



FINANCIAL SERVICES GUIDE

23 January 2024 Version 13.15

About this document

This Financial Services Guide (FSG) is an important document. It is designed to provide you with information about us and our relationship with you prior to a financial service or product being provided, to help you decide whether to use our financial services and products.

It contains information about remuneration that may be paid to us and others, as well as how complaints are dealt with. You should take the time to read it carefully.

The main financial services and products we offer are advice and dealing (buying and selling investments) for you.

This FSG contains information on:

- who we are and how we can be contacted;
- the services and products that we are authorised to provide you;
- how we, and any other relevant parties, are remunerated for the services and products we offer you; and
- details of our internal and external dispute resolution procedures should you need them.

Research reports on securities are available. If law requires that you receive other information, such as a Product Disclosure Statement (which contains information about a specific financial product) or Statement of Advice (which is your financial plan) we will provide this to you.

At the back of this FSG is information about our optional Managed Discretionary Account – a product which can simplify the way you go about investing.

Contact your adviser if you have any questions. Byron Capital Pty Ltd (Licensee) has given authority to your adviser to distribute this FSG.

Who is responsible for the financial services and products provided?

Byron Capital Pty Ltd is an Australian Company dedicated to assisting clients achieve their financial goals. All our Directors are Financial Advisers. Any financial services or products offered by us will be provided by an authorised representative of ours. In providing our financial services and products we act for you. We are responsible to you for any financial services and products our advisers provide and we hold an Australian Financial Services Licence issued by the Australian Securities and Investment Commission (ASIC). Our Licence number is 289407.

Not independent

While we will always seek to meet our legal obligations to act in our clients' best interest within the meaning of section 961B of the Corporations Act 2001, we do not fall within the definitions of "independent", "unbiased" or "impartial" under section 923A. The reason we do not fall within these definitions is because we give our clients the option to allow life insurance companies to pay us commissions for the services that we provide to our clients rather than for us to be required to directly invoice our clients and for our clients to be required to pay us directly. We remain committed to continue to give our clients this important choice.

What financial services and products do we offer?

Our core business is to provide personalised, long term strategic financial planning and advice to retail and wholesale clients and if they wish, make investment decisions for them.

We operate across a broad range of financial planning and investment strategies, including:

- superannuation – superannuation contribution and withdrawal strategies;
- wealth creation & accumulation – savings and investment strategies;
- retirement planning – cash flow and income stream management;
- investment structuring – use of appropriate ownership structures such as companies, trusts, self-managed superannuation funds and public offer superannuation funds; and
- asset allocation – strategic spread of your investments into various market sectors including cash, fixed interest, Australian equities, international equities and property.

We can liaise with your other professional advisers in relation to taxation management, insurance and risk management, and estate and succession planning with a view to your overall financial planning requirements being met.

Recommended investments are researched internally and extensive external research is also utilised. All recommended investments are subject to ongoing research, and your portfolio is monitored by your adviser. We will meet with you at least annually, reporting on performance and reviewing your investments and strategies formally with you in light of your circumstances and objectives.

We can also provide you with general financial product advice in relation to securities (i.e. advice which does not take into account your particular investment needs, objectives and financial circumstances) and also research reports on securities. However, you should carefully consider the suitability of any investment in light of your personal circumstances.

We can also instruct your broker for you based on your investment decisions, or if you wish to use our optional Managed Discretionary Account, we can make the day to day investment decisions for you within the limits of your agreed investment program. If we provide further advice to you after the initial Statement of Advice, you may request a record of that further advice.

In formal terms, your adviser is authorised by us to deal and provide financial product advice to both retail and wholesale clients on:

- superannuation products;
- securities, such as listed and unlisted ordinary shares and preference shares;
- interests in managed investment schemes, such as managed funds and investor-directed portfolio services (e.g. master trusts and wrap accounts);
- deposit and payment products, such as at-call cash accounts and term deposits;
- debentures, stocks or bonds issued or proposed for issue by a government;
- retirement savings account products; and
- life insurance.

