



# Financial Services Guide

Edition: 24<sup>th</sup> January 2011

Issued by Oyster Financial Services Pty Ltd ABN 44 140 148 134

**The Financial Services Guide explains Oyster Financial services offering in conjunction with:**

- Documents you may receive from us.
- Who we are and how you transact with us, and our contact details.
- What services and types of products we are authorised to provide advice on.
- The relationship between us and MDS Financial Services Pty Ltd.
- How we and associated entities are remunerated.
- Relationships Oyster has with any other organization that might influence us in the provision of services.
- How we deal with and resolve complaints against us.

Address: 202 Marsh Street  
ARMIDALE NSW 2350

Phone: (02) 8006 2530  
Email: [info@oysterfinancial.com.au](mailto:info@oysterfinancial.com.au)

## Introduction

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Oyster Financial Pty Ltd ABN: 44 140 148 134 was founded in 2009 by Andrew Hoholt, a professional accountant and licensed financial advisor. Oyster Financial Pty Ltd is based in Armidale, New South Wales.

The company was created for the purposes of:

- ➔ Developing and providing sound investment education to the average Australian, as we believe that financial education is the key to you being able to manage your own financial affairs using the same tools and techniques that professionals do.
- ➔ Providing training courses that are heavily focused on teaching you how to generate strong, positive cashflow returns in rising, flat and falling markets, with a particular focus on incorporating risk management strategies. In addition, we teach our clients techniques and strategies for managing investment risk in a superannuation environment.

Representatives of the Company travel around Australia regularly, conducting seminars and training workshops.

Oyster Financial Pty Ltd is a Corporate Authorised Representative (CAR:345953) of MDS Financial Services Pty Ltd (Australian Financial Services Licence Number [AFSL]: 333298). Oyster is authorised to provide general advice on financial products to retail clients, as well as providing financial and investing education services to the Australian public.

## How We Can be Contacted

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You can contact us in person or via telephone, facsimile or email:

**Oyster Financial Services Pty Ltd** ABN 44 140 148 134

Telephone:           **(02) 8006 2530**  
Email:                 **info@oysterfinancial.com.au**  
Address:              **202 Marsh Street**  
                              **ARMIDALE NSW 2350**

## Our Financial Services and Financial Products

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### **Oyster Financial Pty Ltd**

Oyster Financial Pty Ltd ABN 44 140 148 134 was created to develop educational courses for the average Australian, because we believe that financial education is the key to you being able to manage your own financial affairs using the same tools and techniques that professionals do.

Our training courses are focused on providing general factual advice on securities and derivatives as well as derivatives strategies designed to equip the user with all they need to safely enter financial markets and to make a profit in financial markets during rising, flat and falling market conditions.

In addition the training courses are heavily focused on teaching you how to generate strong, positive cashflow returns, with a particular focus on incorporating risk management strategies within general investments and the superannuation environment.

Oyster Financial Pty Ltd is a Corporate Authorised Representative (CAR 345953) of MDS Financial Pty Ltd AFSL 333298.

MDS Financial Services Pty Ltd ABN 28 088 190 283 is located at Level 4, 72 Pitt Street, SYDNEY NSW 2000.

**Our license permits Oyster Financial to provide the following financial services to our clients.**

Provide general financial product advice for the following classes of financial products:

- i) deposit and payment products limited to:
  - (A) basic deposit products;
  - (B) deposit products other than basic deposit products;
- (ii) derivatives;
- (iii) debentures, stocks or bonds issued or proposed to be issued by a government;
- (iv) interests in managed investment schemes excluding investor directed portfolio services; and
- (v) securities; and

Deal by applying for, acquiring, varying or disposing of a financial product on behalf of another person in respect of the following classes of products:

- (A) deposit and payment products limited to:
  - (1) basic deposit products;
  - (2) deposit products other than basic deposit products;
- (B) derivatives;
- (C) debentures, stocks or bonds issued or proposed to be issued by a government;
- (D) interests in managed investment schemes excluding investor directed portfolio services; and
- (E) securities;

to retail and wholesale clients.

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### **Services Oyster is not Responsible For**

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Oyster Financial Pty Ltd is only responsible for services relating to general advice pertaining to investments of in a particular nature relating to risk management and providing a return on investment. Oyster isn't in any capacity acting as either an accountant or tax agent, and hence isn't providing any advice or service relating to:

- Taxation advice and services such as completing tax returns.
- Audit services.
- Self Managed Super Fund compliance and administration services.
- Business or legal advisory services.
- Advice on unlisted or private companies and investments, private development funds, franchises, high yield debentures, direct property, property syndicates, solicitors or other mortgage schemes, general insurance, direct international shareholdings or any products that only require disclosure using an information memorandum.

In all your dealings with Oyster and its affiliates you must satisfy yourself as to who is responsible for the advice or service. If you require further clarification please contact Oyster Financial on (02) 6788 2222.

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### **Information about MDS Financial Services Pty Ltd**

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Oyster Financial Pty Ltd is a Corporate Authorised Representative (CAR 345953) of MDS Financial Services Pty Ltd who is authorised to deal in general financial services, provide financial and investing education services to the Australian public and through affiliates and associations are licensed to provide market data to the public.

