# Form 000 - Notification to use the Enhanced Regulatory Sandbox exemption to test eligible credit activities

You must answer all questions and attach all requested documents. ASIC will decide your notification to use the Enhanced Regulatory Sandbox exemption based on the information you have provided – we will reject notifications that do not include all required information and attachments.

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

Note: Throughout this document we have indicated:

TB - where a text box is required for the applicant to provide a descriptive response;

Y/N - where a check box is required for the applicant to provide a Yes/No response

## 1. Part A - Lodgement details

- 1.1. Contact Details who should ASIC contact in relation to this Form
  - 1.1.1. Name [TB]
  - 1.1.2. Telephone number (during business hours) [TB]
  - 1.1.3. Email address [TB]
  - 1.1.4. Postal address [TB]
  - 1.1.5. Suburb/City [TB]
  - 1.1.6. State/Territory [TB]
  - 1.1.7. Postcode [TB]

## 2. Part B – Eligibility

- 2.1. Are you currently:
  - 2.1.1. authorised by an Australian credit licence to engage in the credit activity that you propose to test under this exemption (Y/N)

- 2.1.2. a credit representative of an Australian credit licensee for engaging in the credit activity that you propose to test under this exemption (Y/N)
- 2.1.3. a related body corporate of a body corporate covered by 2.1.1 or 2.1.2 (Y/N)
- 2.1.4. a natural person who is neither an Australian citizen, nor a permanent resident, within the meaning of the Australian Citizenship Act 2007 (Y/N)
- 2.1.5. a foreign company registered under Division 2 of Part 5B.2 of the Corporations Act (Y/N)
- 2.2. Have you (or a related body corporate) previously obtained an exemption for a financial service or credit activity of the same kind that is wholly or partly related to the one you now wish to provide or engage in? (Y/N)
  - 2.2.1. If your answer to question 2.2 is yes, provide details of that previous exemption. [TB]
- 2.3. Does a related body corporate currently have:
  - 2.3.1. An exemption under s6 of the Corporations (FinTech Sandbox Australian Financial Services Licence Exemption) Regulations 2020 for an eligible financial service; (Y/N) or
  - 2.3.2. An exemption under s6 of the National Consumer Credit Protection (FinTech Sandbox Australian Credit Licence Exemption) Regulations 2020 for an eligible credit activity? (Y/N)
  - 2.3.3. If your answer to questions 2.3.1 and/or question 2.3.2 is yes, provide details of that previous exemption. [TB]
- 2.4. During the 30-day period preceding the lodgement of this notification, has a related body corporate lodged with ASIC:
  - 2.4.1. A notification to use an Enhanced Regulatory Sandbox exemption to provide a financial service without an AFS licence (Y/N); or
  - 2.4.2. A notification to use an Enhanced Regulatory Sandbox exemption to engage in a credit activity without a Credit licence (Y/N)

## 3. Part C - Applicant's details

- 3.1. Provide the following details:
  - 3.1.1. Name [TB]
  - 3.1.2. Telephone number (during business hours) [TB]
  - 3.1.3. Email address [TB]
  - 3.1.4. Postal address [TB]
  - 3.1.5. Suburb/City [TB]
  - 3.1.6. State/Territory [TB]
  - 3.1.7. Postcode [TB]
  - 3.1.8. Website address [TB]
  - 3.1.9. If the applicant is a natural person Date of birth [TB]

- 3.1.10. If the applicant is a body corporate:
  - 3.1.10.1. Australian Business Number (ABN) [TB]; and/or
  - 3.1.10.2. Australian Company Number (ACN) [TB]; and/or
  - 3.1.10.3. Australian Registered Body Number (ARBN) [TB].
- 3.1.11. If the applicant is an Australian financial services (AFS) licensee, an authorised representative of an AFS licensee, or a related body corporate of an AFS licensee or authorised representative:
  - State that licensee's AFS licence number [TB].
- 3.1.12. If the applicant is an Australian credit licensee, a credit representative of a credit licensee, or a related body corporate of a credit licensee or credit representative:
  - State that licensee's Australian credit licence number [TB].

## 4. Part D - Proposed credit activity

Note: Refer to the Guide to this Form for references to the meaning of 'credit activity'.

