



# EMPIRE SMSF ADVISERS

Superannuation & Investment Specialists

## Financial Services Guide Part One

The purpose of the Financial Services Guide (FSG) is to help you decide whether to use any of the financial services we offer. After reading this FSG, you will know:

- who we are
- what financial services and products we provide
- how we (and any other relevant persons) may be remunerated
- whether any relevant associations or relationships exist that may influence our advice
- details on how to get advice and give instructions
- how we protect your personal information
- how to access our internal and external complaints handling arrangements, and
- what we can do and what we expect from you.

### About us and your financial planner

DJA Capital Pty Ltd (ABN 86 140 515 242) (DJA Capital) is a boutique Australian Financial Services Licensee, Licence No. 342893 and in this document is referred to as 'we', 'us' or 'our'. Our contact details are as follows:

DJA Capital Pty Ltd  
PO Box 4091  
BLACK ROCK VIC 3193

**Telephone:** + 61 (03) 9015 9425  
**Email:** [info@djacapital.com.au](mailto:info@djacapital.com.au)

We appoint Authorised Representatives to act on our behalf for the provision of authorised financial services.

Your financial planner's details are:

Simon Kellman  
Empire SMSF Advisers  
Suite 44, Level 1, 93 Wells Road  
Chelsea Heights VIC 3196

**Mobile:** 0402 844 158

**Email:** [simon@empireSMSF.com.au](mailto:simon@empireSMSF.com.au)

### Lack of independence

We are not independent, impartial or unbiased in relation to the provision of personal advice because:

- We may receive monetary and non-monetary benefits from product providers.
- Generally, we recommend products that are contained within our approved products and services list (APSL) which contain products and services from external providers.

The law prevents most advisers from using such words as independent, unbiased, or impartial. If, for example, an adviser is paid a commission to help a client arrange insurance, they are prohibited from calling themselves independent.

Although we always put your interests before ours when providing advice, we cannot (by law) call ourselves independent, unbiased, or impartial.

## Authorised Representative Profile

This FSG must be read in conjunction with Part Two as it forms part of this FSG. It provides detailed information about your Adviser such as their contact details, referral sources and the types of financial products they can advise and deal in.

Please retain both Part One and Part Two for your reference and any future dealings with DJA Capital.

## What other documents might you receive?

On the first occasion that we provide you with personal financial advice, you will receive a statement of advice (SoA) or, if the advice relates to amounts under certain thresholds, then you will receive a record of advice (RoA). These documents will:

- explain the advice and the basis of the advice
- Provide information about our remuneration (including commissions), and
- disclose any associations or relationships that could potentially influence us in providing the advice.

Once you have your SoA, any further ongoing personal advice that we may provide will be documented in either a further SoA or an RoA depending on the nature of the advice.

Copies of all advice documents will be retained on your client file and, if you have not already been provided with one, you may ask for a copy of these documents at any time.

We will also provide you with, or explain how to access, a product disclosure statement (PDS) issued by the product issuer for any financial product we recommend. The PDS contains information about the costs, benefits, risks and other features of the recommended financial product. To help you make an informed decision, you should read this information before purchasing any recommended financial products.

## The financial services and products we offer

We can offer financial services and advice that covers the following areas:

- Wealth creation including advice on securities.
- Retirement planning including superannuation and strategies for transitioning to retirement.
- Risk management and asset protection.
- Retrenchment and redundancy advice.
- Social security/Centrelink entitlements.

From these financial services, certain kinds of financial products may be recommended to you. We can provide advice and arrange transactions on the following classes of financial products:

- Deposit and payment products;
- Government debentures, stocks or bonds;
- Life insurance products including investment life and life risk;
- Managed investment schemes (including an investor-directed portfolio service);
- Retirement savings account products;
- Securities and
- Superannuation.

Our Authorised Representatives can only provide advice on financial products that are on our approved product list. The approved product list includes a large range of investment and insurance products for which the appropriate research and analysis has been undertaken.

Our Authorised Representatives cannot advise you on, or influence you in favour of, a financial product which:

- is not on the approved product list, or
- any arrangement where your financial planner can make changes to your portfolio before obtaining your consent

- unless they are specifically authorised to do so, or
- Is a product on which they are not authorised to provide advice. Your financial planner's profile will outline the class of financial products on which they can advise. Alternatively, you can find details on the Australian Securities and Investment Commissions website at [www.asic.gov.au](http://www.asic.gov.au)

While your financial planner may conduct a separate business, for example, as an accountant, we are only responsible for the financial products and services described in this FSG and included on our approved product list.

Your financial planner is a registered tax (financial) adviser or a registered tax agent. They are authorised to provide a tax service, where the advice is:

- Provided in the context of the personal advice authorised by the licensee, and
- Part of the financial advice which interprets and applies the tax laws (including tax, superannuation and SMSF laws) to your personal circumstances.

