



FINANCIAL PLANNING
ASSOCIATION *of* AUSTRALIA

20 August 2021

Director
Retirement, Advice and Investment Division
The Treasury
Langton Crescent
PARKES ACT 2600

Email: SDBConsultation@treasury.gov.au

Dear Sir / Madam

Single Disciplinary Body: Policy Paper

The Financial Planning Association of Australia¹ (FPA) welcomes the opportunity to provide feedback on The Treasury's policy paper for the development of Regulations on the operation of the single disciplinary body.

We would welcome the opportunity to discuss with The Treasury any matters raised in our submission. If you have any questions, please contact me on 02 9220 4500.

Yours sincerely

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Head of Policy, Strategy and Innovation
Financial Planning Association of Australia

¹ The Financial Planning Association (FPA) is a professional body with more than 12,000 individual members and affiliates of whom around 8,500 are practising financial planners and 5,207 are CFP professionals. Since 1992, the FPA has taken a leadership role in the financial planning profession in Australia and globally:

- Our first "policy pillar" is to act in the public interest at all times.
- In 2009 we announced a remuneration policy banning all commissions and conflicted remuneration on investments and superannuation for our members – years ahead of the Future of Financial Advice reforms.
- The FPA was the first financial planning professional body in the world to have a full suite of professional regulations incorporating a set of ethical principles, practice standards and professional conduct rules that explain and underpin professional financial planning practices.
- We have an independent Conduct Review Commission, chaired by Dale Boucher, dealing with investigations and complaints against our members for breaches of our professional rules.
- We built a curriculum with 18 Australian Universities for degrees in financial planning through the Financial Planning Education Council (FPEC) which we established in 2011. Since 1 July 2013 all new members of the FPA have been required to hold, or be working towards, as a minimum, an approved undergraduate degree.
- When the Financial Adviser Standards and Ethics Authority (FASEA) was established, the FPEC 'gifted' this financial planning curriculum and accreditation framework to FASEA to assist the Standards Body with its work.
- We are recognised as a professional body by the Tax Practitioners Board.



FINANCIAL PLANNING
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SINGLE DISCIPLINARY BODY: POLICY PAPER

Prepared for The Treasury

20 August 2021

WHEN A FINANCIAL SERVICES AND CREDIT PANEL MUST BE CONVENED

The FPA supports the need to find a balance “*between lowering the number of matters that require an FSCP to be convened (thereby, reducing cost and time pressures on ASIC and the FSCP) while ensuring that the FSCP considers a broader range of matters so that minor misconduct does not go unaddressed*”, as discussed in the policy paper.

The FPA provides the following feedback to improve the operation of the single disciplinary function within ASIC.

Proposed criteria

The FPA fundamentally supports a broad interpretation of the jurisdiction of the FSCPs provided a suitable nexus with financial advice and the individual relevant provider is present. The clear intent of the establishment of a single disciplinary body is to consider matters in relation to the provision of financial advice to retail clients by the professional financial adviser, not potential breaches of the licensee’s obligations in the law.

As stated in the Explanatory Memorandum to the Financial Sector Reform (Hayne Royal Commission Response—Better Advice) Bill 2021:

A Financial Services and Credit Panel has the power to take action against individual financial advisers, who are also known as ‘financial planners’ or ‘relevant providers’ (1.53).

The Regulations provide an opportunity to set criteria that differentiates licensee obligations from individual adviser obligations to more clearly define the FSCPs jurisdiction that is set within the law.

The Treasury’s policy paper proposes the following criteria:

ASIC must convene an FSCP if:

1. *ASIC reasonably believes that the relevant provider has contravened a restricted civil penalty provision, or a circumstance prescribed in section 921K of the Bill exists or has occurred; and*
2. *ASIC has not exercised, and does not propose to exercise, any of its powers under the Corporations legislation (other than section 921S of the Corporations Act) against the relevant provider for the matter (such as making a banning order or pursuing civil penalty action); and*
3. *the contravention or circumstance:*
 - a) *has resulted in, or is likely to result in material loss or damage to clients;*
 - b) *has resulted in, or is likely to result in a material benefit to the relevant provider;*
 - c) *affects the suitability of the person to provide personal advice to retail clients in relation to relevant financial products;*
 - d) *involves dishonesty or fraud;*
 - e) *involves the provision of financial product advice to retail clients without being registered;*
 - f) *involves the provision of financial product advice to retail clients without meeting the education and training requirements (other than the requirements for continuing professional development) in section 921B of the Corporations Act;*
 - g) *involves the provision of a Statement of Advice by a provisional relevant provider that has not been approved by a supervisor required under subsection 921F(4) of the Corporations Act; or*
 - h) *is a serious or repeated breach.*

