

Notify intention to offer interests in a foreign passport fund in Australia

Applicant and fund details		
Proposed operator <i>[Public (all fields)]</i>		
Australian Registered Body Number (ARBN)		
Name		
Business name (if different from above)		
Registered office address in Australia	Address Line 1	
	Address Line 2	
	City / Municipality	
	Province / County / State	
	Postal Code / ZIP Code	
	Country	
Registered office address in its place of incorporation	Address Line 1	
	Address Line 2	
	City / Municipality	
	Province / County / State	
	Postal Code / ZIP Code	
	Country	

FORM 5303 - Notify Intention to offer interests in a Foreign Passport Fund in Australia**Details of the operator's local agent in Australia****Privacy Collection Notice**

The Privacy Collection Notice given under APP 5 of the Privacy Act 1988 applies to your provision of personal and sensitive information below.

If you are providing personal details of another person, you are responsible for obtaining and recording their [consent](#) before you provide their personal and sensitive information below.

Australian Company Number (ACN)
[Public]

Company name
[Public]

Given names
[Private]

Family name
[Private]

Proposed fund

Notified Foreign Passport Fund
Registration Number (NFPFRN)
[Public]

Is the fund registered as a foreign
company in Australia?
[Public]

Yes
 No

Australian Registered Body
Number (ARBN)
[Public]

Australian Business Number (ABN)
[Public]

Fund name
[Public]

Name of the fund in the home
jurisdiction
[Public]

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<p>Proposed name of the fund in Australia <i>[Public]</i></p>	<p><i>Ensure that the proposed name is entered correctly.</i></p> <p><i>When testing name availability, we apply a series of tests to assist us in assessing that it:</i></p> <ul style="list-style-type: none"> <i>• is not already registered,</i> <i>• is not identical or nearly identical to a name already registered to another entity, and</i> <i>• does not include words or phrases that are restricted, offensive or could imply a connection to a government or similar organisation.</i>
<p>Have you obtained Ministerial consent for the use of this name? (if applicable) <i>[Private]</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Ministerial consent is required, this must be attached to the application before it is lodged.</i></p>
<p>Have you attached a ministerial consent? (if applicable)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have you obtained consent from APRA for the use of this name? (if applicable) <i>[Private]</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If APRA consent is required, this must be attached to the application before it is lodged.</i></p>
<p>Have you attached an APRA consent? (if applicable)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Details of the fund's local agent in Australia</p>	
<p><i>The Privacy Collection Notice given under APP 5 of the Privacy Act 1988 applies to your provision of personal and sensitive information below.</i></p> <p><i>If you are providing personal details of another person, you are responsible for obtaining and recording their consent before you provide their personal and sensitive information below.</i></p>	
<p>Australian Company Number (ACN) <i>[Public]</i></p>	
<p>Company name <i>[Public]</i></p>	
<p>Given names <i>[Private]</i></p>	
<p>Family name <i>[Private]</i></p>	

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Fund details		
Home economy <i>[Public]</i>	<input type="checkbox"/> Japan <input type="checkbox"/> New Zealand <input type="checkbox"/> the Republic of Korea <input type="checkbox"/> Thailand <i>Select one options</i>	
Select the names of all host economies where the fund has notified an intention to offer interests or shares. <i>[Public]</i>	<input type="checkbox"/> Japan <input type="checkbox"/> New Zealand <input type="checkbox"/> the Republic of Korea <input type="checkbox"/> Thailand <i>Select one or more options</i>	
Provide the value of the assets of the fund, the number of issued shares or interests and the date of the most recent valuation <i>[Private (all fields)]</i>		
Value of assets in USD		
Number of issued shares or interests on valuation date		
Valuation date		
Will the fund be admitted to trading status on a licensed Australian market? <i>[Public]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, select the names of all Australian markets where the fund will be admitted. <table border="1"> <tbody> <tr> <td> <input type="checkbox"/> ASX Limited <input type="checkbox"/> National Stock Exchange of Australia Ltd <input type="checkbox"/> Chi-X Australia Pty Ltd <input type="checkbox"/> Australian Securities Exchange Limited (formerly Sydney Futures) <input type="checkbox"/> IR Plus Securities Exchange Ltd (formerly BSX) <input type="checkbox"/> Sydney Stock Exchange Limited (formerly APX) <input type="checkbox"/> FEX Global Pty Ltd </td> </tr> </tbody> </table> <i>Select one or more options</i>	<input type="checkbox"/> ASX Limited <input type="checkbox"/> National Stock Exchange of Australia Ltd <input type="checkbox"/> Chi-X Australia Pty Ltd <input type="checkbox"/> Australian Securities Exchange Limited (formerly Sydney Futures) <input type="checkbox"/> IR Plus Securities Exchange Ltd (formerly BSX) <input type="checkbox"/> Sydney Stock Exchange Limited (formerly APX) <input type="checkbox"/> FEX Global Pty Ltd
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Website address <i>[Public]</i>		