MDS Financial Services Pty Ltd is the holder of an Australian Financial Services Licence Number: 333298 and is authorised to deal in general financial services products to retail and wholesale clients.

MDS Financial Services Pty Ltd is a wholly owned subsidiary of MDS Financial Group Limited (MDS) a company listed on Australian Securities Exchange (ASX:MWS).

MDS Financial Services Pty Ltd is a diversified financial services firm bringing a new level of flexibility and independence to Australian traders and investors. The company provides the following services:

- dealing services in derivatives including Contracts for Difference and Futures. Clients open accounts with a third party provider and may execute trades through proprietary software known as the 'Market Analyser' or third party platforms.
- general financial product advice through a research newsletter containing trading recommendations for securities and derivatives (in the form of CFDs) which will be published on a daily basis. The report is based on technical analysis and is aimed at the retail investor/trader.
- general financial product advice through its education services to clients comprising of set courses or ad-hoc seminars and events; and
- general financial product advice through the distribution of two analysis software products owned by MDS and/or its subsidiaries, being the Market Analyser and The Bourse. Both provide fundamental and technical information on securities and derivatives and produce a securities report based on parameters and formulas entered or selected by the user.

### **Documents you may receive**

<b>Freedom Foundations Education Course</b>	Two day face to face course with accompanying hardcopy of educational material. The course is based on general factual advice on derivatives and derivatives strategies designed to equip the user with all they need to safely enter the world of financial derivatives, and to make a profit in financial markets during both upturns and downturns where many tend to lose.
<b>Application Forms</b>	MDS Financial is able to deal with general financial products on a non advisory basis via providing factual information on these products. MDS Financial Services and Oyster Financial have affiliations with margin lenders and market data providers etc and upon request may provide an application form and Product Disclosure Statement (PDS) to these clients with a general advice warning.
<b>Product Disclosure Statement (PDS)</b>	If you choose to apply for a brokerage account, margin loan or trading facility your advisor will issue a Product Disclosure Statement (PDS). The PDS contains information about a financial products features, fees, benefits and risks.

### **Other Types of Disclosure Documents**

When the holder of an Australian Financial Services Licence (AFSL) or one of its authorised representatives gives personal financial product advice to a retail client, the licensee is required to give the client either a Statement of Advice (SOA) or a Record of Advice (ROA) which record the details and basis of the advice. As Oyster Financial Pty Ltd does not provide personal financial product advice, Oyster will not provide you with either a Statement of Advice (SOA) or Record of Advice (ROA).

*Details of these documents for your general reference are included below:*

<b>Statement of Advice (SOA)</b>	<p>When the holder of an Australian financial services license gives personal financial product advice to a retail client, the licensee is required to give them a SOA which is designed to record the details of the advice and the basis of the advice. As neither Oyster or MDS provide personal financial product advice, neither Oyster or MDS will give you a Statement of Advice. If you have another independent financial advisor, you may receive a Statement of Advice from them.</p>
<b>Record of Advice (ROA)</b>	<p>If you were previously issued with a SoA, certain circumstances may allow the provision of further advice without the need for an additional SoA. In addition in certain circumstances you may be provided with advice on a small investment balance or a strategy only. Where any of these are the case you are entitled to request a Record of Advice (RoA) within 7 years of when the advice was provided.</p> <p>The RoA will outline the advice, the reasons for the advice, and details about any remuneration payable.</p> <p>As neither Oyster or MDS provide personal financial product advice, neither Oyster or MDS will give you a Record of Advice (RoA).</p>

## **The Risks of Trading or Investing**

Trading or investment in any market has risks. In particular, the risk of loss in share market trading or investment can be substantial. You should therefore carefully consider whether that kind of trading or investment is appropriate for you in the light of your own specific circumstances.

The value of a security or derivative may rise and fall considerably depending on what other people are prepared to pay you for the share when you decide to sell it. This price volatility will depend on many factors, including; the company, market sentiment, opinions about the country the security or derivative is traded in, the prospects for the industry and many other factors. Sometimes companies go bankrupt and investors may lose the entire value of their investment in a specific security or derivative. Under certain circumstances it can become impossible for you to liquidate a position (this can happen for example when there is significant change in prices in a security or derivative over a short time. Also, the placing of contingent orders (such as a 'stop loss') may not always protect or limit your losses to the amounts that you want, as market conditions may make it impossible to execute such orders.

Securities and derivatives may also offer the potential for substantial gains, and a range of returns in between.

This brief statement does not disclose all of the risks and other significant aspects involved in trading or investing in financial markets. You should carefully study trading and investing before becoming involved in it.

## **Personal and General Financial Advice**

### **General Advice**

General advice is other financial product advice that is not personal advice. ie. Advice not tailored to your general or financial personal circumstances, your personal objectives or needs. This includes product advice and other advice including that of an educational nature, that is not directed to a particular person and is factual in nature. It also includes general advice by way issuing newsletters or material containing general product information or factual information including on financial strategies that is not directed to any persons and that is factual information.

