

## Application by an AFS Licensee to appoint an Authorised Representative

### Section 1: Details of the relevant entities associated with this application

AFS Licensee Entity name: \_\_\_\_\_

Authorised Representative Registered Entity name: \_\_\_\_\_

Trading Name of (Authorised Representative) Entity (if differ from above) \_\_\_\_\_

Authorised Representative Entity (Head Office) Street Address: \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

Authorised Representative Entity postal Address (if differ from above) \_\_\_\_\_

\_\_\_\_\_ Postcode \_\_\_\_\_

Authorised Representative Web Address: \_\_\_\_\_

Authorised Representative Entity Directors (if more than 4, attach separate form)

1 \_\_\_\_\_ 2 \_\_\_\_\_

3 \_\_\_\_\_ 4 \_\_\_\_\_

Full Name of Responsible Officer of Authorised Representative: \_\_\_\_\_

Mobile Number of Responsible Officer of Authorised Representative: \_\_\_\_\_

Email Address of Responsible Officer of Authorised Representative: \_\_\_\_\_

Authorised Representative Entity Key Employees<sup>1</sup> (if more than 4, attach separate form):

1 \_\_\_\_\_ 2 \_\_\_\_\_

3 \_\_\_\_\_ 4 \_\_\_\_\_

Is the Authorised Representative listed on any other Register of Promoters?  Yes  No

<sup>1</sup>A **Key Employee**, means a person (whether or not appointed under a contract of service) who is: (a) employed in a managerial or supervisory capacity in relation to the conduct of the promotion of the harness racehorses by applicant; or (b) authorised to make decisions, involving the exercise of his or her discretions that regulate the operations of the applicant in relation to the conduct of the promotion of the harness racehorses or other services offered by the applicant.

## Section 2: Supporting information

ASIC Extract confirming the AFS licence number	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Copy of the Certificate of Company/Entity Incorporation;	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ASIC company Extract (outlining each Director and Shareholder- and the shares held	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Comprehensive 3 to 5 year business plan (including a resume-style history of all directors including i. racing experience /background of individual or business; and ii. Vision statement, objectives and goals	<input type="checkbox"/> Yes	<input type="checkbox"/> No
An expansive projected profit/loss and cash flow statement, including potential horse purchased and related income and expenses (itemised)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Statement of the business's assets and liabilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Two (2) x racing industry character references (referring to the entity or the principal of the entity)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Three (3) x industry supplier credit references (referring to the entity or the principal of the entity)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A credit report from an accredited reporting agency ( from each Director and Shareholder)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Bank Statement for the preceding six (6) months (relating to the entity or the principal of the entity)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
A statutory declaration from a CPA or CA ( attached to the application form)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Evidence of professional indemnity insurance or investments managers insurance (relating to the entity)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
National Police Record Certificate (for all Shareholders/Directors of the business)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Application fee of \$495.00 (include a Cheque or provide Credit Card details below.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Credit Card Type (E.g VISA/MasterCard/Diners/Amex)

Credit Card Number:

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Credit card Expiry Date:

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CVV:

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Cardholder's Full Name:

### Section 3: Questionnaire:

Have you read, and do you understand, the requirements of the ASIC Corporations (Horse Schemes) instrument 2016/790?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you familiar with the requirements of the Personal Property Securities Act 2009?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
After you have been granted as AFSL, do you understand that you must not make an offer that is considered a managed investment scheme until you have received approval to do so from Harness Racing Victoria?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you understand the requirements of the Product Disclosure Statement (PDS)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you aware that you must declare a manager for each scheme within the PDS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you aware that a separate bank account must be established for each scheme?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you intend to enter into purchase agreement with breeders and auction house (e.g. extended settlement terms)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you intend to purchase horses through lease finance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes. Are you aware that the lease finance agreement must be disclosed within the PDS to the potential investors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will your horses (or the scheme) be insured?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

How will you communication information about the horse to the syndicate members and how regularly will you communicate this information?

Who will oversee the business in your absence?

How do you intend to manage the distribution of prizemoney?  
(E.g. will a dividend be distributed monthly or immediately upon receiving monies form Harness Racing Victoria)?

Are there any additional benefits for syndicate members (E.g. promotions, hospitality, gifts upon entry)?

Who will train the horse?

Where will your horse be agisted when spelling?		
Who is your bloodstock advisor?		
Are you or any Director, Responsible Officer or Key Employee currently under and ban or restriction imposed by any racing authority or other sporting authority in any state or Country? If yes please provide details.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you, or any Director, Responsible officer or Key Employee ever been suspended, disqualified, warned off, penalised or placed on a forfeit list as a defaulter or refused a licence, permit or registration by any racing authority or other sporting authority in any State or Country? If yes, Please provide details:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you, or any Director, Responsible Officer or Key Employee in the last 10 years, been • Found guilty or criminal offence? • Imprisoned? and/or placed on parole? If yes, please provide details:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any current criminal proceedings (or charges) pending against you, or any Director, Responsible Officer or Key Employee? If yes, please provide details:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Personal Bankruptcy and/or Company Insolvency: • Have you, or and Director, Responsible Officer or Key Employee in the last 10 years, been declared bankrupt or insolvent and/or • Do you, or any Director, Responsible Officer or Key employee currently have any bankruptcy action or proceedings pending again you? And or • Has any Company which you, or and Director, Responsible Officer or Key Employee which employs you, become insolvent (including: Voluntary Administration, Liquidation or Receivership)? If yes. Please provide details	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you, or and Director, Responsible Officer or Key Employee been convicted of any indictable offence or banned by ASIC? If yes, please provide details:	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Section 4: Privacy, acknowledgement and consent.

Harness Racing Victoria is the Principal Racing Authority responsible for governing harness racing in Victoria. Harness Racing Victoria has been appointed by the Australian Securities and Investments Commission (ASIC) as the Lead Regulator in relation to approving promoters of Horse racing Schemes within Victoria

As the Lead Regulator, Harness Racing Victoria carries out the functions of: granting approvals to be an Approved Promoter or Approved Promoter Authorised Representative, including approving Promoters Product Disclosure Statement, and such other functions as may be described in its Privacy policy published on its website from time to time. In the course of performing its function, Harness Racing Victoria may seek personal information from you for the purpose of:

- Making determinations in relation to applications for approval as an approved promoter, Approved Promoter Authorised Representative or approving Approved Promoter Product Disclosure Statement, including approval renewal and continuance; and
- any other function or activity described in the Privacy Policy.

For these purposes, Harness Racing Victoria may also obtain personal information (including financial information) about you from, or disclose your personal information to, third parties such as enforcement bodies, government authorities ASIC, and other racing controlling bodies in the States and Territories of Australia and to other persons for the purposes described above or as otherwise provided by law.

You may make a request to Harness Racing Victoria to gain access to information held by Harness racing Victoria by writing to the Privacy officer, Harness racing Victoria 400 Epsom Road, Flemington, VIC ,3031. Should you decline to provide personal information to Harness Racing Victoria when requested by Harness racing Victoria as part of its functions and activities as Lead Regulator , Harness Racing Victoria may refuse to grant or renew your application for approval or may revoke or suspend your approval. By signing below, I/we agree:

- a. That all particulars contained within this application are true and correct;
- b. To be bound by the Australian Rules of Racing as amended from time to time;
- c. To promptly comply with any requests or requirements of Harness Racing Victoria exercising its functions as a Harness Racing controlling body or a lead Regulator;
- d. To promptly comply with any requirements of ASIC;
- e. That racing Harness Racing Victoria may in its absolute discretion refuse to grant this application or may grant this application subject to conditions;
- f. That Harness Racing Victoria may in its absolute discretions revoke this registration should it be granted;
- g. To comply with Harness Racing Victoria 's direction or requirements in relation to the advertising or the promotion of horse racing schemes and syndicates;
- h. To promptly comply with Harness Racing Victoria's request for a production of information, accounts receipts or other documents relating to the promotions of horse racing syndicates;
- i. To pay Harness Racing Victoria any renewal fee notified by Harness Racing Victoria for each racing calendar year; and
- j. That if the applicant is a company, all directors must sign

### AFS Licensee Responsible Officer:

Print name	Signature	Date

### Authorised Representative

Print name	Signature	Date

### Authorised Representative Directors:

Print name	Signature	Date

Print name	Signature	Date

Once completing, please sign where applicable and return to Harness Racing Victoria for lodgement along with all relevant information as per section 2- Supporting information. Harness Racing Victoria does not accept any liability for matters relating to or arising from, the applicants conduct and activities as an AFS licensee.

## State of Victoria

### Statutory Declaration on behalf of Authorised Representative

(Reference from a Certified Practising Accountant or Chartered Accountant)

#### Section 2k. of this Application form

I, \_\_\_\_\_ (Full name)

Of \_\_\_\_\_ (address of Accountant)

Occupation \_\_\_\_\_ Do solemnly and sincerely declare that:-

I have specifically viewed and assessed the following financial documents supplied by

The Applicant \_\_\_\_\_ (insert name of AFS Licensee)

- The Applicant's bank account statement for the preceding six (6) month period;
- Documentation relating to outstanding mortgages or loans taken out by the Applicant;
- Evidence of assets owned by the Applicant such as car, property or horse float);
- The Applicant's tax return for the most recent financial year of which the tax return is required by law;
- A statutory declaration made by Applicant stating that he/she has adequate assets and income to ensure that he/she can settle and debts as and when they fall due.

Having regard to the above financial information supplied by the Applicant, I have formed the assessment that the Applicant has sufficient financial resources and capacity to establish, promote and manage Horse Racing Schemes.

**I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person makes a false declaration is liable to the penalties of perjury**

Declared at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature and business stamp** of accountant making this declaration (to be signed in front of an authorised witness)

Before me,

\_\_\_\_\_  
Signature of Authorised Witness

The authorised witness must print or stamp his or her name, address and title under section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (as of 1 January 2010) (previously Evidence Act 1958), (e.g. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist)