

FS Compliance Newsletter

MARCH 2026

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Introduction

In this edition, ASIC Commissioner Alan Kirkland delivered a keynote address outlining ASIC's upcoming surveillance and enforcement priorities in relation to advice licensees for 2026. ASIC has warned licensees to maintain robust corporate governance practices and unveiled a financial complaints data dashboard.

The Treasury has released consultations on proposed reforms to the education standards for financial advisers and CSLR regime. The Financial Services and Credit Panel has released decisions reprimanding advisers in relation to poor non-concessional contribution advice, failures to make reasonable inquiries relating to a client's relevant circumstances, and poor superannuation rollover advice.

AUSTRAC has released an updated Suspicious Matter Report reference guide and guidance outlining the scope and intended use of its new compulsory examination powers. AUSTRAC has released practical guidance in relation to the application of transitional rules part of the new AML/CTF reforms.

Treasury released multiple consultations seeking feedback on proposed reforms intended to curb lead generation activity related to financial products, the tranche 1 reforms for payment service providers, and policy options to enhance member protections in the superannuation system. ASIC released a consultation on proposed changes to the NTA requirements for Responsible Entities.





Updates from the Industry

ASIC data reveals sharp spike in corporate governance issues

On 25 February 2026, ASIC released new data showing an increase in reports of misconduct ("**ROMs**") related to corporate governance issues, such as failures to provide company records, insolvency matters and shareholder issues. With corporate governance matters emerging as a key area of concern, ASIC has reminded directors and licensees that robust governance is essential for compliance.

In the second half of 2025, ASIC received a total of 9,686 ROMs raising 13,036 issues, with corporate governance matters accounting for 40% of these issues, with financial services and retail investors issues totalling 44%. ASIC has attributed the increase partly to ASIC's website upgrade in June 2025, which made it easier for the public to report misconduct. However, ASIC Deputy Chair Sarah Court stated that these figures are concerning and "*point to an increase in concerns about corporate governance issues*". Ms Court emphasised that

ROMs are an important source of intelligence for ASIC and assist "*identifying key issues for consumers, investors and creditors, and guide ASIC's decisions on potential civil and criminal actions*".

ASIC has reminded licensees that ASIC has numerous active investigations into governance failures and directors' duties. Punishing failures of this nature is a top regulatory and enforcement priority for ASIC in 2026. With reporting now simpler and increased ASIC surveillance, directors and licensees must ensure their corporate governance frameworks and practices are robust.



[The full media release can be viewed here.](#)

ASIC unveils financial complaints data dashboard

ASIC has launched a financial complaints data dashboard which enables consumers to access a wide range of complaints data reporting by individual financial firms. Consumers now have unprecedented access to consumer complaints data, enhancing transparency by providing increased visibility into consumer concerns and potential harm across the financial services industry. The data dashboard will also assist ASIC in identifying emerging industry trends and will inform regulatory decision making.

The financial complaints data dashboard enables users to compare the complaints data reported by individual financial firms. Some additional key features of the data dashboard include:

- an overview of complaints volume and trends over specified reporting periods;
- categorised breakdowns of complaints by issue and complaint outcome;

- complaints resolution times for individual financial firms; and
- information about monetary remedies paid.

ASIC Commissioner Alan Kirkland has noted that the dashboard will empower consumers and promote greater accountability within the financial services industry, whilst providing ASIC with a valuable data set to inform regulatory decision making. The dashboard will assist ASIC in identifying key trends, such as the reasons complaints are lodged and increases or decreases in complaints handling time, and the types of products that attract the most complaints. This will allow ASIC to flag emerging issues for industry attention and identify harmful licensee practices more effectively, while informing regulatory and enforcement decisions.



[The full media release can be viewed here.](#)



Financial Advice

ASIC Commissioner outlines key priorities in relation to advice licensees

On 23 February 2026, ASIC Commissioner Alan Kirkland delivered a speech discussing the enforcement and surveillance actions ASIC is prioritising to help build a safer and more secure financial system in Australia. The Commissioner emphasised that addressing the conduct that led to the collapse of the Shield and First Guardian Master Funds is a major priority for ASIC. Mr Kirkland also outlined the surveillance programs ASIC has recently undertaken and some of the regulator's areas of concern for advice licensees in the upcoming year.

