



ASIC

Australian Securities & Investments Commission

CONSULTATION PAPER 22

Licensing: Discretionary powers

June 2001

Your comments

You are invited to comment on the proposals and issues for consideration in this paper. All submissions will be treated as public documents unless you specifically request that we treat the whole or part of your submission as confidential.

Comments are due by Thursday 5 July 2001 and should be sent to:

**Roxanna Irvin
FSR Project Office
Regulatory Policy Branch
Australian Securities & Investments Commission
GPO Box 4866
Sydney NSW 1042
email: FSRProjectOffice@asic.gov.au**

You can also contact the ASIC Infoline on 1300 300 630 for information and assistance.

What this policy proposal is about

1 This policy proposal paper explains how ASIC will approach relief from compliance with Parts 7.6 to 7.8 of the *Financial Services Reform Bill 2001* (the Bill). These parts of the Bill relate to the licensing and conduct and disclosure requirements that apply to providers of financial services.

2 The paper discusses:

- (a) our general policy on relief from Parts 7.6 to 7.8 of the Bill including how you can apply for relief (**Section A**);
- (b) how Parts 7.6 to 7.8 of the Bill will affect our existing licensing policies, including a list of those policy publications that will continue to provide guidance (and in some cases, be applied more widely, eg to custodians or depositories) (**Section B**); and
- (c) how we propose to use our power to impose conditions on a licence (**Section C**).

3 This paper also includes two schedules:

- (a) **Schedule 1** sets out some proposed licence conditions that support the administration of the new legislative regime; and
- (b) **Schedule 2** sets out in tables the extent to which our existing policy and guidance publications that provide significant guidance relevant to Parts 7.6 to 7.8 of the Bill will apply after commencement of the Bill.

4 For a detailed discussion of our approach to relief from compliance with Parts 7.9 of the Bill, see our FSRB Policy Proposal Paper No 5 *Disclosure: Discretionary powers and transition* (April 2001).

Contents

What this policy proposal is about	3
Policy proposals.....	5
A How will we exercise our licensing-related discretionary powers under the Bill?	6
B How does the Bill affect our existing licensing policies?	12
C What licence conditions will apply?	19
Schedule 1 – Some proposed administrative licence conditions	23
Schedule 2 – Tables of policies.....	27
A Managed investment schemes.....	29
B Life insurance.....	47
C General insurance	48
D Superannuation	50
Regulatory and financial impact	51
Development of policy proposal	53
Key terms	54
What will happen next?.....	57
Related papers.....	58
To find out more about FSRB.....	60

Policy proposals

We have three sets of policy proposals. For each of these proposed policies we have listed various aspects of those proposals which we are considering and have raised issues which we would like you to comment on. When necessary we have also included some explanations of our proposals.

Schedule 1 sets out some proposed licence conditions that support the administration of the new legislative regime.

Schedule 2 sets out in tables the extent to which our existing policy and guidance publications that provide significant guidance relevant to Parts 7.6 to 7.8 of the Bill will apply after commencement of the Bill.

Special note: We want to provide you with guidance about our plans for policy and processes as soon as we can to help you plan effectively. While we have done our best to cover the main issues, you will need to make your own preparation plans. It is possible we have missed some issues or have not taken into account the way the new legislation will affect specific industry situations. *We are keen to hear from you on our general approach, and what might be missing from it, as well as your answers to specific questions.*

A How will we exercise our licensing-related discretionary powers under the Bill?

Policy proposal	Your feedback
<p>What are the criteria for relief?</p> <p>A1 We will consider giving relief under 911A(2)(1), 951B and 992B to address atypical or unforeseen circumstances and unintended consequences of Parts 7.6 to 7.8 of the Bill. We will take into account whether:</p> <ul style="list-style-type: none"> (a) strict compliance with the Law would be impossible or disproportionately burdensome; (b) persons to whom financial services are provided would still have the protection intended by Parliament; and (c) those to whom the relief applies will receive any benefits. <p>Note: Our power to give relief by modification under:</p> <ul style="list-style-type: none"> (a) 951B is restricted by 951B(2); and (b) 992B is restricted by 992B(2). <p>A2 Our powers in 951B and 992B extend to any definitions, regulations and transitional provisions that apply for the purposes of Parts 7.7 and 7.8 of the Bill.</p> <p>A3 This paper does not apply to approval of dispute resolution arrangements under 912A(g) and 919A(e).</p> <p>Note: For discussion of our policy proposals on the approval of external and internal dispute resolution arrangements, see our FSRB Policy Proposal Paper <i>No 7 Licensing: External and internal dispute</i></p>	<p>A1Q1 Are these considerations clear enough? If not, what further guidance should we provide, and why?</p>

Policy proposal

resolution procedures (June 2001).

A4 References in this paper to Part 7.6 of the Bill exclude 912A(g) and 919A(e). References to Part 7.7 and 7.8 of the Bill include any definitions, regulations and transitional provisions that apply for the purposes of Part 7.7 and 7.8 of the Bill.

We will use powers in exceptional circumstances

A5 We envisage that our powers under 911A(2)(l), 951B and 992B, taking into account the considerations in policy proposal paragraph A1, will be exercised only in exceptional circumstances.

A6 If you seek relief under our new exemption or modification powers under Part 7.6 to 7.8 you will have to clearly satisfy us that giving any relief is consistent with the effect of the new legislative regime intended by Parliament.

When will we give transitional relief?

A7 We will consider transitional relief from Parts 7.6 to 7.8 of the Bill and from the old Law that apply during the transitional period, where it would address unintended burdens arising from transition to the Bill, while at the same time balancing consumer protection objectives.

Note: The Government intends to table amendments to the Bill in order to provide transitional arrangements: see the Media Release of the Minister for Financial Services and Regulation dated 5 April 2001, No. FSR/026). We will review our proposed policy to ensure it is consistent with the transitional provisions under the Bill, once the transitional regime becomes clearer.

Your feedback

A7Q1 What specific transitional relief may be necessary?

A7Q2 What are the consumer protection objectives that may affect the form of appropriate transitional relief?

Policy proposal	Your feedback
<p>A8 We consider that the onus is on regulated bodies to start preparing early and to complete the transition to the new regime within the statutory timeframe. Towards the end of the transition period, we will grant applications for transitional relief only where you clearly demonstrate that the difficulties are genuinely unforeseeable and beyond your control.</p> <p>How to apply for relief</p> <p>A9 For general guidance on how to frame your application, see Policy Statement 51 <i>Applications for relief</i> [PS 51]. If you are relying on class order relief, you do not need to apply for relief.</p> <p style="padding-left: 40px;">Note: Under [PS 51], applications need to address:</p> <ul style="list-style-type: none"> (a) why relief will save costs or otherwise provide commercial benefits; (b) effects of the relief on others, in particular consumers; and (c) how any negative effects will be redressed. <p>A10 Where feasible, you should specify and quantify any financial and other benefits and costs (including any loss of consumer protection) of the relief. If you cannot quantify the benefits and costs, explain why and how the scale of the relief's effects can be estimated.</p> <p>A11 You should candidly set out all information that may be relevant to your application including your commercial objectives and how you will address any loss of consumer protection.</p> <p>A12 If your application does not contain all relevant information, we will refuse it. In some circumstances we will consider delaying a decision on your application until you provide more information.</p>	<p>A9Q1 How feasible is it to quantify costs and benefits when applying for relief? If not, how else should applicants for relief be expected to demonstrate the effects of compliance with the Law?</p>

Policy proposal**Changing nature of the Australian financial sector**

A13 We are conscious of the changing nature of the Australian financial sector, and in particular, the extent to which globalisation, increased cross border activity by product issuers and service providers, and links with other countries has on our markets.

We are considering what if any additional issues, or extensions of our policy proposals, we need to take into account to deal with this aspect.

Your feedback

A13Q1 We seek your views on these issues, in addition to the purely domestic issues raised in this paper and other policy proposal papers and process related publications.

Explanation

Background

1 Under the Bill, ASIC will have for the first time, powers of exemption or modification that apply to the licensing provisions. ASIC's main discretionary powers are to:

- (a) exempt the provision of a service from the requirement to hold a licence: see 911A(2)(1).
- (b) grant exemptions or modifications of the Law to persons from the requirements of Part 7.7 (including obligations in relation to provision of Financial Services Guides and Statements of Advice): see 951B;
- (c) grant exemptions or modifications of the Law to persons from the requirements of Part 7.8 (including obligations in relation to dealing with clients' money, financial records and statements, audit): see 992B.

What are the general criteria for relief?

2 We will only exercise our licensing discretionary powers in a way that is consistent with Parliamentary intention. We consider that the Bill is intended to harmonise and raise standards of conduct: see paragraphs 1.1 to 1.6 of the Explanatory Memorandum to the Bill. As many of the licensing provisions are new in their effect to certain sectors of the industry, you will need to give us a very strong basis if we are to give any relief from their requirements. Relief is likely to be granted only in exceptional circumstances.

