

Form FS76

Corporations Act 2001

Part 7

Corporations Regulations 2001

reg 7.8.12A

Limited Australian financial services licence— annual compliance certificate

This form can only be lodged by a limited Australian financial services (AFS) licensee as defined in Corporations Regulation 7.8.12A(4) that, for the entire period of certification (or for the entire period of the financial year since the limited Australian financial services licence was granted), did not deal with money to which Division 2 of Part 7.8 of the *Corporations Act 2001* applies and was only licensed to provide one or more of the following limited financial services:

1. financial product advice on self-managed superannuation funds
2. financial product advice on superannuation products in relation to a person's existing holding in a superannuation product but only to the extent required for:
 - (A) making a recommendation that the person establish a self-managed superannuation fund, or
 - (B) providing advice to the person on contributions or pensions under a superannuation product
3. class of product advice on the following:
 - (A) superannuation products
 - (B) securities
 - (C) simple managed investment schemes
 - (D) general insurance products
 - (E) life risk insurance products
 - (F) basic deposit products
4. arrange to deal in an interest in a self-managed superannuation fund.

This annual compliance certificate must be lodged:

- if the limited Australian financial services licensee is a body corporate that is a disclosing entity: within 3 months of end of financial year
- if the limited Australian financial services licensee is a body corporate that is not a disclosing entity: within 4 months of end of the financial year
- if the limited Australian financial services licensee is a non-body corporate: within 2 months of end of the financial year.

Other documents to be submitted with this annual compliance certificate

The limited Australian financial services licensee must attach this annual compliance certificate to a Form FS70 *Australian financial services licensee profit and loss statement and balance sheet* and a true and fair profit and loss statement (Statement of Financial Performance) and balance sheet (Statement of Financial Position) and notes to the Statement of Financial Performance and Statement of Financial Position of the licensee ("financial statements").

Refer *Corporations Act 2001* s989B(1) &(2)

Lodgement details

Who should ASIC contact if there is a query about this form?

ASIC registered agent number (if applicable)

Firm/organisation

Contact name/position description

Telephone number (during business hours)

Email address (optional)

Postal address

Suburb/City

State/Territory

Postcode

Details of Australian financial services licensee

Australian financial services licence number

Australian financial services licensee name

Financial year end

Date of financial year end

/ /
[D] [D] [M] [M] [Y] [Y]

1 Change to contact details

If the Australian financial services licensee's contact details have changed, complete and lodge a Form FS20 *Change of details for an Australian financial services licence* to provide the new contact details.

You can lodge the FS20 online via our AFS licensees portal. If you are lodging online, you must still complete, sign and retain your signed original FS20 form for your records. You can also download and print paper copies of the FS20 form and lodge it by mail or in person.

If lodging paper copies of forms, send completed and signed FS20 form to:

Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

2 Certification

Section 912A(1) of the Corporations Act 2001 contains general conduct obligations which apply to the limited Australian financial services licensee. The limited Australian financial services licensee must certify various matters about its compliance with these obligations. This certification is made on behalf of the licensee and is based on appropriate inquiries about the arrangements and systems and how the licensee has operated during the financial year.

This certification is taken to be made:

- by the person required to sign this certificate under reg 7.8.13A(b) of the Corporations Regulations 2001
- in respect of the period stated in each item.

If licensee is unable to certify in respect of one or more obligations

If the licensee answers no to a question in this section, provide details (you can attach more information as an annexure); and consider lodging a Form FS80 *Notification by an Australian financial services licensee of a significant breach of a licensee's obligations*.

(i) Client money

The limited Australian financial services licensee confirms that money to which Division 2 of Part 7.8 applies have not been held at any time during the financial year in connection with the provision of limited financial services.