Registered tax (financial) advisers are not authorised to provide tax agent services (ie those services in relation to the preparation and filing of tax returns and liaison with the ATO, etc).

Where tax agent services are provided (i.e. those services in relation to the preparation and filing tax returns, and liaison with the ATO, etc) these services constitute a separate business activity and are not provided under the licensee's AFSL. We are only responsible for advice relating to the financial products and services described in this FSF and our Approved Product List.

## **Providing instructions to your financial planner**

You may provide specific instructions to your financial

planner by letter, email, telephone, fax or other means as agreed.

## **How do we and your financial planner get paid?**

The fees and services that you will pay will be set out in a client service agreement or statement of advice. Generally, there are two options in the way that you can pay for the services we provide and you can discuss the option that best suits your circumstances with your financial planner. The options are:

**You may be charged a financial planning advice fee based on either the time spent preparing your statement of advice (or other advice document) or the value of the funds you choose to invest.**

If you choose this option, you will be invoiced for the agreed fee when you are provided with your SoA or other advice document. This fee is set by your financial planner and is detailed in the financial planner profile.

**You may enter into a service agreement with your financial planner.**

The service agreement is an arrangement that may cover items such as ongoing advice, newsletter updates, annual reviews and portfolio valuation reports. You and your financial planner should discuss the services to be included and the fee that you will pay and this will be set out in the service agreement provided by your financial planner either before, or at the time you are presented with your SoA.

**You may have entered into an arrangement before 1 July 2013, to pay our fees out of the product in which you invest.**

The product provider may pay us if:

- A. a contribution (entry) fee will be deducted by the product provider from your initial investment amount when you proceed with a transaction and also when

you make any subsequent invests in the product;  
and/or

- B. management costs are deducted by the product provider from your account on an ongoing basis (eg monthly, quarterly or annually), and/or
- C. you agree with your financial planner to pay a financial planner service fee for ongoing advice and service in relation to your investment in certain products, and/or
- D. you are recommended risk products (eg risk insurance), then the product provider may pay commission to us based on the premium payable for that product. There may be either or both an initial and ongoing commission payable to us. Please note that while the commissions are payable based on the premium you pay, the commission's do not form part of your premium and are not an additional fee to you.

The contribution (entry) fees and management costs are normally calculated as a percentage of the relevant amount you have invested in the product. Most of these fees are paid directly to us and we then pay a portion to the relevant Authorised Representatives.

**You may pay for the services by a combination of the options listed above.**

For information about the fees that apply to the financial products that have been recommended, please ask your financial planner, refer to the financial planner profile and the relevant PDS. Your advice documents and fee disclosure statement will also contain full details of any fees and charges that are payable.

Any of these payments listed above will be charged by us as agreed with you or as permitted by law.

From 1 July 2014, new regulation requires your financial planner to declare whether they are a registered (tax) adviser and the tax (financial) advice service they are authorised to

provide.

### **Additional payments**

We may also receive additional commission payments from insurance providers. In some cases, your financial planner may be entitled to a portion of these payments.

If these products are recommended to you, more detail will be provided in the SoA.

### **Other benefits**

We may be eligible to receive sponsorship in the form of cash payments from product providers listed on the approved product list. Amounts may vary per product provider. Your financial planner does not share directly in the sponsorship payments, but may benefit indirectly through the provision of subsidised conference and professional development training costs.

We may also receive additional payments from investment platform providers for arrangements entered into prior to 1 July 2013. In some cases, your financial planner may be entitled to a portion of these payments. These payments are usually based on the amount invested with the product provider. If the relevant products are recommended to you, more details about this arrangement will be provided in the SoA.

If you purchase or sell direct securities through us, we may receive a fee for these transactions. Details of which will be disclosed in either an SoA or RoA.

Your financial planner may also receive a range of other benefits from product providers such as marketing support or sponsorship, entertainment, conferences, accommodation and travel which will be disclosed in your statement of advice.

We maintain a public register outlining the forms of

alternative remuneration that we both pay and receive. A copy of this register can be accessed upon request.

Any of the payments listed above will be made to the extent permitted by law.

### **Advice that suits your personal situation, needs, goals and objectives**

In relation to the personal financial advice and product advice provided to you, we are under an obligation to act in your best interests (ie the best interests duty). Within the subject matter of the advice provided to you, we must ensure that:

- the scope of the advice considers all the issues and meets your objectives, financial situation and needs (including your tolerance for financial risk)
- if the scope of the advice changes, the change is consistent with your objectives, financial situation and needs
- We consider whether or not to provide advice that recommends a specific product or whether you should dispose of a product or do nothing.
- The advice that your financial planner provides will always be provided to you in writing in the SoA, unless it is further ongoing advice in which case it will generally be in the form of an RoA advice as outlined earlier.

You have the right not to tell us information about yourself however, if you still require your financial planner to provide you with financial product advice, then the SoA will contain a specific warning that draws your attention to the risks of not providing full information about yourself. This warning will state that if you do not provide your financial planner with accurate and complete information relating to your personal circumstances, then the advice you receive may not meet your intended objectives because your financial planner has not been able to determine whether the advice is appropriate.

Therefore, before acting on any advice you receive, you should consider the appropriateness of the advice and carefully read the warnings contained in the SoA before making any decisions as a result of the advice provided.

In all cases, when your financial planner provides you with an SoA and a recommendation to acquire a financial product is included, an investment report or PDS for that financial product will be provided to you.

It is important that you read and understand this document before implementing any recommendation made in the SoA. Your financial planner will readily explain any part of this document that you do not understand.

If you don't wish to receive our advice, we may still act on your instructions to deal in financial products. However:

- you face the risk that the financial product you select may not be appropriate for you, and
- we may require you to sign a document that records your intention not to seek advice from us for the particular financial product(s).

### **How we protect your personal information**

Australian Privacy Principles apply to the collection of personal or sensitive information. This means that information provided by you in the course of receiving financial planning services must only be used:

- to provide you with information, products or services that you might reasonably expect or request
- to fully understand or anticipate your needs during our relationship
- to manage rights and obligations under any laws applying to the services provided, or
- to conduct research, or planning and marketing, which includes direct marketing, although you do have the right to specifically instruct that your details aren't used for these purposes.

The type of information which will usually be requested will include details about your financial, taxation, health, employment and estate planning matters. This may include details relating to your partner or family members.

As a financial service provider, we have an obligation under the Anti-Money Laundering and Counter-Terrorism Finance Act 2006 to verify your identity and the source of any funds.

This means that we will ask you to present identification documents such as passports and driver's licence and we will retain copies of this information.

You are entitled to request access to your file for the purpose of reviewing and correcting the information held. However, you cannot access information where it would have an unreasonable impact on the privacy of another person or if the information is relevant to legal obligations or legal proceedings.

In providing services to you, from time-to-time we will disclose information about you to our Authorised Representatives and other professionals, including insurance providers, superannuation trustees, product issuers as well as our service providers. It is generally unlikely that we will disclose your personal information to overseas recipients.

However, any overseas disclosure does not affect our commitment to safeguarding your personal information and we will take reasonable steps to ensure any overseas recipient of your personal information complies with Australian privacy law. Should your adviser utilise an overseas service provider, these arrangements will be detailed in their Planner Profile.

If your financial planner leaves our DJA Capital licence and starts to provide financial services under another licensee, your information may be transferred to the new licensee. You will be advised of any such transfer before it takes place.

You are entitled to obtain access to the information we hold about you by contacting the Privacy Officer on 03 9015 9425 or by writing to:

**Privacy Officer, DJA Capital Pty Ltd**  
PO Box 4091, BLACK ROCK VIC 3193

For more information about how we collect, use, store and disclose your personal information, our Privacy Policy can be accessed on our website [www.djacapital.com.au](http://www.djacapital.com.au)

### **What happens if I make a complaint**

If you have a complaint about the financial services provided to you, you should take the following action:

1. Speak to your financial planner about your concerns, or
2. Email: [compliance@djacapital.com.au](mailto:compliance@djacapital.com.au)

If, after speaking to us or your financial planner, your complaint is not resolved within five (5) business days, please write to:

**Compliance and Professional Standards Manager**  
**DJA Capital Pty Ltd**  
**PO Box 4091, BLACK ROCK VIC 3193**

Whilst every endeavour will be made to resolve the matter promptly and impartially, if you are not satisfied with how your complaint is handled, you can elect to refer the matter, free of charge, to the AFCA. The AFCA can be contacted on **1800 913 678** or by lodging a complaint online at the AFCA website.

**Australian Financial Complaints Authority**  
**[www.afca.org.au](http://www.afca.org.au)**

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Alternatively, other matters can be referred to the industry regulator, the Australian Securities and Investments Commission (ASIC) on free-call 1300 300 630 or via the website [www.asic.gov.au](http://www.asic.gov.au)

### **Professional indemnity insurance**

DJA Capital has in place Professional Indemnity insurance with London Australia Underwriting and this covers us and our representatives for the services we provide. This includes claims relating to the conduct of representatives who no longer work for us, but did so at the time of relevant conduct. We understand it is adequate to meet our requirements as a financial services licensee.



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## Financial Services Guide Part Two

### Empire Wealth Management Pty Ltd ATF The Trustee for Kelman Family Trust

This document is issued by DJA Capital Pty Ltd ABN 86 140 515 242 AFSL 342893. It is Part Two of a Financial Services Guide (FSG) and should be read in conjunction with Part One.