- 4.1.1. Provide a brief overview of the business you propose to test under the exemption [TB].
- 4.1.2. Confirm the type of credit activities that you propose to test under the exemption:
  - 4.1.2.1. provide credit contracts with a term that does not exceed 4 years and a credit limit of more than \$2,000 and less than \$25,000 (Y/N)
  - 4.1.2.2. provide credit services in relation to credit contracts with a term that does not exceed 4 years and a credit limit of more than \$2,000 and less than \$25,000 (Y/N)
- 4.1.3. For the credit activities identified in 4.1.2, confirm that the relevant credit contracts do not involve:
  - 4.1.3.1. a reverse mortgage (Y/N)
  - 4.1.3.2. a small amount credit contract (Y/N)
  - 4.1.3.3. secured by a charge or lien over a consumer's household property covered by subregulation 6.03(2) of the Bankruptcy Regulations 1996 (Y/N)
- 4.1.4. Do you intend to start testing on the 31st day after lodgement of this notification? [Y/N]
  - 4.1.4.1. If No, what date do you intend to start testing? [TB]
- 4.1.5. What is your intended duration of testing under this exemption? [TB]

Note: Maximum permitted duration is 24 months from the 31st day after lodgement of this notification.

- 4.1.6. Explain what kinds or cohorts of consumers will your proposed credit activities be directed towards and why? [TB]
- 4.1.7. For applicants that are currently licensed or within a licensee group, explain whether your credit activities will be directed to existing clients or new clients and why? [TB]

### 5. Part E – Net public benefit test

5.1. For the credit activities described in Part D, provide a justification of why exempting your proposed credit activity will result, or be likely to result, in a benefit to the public that will outweigh the detriment to the public that will result, or be likely to result, from exempting your proposed credit activity from the Credit licensing requirements [TB].

In support of this justification, we require you to answer the following questions (you may cross refer to any part of your answer to 5.1 without repeating content if this applicable):

- 5.1.1. Explain whether your proposed credit activity addresses a current problem for consumers or the Australian market and if so what problem and how is it addressed? [TB]
- 5.1.2. Explain whether, and how, your proposed credit activity: (a) increases Australian consumer choice (b) reduces cost (c) provides better user experience or (d) provides enhanced efficiency [TB]
- 5.1.3. Identify the main risks that your proposed credit activity poses to Australian clients or consumers and explain how each of those risks will be managed and controlled [TB]
- 5.1.4. Explain how you will manage risks to existing clients or consumers (arising from the credit activities that are tested) if at the end of the exemption you had not obtained an Australian Credit Licence or authorisation. [TB].

### 6. Part F - Innovation test

6.1. For the credit activities described in Part D, provide a justification of why your proposed credit activity (i) is new; or (ii) is a new adaptation, or new improvement, of another credit activity; [TB]

In support of this justification, we require you to answer the following questions (you may cross refer to any part of your answer to 6.1 without repeating content if this applicable):

- 6.1.1. Explain whether, and why, you consider your proposed credit activities are new or different compared to what is available in the Australian market? [TB]
- 6.1.2. Describe what comparable credit activities to your proposed credit activities do you consider are already available in the Australian market (if any)? [TB]

## 7. Part G – Fit and proper person requirements

The applicant is required to provide information to ASIC so it can consider whether it, and any of the following people are fit and proper to perform one or more of their functions:

- any officers of a body corporate applicant
- any partners or senior managers of a partnership applicant
- any trustees or senior managers of a multiple trustee of a trust applicant
- significant decision-makers i.e. any person(s) (including any related body corporate(s)): (i) who is not an employee or director of the applicant or of any related body corporate of the applicant; and (ii) whose role includes being responsible for making significant decisions about the ongoing provision of each eligible credit activity;
- any controller of the applicant
- if a controller is a body corporate, any officer of the controller
- if a controller is a partnership, any partner or senior managers of the controller
- if a controller is multiple trustees of a trust, any trustees or senior managers of the controller.

Note: Refer to the Guide to this Form for references to the definition of 'officers' and 'controllers'.

- 7.1. The applicant must complete Appendix 1, providing the required information for each of its fit and proper people and significant decision-makers.
- 7.2. For each of their fit and proper people and significant decision-makers, an applicant must attach to this notification all the following documents (which must be no more than 12 months old):
  - 7.2.1. a national criminal history check (from each country in which the individual has resided in, for a cumulative period of 12 months or longer, during the previous 10 years). Confirm if this is attached [Y/N]
  - 7.2.2. a bankruptcy check (from each country in which the individual has resided in, for a cumulative period of 12 months or longer, during the previous 10 years). Confirm if this is attached [Y/N]
  - 7.2.3. a completed Statement of Personal Information (see Appendix 2). Confirm if this is attached [Y/N]

Note: Refer to the Guide to this Form for references to information on how to obtain a national criminal history check and bankruptcy check.

