

## The Best Interests Duty Checklist

Ask yourself the following questions.

	Question	Do I comply?	
		Yes	No
1	Do I (and our representatives) understand what acting in the client's best interests means?		<ul style="list-style-type: none"> <li>Read <a href="#">RG175.201-403</a>.</li> <li>Provide practical training to advising representatives.</li> </ul>
2	What have I done to train me and our representatives?		<ul style="list-style-type: none"> <li>Review each representative's training plan to ensure that they have undertaken "best interests" training.</li> </ul>
3	Am I and our representatives going to rely on the safe harbour provisions?		<ul style="list-style-type: none"> <li>Read <a href="#">RG175.251 to RG175.347</a>.</li> </ul>
4	If <b>yes</b> to question 3, do I need to bring in a new compliance procedure? What will they look like?		<ul style="list-style-type: none"> <li>You will need to amend your compliance manual/procedures to take the new steps into account.</li> </ul>
5	If <b>no</b> to question 3, do I and our representatives know how to comply with the best interests duty requirements?		<ul style="list-style-type: none"> <li>Develop processes to ensure best interests obligations are discharged.</li> <li>Provide training on best interests.</li> </ul>
6	Have I identified relevant conflicts of interest which will impact on discharging the best interests duty?		<ul style="list-style-type: none"> <li>Review your conflicts of interest policy, framework and register.</li> </ul>
7	Do our monitoring and supervision arrangements check that I and our representatives have complied with the best interests duty?		<ul style="list-style-type: none"> <li>Review monitoring and supervision procedures, including checklists.</li> </ul>
8	Do I and our representatives know what to do if they are not sure they are complying with the best interests duties or have questions about meeting the obligations?		<ul style="list-style-type: none"> <li>Ensure compliance manuals include best interests explanations and advisers have access to compliance support to ask questions.</li> </ul>
9	Do I and our advisers know how to provide scaled advice and also meet the best interests duty?		<ul style="list-style-type: none"> <li>Read <a href="#">RG175:391-395</a> and <a href="#">RG244:50-98</a>.</li> <li>Conduct training on providing scaled advice.</li> <li>Review compliance resources available to advisers.</li> </ul>

Source: Holley Nethercote Commercial & Financial Services Lawyers -May 2013