Empire Wealth Management Pty Ltd ATF The Trustee for Kelman Family Trust (Empire SMSF Advisers) is a Corporate Authorised Representative of DJA Capital and has been given permission to provide you with this FSG Part Two. Financial Services are provided to you by:

<b>Corporate Authorised Representative Name</b>	Empire Wealth Management Pty Ltd
<b>Australian Company Number</b>	80 574 479 843
<b>Corporate Authorised Representative ASIC Number</b>	411761
<b>Authorised Representative Name</b>	Simon Kellman
<b>Authorised Representative ASIC Number</b>	342608
<b>Business Address</b>	Suite 44, 93 Wells Road Chelsea Heights VIC 3196
<b>Postal Address</b>	Suite 44, 93 Wells Road Chelsea Heights VIC 3196
<b>Telephone</b>	0402 844 158
<b>Email</b>	simon@empiresmsf.com.au
<b>Webpage</b>	www.empireSMSF.com.au

### Simon Kellman

Simon is an Authorised Representative of DJA Capital Pty Ltd and is authorised to advise and deal in the following products:

- Deposit and Payment Products;
- Government Debentures, Stocks or bonds;
- Life Products;
- Managed Investment Schemes;
- Retirement Savings Account Products;
- Securities;
- Self Managed Super Funds;
- Superannuation.

Simon is not authorised to advise and deal in relation to the following products:

- Derivatives;
- Managed Discretionary Accounts;
- Margin Lending.

### Remuneration

DJA Capital receives all remuneration paid upon the provision of services by Simon and under contract pays Empire SMSF Advisers 100% of the amounts received. Empire SMSF Advisers then pays Simon a salary and directors distributions. All fees and charges will be discussed and agreed with you prior to commencing any work.

### Fee for Service

- Fee for service - We charge a fee for the production of a Statement of Advice, which includes all of the research, planning, recommendations and product of the SOA. The dollar amount is subject to the complexity of the advice being provided. Most plans will have an SoA fee of between \$550 and \$3300. More complex plans will be more expensive, but the cost will be outlined to you before work on the Statement of Advice begins.
- Implementation fees - For more complex implementation procedures, we may charge an implementation fee. This will usually range from \$0 to \$2200, but will be discussed during an initial meeting and detailed in your Statement of Advice.
- Transaction fees - There may be some transaction fees for implementing your investment and superannuation advice. For share trades, these might be \$0 to \$110, or for other transactions, 0% up to 2.2%. These will be detailed in your Statement of Advice, if applicable.
- Ongoing service fees are charged as a % of assets under advice p.a. Which generally range from 0% p.a. To 1.65% p.a. (excluding investments using geared funds). For example, if we charge a 1% ongoing service fee and you invest \$100,000, your ongoing service fee will be \$1,000 (assuming no change in value of the amount invested). In some cases a percentage fee of assets under advice may not be applicable in which case a flat dollar fee, generally in the range of \$300 to \$17,500 per annum, may be charged.
- Hourly Rates - we may charge an hourly rate for the services we provide. For services provided by Empire SMSF Advisers the rate will be up to \$330 ex gst per hour and for administrative and Paraplanning services the rate may be up to \$95 ex gst per hour.

Depending on your requirements and circumstances the above range of fees may not be applicable, we will work with you to come to a separate arrangement where we will disclose any relevant fees prior to commencing any work.

You will be invoiced directly for these fees and may elect to pay DJA Capital directly or have these fees deducted from your investments.

### Commission

Product providers may pay a commission directly to DJA Capital for some financial products.

Commission payments may be either initial or ongoing. Initial commissions are generally a once off payment made when new business is placed or additional contributions are made to a financial product. Ongoing commissions are paid whilst you hold the product.

Where possible we may agree to refuse to receive these commissions, rebate these commissions to your account, or use the commissions to offset some or all of your agreed fee for service.

### Commission on Life Insurance Products

Initial commission may be up to 130% of the initial annual premium. Ongoing commission may be up to 50% of the ongoing annual premium.

Should you cancel an insurance contract within the first year the Adviser reserves the right to invoice you an amount equal to the costs incurred as a result of the provision of financial services to you.

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### Commission on Investment Products from 1 July 2013

There is no commission payable on new investment products.

Ongoing commission for existing investment products as at 30 June 2013 may be up to 5% of the account balance.

All commissions are exclusive of GST.

### Referral arrangements

Simon may have referral arrangements with selected referral partners.

Should you engage the services of any of these referral partners, Simon may obtain a benefit in the form of a fee, a commission or a combination of both.

If a referral arrangement applies to you, Simon will provide you with further details on the benefits received.