



Form COI1

National Consumer Credit Protection
(Transitional and Consequential
Provisions) Act 2009
Sch2, 19a
Class Order 10/381

Notice of carried over instruments

You are required to fill out this notice if you:

- (a) are, or will be, a credit provider or lessor in relation to a carried over instrument (COI) immediately before 1 July 2010 and at any time after 30 June 2010;
and
- (b) are not, or will not be a licensee, or a person exempt from the requirement to hold a licence.

The term 'unlicensed COI lender' as used in this form is defined as the person described above.

If you have carried over instruments but intend to enter into new consumer credit contracts or leases after 30 June 2010 you must apply for a credit licence by completing Form CL01; do not fill out this form.

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.

1 Details of unlicensed COI lender

Indicate what type of entity the unlicensed COI lender is and provide the required information.

| | | | |
|--------------------------|---|----------------------|--------------------------------|
| <input type="checkbox"/> | Company (or registered Australian body) | ACN/ARBN/ABN | AFS licence no (if applicable) |
| | | <input type="text"/> | <input type="text"/> |
| | Company name <input type="text"/> | | |
| <input type="checkbox"/> | Body corporate (not being a company or registered Australian body) | ABN (if applicable) | AFS licence no (if applicable) |
| | | <input type="text"/> | <input type="text"/> |
| | Body corporate name <input type="text"/> | | |
| <input type="checkbox"/> | Partnership | ABN | AFS licence no (if applicable) |
| | | <input type="text"/> | <input type="text"/> |
| | Partnership name <input type="text"/> | | |
| <input type="checkbox"/> | Trustees of a trust (only multiple trustees) | ABN | AFS licence no (if applicable) |
| | | <input type="text"/> | <input type="text"/> |
| | Trust name (the credit licence name will be recorded as "Trustees of <trust name>".) <input type="text"/> | | |
| <input type="checkbox"/> | Natural person | ABN | AFS licence no (if applicable) |
| | | <input type="text"/> | <input type="text"/> |
| | Family name | Given name | |
| | <input type="text"/> | <input type="text"/> | |
| | Date of birth | | |
| | <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> | | |
| | [D] [D] / [M] [M] / [Y] [Y] | | |
| | Place of birth (town/city) | (state/country) | |
| | <input type="text"/> | <input type="text"/> | |

A multiple trustee is a 'notional person' consisting of two or more trustees of a trust. We expect this type of unlicensed COI lender to be extremely rare.

If you are the sole trustee of a trust the notice should be made under the appropriate entity type such as a company, partnership or natural person.

2 Address of unlicensed COI lender

Postal address

At the office of, C/- (if applicable)

Office, unit, level

Street number and street name or PO Box

| | | |
|----------------------|----------------------|----------------------|
| Suburb/City | State/Territory | Postcode |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Country (if not Australia)

2 Continued... Address of unlicensed COI lender

Principal business address *(if not the same as postal address)*

The principal business address should be the same as the:

- principal place of business notified to ASIC for a registered company
- principal business address notified to ASIC for an AFS licensee.

If the address has changed, you must notify ASIC by lodging a:

- Form 484 *Change to company details* for a company
- Form FS20 *Change of details for an Australian financial services licence for an AFS licensee*.

Alternative address

The use of an alternative address is not available for unlicensed COI lenders that are companies or AFS licensees.

No PO Box allowed. This must be an address in Australia.

Contact details

At the office of, C/- (if applicable)

Office, unit, level

Street number and street name or PO Box

Suburb/City

State/Territory

Postcode

Country (if not Australia)

If the principal business address is the unlicensed COI lender's residential address, does the unlicensed COI lender want the public register to record an alternative address at which documents can be served because publication of the residential address will be a personal safety risk for the unlicensed COI lender or the unlicensed COI lender's family?

Yes

No

If yes, provide the alternative address.

At the office of, C/- (if applicable)

Office, unit, level

Street number and street name

Suburb/City

State/Territory

Postcode

Provide the following details for the person to whom we should direct all questions and correspondence about this notice.

Family name of key contact person

Given name

Email address

At the office of, C/- (if applicable)

Office, unit, level

Street number and street name

Suburb/City

State/Territory

Postcode

Country (if not Australia)

Phone number

Comments

Fax number

Comments

3 Business names

Search ASIC Connect at www.asic.gov.au to find out business name details.

If the unlicensed COI lender is an AFS licensee, the business names listed should be recorded with ASIC. If not, lodge a Form FS20 *Change to details for an Australian financial services licence* to update the details.

Please provide details for all current business names (if any) under which the unlicensed COI lender trades.

| Principal business name | Number | State/Territory of registration |
|-------------------------|--------|---------------------------------|
| | | |
| Other business names | Number | State/Territory of registration |
| | | |
| | | |
| | | |
| | | |
| | | |

You can complete and attach additional copies of relevant pages to the form if required.

4 Details of business activities

These questions relate to carried over instruments of the unlicensed COI lender. The information to be provided must be current as at the date of lodging this notice.

What is the total number of instruments under which the unlicensed COI lender will be collecting debts?

What is the total amount owed under the instruments?

