Cboe Australia Participant Application Form

GENERAL INFORMATION		
Legal Entity Name of Applicant:		
Address of Principal Office:		
City:	State:	Postcode:
APPLICATION PRINCIPAL CONTACT		
Name:		
Title:		
Email:		
Tel:	Dated:	

This form is for use by entities seeking admission as a participant to Cboe Australia Pty Ltd (**Cboe Australia**) ABN 47 129 584 667. There are a number of documents required to be annexed to this application form for admission as a participant of Cboe Australia. Applicants are requested to adhere to the prescribed annexure numbering.

Applicants are advised to contact Cboe Australia in advance of submitting their application:

Tel: +61 2 8078 1700
email: au.sales@cboe.com

Completed applications should be returned to:

Cboe Australia Pty Ltd
Sales
Level 23 Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Email: au.sales@cboe.com

Privacy Statement

As part of this application and in the course of participation in the Cboe Australia market, Cboe Australia requires you to submit personal information about your employees and officers.

Failure to provide personal information in whole or part may hinder your participation and Cboe Australia's administration and operation of the market.

Cboe's Privacy Policy is available on the website https://www.cboe.com/privacy and you may request a copy and access to your personal information by contacting Cboe Australia Compliance on:

Tel: +61 2 8078 1718 or Email: au.compliance@cboe.com.

APPLICANT AGREEMENT

By executing this application form an applicant:

1. acknowledges that this application is subject to the Cboe Australia Operating Rules (**Rules**) and Cboe Australia Operating Rules: Procedures (**Procedures**), as varied from time to time, and that if the application is accepted the applicant will be bound by the Rules and Procedures;
2. undertakes that if accepted as a participant it will comply with the Rules and Procedures as in force from time to time, even if the participant is suspended from participation;
3. represents and warrants to Cboe Australia that the:
   a) applicant understands its obligations under the Rules, the ASIC Market Integrity Rules (Securities Markets) 2017 and ASIC Market Integrity Rules (Capital) 2021 (collectively, **Market Integrity Rules**), Chapter 7 of the Corporations Act and any regulations made under Chapter 7; and
   b) information contained in and annexed to this application form is true and correct in all respects;
4. acknowledges that Cboe Australia will rely on the information provided by the applicant in considering this application and acknowledges that any omission or misstatement may lead to rejection of the application or, if the application is approved, subsequent suspension and/or revocation of the applicant's status as a participant;
5. indemnifies Cboe Australia and its employees and officers to the fullest extent permitted by law in respect of any loss, claim, action or expense arising from or connected with, any breach of this agreement by the applicant or resulting from reliance on the information contained in or annexed to this application to the extent that such loss, claim, action or expense has not resulted from the fraud, wilful misconduct or gross negligence of Cboe Australia or its employees and officers;
6. consents to Cboe Australia obtaining information from, and passing information to (a) credit agencies in relation to the applicant and acknowledges that this application authorises such a source to release information to Cboe Australia; (b) investigative agencies or any other source as permitted by law, in relation to the applicant or this application and that Cboe Australia considers relevant to this application, and acknowledges that this application authorises such a source to release information to Cboe Australia; and (c) government agencies, regulatory authorities, exchanges, market operators, clearing and settlement facilities, service providers and third party clearers for regulatory purposes or as is necessary for this application;
7. represents and warrants to Cboe Australia (as the case may be) that it is not aware of anything that may impact on its ability to comply with its obligations under the Rules and its Australian financial services licence (**AFSL**) or exemption (as applicable).

EXECUTED for and on behalf of the applicant ____ by:

____	____
Signature of Director	Signature of Director/Secretary
____	____
Printed Name	Printed Name
____	____
Dated	Dated

APPLICANT INFORMATION

The information set out below should be included where the form permits or be included in the appropriate annexure referred to in the relevant part below. Importantly, please refer to the Rules and the Procedures before completing an application.

APPLICANT DETAILS

1.1 | Full details of the principal place at which the business of the applicant is or will be carried on:
1.2 | Full address of all other places at which the business of the applicant is or will be carried on:
1.3 | Registered office address:
1.4 | Does the applicant intend to use a business name? ☐ Yes* ☐ No * If yes, please include details of the business name and state whether or not the business name is registered in all States & Territories.
1.5 | Place and date of incorporation/registration. Please also provide a copy of the Certificate of Registration for the applicant.
1.6 | ABN/ACN:
1.7 | Please provide details of each director and secretary of the applicant:
1.8 | Please provide a corporate structure diagram showing all related bodies' corporate (see the definition in section 50 of the Corporations Act) and entities exercising control (see the definition in section 50AA of the Corporations Act) of the applicant. (**ANNEXURE A**)
1.9 | Please provide an organisation chart showing management structure, key executives (including those designated as authorised executives at Section 4 below), responsible managers and reporting lines. (**ANNEXURE B**)

