

OSC STAFF NOTICE

APPENDIX A TO THE NOTICE OF PROPOSED MULTILATERAL INSTRUMENT 33-109

On December 14, 2001, the Ontario Securities Commission published proposed Multilateral Instrument 33-109. As a result of an error, Appendix A to the Notice of proposed Multilateral Instrument 33-109 was not published at that time. Appendix A follows this notice.

Appendix A
Comment Table
Multilateral Instrument 33-109
Form 33-109F4 - Registration Information for Individuals

Commentators

- CMG-Worldsource Financial Services Inc. [CMG-WS]
- Canadian Bankers Association [CBA]
- Investment Funds Institute of Canada [IFIC]
- Investors Group Inc. [Investors Group]
- Scotiabank's Wealth Management Group [Scotiabank Wealth Management]
- J.C. Clark Ltd. [JC Clark]

NOTE: This form was previously sent out as Form 31-102F4 *Individual Registration Information*. The form is now entitled Form 33-109F4 *Registration Information for Individuals* and is attached to Multilateral Instrument 33-109 *Registration Information Requirements*. The section numbers and headings of the form have also changed significantly since the last publication. Please refer to the previously published form upon reviewing the comments below and the corresponding responses of the CSA.

No.	Topic / Commentator	Comment	CSA Response
General comments			
1.	Purpose of forms [Scotiabank Wealth Management]	Make the forms simple to use. Design them so that a reasonable person using reasonable diligence can understand them and correctly answer all questions. This will reduce time spent correcting deficiencies.	The CSA have designed the forms to be readily completed and understood.
2.	General instructions [Scotiabank Wealth Management]	Indicate in the instructions that registrants must submit applications for transfer of registration on a separate form.	An instruction for transfers will not be included in the NRD or on the form. Instructions are not included in the form currently used. Transfer procedures will be set out in the NRD Filer Manual.
3.	General instructions [Scotiabank Wealth Management]	Provide an illustration of, or describe, the preferred format of an exhibit.	While there is no prescribed format for exhibits, each exhibit must cross reference the relevant requirement on the form.

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4.	General instructions [Investors Group]	Provide clear instructions for completing and filing the forms. For example, since registrants can submit documents electronically, the reference to the number of original signed copies is irrelevant. Instead, the instructions should state how many original signed copies the sponsoring dealer or adviser must retain.	The forms will contain copy requirements for paper filings. NRD filers are not required to print and copy forms submitted electronically in NRD.
5.	Item 1 General Information [JC Clark]	To avoid making another filing with additional information about names previously used, ask individuals who answer yes to enclose documentation evidencing the name change.	The NRD system has a field for individuals to input the required information. Filers may be required to submit supporting documentation if requested by a securities regulatory authority or a self-regulatory organization (each will be referenced as a "regulator").
6.	Item 1 General Information [JC Clark]	Unless space for a residential address expands automatically, enlarge this space considerably.	The NRD system will allow the individual to input as much information as required.
7.	Item 1 General Information [Scotiabank Wealth Management]	Consider changing the legal name wording to include references to names <i>used</i> and <i>known by</i> .	The NRD system has a field for a legal name and a field for any other names used currently or in the past.
8.	Item 1 General Information [Scotiabank Wealth Management]	Remove the residential address instruction because it is redundant.	This instruction has been included for clarification. In the past, some individuals neglected to include foreign residential addresses.
9.	Item 2 Citizenship [Scotiabank Wealth Management]	Consider adding a field for applicants who are citizens of more than one country.	If the individual is not a Canadian citizen, the NRD system will allow NRD filers to list all of the countries in which they are citizens.
10.	Item 3 Registration Information [Scotiabank Wealth Management]	Explain the implication of the Mutual Reliance Review System for registration so that applicants can understand the implications of their choice.	References to the Mutual Reliance Review System for registration have been removed from the form and do not appear on the NRD system.
11.	Item 3 Registration Information [Scotiabank Wealth Management]	Indicate what types of addresses for service are acceptable or unacceptable.	The instructions have been changed to state that a P.O. box address will not be acceptable. Staff anticipates that most designated addresses for service will be acceptable. If the address for service is unacceptable, the regulator will notify the applicant or registrant.
12.	Item 3 Registration Information [Scotiabank Wealth Management]	Indicate what types of entities are acceptable or unacceptable as agents for service.	Staff anticipates that most designated addresses for service will be acceptable. If the address for service is unacceptable, the regulator will notify the applicant or registrant.
13.	Item 3(2) Jurisdiction [Investors Group]	Provide for application to the IDA and MFDA.	The NRD system allows NRD filer to make applications to the IDA. In the future, the NRD system will allow NRD filers to make applications to the MFDA.

