

5. Please select if your submission contains confidential information:

I would like my submission (or specified parts of my submission) to be kept confidential, and attach my reasons for this for consideration by MBIE.

Reason: [Enter text here.](#)