

Appendix C

SUMMARY OF PUBLIC COMMENTS ON IMPLEMENTATION OF STAGE 2 OF POINT OF SALE (POS) DISCLOSURE FOR MUTUAL FUNDS

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Part 1 – Background		
Summary of Comments		
<p>On August 12, 2011, the Canadian Securities Administrators (CSA) published <i>Implementation of Stage 2 of Point of Sale (POS) Disclosure for Mutual Funds</i>, which proposed amendments to National Instrument 81-101 <i>Mutual Fund Prospectus Disclosure</i> (NI 81-101), Form 81-101F3 (the Form), Companion Policy 81-101CP (the Companion Policy) and National Instrument 81-102 <i>Mutual Funds</i> (NI 81-102) (NI 81-101, Form, the Companion Policy and NI 81-102, collectively, the Stage 2 Amendments). The comment period expired on November 10, 2011. We received submissions from 12 commenters, which are listed in Part 5 of this document.</p> <p>We thank everyone who took the time to prepare and submit comment letters. This document contains a summary of the comments and the CSA’s responses.</p>		
Part 2 – Comments on Stage 2 Amendments		
<u>Issue</u>	<u>Comments</u>	<u>Responses</u>
<i>Comments on delivery of the Fund Facts instead of the</i>	<i>Support for delivery of Fund Facts instead of SP</i> Both investor advocate and industry commenters conveyed	

<p>SP</p>	<p>their support for the Stage 2 Amendments and the POS project for the following reasons:</p> <ul style="list-style-type: none"> investors can understand the Fund Facts document (the Fund Facts) more easily than the simplified prospectus (the SP) because it is simple and contains key information to assist investors in making an informed investment decision; the Fund Facts will be provided in a timely fashion and in an accessible format; the Fund Facts assists investors in comparing funds. <p>However, investor advocate commenters told us that the Fund Facts needs further refinement, in areas such as risk and cost disclosure, before proceeding with delivery in place of the SP.</p> <p><i>Opposition to delivery of Fund Facts instead of SP</i></p> <p>We were told that the Fund Facts cannot replace the SP or other disclosure documents that provide valuable information about investment funds, and will not address the problem of information asymmetry between industry and investors.</p> <p>Removing the requirement to deliver the SP, said one investor advocate commenter, is a major policy change particularly since the Fund Facts is not required under securities legislation to provide full, true and plain disclosure of all material facts.</p>	<p>We appreciate the feedback from commenters.</p> <p>The CSA remains committed to delivery of the Fund Facts. We think that the disclosure in the Fund Facts provides investors with the opportunity to make more informed investment decisions by giving them access to key information about a mutual fund, in language they can easily understand, at a time that is relevant to their investment decision.</p> <p>However, in response to investor advocate feedback we are proposing a number of changes to the risk and performance</p>
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		<p>disclosure in the Fund Facts. For more information, please see the responses to the sections entitled “How has the fund performed” and “How much does it cost?”.</p> <p>While we continue to view the SP as a valuable disclosure document, we know that investors do not read the SP. Research on investor preferences for mutual fund information, including our own testing of the Fund Facts, indicates investors prefer a concise summary of key information. The CSA designed the Fund Facts to make it easier for investors to access and use key information.</p> <p>For more information on our investor research, please see the <i>Fund Facts Document Research Report</i> prepared by Research Strategy Group in Appendix 5 to Proposed Framework 81-406 <i>Point of Sale Disclosure for Mutual Funds and Segregated Funds</i> published by the Joint Forum on June 15, 2007 (the Initial Framework) on the OSC website.</p> <p>We note that the SP continues to be available to investors free of charge upon request and on SEDAR.</p>
<p><i>Binding (s. 5.1.1 of NI 81-101)</i></p>	<p><i>Flexibility in binding documents to the Fund Facts</i></p> <p>Several industry commenters view the binding provisions to be restrictive and argue that flexibility is critical to achieving efficiencies in delivering accessible materials to investors.</p> <p>One of these commenters requested flexibility to bind the Fund Facts with other Fund Facts for funds that the dealer wishes the client to consider purchasing in the relatively near future.</p>	<p>The CSA continues to support restricting the documents which may be attached to, or bound with, the Fund Facts. We remain committed to providing investors with key information in an accessible format. Permitting extraneous documents to be attached to, or bound with, the Fund Facts detracts from this goal. However, in response to comments, we are permitting increased flexibility to bind the Fund Facts with account application documents and registered tax plan documents.</p>