3 Any exercise of power needs to be justified by the net benefits that arise. We will carefully consider the impact of relief on consumer protection. Any relief must maintain the consumer protection outcomes intended by the new legislative regime. We will also give weight to the value of promoting international harmonisation where relevant.

When will we give transitional relief?

4 We will consider transitional relief to address consequences that Parliament did not intend or unnecessarily onerous burdens arising from transition to the Bill, while at the same time balancing consumer protection objectives.

5 We take into account, when considering applications for transitional relief, that:

- (a) transitional relief is inherently limited in duration;
- (b) transitional costs are often substantial and significantly higher than ongoing compliance costs; and
- (c) transitional issues often need to be resolved quickly to enable action within the overall statutory timeframe.

6 We will therefore take into account the burden on industry and seek to facilitate transition in exercising our power for transitional relief. However, any relief still needs to be within the transitional framework that Parliament intends and in particular, within the transitional period that Parliament adopts. We expect that the transitional framework will adequately address the majority of transitional issues arising under the Bill. We also need to be satisfied that any relief provides adequate consumer protection within the consumer protection framework that Parliament intends and within the transitional period that Parliament adopts.

7 We expect you to plan to take the necessary steps within the statutory timeframes. Near the statutory deadlines, we will refuse applications based on lack of time to make the transition, unless you have difficulties that were genuinely unforeseeable and beyond your control.

How to apply for relief

8 We exercise our powers based on as much information as can reasonably be obtained. You are better placed than we are to get the most relevant information, such as estimated costs and benefits. It is appropriate that you do so if you choose to seek the benefit of relief.

9 Applications need to address why relief would save costs or otherwise provide commercial benefits. Applications must also address effects of the requested relief on others, in particular consumers. This approach reflects that adopted in Policy Statement 51 *Applications for relief* [PS 51].

10 We have noted that many applications inadequately discuss economic impacts or omit relevant facts that explain commercial objectives. As the Bill imposes substantial changes, we anticipate that we may receive many applications for relief, especially towards the end of the transition period. The onus is on you to address all of the relevant issues and include all relevant information in your application. We will ordinarily refuse any application that does not meet this standard.

B How does the Bill affect our existing licensing policies?

Policy proposal	Your feedback
<p>What approach will we take to existing policy?</p> <p>B1 We are reviewing all our published policies that provide significant guidance relevant to Parts 7.6 to 7.8 of the Bill.</p> <p>B2 Our review covers:</p> <ul style="list-style-type: none"> (a) published policies for licensing of securities advisers and dealers (including responsible entities); and (b) published Insurance and Superannuation Commission (ISC) policies that we have continued to apply. <p>B3 We will continue to apply our existing published policies and guidance to the extent that the old Law or other former laws continue to apply to the conduct on a transitional basis.</p> <p>B4 Any unpublished positions we (or the ISC) have adopted relating to particular entities should not be assumed to continue to apply under the Bill. This applies, for example, to no action letters under Policy Statement 108 <i>No action letters</i> [PS 108]. If you want us to adopt a similar approach under the Bill, you must apply to us and set out why you think we should adopt that approach.</p> <p>Note: At the same time as the issue of this paper, we have issued a separate FSRB policy proposal paper on <i>Licensing: External and internal dispute resolution procedures</i> (which is relevant to Part 7.6 of the Bill). We also issued in April 2001 an earlier related policy proposal paper to this document on <i>Licensing:</i></p>	

Policy proposal

Discretionary powers and transition. See our paper *Building the FSRB Administrative Framework* (April 2001) for more details on the policy and process related publications and how they fit together.

What specific policies apply after the Bill?

B5 We will apply these general principles in determining the status of our current policies and publications:

- (a) we will no longer apply policies and publications on requirements that do not have corresponding provisions under the Bill;
- (b) we will continue to apply policies and publications on provisions that correspond to provisions under the Bill unless we consider they should be varied: see the tables in the Schedule; and
- (c) policies and publications on a particular type of financial product will extend to other financial products where relevant and appropriate.

Schedule 2 in this paper sets out our approach to relevant policies and publications.

Replacing continuing no action assessments with relief

B6 Where our published policy has been not to enforce the licensing provisions under the old Law (eg see Policy Statement 67 *Real estate companies* [PS 67]) and our policy is noted as continuing in the attached table, we propose to grant class order exemptions under the Bill.

Your feedback

B5Q1 Are there any policy publications that we should review that are not in the tables? If so, what are they?

B6Q1 Is this approach appropriate? If not, why not?

Policy proposal	Your feedback
<p>Responsible entities</p> <p>B7 We propose that relevant policies and publications dealing with licensing responsible entities and their licensing obligation should apply after commencement of the Bill as set out Schedule 2 in this paper: in particular, see ASIC Policy Statements 130, 132 and 133.</p> <p style="padding-left: 40px;">Note: ASIC Policy Statement 131 will be superseded by our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).</p> <p>B8 We consider that the minimum standards in Policy Statements 130, 132 and 133 are consistent with the minimum standards proposed in our policy proposal papers <i>Licensing: Organisational capacities</i> (April 2001) and <i>Licensing: External and internal dispute resolution procedures</i> (June 2001). These papers provide, in many cases, more details about our expectations of minimum standards of compliance than Policy Statements 130, 132 and 133. Where this is the case, the <i>Licensing: Organisational capacities</i> (April 2001) and <i>Licensing: External and internal dispute resolution procedures</i> (June 2001) papers should be read as adapting and supplementing Policy Statements 130, 132 and 133.</p> <p>Custodians or depositories</p> <p>B9 We propose to expand application of our existing policy on who can operate an “investor directed portfolio service” (in paragraphs [PS 148.20] to [PS 148.28] of Policy Statement 148 <i>Investor directed portfolio services</i> [PS 148]) to apply as minimum standards of compliance with the licensee obligations for bodies that provide a custodial or depositary service under 766E. This proposal does not include expanded</p>	<p>B8Q1 What practical problems may arise from applying these policies to a person who operates a registered managed investment scheme? Why are they problems and how should we amend the proposed status of the relevant content?</p>

Policy proposal

application of the financial requirements referred to in paragraph [PS 148.23(b)] as this is dealt with in our planned policy proposal paper *Licensing: Financial requirements* (June 2001).

Notes:

[PS 148] is additional and supplementary to our general minimum standards of compliance with the licensee obligations that apply to all licensees as set out in our policy proposal papers:

- (a) *Licensing: Organisational capacities* (April 2001);
- (b) *Licensing: External and internal dispute resolution procedures* (June 2001);
- (c) *Licensing: Financial requirements* (planned for issue in June 2001).

At policy proposal paragraph B21 in our paper *Disclosure: Discretionary powers and transition* (April 2001), we propose to continue our existing relief from the managed investments provisions for “IDPS” operators.

B10 Our proposal in policy proposal paragraph B9 means that we will apply as minimum standards the following existing ASIC policy statements (the ongoing status of which are set out in Schedule 2 in this paper):

- (a) Policy Statement 130 *Managed investments: Licensing*:
 - (i) [PS 130.8]–[PS130.10] except paragraph (e) of [PS 130.9]; and
 - (ii) [PS 130.32]–[PS 130.63] except paragraph (a) of [PS 130.60];
- (b) Policy Statement 132 *Managed investments: Compliance plans* except paragraph (f) of [PS 132.12]; and

Note: We consider that the guidance on compliance plans contained in this policy statement supplements our general guidance on compliance measures applying to all licensees in Section C of our FSRB

Your feedback

B10Q1 What practical problems may arise from applying these policies to a person who provides a custodial or depositary service? Why are they problems and how should we amend the proposed status of the relevant content?

Policy proposal

Policy Proposal Paper No 2 *Licensing: Organisational capacities* (April 2001).

- (c) Policy Statement 133 *Managed investments: Scheme property arrangements* except paragraph (a) of [PS 133.26] (excluding the custody-related financial requirements that will be dealt with in our planned policy proposal paper *Licensing: Financial requirements* (June 2001).

Note: These policy statements apply as if references to:

- (a) managed investment schemes were to a custodial or depositary service;
- (b) the responsible entity were to the relevant operator of the custodial or depositary service; and
- (c) the compliance plan were to the documented compliance measures described in Section C of our FSRB Policy Proposal Paper No 2 *Licensing: Organisational capacities* (April 2001).

