

GENERAL ADVICE AND PERSONAL ADVICE POLICY

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AIM OF THIS POLICY

This policy sets out the requirements in providing financial product advice.

Financial product advice means a recommendation that is intended to influence a client in making a decision in relation to a particular financial product or could reasonably be regarded as being intended to have such an influence. There are two types of financial product advice: personal advice and general advice.

WHO THIS POLICY APPLIES TO

This policy applies to all Representatives of Insight Investment Partners

WHAT THIS POLICY COVERS

- What is General Advice.
- What is Personal Advice.
- What You Must Do.
- What You Must Not Do.
- FAQ.

WHAT IS GENERAL ADVICE?

- General advice is information provided to a client on a particular product or strategy, however it is not based on their personal financial circumstances. It can be in the form of a recommendation or opinion intended to (or understood by a reasonable person to) influence a decision, which does NOT take any of the client's needs, objectives or personal circumstances into account, and the client is not under the impression that it takes these things into account
- ASIC state that you can use personal information about a client to inform the general advice you provide to the client (i.e. to make it more relevant to the client) as long as you do not, in fact, consider the client's relevant circumstances when you prepare the advice.
- It is good practice to take reasonable steps to ensure that the client understands upfront that they are getting general advice and not personal advice.

WHAT IS PERSONAL ADVICE?

- Personal Advice is a recommendation/statement of opinion which is intended to (or understood by a reasonable person to) influence a decision, which DOES take into account any one of the following:
 - client's personal needs;
 - client's objectives;
 - client's financial situation.
- If the advice could be perceived as taking any of these factors into account, by a "reasonable person", it will be regarded as personal advice (even if the consultant did not intend to provide personal advice). Therefore, the choice of wording and how the advice is presented is important.

WHAT YOU MUST DO

- Ensure that your advice is provided as personal advice where you make a recommendation to your client based on the client data you have collected. Client needs, financial situation and objectives must be recorded in the appropriate data collection document.
- Provide an appropriate advice document where personal advice is delivered.
- Provide an up-to-date Financial Services Guide (FSG) to any retail client before financial product advice (either personal or general) is provided.
- Ensure that the following general advice warning is given to the clients where general advice is provided, such as at a seminar, in newsletters or on a website. Where you are providing general advice, you are required to ensure the client understands that they will not be receiving tailored personal advice that takes into account their personal circumstances.

"This information is of a general nature only and has been provided without taking account of your objectives, financial situation or needs. Because of this, you should consider whether the information is appropriate in light of your particular objectives, financial situation and needs."

- Providing a general advice warning will not make the financial product advice 'general' if you have based any of your advice on the financial situation, needs and objectives of the client.

WHAT YOU MUST NOT DO

Provide general advice where the client is seeking, expects or understands they are receiving personal advice.

- Include general advice in a document with personal advice as it may lead to client confusion over the nature of the advice provided and be inconsistent with the nature of an advice document.

FAQ

Questions	Answers
If I give a General Advice warning will that mean my advice is not considered Personal Advice?	Regardless of whether or not you intended to provide personal advice, 'financial product advice' is deemed to be personal advice when you have taken into consideration at least one aspect of the person's personal circumstances, needs/objectives or it is reasonable for a person to believe you have taken into consideration at least one of those aspects (regardless of whether you did or did not).
Can you give examples of situations where advice may be considered Personal Advice?	<p>In RG 175, ASIC states that they will take into account all circumstances when considering whether advice is personal advice or general advice (RG 175.49).</p> <p>The following factors will be considered when determining whether advice is General or Personal:</p> <ul style="list-style-type: none"> • Did you offer to provide personal advice (e.g. in any material given to the client before the advice was provided)? • Do you have an existing relationship with the client where personal advice is regularly provided to the client? • Did the client request personal advice (including requesting advice as to what decision they should make)? • Did you request information about the client's relevant personal circumstances? For example, did you complete a Financial Planning Questionnaire or otherwise ask about their personal circumstances?

	<ul style="list-style-type: none"> • Was the advice directed towards a named client or readily identifiable client? • Does the advice contain or was it accompanied by a general advice warning? • Does the advice appear on its face to be tailored to the client's relevant personal circumstances (e.g. does it refer to information or assumptions specific to the client)?
Can advice be given in a client phone call be Personal Advice?	ASIC may also consider advice to be personal advice where it is not given 'face-to-face', i.e. by telephone or electronic means (RG 175.5).