Oyster Financial Pty Ltd's educational courses have been prepared without taking into account your objectives, financial situation or needs. Because of this you should, before taking any action or following any of the advice or strategies mentioned within, consider whether this is appropriate having regard to your own objectives, financial situation and/or needs.

In addition MDS Financial Services Pty Ltd does not provide personal financial product advice and will only provide general financial product advice.

### **Personal Advice**

Personal advice considers your own objectives, financial situation or needs, and then recommends strategies and one or more financial products to suit you.

Generally, only people permitted by law to give you personal financial advice.

An advisory business that gives personal advice must:

- give personal advice that suits you
- take legal responsibility for its staff and representatives
- act efficiently, honestly and fairly, and
- meet standards designed to protect you against something going wrong.

Not everybody needs personal advice. Many people handle their own finances successfully, including looking after their super, insurance and investments.

You should note that neither Oyster Financial nor MDS Financial will provide you with "personal advice" as defined by the Corporations Act and ASIC. Accordingly, we will not take into account your "objectives, financial situation and needs" (as defined by the Act and ASIC) and therefore this FSG has been prepared without taking into account those Objectives. You will not be provided with a Statement of Advice. Accordingly you should carefully consider the appropriateness of our services with regard to your particular circumstances and we strongly recommend you obtain professional advice prior to opening making your own investment choice.

## **Fees, Charges and How We Are Paid**

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### **Oyster Financial Pty Ltd**

Oyster Financial Services Pty Ltd is remunerated directly through the fees we charge you.

### **Freedom Foundations Education Course**

Our training courses are focused on providing general factual advice on derivatives and derivatives strategies designed to equip the user with all they need to safely enter the world of financial derivatives, and to make a profit in financial markets during both upturns and downturns where many tend to lose.

Many people do not need personal financial advice to handle their own finances successfully. More so no one will look after your financial affairs better than you will.

For this reason we deliver our course to provide sound education to the average Australian. To deliver the course we charge a once off fee of **\$3,995 inclusive of GST**.

### **Oyster Club**

Gives ongoing access to the member's area of Oyster Financials website whereby people of a similar interest can discuss matters of success and problematic issues in regards to their experiences. In addition there are forums and blogs from educators on further information in relation to course content, and general information in relation to alternative strategies and market indicators. As part of membership of the Oyster Club individuals will also be able to email questions through to educators and tutors. To access this service a monthly fee of **\$220 inclusive of GST or \$440 inclusive of GST dependent upon the level of club membership sought**.

### **Trading Related Fees**

In addition to the above mentioned fees Oyster may receive additional payments, fees and commissions from MDS for carrying out its financial activities as detailed below:

<b>Transaction Description</b>	<b>Fee Calculation</b>
Equities Transaction Trading	- \$1 on trades up to \$18,000. For trades over this amount our commission will be 0.06% of the transaction amount.
Options Transaction Trading	- \$7.90 per trade up to 10 contracts, then at a rate of \$1.57 per additional contract. This amount is subject to change and is calculated on a sliding scale.

From time to time Oyster Financial may receive other fees, and commissions other than those outlined above.

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### **Privacy of Client Information**

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In providing our services we collect personal information about you, including sensitive information. Please note we treat all information provided to us in confidence and will take all reasonable steps to ensure non-disclosure to anyone other than for the purpose of fulfilling your instructions. We treat all client information in accordance with the provisions of the Privacy Act 1988. Our detailed Privacy Policy can be viewed on our website [www.oysterfinancial.com.au](http://www.oysterfinancial.com.au).

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### **Complaint Resolution Procedures**

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*If the level of service or quality of advice provided by your advisor fails to meet your expectations you can contact us by following these steps.*

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#### **Step 1**

Contact Oyster Financial to see if your complaint can be resolved.

**Oyster Financial Services Pty Ltd** ABN 44 140 148 134

Telephone: **(02) 8006 2530**  
Email: **info@oysterfinancial.com.au**  
Address: **202 Marsh Street**  
**ARMIDALE NSW 2350**

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#### **Step 2**

If not satisfactorily resolved within 10 business days, please lodge a written complaint to:

**MDS Financial Services Pty Ltd** ABN 28 088 190 283

Attention: **Complaints Resolution Manager**  
**MDS Financial Pty Ltd**

Telephone: **1300 363 766**  
Facsimile: **(03) 9617 0699**  
Email: **compliance@mdsfinancial.com.au**  
Address: **Level 1, Railto North Tower**  
**525 Collins Street West**  
**Melbourne VIC 3000**

**We aim to promptly resolve complaints at step 1 or 2.**

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#### **Step 3**

If a satisfactory outcome is not reached within 45 days you have the right

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to make a complaint, free of charge, to the Financial Industry Complaints Service (FICS) on 1300 780 808 or [fics@fics.asn.au](mailto:fics@fics.asn.au).

Information about your rights can also be obtained from the Australian Securities and Investments Commission on 1300 300 630.

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