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14.	Item 4 Proficiency [JC Clark]	Since individuals who have had their proficiency requirements grandfathered did not receive exemptions, add a reference to grandfathering.	The CSA recognize, and will address, the issue.
15.	Item 4 Proficiency, 1 [Scotiabank Wealth Management]	Describe instances where indicating <i>not applicable</i> about a course or examination is acceptable.	Categories of non-registered individuals do not require courses or examinations. If this is filled out incorrectly, the regulator will notify the filer.
16.	Item 4 Proficiency, 2 [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Describe instances where indicating <i>not applicable</i> about a student number applies. - Indicate where students can obtain student numbers issued years ago. - Consider including a <i>not applicable</i> box beside each educational institution. - Consider adding a field for student numbers issued by the Trust Company Institute and for <i>Other – Provide details</i>. 	<ul style="list-style-type: none"> - Student numbers are not required if the individual has not completed any of the prescribed courses or examinations. - Students should contact the course provider to obtain their student numbers. - If a particular educational institution does not assign student numbers, the individual may leave the field blank. - The CSA will consider this comment in connection with later release of NRD.
17.	Item 5 Employment Information [JC Clark] [Scotiabank Wealth Management]	Ask for an email address, and provide a space to input it.	If a regulator needs to contact an individual the regulator will contact the branch.
18.	Item 5 Employment Information [JC Clark]	Include examples (e.g. how to treat sabbaticals) to ensure that there are no gaps in the employment history.	Sabbaticals should be included in employment information and the individual can be treated as having either been employed or unemployed during that time.
19.	Item 5 Employment Information, 1(a) [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Consider changing the concept of a single work location because many individuals work at multiple locations. For individuals who work from many locations, ask for the location that supervises them. 	The individual will be asked to provide the NRD number of the branch where they are conducting the majority of their business.

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20.	Item 5 Employment Information, 2 [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Consider defining <i>full disclosure</i> and indicating what specific details an applicant must disclose. - For the check box beside the phrase <i>Presently engaged in the above activity</i>, specify what <i>the above activity</i> refers to. - Consider separating current employment from previous employment history, and include the date current employment commenced. If the applicant is not employed, ask the applicant whether the applicant is a student. - Consider rewording the second question as follows: <i>Provide full disclosure of your previous business and employment activities, including any periods of summer employment and unemployment, during the 10 years immediately prior to the date of this application and excluding your current employment. Exclude any summer employment while a full time student. Also, provide details of all employment at any time in the securities or commodities industry.</i> 	<ul style="list-style-type: none"> - The CSA considered this comment and are of the opinion that 'full disclosure' does not need to be defined. If an individual is not sure how to respond, he or she should consult with the firm's compliance officer or legal counsel. - The form has been changed to address this comment. - The form now separates current employment from previous employment. For the purpose of clarification, the word "full time" was added before the word student on the form. - This provision has been redrafted for clarity.
21.	Item 5 Employment Information, 2(b) [Scotiabank Wealth Management]	The instruction for 2(b) is unnecessary, and the form provides insufficient space for the applicant's response.	The provision has been redrafted for clarity.
22.	Item 5 Employment Information, 3(a) [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Define <i>the business</i> and <i>major portion of your time</i> because otherwise different people will interpret them in various ways. - Consider adding a reference to an affiliated financial institution. 	<ul style="list-style-type: none"> - The provision is intended to solicit an explanation as to why an individual will not be working full time for a dealer, underwriter or adviser. The CSA believe that the provision is clear. - An individual would disclose any employment with an affiliated financial institution in the current employment item.
23.	Item 5 Employment Information, 4 [Scotiabank Wealth Management]	Consider replacing <i>following</i> with the more specific term <i>as a result of</i> .	The CSA consider that the word <i>following</i> is intended to be broadly interpreted.
24.	Item 5 Employment Information, 4(a) and 4(b) [Scotiabank Wealth Management]	Consider removing the overly broad phrase <i>industry standards of conduct</i> as it is open to many interpretations. Further, unless an applicant is required to comply, failure to comply is irrelevant.	This phrase is intended to cover all regulator requirements.