Shield and First Guardian Funds

Mr Kirkland emphasised the breadth of action ASIC has taken in addressing the conduct that led to the collapse of the Shield and First Guardian Master Funds. ASIC currently has 12 cases underway against 21 defendants, having taken action against platform trustees, research houses, lead generators, advisers and the funds themselves. Notably, two of the platform trustees, Macquarie and Netwealth, have admitted failures in relation to the collapses and have agreed to return a combined \$422 million to around 4,000 members and ASIC is seeking compensation, in court, from the remaining two trustees: Equity and Diversa. Mr Kirkland re-affirmed that addressing the conduct that led to this industrial-scale misconduct and compensating all impacted investors will continue to be major enforcement priority for ASIC.

According to Mr Kirkland, ASIC currently has nearly 50 staff working on 26 investigations, involving matters that are either before the courts or ongoing investigations in relation to numerous entities and individuals connected to the Shield and First Guardian Master Fund collapses.

In February, ASIC increased its assistance for impacted investors by releasing additional information and resources, including a dedicated consumer support website, to help those impacted in lodging complaints and understanding the potential pathways to compensation.

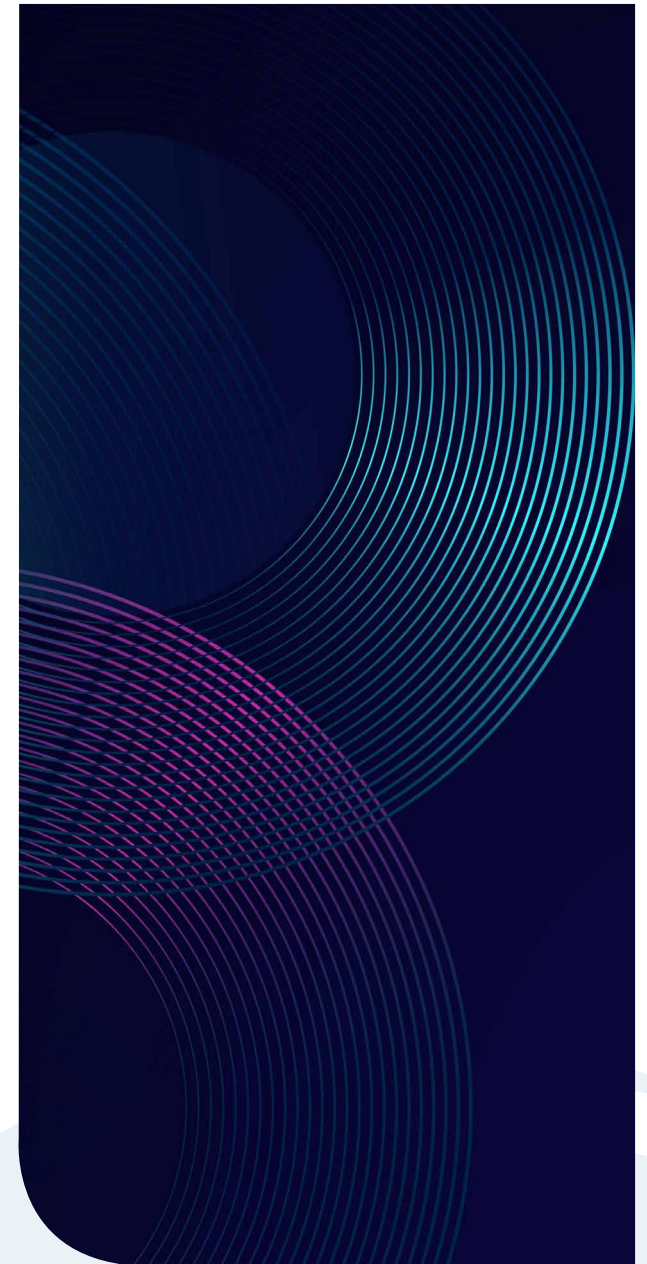
Surveillance and Enforcement Trends

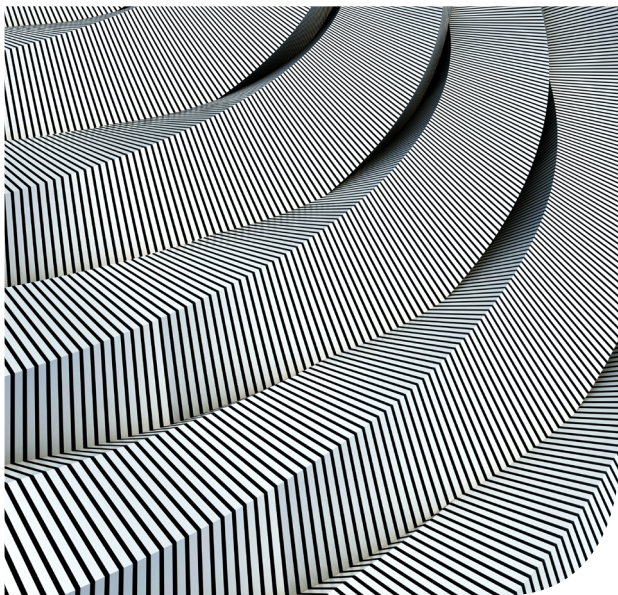
In his speech, Mr Kirkland outlined the importance of thematic reviews, or surveillance programs, in informing ASIC's consumer warnings, regulatory concerns and enforcement actions. These surveillance programs have been crucial in informing the allocation of ASIC's regulatory and enforcement resources and typically indicate to licensees the regulator's upcoming areas of concern or focus. The Commissioner noted the particularly significant surveillance programs ASIC had undertaken over the past few years including reviews in relation to SMSF establishment advice, trustee oversight of inappropriate fee deductions and cold calling in relation to super-switching.

Mr Kirkland also noted that ASIC has commenced a review of advice licensees using lead generation services and is reviewing trustee practices in detecting and disrupting high-risk super-switching. Lead generators and licensees who utilise these services are on notice that ASIC will consider taking enforcement action where it detects contraventions of the law.



[The full media release can be viewed here.](#)





Treasury releases consultation on CSLR reforms

The Treasury has released a consultation outlining proposed reforms to the CSLR regime designed to improve the predictability and structure of funding arrangements and enhance recoveries.

