

# ACTIVE INVESTOR PLUS VISA

## ACCEPTABLE MANAGED FUND APPLICATION FORM



This is an application form for Managed Funds to be assessed by New Zealand Trade and Enterprise (“NZTE”) against the Managed Funds eligibility criteria set out in Appendix 15 of the Active Investor Plus (“AIP”) Visa Immigration New Zealand Instructions (“Immigration Instructions”). Before submitting your application, please make sure you have reviewed the guidance notes to the criteria ([found on this page](#)) as it contains important information required to complete this application form.

NZTE and the Advisory Panel will consider all responses provided with respect to the Objective and Principles of the Active Investor Plus visa.

Any capitalised terms used in this application form have the meaning given to those terms in Appendix 15 of the Immigration Instructions unless otherwise defined in this application form. Any references to “we” or “us” in this application are to NZTE and references to “you” or “your” in this application are to the applicant.

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### Section one: About your organisation (i.e. the fund manager or DIMS licensee)

1. Legal name of your organisation:

2. Name of organisation (trading name):

3. Link to the organisation's details on the [Companies Office website](#):

4. Registration number (e.g. NZBN):

5. Physical address of the head office:

Postal address (if different):

6. Please provide details of the person we can contact if we require more information. This person will receive all communications from New Zealand Trade and Enterprise in relation to this application:

Name:

Position title:

Relationship to the organisation:

Email:

7. Is your application in relation to a Managed Investment Scheme or Discretionary Investment Management Service (select one)?

Managed Investment Scheme (as that term is defined in the Financial Markets Conducts Act 2013). If you tick this box, please go to **Section Two**.

Discretionary Investment Management Service (as that term is defined in the Financial Markets Conducts Act 2013). If you tick this box please go to **Section Three**.

### Section two: Managed Investment Scheme

1. Name of Managed Investment Scheme

2. a) Please confirm that the Managed Investment Scheme listed in your response at question 1 of this section two (tick box to confirm):

is managed by a retail fund manager and/or general partner that is appropriately registered.

is managed by a wholesale only fund manager and/or general partner that is appropriately registered.

b) Please provide the name of the fund manager and/or general partner and their registration details as certified in 2.2(a) above (i.e. FSP Number):

**Note:** A wholesale only fund manager must provide a FSP registration and a retail fund manager must evidence both FSP registration and Financial Markets Authority licensing.

c) Please confirm that the fund manager (check each box to confirm):

is incorporated in New Zealand.

has its head office in New Zealand.

has its centre of management in New Zealand.

has control, by company directors, exercised in New Zealand.

is registered on the New Zealand Financial Services Providers Register.

is licensed by the Financial Markets Authority (if required).

*We recommend that you review paragraphs 299 – 341 of Inland Revenue's most recent [guidance on tax residency](#) for companies before you certify that you meet the definition of being a New Zealand Resident Entity. If you are unsure of whether you will meet each definition, we recommend that you seek advice from a tax advisor.*

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**d) Please provide evidence of incorporation in New Zealand from the New Zealand Companies Office by including a link to the Companies Office website or referencing the name of the document provided with your application here:**

General Partner registration:

Limited Partnership registration:

Other:

**e) Provide the full legal names and addresses of the current directors of the fund manager:**

Full legal name	Any other known names	Residential address

**3. Please provide the following for the Managed Investment Scheme listed in your response at question 1:**

Opening date:

Closing date (if applicable):

**4. Please confirm that the Managed Investment Scheme listed in your response at question 1 (tick box to confirm):**

holds funds on participants behalf in New Zealand and in New Zealand dollars.

**5. Please confirm that the Managed Investment Scheme listed in your response at question 1 (tick box to confirm):**

does not invest in Financial Products as that term is defined in the Financial Markets Conducts Act 2013 that are quoted on any securities exchange or stock exchange.

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**6. Please confirm that the Managed Investment Scheme listed in your response at question 1 (tick box to confirm):**

invests wholly or substantially in entities with a New Zealand Connection.