The “Good Advice” policies

B11 Schedule 2 sets out how we propose that the “Good Advice” policies (ASIC’s existing Policy Statements 116 to 124) should apply on commencement of the Bill. In general, we propose that the content of these policies be:

- (a) superseded by specific provisions in the Bill (we cross-refer to the key provisions);
- (b) superseded by specific provisions in the Bill, for which our proposed approach can be found in the following related policy proposal papers:
 - (i) *Licensing: The scope of the licensing regime: Financial product advice and dealing* (April 2001);

Your feedback

B11Q1 Are any of our conclusions about these policies inappropriate? If so, why and what should be the preferred status of the relevant content?

B11Q2 What practical problems may arise from our proposed assessment of these policies, on the Bill’s commencement? Why are they problems and how should we amend the proposed status of the relevant content?

Policy proposal	Your feedback
<ul style="list-style-type: none"><li data-bbox="386 310 792 380">(ii) <i>Licensing: Principals and representatives</i> (June 2001);<li data-bbox="386 401 846 506">(iii) <i>Licensing: External and internal dispute resolution procedures</i> (June 2001); and<li data-bbox="386 527 846 632">(iv) <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001); and <p data-bbox="331 653 878 873">(c) of continuing effect as guidance and considerations to take into account when complying with new financial services disclosure obligations. Key subject areas where we propose that this be the case are as follows:</p> <ul style="list-style-type: none"><li data-bbox="386 894 829 926">(i) “know your client” obligations;<li data-bbox="386 947 683 978">(ii) warnings to clients;<li data-bbox="386 999 837 1146">(iii) “conflicts of interest” disclosure obligations (including commissions and other benefits disclosure);<li data-bbox="386 1167 846 1230">(iv) preparation of Financial Services Guides; and<li data-bbox="386 1251 797 1314">(v) keeping records of providing advice.	

Explanation

What general approach do we take to existing policy?

1 We seek to give certainty to industry by clarifying how our policies and publications under the old Law will apply under the Bill. The table in the Schedule builds on the tables we released in 2000 at www.asic.gov.au about the impact of the Exposure Draft version of Bill on existing policies. Unless there is reason for change, we intend to apply as much of our previous published policy and guidance as we can.

C What licence conditions will apply?

Policy proposal	Your feedback
<p>Our general approach to using licence conditions</p> <p>C1 We propose to impose standard licence conditions for each licensee and other standard licence conditions for particular classes of licensee. Among other things, these licence conditions will specify the particular financial services or class of financial services that the licensee is to provide.</p> <p>Notes:</p> <p>See our <i>Process Guideline: How do you get an Australian Financial Services Licence?</i> (April 2001) for details about the classes of licences that we envisage granting at this stage.</p> <p>Under 914A(6), ASIC is required to use licence conditions to specify the particular financial services or class of financial services that the licensee is authorised to provide. ASIC may specify the services of class of services by reference to particular financial products or classes of financial products: see 914A(7).</p> <p>C2 We also propose to impose licence conditions that support our proposed minimum standards of compliance with the licensee obligations.</p> <p>Note: See policy proposal paragraph A3 of our FSRB Policy Proposal Paper No 2 <i>Licensing: Organisational capacities</i> (April 2001).</p>	<p>C2Q1 If you do not agree with this proposal, how else can ASIC ensure that minimum standards of compliance for licensee obligations are followed? Please give examples.</p> <p>Note: Please disregard this question if you have already answered question A3Q1 in our FSRB Policy Proposal Paper No 2 <i>Licensing: Organisational capacities</i> (April 2001).</p>

Policy proposal	Your feedback
<p>C3 Apart from the proposed licence conditions discussed in this paper, we also propose to use conditions to support our minimum standards of compliance with licensee obligations as discussed in the following related policy proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: Organisational capacities</i> (April 2001); (b) <i>Licensing: Adapting IPS 146 to the Financial Services Reform regime</i> (April 2001); (c) <i>Licensing: Financial requirements</i> (planned for issue in June 2001); and (d) <i>Licensing: External and internal dispute resolution procedures</i> (June 2001). <p>Notes:</p> <p>We plan to contain a complete list of our draft licence conditions in a future Process Guideline or process related document (around August/September 2001).</p> <p>As discussed in <i>Building the FSRB Administrative Framework</i> (April 2001), we may issue further policy or process papers related to other licensee obligations in the future. These papers may also contain proposals about the use of licence conditions to support minimum standards or compliance, eg compensation arrangements; qualified licences during the transitional period.</p>	<p>C3Q1 If you have not already commented on this issue in related policy proposal papers – what practical problems may arise from using licence conditions to support any of these proposed minimum standards? Please briefly explain and suggest other ways the specific policy outcome could be achieved.</p>
<p>Varying licence conditions</p> <p>C4 Of course, over time and to take into account commercial and regulatory developments, we may vary our conditions on a licence, or impose additional conditions for particular licensees.</p> <p>Note: Licensees have an opportunity for a hearing where we propose any variations of licence conditions: see 914A(3).</p>	<p>C4Q1 What is the most effective and efficient way for ASIC to vary conditions on a licence for a class of licensees? For example, using a policy proposal paper together with opportunities for private hearings if requested?</p>

Policy proposal

Your feedback

Old Law licence conditions and their continued application

C5 Where our existing licence conditions for an existing licensee under the old Law have been made irrelevant or replaced by the new legislative regime, we will not continue to impose such requirements through licence conditions. We propose that licence conditions continue to have effect under the new legislative regime with any necessary adaptations, subject to the transitional provisions under the Bill.

Note: We will monitor the Government's planned amendments to the Bill to be tabled in the Winter Sessions of Parliament 2001, to introduce a fast-track licensing regime for existing regulated bodies. These provisions may affect the way existing licence conditions are to be applied to new licences under the amended legislative regime.

Some proposed new licence conditions for all licensees

C6 In Schedule 1 of this paper, we propose some new licence conditions that support the administration of the new legislative regime. These proposed licence conditions have been set out in this paper on the basis they do not relate directly to our proposed minimum standards for compliance with the licensee obligations as set out in the papers described in policy proposal paragraph C3.

Note: We invite your feedback on the proposed new licence conditions in Schedule 1.

Explanation

Our general approach to using licence conditions

1 Under the Bill, ASIC retains its existing discretionary power to impose conditions on licences: see 914A. Under 912A(b), a licensee is obliged to comply with conditions on its licence.

2 Under 914A(6) ASIC is required to include a condition on a licence specifying the financial services that the licensee is authorised to provide. ASIC may specify the services or class of services by reference to particular financial products or classes of financial products (see 914A(7)).

Note: See our *Process Guideline: How do you get an Australian Financial Services Licence?* (April 2001) for details about the classes of licences that we envisage granting at this stage.

3 In addition to our 914A(6) obligation, we propose to use our discretionary power under 914A(1) to impose licence conditions or set requirements that support our proposals for minimum standards of compliance with the licensee obligations: see policy proposal paragraph A3 of our FSRB Policy Proposal Paper No 2 *Licensing: Organisational capacities* (April 2001).

4 In Schedule 1 of this paper, we propose some new licence conditions that support the administration of the new legislative regime. These proposed licence conditions have been set out in this paper on the basis they do not relate directly to our proposed minimum standards for compliance with the licensee obligations as set out in the papers described in policy proposal paragraph C3.

Schedule 1 – Some proposed administrative licence conditions

Important notes about this Schedule

This Schedule details some proposed standards licence conditions designed to support the effective administration of the new legislative regime.

The proposed licence conditions covered in this Schedule are:

- 1 Updating key information
- 2 Providing annual statement of compliance with the licensee obligations
- 3 Producing licence certificate
- 4 Complying with the *Financial Transaction Reports Act 1988*
- 5 Notifying ASIC of breaches.

This Schedule does not set out the nature of all ASIC's proposed licence conditions. As described in policy proposal paragraph C3, we also propose to use conditions to support our minimum standards of compliance with the licensee obligation as discussed in the following related policy proposal papers:

- (a) *Licensing: Organisational capacities* (April 2001);
- (b) *Licensing: Adapting IPS 146 to the Financial Services Reform regime* (April 2001);
- (c) *Licensing: Financial requirements* (planned for issue in June 2001); and
- (d) *Licensing: External and internal dispute resolution procedures* (June 2001).

Note: We plan to contain a complete list of our draft licence conditions in a future Process Guideline or process related document (circa August/September 2001).

Questions

S1Q1 Are there any other licence conditions that should be listed in Schedule? Please briefly explain them and why they should be included.

S2Q2 Are there any practical problems that arise concerning compliance with the proposed licence conditions set out in this schedule? If so, what are they and how should they be amended? Please briefly explain why the amendments should be made.

Conditions

1 Updating key information

As soon as practicable, and in any case, within 14 days, the licensee must give notice to ASIC of the following changes:

- (a) partners of the licensee;
- (b) responsible officers of the licensee;
- (c) the compliance officer of the licensee;
- (d) entities engaged to provide services to the licensee in connection with the provision of a financial service by the licensee;
- (e) any person that controls or have together with its associates 20% of the voting shares of the licensee.