The CSLR regime has been subject to some huge payouts as a result of the failure of several major financial advice firms and the Shield and First Guardian Fund collapses. As a result, the special levy needed to cover the shortfall in the 2026 Financial Year has risen to \$47.7 million and is projected to increase to over \$100 million in 2027. The Treasury is therefore seeking feedback on reform options to improve the sustainability and effective operation of the CSLR for industry and consumers.

The consultation, released on 7 April 2026, is seeking feedback on eight proposed reforms that have been put forward for consultation:

- enabling CSLR to deduct payments from compensation;
- expanding CSLR subrogation rights;
- revising the treatment of counterfactual loss for CSLR-eligible financial advice complaints;
- embedding greater certainty within the special levy framework;
- clarification of the treatment of SMSF losses;
- facilitating the levying of Managed Investment Scheme related losses;
- improving recovery of unpaid AFCA determinations related to corporate groups; and
- making technical improvements to support the CSLR's ongoing effectiveness.

The consultation will close on 22 May 2026.



Submissions must be made through the Treasury website, [linked here](#).



The full media release can be [viewed here](#).

Consultation released regarding curbing lead generation activity

On 7 April 2026, the Treasury released a consultation on proposed reform options intended to curb lead generation activity related to financial products.

Lead generation activity broadly refers to the process of identifying potential customers to whom products or services can be marketed or offered with the goal of persuading them to purchase them.

The issues surrounding lead generation in relation to the provision of financial products and services was highlighted by the collapse of the Shield and First Guardian Funds and typically involves unsolicited contact in relation to superannuation recovery or 'welfare' checks, promises of high or unrealistic returns, and high-pressure sales tactics.

The reform options are intended to make lead generators more accountable for their conduct and introduce better mechanisms to protect consumers from high-pressure sales and cold-calling tactics. The Treasury has proposed several areas of reforms, including:

- enhancing accountability for the conduct of lead generation activities;
- extending anti-hawking rules;
- strengthening rules on unsolicited selling and unlicensed communications regarding superannuation;
- addressing conflicted payment structures; and
- targeting harmful or misleading advertising.

The consultation will close on 22 May 2026.



Submissions must be made through the Treasury website, [linked here](#).



The full media release can be [viewed here](#).

Treasury releases consultation proposing enhancement to member protections in the superannuation system

The Treasury is seeking feedback on policy options to better protect members in the superannuation system. The collapse of the Shield and First Guardian Funds highlighted weaknesses in the existing prudential framework and the widespread exploitation of the current superannuation switching framework. These weaknesses resulted in significant losses for members and have reduced overall trust and confidence in superannuation trustees and the broader financial services system.

The consultation, released on 7 April 2026, introduces various reform options intended to improve member outcomes by strengthening platform governance, ensuring switching superannuation is safer, and introducing compensation for members. The reform options proposed include:

- strengthening governance requirements for platform trustees;
- introducing waiting periods for inter-fund superannuation switches;
- limiting advice-fee deductions from super switching related financial advice; and
- requiring platforms to compensate members for some investment failures on their platforms.

The consultation will close on 22 May 2026.



Submissions must be made through the Treasury website, [linked here](#).



The full media release can be [viewed here](#).

Treasury releases consultation on education reform for financial advisers

On 17 March 2026, the Treasury released a consultation on reforms to the education requirements for financial advisers. The reform intends to streamline requirements to the current education standards and expand the availability of high quality, safe financial advice for Australians by creating a more sustainable pathway for new advisers to enter the profession.

The proposed education standards will require prospective advisers to hold a Bachelor's degree or higher and meet minimum study requirements in relevant areas. The changes proposed suggest that future financial advisers will only be required to complete four core financial advice subjects and four financial concept subjects. These proposed study requirements may be fulfilled as part of the completion of a Bachelor's degree or higher qualification. These requirements will continue to work in conjunction with the professional year, financial adviser exam and continuing professional development ("CPD") requirements to maintain a substantive barrier to entry for the profession and ongoing adviser training.

The consultation closed on 17 April 2026.



The full media release can be [viewed here](#).

FSCP issues written direction to financial adviser for poor non-concessional contribution advice

On 26 February 2026, the FSCP issued a written direction to Mr T in relation to contraventions of sections 961B(1) and 961G of the *Corporations Act 2001* ("**Corporations Act**"). The relevant provider gave advice to a client that included a recommendation to:

- establish a SMSF;
- rollover existing funds into the SMSF;
- make non concessional contributions to the SMSF; and
- make investments in certain unregistered management investment schemes for wholesale investors.

The Sitting Panel ruled that Mr T did not advise the client to make concessional contributions that were available and the investment and SMSF establishment advice was inappropriate given the relevant circumstances of the client.

The Sitting Panel found that Mr T had contravened sections 961B(1) and 961G of the Corporations Act as the adviser did not act in the best interests of the client and provided inappropriate advice. The Panel also found that the adviser contravened section 961E of the Corporations Act by failing to comply with Standard 5 in the Code of Ethics.

The written direction, issued under section 921L(1)(a)(iii) of the Corporations Act, requires Mr T to engage a compliance professional to audit the next 10 pieces of advice provided and prepare and submit a report to ASIC regarding the compliance of the advice with financial services laws and the AFS licensee's requirements.



The full media release can be [viewed here](#).



FSCP issues reprimand to financial adviser for a failure to make reasonable inquiries

On 9 March 2026, the FSCP issued a reprimand to Ms L under section 921T(1)(b) of the *Corporations Act* for failing to make reasonable inquiries in relation to the relevant circumstances of a client. The Sitting Panel determined that it reasonably believed the adviser had contravened sections 961B(1), 961G and 921E(3) of the *Corporations Act* in relation to advice provided to two retail clients between February 2023 and April 2024.

In relation to these cases, the Sitting Panel found that the adviser:

- failed to make reasonable inquiries to obtain complete and accurate information regarding the client's superannuation insurance prior to recommending a rollover; and
- failed to base all judgements in advising the clients on their relevant circumstances.