**Note:** For the purposes of this application form:

*“New Zealand Connection” has the meaning given to that term in the Policy Statement on the Venture Capital Fund Act 2019, published by the Ministry of Business, Innovation & Employment and the Treasury and dated December 2019, amended to replace “New Zealand venture capital industry” on page 6 with “New Zealand economy generally” and to replace “New Zealand Venture Capital Market” in the third bullet point of the definition of “New Zealand Connection” on page 7 with “New Zealand economy generally.*

*“substantially invested in entities with a New Zealand Connection” means where a minimum of 70% of the initial Net Committed Capital made available to the Managed Investment Scheme is allocated for investment in entities with a New Zealand Connection.*

*“Net Committed Capital” means the total funds committed to the Managed Investment Scheme, minus the anticipated fees, obligations, expenses and liabilities to be incurred by the relevant Managed Investment Scheme.*

## Section three: Discretionary Investment Management Service

1. Name of Discretionary Investment Management Service:

2. a) Please confirm that the Discretionary Investment Management Service listed in your response at question 1 of this section three (tick each box to confirm):

is a retail service provided by a DIMS licensee (as that term is defined in the Financial Markets Conducts Act 2013).

is a wholesale only service and is exempt from licensing (per section s389(3) of the Financial Markets Conducts Act 2013).

b) Please provide the name of the DIMS licensee and their registration details (i.e. FSP Number):

c) Please confirm that the DIMS licensee (tick each box to confirm):

is incorporated in New Zealand.

has its head office in New Zealand.

has its centre of management in New Zealand.

has control, by company directors, exercised in New Zealand.

is registered on the New Zealand Financial Services Providers Register.

is licensed by the Financial Markets Authority (if required).

*We recommend that you review paragraphs 299 – 341 of Inland Revenue’s most recent [guidance on tax residency](#) for companies before you certify that you meet the definition of being a New Zealand Resident Entity. If you are unsure of whether you will meet each definition, we recommend that you seek advice from a tax advisor.*

d) Please provide evidence of incorporation in New Zealand from the New Zealand Companies Office by including a link to the Companies Office website or referencing the name of the document provided with your application here:

Companies registration:

Other:

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**e) Provide the full legal names and addresses of current directors of the DIMS licensee:**

Full legal name	Any other known names	Residential address

**3. Please provide the following for the Discretionary Investment Management Service listed in your response at question 1:**

Opening date:

Closing date (if applicable):

**4. Please confirm that the Discretionary Investment Management Service listed in your response at question 1 (tick box to confirm):**

holds funds on participants behalf in New Zealand and in New Zealand dollars.

**5. Please confirm that the investment authority of the Discretionary Investment Management Service listed in your response at question 1 (tick box to confirm):**

does not permit investment in Financial Products as that term is defined in the Financial Markets Conducts Act 2013) that are quoted on any securities exchange or stock exchange.

**6. Please confirm that the investment authority of the Discretionary Investment Management Service listed in your response at question 1 (tick box to confirm):**

requires investment wholly or substantially in entities with a New Zealand Connection.

**Note:** For the purposes of this application form:

- (a) "New Zealand Connection" has the meaning given to that term in the [Policy Statement on the Venture Capital Fund Act 2019, published by the Ministry of Business, Innovation & Employment and the Treasury and dated December 2019](#), amended to replace "New Zealand venture capital industry" on page 6 with "New Zealand economy generally" and to replace "New Zealand Venture Capital Market" in the third bullet point of the definition of "New Zealand Connection" on page 7 with "New Zealand economy generally."
- (b) "substantially invested in entities with a New Zealand Connection" means where a minimum of 70% of the initial Net Committed Capital made available to the DIMS is allocated for investment in entities with a New Zealand Connection.
- (c) "Net Committed Capital" means the total funds committed to the DIMS, minus the anticipated fees, obligations, expenses and liabilities to be incurred by the relevant DIMS Licensee.

## Section four: Investment principles and policies

1. **Please provide an overview of the Managed Investment Scheme or Discretionary Investment Management Service.**

**Note:** *At a minimum please provide a summary of the fund's background, proposed activities of the fund, status, target fund size and any other information that provides useful background to this application.*



**2. Please provide an overview of the investment thesis of the Managed Investment Scheme or Discretionary Investment Management Service.**

This should include detail of how it contributes to the Government's economic strategy of investing into high growth potential firms and/or contributes to positive social and economic impacts for New Zealand.

Please provide links to any files as required. This should include the following:

- High-level investment thesis of the fund
- Investment strategy
- The requirements for actual or potential growth of investee entities and/or their contribution to positive social and economic impacts for New Zealand
- Any regional, sector or thematic focuses
- Details of how the fund invests wholly or substantially in entities with a New Zealand connection

**3. Please provide an overview of the investment decision making process employed by the fund manager, general partner or DIMS licensee.**

This should include detail on the verification, diligence and reporting processes completed in relation to investee entities prior to and for the duration of investment:

**4. Please provide a summary of any social, environmental or governance (ESG) policies applicable to your organisation.**

This should include an explanation of how ESG is incorporated into investment decision-making processes to avoid prejudice to New Zealand's reputation and how ESG is monitored in investee entities on an ongoing basis.

## Section five: Regulatory

1. **Please disclose below any prior or pending civil or criminal allegations or convictions that may bring your organisation or the directors, senior management of your organisation into disrepute or that if disclosed could damage NZTE or the government's reputation by association.**

Examples may include breaches of legislation or regulations, regulatory investigations of you or your organisation by regulators such as the Serious Fraud Office or the Financial Markets Authority; or dishonesty, violence or drug offences committed by the directors or senior management of your organisation. Tick "NIL" if there is nothing to disclose.

NIL

Disclosure notes:

2. **Please confirm that (tick boxes to confirm):**

none of the directors or senior management of your organisation are persons prohibited from being a director or promoter of, or concerned in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993.

none of the directors or senior management of your organisation are subject to a management banning order under the Financial Markets Conduct Act 2013 or the Takeovers Act 1993, or subject to an order under section 108 of the Credit Contracts and Consumer Finance Act 2003.

**Or please provide details otherwise (if prior convictions or where penalty periods have lapsed):**

## Section six: Details for the Acceptable Managed Fund List if assessed as eligible

1. **Please provide a brief explanation (no more than 50 words) of the Managed Investment Scheme or Discretionary Investment Management Service to be published on the Acceptable Managed Funds List**

***Note:** Information provided here is to summarise your Managed Fund's strategy and thesis, and is not a promotional platform. All information must be true and correct to the best of your knowledge.*

2. **Please provide a link to the Managed Investment Scheme or Discretionary Investment Management Service on the Managed Fund's website:**

Note: If a link is not available, the Acceptable Managed Funds List will instead link to the Managed Fund's website.

### Section seven: Applicant declaration

#### By signing this application form:

- a) You declare that you have the authority to submit this application on behalf of the organisation identified in this form.
- b) You declare that the information given in this application, or supplied by you in support of your application, is true and correct to the best of your knowledge.
- c) You acknowledge that NZTE reserves the right to decline any application in accordance with Appendix 15 of the Immigration Instructions.
- d) To the maximum extent permitted by law, you indemnify NZTE (and its employees, agents and nominees) against any loss they suffer as a result of you providing incorrect or incomplete information.
- e) You understand that failure to comply with a reasonable request for information or documents from NZTE that is required to satisfy its obligations under anti-money laundering and countering the financing of terrorism laws in New Zealand, including the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (AML Laws) will result in your application being rejected.
- f) You acknowledge that in order to remain on the Acceptable Managed Fund List (should you be assessed as an acceptable investment), you must complete NZTE's annual re-certification and disclosure requirements [found here](#) and agree to do so as and when required by NZTE. Failure to do so could result in you being removed from the Acceptable Managed Fund List.
- g) You agree to comply with NZTE's mandatory disclosure requirements [found here](#) and promptly (and in any event within 10 business days) notify NZTE in writing if any information given or supplied in this application changes during the period in which you are listed on the Acceptable Managed Fund List (should you be assessed as an acceptable investment) such that you may no longer meet the eligibility criteria in Appendix 15 of the Immigration Instructions.
- h) You acknowledge that NZTE may suspend or remove you from the Acceptable Managed Fund List should you fail to complete the re-certification requirements, fail to comply with the mandatory disclosure requirements, or if at any time NZTE reasonably believes that you no longer meet the eligibility criteria in Appendix 15 of the Immigration Instructions.
- i) You confirm that you have read and agree to:
  - i. [NZTE's Terms of Use and Engagement](#) and confirm that you are authorised to legally bind the applicant to these terms.
  - ii. [NZTE's Privacy Policy](#) and acknowledge that any personal information provided in this application will be collected and used for the purposes of assessing your application. Information you provide to us may be disclosed to Immigration New Zealand for the purposes of administering the Active Investor Plus visa process in accordance with the [NZTE Privacy Policy](#). You also agree that while disclosure of personal information in this application form is voluntary, if you do not provide the information we ask for, we may not be able to accept your application.

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### Section seven: Applicant declaration

<b>Full name of the applicant (submitting this application on behalf of the Managed Fund):</b>	
<b>Position/designation in organisation:</b>	
<b>Signature:</b>	
<b>Date:</b>	