	<p>In contrast, an investor advocate commenter argued that the proposed binding restrictions are too flexible, and questioned whether promotional and non-educational material should be delivered to investors with legal disclosure materials. Said this commenter, a separate folder, staple, or clip may not make a meaningful difference to how investors process information in formulating their investment decisions.</p> <p><i>Including transaction confirmations in section 5.1.1</i></p> <p>A few industry commenters requested expanding section 5.1.1(1)(1) to include “transaction confirmations” (i.e. purchase <i>and</i> sale confirmations) for the following reasons:</p> <ul style="list-style-type: none"> • currently confirmations for sale, purchase and switch transactions are consolidated and printed on the same sheet of paper and bound together with required supporting documents – therefore permitting binding of the three transaction types will be consistent with current practices; • failure to expand the binding provision will have a significant impact on dealers that use “statement style” transaction confirmation layout and those that use transaction confirmation consolidation; and • binding restrictions will negatively impact the investor experience because they will receive multiple mailings for transactions processed on the same day. 	<p>We have revised the requirement to capture transaction confirmations. If the transaction confirmation is attached to, or bound with, the Fund Facts, any required disclosure document that relates to a transaction listed in the transaction confirmation may also be attached to, or bound with, the Fund Facts. We expect that this will capture only transactions completed on the same day and will avoid multiple mailings.</p>
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	<p>Another commenter recommended deleting subsection 5.1(3) of NI 81-101 and importing greater flexibility into proposed section 5.1.1 of NI 81-101. We were told that the current interplay of section 5.1(3) and proposed 5.1.1 is confusing since the Fund Facts is a document incorporated by reference into the SP.</p> <p><i>Order of bound documents</i></p> <p>A commenter sought clarification of whether under section 5.1.1(2) any <i>or all</i> of the front cover, table of contents, and confirmation may be placed before the Fund Facts, if only the confirmation is attached to or bound with the Fund Facts.</p> <p><i>Delivery of non-educational material</i></p> <p>A few industry commenters sought clarification regarding which educational and non-educational materials may be delivered with the Fund Facts – although not attached to or bound with the Fund Facts. Section 5.1.1 of NI 81-101 limits the documents that may be attached to, or bound with the Fund Facts. However, section 7.4 of 81-101CP indicates that there are ‘no restrictions’ on delivery of non-educational material with either the SP or AIF, provided that it is not included within, wrapped around or attached or bound to these documents. As a result, the commenters recommend addressing delivery of education material in section 7.4 of 81-101CP as the failure to mention them implies that the educational materials may no longer be delivered with the Fund Facts or SP under new section 5.1.1 of the NI 81-101.</p>	<p>For greater clarity, we propose to repeal the list of documents in section 5.1(3) because we intend delivery of the Fund Facts to satisfy current prospectus delivery requirements under securities legislation.</p> <p>If another document is attached to, or bound with, the Fund Facts, we propose that a table of contents must be attached to the bound package. No pages may come before the Fund Facts other than the table of contents and the transaction confirmation.</p> <p>For greater clarity, we have revised section 7.4 of 81-101CP to indicate that the CSA do not intend educational and non-educational material to be attached to, or bound with, the Fund Facts.</p>
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	<p><i>Codifying exemptive relief for binding SP sections</i></p> <p>One commenter recommended revising section 5.1.1 of NI 81-101 to codify existing exemptive relief granted to a service provider to extract the Part A section of an SP and the applicable Part B sections of the SP.</p>	<p>The CSA expects the exemptive relief from the binding provisions to expire upon the implementation of the Stage 2 Amendments, when the Fund Facts will be delivered instead of the SP. This is consistent with the existing sunset provisions in such exemptions.</p>
<p>Transition period</p>	<p>Several industry commenters request a transition period of 12 to 18 months for the Stage 2 Amendments.</p>	<p>We do not propose a lengthy transition period for Stage 2. With the publications of CSA Staff Notices 81-319 and 81-321 and the Stage 2 Amendments in August, 2011, coupled with the granting of relief to over 45 fund managers to permit the early use of the Fund Facts, the CSA do not think a lengthy transition period is necessary.</p>
<p><i>Legislative amendments</i></p>	<p>A few commenters requested a uniform statutory right of withdrawal and rescission to address ambiguity in the existing rights. For greater efficiency, changes to the statutory rights, we were told, should occur with the legislative amendments to implement delivery of the Fund Facts instead of the SP.</p> <p>One commenter asked for clarification on the mechanism for the delivery obligations under the Stage 2 Amendments and withdrawal and rescission rights. Given the investor will not receive the SP, we were asked how the rights of action for misrepresentations will operate if the Fund Facts is delivered instead of the SP and how investors will be informed about this change.</p>	<p>As noted in prior responses to comments, the CSA have concluded not to proceed with a harmonized rescission and withdrawal right at this time. As implementation of the POS project progresses, we may consider this issue further.</p> <p>The withdrawal rights will be triggered with the sending or delivery of the Fund Facts. We have made changes to the “Statement of Rights” section of the Fund Facts to alert investors to this change. Rescission rights remain unchanged and flow from receipt of the trade confirmation and/or failure to deliver the Fund Facts, in accordance with the securities legislation in each CSA jurisdiction, as amended.</p>