Application form 'Part A' submitted to home regulator

Have you attached a copy of Part A of the application form submitted to the home regulator? <i>[Private]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Roles

Directors of the operator
See s11 of the Passport Rules.

Provide the name of each director
[Private (all fields)]

Given names	Family name

Distributors of interests in the fund
See Pt 7.6 of the Corporations Act.

Is the operator marketing or offering interests in the fund for sale or subscription, or providing advice in relation to the issue or offer of interests in the fund through a qualified distributor? <i>[Public]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Provide details about each distributor <i>Include any distributor dealing in, marketing, or offering for sale or subscription interests in the fund, and those with any associated obligations.</i>		
Australian Company Number (ACN) <i>[Public]</i>		
Name <i>[Public]</i>		
Principal place of business <i>[Public]</i>	Address Line 1	
	Address Line 2	
	City / Municipality	
	Province / County / State	
	Postal Code / ZIP Code	
	Country	
Registered office <i>[Public]</i>	Address Line 1	
	Address Line 2	
	City / Municipality	
	Province / County / State	
	Postal Code / ZIP Code	
	Country	
Australian financial services licence or Australian financial services authorised representative number (if applicable) <i>[Public]</i>		
Why does the delegate not require an authorisation or licence? (if applicable) <i>[Private]</i>		

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External dispute resolution service	
Is the operator a member of the Australian Financial Complaints Authority (AFCA)? <i>[Public]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>ASIC may refuse registration if the operator is not a member of an external dispute resolution service.</i>
Annual reviews <i>[Public (all fields)]</i>	
Name of the annual implementation reviewer	
Name of the financial statements auditor	

Compliance	
Fund and operator compliance <i>[Private (all fields)]</i>	
Is the operator in breach of the laws and regulations of the home economy?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide details about each breach. <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Specify any actions that have been undertaken to prevent recurrence of similar breaches. <div style="border: 1px solid black; height: 50px; width: 100%;"></div>

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<p>In the last two years, has the fund or operator breached the laws and regulations of the home economy?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide details about each breach.</p> <div data-bbox="584 656 1481 1050" style="border: 1px solid black; height: 176px; width: 562px;"></div> <p>Specify any actions that have been undertaken to prevent recurrence of similar breaches.</p> <div data-bbox="584 1160 1481 1554" style="border: 1px solid black; height: 176px; width: 562px;"></div>

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<p>In the last five years, has the fund or operator breached any Australian law or regulation including the Corporations Act and the Australian Securities and Investments Commission Act?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide details about each breach.</p> <div data-bbox="584 331 1481 725" style="border: 1px solid black; height: 176px;"></div> <p>Specify any actions that have been undertaken to prevent recurrence of similar breaches.</p> <div data-bbox="584 833 1481 1227" style="border: 1px solid black; height: 176px;"></div>
<p>In the last five years, has the fund or operator breached the Passport Rules?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide details about each breach.</p> <div data-bbox="584 1415 1481 1809" style="border: 1px solid black; height: 176px;"></div> <p>Specify any actions that have been undertaken to prevent recurrence of similar breaches.</p> <div data-bbox="584 1917 1481 2087" style="border: 1px solid black; height: 76px;"></div>

