

4 September 2025

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Australian Securities and Investments Commission  
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Dear Maria,

**RE: GreenCollar submission to Consultation Paper 385 – Proposed updated to RG 181 Licensing:  
Managing conflicts of interest**

Thank you for the opportunity to comment on the proposed update to Regulatory Guide 181.

GreenCollar is one of Australia's largest environmental markets investors and project developers and has an existing portfolio of over 200 registered and contracted carbon projects which are generating more than 100 million Australian carbon credit units (**ACCUs**) across historical and forecasted issuance.

GreenCollar supports the proposal to update and contemporise the guidance and provides the below feedback for consideration.

**Proposal B4Q2 (Illustrative examples)**

We agree with the proposal to ensure the guidance on the conflicts management obligation is relevant for all conflicts of interest. The current draft of the guidance is focussed on financial advisers, fund managers, financial institutions and other securities and futures markets participants.

It does not contain any guidance that is specifically directed to the considerations that arise for participants in the Australian carbon market even though some carbon market participants may, as a result of ACCUs being designated as financial products, deal in financial products or provide financial product advice.

We acknowledge that ASIC does not intend the conflicts identified in draft RG 181 to be exhaustive. However, to be more relevant for a broader group of financial services businesses, it would be useful if the regulatory guidance contained information on conflicts of interests that may potentially arise in the context of the Australian carbon market.

In particular, we recommend that RG 181 includes illustrative examples that are relate to the Australian carbon market. These might cover the potential for conflicts to arise in the performance of carbon project origination activities, in the provision of carbon credit advisory services and when engaging in ACCU trading.

### **Proposal B2Q2 (Connection with other legal obligations)**

With respect to the guidance clarifying how the conflicts management obligation operates in connection with other legal obligations of an AFS licensee, we suggest that ASIC considers including, where relevant, cross references to *RG 236: Do I need an AFS licence to participate in carbon markets?* This may be reflected in the form of an acknowledgement that additional considerations that are relevant to the carbon market are addressed in RG 236.

In addition, we submit there should be an acknowledgement that some licensees, including those operating within the carbon industry, may deal with wholesale clients only. Conflict management arrangements would need to be tailored accordingly, as we note that certain disclosure and control obligations referenced within RG 181 are currently framed with retail clients in mind.

### **Proposal B7Q2 (Holistic approach)**

We support the proposal to confirm in the guidance that the conflicts management approach that is to be adopted should be proportionate to the varying nature, range and scale of AFS licensees' obligations and the risks that exist in their individual financial services businesses. It is appropriate to recognise that the arrangements that are suitable for AFS licensees that are smaller businesses operating in industries not traditionally associated with financial services may be different to those for large financial institutions.

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GreenCollar values the opportunity to provide this feedback for consideration by ASIC. We would be happy to discuss any aspects of the submission with ASIC if that would be of assistance.