



Attachment to Information Sheet 291

Example lack of independence disclosure statement with annotations

November 2024

The Australian Securities and Investments Commission (ASIC) has prepared a simple example of a lack of independence disclosure statement. We have annotated our example to help providing entities understand their legal obligations.

This is just an example, and providing entities should consider their circumstances when developing their own disclosure statement.

Under the *Corporations Act 2001* (Corporations Act), a providing entity that provides financial services including personal advice to retail clients must include a statement in the Financial Services Guide (FSG) and website disclosure information (if applicable) explaining that they are not 'independent', 'impartial' or 'unbiased', and the reasons why, if using those words would be a breach of s923A of the Corporations Act.

The statement must comply with requirements set out in [ASIC Corporations \(Disclosure of Lack of Independence\) Instrument 2021/125](#). All references in the annotations are to the instrument unless otherwise stated.

The statement must be on the first substantive page of the FSG and in a prominent position of website disclosure information: s5(2)(a) and s6.

[First substantive page of the Financial Services Guide and a prominent position of the webpage(s) where the providing entity makes available website disclosure information]

Services ABC Adviser Firm provides

ABC Adviser Firm provides the following services: [...]

The statement must appear under a bold heading that includes the phrase 'Not Independent' or 'Lack of independence' or a phrase of similar meaning: s5(2)(b) and s6.

Lack of Independence

ABC Adviser Firm is not independent, impartial or unbiased because we:

- (a) receive commissions for the advice we provide on life risk insurance products; and
- (b) are partially owned by XYZ Product Issuer, which issues a range of financial products that we may recommend to our clients.

The font size must be at least the same font size as that predominantly used for other text in the FSG or website disclosure information: s5(2)(c) and s6.

The statement should set out that the providing entity is not independent, impartial or unbiased, and explain the reasons why: s942B(2)(fa) and 942C(2)(ga) of the Corporations Act.

Fees and charges

ABC Adviser Firm may charge the following fees: [...]

The statement must appear inside a box: s5(2)(b) and s6. It must not appear in a footnote: s5(2)(d) and s6.