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<p>Has the operator applied for, or been granted an exemption, modification or any other relief in relation to any law or regulation of its home economy in relation to the fund?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Provide details about the exemption, modification or relief.</p> <div style="border: 1px solid black; height: 40px;"></div>
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<p>Has the operator applied for, or been granted an exemption, modification or any other relief in relation to the Passport Rules?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Provide details about the exemption, modification or relief.</p> <div style="border: 1px solid black; height: 40px;"></div>
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Details of disclosure document

<p>Have you attached the proposed Product Disclosure Statement (PDS)? <i>[Public]</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>The PDS must be in Microsoft Word or machine-readable PDF file. The PDS can exclude the Notified Foreign Passport Fund Registration Number (NFPFRN) but must meet all other requirements in Div. 2 of Pt 7.9 of the Corporations Act.</i></p>
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Complaints
*See paragraphs 240 to 244 of Regulatory Guide 138 Foreign passport funds.
[Private (all fields)]*

Provide details about each compliance control for compliance obligations about complaints by Australian investors

Compliance control	Frequency carried out	Frequency monitored

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Include compliance controls about receiving, considering and responding to complaints.

Distribution

*See Section C of Regulatory Guide 138 Foreign passport funds
[Private (all fields)]*

Provide details about each compliance control for compliance obligations to monitor Australian distributors

Compliance control	Frequency carried out	Frequency monitored

Disclosure and reporting

*See paragraphs 110 to 201 of Regulatory Guide 138 Foreign passport funds
[Private (all fields)]*

Provide details about each compliance control for compliance obligations about disclosure and reporting to Australian investors

Compliance control	Frequency carried out	Frequency monitored

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Marketing

*See paragraphs 150 to 156 of Regulatory Guide 138 Foreign passport funds.
[Private (all fields)]*

Provide details about each compliance control for compliance obligations about advertising and marketing

Compliance control	Frequency carried out	Frequency monitored

Communication with Australian financial markets

*See paragraph 165 of Regulatory Guide 138 Foreign passport funds
[Private (all fields)]*

Provide details about each compliance control for compliance obligations about lodging communications with an Australian financial market (if applicable)

Compliance control	Frequency carried out	Frequency monitored

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Notifications to ASIC

*See paragraphs 95 to 104 and 173 to 239 of Regulatory Guide 138 Foreign passport funds.
[Private (all fields)]*

Provide details about each compliance control for compliance obligations about lodging notifications with ASIC

Compliance control	Frequency carried out	Frequency monitored

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Contact details		
Contact details for this application		
Title		
Given name		
Other given name(s)		
Family name		
Business phone number		
Mobile phone number		
Email address		
Company or business name		
Role		
Address	Address Line 1	
	Address Line 2	
	City / Municipality	
	Province / County / State	
	Postal Code / ZIP Code	
	Country	

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Declaration	
Capacity	
In what capacity are you submitting this document to ASIC:	<input type="checkbox"/> On behalf of the Regulated Entity named in this document as a director of that entity <input type="checkbox"/> On behalf of the Regulated Entity named in this document as a secretary of that entity <input type="checkbox"/> On behalf of the Regulated Entity named in this document as an agent of that entity or person otherwise authorised by that entity
For the purpose of these declarations, please provide your name and address:	Name:
	Address: <i>[Private]</i>
Declarant and authority	
I submit this document and make the following declarations and give the following consents.	
<input type="checkbox"/> I am authorised by the Regulated Entity to submit this document and any attachments and am authorised to make the following declarations.	
Confidential and personal information	
<i>The information provided to ASIC in this document may include confidential, personal or sensitive information. ASIC's Privacy Policy contains information about how ASIC handles personal information generally and sets out how you can request access or correction to your personal information and how to make a complaint if you think your privacy has been breached.</i>	
<i>Instructions: Please tick one of the boxes in this section, depending on your capacity in submitting this notice.</i>	
Director declarants: <input type="checkbox"/> I have read and understood ASIC's Privacy Policy.	
Secretary or agent declarants: <input type="checkbox"/> I have read and understood ASIC's Privacy Policy and I have obtained confirmation from the Regulated Entity that it, or an officeholder or partner of the Regulated Entity (or of its trustee), has read and understood ASIC's Privacy Policy.	
All declarants: <input type="checkbox"/> I consent to: (a) ASIC collecting, using and disclosing my confidential, personal or sensitive information for the purposes set out in ASIC's Privacy Policy; and (b) ASIC disclosing this information to Federal, State or Territory police, relevant professional and industry bodies, other Commonwealth, State or Territory government departments or agencies, foreign law enforcement agencies or regulators, foreign industry bodies, or any other person or body named in this document or its attachments; (c) disclosure to ASIC of any relevant information by the bodies or persons referred to in paragraph (b).	