You should read the warnings contained in the Statement of Advice carefully before making any decision relating to any financial products.

Will advice be suitable to me?

To give you suitable advice, your adviser will work with you to determine your individual investment objectives, financial situation and needs. You are not obligated to tell us these things, but we are required to warn you about the possible consequences if you choose not to.

What about risks?

It is important that you understand the risks associated with any investment or investment strategy which we recommend.

Your adviser will discuss risks with you.

If these are still not clear, you should ask for further explanation. Generally, all investments are subject to varying risks and can fluctuate in value (i.e. you can experience investment gains or investment losses). Changes in value can be significant and they can happen quickly. Different types of investments perform differently at different times and have different risk characteristics and volatility.

These are some of the reasons why you should consider investing in a diversified portfolio.

Risks which are commonly associated with investments include:

- risk particular to an investment (e.g. management changes);
- risk in the market generally (e.g. there is a war);
- interest rate and currency movement risk; and
- instrument risk (e.g. derivatives have particular risks).

Risk of system and personnel failure are managed by carefully selecting our advisers and ensuring that they have at least the required level of professional development, as well as ensuring that we have robust compliance systems.

How do you give us instructions?

Generally you can telephone or email us, although some things may need to be in writing.

Do we have any relationships or associations that may influence our advice?

The Directors of Byron Capital Pty Ltd are minority shareholders in Netwealth. We have arrangements in place to ensure that our advice to clients is not influenced by this relationship and to manage conflicts of interest generally.

Our advisers do not receive specific payments or commissions for the provision of advice. Our advisers, directors and employees receive salaries, and bonuses may be paid based on a range of qualitative and quantitative performance measures, as well as other benefits from us.

Will anyone be paid for referring me to you?

Where someone else has referred you to us, and we pay them a fee or commission in relation to that referral, we will advise you in the Statement of Advice who will receive that fee or commission, and the amount they will receive.

What about tax?

Tax is a fact of life for almost everyone. Buying and selling investments has tax consequences.

This is so, whether you invest yourself or use our Managed Discretionary Account Agreement. We are not specialist tax advisers but will work with any other advisers in this area that you may have. If we are making the investment decisions for you, then remember that although your adviser does generally take your tax situation into account, you will need to seek professional tax advice. Be aware that the actions we take for you can mean that you will have tax obligations (e.g. to pay tax on any capital gains you make).

How will you pay for the services and products provided?

In relation to the portfolio we manage for you we advise the following fees and costs may be incurred in the normal course of business.

Type of fee or cost	Amount	How and when paid
Fees when your money moves in or out of the portfolio	N/A – no cost to you under our arrangement	N/A
<i>Initial Advice / Plan Preparation fee</i> The cost of preparing our recommendations for you	\$0 - \$3,300	This is payable on presentation of the advice and will be invoiced to you.
<i>Establishment Fee</i> The cost to open your portfolio or implement our recommendations	\$0 - \$3,300	This is payable on presentation of the advice and will be invoiced to you.
<i>Contribution fee</i> - The fee on each amount contributed to your portfolio	N/A	N/A
<i>Withdrawal fee</i> - The fee on each amount you take out of your portfolio	N/A	N/A
<i>Exit fee</i> - The fee to close your portfolio	N/A	N/A
Management costs		
<i>The fees and costs for managing your portfolio</i> - The amount you pay for specific investment options is shown in your MDA Agreement and Statement of Advice.	In the first and subsequent years the retainer may be up to 1.1% (inc. GST).	This is charged on a monthly basis in arrears from your nominated cash account and is based on the value of the portfolio under advice.
Service fees	N/A	N/A
<i>Switching fee</i> - The fee for changing portfolio options	N/A	N/A

Are there any other benefits that we receive?

From time to time, various fund managers, stock-broking houses and other business relationships have the opportunity to provide funding and other forms of support for training programs, client days, seminars and conferences conducted by us in the ongoing development of our adviser network.

This support is at no additional cost to you and does not influence any business or investment decisions taken by us.