The FPA supports the proposed criteria that the contravention or circumstance:

- a) has resulted in, or is likely to result in material loss or damage to clients;
- b) has resulted in, or is likely to result in a material benefit to the relevant provider;
- c) affects the suitability of the person to provide personal advice to retail clients in relation to relevant financial products;
- d) involves dishonesty or fraud;
- g) involves the provision of a Statement of Advice by a provisional relevant provider that has not been approved by a supervisor required under subsection 921F(4) of the Corporations Act; or

Suitability

The FPA supports proposed criteria c) *affects the suitability of the person to provide personal advice to retail clients in relation to relevant financial products.*

The FPA recommends that the ‘suitability’ of the person to provide personal advice to retail clients in relation to relevant financial products under criteria c) should be assess based on the ‘fit and proper person test’ as set out in s921U of the Better Advice Bill, and whether the person has been involved in conduct that is dishonest or fraudulent.

Unlicensed advice

The FPA opposes the inclusion of the following criteria in the Regulations:

- e) *involves the provision of financial product advice to retail clients without being registered;*
- f) *involves the provision of financial product advice to retail clients without meeting the education and training requirements (other than the requirements for continuing professional development) in section 921B of the Corporations Act;*

Section 921Y of the Bill requires relevant providers who provide personal advice to retail clients on relevant financial products to be registered. Section 921Z makes it an offence for a licensee to authorise an individual to provide advice if they are not registered. Meeting the education and training standards in s921B is a requirement for registration and a requirement to be authorised by a licensee.

Therefore, an individual who provides financial product advice to retail clients without being registered and/or without meeting the education and training standards in s 921B as proposed in criteria e) and f) respectively, is providing unregistered/unlicensed advice, which is an illegal act. ASIC has clear existing mechanisms for dealing unlicensed providers.

The single disciplinary body has been established to provide oversight of individual registered financial advisers, not to duplicate ASIC’s enforcement mechanisms for unlicensed providers.

The intent Commissioner Hayne’s recommendation 2.10 was that “*a coherent system of professional discipline must be established for financial advisers*”². This included:

² Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Final Report, Volume 1, pg 212

“A body dedicated to the investigation of matters concerning individual advisers could be expected to consider a broader range of cases than ASIC currently does.”

“.....the body should have available to it a range of sanctions varying in severity, the most serious of which must be the cancellation of the registration of a financial adviser.”³

Commissioner Hayne’s statements clearly show that he intended the single disciplinary body to deal with misconduct and disciplinary matters of actual financial advisers who are registered and licensed. Under the Bill, the most serious sanction the single disciplinary body can impose on an individual is the cancellation of registration. This is inappropriate action against an individual *providing financial product advice to retail clients without being registered*.

ASIC has established mechanisms and powers to consider cases involving the provision of unlicensed financial advice to retail clients and has a history of enforcement action against unlicensed individuals. This ASIC action should continue and include individuals who provide financial advice to retail clients while unlicensed and/or unregistered.

The provision of personal advice to retail clients in relation to relevant financial products by an unregistered person is a restricted civil penalty under s921Y of the Better Advice Bill. The most serious sanction a FSCP can issue under s921L(c) of the Bill is:

- (c) *a written order (a registration prohibition order) that:*
 - (i) *Cancels the registration of a relevant provider under subsection 921ZC(1) at a time (the cancellation time) specified in the order; and*
 - (ii) *Provides that the relevant provider is not to be registered under that subsection until after a day (the prohibition end day) specified in the order.*

However, this sanction will have no bearing on an individual who does not hold a registration. This will result in the FSCP referring the matter back to ASIC to action under s921Q:

- (1) *If a Financial Services and Credit Panel reasonably believes that a relevant provider has contravened a restricted civil penalty provision, the panel may, by written notice given to ASIC, recommend that ASIC make an application under subsection 1317J(1) in relation to the alleged contravention.*

Note: If ASIC decides to not follow the panel’s recommendation, ASIC must report on the recommendation and ASIC’s reasons for not following it (see subparagraph 136(1)(da)(iv) of the ASIC Act).