No.	Topic / Commentator	Comment	CSA Response
25.	Item 6 Regulatory Disclosure, 1 and 2 [Investors Group]	Combine sections 1 and 2 of Item 6. Both sections are about past registration.	As both securities regulatory authorities and self-regulatory organizations will be using the NRD system, it is clearer if the sections are separate.
26.	Item 6 Regulatory Disclosure, 1(c), 1(d), and 1(e); 2(a), (b), and (c); 3(a), (b), and (c) [Scotiabank Wealth Management]	Clarify whether the CSA intends to ask an individual about action that may have taken place before an individual's tenure or relationship with the sponsoring firm.	The CSA intends to inquire about actions that may have taken place before or after the individual's tenure or relationship with the sponsoring firm. The current provision question reflects this intention.
27.	Item 6 Regulatory Disclosure, 1(c), 1(d), and 1(e); 2(a), 2(b), and 2(c); 3(a), 3(b), and 3(c) Item 8 Civil Disclosure, (a) Item 9 Financial Disclosure, 1(a), 1(b), 1(c) and 1(d) [Scotiabank Wealth Management]	Consider splitting disclosure items into two provisions, one focusing on the individual, and the other focusing on any firm where the individual was a non-registered individual.	The CSA considered this comment and are of the opinion that the provisions are clear. Further, splitting the provisions would significantly lengthen the form.
28.	Item 6 Regulatory Disclosure, 1(d) [Scotiabank Wealth Management]	Consider changing the wording from <i>been denied the benefit of</i> to <i>had an application denied</i> because an applicant who did not apply for a particular exemption is denied the benefit of that exemption.	The CSA considered this comment and are of the opinion that the provision is clear and no change will be made.
29.	Item 6 Regulatory Disclosure, 1(e), 2(c), and 3(c) [Scotiabank Wealth Management]	Consider defining the vague term <i>disciplinary proceedings</i> . Also, consider whether these provisions are redundant.	The term <i>disciplinary proceedings</i> is intended to be broadly interpreted. The CSA do not consider the three questions to be redundant as they relate to securities regulatory authorities, self-regulatory organizations, and non-securities regulation.
30.	Item 7 Criminal Disclosure [Investors Group]	<ul style="list-style-type: none"> - Remove the reference to <i>no contest</i> as this is a U.S. securities law concept. - Items 7(a), 7(b), 7(c), and 7(d) ask inappropriate questions that ask the applicant to form a legal opinion about whether acts committed in a foreign jurisdiction would constitute an offence under Canadian law. Instead, reword the question to require disclosure of any criminal offences or charges under the laws of Canada or a foreign jurisdiction. 	<ul style="list-style-type: none"> - The CSA are considering this comment. - The purpose of these provisions is to establish an objective test for comparison of criminal offences in other jurisdictions to Canadian standards. If the individual is not sure how to respond, he or she should consult with the firm's compliance officer or legal counsel or disclose the offence.

No.	Topic / Commentator	Comment	CSA Response
31.	Item 7 Criminal Disclosure [JC Clark]	Provide guidance about what charges may be excluded, such as minor traffic violations.	The current Form 4 does not exclude minor traffic violations. The new prescribed form will follow the current Form 4. If the individual is not sure, he or she should consult with the firm's compliance officer or legal counsel or disclose the violations or charges.
32.	Item 7 Criminal Disclosure, (a) and (b) [Scotiabank Wealth Management]	Consider specifying the types of charges and offences that applicants must disclose, and those that they do not need to disclose.	The current Form 4 does not exclude minor traffic violations. The new prescribed form will follow the current Form 4. If the individual is not sure, he or she should consult with the firm's compliance officer or legal counsel or disclose the violations or charges.
33.	Item 7 Criminal Disclosure, (b) [Scotiabank Wealth Management]	The item does not state how an individual should treat a pardon, absolute discharge, or conditional discharge. Consider specifying in what situations an applicant must disclose this information.	Where you have pleaded guilty to been found guilty of an offence, such offence must be reported even though an absolute or conditional discharge has been granted. You are not required to disclose any offence for which a pardon has been granted under the <i>Criminal Records Act</i> (Canada) and such pardon has not been revoked. Instructions have been added to the form.
34.	Item 7 Criminal Disclosure, (c) and (d) [Scotiabank Wealth Management]	Clarify whether CSA intends to ask the individual about action that may have taken place <i>before</i> the individual's tenure or relationship with the sponsoring firm.	The CSA does intend to inquire about actions taken before or after the individual's tenure or relationship with the sponsoring firm. The question reflects this intention.
35.	Item 7 Criminal Disclosure, (c) and (d) [Scotiabank Wealth Management]	Consider deleting the words <i>are or</i> .	The CSA have made this change to (d) and are considering further whether to change (c).
36.	Item 8 Civil Disclosure [Scotiabank Wealth Management]	Consider narrowing the nature of civil matters that individuals must disclose to exclude matters involving minor amount of money or that are irrelevant to suitability for registration.	The regulators will make the determination if this information is relevant to suitability of registration.
37.	Item 8 Civil Disclosure, (a) [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Consider defining <i>similar conduct</i> as different organizations will have different interpretations. - Clarify whether CSA intends to ask the individual about action that may have taken place <i>before</i> the applicant's tenure or relationship with the sponsoring firm.. 	<ul style="list-style-type: none"> - The term <i>similar conduct</i> is intended to be broadly interpreted in the context of the words that precede it (theft, fraud, deceit etc.) - The CSA do not intend to inquire about actions taken before or after the individual's tenure or relationship with the sponsoring firm. The question reflects this intention.
39.	Item 9 Financial Disclosure, 1(a), (b), (c), and (d), and 2 [Scotiabank Wealth Management]	Clarify whether CSA intends to ask the individual about action that may have taken place <i>before</i> the applicant's tenure or relationship with the sponsoring firm.	The CSA intends to inquire about actions taken before or after the individual's tenure or relationship with the sponsoring firm. The question reflects this intention.

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40.	Item 9 Financial Disclosure, 4 [Scotiabank Wealth Management]	Consider defining <i>unsatisfied judgments</i> , particularly with regard to appeals.	The CSA considered this comment and are of the opinion that the question is clear and that all judgments under appeal must be disclosed.
41.	Certificate and Agreement of Individual and Sponsoring Firm [MFDA]	The current wording does not recognize the MFDA's jurisdiction. Consider rewording based on the precedent of the current certificate.	The certificate and agreement page refer to a self-regulatory organization. The IDA and the MFDA are both self-regulatory organizations.
42.	Certificate and Agreement of Individual and Sponsoring Firm, Agent for Service [Scotiabank Wealth Management]	Consider amending this requirement to have the individual submit notice within a period of time beginning when the individual becomes aware of the termination or pending termination of the agent for service.	The CSA consider a 30 day reporting period sufficient and appropriate.
43.	Certificate and Agreement of Individual and Sponsoring Firm, Certification of Officer or Partner [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Consider replacing the current wording with wording that asks the officer or partner to certify that the individual indicated that the individual understands the questions. - Consider asking the applicant to certify that the applicant understands the questions. 	These changes have been made to the form.
Schedules			
44.	Schedules [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - In all the schedules, either remove or define the terms <i>relevant details</i> and <i>full details</i>. - Consider changing the numbering system for the schedules so that numbers on the schedules correspond to numbers on the forms. 	<ul style="list-style-type: none"> - The distinction between full and relevant details is intentional. - The schedules will correspond to the questions that require additional information.
45.	Schedule A [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Consider providing additional space in case an individual has used more than one name. - Consider replacing <i>Name</i> with <i>Legal Name</i> in the section 1 heading to be consistent with the form. - Consider replacing <i>Period known by above name</i> with <i>Period during which the applicant used this name</i>. 	<ul style="list-style-type: none"> - There will be additional space for individuals who have used more than one name. - The schedule has been changed. - The wording has been changed to "when did you use this name".
46.	Schedule B [Scotiabank Wealth Management]	In the heading, consider replacing <i>Proficiencies</i> with <i>Proficiency</i> .	The schedule has been changed.
47.	Schedule C [Scotiabank Wealth Management]	In the heading, consider replacing <i>Employment</i> with <i>Employment Information</i> to be consistent with the form.	The schedule has been changed.

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48.	Schedule C, 1(a)(i) [Scotiabank Wealth Management]	Consider defining <i>the business of the sponsoring firm</i> .	This provision intends to solicit an explanation as to why an individual will not be employed full-time with a dealer, underwriter or adviser. The CSA believe that the question is clear.
49.	Schedule C, 1(a)(ii) [Scotiabank Wealth Management]	Consider defining <i>major portion of your time</i> .	This provision intends to solicit an explanation as to why an individual will not be employed full-time with a dealer, underwriter or adviser. The CSA believe that the question is clear.
50.	Schedule C, 1(b)(iv) [Scotiabank Wealth Management]	<ul style="list-style-type: none"> - Clarify to whom or what <i>confusion</i> refers. - Clarify which conflicts of interest are relevant. 	<ul style="list-style-type: none"> - The word "client" has been added after "confusion". - The CSA takes the position that all conflicts of interest are relevant. If the individual is not sure how to respond, he or she should consult with the firm's compliance officer or legal counsel.
51.	Schedule C, 2 Schedule D, 1 Schedule D, 2 Schedule D, 3 Schedule D, 4 Schedule D, 5 Schedule D, 6 Schedule D, 7 Schedule D, 8 Schedule D, 9 Schedule D 10 Schedule D, 11 Schedule G, 1 Schedule G, 2 Schedule G, 3 Schedule G, 4 [Scotiabank Wealth Management]	Add a reference to the specific form and provision.	The CSA takes the position that adding a reference to the provision in the schedule does not add any value since the provisions on the form reference the section in the schedule. However, the NRD system will display the provision on the disclosure screen.
52.	Schedule D, 6 [Scotiabank Wealth Management]	Set out whether the individual must specify a length of time or specific dates.	The schedule asks for the period of membership or participation.
53.	Schedule G, 2 [Scotiabank Wealth Management]	Have the individual disclose the amount that was owed at the time the party could not meet its financial obligations, and disclosure of the amount currently owing.	The schedule has been changed.

No.	Topic / Commentator	Comment	CSA Response
54.	Schedule G, 4 [Scotiabank Wealth Management]	Have the individual disclose the amount that was owed at the time of garnishment, unsatisfied judgment, or direction to pay, and disclosure of the amount currently owing.	The schedule has been changed.
55.	Schedule H, 1, Instruction, (a) and (b) [Scotiabank Wealth Management]	Consider replacing <i>firm</i> with <i>related firm</i> .	The CSA has considered this comment and are of the opinion that provision is clear.
56.	Schedule H Related Securities Firms, 1(e) [Investors Group]	Requiring individuals to disclose details about the source of funds to be invested in the firm and whether the individual's interest is pledged as security is unnecessary and, if made public, may infringe on individual privacy.	Currently, no information on the NRD system will be disclosed to the public. The collection of the information on the form is subject to privacy legislation. This information is being collected in order to determine suitability of registration.
57.	Schedule H, 1(j) [Scotiabank Wealth Management]	Consider replacing <i>Occupation</i> with <i>Occupation of beneficial owner</i> .	The CSA has considered this comment and are of the opinion that the provision is clear.