2 Providing annual statement of compliance with the licensee obligations

By the time for lodgement of the annual financial statements for licensees under 989D, a licensee must give annual notice to ASIC that it is of the belief (as authorised by the board) it continues to satisfy the eligibility criteria for the granting of a licence/it continues to comply with the licensee obligations (including any conditions on its licence).

3 Producing licence certificate

The licensee must, upon request, make the licence certificate, or a certified copy of the certificate, available within a reasonable time for inspection by any person that transacts or intends to transact any business with the licensee.

4 Complying with the *Financial Transaction Reports Act 1988*

The licensee must acquaint itself with and comply with the provisions of the *Financial Transaction Reports Act 1988* and s243D of the *Australian Securities and Investments Commission Act 1989*.

5 Notifying ASIC of breaches

The licensee must as soon as practicable after it becomes aware of the matter but no later than 14 days after becoming aware, notify

ASIC in writing of any matter that may constitute a contravention or breach by the licensee or its employees or agents of:

- (a) the Law or the *Australian and Securities Investments Act 1989* (ASIC Act); or
- (b) the constitution of a registered scheme operated by the licensee;

that has had, or is likely to have, individually or collectively with other breaches, a material adverse effect on clients' interests or a material effect on the operations of the licensee.

Schedule 2 – Tables of policies

The tables in this Schedule set out the extent to which ASIC policy and guidance publications that provide significant guidance relevant to Parts 7.6 to 7.8 of the Bill will apply after commencement of the Bill.

Note: The summaries in this Schedule assume that the reader is familiar with the relevant publication and should be read with the relevant publication.

The tables cover:

- A Managed investment schemes
- B Life insurance
- C General insurance
- D Superannuation

Note: This Schedule does not cover whether any dispute resolution policy or other policies relating to matters not covered by Parts 7.6 to 7.8 of the Bill in the relevant publications, will apply under the Bill. For example parts of a superseded licensing publication may continue as product disclosure policy.

The Schedule does not relate to policy as it applies to shares and debentures. A policy that is superseded for the purposes of Part 7.9 of the Bill may continue to apply for shares and debentures.

For a detailed discussion of our approach to relief from compliance with Parts 7.9 of the Bill, see our FSRB Policy Proposal Paper No 5 *Disclosure: Discretionary powers and transition* (April 2001).

Questions

S2Q1 Are there any policy publications that we should review that are not in the tables? If so, what are they? Please disregard this question if you have answered question B5Q1 in Part B of this paper.

S2Q2 What practical problems may arise from our proposed application of our existing policies and publications as set out in this Schedule? If there are problems, please tell us what they are and why they are problems, and how we should amend the proposed status of the relevant content. Please disregard this question if you have answered questions B8Q1, B10Q1 and B11Q1

in Part B of this paper dealing specifically with responsible entities, custodians or depositories and the “Good advice” policies respectively.

A Managed investment schemes

ASIC POLICIES AND PUBLICATIONS

Policy statements

No.	Description	Effect of the Bill
19	Film investment schemes	<p>For guidance on applying for a financial services licence, see our FSRB Process Guideline “<i>How do you get an Australian Financial Services Licence (AFSL)?</i>” (Release 1.0 – April 2001), and our FSRB Policy Proposal Paper No 2 <i>Licensing: Organisational capacities</i> (April 2001).</p> <p>For the application of [PS 19.29], see our policy proposal paper <i>Licensing: Financial requirements</i> (planned for issue in June 2001) and page 22 of our policy <i>Building the FSRB Administrative Framework</i> (April 2001) about compensation arrangements.</p>
20	Horse racing schemes	<p>Policy at [PS 20.21], [PS 20.23] and [PS 20.23A] will continue to apply with necessary adaptation. For guidance on applying for a financial services licence, see our FSRB Process Guideline <i>How do you get an Australian Financial Services Licence (AFSL)?</i> (Release 1.0 – April 2001), and our FSRB Policy Proposal Paper No 2: <i>Licensing: Organisational capacities</i> (April 2001).</p> <p>Policy at [PS 20.22(e)] and [PS 20.22(h)] will be superseded by the Bill. For guidance about the remainder of the licence conditions at [PS 20.22], see Section C of this policy proposal paper.</p> <p>In relation to [PS 20.22(a)], see page 22 of our policy <i>Building the FSRB Administrative Framework</i> (April 2001) about compensation arrangements.</p>
33	Security deposits	We will review this policy when the legislative framework for compensation arrangements becomes clearer.
39	Licensed investment advisers – Security deposits	As for [PS 33].
42	Securities dealers financial statements	This policy will be replaced by our policy proposal paper <i>Licensing: Financial requirements</i> (planned for issue in June 2001).
65	Foreign collective investment schemes	[PS 65.20(c)] continues to apply.
66	Time-sharing schemes	[PS 66] is based on the prescribed interests legislation which was

No.	Description	Effect of the Bill
		repealed by the <i>Managed Investments Act 1998</i> . [PS 66] continues to apply in relation to time-sharing schemes that obtained an extension under the MIA transitional provisions. See also [PS 160].
67	Real estate companies	Policy at [PS.67.25] – [PS 67.29] will continue to apply with necessary adaptations. ASIC will give a class order exemption from licensing in relation to conduct within the no action policy.
72	Foreign securities prospectus relief	Under review, having regard to the proposals in our FSRB policy proposal paper No 5 <i>Disclosure: Discretionary powers and transition</i> (April 2001).
75	Independent expert reports to shareholders	Our guidance on whether an author of experts report is superseded by the guidance provided in our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001). Note: This policy statement does not deal with the use of the label “independent” by a financial product advice licensee.
77	Property trusts and property syndicates	Under review, having regard to the proposals in our FSRB Policy Proposal Paper No 5 <i>Disclosure: Discretionary powers and transition</i> (April 2001).
80	Prescribed interests not for money	Under review, having regard to the proposals in our FSRB Policy Proposal Paper No 5 <i>Disclosure: Discretionary powers and transition</i> (April 2001).
87	Charities	We will exempt: (a) operators of these exempt schemes from licensing in relation to dealings in interests in these schemes; and (b) issuers of exempt debentures from licensing in relation to dealings in these debentures. We will also exempt from licensing any person who gives advice about interests in these schemes or these debentures.
116	Investment advisory services: licensing and “independent” advisory services	<u>Part II – When do you need a licence to give investment advice?</u> Superseded by relevant provisions of the Bill (see definitions of “financial product advice” and “dealing” (Part 7.2 Div 4) and the requirements for financial service providers in Parts 7.6 to 7.8) and the following proposal papers: (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001).

No.	Description	Effect of the Bill
		<p>Our policy proposal paper on advice and dealing discusses some factors that help determine whether a person is providing financial product advice. This guidance is equally relevant when considering whether research houses and authors of experts reports are providing financial product advice.</p> <p><u>Part III – Applying for a licence</u> Superseded. For current discussion about how to apply for an Australian Financial Services Licence see our <i>Process Guideline: How do you get an AFSL?</i> (April 2001). Later versions of this process guideline and related process documents (such as Licensing Kits) will be issued in the coming months before commencement of the Bill.</p> <p><u>Part IV – “Independent” advisory services</u> Superseded by the content of 923A regarding the restricted use of the word or expression ‘independent’ (and like terms). A breach of that provision is an offence.</p>
117	Investment advisory services: acting as a representative	<p><u>Part II – When is a proper authority needed?</u> Superseded by relevant provisions of the Bill (see 911A to 911C and Part 7.6 Div 5) and the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001). <p>See proposal paragraph B5 of our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001) for discussion on the scope of the clerks’ and cashiers’ legislative exemption, and the Notes under policy proposal paragraph B11 of our FSRB Policy Proposal Paper No 6 <i>Licensing: Principals and representatives</i> (June 2001).</p> <p>See <i>Licensing: Principals and representatives</i> (June 2001) for an illustrative example dealing with the use of para-planners.</p> <p>See Part 7.6 Div 5 for provisions about how a representative should be authorised, and refer to our planned process documents for publication in the coming months where we will deal with administrative guidance about giving authorisations.</p> <p><u>Part III – What must be disclosed in business documents?</u> Superseded by our paper <i>Licensing: Principals and representatives</i> (June 2001). This policy proposal paper indicates the extent to which the contents of Part III of Policy Statement 117 are of</p>

