

EXPOSURE DRAFT



Financial Adviser Standards and Ethics Authority Ltd

Corporations (Provisional Relevant Providers—Expressions) Determination 2018

Explanatory Statement

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Key information

1. Under section 923C of the *Corporations Act 2001*, a person cannot use the expressions “financial planner” or “financial adviser” (or terms of like import) if the person is a “provisional relevant provider” (someone who is undertaking work or training as part of a professional year to acquire the necessary qualifications and meet the Act’s requirements to act as a financial planner or financial adviser). Provisional relevant providers can only provide financial services to clients under supervision.
2. This effect of this determination is that a provisional relevant provider can lawfully use or assume the expressions “provisional financial planner” or “provisional financial adviser”.
3. ***Date of effect***: the day after it is registered in the Federal Register of Legislation (see section 2).

Outline of this determination

4. Under subsection 923C(9), a provisional relevant provider may assume or use the expressions “financial planner” or “financial adviser” (or terms of like import) if they are or are part of expressions determined for the purposes by the standards body (Financial Adviser Standards and Ethics Authority Ltd).
5. ***Provisional relevant provider*** is defined in section 910A of the *Corporations Act 2001* as a person who is undertaking at least 1 year of work and training that meets the requirements set by Financial Adviser Standards and Ethics Authority Ltd in another determination (often called a “professional year”).
6. Section 4 of this determination has the effect that a provisional relevant provider can use or assume the expressions “provisional financial planner” or “provisional financial adviser”.

Detailed provisions

Section 1

7. This section identifies the determination as the *Corporations (Provisional Relevant Providers—Expressions) Determination 2018*.

Section 2

8. This section sets out when the determination commences, which is the day after it is registered in the Federal Register of Legislation.

Section 3

9. This section states the legislative authority for making the determination: subparagraph 921U(2)(a)(v) of the *Corporations Act 2001*.

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Section 4

10. This section specifies the 2 expressions that may be used or assumed by a provisional relevant provider: “provisional financial planner” and “provisional financial adviser”.