Part 3 – Comments on the Fund Facts		
<u>Issue</u>	<u>Comments</u>	<u>Responses</u>
<i>Improving clarity and consistency in the Fund Facts</i>	<p>An investor advocate commenter noted that the Fund Facts is vague in critical areas such as cost disclosure and investor rights, which undermines the objective to enhance investor understanding of the value, risks, and performance of managed investment products.</p> <p>Another investor advocate commenter requested we use terms set out in National Instrument 31-103 <i>Registration Requirements and Exemptions (NI 31-103)</i> in the Fund Facts. For example, replacing the term “adviser” with “representative”.</p>	<p>In response to these comments, we have provided greater clarity in specific sections of the Fund Facts. As implementation of the POS project progresses, we may consider further refinements to the Fund Facts. For more information, please see the responses under “What does the fund invest in?” and “How much does it cost?”.</p> <p>We have replaced the term “adviser” with “dealer representative” for consistency with NI 31-103.</p>
<i>Warning language</i>	<p>Consistent with earlier feedback, a commenter again requested we use a more emphatic statement at the beginning of the Fund Facts that emphasizes the SP should be consulted.</p>	<p>The CSA proposes no further changes to the introductory language in the Fund Facts at this time. We note that there is already a reference to consult the SP in the “For more information” section, as well as in the risk section of the Fund Facts.</p>
<i>General instructions</i>	<p>We were asked to clarify General Instruction 16 to the Form, which states that each Fund Facts start on a new page.</p>	<p>We expect that every Fund Facts start on a new sheet of paper and have made this clarification in General Instruction 16.</p>
<i>Quick facts</i>	<p>One commenter requested that the heading in the “Quick Facts” should be amended to disclose the date that a particular series or class was established.</p>	<p>We agree with this comment and have made the change. We have also added a separate heading for the date the mutual fund was created, to provide context for investors.</p>
<i>What does the fund</i>	<p>A commenter asked for additional disclosure of the fund’s</p>	<p>We have revised the “Top 10 investments” section to</p>

