



## Financial Markets Conduct (Extension of Term and Revocation of Exemptions) Notice 2017

Pursuant to sections 556 and 572 of the Financial Markets Conduct Act 2013, the Financial Markets Authority, being satisfied of the matters set out in section 557 of that Act, gives the following notice.

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### Notice

#### 1 Title

This notice is the Financial Markets Conduct (Extension of Term and Revocation of Exemptions) Notice 2017.

#### 2 Commencement

- (1) Clause 4(a) comes into force on 1 December 2017.
- (2) The rest of this notice comes into force on the day after the date of its notification in the *Gazette*.

#### 3 Exemption notice amended

- (1) This clause amends the Financial Markets Conduct (Offers of Financial Products Through Authorised Financial Advisers Supplying Personalised DIMS) Exemption Notice 2015.
- (2) In clause 3, replace “5 November 2017” with “5 November 2020”.

#### 4 Exemption notices revoked

The following notices are revoked:

- (a) the Financial Markets Conduct (Financial Reporting: Balance Dates of Managers and Registered Schemes) Exemption Notice 2015 (LI 2015/185):
- (b) the Financial Markets Conduct (Dual-listed FMC Reporting Entities) Exemption Notice 2015 (LI 2015/121).

Dated at Auckland this 18th day of October 2017.

Nick Kynoch,  
General Counsel.

### Statement of reasons

This notice extends the Financial Markets Conduct (Offers of Financial Products Through Authorised Financial Advisers Supplying Personalised DIMS) Exemption Notice 2015 (the **DIMS notice**) until 5 November 2020. This will continue to put offers made through authorised financial advisers (**AFAs**) providing personalised discretionary investment management services (**DIMS**) under the current Financial Advisers Act 2008 regime (the **FAA regime**) in the same position as offers made through DIMS licensees so offerors of financial products can continue to be exempted from the disclosure requirements in Part 3 of the Financial Markets Conduct Act 2013 (the **FMC Act**).

This notice also revokes the Financial Markets Conduct (Financial Reporting: Balance Dates of Managers and Registered Schemes) Exemption Notice 2015 (the **Balance Dates notice**) and the Financial Markets Conduct (Dual-listed FMC Reporting Entities) Exemption Notice 2015 (the **Dual-listed notice**).

The revocation of the Balance Dates notice comes into force on 1 December 2017. The rest of this notice comes into force on the day after the date of its notification in the *Gazette*.

The Financial Markets Authority (the **FMA**), after satisfying itself as to the matters set out in section 557 of the FMC Act, considers it appropriate to extend or revoke these notices because,—

#### Extension of the DIMS notice

- whilst some AFAs remain authorised to provide personalised DIMS under the FAA regime, the policy reasons for the DIMS notice remain valid and relevant. The FMA is aware of the continued reliance on this notice. Given the continuing validity and relevance of the notice, and the continued reliance on it, it is necessary or desirable to extend the exemption, which promotes the purposes of the FMC Act for the same reasons as it was initially granted:

- the FMA is satisfied that the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it because the exemption is restricted to offers made through AFAs authorised to provide personalised DIMS who decide whether to acquire financial products for their clients:

**Revocation of Balance Dates and Dual-listed notices**

- the Regulatory Systems (Commercial Matters) Amendment Act 2017 has amended sections 461A and 461H of the FMC Act to require a scheme's financial statements to be completed and lodged within 4 months of the balance date of the scheme (rather than the balance date of its manager). Scheme managers previously relying on the Balance Dates notice can now comply with the amended provisions of the FMC Act:
- issuers previously relying on the Dual-listed notice can rely on the Financial Markets Conduct (Overseas FMC Reporting Entities) Exemption Notice 2016, which contains wider exemptions, including recognising additional approved jurisdictions:
- as such, the FMA considers that these exemptions are no longer necessary or desirable in order to promote the purposes of the FMC Act, nor necessary to address the matters that gave rise to them.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 19 October 2017.

This notice is administered by the Financial Markets Authority.