Any significant indirect benefits will be fully disclosed to you in your Statement of Advice or details are available.

What about privacy?

We are committed to ensuring the privacy and security of your personal information such as your contact details, your objectives, financial situation and needs and the recommendations made to you. We are generally required to collect certain personal information in order to provide you with the required financial service and product.

We won't disclose any information that we have about you unless the law requires or another member of our group requires it so that they or we can perform agreed services for you. If you think our records are incorrect or out of date, it's important that you contact us and we'll correct them.

A copy of our privacy policy is available for your information. If you wish to examine your file please ask us. We will make arrangements for you to do so.

What should I do if I have a complaint?

If you have a complaint, then contact your Adviser, or call our Dealer Group Manager on (07) 4631 9600. We will do our best to resolve your complaint fairly and within 30 days. It may assist if you put your complaint in writing. Further details on our Complaints Policy can be found on our website, www.byroncapital.com.au

If you are not satisfied, then you can contact the Australian Financial Complaints Authority:

Telephone: 1800 931 678 or
Website: www.afca.org.au or

Email: info@afca.org.au
Mail: GPO Box 3, Melbourne, Victoria, 3001

The Australian Securities and Investments Commission (ASIC) also has a free call info line on 1300 300 630 which you may use to find out how to make a complaint and obtain information on your rights.

Professional Indemnity Insurance

We have professional indemnity insurance in place that satisfies the requirements under the Corporations Act and feel confident that it is a reasonable arrangement to have for compensating our retail clients for any loss or damage they may suffer should we or one of our representatives be found to have caused them to suffer loss or damage due to a breach of a relevant obligation under Chapter 7 of the Corporations Act. Subject to all statutory limitation periods our insurance arrangements cover work done under our AFSL by our representatives even when they cease to be our representatives.

Want to know more?

Always feel free to contact your adviser or call us on (07) 4631 9600.

The Byron Capital Managed Discretionary Account (MDA)

Many of our clients decide to use the Byron Capital MDA (**the product**) for themselves as well as for their family members, and entities they control such as companies, trusts, and self-managed superannuation funds.

This part of the FSG provides the information about the product that you need to know, however there is a separate MDA form that needs to be signed to enter into this agreement.

The investment program

Should you decide to use the product, we make certain investment decisions for you. This MDA allows us to act quickly if time is important or you are not available to be contacted in the required time-frame. Any investment must be consistent with your investment program outlined in your Statement of Advice and be on the Byron Capital Approved Product List.

It is important for you to be aware that we are limited to making changes to 20% of the value of your portfolio at any one time. Any changes made to portfolios will be advised via our monthly newsletter.

Your nominated adviser will be responsible for reviewing your investment program and making investment decisions, however if they are on leave or should leave Byron Capital, we will ensure you are introduced to another adviser in the group who will work closely with you to ensure that your needs are met at all times.

Your “investment program” complies with Division 3 of Part 7.7 of the Corporations Act and in your Statement of Advice you will find:

- statements about the nature and scope of the discretions we as the operator of the product are authorised and required to exercise under our agreement with you;
- the investment program or strategy that we follow;
- information about risks associated with the product;
- the basis on which we consider this product to be suitable for you;
- warnings that our product does not include custodial or depository services, but we may recommend and you may then choose, that your assets be held by a master trust, wrap account or custody service. We will work with any relevant operator as necessary to manage your portfolio, however we recommend that you use Netwealth who have an External MDA Custodian License. Their contact number is 1800 888 223; and
- warnings that our MDA contract with you may not be suitable for you if you have provided to us limited or inaccurate information relating to your relevant personal circumstances and may cease to be suitable if your relevant personal circumstances change.

We will review the suitability of the product for you at least each 12 months – generally at your annual review.

How do you pay for investments?

Your adviser will discuss this with you and full details will be explained to you in your Statement of Advice.

The key to paying for investments and any fees for the product is the cash account chosen to be part of your investment program. This cash account will be used to collect any income from your investments, as well as the proceeds when we sell investments. We also withdraw money from this account to pay for your investments and also to pay Byron Capital fees for the product we provide.