<p><i>invest in?</i></p>	<p>investment objectives given its importance.</p> <p>This commenter also requested that the “Top 10 investments” section include the percentage of each holding to provide a sense of concentration risk and that the description specify the asset classes invested in by the fund (i.e. stocks, bonds).</p>	<p>require disclosure of the percentage of each holding in the Top 10 list.</p>
<p><i>How has the fund performed?</i></p> <p><i>Inclusion of a benchmark</i></p>	<p>Performance</p> <p>Two investor advocate commenters requested that this section add a stronger warning about choosing funds based on past performance.</p> <p>One suggested adding wording that past performance is not a useful predictor of future returns.</p> <p>The other commenter suggested adding wording to not expect the fund’s past performance to continue in the future.</p> <p>Still another commenter requested that the Form better articulate whether the performance disclosure requirements apply to the fund or to the class or series of the fund.</p> <p>Benchmark</p> <p>Three commenters requested we add a benchmark to this section. Benchmarks, we were told, would allow investors to compare the fund’s historical rate of return to the performance of a relevant benchmark or a risk-free rate of return such as GICs or Canadian Government bonds, which would provide context in assessing its historical performance.</p> <p>One of these commenters remarked that benchmarks are essential to providing a framework within which investors</p>	<p>The Fund Facts currently mandates disclosure that states the performance of the fund will not tell an investor how the fund will perform in the future. Accordingly, we do not propose any further changes at this time.</p> <p>Instruction 4 to Item 5 of the Form requires performance data related to the specific class or series in the Fund Facts.</p> <p>In response to this feedback, we have added a comparison to the fund’s performance with a less risky investment, specifically the one-year GIC. We are of the view that adding this comparison may assist investors in assessing the risk-return tradeoff associated with investing in a particular fund. We will be interested in the results of this added disclosure in our testing with investors.</p>

	<p>can assess the relative performance of a given fund, and its associated risk (since different benchmarks will have different levels of risk (i.e. 5 year GIC vs. S&P/TSX Composite Index) and make a more informed financial decision about whether to purchase a fund.</p>	
<i>Risk disclosure</i>	<p>Several investor advocate commenters raised concerns about the presentation of risk in the Fund Facts, including the following:</p> <ul style="list-style-type: none"> • permitting fund managers to select the risk classification level for a fund, results in an inconsistent evaluation of risk; • the description of risk in the Fund Facts is virtually identical to that in the New Account Application Forms (NAAF) and could confuse an investor or his/her salesperson; • many funds are using the risk methodology developed by IFIC, an industry lobby group, and not a methodology developed by regulators with investor consultation; • the IFIC risk methodology measures only volatility risk, calculated as the three-year standard deviation of returns which may not adequately capture the volatility of a particular fund; and • it is difficult for investors to access the SP and understand the risk classification methodology alongside the Fund Facts; as a result, investors will rely disproportionately on the risk classification in 	<p>In response to the concerns raised by investor advocate commenters, we are proposing the changes described below, which we intend to focus test with investors.</p> <p>We are adding stronger warning language about the risks of investing in mutual funds.</p> <p>We are mandating the inclusion of a list of the fund’s three to four main risks, while continuing to direct investors to the SP for a more detailed discussion of a fund’s specific risks.</p> <p>We are adding an explanation that the risk scale is intended to show market risk and the relationship between risk and losses (i.e. higher returns typically result in greater chances of losses).</p> <p>We are adding the worst 3 month return to the “Performance” section.</p>