No.	Description	Effect of the Bill
		<p>continuing relevance.</p> <p>The continuing relevance of the guidance in this Part III needs to read in the context of the new legislative provisions including 911C (prohibition on holding out), 912F (obligation to cite licence number in documents), Part 7.7 Div 2 (dealing with content requirements for Financial Services Guides) and Part 7.7 Div 3 (dealing with the content requirements of Statements of Advice).</p>
118	Investment advisory services: media, computer software and internet advice	<p><u>Part II – Media advice</u></p> <p>Superseded. The current exemption for media advice is not included in the Bill.</p> <p>See the guidance provided on the provision of financial product advice by the media and journalists in our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001). This paper includes discussion of the provision of purely factual information, the use of disclaimers and illustrative examples dealing with print media and talk-back radio.</p> <p style="text-align: center;">Note: We will monitor the issue of any legislative provisions that deal with providing financial product advice by the media.</p> <p><u>Part III – Computer software and books</u></p> <p>Superseded by relevant provisions of the Bill (see definitions of “financial product advice” and “dealing” (Part 7.2 Div 4) and the requirements for financial service providers in Parts 7.6 to 7.8) and the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001). <p>Our policy proposal paper on advice and dealing includes discussion on the provision of purely factual information, the use of disclaimers and includes analogies in the illustrative examples dealing with print media and internet portal operators.</p> <p><u>Part IV – Internet advice</u></p> <p>Superseded by relevant provisions of the Bill (see definitions of “financial product advice” and “dealing” (Part 7.2 Div 4), the requirements for financial service providers in Parts 7.6 to 7.8 and 911D on the jurisdictional nexus of the licensing provisions) and the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial</i>

No.	Description	Effect of the Bill
		<p><i>product advice and dealing</i> (April 2001);</p> <p>(b) <i>Licensing: Principals and representatives</i> (June 2001).</p> <p>Our policy proposal paper on advice and dealing includes discussion on the provision of purely factual information, the use of disclaimers and includes analogies in the illustrative examples dealing with print media and internet portal operators.</p> <p>Any replacement guidance on this topic will be considered together with our review of Interim Policy Statement 162 <i>Internet discussion sites</i> [IPS 162]: see below.</p>
119	Investment advisory services: merely incidental investment advice by solicitors and accountants	<p>Superseded. The current exemption for incidental investment advice by solicitors and accountants is not included in the Bill. However, the Bill provides for:</p> <p>(a) an exemption from the definition of financial product advice for the provision of legal advice: see 766B(5); and</p> <p>(b) a “Declared Professional Bodies (DPB) regime”: see Part 7.6 Div 7 and Part 7.7 Div 5.</p> <p>See policy proposal paragraph A19 of our paper <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001) for our guidance on the legal advice exemption.</p> <p>Under the “DPB” regime, a member of a declared professional body is exempt from the need to be licensed where the service provided by the member is the provision of financial product advice that is covered by the declaration.</p> <p>See paragraphs 11.38 to 11.47 of the Explanatory Memorandum to the Bill as to the Government’s intention about the operation of the “DPB” regime.</p> <p>See our paper <i>Building the FSRB Administrative Framework</i> (April 2001) for our discussion on how we are approaching the development of policy to administer the “DPB” regime.</p> <p>See all our papers generally on licensing as described in our “Framework” document for how we intend to administer the licensing provisions.</p>
120	Investment advisory services: mere referrals and	Subject to the more specific comments below, this policy statement is superseded by relevant provisions of the Bill (see definitions of

No.	Description	Effect of the Bill
	other excluded activities	<p>“financial product advice” and “dealing” (Part 7.2 Div 4) and the requirements for financial service providers in Parts 7.6 to 7.8) and the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001). <p>These policy proposal papers include discussion on mere referrals, business introduction and matching services and asset allocation advice. The principals and representatives paper also includes our proposal to continue to apply as a condition on a licence an obligation on a licensee, to whom referrals are made, to disclose details of any benefits (eg commission or fees) payable to the referring party.</p>
121	Investment advisory services: retail investor protection requirements	<p>Subject to the more specific comments below, this policy statement is superseded by relevant provisions of the Bill (see the definition of “retail client” in 761G), the requirement to have approved dispute resolution procedures (911A(g)) and Part 7.7 on the financial services disclosure requirements) and the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001); (c) <i>Licensing: External and internal dispute resolution procedures</i> (June 2001); and (d) <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001). <p><u>Part III – Advisory Services Guide</u></p> <p>See our FSRB Policy Proposal paper No 5 <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001) for our proposals on good disclosure principles and outcomes that we consider also apply to Financial Services Guide disclosure (as applicable). For instance, we suggest that user testing is a good disclosure principle that is also relevant for Financial Services Guides.</p> <p>To the extent not expressly overridden by the provisions of Part 7.7 Div 2, policy proposals [PS 121.32] to [PS 121.49] (including the pro formas at [PS 121.107] to [PS 121.109] continue to provide guidance and relevant considerations about disclosures in Financial</p>

No.	Description	Effect of the Bill
		<p>Services Guides. Also where relevant, this guidance and these considerations equally apply across the range of financial services and financial products covered under the Bill.</p> <p>[PS 120.10] on user testing procedures continues to provide guidance and relevant considerations when preparing Financial Services Guides.</p> <p><u>Part IV – Warnings when general securities advice is given</u> Superseded by the definition of financial product advice (see 766B) including definitions of personal and general advice and 949A (General advice provided to a retail client – obligation to warn client that advice does not take account of client’s objectives, financial situation and needs).</p> <p><u>Part V – Warning when full personal information is not given</u> Superseded by the definition of financial product advice (see 766B) including definitions of personal and general advice and 945B (Obligation to warn client if advice based on incomplete or inaccurate information).</p> <p><u>Part VI – Complaints resolution procedures</u> Superseded by 912A(g) (licensee’s obligation to have approved dispute resolution procedures) and see our paper <i>Licensing: Internal and external dispute resolution procedures</i> (May 2001).</p>
122	Investment advisory services: the conduct of business rules	<p>Subject to the more specific comments below, this policy statement is superseded by relevant provisions of the Bill (Part 7.7). The more significant relevant provisions include 766B (provides definitions of personal and general advice); 945A (Requirement to have a reasonable basis for the advice); Part 7.7 Div 3 Sub-division C and D (Statements of advice) and 941D (Timing of giving Financial Services Guide).</p> <p>See also the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (May 2001); and (c) <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001). <p>These papers include relevant guidance on what is financial product advice, who is providing financial product advice and good</p>

No.	Description	Effect of the Bill
		<p>disclosure principles and outcomes.</p> <p><u>Part II – Requirements common to the Conduct of Business Rules</u> [PS 122.22] to [PS 122.24] continue to provide guidance and relevant considerations about how advisers comply with the financial services disclosure provisions in relation to single product providers. Also to the extent relevant, this guidance and these considerations equally apply across the range of financial products covered under the Bill.</p> <p>[PS 122.38] and [PS 122.39] – these paragraphs dealing with common law obligations of advisers who provide general advice continue to provide relevant guidance.</p> <p><u>Part III – Disclosure of conflict of interest obligation under s849</u> To the extent not expressly overridden by the provisions of Part 7.7 Divisions 2 and 3, policy proposals [PS 122.44] to [PS 122.68] and [PS 122.77] to [PS 122.79] continue to provide guidance and relevant considerations about how advisers comply with the “conflict of interest” disclosure provisions (see Financial Services Guide requirements including 942B(2)(f) and 942C(2)(g); see Statement of Advice requirements including 947B(2)(d) and (e) and 947C(2)(e) and (f)). Also where relevant, this guidance and these considerations equally apply across the range of financial products covered under the Bill.</p> <p><u>Part IV – “Know your client” obligation under s851</u> To the extent not expressly overridden by the provisions of Part 7.7 Divisions 2 and 3, policy proposals [PS 122.98] to [PS 122.116] continue to provide guidance and relevant considerations about how advisers comply with the ‘know your client’ disclosure provisions (see 945A:Requirement to have a reasonable basis for the advice and the related 945B: Obligation to warn if advice based on incomplete or inaccurate information). Also to the extent relevant, this guidance and these considerations equally apply across the range of financial products covered under the Bill.</p> <p>See also paragraph 12.33 of the Explanatory Memorandum to the Bill that supports the notion of the “scaleable” application of the “know your client” obligations.</p> <p><u>Part V – Record keeping standards</u> To the extent not expressly overridden by the provisions of the Bill, [PS 122.120] to [PS 122.131] continue to provide guidelines on record keeping relating to the financial services disclosure requirements, in particular, Part 7.7 Divisions 2 and 3, 945A, 945B</p>

