

AGENDA PAPER

Item Number: 12.8
Date of Meeting: 31 January 2011
Subject: Exposure Draft – Proposed Standard APES 230 *Financial Advisory Services*

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Purpose

To provide an update to the Board on the APES 230 project and the status of submissions received via the exposure process.

Background

The professional bodies submitted a project proposal to develop a proposed pronouncement to replace the current APS 12 *Statement of Financial Advisory Services* in August 2007. The Board established the APES 230 *Financial Advisory Services* Taskforce to develop the proposed standard and engaged June Smith of Argyle Partners to prepare a Consultation Paper to inform the development of the proposed standard. APESB released the Consultation Paper *Review of Miscellaneous Professional Statement APS 12: Statement of Financial Advisory Services* in October 2008 for public comment for a period of 3 months. APESB received five submissions from professional bodies, firms and members and the respondents comments were considered at the May 2009 Board meeting.

In February 2009 the Parliamentary Joint Committee (PJC) on Corporations and Financial Services initiated an inquiry in *Financial Products and Services* in Australia to inquire into the issues associated with financial product and services provider collapses that occurred in 2007-08. In August 2009 APESB made a submission to this inquiry and also made representations to the PJC inquiry. The PJC inquiry issued its report in November 2009.

In March 2010, the APES Board approved *Proposed Principles to be addressed in APES 230 Financial Advisory Services*.

On 26th April 2010 the federal government released an information pack on *The Future of Financial Advice* which is in effect the Government's response to the findings of the PJC inquiry.

At its June 2010 APESB Board meeting the Board approved the issue of ED 02/10 Proposed Standard APES 230 *Financial Advisory Services* for public comment.

APES 230 ED was closed for comment on the 15th October 2010. To date APESB has received 66 submissions from Members, Firms, commercial organisations, professional organisations and the joint accounting bodies.

At the November 2010 APESB Board meeting, the Board agreed to issue a media release to the public advising of the major issues identified by the respondents and communicate that there will be an extension of the time frame. The key issues identified were:

- Operative date of APES 230;
- Definition of Fee for Service;
- Fiduciary duties;
- Application to Members in Business
- Application to insurance and risk products; and
- The retrospective effect of the proposed standard in respect of trailing commissions.

APESB issued a Media release in December 2010 to this effect.

Project Status update

Technical Staff has compiled the respondents' comments into a general comments table and nine specific comments tables. The specific comments tables 1, 2 and 5 are presented for the Board's consideration at this meeting. A Stakeholder Engagement Plan has also been prepared for the Board's consideration.

Technical Staff Recommendations

- The Board note the project status update and provide comments on specific comments tables 1, 2, and 5; and
- The Board approve the proposed Stakeholder Engagement Plan.

Material Presented

- Specific comments tables 1, 2 and 5;
- Analysis of issues of specific comment tables 1, 2, and 5; and
- Stakeholder Engagement Plan.

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Date: 25 January 2011