

Automatic Information Exchange Agreements – Self-Certification Entities

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Australia has entered into tax information exchange agreements or has tax information exchange obligations under bilateral tax agreements with more than 50 countries. The aim of these agreements and obligations is to reduce global tax evasion. The tax information that Australia is required to share is set out in various regimes, including the Foreign Account Tax Compliance Act (“FATCA”) and the Common Reporting Standard (“CRS”). The regimes require Financial Institutions (“FIs”) such as Pershing Securities Australia Pty Ltd and Pershing Australia Nominees Pty Ltd (together “Pershing”) to collect and report on an annual basis certain Account Holder information where the Account Holder is resident for tax purposes in a country other than Australia. The ATO then shares the specified Account Holder information with the tax authority of the country(ies) in which the account holder is resident for tax purposes in line with the tax information exchange obligations of Australia.

All Pershing clients are required to complete and return this form immediately. Failure to do so could result in the reporting of account holder information, account balances and all income and proceeds paid or credited to the account to the tax authority of the Pershing Legal Entity with whom you are contracted for onward exchange of information with the tax authority(ies) of the country(ies) indicated on the account holder’s records with Pershing.

There may also be contractual conditions in place to terminate your agreement with Pershing should you fail to provide valid certifications.

Pershing as the recipient of this form is under no obligation to accept a form if we have either reason to know, believe or have actual knowledge that the information provided in the form is invalid or incorrect.

It is the responsibility of the party completing and signing the form to ensure that the information provided is complete and valid and to notify Pershing of any change in circumstances that causes any certification on this form to become incorrect or unreliable. If such a change occurs you are required to provide a suitably updated form within 30 days of such change.

Please note:

- **Please use this form if you need to self-certify on behalf of an Entity Account Holder.**
- **For joint accounts each Account Holder should complete a separate form.**
Do not use this form if the Account Holder is an individual. Instead you should complete and provide the “Individual Tax Residency Self-Certification Form”¹.
- **If you are not the Account Holder** but are completing the form on the Account Holder’s behalf then you should indicate the capacity in which you have signed.
- **If the Account Holder is a “Specified US Person”** under US Internal Revenue Service (“IRS”) regulations you should also complete and provide an IRS Form W-9².
- **If there is any change in circumstances that causes any certification on this form to become incorrect or unreliable,** you are required to provide Pershing with a new updated self-certification form within 30 days of such change in circumstances.

¹ Please contact your Broker to obtain this Form.

² IRS Form W-9 can be accessed at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>

Part 1 – Account Holder Identification

A. Legal Name of Entity/Branch _____

B. Country of incorporation or organisation _____

C. Registered or Permanent address

Line 1 (e.g. Number and Street) _____

Line 2 (e.g. Town/City/Province/State) _____

Postal Code and Country _____

D. Current mailing address (if different from above)

Line 1 (e.g. Number and Street) _____

Line 2 (e.g. Town/City/Province/State) _____

Postal Code and Country _____

Part 2 – FATCA and CRS Excluded Accounts (go to Part 3 where not relevant)

Certain types of Account Holding are excluded from FATCA and CRS reporting³. Please indicate if the Account Holder is one of the following and provide the required supporting documentation.

Excluded Account Type:

(a) Complying superannuation fund

(b) Deceased estate

Required Supporting Documentation⁴:

ABN _____

A certified copy of the deceased's will, grant of probate or letters of administration for the estate

To finalise, please complete and sign the Declaration at Part 6 and return this Form along with the required supporting documentation to your Broker.

Part 3 – FATCA and CRS - Entity Type

A. Please provide the Account Holder's Status by ticking the appropriate box.

(a) Financial Institution

i. an Investment Entity in a non-participating jurisdiction managed by another Financial Institution

ii. Other Financial Institution – Other Investment Entity, Depository, Custodial, Specified Insurance Company or Non-Reporting financial institutions

(b) Active NFE – corporation that is regularly traded or a Related Entity of a regularly traded corporation.