What investment information will you receive?

Generally communications about particular investments are sent to us. If they require action, then:

- we would seek your instructions if any new financial decision was needed (e.g. to participate in dividend reinvestment); or
- we would take care of it for you if no new financial decision was needed (e.g. to pay a call on an investment already in your portfolio or participate in a share purchase plan), otherwise, we may or may not act on them (e.g. vote or give instructions to vote on a corporate reconstruction or takeover) and need not send them to you.

What reporting will you receive?

We will provide reports on your portfolio soon after the end of each quarter, as well as an annual report to comply with our obligations under the Corporations Act.

What are your obligations?

We will generally manage your investments to make sure that there are sufficient funds in your cash account to pay for your investments ~ including the initial cost of investments we buy and any other moneys which might become payable (e.g. a call), as well as to pay any Byron Capital fees. You indemnify us for these things and for any breach of this agreement.

What else do I need to know?

The product is regulated as a Managed Discretionary Account (MDA) under policy and a Class Order issued by Australian Securities and Investments Commission (ASIC). We have ensured that this FSG complies with requirements of that Class Order. ASIC does not take responsibility for this agreement, but does require us to comply with certain obligations, being to:

- act honestly in providing the product to you under this agreement, and exercise the degree of care and diligence that a reasonable person would exercise if they were in our position in providing the product to you;
- act in your best interests in providing the product to you and, if there is a conflict between our interests and yours, give priority to yours, and not use information which we have through providing the product to you to gain an improper advantage for us or any other person or to cause detriment to you;
- comply with the conditions of the relevant Class Order, the investment program (unless otherwise agreed in writing by you), and our FSG; and

- compensate you for any loss you suffer because of any act or omission due to any agent or other person engaged by us in connection with the product as if their acts or omissions were ours, (but not of any external MDA custodians or external MDA advisers (as defined by the relevant Class Order) or a person acting on their behalf.

Terminating the agreement

Either of us can terminate this agreement any time by letting the other know in writing (simply write or email your adviser). There are no fees charged for terminating the product.

About the MDA Agreement and this FSG

You must first enter into this agreement before we can provide the product to you ~ your adviser will have a form you can sign.

We can change our agreement with you by providing reasonable notice to you – generally at least 14 days. We would normally send you the new terms and give you the opportunity to cease the agreement if you wish. This agreement is governed by the laws in force in Queensland from time to time and we both submit to the non-exclusive jurisdiction of the courts there. We can assign our rights under this agreement (on notification to you), but you may not. In this agreement, a reference to “you” means each person to whom we provide the product.

Our contact details

Practice & Representative Office	Dealer Group Office
Level 3 516 Ruthven Street, Toowoomba Qld 4350	Level 3 516 Ruthven Street, Toowoomba Qld 4350
PO Box 2453, Toowoomba Qld 4350	PO Box 2453, Toowoomba Qld 4350
Telephone: 07 4631 9600	Telephone: 07 4631 9600

Our Authorised Representatives (ARs)

Adviser Name	AR Number	Role
Brett James Walker	253546	Principal Adviser
David James Knott	335579	Principal Adviser
Matthew David Sanson	234911	Principal Adviser
Benjamin John Lonergan	1246209	Financial Adviser
Edward Eric James Pullen	1258175	Financial Adviser
Hugh Alexander Wright	1261925	Financial Adviser
Joshua Thomas Whybrow	1269544	Compliance & Audit Officer
James Lachlan Drysdale	1292717	Financial Adviser
Peter Robert McCullough	1233404	Financial Adviser
Ryan Alexander O’Connell	1256573	Financial Adviser
Alistair James Schech	1300102	Financial Adviser
Nethmi Nimaya Ambawatte	1307620	Provisional Financial Adviser - Nethmi is currently undertaking supervised work and training in accordance with section 921B(4) of the Corporations Act 2001. Nethmi’s supervisor is David Knott; David can be contacted via phone on 07 4631 9600 or via email at dknott@byroncapital.com.au.