No.	Description	Effect of the Bill
		<p>and 949A. Also where relevant, this guidance and these considerations equally apply across the range of financial products covered under the Bill.</p> <p><u>Part VI – Execution related telephone advice by dealers</u></p> <p>To the extent not expressly overridden by the provisions of the Bill (including any regulations under 946(2)(c)), [PS 122.143] to [PS 122.146] continue to provide guidelines on record keeping relating to the provision of execution related telephone advice. Also where relevant, this guidance and these considerations equally apply across the range of financial products covered under the Bill.</p> <p>See 941D(3) (Financial services guide requirements in time critical situations) and 946B (Statement of advice requirements in the case of execution related telephone advice) for key provisions.</p> <p><u>Part VII – Proposed exclusion for sophisticated investors</u></p> <p>Superseded. See the definitions of retail and wholesale client in 761G.</p>
123	Investment advisory services: superannuation advice	<p>Superseded by the harmonised approach to regulating the provision of financial product advice in the Bill. This also means that we do not intend to continue the no action position on the licensing of non-public offer superannuation fund trustees contained in Part IV of the Policy Statement.</p> <p>See also the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001) (c) <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001). <p>These papers include relevant guidance on what is financial product advice, who is providing financial product advice and good disclosure principles and outcomes.</p>
124	Investment advisory services: mixed advice on securities and life insurance products	<p>Superseded by the harmonised approach to regulating the provision of financial product advice in the Bill.</p> <p>See also the following proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001); (b) <i>Licensing: Principals and representatives</i> (June 2001)

No.	Description	Effect of the Bill
		<p>(c) <i>Disclosure: Product Disclosure Statements (and other disclosure obligations)</i> (April 2001).</p> <p>These papers include relevant guidance on what is financial product advice, who is providing financial product advice and good disclosure principles and outcomes.</p>
129	Business introduction or matching services	Superseded by policy proposal paragraphs B14 to B17 of our FSRB Policy Proposal Paper No 6 <i>Licensing: Principals and representatives</i> (June 2001). As to guidance on whether a person is dealing, see, in particular, our guidance in Section D of our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001).
130	Managed investments: Licensing	<p>With the exception of Part E of this policy statement, it continues to provide guidance and relevant considerations about:</p> <ul style="list-style-type: none"> (a) our minimum standards of compliance with the licensee obligations by an operator of a registered managed investment scheme; and (b) how we will assess an application for a licence to operate a registered managed investment scheme. <p>The minimum standards contained in this policy statement need to be read together with the content of our proposed minimum standards for all licensees as set out in our FSRB Policy Proposal Paper No 1 <i>Licensing: Organisational capacities</i> (April 2001).</p> <p>We consider that the minimum standards in Policy Statements 130, 132 and 133 are consistent with the minimum standards proposed in our policy proposal papers <i>Licensing: Organisational capacities</i> (April 2001) and <i>Licensing: External and internal dispute resolution procedures</i> (June 2001). These papers provide, in many cases, more details about our expectations of minimum standards of compliance than Policy Statements 130, 132 and 133. Where this is the case, the <i>Licensing: Organisational capacities</i> (April 2001) and <i>Licensing: External and internal dispute resolution procedures</i> (June 2001) papers should be read as adapting and supplementing Policy Statements 130, 132 and 133.</p> <p>We will continue our use of letters of offers to applicants for a licence to operate a registered managed investment scheme as discussed in [PS 130.9] and [PS 130.10].</p> <p>As stated in policy proposal paragraph E9 of our paper <i>Licensing: Organisational capacities</i> (April 2001), the organisational expertise</p>

No.	Description	Effect of the Bill
		requirements for operators of a registered scheme set out in [PS 130.34] and [PS 130.43] to [PS 130.52] remain unchanged.
131	Managed investments: Financial requirements	<p>With the exception of the paragraphs below on professional indemnity insurance, this policy statement is superseded by the contents of our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001). In that policy proposal paper, subject to the terms of the Bill and regulations under the Bill, we propose to apply the same financial requirements for operators of registered managed investment schemes as currently applies in this policy statement.</p> <p>[PS 131.3(c)] and [PS 131.16] to [PS 131.19] dealing with professional indemnity insurance is subject to the final terms of the Bill and regulations under the Bill: see 912B. As stated in our <i>Building the FSRB Administrative Framework</i> document (April 2001), we will monitor developments on the issue of compensation arrangements for licensees.</p>
132	Managed investments: Compliance plans	<p>This policy statement continues in its effect.</p> <p>We consider the guidance on compliance plans given in this policy statement is consistent with both our proposals on compliance measures for all licensees and our proposals on risk management for non-APRA regulated licensees as contained in our FSRB Policy Proposal Paper No 2 <i>Licensing: Organisational capacities</i> (April 2001). We expect that some operators of registered managed investment schemes will combine or merge their compliance measures as a licensee and their compliance plans in relation to registered schemes. We would consider such overall compliance arrangements as consistent with good compliance practice.</p>
133	Managed investments: Scheme property arrangements	This policy statement continues in its effect.
138	Investment advisory services: personal competencies of licensees	Policy will be replaced by our FSRB Policy Proposal Paper No 2: <i>Licensing: Organisational capacities</i> (April 2001). The proposed organisational expertise standard does not apply to operators of managed investment schemes unless they provide other financial services.
139	Approval of external complaints resolution schemes	Policy will be adapted by our FSRB Policy Proposal Paper No 7 <i>Licensing: External and internal dispute resolution arrangements</i> (June 2001).

No.	Description	Effect of the Bill
140	Serviced strata schemes	Policy in relation to serviced strata arrangements at [PS 140.108] to [PS 140.118] is replaced by our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001).
144	Mortgage investment schemes	Policy at [PS144.60] to [144.68] will be superseded by the Bill. See our FSRB Policy Proposal Paper No 2: <i>Licensing: Organisational capacities</i> (April 2001), and also the effects described above in relation to [PS 116], [PS 121], [PS 130], and [PS 131].
146	Interim policy statement on training of authorised representatives	Policy will continue as adapted by our FSRB Policy Proposal Paper No 3: <i>Licensing: Adapting IPS 146 to the Financial Services Reform regime</i> (April 2001).
148	Investor directed portfolio services	<p>[PS 148.20] to [PS 148.28] on who can operate an “investor directed portfolio service” continue to apply as minimum standards of compliance with the licensee obligations for bodies that provide a custodial or depositary service under 766E. However, [PS 148.23(b)] dealing with custody related financial requirements is superseded by the contents of our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).</p> <p>An IDPS operator will also need to comply with our general minimum standards of compliance with the licensee obligations that apply to all licensees as set out in our policy proposal papers:</p> <ul style="list-style-type: none"> (a) <i>Licensing: Organisational capacities</i> (April 2001); (b) <i>Licensing: External and internal dispute resolution procedures</i> (June 2001); (c) <i>Licensing: Financial requirements</i> (planned for issue in June 2001).
160	Time-sharing schemes	<p>This policy is not yet finalised.</p> <p>[PS 160.8(a)] as applied by [PS 160.9] and [PS 160.11] will continue except in relation to ATHOC members. For these members, the cooling off provisions in the Law are adequate.</p> <p>The policy at [PS 160.6] and [PS 160.10(a)] about net tangible assets will be replaced by our policy proposal paper <i>Licensing: Financial requirements</i> (planned for issue in June 2001).</p> <p>It is not yet certain whether the policy at [PS 160.10(b)] will be affected, as the legislative framework for compensation arrangements is not yet clear. See page 22 of our policy <i>Building the FSRB Administrative Framework</i> (April 2001) about</p>

No.	Description	Effect of the Bill
		compensation arrangements.
161	Interim policy statement on registered insurance brokers and their representatives	This policy is superseded by the Bill. See our FSRB Policy Proposal Paper No 6 <i>Licensing: Principals and representatives</i> (June 2001).
162	Interim policy statement on Internet discussion sites	This is an interim policy and will be finalised in accordance with our FSRB Policy Proposal Paper No 1: <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001).

Practice notes

No.	Description	Effect of the Bill
20	Disclosure of convictions and proceedings	[PN 20] will continue to apply with necessary adaptation.
65	Authorisations when dealing in futures contracts	[PN 65] is superseded by the Bill. See our FSRB Policy Proposal Paper No 1 <i>Licensing: The scope of the licensing regime: Financial product advice and dealing</i> (April 2001) and our FSRB Policy Proposal Paper No 6 <i>Licensing: Principals and representatives</i> (June 2001).