 [The full media release can be viewed here.](#)

FSCP issues reprimand to financial adviser in relation to superannuation rollover advice

On 18 March 2026, the FSCP issued a reprimand to Mr A under section 921T(1)(b) of the *Corporations Act* for failing to make reasonable inquiries in relation to the relevant circumstances of a client. The Sitting Panel determined that it reasonably believed the adviser had contravened sections 961B(1), 961G, 947D and 921E(3) of the *Corporations Act* in relation to advice provided to the rollover of a client's superannuation balances to a new plan.

The Sitting Panel found that when giving the rollover advice, the adviser failed to identify that death and TPD insurance was funded from the client's previous superannuation funds, resulting in the client's loss of death and TPD insurance coverage.

 [The full media release can be viewed here.](#)

AUSTRAC

Update your enrolment details with AUSTRAC by 30 May 2026

On 31 March 2026, a number of significant changes were made to Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regime. These changes directly affected **all** current reporting entities, including financial advisers, fund managers, non-cash payment providers, derivative issuers and cryptocurrency exchanges, requiring these entities to:

- either adopt a new AML/CTF program or make material changes to their existing AML/CTF program; and
- train their staff on, and then implement, the processes and procedures in their new or amended AML/CTF program.

In light of these changes, AUSTRAC requires **all** current reporting entities to update their enrolment details on **AUSTRAC Online prior to 30 May 2026**. This is to account for the fact that AUSTRAC requires additional information from reporting entities under the new AML/CTF regime.

 [Instructions on how to do so can be found here.](#)

If you have any questions in relation to the above, please get in touch with Cowell Clarke's financial services team at Compliance@CowellClarke.com.au.

AUSTRAC updates SMR guidance

On 30 March 2026, AUSTRAC released an updated Suspicious Matter Report ("**SMR**") reference guide. This guide is intended to assist reporting entities in submitting higher quality SMRs to assist AUSTRAC in obtaining actionable intelligence for its investigations and regulatory activities. The updated guide strengthens the best-practice expectations for entities drafting grounds for suspicion text and improves some language conventions and formatting errors.

The updated reference guide includes the following improvements:

- all grounds for suspicion examples are rewritten;
- a new crypto know your customer ("**KYC**") reporting scenario;
- a stronger emphasis on simple language and logical structure;
- improved guidance on how to structure grounds for suspicion text to enhance readability and improve auto-analysis; and
- formatting reminders for reporting entities.

 [The full media release can be viewed here.](#)

AUSTRAC releases helpful additional guidance on AML/CTF reforms

With the AML/CTF reforms coming into effect, AUSTRAC has released guidance in relation to the practical application of the transitional rules. AUSTRAC's guidance, released on 30 March 2026, provides reporting entities with key points to consider in relation to transitional arrangements in light of the AML/CTF reforms. The guidance is intended to assist entities in updating their systems and processes while continuing to manage money laundering and terrorism financing ("ML/TF") risks.

AUSTRAC has outlined several key points for reporting entities to consider regarding the AML/CTF transitional arrangements:

- entities have a 3-year transition period (31 March 2026 to 30 March 2029) to update their systems and processes from the current applicable customer identification procedures to the new initial customer due diligence ("CDD") framework;
- entities must notify AUSTRAC of any changes to their compliance officer by 30 May 2026;
- entities that have recently completed an independent review will be given an extended timeframe for their first evaluation post-reform; and
- obligations for new virtual asset services, including travel rule requirements, are deferred until 1 July 2026.

[→ The full media release can be viewed here.](#)

AUSTRAC publishes guidance regarding new compulsory examination powers

AUSTRAC has published guidance on its new compulsory examination powers, setting clear expectations for businesses and individuals about when and how its new powers will be applied. The new powers were introduced with the passing of the *AML/CTF Amendment Act 2024* and came into effect on 7 January 2025. AUSTRAC uses these compulsory examination powers to obtain documents, information and evidence that assist in regulatory decision making and are used in enforcement proceedings.

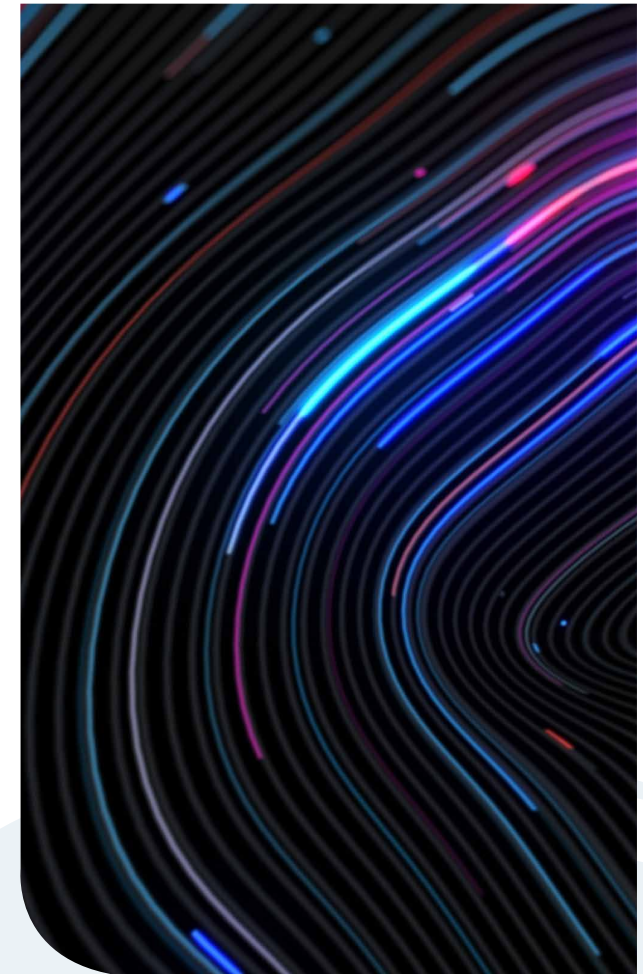
Under the new examination powers, AUSTRAC may issue a notice to a person requiring them to attend an examination and answer questions under oath or affirmation. If an individual receives a notice under these powers they must attend and answer the questions asked. Failure to do so will be an offence. AUSTRAC are only able to use this power if it believes, on reasonable grounds, that a person has information or documents relevant to compliance with the AML/CTF Act, Rules or regulations, or a prescribed criminal offence.

In the guidance, AUSTRAC has provided information in relation to:

- the information included in a notice;
- what to expect in an examination;
- the role of the examiner;
- how legal representation may assist; and
- how the information provided is handled and utilised.

The guidance intends to provide regulated entities, as well as the public at large, an explanation of the scope of the new compulsory examination powers and the approach ASIC will take to its use.

[→ The full media release can be viewed here.](#)



Consultations

Treasury releases consultation on Tranche 1 draft legislation regulating Payment Services Providers

On 12 March 2026, the Treasury released a consultation on Tranche 1 draft legislation intended to modernise the regulatory framework for payment service providers ("PSPs").

This follows the release of draft legislation in October 2025, referred to as Tranche 1a, which set the foundations for the modernised payments regulatory framework. This draft legislation introduced legislation to establish obligations:

- requiring PSPs to obtain an AFSL;
- establishing APRA powers for major stored value facility providers; and
- introducing mandatory compliance with a revised ePayments Code.

This consultation is seeking feedback on the full package of legislation for the Tranche 1 reforms, including:

- updates to the Tranche 1a draft legislation, including amendments to several definitions relating to payment functions and updates to concepts and disclosure requirements regarding tokenised SVFs;
- a new prudential regime for particular payment entities;
- AFS licensing exemptions and exclusions for lower-risk payment products and services;
- rules for unclaimed moneys;

- a power to make rules for a mandatory and revised ePayments code; and
- transitional arrangements for PSPs.

The consultation closed on 9 April 2026.

 [The full media release can be viewed here.](#)

Review of the amended Unfair Contracts Terms Protections

On 24 February 2026, the Treasury released a consultation on changes made to the unfair contract terms ("UCT") protections in 2022.

The UCT provisions, found in the *Australian Securities and Investment Commission Act 2001* ("ASIC Act") and the *Australian Consumer Law*, provide consumers and small businesses with protection against unfair terms in standard form contracts. The changes made to the UCT regime in 2022 strengthened the previous protections by:

- improving the range of remedies and enforcement powers;
- expanding the class of contracts covered; and
- making the law clear and stronger.