³ For additional details on all Excluded Accounts refer to https://www.ato.gov.au/General/International-tax-agreements/In-detail/International-arrangements/Automatic-exchange-of-information---CRS-and-FATCA/?page=3#3_9_Excluded_accounts

⁴ Pershing reserves the right to request additional documentation in support of any claim for FATCA / CRS exclusion. Acceptance of a claim for exclusion from CRS /FATCA review and reporting is at the sole discretion of Pershing.

Please provide the name of the established securities market on which the corporation (or its Related Entity) is regularly traded:

If you are an Active NFE by virtue of the fact that you are a Related Entity of a regularly traded corporation, please also provide above the name of the regularly traded corporation to which the Entity is related.

- (c) Active NFE – a Government Entity or International Organisation
- (d) Active NFE – Other
- (e) Passive NFE

If you have ticked (a) above, please provide the Entity's Global Intermediary Identification Number ("GIIN"):

If you do not have a GIIN please specify why:

B. If you have ticked (a)j or (e) above, then please also complete "Controlling person tax residency self-certification".

Part 4 – Country of Residence for Tax Purposes⁵

Please note where you have more than one tax residency please provide this tax residency information by filling out Part 4 of a separate form and attaching to this form.

A. The Account Holder is a resident for tax purposes in (*country*):

B. Tax Identification Number ("TIN")⁶ in the country of residence
(If no TIN provided, please tick either C, D or E below):

C. The authorities of the country of residence do not require the TIN to be disclosed (*tick box if relevant*)

D. The country of residence does not issue TINs to its residents (*tick box if relevant*)

E. The entity is otherwise unable to obtain a TIN (*tick box if relevant*)
Please explain why you are unable to obtain a

Part 5 - Controlling person tax residency self-certification

Account Holders that have indicated in Part 3 that they are either a:

⁵ The link below provides an overview of the tax residency rules applicable in jurisdictions that are committed to automatically exchanging information under the CRS.

<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/#d.en.347760>

⁶ The TIN is a number assigned by a government to an individual or business for identification and record keeping purposes. For CRS, the definition includes the functional equivalent in the absence of a TIN. The link below provides an overview of domestic rules in certain jurisdictions governing the issuance, structure, use and validity of TINs or their functional equivalents. <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/#d.en.347759>

- a) (i) Financial Institution – an Investment Entity in a non-participating jurisdiction managed by another Financial Institution or;
- e) Passive NFE

are required to provide information about each Controlling Person⁷ below. The Controlling Person must be a natural person (individual), failure to provide natural person information will invalidate the form.

	Name	Date of Birth	Residential Address	Country of Tax Residence	TIN or equivalent	Reason Code if no TIN provided
1						
2						
3						

If there are more than 3 controlling persons, please list them on a separate piece of paper.

If a TIN is unavailable please provide the appropriate reason A, B or C where appropriate:

- Reason A - The country/jurisdiction where the Account Holder is resident does not issue TINs to its residents
- Reason B – The Account Holder is otherwise unable to obtain a TIN or equivalent number (Please explain why you are unable to obtain a TIN if you have selected this reason)
Reason: _____
- Reason C – No TIN is required. (Note. Only select this reason if the domestic law of the relevant jurisdiction does not require the collection of the TIN issued by such jurisdiction)

Part 6 – Certifications and Signature

I, the person identified in Part 1, or if applicable the authorised representative of the person identified in Part 1, understand that the information supplied by me is covered by the full provisions of the terms and conditions governing the Account Holder’s relationship with Pershing setting out how Pershing may use and share the information supplied to Pershing.

[I/the Account Holder’s representative]* acknowledge(s) that the information contained in this form and information regarding [my/the Account Holder’s]* account(s) may be reported to the tax authorities of the country in which this account(s) is/are maintained and exchanged with the tax authorities of another country or countries in which the Account Holder may be tax resident where those countries have entered into Agreements to exchange financial account information.

[I/the Account Holder’s representative] undertake(s) to notify the recipient of any change in circumstances that causes any certification on this form to become incorrect and to provide a suitably updated form within 30 days of such change.

⁷ Controlling Persons are defined as natural persons who exercise control over the Entity or the shareholders of the Entity based on local Anti-Money Laundering (AML) requirements.

In the case of a Trust this means:

- a) the settlor,
- b) the trustees,
- c) the protector (if any),
- d) the beneficiaries or class of beneficiaries, and
- e) any other natural person exercising ultimate effective control over the Trust.

In the case of a legal arrangement other than a Trust, it means persons in equivalent or similar positions.



A BNY MELLON COMPANY

I declare that I have examined the information on this form and to the best of my knowledge and belief it is true, correct, and complete.

Name of Client: _____

Date: _____

Name: _____

Name: _____

Title: _____

Signature: _____

Signature: _____

Note : If you are not the Account Holder please indicate the capacity in which you are signing this form. If Part 5 is completed, the person signing this form must have the authority to sign on behalf of the Controlling Person

If signing under power of attorney, please attach a certified copy of the power of attorney.

Capacity: _____

Definitions - CRS

These Key Terms and Definitions below are contained within the relevant Tax Regulations that enact the Agreements to improve International Tax Compliance and the OECD Common Reporting Standards (CRS) for Automatic Exchange of Financial Account Information. You are however encouraged to refer to the respective national tax laws of the country in which you are located.

If you have any questions about these definitions or require further detail then please contact your tax adviser or local tax authority.

“Financial Institution”

The term “Financial Institution” means a “Custodial Institution,” a “Depository Institution,” an “Investment Entity,” or a “Specified Insurance Company.” Please see the relevant Tax Regulations and the CRS for further classification definitions that apply to Financial Institutions.

“NFE”

The term “NFE” stands for “Non-Financial Entity”. It means any Entity that is not a Financial Institution. There are two types of NFE - a) Passive NFE; and b) Active NFE. There are various sub-types of Active NFE.

- **“Passive NFE”**

A “Passive NFE” means any NFE that is not an Active NFE.

It also includes an Investment Entity that is not located in a jurisdiction which is participating in the Common Reporting Standards. If this applies, please tick the box titled “an Investment Entity in a non-participating jurisdiction managed by another Financial Institution”.

- **“Active NFE – corporation that is regularly traded or a Related Entity of a regularly traded corporation.”**

Means any NFE the stock of which is regularly traded on an established securities market or the NFE is a Related Entity of an Entity the stock of which is regularly traded on an established securities market.

- **“Active NFE – a Government Entity”**

Means an NFE that is a Government Entity, Central Bank, or an Entity wholly owned by one or more of the foregoing.

- **“Active NFE – an International Organisation”**

Means an NFE that is an International Organisation. The term **“International Organisation”** means any international organisation or wholly owned agency or instrumentality thereof.

- **“Active NFE – Other”**

Means an NFE that meets any of the following criteria:

- a) less than 50% of the NFE’s gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50% of the assets held by the NFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income;
- b) substantially all of the activities of the NFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution, except that an Entity does not qualify for this status if the Entity functions (or holds itself out) as an investment fund, such as a private equity fund, venture capital fund, leveraged buyout fund, or any investment vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes;
- c) the NFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution, provided that the NFE does not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFE;
- d) the NFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution;

e) the NFE primarily engages in financing and hedging transactions with, or for, Related Entities that are not Financial Institutions, and does not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution; or

f) the NFE meets all of the following requirements:

- i) it is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
- ii) it is exempt from income tax in its jurisdiction of residence;
- iii) it has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
- iv) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents do not permit any income or assets of the NFE to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the NFE's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the NFE has purchased; and
- v) the applicable laws of the NFE's jurisdiction of residence or the NFE's formation documents require that, upon the NFE's liquidation or dissolution, all of its assets be distributed to a Governmental Entity or other non-profit organisation, or escheat to the government of the NFE's jurisdiction of residence or any political subdivision thereof.

“Participating Jurisdiction”

The term Participating Jurisdiction means any Country that has signed a multilateral competent authority agreement to automatically exchange information and is contained within the relevant Tax Regulations that enact the Agreements to improve International Tax Compliance.

A list of participating jurisdiction can be found in the link below:

<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/crs-by-jurisdiction/#d.en.345489>