Including e) *involves the provision of financial product advice to retail clients without being registered* in the criteria in the Regulations will result in a process where ASIC undertakes the initial investigation and assessment of the case, convenes a FSCP to consider and make a judgement on the case which is then referred back to ASIC to take the appropriate action. This is an inefficient and unnecessary duplication of assessment and judgement of a case, and double handling by ASIC, which will unnecessarily drive up the cost of the single disciplinary body and ASIC enforcement activity and undermine consumer protection as it will delay action being taken against the unregistered individual.

³ Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Final Report, Volume 1, pg 216

ASIC is the custodian of the Register and therefore has primary access to the data to determine whether an individual is registered or unregistered. If an individual is unregistered, ASIC is in the best position to take enforcement action.

Meeting the education and training standards in s 921B is a requirement for licensing and a requirement for registration. If an individual has not met these standards, they would be unlicensed and unregistered. Action against individuals who provide personal financial advice to retail clients while unlicensed / unregistered should be the responsibility of the Regulator, not the single disciplinary body.

The FPA recommends cases relating to the provision of personal financial advice to retail clients without being registered and/or without meeting the education and training standards in s 921B, should be dealt with by ASIC and should be excluded from the criteria for convening a FSCP.

Serious or repeated breach

The FPA supports the inclusion in the criteria of contraventions that are a serious or repeated breach (proposed criteria g)). The terms 'serious' and 'repeated breach' should be defined in Regulations.

The FPA considers it would be appropriate for ASIC and the single disciplinary body to be required to take into account the following matters in determining whether a contravention is 'serious':

- the material loss or damage to clients;
- the benefit gained by the relevant provider; and
- repeated breaches of a similar nature."

However, the FPA suggest further consideration is required for a definition of 'repeated breaches' if it were to be defined. The policy paper includes the proposal to define the term 'repeated breach' as:

similar breaches that have occurred on two or more occasions and in a specific timeframe, such as in a 12-month period.

Providing a decisive definition for a term risks questions arising and the potential need for further guidance. For example:

- Is the 'repeat' of the breach is measured by the number of consumers impacted by an adviser using unethical behaviour/action once, or the number of times the adviser's unethical behaviour or action recurred?
- If the unethical behaviour recurred 13 months apart, would this be considered a 'repeated breach'?

Due to the specific and time bound nature of the proposed definition it may result in the need for further guidance and clarity and reduce the consumer protection of the single disciplinary body.

The FPA recommends a similar approach be used for placing parameters around both terms by requiring ASIC and the single disciplinary body to 'take into account the following matters in determining whether a contravention is a 'repeated breach':

- **whether similar breaches have occurred in relation to multiple uses of the same type of unethical behaviour / action by the adviser**

- the number of clients impacted by the breach
- the timeframe between the similar breaches

Significance test

The FPA opposes the proposed criteria being linked to the ‘significance test’ in the new breach reporting regime. The significance test in s912D(4) and (5) of Schedule 11 of the Financial Sector Reform (Hayne Royal Commission Response) Bill 2020 (Schedule 11) relate to the financial services licensee obligation to lodge a report with ASIC (s912DAA) if there are reasonable grounds to believe that a reportable situation (s912D) has arisen in relation to a financial services licensee. The significance test and the reportable situation definition reflect the licensing regime for the provision of personal financial advice to retail clients in the Corporations Act, which focuses on licensees obligations.

In contrast, the function single disciplinary body is to address disciplinary matters relating to breaches by individual financial advisers, particularly in relation to the Financial Adviser Code of Ethics. As stated in the Royal Commission Final Report:

Registration ... will facilitate the introduction of a central disciplinary body for financial advisers, focused on the conduct of individual advisers and complaints about individual advisers (pg 213)

The significance test also applies to the new licensee investigation and compensation requirements in Subdivision C — Notifying and remediating consumers affected by reportable situations of Schedule 11. The FPA supports the consideration of consumer complaints by the single disciplinary function. This is in line with Commissioner Hayne’s overview of a ‘coherent system of professional discipline for financial advisers’ and will complement the new investigation and compensation obligations for licensees. However, the inclusion of complaints in the received by ASIC should be carefully assessed to determine whether a complaint relates to a breach of the licensee obligations or requirements placed on relevant providers.

The principle of key elements of the significance test are appropriately applied to individual advisers and the single disciplinary body in the proposed criteria by including material loss or damage to clients, material benefit to the relevant provider, suitability of the adviser, dishonesty or fraud, unregistered advice, and serious or repeated breaches.

Restricted civil penalty provisions and section 921K

The Treasury has proposed how the above criteria would apply to civil penalty provisions in the Better Advice Bill:

The following restricted civil penalty provisions in the Bill may not result in an FSCP being convened unless the breach meets the proposed criteria above:

1. a breach of the continuing professional development requirements;
2. a breach of the Code of Ethics;
3. a breach of the following provisional relevant provider requirements:
 - i. to ensure that appropriate supervision is provided to a provisional relevant provider;
 - ii. that a supervisor must ensure a retail client is informed about the provisional relevant provider;

- iii. *that a provisional relevant provider must not obstruct or hinder a supervisor of the provisional relevant provider in ensuring that appropriate supervision is provided to the provisional relevant provider.*

The following matters under section 921K may not result in a panel being convened unless the breach meets the proposed criteria above:

1. *a contravention of a financial services law (other than those specified in the Regulations);*
2. *the person has been involved in another's contravention of the financial services law; and*
3. *being twice linked to a refusal or failure to give effect to an AFCA determination.*

The natural tension created by the application of the Code of Ethics to the individual adviser, and the obligations placed on licensees under the licensing regime in the Corporations Act, creates confusion over appropriate jurisdictional boundaries of oversight functions – licensees, ASIC and the single disciplinary body - while providing multiple potential mechanisms for dealing with breaches.

This is exacerbated by standard 1 of the Code of Ethics which has resulted in confusion due to the been 'catch all' nature of the standard:

You must act in accordance with all applicable laws, including this Code, and not try to avoid or circumvent their intent.

The regulatory oversight of some adviser professional obligations also remain the responsibility of the licensee within the law, such as CPD where the licensee is required to set, ensure compliance with, and report to ASIC in regard to, an adviser's CPD Plan. Competence is a core value under the Code and is reinforced by standards 9 and 10, which require an adviser to provide services with competence and develop, maintain and apply a high level of relevant knowledge and skills.

However, the FPA is concerned that including provisions in the Regulations that qualify the circumstances under which a breach of the professional standards may not result in a FSCP being convened – that is a breach of the continuing professional development requirements and a breach of the Code of Ethics - may imply that there are certain breaches of the Code that are acceptable and will not be referred to panel.

Therefore, the FPA believes some breaches of the restricted penalty provisions, including some standards in the Code of Ethics, may be best be dealt with by other mechanisms within ASIC, particularly those which are licensee obligations under the Act, without specifying that some breaches do not result in an FSCP panel being convened.

The FPA recommends the Regulations which set the framework to be adopted by the single disciplinary body, must make it clear that ASIC must determine:

- **who has the legal responsibility under the law,**
- **whether a breach was caused by the licensee or the adviser, and**
- **the most appropriate mechanism within ASIC to deal with the breach.**

Steps should be taken to ensure enforcement activity is appropriately targeted to the individual or licensee.

Further guidance

Given the number of members in the panel member pool, it would be helpful for ASIC to provide jurisdictional guidance to explain the Regulations for the FSCP members prior to commencement. This guidance will also improve the transparency for all stakeholders and should explain:

- how the single disciplinary body function within ASIC will operate;
- circumstances that may be best be dealt with by other mechanisms within ASIC; and
- how the single disciplinary body differs from other ASIC mechanisms, particularly in relation to licensee obligations.

The FPA recommends ASIC provide jurisdictional guidance to explain how the Regulations will be implemented by the single disciplinary body for financial advisers

SANCTIONS TO BE LISTED ON THE FINANCIAL ADVISERS REGISTER

The Treasury has propose mandating the following sanctions to be included on the FAR, including for first-time offences:

1. *a written direction by the FSCP to undertake specified training;*
2. *a written direction by the FSCP to receive specified counselling;*
3. *a written direction by the FSCP to receive specified supervision;*
4. *a written direction by the FSCP to report specified matters to ASIC; or*
5. *a written registration suspension or prohibition order by the FSCP.*

Administrative sanctions prescribed in the Regulations will be included on the FAR at the time they are made and are not contingent on compliance. They will only be removed if the sanction has been revoked by the FSCP. This would result in written warnings or reprimands issued by ASIC or the FSCP not being included on the FAR.

The FPA also supports publication of details of disciplinary matters, as it would have two substantial benefits. Firstly, it would help foster a better understanding of the application of the principles of the Code of Ethics to real life situations and, in particular, to emerging issues in financial planning. Secondly, it would provide valuable transparency in the operation of the FSCPs. Combined with the reporting of sanctions on the FAR, publishing a summary of each decision will boost confidence in the FSCP disciplinary model.

The FPA supports the proposal for:

- **sanctions imposing specified training, counselling, supervision, reporting specified matters to ASIC, and suspension or cancellation of an adviser's registration, to be publish on the FAR**
- **written warnings or reprimands issued by ASIC or the FSCP not to be included on the FAR**

The FPA recommends that the FSCPs publish a summary of each decision to apply a sanction (except for written warnings and reprimands), including a brief description of the facts of the matter, the reasoning of the FSCP and the outcome.

OTHER MATTERS FOR INCLUSION IN THE REGULATIONS

Recovery of costs for the single disciplinary body

The FPA is concerned about the impact of the cost of the single disciplinary body on the provision of financial advice for the profession and consumers. Urgent consideration of the funding of the single disciplinary body and registration functions within ASIC is necessary to give industry certainty about future regulatory costs.

Regulation 5 of the ASIC Supervisory Cost Recovery Levy Regulations 2017, states the amounts not included in regulatory costs including:

For the purposes of paragraph 10(4)(c) of the Act, the following amounts must not be included in the amount of ASIC's regulatory costs for a financial year:

- (b) *the cost of operating the Companies Auditors Disciplinary Board (as established under the Australian Securities and Investments Commission Act 2001);*
- (c) *the cost of operating a committee convened under section 40-45 of Schedule 2 to the Corporations Act 2001;*
- (d) *the cost of operating and maintaining a public register kept by ASIC under the Corporations Act 2001;*

As stated in ASIC's consultation CRIS for the 2020-2021 financial year, provision c) relates to operating the committees convened on an ad-hoc basis to consider disciplinary matters relating to registered liquidators (registered liquidators disciplinary committees) (paragraph 33).

The FPA suggests a similar approach should be taken for FSCPs convened under the single disciplinary body function for advisers. The single disciplinary body should be funded by:

- A fee to be registered on the FAR; and
- Case fees charged to those with matters referred to a FSCP, with different fees incurred at progress stages depending on the outcome of a FSCP's deliberations of a matter, for example:
 - If a FSCP finds the adviser's action were not a contravention, the adviser is not charged a fee.
 - If the adviser requests a hearing, an additional fee could be imposed.
 - Where a FSCP makes an instrument against an adviser, the adviser should cover the cost of the FSCP.

The FPA notes the process used by ASIC for the registration of liquidators, which requires all applications and supporting documentation to be provided to and approved by a committee.

Given there is currently more than 19,000 financial advisers listed on the FAR, this would be an extremely inefficient and prohibitively costly registration process for the registration of relevant providers for ASIC to refer a matter to a FSCP. The FPA suggest the consideration of a registration and annual attestation process similar to that used by the Tax Practitioners Board for tax agents.

To ensure the most appropriate funding model is implemented for the single disciplinary body within ASIC, the FPA recommends The Treasury undertake specific consultation to consider options that aim to minimise the impact of these costs.

Commencement of registration and meeting education requirements

The requirement to be Registered to provide personal financial advice to retail clients on relevant financial products under s921Y is due to commence on 1 January 2022. Section 921ZA(2) sets the eligibility requirements for registration which include meeting the education and training requirements under s921B of the Corporations Act.

However, the transition period for the education and training requirements for existing advisers continues beyond this commencement date until 2026:

- Minister for Superannuation, Financial Services and the Digital Economy, Senator Jane Hume has announced relief that allows candidates who have failed the Financial Adviser Standards and Ethics Authority (FASEA) exam twice to re-sit it in 2022.
- Section 1546B of the Corporations Act requires relevant providers to have completed an approved bachelor or higher degree, or equivalent qualification, by 1 January 2026.

The FPA recommends the Regulations note the transition period for the education standards and ASIC considers appropriate and visible notices on the FAR to ensure consumers understand why some advisers may still be working toward meeting the education and training standards.

Profession body information and liability

Subsection 40-100 and 40-105 of Schedule 2 - Insolvency Practice Schedule (Corporations) of the Corporations Act permits industry bodies to notify ASIC where they suspect there are grounds for disciplinary action, obliges ASIC to consider and respond to such notices, and removes liability of industry body if notice given in good faith:

40-100 Notice by industry bodies of possible grounds for disciplinary action

Industry body may lodge notice

(1) An industry body may lodge with ASIC a notice in the approved form (an industry notice):

(a) stating that the body reasonably suspects that there are grounds for ASIC:

(i) to suspend the registration of a registered liquidator under section 40-25; or

(ii) to cancel the registration of a registered liquidator under section 40-30; or

(iii) to give a registered liquidator a notice under section 40-40 (a show-cause notice); or

(iv) to impose a condition on a registered liquidator under another provision of this Schedule; and

(b) identifying the registered liquidator; and

(c) including the information and copies of any documents upon which the suspicion is founded.

ASIC must consider information and documents

- (2) *ASIC must consider the information and the copies of any documents included with the industry notice.*

ASIC must give notice if no action to be taken

- (3) *If, after such consideration, ASIC decides to take no action in relation to the matters raised by the industry notice, ASIC must give the industry body written notice of that fact.*

45 business days to consider and decide

- (4) *The consideration of the information and the copies of any documents included with the industry notice must be completed and, if ASIC decides to take no action, a notice under subsection (3) given, within 45 business days after the industry notice is lodged.*

ASIC not precluded from taking action

- (5) *ASIC is not precluded from:*

- (a) suspending the registration of a registered liquidator under section 40-25; or*
- (b) cancelling the registration of a registered liquidator under section 40-30; or*
- (c) giving a registered liquidator a notice under section 40-40 (a show-cause notice); or*
- (d) imposing a condition on a registered liquidator under another provision of this Schedule;*

wholly or partly on the basis of information or a copy of a document included with the industry notice, merely because ASIC has given a notice under subsection (3) in relation to the matters raised by the industry notice.

Notice to industry body if ASIC takes action

- (6) *If ASIC does take action of the kind mentioned in subsection (5) wholly or partly on the basis of information or a copy of a document included with the industry notice, ASIC must give the industry body notice of that fact.*

40-105 No liability for notice given in good faith etc.

- (1) *An industry body is not liable civilly, criminally or under any administrative process for giving a notice under subsection 40-100(1) if:*

- (a) the body acted in good faith in giving the notice; and*
- (b) the suspicion that is the subject of the notice is a reasonable suspicion.*

- (2) *A person who, in good faith, makes a decision as a result of which the industry body gives a notice under subsection 40-100(1) is not liable civilly, criminally or under any administrative process for making the decision.*

- (3) *A person who, in good faith, gives information or a document to an industry body that is included, or a copy of which is included, in a notice under subsection 40-100(1) is not liable civilly, criminally or under any administrative process for giving the information or document.*

Since 1992, the FPA has held its individual practitioner members to account under an enforceable FPA Code of Professional Practice and Code of Ethics. The FPA's disciplinary investigations and action stems from FPA audits, member reports and consumer complaints. The FPA has a history of notifying ASIC where they suspect there are grounds for regulatory action. Disciplinary sanctions under the FPA's Code include automatic termination of membership if ASIC bans a person from providing financial services.

However, there are no requirements for ASIC to consider the information and documents provided by financial advice industry bodies, or give a notice to the industry body of the Regulator's decision to take action or not take action as a result on the information provided. There are also no provisions in relation liability of industry bodies for notices given in good faith and where there is a reasonable suspicion of ground for ASIC enforcement action.

The majority of financial advice industry bodies in Australia have individual practitioner members. This provides a nexus between the disciplinary and complaints functions of industry bodies and the single disciplinary body's mandate to consider disciplinary matters in relation to individual relevant providers.

The FPA recommends the Regulations include provisions for financial advice industry bodies providing information to the single disciplinary body in good faith and where there is a reasonable suspicion of ground for ASIC enforcement action, similar to the provisions for registered liquidators.