Class orders

No.	Description	Effect of the Bill
98/58	Relief for operations of foreign managed investment schemes	Operators of foreign schemes may be required to hold a licence if dealing in interests of these schemes in Australia.
98/64	Participating property syndicates	Subject to our planned review of this policy, we will exempt from licensing: <ul style="list-style-type: none"> (a) operators of these exempt schemes in relation to dealings in interests in these schemes; and (b) any person who gives advice about interests in these schemes.
98/2287 and 99/460	Management rights schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes if the operator is licensed to conduct letting services under State or Territory law. We will also exempt from licensing

No.	Description	Effect of the Bill
		any person who gives advice about interests in these schemes.
99/461	Closed schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
99/558	Determination of the additional requirements being pre-conditions to the issue of a licence	The Bill does not provide for ASIC to determine additional requirements. For the applicable requirements, see our FSRB Policy Proposal Paper No 2: <i>Licensing: Organisational capacities</i> (April 2001) and our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
00/191	Sale of strata units for \$500,000 or more	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/197	Charitable investment schemes	<p>We will exempt:</p> <ul style="list-style-type: none"> (a) operators of these exempt schemes from licensing in relation to dealings in interests in these schemes; and (b) issuers of exempt debentures from licensing in relation to dealings in these debentures. <p>We will also exempt from licensing any person who gives advice about interests in these schemes or these debentures.</p>
00/198	Managed investment schemes – interests not for money	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/203	Mortgage schemes – Chapter 5C relief	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in a scheme to which paragraph 2 of the relief applies.
00/204	Private ostrich schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.

No.	Description	Effect of the Bill
00/205	Horse breeding schemes – private broodmare syndication	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/206	Horse breeding schemes – private stallion syndication	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/208	Managed investment schemes – no issue required disclosure	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in the scheme. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/209	Managed investment schemes – no issue required disclosure	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/210	Investor directed portfolio services	The requirement to hold a dealer’s licence under the old Law will be replaced by the requirement to hold an Australian financial services licence. See our FSRB Policy Proposal Paper No 5 <i>Disclosure: Discretionary powers and transition</i> (April 2001).
00/211	Nominee and custody services	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/215	Small property syndicates	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
00/224	Employee share schemes – contribution plans	We will exempt the operator of an exempt contribution plan from licensing in relation to dealings in interests in the plan. We will also exempt from licensing any person who gives advice about the exempt contribution plan.
00/232	School enrolment deposits	We consider these are not financial products: see 763E.
00/234	Film investment schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives

No.	Description	Effect of the Bill
		advice about interests in these schemes.
00/241	Society of Lloyd's	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who is a member of the Society of Lloyd's and who gives advice about interests in these schemes.
00/570	Management rights schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes if the operator is licensed to conduct letting services under State or Territory law. We will also exempt from licensing any person who gives advice about interests in these schemes.
01/179	Time-sharing schemes – operation of rental pool	We will exempt operators of schemes that are covered by the first exemption in this class order from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.

Pro formas

No.	Description	Effect of the Bill
5	Securities' dealers financial statements – NTA licence condition	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
6	Securities' dealers financial statements – SLF licence condition	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
13	Performance bond licensee	It is not yet certain whether this pro forma will be affected, as the legislative framework for compensation arrangements is not yet clear. See page 22 of our policy <i>Building the FSRB Administrative Framework</i> (April 2001) about compensation arrangements.
63	Deed of subordination	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).

97	Sponsor exemption	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
143	Investments to top up to \$500,000 in a trust that is not a registered scheme	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
173	Statutory declaration by guarantor (body corporate)	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
184	Strata arrangements which incidentally involve a managed investment scheme	We consider these are not financial products: see 763E.
186	Well advanced schemes	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
187	Management rights schemes where the strata unit cannot be used as a residence	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes if the operator is licensed to conduct letting services under State or Territory law. We will also exempt from licensing any person who gives advice about interests in these schemes.
188	Approval of guarantee for responsible entity where guarantor is an Australian ADI or foreign bank	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
188A	Approval of guarantee for responsible entity where guarantor is an Australian ADI or foreign bank	See our planned policy proposal paper <i>Licensing: Financial requirements</i> (June 2001).
189	Responsible entity authorisation and licence conditions	See Section C of this policy proposal paper.
196	Investor directed portfolio service operator licence conditions	See Section C of this policy proposal paper and the entry for [PS 148] in this Schedule.
204	Time-sharing schemes – licence conditions	See Section C of this policy proposal paper and the entry for [PS 160] in this Schedule.

205	Time-sharing schemes formerly exempt under State laws	We will exempt operators of these exempt schemes from licensing in relation to dealings in interests in these schemes. We will also exempt from licensing any person who gives advice about interests in these schemes.
206	Time-sharing schemes – Chapter 5C relief	Unaffected.
207	Title-based time-sharing schemes	Unaffected.

B Life insurance

ISC PUBLISHED POLICY

Circulars

No.	Description	Effect of the Bill
B.3 (AB3/96)	Guide to the Insurance Contracts Act 1984	Still applies, however the Bill will supplement some requirements of the Act. Guidance in the Introduction in relation to complaints handling and codes of practice is superseded.
G.II.1	Code of practice for advising, selling and complaints handling in the Life Insurance Industry	Superseded.
G.II.2	Code of practice requirements	Superseded.
G.II.6	ISC/ASC harmonisation issues and consequential amendments to the code of practice	Superseded

CEO letters

No.	Description	Effect of the Bill
22/2/96	Approval of the Insurance Brokers Dispute Resolution Facility	Superseded.
8/4/98	Complaints resolution	Superseded.

C General insurance

ISC INSTRUMENTS

Decision-making principles

No.	Description	Effect of the Bill
1 of 1994	Insurance (Agents and Brokers) Decision-making Principles under s41A of IABA	Superseded

ISC PUBLISHED POLICY

Circulars

No.	Description	Effect of the Bill
AB 1/98	Insurance Laws Amendment Act 1998	Superseded.
AB 4/96	Insurance (Agents and Brokers) Act 1984 – Applications for Renewal of Registration	Superseded. No renewal requirement under the Bill.
AB 1/96	Insurance (Agents and Brokers) Act 1984 – Operation of Insurance Broking Account	Will be separately reviewed. The Explanatory Memorandum to the Bill notes that Regulations made under proposed 985C will enable the effect of the current s27 to be carried across to the new regime.
AB 2/95	Insurance (Agents and Brokers) Act 1984 – Section 35 Restrictions Relating to Broker Remuneration by Insurers	Superseded.
AB 1/95	Insurance (Agents and Brokers) Act 1984 – Unauthorised Foreign Insurers	Superseded – the Bill does not contain specific provisions in relation to Unauthorised Foreign Insurers.
AB 1/89	Insurance (Agents and Brokers) Act 1984 – Duties of Brokers, Agents and Insurers in Relation to Premiums and Certain Other Moneys	Will be separately reviewed. Refer to comments above regarding regulations to be made under 985C.
AB 1/88	Insurance (Agents and Brokers) Act 1984 – Duties of Brokers, Agents and Insurers in Relation to Premiums and Certain Other Moneys	Will be separately reviewed. Refer to comments above regarding regulations to be made under 985C.

No.	Description	Effect of the Bill
	1984 – Audit of Accounts	above regarding regulations to be made under 985C.
AB 6/87	Insurance (Agents and Brokers) Act 1984 – Registration of Insurance Brokers	Superseded. The Bill provides for ASIC to grant an Australian Financial Services Licence (AFSL).
AB 5/87	Insurance (Agents and Brokers) Act 1984 – Submission of Audited Accounts	Superseded.
AB 4/87	Insurance (Agents and Brokers) Act 1984 – Renewal of Registration	Superseded. There is no requirement to renew an AFSL under the Bill.
AB 2/87	Insurance (Agents and Brokers) Act 1984 – Acquisition of Insurance Portfolios	Superseded. The circular may provide general guidance on the treatment of insurance broking assets and liabilities where an insurance portfolio is acquired.
AB 8/86	Insurance (Agents and Brokers) Act 1984 – Insurance Broking Account	Will be separately reviewed.
AB 7/86	Insurance (Agents and Brokers) Act 1984 – Professional Indemnity Insurance Contract	Superseded. The Bill does not provide for evidence of Professional Indemnity Insurance to be lodged.
AB4/86	Insurance (Agents and Brokers) Act 1984 – Guidelines on the Interpretation of Particular Provisions	Superseded. However the circular may provide guidance as to when use of terms such as “insurance”, “underwriting”, “assurance”, “life” or “superannuation” may be false or misleading.

ASIC PUBLISHED POLICY

Information releases

No.	Description	Effect of the Bill
00/026	ASIC approves general insurance code of practice and insurance enquiries and complaints scheme	Superseded. Note the transitional provisions under the Bill.

D Superannuation

ASIC PUBLISHED POLICY

Information releases

No.	Description	Effect of the Bill
IR99/002 (11/1/99)	ASIC's approach to operational requests on superannuation	Superseded. Under the Bill financial resource requirements will not apply to APRA regulated entities.
IR99/006 (51/1/99)	ASIC answers superannuation questions	Superseded to the extent that the attached questions relate to licensing.