Yes No

If no, the limited Australian financial services licensee cannot submit an annual compliance certificate and must submit a Form FS71 *Australian financial services licensee audit report* containing the information and matters required by the Corporations Regulations.(reg 7.8.13(2))

(ii) Financial statements

The financial statements lodged concurrently with this annual compliance certificate give a true and fair value of the financial performance and financial position of the Australian financial services licensee as at the end of the financial year.

Yes No No, but breach reported

(iii) Efficiently honestly and fairly

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that it did all things necessary to ensure that the provision of financial services covered by the licence was efficient, honest and fair?

Yes No No, but breach reported

(iv) Conflict of interest

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place for the management of conflicts of interest that arose wholly, or partially, in relation to activities undertaken by the licensee or a representative of the licensee in the provision of the financial services, as part of the financial services business of the licensee or the representative?

Yes No No, but breach reported

(v) Licence conditions

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that it complied with all the conditions on the licence?

Yes No No, but breach reported

(vi) Financial conditions on the licence

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee comply with the financial resources conditions on the licence i.e. base level financial conditions. Refer to Regulatory Guide 166 *Licensing: Financial requirements* (RG 166).

Yes No No, but breach reported

2 Continued... Certification

(vii) Processes to ensure compliance with financial conditions on the licence

Refer to RG 166 *Licensing: Financial requirements*.

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have processes for:

- (i) monitoring and reporting on financial obligations, including reporting lines and the frequency of reporting;
- (ii) ensuring that you have adequate funds to properly carry out your responsibilities under your AFS licence, now and in the future; and
- (iii) ensuring compliance with all ongoing record keeping obligations.

Yes No No, but breach reported

(viii) Financial services laws

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that it complied with all financial services laws?

financial services law means:

- (a) a provision of Chapter 5C, 5D, 6, 6A, 6B, 6C, 6D or 7 of the Corporations Act 2001; or
- (b) a provision of Chapter 9 of the Corporations Act 2001 as it applies in relation to a provision referred to in paragraph (a); or
- (c) a provision of Division 2 of Part 2 of the ASIC Act; or
- (d) any other Commonwealth, State or Territory legislation that covers conduct relating to the provision of financial services (whether or not it also covers other conduct), but only in so far as it covers conduct relating to the provision of financial services.

Yes No No, but breach reported

(ix) Representatives

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that its representatives complied with all financial services laws?

Yes No No, but breach reported

(x) Resources

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have available adequate resources (including financial, technological and human resources) to provide financial services authorised by its licence and to carry out supervisory arrangements?

Yes No No, but breach reported

(xi) Maintain competence

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to maintain the competence to provide those financial services authorised by the limited AFS licence?

Yes No No, but breach reported

(xii) Training

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that its representatives were adequately trained and competent to provide those financial services authorised by the limited AFS licence?

Yes No No, but breach reported

(xiii) Internal dispute resolution

See Regulatory Guide 165 *Licensing: internal and external dispute resolution*.

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have an internal dispute resolution procedure:

- (i) compliant with the standards and requirements set out in ASIC Regulatory Guide 165 *Licensing: Internal and external dispute resolution*; and
- (ii) covering complaints made against the licensee by retail clients?

Yes No No, but breach reported

(xiv) External dispute resolution

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), was the limited Australian financial services licensee a member of an ASIC-approved external dispute resolution scheme (EDRS)?

Yes No No, but breach reported

Name of EDRS

Membership no

2 Continued... Certification

(xv) Compensation arrangements

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate compensation arrangements in place in accordance with s912B of the Corporations Act 2001 and reg 7.6.02AAA(1) & (3) of the Corporations Regulations 2001?

Yes No No, but breach reported

See Regulatory Guide 126 *Compensation and insurance arrangements for Australian financial services licensees*.

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have professional indemnity insurance that complied with ASIC's policy on compensation and insurance arrangements for Australian financial services licensees?