PRINCIPAL BUSINESS ACTIVITY

2.1 | Describe the nature of the principal business or intended principal business of the applicant and its expected activities in respect of trading on Cboe:

LICENSING INFORMATION

3.1 | Does the applicant hold an AFSL which authorises the applicant to carry on the business it intends to conduct as a participant of Cboe Australia or, alternatively, has the applicant applied for a variation to its AFSL? ☐ Yes ☐ No

If yes, please attach a copy of the AFSL or AFSL variation (**ANNEXURE C**)

If yes, go to Section 5.

If no, go to Question 4.2.

3.2 | Has the applicant obtained an exemption from the requirement to obtain an AFSL from the Australian Securities and Investments Commission? ☐ Yes ☐ No

If yes, please include relevant details (**ANNEXURE C**)

If yes, go to Section 5.

3.3 | If the applicant does not hold an AFSL or relevant exemption, has the applicant applied for an AFSL or relevant exemption? ☐ Yes ☐ No

If yes, please attach a copy of the application and advise on the status of the application. Alternatively, provide reasons and appropriate documentation to support the case that an AFSL is not required (**ANNEXURE C**)

PRINCIPAL CONTACTS: AUTHORISED EXECUTIVES

4.1 | Please nominate authorised executives in respect of the functions identified below. Please include at least one or more alternates[1]:

Trading Contact[2]	
Name:	Title:
Phone:	Email:
Name:	Title:
Phone:	Email:
Compliance Contact	
Name:	Title:
Phone:	Email:
Name:	Title:

Phone:	Email:
Post Trade & Operations Contact	
Name:	Title:
Phone:	Email:
Name:	Title:
Phone:	Email:

Cboe Australia Market Operations may contact the people nominated above concerning the participant's dealings with Cboe Australia on a day to day basis and it is acknowledged that Cboe Australia may act on the instructions and otherwise rely on information provided by any authorised executive notified to Cboe Australia. This would include without limitation, acting on any request by the authorised executive to add or delete one or more orders, request a trade cancellation, changes to system configuration, clearing participants etc. Cboe Australia may accept instructions from authorised executives in a form acceptable to Cboe Australia in the circumstances. Any request for trade cancellation will be managed in accordance with the Rules. The applicant will ensure that details of these authorised executives are kept up to date in accordance with the Rules.

____

[1] Add additional fields as required to include as many authorised executives as you consider appropriate.

[2] Please ensure that at least one authorised executive for Trading matters is a DTR for the purposes of the Market Integrity Rules.

OPERATIONS and MANAGEMENT PLAN

5.1 | Please attach a copy of the applicant's operations and management plan required under Rule 2.2(c) (**ANNEXURE D**) that outlines the area(s) of intended business relevant to Cboe Australia. This plan must include:

a) allocation of responsibilities to the management identified in the organisation chart provided under Question 1.9,

b) resumes for those persons identified as responsible managers,

c) details of order management and execution management systems that will be used to route orders to Cboe Australia,

d) details of any internal crossing system or dark pool that may be used to generate trades for reporting to Cboe Australia under the Market Integrity Rules.

If the applicant intends to operate an automated order processing (**AOP**) system, please provide a copy of certification documents as required under Rule 2.2(c).

OTHER REGULATORY ARRANGEMENTS

6.1 | Is the applicant or an associate of the applicant an ASX participant? ☐ Yes ☐ No

If yes, please attach full details (**ANNEXURE E**). If the applicant is the same entity as an ASX trading participant, please provide details of any unique trading participant ID issued by ASX. The ASX trading participant ID will be configured in the Cboe Australia trading system (**CTS**) as required under the Market Integrity Rules.

6.2 | Is the applicant a member (or equivalent) of any other financial market (including ATS, MTF, PTS) and/or clearing and settlement facility? ☐ Yes ☐ No

If yes, please attach full details (**ANNEXURE F**).

RELATED PARTICIPANTS

7.1 Please state whether any of the following apply:

a) Is any officer or employee of the applicant also an officer or employee of another participant?

☐ Yes ☐ No

b) Is the applicant a related body corporate of another participant?

☐ Yes ☐ No

c) Does the applicant share common premises with, or allow its premises to be accessed by, another participant or its officers or employees?

☐ Yes ☐ No

d) Does the applicant share common computer facilities with, or link its computer facilities to, another participant?

☐ Yes ☐ No

If the answer to any of paragraphs (a) to (d) above, is "Yes", please attach relevant particulars (**ANNEXURE G**).