	<p>the Fund Facts.</p> <p>These commenters provided some recommendations for improving risk disclosure, including: prescribing a standardized risk methodology to ensure comparability between funds, such as the risk methodology prescribed by the Committee of European Securities Regulators in CESR/10-6739; adding to the performance section of the Fund Facts a specific measure such as the worst monthly, quarterly or annual loss in the previous 10 years; and clarifying the connection between investor suitability and the risk classification level selected in the Fund Facts.</p> <p>Said one of those commenters, the IFIC Volatility Risk Classification Report (the Report) should be made publicly available since it is incorporated by reference into the SP by fund managers.</p>	<p>The CSA is committed to assessing the feasibility of developing a CSA risk methodology to be applied by fund managers in assessing the fund’s risk on the scale in the Fund Facts. This work is currently underway. As an interim step, we are proposing to maintain the existing Fund Facts risk scale with the additional disclosure described above, which we think responds to the feedback we have received.</p> <p>The CSA expects fund managers to make the Report available upon request.</p>
<i>A word about tax</i>	<p>Consistent with recent prospectus reviews, one commenter requested amending the prescribed wording for the “A word about tax” section to include more specifics regarding the tax implications of holding securities of a fund.</p>	<p>We propose no change. The CSA considers the Form to be flexible enough to allow such additional information.</p>
<i>How much does it cost?</i>	<p>We were asked by an investor advocate commenter to better clarify the impact of fees on investor returns. Also, other fees such as switch fees, change fees, and trailing commissions, said this commenter, are presented as potential, rather than actual costs to the investor. If the fees are discretionary, then this should also be clearly stated. The disclosure of other information, such as foreign exchange hedging policies, should also be considered.</p> <p>Added another investor advocate commenter, the cost disclosure should clearly indicate whether or not the</p>	<p>We have considered these comments and in response, have added the following statement regarding commissions:</p> <p><i>“These trailing commission payments may create a conflict of interest by influencing the dealer or its representatives to recommend the fund over another investment. Ask your dealer representative for more information.”</i></p> <p>We have also proposed that the Fund Facts disclose</p>

	<p>salesperson will earn a commission from selling the fund.</p> <p><i>Fee based arrangements</i></p> <p>Two commenters expressed concerns with proposed changes to Instruction (2) to Item 1.4 of Part II of the Form. They noted that fund companies typically have no control over the fees charged by third-party dealers for fee-based arrangements, and may not know the range of some fees. These commenters suggested that the scope of the required disclosure should be limited to management fees or other fees charged by a mutual fund or its manager, and that the required disclosure should not apply to fee-based arrangements.</p> <p>One of these commenters also asked for clarification of the scope of the requirement to disclose all fees and expenses payable directly by the investor when buying, holding, selling or switching units or shares of the mutual fund. For example, whether all possible expenses currently referred to in the SP (such as NSF charges, wire transaction charges) are required under the proposed language in Instruction (1) to Item 1.4 of Part II of the Form. This commenter also sought clarification of whether a fixed administration fee in lieu of all or a portion of a mutual fund’s operating expenses should be disclosed in “Other fees” or whether the disclosure should be in “Fund expenses” (Item 1.3(4) of Part II of the Form).</p>	<p>whether trailing commissions are paid to dealers.</p> <p>We note that if foreign currency hedging is a fundamental feature of a fund, we expect this feature to be disclosed in the “What does the fund invest in?” section and listed as a critical risk in the Risk section.</p> <p>The CSA thinks disclosure of the existence of fee-based arrangements is important for investors. As the Fund Facts is filed on a class or series basis, it is important to clarify whether the particular class or series is intended for fee-based arrangements.</p> <p>The CSA does not expect all possible expenses listed in the SP to be disclosed under “Other fees”. Rather, the key fees and expenses required to hold the securities of the class or series should be disclosed, as set out in Instruction 1 to Item 1.4 of Part II of the Form. Fixed administration fees should be disclosed in the “Fund expenses” section of the Fund Facts since they are expenses paid by the fund and must be included in the fund’s management expense ratio, further to section 15.1 of National Instrument 81-106 <i>Investment Fund Continuous Disclosure</i>.</p>
<i>Conflict of interest</i>	One commenter requested that the Fund Facts disclose any	In response, we have added disclosure to the Fund Facts

<i>disclosure</i>	<p>conflict of interest that could give the intermediary or its salespersons a financial incentive to sell a particular fund over others.</p> <p>This commenter further recommends adding clear language to the Fund Facts explicitly stating either (a) there is no payment of a trailing commission; or (b) there is a trailing commission paid which creates a conflict of interest and which may influence the broker-dealer or other intermediary and the salesperson to recommend that fund over another investment. Another commenter supported this recommendation.</p>	<p>identifying the potential for conflicts of interest that may arise from the dealer receiving commissions. Please see the response under “How much does it cost?”.</p>
<i>Statement of rights</i>	<p>Two commenters noted that the proposed amendments replace the “Statement of Rights” section in the Fund Facts (Item 2 in Part II of Form 81-101F3) to indicate that the right of withdrawal exists within two business days after delivery of the Fund Facts, however, there is no corresponding change made to the disclosure in the SP.</p>	<p>We have revised the disclosure in the SP to ensure consistency with the Fund Facts.</p>
<i>Incorporation by reference of the Fund Facts into the SP</i>	<p>Consistent with a prior comment, we again were asked by a commenter to make the Fund Facts “a prospectus” for the purposes of securities legislation, and deem the SP to be incorporated by reference into the Fund Facts.</p>	<p>As we indicated in prior responses to comment, the CSA proposes no change at this time. The Fund Facts is incorporated by reference into the SP and, together with the fund’s disclosure documents, comprise a mutual fund’s disclosure documents.</p>
<i>Fund codes</i>	<p>Industry and investor commenters told us they supported adding fund codes to the Fund Facts.</p>	<p>Consistent with recent prospectus reviews, we have made the change to allow fund codes on the Fund Facts. We will allow reference to generally accepted and publicly available codes in the Fund Facts.</p>
<i>Exceptions for individual</i>	<p>A few commenters stressed the need to avoid provincial differences in the implementation of Stage 2. For example, we were asked to explain why in some cases the proposed</p>	<p>The CSA has worked to ensure the results of our amendments achieve a harmonized outcome. However, this common outcome has been reached working with</p>

<i>jurisdictions</i>	amendments to the Form state “except in British Columbia” (i.e. item 6(1)(a) in Part I, and to item 1.3(5) in Part II of the Form).	different legislative approaches or wording, which results in differences in the drafting of NI 81-101.
<i>Future material changes and mergers</i>	A few commenters requested we allow disclosure in the Fund Facts of future material changes in instances where the fund manager considers relevant. For example, upcoming fund mergers.	We agree with this feedback. In response, we have added General Instruction 8.1 to the Form permitting greater flexibility to disclose anticipated fundamental changes and material changes in the Fund Facts. We are also permitting a fund to present financial information as at a date within 45 days before the date of the amended and restated Fund Facts.
<i>Additional disclosure</i>	<p>One industry commenter again asked that the Fund Facts recognize the role of the registered financial advisor.</p> <p>This commenter is also concerned about the possibility of investors relying on an outdated Fund Facts. It was suggested that the Fund Facts clearly state that the document may be updated without notice to the investor and that the investor should consult with his or her registered financial advisor to be sure that he or she is in possession of the most up-to-date of the particular Fund Facts.</p>	<p>We propose no further change at this time. We note that the Form already directs investors to contact their dealer representative for more information.</p> <p>We propose no further change since the Fund Facts is dated and the relevant financial information is taken from publicly available documents, such as the management report of fund performance.</p>
<i>CSA Companion Guide to the Fund Facts</i>	Consistent with earlier feedback, an investor advocate commenter reiterated their request that the CSA prepare a Companion Guide for investors to assist them in understanding the Fund Facts.	<p>As we stated in the Initial Framework, while we agree that investor education is a key aspect of investor protection, we no longer think it is necessary to create a consumers’ guide as part of this project.</p> <p>We have, however, in response to this comment, added to the “For more information” section of the Fund Facts a cross-reference the CSA brochure entitled “Understanding mutual funds” available on the CSA website, to provide investors with more general information about mutual funds. This brochure was revised with the Fund Facts in</p>

		mind.
<i>Ordering of items in the Fund Facts</i>	<p>A few commenters requested changes to the ordering of items in the Fund Facts. One asked for the section entitled “Who is this fund for?” to be moved up to just below the Quick Facts section.</p> <p>Another requested that cost and risk information be disclosed before performance data.</p>	As a result of the changes made to the risk disclosure in the Fund Facts, the risk information now comes before the performance information.
Part 4 – Other comments		
<u>Issue</u>	<u>Comments</u>	<u>Responses</u>
Exemptive relief to allow early use of the Fund Facts	<p>One investor advocate commenter indicated they did not support the CSA’s consideration of applications for exemptive relief to permit the early use of the Fund Facts before implementation of the Stage 2 Amendments.</p>	<p>The early use of the Fund Facts to satisfy the current prospectus delivery requirements is intended to provide investors with the opportunity to have access to more meaningful information about a mutual fund at a time that is still relevant to their investment decision.</p> <p>We think that receipt of a Fund Facts within two days of buying a mutual fund would give investors the opportunity to review the basic features of the fund they purchased, and determine if it’s the investment they wanted or if they have changed their mind.</p> <p>Early use of the Fund Facts would also provide investors and dealers with the opportunity to become more familiar with the new document. Familiarity with the Fund Facts may prompt investors to start requesting Fund Facts before they make investment decisions. It could also prompt dealers to start using Fund Facts as a tool in making recommendations.</p>

