

SUPERANNUATION

DO YOU NEED TO BE LICENSED?

FINANCIAL ADVISORY SERVICES

The accountants' exemption was repealed on 1 July 2016

If you wish to be able to recommend a client should establish or wind up an interest in an SMSF from 1 July 2016, you must be appropriately licensed in some capacity.

Importantly, Regulation 7.1.29 will continue to permit the provision of administration, compliance, audit or tax advice in respect of SMSFs and other financial products without requiring you to be licensed.

The following table provides a summary of different superannuation activities and whether you need to be licensed to provide that advice or service.

ACTIVITY	NO LICENCE	MUST BE LICENSED
From 1 July 2016 - recommend your client establish an SMSF		✓
Provide factual information about superannuation, including explaining the different superannuation choices and contribution limits.	✓	
Provide advice about the performance of different types of super choices or different superannuation funds or recommend one structure over another		✓
Provide factual advice about the value of consolidating superannuation assets into a single fund	✓	
Provide assistance to a client to roll-over assets into a SMSF upon client instructions, e.g. client has received licensed advice to rollover the assets	✓	
Advise a client about which assets can be contributed to a superannuation to establish a SMSF, provided it is only for the sole purpose of ensuring compliance with the SIS Act	✓	
Recommend your client consolidate their superannuation assets into a single fund		✓

ACTIVITY	NO LICENCE	MUST BE LICENSED
Advise on administration and operational issues for the SMSF	✓	
Provide compliance advice (for the sole purpose of ensuring compliance) e.g. in-house asset rules, modifying contribution levels due to changes in SG	✓	
Provide factual information on insurance risks associated with changing superannuation funds	✓	
Provide tax advice on the implications for superannuation contributions, however, must provide the disclaimer as required by Reg. 7.1.29(4)	✓	
Recommend that a member increase their contributions to over the Superannuation guarantee (SG) minimum		✓
Recommend your client make additional contributions (e.g. spouse, in-specie transfers) to superannuation or redirect their existing contributions to another superannuation fund		✓
Provide advice about the tax consequences of commencing a pension, however, must provide the disclaimer as required by Reg. 7.1.29(4)	✓	
Recommend your client commence any form of pension		✓
Provide tax advice about the consequences of commencing a TTR strategy, however, must provide the disclaimer as required by Reg. 7.1.29(4)	✓	
Recommend a client commence a TTR pension		✓
Administratively set up a pension from the SMSF upon receipt of client instructions	✓	
Provide advice in relation to the purchase and sale of property and other forms of real estate	✓	
Recommend your client purchase any form of property through their SMSF		✓
Advise on SIS Act compliance in a fund audit	✓	
Advise an employer or employee client what choice of funds is and how it can be implemented	✓	

ACTIVITY	NO LICENCE	MUST BE LICENSED
Provide execution only SMSF services, however, is recommended such services are only provided if the client has already received licensed advice recommending the set-up of the SMSF	✓	
Advise on deficiencies of a trust deed	✓	
Provide advice on the investment requirements/restrictions of the SIS Act (e.g. limitations on in-house assets)	✓	
Value the assets within a superannuation fund	✓	
Provide a pro forma generic investment strategy for a client with appropriate disclaimers, provided it falls within the broad asset allocation exemption	✓	
Prepare an investment strategy for the SMSF		✓
Recommend the type of investments the fund should acquire as part of the advice to set up a SMSF		✓
Recommend a client to have a binding death benefit nomination, including who should be nominated		✓
Provide a client calculations on the minimum or maximum pension amounts for a superannuation fund	✓	
Recommend a corporate trustee versus individual trustee for a SMSF	✓	

OTHER RESOURCES

- [Financial advice and regulations: Guidance for the accounting profession](#)
- [Regulation of SMSF advice](#)

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