# AER retailer authorisation - Template declarations

**Financial Resources**

**Criteria 5**

I, [INSERT FULL NAME] of [INSERT ADDRESS], being Chief Financial Officer/Chief Executive Officer/ Director [REMOVE OPTIONS WHICH ARE NOT RELEVANT] of [INSERT FULL LEGAL NAME OF APPLICANT], declare that [INSERT FULL LEGAL NAME OF APPLICANT] is a going concern and I am unaware of any factor that would impede [INSERT FULL LEGAL NAME OF APPLICANT]’s ability to finance its energy retail activities under the authorisation for the next 12 months.

[Declaration must be signed and dated]

For unincorporated applicants

I, [INSERT FULL NAME] of [INSERT ADDRESS], being the person in effective control of [INSERT FULL NAME OF APPLICANT], declare that [INSERT FULL NAME OF APPLICANT] is a going concern and I am unaware of any factor that would impede [INSERT FULL NAME OF APPLICANT]’s ability to finance its energy retail activities under the authorisation for the next 12 months.

[Declaration must be signed and dated]

**Criteria 6**

I, [INSERT FULL NAME] of [INSERT ADDRESS], being an [INSERT POSITION] at [INSERT COMPANY NAME] [an independent auditor/which is the principal financial institution of INSERT FULL LEGAL NAME OF APPLICANT] [REMOVE OPTION WHICH IS NOT RELEVANT], declare that:

* An insolvency official has not been appointed in respect of [INSERT FULL LEGAL NAME OF APPLICANT] or any property of [INSERT FULL LEGAL NAME OF APPLICANT].
* No application or order has been made, resolution passed or steps taken to pass a resolution for the winding up or dissolution of [INSERT FULL LEGAL NAME OF APPLICANT].
* I am unaware of any other factor that would impede [INSERT FULL LEGAL NAME OF APPLICANT]’s ability to finance its energy retail activities under the authorisation.

[Declaration must be signed and dated]

**Suitability**

**Criteria 1**

I, [INSERT FULL NAME] of [INSERT ADDRESS], being [POSITION] of [INSERT FULL LEGAL NAME OF APPLICANT], declare that [INSERT FULL LEGAL NAME OF APPLICANT], [INSERT FULL LEGAL NAME OF APPLICANT]’s associates, any other business where], [INSERT FULL LEGAL NAME OF APPLICANT]’s officers have held an officer position and any other entity that exerts control over [INSERT FULL LEGAL NAME OF APPLICANT] has not had:

* Any material failure to comply with regulatory requirements, laws or other obligations over the previous 10 years, including infringement notices or other enforcement action (including voluntary administrative undertakings) being taken by a regulatory body.
* Any previously revoked authorisations, authorities or licences held in any industry.
* Any failed authorisation, authority, or licence applications in any industry.
* Any past or present administrative or legal actions in relation to an authorisation, authority or licence in any industry.
* Any situation where [INSERT FULL LEGAL NAME OF APPLICANT] or an associate of [INSERT FULL LEGAL NAME OF APPLICANT], has previously triggered the RoLR provisions of the Retail Law or equivalent state/territory/foreign legislation , or have transferred or surrendered an authorisation or licence in circumstances where if not done, triggering a RoLR event would have been likely.

[Declaration must be signed and dated]

**Criteria 2**

I, [INSERT FULL NAME] of [INSERT ADDRESS], being [POSITION] of [INSERT FULL LEGAL NAME OF APPLICANT], declare that [INSERT FULL LEGAL NAME OF APPLICANT]’s current director/s (or shadow / de facto director/s), and any other person that exerts control over [INSERT FULL LEGAL NAME OF APPLICANT]’s business activities, the person/s with effective control of the business [REMOVE IF THE BUSINESS IS NOT UNINCORPORATED] and all persons who are responsible for significant operating decisions for [INSERT FULL LEGAL NAME OF APPLICANT] have not committed or been the subject of any offence or successful prosecution under any territory, state, Commonwealth or foreign legislation (including, but not limited to, the *Australian Securities and Investments Commission Act 2001* (Cth), *Competition and Consumer Act 2010* (Cth) and the *Corporations Act 2001* (Cth), relevant to [INSERT FULL LEGAL NAME OF APPLICANT]’s capacity as an energy retailer.

[Declaration must be signed and dated]

**Criteria 4**

I, [INSERT FULL NAME] of [INSERT ADDRESS], being Chief Financial Officer/Chief Executive Officer [REMOVE OPTION WHICH IS NOT RELEVANT] of [INSERT FULL LEGAL NAME OF APPLICANT], declare that:

* No member of [INSERT FULL LEGAL NAME OF APPLICANT]’s management team has been disqualified from the management of corporations;
* There is no record of bankruptcy, including in any overseas jurisdiction, of any member of [INSERT FULL LEGAL NAME OF APPLICANT]’s management team.

[Declaration must be signed and dated]