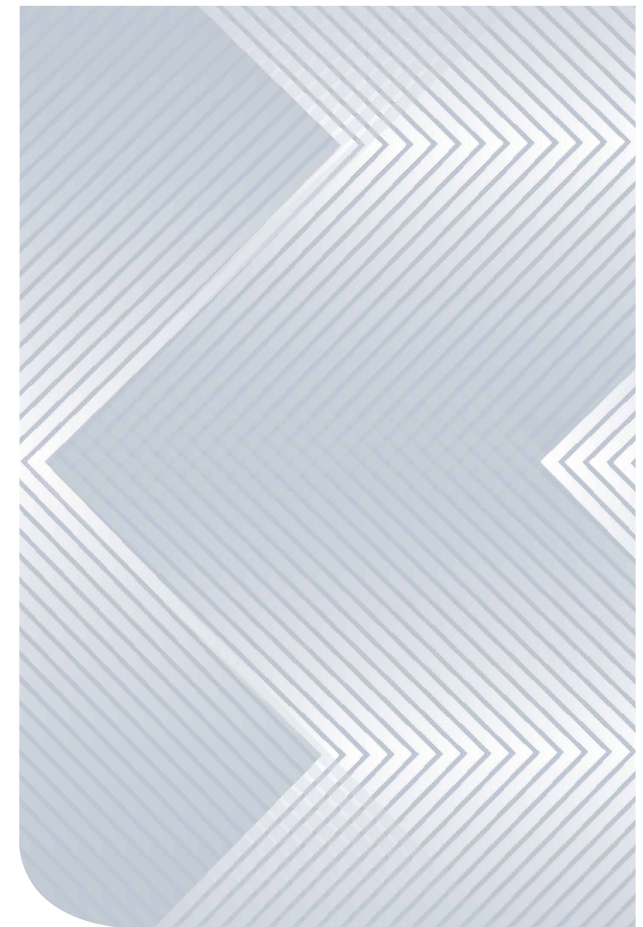
The consultation sought feedback on the UCT amendments to evaluate whether the amendments are working as intended and if any changes may be necessary. Specifically, the consultation was requesting feedback on:

- improving remedies and enforcement;
- expanding classes of contracts;

- clarifying and strengthening provisions; and
- potential exclusions from UCT provisions in the ASIC Act.

The consultation closed on 17 March 2026.

 [The full media release can be viewed here.](#)



ASIC consults on changes to net tangible assets requirements for responsible entities

On 18 March 2026, ASIC released a consultation on options to increase the net tangible assets ("NTA") requirements for responsible entities of registered managed investment schemes and other fund operators. ASIC is consulting on the NTA requirement following recent managed investment scheme collapses, bringing into question whether the NTA requirements are meeting ASIC's policy objectives. ASIC is seeking feedback on:

- increasing the NTA requirements that apply to other fund operators;
- the NTA requirements for other licensees, as this will inform future ASIC work; and
- whether the liquidity component remains appropriate and if any changes should be made if NTA thresholds are increased.

ASIC has outlined three possible options for changing the NTA requirement for new and existing responsible entities:

- amending NTA to reflect cumulative CPI growth since 2013;
- increasing the \$150,000 minimum concessional requirement; and
- increasing the \$5 million cap under the concessional requirement.

The consultation closed on 17 April 2026 and ASIC has indicated it intends to release its position on the NTA requirement for responsible entities by 31 July 2026.



[The full media release can be viewed here.](#)



Can financial advisers continue to keep copies of IDs under the new AML/CTF regime?



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In February 2026, [the Office of the Australian Information Commissioner \(OAIC\)](#) published some helpful guidance on the steps that reporting entities should take to ensure that they are complying with the requirements of the *Privacy Act 1988* when dealing with personal information collected for the purposes of completing customer due diligence. Most notably, the OAIC recommended that reporting entities not keep copies of identification documents (e.g. scanned copies and photocopies of drivers licences and passports), but that reporting entities *instead* keep records of the types of identification documents relied upon and the information contained in those identification documents (e.g. name, date of birth and residential address).

Significantly, the OAIC's recommendation appeared to overlook the fact that a reporting entity relying on KYC information collected and verified by another reporting entity (for example, a product provider relying on KYC information collected and verified by a financial adviser):

- must:
 - *if a written reliance agreement is in place* – ensure that the written reliance agreement enables it to obtain copies of the identification documents used by the other reporting entity to verify the KYC information immediately or as soon as practicable upon request; or
 - *if not* – have reasonable grounds to believe that it can obtain copies of the identification documents used by the other reporting entity to verify the KYC information immediately or as soon as practicable upon request; and
- therefore, will likely require the other reporting entity to keep copies of identification documents (at least until it has received them itself).

This oversight put financial advisers in a difficult position whereby they were simultaneously required by product providers to keep copies of identification documents and advised by the OAIC to not keep copies of identification documents.

New Guidance

In April 2026, the [OAIC updated its guidance](#). Most notably, the OAIC:

- **removed** the following statement from page 16:
 - *"From 31 March 2026 (or 1 July 2026 for 'Tranche 2' reporting entities), you should not keep copies of full identification documents for AML/CTF record keeping purposes (such as driver's licenses or passports). The AML/CTF Act does not require you to keep scanned copies or photocopies of identity documents themselves."*

- **clarified** the following statement on page 3:
 - *"The AML/CTF Act does not require you to keep scanned copies or photocopies of identity documents themselves for record keeping purposes."*
- **added** the following statement to page 3:
 - *"There may be another AML/CTF purpose for holding copies of ID documents or other legislative obligations to retain them outside of the AML/CTF Act."*

Current Interpretation

In light of these changes, the OAIC's current position appears to be that reporting entities:

- may make copies of full identification documents where doing so is *reasonably necessary* for their functions and activities; but
- should take reasonable steps to destroy or de-identify those copies once they are no longer needed.

On the basis that:

- dealings with product providers form an important (and often essential) part of a financial adviser's business; and
- dealings with product providers may (as identified above) require a financial adviser to keep copies of identification documents;

we consider that – where a financial adviser is required by a product provider to keep a copy of an identification document – doing so in accordance with this requirement is *reasonably necessary* for the financial adviser's functions and activities.

(CONTINUES)



For this reason, we take the view that:

1. Where a financial adviser is required by a product provider to keep a copy of an identification document – doing so in accordance with this requirement will not breach the financial adviser's privacy obligations (provided the adviser considers that it is reasonably necessary to keep a copy for its business purposes). The financial adviser should however take reasonable steps to destroy or de-identify the copy once it is no longer needed.
2. Where a financial adviser is not required by a product provider to keep a copy of an identification document – they should not keep a copy of the identification document and should instead keep a record of the type of identification document relied upon and the information contained in that identification document (e.g. name, date of birth and residential address).

This view is based on the current law and published guidance and is subject to change as the law is amended and further guidance is released. Further, a financial adviser's specific circumstances need to be taken into account in assessing this.

Existing Copies of Identification Documents

The OAIC's guidance is specific to the new AML/CTF regime. Financial advisers are therefore not required to immediately destroy or de-identify all copies of identification documents made prior to 31 March 2026. Financial advisers may continue to retain these copies for the duration of the relevant period in accordance with their record-keeping obligations.

If you have any questions in relation to the above, please contact the writers or Cowell Clarke's AML/CTF team at Compliance@CowellClarke.com.au.



Cowell Clarke's platform for its online compliance portal

Complying with your AFSL obligations is an essential part of your financial services business. Cowell Clarke's platform for its online AFSL compliance portal (Portal) is a secure web portal that acts as a central policy management tool to help you stay on top of your AFSL compliance obligations.



A subscription to the Portal includes:



Compliance Meetings – chaired and minuted by our financial services lawyers



Tasks/Reminders – regular reminders of your legislative and regulatory obligations



Registers – that AFS licensees are required to maintain to ensure ongoing compliance



HelpDesk – legal advice in relation to your AFSL authorisations, obligations and compliance issues



Policies and Procedures – unlimited access to a suite of policies and procedures for you to implement



Guides and FAQs – relating to financial services law and giving advice



Access to the **online portal**



Templates – access to templates and commercial documents for you to implement



News Stories – a news feed of relevant financial services updates, including regulatory changes

Get in touch

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