Regulatory and financial impact

We have considered the likely regulatory and financial impact of the policy proposals in this paper. Based on the information that we currently have, we believe that our proposals strike an appropriate balance between facilitating financial services activity and investor protection. To ensure that we have achieved an appropriate balance, we are also developing a Regulatory and Financial Impact Statement (RIS).

The RIS will address the following seven key elements:

1 Issue / problem

This will discuss the nature and magnitude of the problem.

2 Objective(s) / analysis of the problem

The objective(s), or the outcome sought in relation to the identified issue / problem, will be addressed.

3 Options / solutions

This will identify all the alternative options that could achieve the objective(s) stated above for dealing with the issue being considered (eg no specific action; ASIC policy proposal; media release; information statement; self regulation/quasi regulation; codes of conduct; and co-regulation, compliance and enforcement strategies).

4 Impact analysis (costs and benefits) of each option

Impact analysis will include:

- (a) analysis of the benefits and costs of the options, including any restriction on competition for different persons affected;
- (b) identification of persons or bodies affected by the problem; and those that will be affected by the solutions or options identified (ie applicant/proponent of issue; other interested parties, consumers, business and government);
- (c) a consideration of how each of the proposed options will affect existing law, regulations or policies;

- (d) identification and categorization of the expected impacts of the proposed options as likely benefits or likely costs against each of the persons/bodies identified as likely to be affected;

We will try to quantify these effects where possible (for example, will there be any restriction on competition as a result of the proposed regulation?)

Costs to business affected by a regulatory initiative might include: administrative costs; complying with new regulatory standards; licence fees; delays etc.

Costs to consumers affected could also include higher prices for goods and services; reduced utility of goods and services; delays and more difficult or expensive options for seeking redress.

- (e) benefits of the options will also be identified (even where they are not quantifiable); and
- (f) the data sources used and assumptions made in making these assessments will be identified.

5 Consultation

The consultation undertaken in the policy process will be detailed.

6 Conclusions and recommended option

The preferred option(s) will be given, and reasons why.

7 Implementation and review

This will discuss how the proposed option will be administered, implemented, or enforced (eg instrument of relief; policy statement; practice note; no action letter).

In order for us to fully assess the financial and regulatory impact of our proposals, we invite you to consider possible options that would achieve our objectives, comment on the impact that these policy proposals might have, and in particular, give consideration to the costs and benefits of these proposals. Where possible, we are seeking both quantitative and qualitative data.

Any comments that we receive will be taken into account when preparing our final RIS.

Development of policy proposal

We have developed this policy proposal paper by considering:

- (a) the intention of the Bill as indicated in the Explanatory Memorandum to the Bill and the Second Reading Speech in the House of Representatives on the introduction of the Bill into Federal Parliament;
- (b) the Report on the Bill by the Parliamentary Joint Committee on Corporations and Securities issued in August 2000;
- (c) the Government's response to the Report, issued on 29 March 2001;
- (d) relevant comparisons with current legislative requirements for the regulation of financial services activity under the law;
- (e) a review of existing ASIC policies and practices relevant to the regulation of financial services activity under the law; and
- (f) a review of public submissions on the Exposure Draft Bill issued by the Government in February 2000.

Key terms

In this policy proposal:

“ASIC” means the Australian Securities and Investments Commission;

“authorised representative” of a financial services licensee means a person authorised by the licensee, in accordance with 916A or 916B, to provide a financial service or financial services on behalf of the licensee.

Note: This is a definition contained in 761A

“Bill” means the *Financial Services Reform Bill 2001*, the Law as amended by the Bill or that bill as enacted as applicable and includes and regulations made for the purposes of the Bill;

“dealing”, subject to the exemptions in 766C, means the following conduct:

- (a) applying for or acquiring a financial product;
- (b) issuing a financial product;
- (c) in relation to securities or managed investment interests – underwriting the securities or interests;
- (d) varying a financial product;
- (e) disposing of a financial product;

Further, arranging for a person to engage in conduct referred to in sub-paragraphs (a)–(e) is also dealing in a financial product, unless the actions concerned amount to providing financial product advice;

Note: This is a definition contained in 766C

“financial product” means a facility through which, or through the acquisition of which, a person does one or more of the following:

- (a) makes a financial investment (see 763B);
- (b) manages financial risk (see 763C);
- (c) makes non-cash payments (see 763D);

Note: This is a definition contained in 763A

“financial product advice” means a recommendation, a statement of opinion, or a report of any of those things, that:

- (a) is intended to influence a person or persons in making a decision in relation to a particular financial product or class of financial products, or an interest in a particular financial product or class of financial products; or
- (b) could reasonably be regarded as being intended to have such an influence;

but does not include anything in an exempt document

Note: This is a definition contained in 766B

“general advice” means financial product advice that is not personal advice;

Note: This is a definition contained in 766B

“Law” means the Corporations Law (including as intended to be replaced by the *Corporations Bill 2001*);

“licence” means an Australian Financial Services Licence under 913B that authorises a person who carries on a financial services business to provide financial services;

Note: This is a definition contained in 761A

“licensee” means a person who holds an Australian financial services licence;

Note: This is a definition is contained in 761A

“licensee obligations” means the obligations of a licensee as set out in 912A, 912B and the requirement to be of good, fame and character as included in 913B;

“managed investment provisions” means Chapter 5C of the Law;

“old Law” means the Law before amendment by the Bill;

“Part 7.6 of the Bill” excludes 912A(g).

“Part 7.7 and 7.8 of the Bill” includes any definitions, regulations and transitional provisions that apply for the purposes of Part 7.7 and 7.8 of the Bill.

“personal advice” has the meaning set out in 766B(3) of the Bill;

“representative” of a financial services licensee means:

- (a) an authorised representative of the licensee; or
- (b) an employee or director of the licensee; or

- (c) an employee or director of a related body corporate of the licensee; or
- (d) any other person acting on behalf of the licensee;

Note: This is a definition contained in 910A

“retail client” means a client defined as such under 761G;

“PS 136” (for example) means an ASIC Policy Statement (in this example numbered 136);

“982A” (for example) means a clause of the Bill; and

“s782” (for example) means a section of the Law.

What will happen next?

Stage 1

6 June 2001 ASIC policy proposal paper released

Stage 2

June 2001 Consultation period on the contents of this policy proposal paper

5 July 2001 Comments due on the policy proposal

13 July to September 2001 Drafting of policy statement

Stage 3

Late September 2001 Policy statement released

Your comments

You are invited to comment on the proposals and issues for consideration in this paper. All submissions will be treated as public documents unless you specifically request that we treat the whole or part of your submission as confidential.

Comments are due by Thursday 5 July 2001 and should be sent to:

**Roxanna Irvin
FSR Project Office
Regulatory Policy Branch
Australian Securities & Investments Commission
GPO Box 4866
Sydney NSW 1042
email: FSRProjectOffice@asic.gov.au**

You can also contact the ASIC Infoline on 1300 300 630 for information and assistance.

Related papers

This policy proposal paper is one of a set of four proposal papers issued together in June 2001 on the implementation of the *Financial Services Reform Bill 2001*. As outlined in our paper *Building the FSRB Administrative Framework* (April 2001), we issued an earlier set of policy proposal papers in April 2001. We intend to issue further policy proposal papers in the coming months all related to the implementation of the Bill.

The policy proposal papers issued together in June are:

- *Licensing: Principals and representatives*
FSRB Policy Proposal Paper No 6
- *Licensing: External and internal dispute resolution procedures*
FSRB Policy Proposal Paper No 7
- *Licensing: Discretionary powers*
FSRB Policy Proposal Paper No 8
- *Approval of codes*
FSRB Policy Proposal Paper No 9

The earlier policy proposal papers issued together in April are:

- *Building the FSRB Administrative Framework – Policy to implement the Financial Services Reform Bill 2001*
- *Licensing: The scope of the licensing regime: Financial product advice and dealing*
FSRB Policy Proposal Paper No 1
- *Licensing: Organisational capacities*
FSRB Policy Proposal Paper No 2
- *Licensing: Adapting IPS 146 to the Financial Services Reform regime*
FSRB Policy Proposal Paper No 3
- *Disclosure: Product Disclosure Statements (and other disclosure obligations)*
FSRB Policy Proposal Paper No 4
- *Disclosure: Discretionary powers and transition*
FSRB Policy Proposal Paper No 5

- *Licensing Process Guideline: How do you get an Australian Financial Services Licence?*

Copies of policy proposal papers

Download them from the ASIC home page:

<http://www.asic.gov.au>

(follow the links from "Financial services reform" that is on the top right of our home page)

You can also get copies of ASIC policy proposal papers from: ASIC Infoline: 1300 300 630

To find out more about FSRB

Visit the FSRB page on our website at www.asic.gov.au:

- (a) click “Financial services reform” on the top right of our home page
- (b) register for our free update email service which alerts you to our latest developments.