Yes No

If no, select the reason for not having professional indemnity insurance:

No authorisation held to provide limited financial services to retail clients

General insurance company

Life insurance company

Authorised deposit taking institution

ASIC approved guarantee from a related company or institution

ASIC approved alternative arrangements

Other, please specify

(xvi) Risk management

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate risk management systems?

Yes No No, but breach reported

(xvii) Corporations Regulations conditions

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that it complied with all the conditions imposed on the licence by the Corporations Regulations 2001?

Yes No No, but breach reported

(xviii) For limited Australian financial services licensees who are recognised accountants; or which have responsible managers who are recognised accountants

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee, or all of the limited licensees responsible managers who are recognised accountants, comply with the continuing education requirements of the relevant accounting body in which membership is held? (being CPA Australia Limited, or The Institute of Chartered Accountants in Australia, or the Institute of Public Accountants)

Yes No No, but breach reported

List all current responsible managers and provide details of their membership of the relevant accounting body.

Details may be provided as an annexure to this form. Please refer to the Guide attached.

(xix) Breaches

At all times during the financial year (or for the entire period of the financial year since the limited Australian financial services licence was granted), did the limited Australian financial services licensee have adequate arrangements and systems in place to ensure that it complied with its obligations under s912D of the *Corporations Act 2001*?

Yes No No, but breach reported

(xx) Details in Australian financial services licensee register

Are all the details in relation to the Australian financial services licence entered in the Australian financial services licensee register correct?

Yes No No, but breach reported

Search registers on ASIC Connect at www.asic.gov.au.

If no, complete and lodge a Form FS20 *Change of details for an Australian financial services licence* to advise ASIC of any changes.

2 Continued... Certification

(xxi) Responsible manager(s)/key persons

If any responsible managers have been appointed or left the limited Australian financial services licensee, and ASIC has not been advised, complete and lodge a Form FS20 *Change of details for an Australian financial services licence* to advise ASIC of any changes.

If a key person has left the limited Australian financial services licensee, and ASIC has not been advised, also lodge a Form FS03 *Application for variation of authorisation and other conditions* and, if necessary, a Form FS80 *Notification by an AFS licensee of a significant breach of a licensee's obligations*. Late lodgement fees may apply.

(xxii) Representatives

Refer to Regulatory Guide 2 *AFS Licensing Kit: Part 2 — Preparing your AFS licence application (RG2)* for an explanation of how to determine the number of your representatives.

Tick one box.

How many representatives providing limited financial services did the limited Australian financial services licensee have at the end of the financial year?

- 1
- 2 to 5
- 6 to 10
- 11 to 20
- 21 to 30
- 31 to 50
- 51 to 100
- 101 to 500
- Over 500

Search registers on ASIC Connect at www.asic.gov.au.

Are the details of the limited Australian financial services licensee's Authorised Representatives (if any) entered in the Australian financial services authorised representative register complete, accurate and up-to-date?

Yes

No

If no, the licensee must notify ASIC appropriately:

- appoint an authorised representative (Form FS30), or
- revoke an authorised representative (Form FS31), or
- vary the details of an authorised representative (Form FS32), and
- if applicable, notification by an AFS licensee of a significant breach of a licensee's obligations (Form FS80).

Lodgement and late lodgement fees may apply.

Find ASIC forms at www.asic.gov.au/forms.

3 Declaration

The licensee certifies that it only provided one or more limited financial services for the entire period of certification.

The licensee certifies that it did not deal with money to which Division 2 of Part 7.8 of the Act applies for the entire period of certification.

The licensee declares that to the best of its knowledge, the information supplied in this certificate is complete and accurate (it is an offence to provide false or misleading information to ASIC).

The licensee acknowledges that ASIC may take action to verify the information provided in this certificate.

Signature

Name

Capacity (please specify - see Guide)

Signature

Date signed

/ /
[D] [D] [M] [M] [Y] [Y]

Lodgement

You can lodge your FS70 form, annual accounts and annual compliance certificate online via our AFS licensees portal. If you are lodging online, you must still complete, sign and retain your signed original FS70 form, profit and loss statement, balance sheet and annual compliance certificate for your records. You can also download and print paper copies of the annual compliance certificate and FS70 form and lodge them by mail or in person.

If lodging paper copies of forms, send completed and signed FS70 form, financial statements and compliance certificate to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Limited Australian financial services licence— annual compliance certificate

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form FSACC.

Signature	<p>This form must be signed by:</p> <ul style="list-style-type: none">• if the licensee is an individual—the licensee; or• if the licensee is a corporation—an officer of the corporation; or• if the licensee is a partnership or the trustees of a trust—a partner or trustee who performs duties in relation to financial services.
Lodgement period	<p>This annual compliance certificate must be lodged:</p> <ul style="list-style-type: none">• if the limited Australian financial services licensee is a body corporate that is a disclosing entity: within 3 months of end of financial year• if the limited Australian financial services licensee is a body corporate that is not a disclosing entity: within 4 months of end of the financial year• if the limited Australian financial services licensee is a non-body corporate: within 2 months of end of the financial year.
Other obligations of a licensee	<p>Lodgement of this form does not meet the licensee's other obligations under the <i>Corporations Act 2001</i> to notify ASIC of particular matters. Other forms that may need to be lodged by the licensee include:</p> <ul style="list-style-type: none">• 484 Change to company details• FS03 Application for variation of authorisation and other conditions• FS20 Change of details for an Australian financial services licence• FS22 Notification of change of ownership—AFS licensee• FS30 Variation to ASIC authorised representatives register—appoint an authorised representative• FS31 Variation to ASIC authorised representatives register—revoke an authorised representative• FS32 Variation to ASIC authorised representatives register—vary the details of an authorised representative• FS80 Notification by an AFS licensee of a significant breach of a licensee's obligations. <p>Late lodgement fees may apply. Find ASIC forms at www.asic.gov.au/forms.</p>
Additional guidance	<p>Guidance on annual compliance requirements and some of the terms used in this form is available in:</p> <ul style="list-style-type: none">• Regulatory Guides 1-3 <i>AFS Licensing Kit Parts 1, 2 & 3</i>• Regulatory Guide 78 <i>Breach reporting by Australian financial services licensees</i>• Regulatory Guide 98 <i>Licensing: Administrative action against financial services providers</i>• Regulatory Guide 104 <i>Licensing: Meeting the general obligations</i>• Regulatory Guide 105 <i>Licensing: Organisational competence</i>• Regulatory Guide 126 <i>Compensation and insurance arrangements for Australian financial services licensees</i>• Regulatory Guide 146 <i>Licensing: Training of financial product advisers</i>• Regulatory Guide 165 <i>Licensing: internal and external dispute resolution</i>• Regulatory Guide 166 <i>Licensing: Financial requirements</i>• Regulatory Guide 175 <i>Licensing: Financial product advisers - conduct and disclosure</i>• Information Sheet 179 <i>Applying for a limited AFS licence</i>• Regulatory Guide 183 <i>Approval of financial services sector codes of conduct</i>• Regulatory Guide 244 <i>Giving information, general advice and scaled advice</i>• Regulatory Guide 245 <i>Fee disclosure statements</i>• Regulatory Guide 246 <i>Conflicted remuneration</i> <p>See www.asic.gov.au/rg for copies of these documents.</p>

How to provide additional information

Copies of Form FSACC pages

If there is insufficient space in any section of the form, you may submit additional copies of the relevant page(s) as part of this lodgement.

Annexures

To make any annexure conform to the regulations, you must

1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides
 2. show the company name and ACN or ARBN
 3. number the pages consecutively
 4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
 5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
 6. endorse the annexure with the words:
This annexure (mark) of (number) pages referred to in form (form number and title)
 7. sign and date the annexure. The annexure must be signed by the same person(s) who signed the form.
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Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

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