<p>Enforcement of Fund Facts</p>	<p>One commenter strongly urged the CSA to establish an enforcement approach, such as regulatory sanctions and penalties for non-compliance. This commenter also requested that the CSA collaborate with IIROC and the MFDA and other industry groups to develop stronger and more harmonized public enforcement mechanisms.</p>	<p>The CSA actively monitors compliance with the Form through prospectus and continuous disclosure reviews. We also continue to collaborate with IIROC and the MFDA.</p>
<p>Fiduciary duty</p>	<p>One commenter advocated for the establishment of a fiduciary duty for investment advisors to their clients and suggested the absence of a fiduciary duty was the underlying problem the Fund Facts is trying to address. This commenter noted that the fact that clients cannot rely upon their advisors for unbiased advice or to act in their client’s best interests, rather than that of the advisor or their dealer, is the underlying problem that a worthwhile initiative like the Fund Facts is trying to fix.</p>	<p>Nothing in the Stage 2 Amendments is intended to detract from the central role of a dealer representative. We think that the Fund Facts builds on a dealer representative’s existing obligation to determine suitability of all purchases of a mutual fund. We expect that the Fund Facts will be a tool used by representatives to assist in the sales process.</p>
<p>POS delivery</p>	<p>Investor advocate commenters requested that we implement POS delivery of the Fund Facts as soon as possible because the Fund Facts was never intended to be provided after an investment decision had been made and post-sale delivery will not inform an investor’s decision.</p> <p>In contrast, an industry advocate indicated that dealers continue to have concerns with delivery at or before the point of sale because it may not be practical when conducting business.</p>	<p>The CSA remains committed to implementing point of sale disclosure for mutual funds. A staged approach allows us the opportunity to continue to consult with stakeholders and to consider the applicability of the point of sale regime for mutual funds to other types of publicly offered investment funds, with the possible outcome of implementing a point of sale delivery requirement at the same time for all comparable investment fund products.</p>
<p><i>Summary disclosure for other types of investment funds</i></p>	<p>Investor advocate commenters reiterated their view that a key facts document should be developed for other investment fund products, including structured products, ETFs (including leveraged, inverse and commodity ETFs), contracts for difference, and listed funds within six to twelve</p>	<p>Consistent with CSA Staff Notice 81-319, as we move forward with implementation of the POS project, the CSA will be considering summary disclosure documents for other types of investment funds.</p>

	months.	
<i>Reconciliation of SP and AIF</i>	One commenter asked the CSA to rationalize the SP, AIF and Fund Facts to remove redundancies and duplication. This commenter noted that investors are not well served with duplicative and redundant disclosure documents.	As we indicated in our June 2009 publication, following the CSA's implementation of a point of sale delivery regime, we intend to review the overall disclosure framework for mutual funds to reduce unnecessary duplication. In particular, we intend to explore the development of a single foundation document to replace the current SP and AIF.
Part 5– List of commenters		
<ul style="list-style-type: none"> • Advocis • Borden Lardner Gervais LLP • Broadridge Investor Communication Solutions, Canada • Canadian Advocacy Council for Canadian CFA Institute Societies • Canadian Bankers Association • Canadian Foundation for Advancement of Investor Rights • Fidelity Investments Canada ULC • InvestorPOS • Investment Funds Institute of Canada • Investment Industry Association of Canada • Kenmar Associates • OSC Investor Advisory Panel 		