What is the estimated date of finalisation of the longest running instrument for which the unlicensed COI lender will be collecting debts? / /
[D] [D] [M] [M] [Y] [Y]

How many representatives engaging in collecting debts arising from carried over instruments does the lender have?

5 Risk status

Do any of the following circumstances apply to the following people?

If the unlicensed COI lender is:

- a natural person—that person
- a company or other body corporate—each director and secretary of that body
- a partnership—each partner
- a multiple trustee—each trustee.

A prescribed state or territory order is in force against the person.

Yes No

The person is currently banned from engaging in a credit activity under a law of a state or territory.

Yes No

The person is currently banned from engaging in a credit activity under Part 2-4 of the *National Consumer Credit Protection Act 2009*.

Yes No

A banning or disqualification order under Division 8 of Part 7.6 of the *Corporations Act 2001* is in force against the person.

Yes No

5 Continued... Risk status

The person is disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001*.

Yes No

The person has been convicted of serious fraud in the last 10 years.

Yes No

The person has had judgement entered against it as a result of a civil action taken by an agency of a state or territory under the old Credit Code in the last ten years.

Yes No

The person is incapable of managing his or her affairs because of physical or mental incapacity.

Yes No

If not trustee of trust—the person is insolvent.

Yes No

A registration or licence of the person is or has been suspended or cancelled as set out below:

- (1) a registration to engage in credit activities has been suspended or cancelled under item 23 of Schedule 2 to the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* other than under paragraph 23(1)(a) or (b)
- (2) an Australian credit licence is suspended or has been cancelled under section 54 of the *National Consumer Credit Protection Act 2009* other than under paragraphs 54(1)(a) and (b)
- (3) An Australian financial services licence is suspended or has been cancelled under section 915B of the *Corporations Act 2001* other than under paragraphs 915B(1)(a) and (e); paragraphs 915B(2)(a) and (d); paragraphs 915B(3)(a) and (d); paragraphs 915B(4)(a) and (d).

Yes No

If the unlicensed COI lender has answered 'Yes' to any of the preceding questions, it is a prescribed unlicensed COI lender and must only engage in credit activities through an Australian credit licensee.

Is the unlicensed COI lender required to engage in credit activities through an Australian credit licensee?

Yes No

If yes, provide the name and contact details of the licensee (if company, include ACN)

Email address

At the office of, C/- (if applicable)

Office, unit, level

Street number and street name or PO Box

Suburb/City

State/Territory

Postcode

Country (if not Australia)

Phone number

Comments

Fax number

Comments

You can complete and attach additional copies of relevant pages to the form if required.

The licensee through which the unlicensed COI lender intends to engage in credit activities must notify ASIC within 15 business days after their appointment. See Guide for details.

5 Continued... Risk status

Management

Tick one box.

Who are the people responsible for the management of the unlicensed COI lender?

If the unlicensed COI lender is:

- a natural person—that person
- a company or other body corporate—each director and secretary of that body
- a partnership—each partner
- a multiple trustee—each trustee.

Details of person

Family name

Given name

Date of birth

 / /

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

Place of birth (town/city)

(state/country)

Tick one box.

Is this person:

- a non-executive officer
- an executive officer
- an individual unlicensed COI lender
- a trustee
- a partner

Details of additional person

Family name

Given name

Date of birth

 / /

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

Place of birth (town/city)

(state/country)

Tick one box.

Is this person:

- a non-executive officer
- an executive officer
- an individual unlicensed COI lender
- a trustee
- a partner

Details of additional person

Family name

Given name

Date of birth

 / /

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

Place of birth (town/city)

(state/country)

Tick one box.

Is this person:

- a non-executive officer
- an executive officer
- an individual unlicensed COI lender
- a trustee
- a partner

Complete and attach additional copies of this page to the form for each person identified.

6 External dispute resolution

Is the unlicensed COI lender a member of the Australian Financial Complaints Authority (AFCA)?

Yes No

If yes, please provide details of the unlicensed COI lender's membership of the Australian Financial Complaints Authority (AFCA):

Membership Number

Commencement date

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

7 Declaration

It is an offence to provide false or misleading information to ASIC

The unlicensed COI lender declares that to the best of its knowledge, the information supplied in this notification is complete and accurate.

The unlicensed COI lender acknowledges that:

- ASIC may take action to verify the information provided in this form, and
- ASIC may take action to verify the details of licensees you have indicated will be acting on your behalf.

Name

Capacity (e.g director, secretary, partner, trustee, natural person, agent, other (please specify))

Signature

Date signed

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

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
Licensing
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: Notice of carried over instruments

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form CO11.

Signature

If the unlicensed COI lender is a company or other body corporate—a director or secretary of the unlicensed COI lender must sign this form.

If the unlicensed COI lender is a partnership—a partner must sign this form.

If the unlicensed COI lender is a multiple trustee—one of the trustees that forms this entity must sign this form. If each trustee is a body corporate or a partnership, the form must be signed by an individual who is a director, secretary or partner (as appropriate) of the trustee.

If the unlicensed COI lender is a natural person—that person must sign this form.

How to provide additional information

Photocopied Form CO11 pages

If there is insufficient space in any section of the form, you may submit additional copies of the relevant page(s) and submit 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

Send completed and signed forms to:
Australian Securities and Investments Commission,
Licensing
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