



ASIC

Australian Securities &amp; Investments Commission

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## FOFA - ASIC guidance

ASIC regulates people who provide advice to retail clients under the Corporations Act. We have released regulatory guidance in relation to the FOFA reforms. We are continuing to monitor the progress of the regulations.

ASIC will also amend existing regulatory guidance and ASIC relief to reflect the FOFA reforms where necessary. ASIC will undertake these consequential amendments to existing regulatory guidance over the coming months.

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### ASIC powers

**Final guidance:** 28 June 2012

Regulatory Guide 98 *Licensing; Administrative action against financial services providers* ([RG 98](#)) has been reissued to reflect our expanded powers to cancel or suspend an AFS licence and ban representatives.

### Best interests duty

**Final guidance:** 13 December 2012

The best interests duty: Regulatory Guide 175 *Licensing: Financial product advisers – conduct and disclosure* ([RG 175](#)) has been updated to include guidance about ASIC's expectations for meeting the best interests duty, and to ensure that it is consistent with our guidance in Regulatory Guide 244 *Giving information, general advice and scaled advice* ([RG 244](#)).

### Giving information, general advice and scaled advice

**Final guidance:** 13 December 2012

ASIC has released a new Regulatory Guide 244 *Giving information, general advice and scaled advice* ([RG 244](#)). Our guidance takes into account the best interests duty and discusses a range of topics, including how the fact find can be either limited or expanded, depending on the nature of the advice being provided. RG 244 also incorporates guidance that was previously in Regulatory Guide 200 *Advice for super fund members* (RG 200). RG 200 has now been withdrawn.

### Conflicted remuneration

**Final guidance:** 4 March 2013

Regulatory Guide 246 *Conflicted remuneration* (RG 246) is designed to assist industry to understand the practical operation of the ban on conflicted remuneration. It also sets out how ASIC will administer the ban.

- ▶ [Download RG 246](#)
- ▶ [Read the media release](#)

## Codes approval

**Final guidance:** 1 March 2013

Regulatory Guide 183 *Approval of financial services sector codes of conduct* (RG 183) has been updated to include guidance about how ASIC will apply its existing code approval guidelines to codes that obviate the need for compliance with the opt-in requirement.

- ▶ [Download RG 183](#)
- ▶ [Read the media release](#)

## Fee disclosure

**Final guidance:** 25 January 2013

ASIC has released Regulatory Guide 245 *Fee disclosure statements* ([RG 245](#)). The guidance outlines the fee disclosure statement (FDS) obligations that will apply to AFS licensees and their representatives under the FOFA reforms.

ASIC consulted on the guidance in the form of a [draft information sheet \(PDF 172 KB\)](#) in December 2012. Following further consultation, ASIC has given three limited no-action positions to assist industry make a smooth transition to meeting the FDS obligations within the FOFA regime.

Following inquiries from key stakeholders during ASIC's FOFA Workshops, ASIC amended RG 245 (at [RG 254.62]) on 1 March 2013 to clarify the operation of one of ASIC's no-action positions.

The no-action position allows advice providers to determine a date between 1 July 2013 and 31 January 2014 that they will treat as the anniversary of the day on which the ongoing fee arrangement was entered into. Advice providers must give affected clients an FDS statement within 30 days of the date they have chosen. Advice providers are only able to rely on the no-action position where it is impossible or unreasonably onerous to identify the actual date that an arrangement with an existing client was entered into.

ASIC has released the final guidance in the form of a regulatory guide.

- ▶ [Download RG 245](#)
- ▶ [Read the media release](#)
- ▶ [View the submissions](#)

## Applying for a limited AFS licence

ASIC has released Information Sheet 179 *Applying for a limited AFS licence* (INFO 179). INFO 179 provides an overview of the relevant steps in applying for a limited AFS licence, as well as explaining how existing ASIC guidance will apply.

See also background about the government's consultation on the [limited AFS licence for accountants](#) and other advisers.

- ▶ [Download INFO 179](#)
- ▶ [Read the media release](#)

## Other government reforms related to FOFA

See also Government reforms on:

- ▶ [New limited AFS licence for accountants](#)
- ▶ [Use of the terms 'financial planner' and 'financial adviser'](#)

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