

Guildfords Website Reviews

Licensees and Authorised Representatives (“ARs”) are expected by ASIC to ensure that all information disclosed on relevant public documents, marketing materials and websites is **not misleading or deceptive**.

ASIC has been conducting regular spot checks and imposing fines on licensees who are in breach of this general obligation, accordingly, it is now prudent to ensure that all website materials are compliant.

Guildfords has provided the following guidelines to assist in understanding the requirements mandated by Chapter 7 of the Corporations Act, and how a Website Review can help you.

4C’s to ensure Compliance

In order to ensure compliance, it is imperative that all information disclosed on the licensee and AR’s websites are **Correct** and presented in a **Clear, Concise** and **Consistent** manner. The following checklist provides a high-level guide to ensuring compliance:

What to include:

- ▶ **Relevant disclaimers and warnings**
- ▶ Legal name of the brokerage and the brokerage’s AFSL or AR details
- ▶ ACN/ABN of related entities
- ▶ Link to privacy statement
- ▶ Copyright information
- ▶ Details of how to obtain further information

What to avoid:

- ▶ Reckless use of certain terms and phrases such as “free”, “guaranteed” and “low cost”
- ▶ Inclusion of restricted words listed in section 923A (1) of the Corporations Act 2001, such as ‘independent’, ‘impartial’ and ‘unbiased’
- ▶ Inclusion of restricted words listed in section 923B (1) of the Corporations Act 2001, such as ‘stock broker’, ‘sharebroker’, ‘futures broker’, ‘insurance broker’, etc., (exceptions are made in special cases)

General things to note:

- ▶ Information should be clear and easy to follow
- ▶ Tone should not undermine the importance of risks
- ▶ Information should effectively convey key information upon first viewing
- ▶ Information must be consistent with the disclosure documents

How Guildfords can help

Guildfords can assist by reviewing your AR’s website and any linked documents (FSG, PDS, Privacy, Disclaimers) for compliance with ASIC and Broker Networking requirements under s923 Corporations Act (2001).