## 8. Part H - External dispute resolution

- 8.1. You are required to be a member of the Australian Financial Complaints Authority (AFCA) for the purposes of dealing with complaints against you made by consumers in connection with the engaging in of credit activities under the exemption. In relation to this:
  - 8.1.1. Attach a current certificate of membership from AFCA evidencing your membership. Confirm if this is attached [Y/N]

## 9. Part I – Compensation arrangements (ordinarily professional indemnity insurance)

- 9.1. You are required to establish and maintain compensation arrangements that: (i) include holding adequate professional indemnity (PI) insurance; or (ii) are approved by ASIC in writing as adequate, for the purpose of compensating your consumers for loss or damage suffered because of breaches of the law, or of the conditions of this exemption, by you or your representatives.
  - 9.1.1. Do you plan to meet the compensation requirements by holding PI insurance? [Y/N]

Note: We consider that, to be adequate, a PI insurance policy must have a limit of at least \$1 million cover for any one claim and in the aggregate.

- 9.1.1.1. If Yes, attach a PI Insurance Certificate of Currency. Confirm if Certificate is attached [Y/N]
- 9.1.1.2. If No, do you have a process in place to ensure you will have PI insurance in place if your notification is approved? [Y/N]
- 9.1.2. If you are meeting the compensation arrangement requirement through an ASIC approved alternate arrangement Attach the ASIC approval. Confirm if this is attached [Y/N]
- 9.2. You are also required to maintain adequate compensation arrangements for 12 months after you cease testing.
  - 9.2.1. If you intend to meet this requirement by obtaining PI run-off cover, describe your plans to obtain PI Run-off Cover for a period of 12 months after your testing under this exemption ends. [TB]
  - 9.2.2. If your plans do not involve obtaining PII run-off cover, describe what are your plans to comply with this requirement? [TB]

Note: Refer to the Guide to this Form for references to information on compensation arrangements.

### 10. Part J - Declaration

This Declaration must be completed and signed. Please refer to the Guide to this Form for details on eligible signatories.

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

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0.1.1.	Name:	
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- 10.1.3. Role / Job Title\_\_\_\_\_
- 10.1.4. Date signed
- 10.2. WitnessName:
  - 10.2.2. Signature:
  - 10.2.3. Address:
  - 10.2.4. Date signed:

## Appendix 1: ERS Notification: Template for information on fit and proper people

As required by Part G of this Form, Applicants must complete this template to set out their fit and proper people and significant decision-makers and provide ASIC with the information we require.

For each of their fit and proper people, an applicant must provide the following People Proofs (which must be no more than 12 months old):

- a national criminal history check
- a bankruptcy check
- a completed statement of personal; information (See Appendix 2)

Note: We refer to the people who ASIC must have no reason to believe are not 'fit and proper persons' as your 'fit and proper people'. For further information about who is considered a fit and proper person, please see Information Sheet 240.

If there is no relevant person for the category in the table, please write 'N/A'.

# Appendix 1

## Fit and proper people

Full name	Position and short description of duties	Residential address	National criminal history check and bankruptcy check (not more than 12 months old), Statement of Personal Information (if not already provided)
[Fit and proper person 1]	[Fit and proper person's position and description of duties]	[Fit and proper person's address]	[Attachment number]
[Fit and proper person 2]	[Fit and proper person's position and description of duties]	[Fit and proper person's address]	[Attachment number]

## Fit and proper persons relating to a controller of the applicant

Controlling entity name	Controlling entity type	Full name of relevant person	Position and short description of duties	Residential address	National criminal history check and bankruptcy check (not more than 12 months old), Statement of Personal Information
[Controlling entity 1]	[Natural person, body corporate, partnership, multiple trustees of trust]	[Relevant person 1]	[Relevant person 1 position and description of duties]	[Relevant person 1 residential address]	[Attachment number]

Controlling entity name	Controlling entity type	Full name of relevant person	Position and short description of duties	Residential address	National criminal history check and bankruptcy check (not more than 12 months old), Statement of Personal Information
[Controlling entity 2]	[Natural person, body corporate, partnership, multiple trustees of trust]	[Relevant person 2]	[Relevant person 2 position and description of duties]	[Relevant person 2 residential address]	[Attachment number]

## Significant decision-makers

Significant decision- makers name	Significant decision-makers entity type	Position and short description of duties	Residential/business address	If a natural persons, national criminal history check and bankruptcy check (not more than 12 months old), Statement of Personal Information
[Significant decision-make entity 1]	[For example, natural person, body corporate]	[Relevant person 1 position and description of duties]	[Relevant person 1 residential address]	[Attachment number]
[Significant decision- maker entity 2]	[Natural person, body corporate, partnership, multiple trustees of trust]	[Relevant person 2 position and description of duties]	[Relevant person 2 residential address]	[Attachment number]

Note: Add more rows to table as needed.

App	licant's	decl	arati	on:
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(the applicant) declares that to the best of the applicant's knowledge, the above information is true and correct and that:

- (a) to the best of the applicant's knowledge, each relevant person is a fit and proper person to perform one or more functions relevant to their position; and
- (b) the applicant is not aware of any misconduct matters relevant to determining whether any of these relevant persons are fit and proper to perform one or more functions relevant to their position.

Signature of applicant	
Print name	
Date	

# Appendix 2: Statement of Personal Information (to be completed by each of the applicant's fit and proper people)

Fit and Proper Person name: [Fit and Proper Person name]

## Within the last 10 years, within Australia and/or overseas:

1.	Have you been refused the right, or been restricted in the right, to carry on any trade, business or profession for which a licence, registration or other authority is required by law?	[Yes or no]
2.	Have you been a member, or partner in a member firm, of any securities, stock, futures, commodities or other exchange?	[Yes or no]
3.	Have you been suspended from membership of, or disciplined by, any securities, stock, futures, commodities or other exchange?	[Yes or no]
4.	Have you been refused membership of any securities, stock, futures, commodities or other exchange?	[Yes or no]
5.	Have you been removed from membership of, or disciplined by, any professional body or external dispute resolution scheme?	[Yes or no]
6.	Have you carried on business under any name other than the name or names shown in this application?	[Yes or no]
7.	Have you been known by any name other than the name or names shown in this application?	[Yes or no]
8.	Have you been the subject of any findings, judgment or current proceeding, including findings, in relation to fraud, misrepresentation or dishonesty, in any administrative, civil or criminal proceedings in any country?	[Yes or no]
9.	Are you, or have you ever been, declared bankrupt or insolvent under administration?	[Yes or no]
10.	Have you been engaged in the management of any companies/businesses that have had an external administrator appointed?	[Yes or no]
11.	Have you been engaged in the management of any companies/businesses that were declared insolvent?	[Yes or no]
12.	Have you been engaged in the management of any companies/businesses that carry on a trade, business or profession for which a licence, registration or other authority is required by law?	[Yes or no]
13.	Have you been engaged in the management of any companies/businesses that are or were the subject of any investigations or proceedings by any regulatory body, licensed entity with a code or industry/professional association?	[Yes or no]

14.	Have you been engaged in the management of any companies/businesses that have failed to comply with a determination from an external dispute resolution scheme?	[Yes or no]
15.	Have you been engaged in the management of any companies/businesses that were declared the equivalent of insolvent under the law of an external territory or country other than Australia?	[Yes or no]
16.	Have you ever been engaged in the management of any company that has had an instrument of approval under the Superannuation Industry (Supervision) Act 1993 revoked?	[Yes or no]
17.	Have you ever been engaged in the management of any companies/businesses that have had a Corporations Act 2001 (or previous corresponding laws) licence or National Consumer Credit Protection Act 2009 licence or Insurance Agents and Brokers Act 1984 registration revoked or suspended?	[Yes or no]



## **Attachments**

If you have answered Yes to any question, please provide a separate attachment that includes individual details. In addition, please provide the following:

Question 8	the judgment and if it has been satisfied	
Question 9 to 15	For a declaration of bankruptcy or insolvency:	
	<ul> <li>date of the declaration and district in which it was made</li> </ul>	
	- bankruptcy number.	
	For a deed of arrangement, assignment or where creditors have accepted a composition under Part X of the <i>Bankruptcy Act 1966</i> :	
	<ul> <li>date of the deed of arrangement, assignment or the special resolution accepting composition and the district in which it was made</li> </ul>	
	<ul> <li>name and address of the trustee of the deed of arrangement, assignmer of the composition</li> </ul>	
	<ul> <li>identifying number used in relation to the deed of arrangement or assigns or the composition in the office of the Registrar in Bankruptcy.</li> </ul>	

## Signatures

I certify that the information in this Statement and all attachments are true and correct.

Signature of the Fit and Proper Person:	
Role	
Date signed	[DD/MM/YY]
Witness name	
Witness signature	
Witness address	
Date signed	[DD/MM/YY]

## Guide:

## Notification to use the Enhanced Regulatory Sandbox exemption

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 000.

If you require assistance in completing this Form contact the ASIC <u>Innovation Hub team</u>.

Eligible signatories	This form must be signed by a pe below:	rson who is authorised as per the table
	Entity Signatory	
	Partnership comprised of individuals	Any one of the individual partners
	Partnership comprised of both individuals and companies	Any one of the individual partners or a director or secretary of one of the companies
	Multiple Trustees	Any one of the trustees, or where the trustee is a body, a director or secretary of the body
	Company	Director or secretary
	Foreign Company	Director or secretary or local agent
	Individual	The individual
	Appendix 2 of this form must be applicant's fit and proper perso	ns
Lodging Period	the ERS licensing exemption. For	days before the provider wishes to rely on example, a provider wishing to rely on an should lodge their notification on 1 June.
Lodging requirements	This form can be lodged electror ERSnotifications@asic.gov.au	nically by email to:
	Providers should retain signed co	
Lodgement fees	A lodgement fee does not apply	to this form.
Additional Information	When completing Form 000, the f to you:	following references will be of assistance
	<ul> <li>ASIC Information Sheet 24 general information about</li> <li>Section 6(1) of the Nation for the meaning of 'credition of the Corporation of the Corporation of the Nation and ASIC Information Sheet 24 Regulatory Guide RG 210</li> </ul>	48 Enhanced regulatory sandbox for at the framework for the sandbox and Consumer Credit Protection Act 2009 to activity' tions Act for the meaning of 'officer' and and Consumer Credit Protection Act 2009 set INFO 240 for information on the fit and Compensation and insurance ficensees for information on compensation

#### Professional indemnity (PI) insurance:

It can take several weeks or longer to obtain PI insurance, so you must start organising it early. If you don't have it in place at the time you lodge your ERS notification, we will assess your notification, but you are requested to provide us with evidence of having obtained PI insurance (for example a Certificate of Currency) soon after you obtain it.

You must not operate your proposed business without PI insurance. To do so is a breach of a condition of your ERS exemption and is a basis upon which ASIC may decide to cancel your ability to rely on the ERS exemption.

#### How to apply for a national criminal history check (police check):

Source Australian Federal Police	Websites www.afp.gov.au
State and territory police services	New South Wales: www.police.nsw.gov.au Northern Territory: www.pfes.nt.gov.au Queensland: www.police.qld.gov.au
	South Australia: www.police.sa.gov.au Tasmania: www.police.tas.gov.au Victoria: www.police.vic.gov.au Western Australia: www.police.wa.gov.au
Brokers accredited by the ACIC	www.acic.gov.au  This website provides a list of accredited brokers, who can then be contacted for details on how to apply.

#### How to obtain a bankruptcy check:

You can get bankruptcy checks on your fit and proper people from the Australian Financial Security Authority's (AFSA) Bankruptcy Register Search (BRS) or from an external provider registered to access the BRS.

# How to provide additional information

#### **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. number the pages consecutively
- 3. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
- 4. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
- 5. endorse the annexure with the words:

'This annexure (mark) of (number) pages referred to in form (form number and title)'

6. sign and date the annexure

The annexure must be signed by the same person(s) who signed the form.

Warning

It is an offence under the Corporations Act 2001 and the National
Consumer Credit Protection Act 2009 to provide false or misleading
information to ASIC.

Procedure

You must complete all fields as indicated on the Form 000. If any required
fields are incomplete or contain invalid data types, ASIC staff will be
unable to process the form.

Privacy	The information provided to ASIC in this form may include personal information. Please refer to our privacy policy ( <a href="www.asic.gov.au/privacy">www.asic.gov.au/privacy</a> ) 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.
Assistance	For more information, refer to <u>ASIC's Innovation Hub ERS web page</u> For assistance, contact ASIC's Innovation Hub team by email: <u>InnovationHub@asic.gov.au</u>