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[] If this document and any attachments contain another individual’s confidential, personal or sensitive information, I declare I have obtained their written consent to submit that information to ASIC and to ASIC’s collection, use and disclosure of their information in the same terms as in (a), (b) and (c) immediately above. If requested by ASIC, I can provide a copy of that consent.

NOTE: You may use this template consent if you wish: <https://asic.gov.au/online-services/regulatory-portal/asic-regulatory-portal-third-party-information-consent-template/>

True and correct

Instructions: Please cross out the declaration capacity that is NOT relevant to you.

Director declaration:

I understand that:

- [] giving false or misleading information or documents to ASIC is a serious offence.
- [] failure to give information, which renders the information or documents given to ASIC false or misleading, is also a serious offence.
- [] giving false or misleading information or documents to ASIC and could lead to a criminal prosecution of myself personally.

Secretary or Agent declaration:

I understand that, and I have obtained confirmation from the Regulated Entity that it, or an officeholder or partner of the Regulated Entity (or of its trustee) understands that:

- [] giving false or misleading information or documents to ASIC is a serious offence.
- [] failure to give information, which renders the information or documents given to ASIC false or misleading, is also a serious offence.
- [] giving false or misleading information or documents to ASIC and could lead to a criminal prosecution of myself personally.

Instructions: Please tick one of the boxes in this section, depending on your capacity in submitting this notice.

Director declaration:

[] To the best of my knowledge, the information contained in this document, including any attachments, is complete, true and correct, and I have taken reasonable steps and made reasonable inquiries to confirm this.

Secretary or Agent declaration:

[] To the best of my knowledge, the information contained in this document, including any attachments, is complete, true and correct, and I have taken reasonable steps and made reasonable inquiries to confirm this including obtaining confirmation from the Regulated Entity that to the best of their knowledge, or the knowledge of an officeholder or partner of the Regulated Entity (or of its trustee) the information contained in this document, including any attachments, is complete, true and correct, and they have taken reasonable steps and made reasonable inquiries to confirm this.

Signature

Dated signed

Signature

Guide: Notify intention to offer interests in a Foreign Passport Fund in Australia

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5303.

Lodgement fee	A lodgement fee applies to this form. The fee is set out in <i>Corporations (Fees) Regulations 2001</i> Schedule 1 Item 79D inserted by Corporations Amendment (Asia Region Funds Passport) Regulations 2018 . You can pay the application fee using the payment options available at the point of submission.
How to provide additional information	<p>Additional Form 5303 pages If there is insufficient space in any section of the form, you may print additional copies of the relevant page(s) and submit as part of this lodgement.</p> <p>Annexures If there is insufficient space in any section of the form, you may alternately submit annexures as part of this lodgement. To make any annexure conform to the regulations, you must</p> <ol style="list-style-type: none">1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides2. show the fund name, operator's name and ARBN3. number the pages consecutively4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied5. 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 <p>The annexure must be signed by the same person(s) who made the declaration.</p>
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, GPO Box 9827 Brisbane QLD 4001. For more information Web www.asic.gov.au Need help? www.asic.gov.au/question Telephone 1300 300 630