FINANCIAL POSITION

8.1 | Please confirm the details of compliance with your capital obligations under the Market Integrity Rules.

8.2 | If you hold an AFSL, please provide your most recent audit confirmation of compliance with the financial requirements under the AFSL conditions (FS71). If you do not hold an AFSL, please provide a copy of the most recent accountant's letter or audited financial statements (**ANNEXURE H**).

TRADING CAPACITY

9.1 | Does the applicant propose to trade as agent for clients?

☐ Yes ☐ No

If yes, in what jurisdictions are its target clients located or likely to be located?

If yes, will the applicant trade for retail clients?

☐ Yes ☐ No

9.2 | If the applicant will trade for retail clients, please provide details of the complaints handling, dispute resolution or compensation arrangements the applicant has in place (**ANNEXURE I**).

9.3 | Does the applicant propose to trade as principal?

☐ Yes ☐ No

9.4 | Does the applicant intend to trade in warrants on behalf of retail clients?

☐ Yes ☐ No

If yes, please provide a copy of the pro forma Client Agreement used by the applicant for approval of clients to trade warrants (**ANNEXURE J**).

9.5 | Is the applicant applying to be a trading participant* or non-trading participant**?

☐ Trading Participant ☐ Non-Trading Participant

*A trading participant is a participant of the Cboe Australia market which has the right to submit trading messages to the CTS.

**A non-trading participant is a participant of the Cboe Australia market which does not have the right to submit trading messages to the CTS.

9.6 | If non-trading participant, does the applicant have an arrangement with at least one current Cboe Australia trading participant which can submit trading messages to the CTS on the applicant's behalf?

☐ Yes ☐ No

If yes, please provide an outline of how its orders and trades will be managed by the trading participant including how the applicant will be identified in its trading messages:

CLEARING ARRANGEMENTS

10.1 | Will the applicant be clearing its own Cboe Australia transactions?

☐ Yes ☐ No

If yes, is the applicant a clearing participant of ASX Clear?

☐ Yes ☐ No

If the applicant is not a clearing participant of ASX Clear, has the applicant applied to become a clearing participant of ASX Clear?

☐ Yes ☐ No

If the applicant is applying to become a participant of ASX Clear, please attach a copy of the application lodged with ASX Clear.

If the applicant is not a clearing participant of ASX Clear and is not applying to be recognised as such, does the applicant have a clearing agreement with a clearing participant of ASX Clear?

☐ Yes ☐ No

In case of a non-trading participant, does the applicant have an indirect arrangement with a clearing participant through the trading participant(s) with whom they have an arrangement to access the CTS?

☐ Yes ☐ No

10.2 | Please provide either evidence of the applicant's status as a clearing participant of ASX Clear or details (including relevant contractual arrangements) of the applicant's arrangements with a clearing participant(s) of ASX Clear under Rule 6 (**ANNEXURE K**).

If the applicant is applying to be a non-trading participant, please provide an outline of how its client assets will be managed by the trading participant(s) with whom they have an arrangement to access the CTS.

TECHNICAL CONNECTIVITY

11.1 | Does the applicant intend to submit trading messages to the CTS (i.e. to be a trading participant)?

☐ Yes ☐ No

11.2 | If yes, please specify the application(s) (both proprietary & vendor) that you propose to undertake technical certification testing. Please also advise the intended date by which the applicant will certify its applications.

12.3 | Please advise who the principal contact will be for technical connectivity testing:

Name:	Title:
Phone:	Email:

PUBLICITY

12.1 | Please note that Cboe will publish a notice of admission and list all participants on the Cboe website. In addition to these, you agree that Cboe Australia may identify you as a participant* and use your logo in its publicity and marketing materials (including on its website) for this purpose. Please email a copy of the logo to apac.marketing@cboe.com in jpeg format.

☐ Yes ☐ No

*Please note that Cboe will publish a notice of admission and list all participants on the Cboe website without exceptions.

12.2 | If you would like to use Cboe Australia's logo in your publicity and marketing materials to indicate you are a participant, please email apac.marketing@cboe.com to provide details on how it is proposed to be used and request approval.

CBOE CUSTOMER WEB PORTAL ACCOUNT ADMINISTRATORS

13.1 | A Participant must designate at least one Account Administrator who will be authorised to grant permission and user access within the Cboe Customer Web Portal. More than one Account Administrator may be designated and there is not a maximum number of Account Administrators allowed per Member. Account Administrators will be able to grant access to tools within the Customer Web Portal including, but not limited to, historical market data subscriptions; logical port request, modify or delete form; physical connection request form and invoices and billing files.

Name:	Title:
Phone:	Email:

Name:	Title:
Phone:	Email: