|  |  |
| --- | --- |
| ***Racing Act 2002* (Section 45)** |  |

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|  |  |
| --- | --- |
| **Form 3: Application for approval as a control body**  **for a code of racing** | PRIVATE AND CONFIDENTIAL |

**Who can apply for approval as a control body**

Section 45 of the *Racing Act 2002* (the Act) provides that an eligible corporation may apply to the Minister for approval as the control body for a proposed code of racing.

Schedule 1 of the Act defines an ‘eligible corporation’ as a corporation that-

1. is registered under the *Corporations Act*  (Corporations Act); and
2. has a constitution under the Corporations Act that, at all times, requires –

(i) at least three (3) directors; and

(ii) the persons appointed or employed as executive officers of the corporation to be eligible individuals; and

1. has not, at any time, had a licence cancelled under the Act or the *Racing Integrity Act 2016*.

An ‘eligible individual’ is defined in Schedule 1 of the Act as a person who-

1. is not affected by bankruptcy action; and
2. does not have a disqualifying conviction; and
3. is not subject to exclusion action; and
4. is not licensed by, or is not an executive officer of a corporation that is licensed by, the commission; and
5. is not a member of a committee, or employee, of-
	1. a licensed club; or
	2. an association formed in Australia to promote the interests of one (1) or more participants in a code of racing; and
6. is not disqualified from managing corporations, under the Corporations Act, part 2D.6; and
7. has not, at any time, had a licence cancelled under the Act or the *Racing Integrity Act 2016*.

Please refer to Schedule 1 of the Act for defined terms included in the definitions of ‘eligible corporation’ and ‘eligible individual.’

**Who may complete the application on behalf of the applicant**

The application must be fully completed by:

* 1. an executive officer of the approval applicant who has knowledge of the relevant facts and is authorised by the approval applicant to complete the application; or
	2. another person who has knowledge of the relevant facts and is authorised by the approval applicant to complete the application.

An ‘executive officer’ of a corporation is defined in Schedule 1 of the Act to mean a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director of the corporation or the person’s position is given the name of executive officer.

**Assessment of approval application**

Before the Minister makes a decision about an approval application, the chief executive will undertake various investigations and inquiries into the suitability of the approval applicant and each business associate and executive associate of the approval applicant under section 55 of the Act.

Unless otherwise specified, references in this form to the ‘chief executive’ are references to the chief executive (or delegate) of the Department of Education.

**Notice to require further information or documents**

Section 56 of the Act allows the chief executive to give the approval applicant notice to require the approval applicant to provide further information or documents to support the approval application as part of the chief executive’s investigations under section 55 of the Act.

**False or misleading information**

Under section 151 of the Act it is a criminal offence for a person to knowingly make a false statement –

1. in an application for a licence or approval application; or
2. in a document the person is required to keep, or to give to the Minister, the chief executive, a control body or another person, under the Act.

The maximum penalty for knowingly making a false statement under the Act is 200 penalty units or two (2) years imprisonment.

**Making the statutory declaration**

You can print this document and sign it on paper in person before any authorised witness.

You can only electronically sign the declaration if it is witnessed by a *special witness*.

You can only have this document witnessed over audio visual link (e.g. videoconference) if it is witnessed by a *special witness*.

A person may direct another person to sign the document for them (a *substitute signatory*) provided the witness observes the direction.

At the end of this form, you will find an explanatory guide about who can witness your declaration. In some cases, you may need a *special witness* to witness your declaration.

**Privacy Statement**

The Department of Education (the Department) is committed to protecting your personal information.

As part of the Queensland Government, the Department has responsibilities under the *Information Privacy Act 2009* (the Privacy Act) regarding the collection, use, storage and disclosure of your personal information. The Privacy Act and the *Right to Information Act 2009* also provide access and amendment rights for information held by the Department.

The Department is collecting the personal information you provide on this form for the purpose of assessing your applicationfor approval as a control body under the Act and will only be used for that purpose. This information will only be accessed by authorised employees of the Department. The Department will disclose your information in accordance with your consent provided to the Department in this form. Your information will not be disclosed to any other person or agency unless we have your consent or are required or authorised by law to do so.

**Instructions for completing this form**

1. Complete and sign the Declaration.
2. Complete and sign the Consent and authority for release of information.
3. Answer every question and type or print required information in BLOCK LETTERS.
4. If a question does not apply to the approval applicant, state ‘n/a’ in response.
5. If there is nothing to disclose in response to a particular question, state ‘nil’ in response.
6. If there is insufficient space to answer a question, please provide the additional information by attaching additional pages to the relevant page. When doing so, begin each answer with the title applicable to that question and print your name and sign your name in the bottom right corner of each additional page.
7. All dates should be completed in the format: DD / MM / YYYY
8. This form is to be completed in the English language. Any non-English documents required to be provided must have a certified English translation appended.
9. Documents or other information sought from authorities in Australia may not be applicable to a company which has been incorporated in another country or which originates from a company located overseas. In such cases the documents or equivalent information must be obtained from the relevant authority of that country.
10. Enclose the application fee. See Application fee below.
11. Attach to the form, all the information or documents listed in Part 1 Information to be attached.
12. Complete the checklist on page 29 of this form.

**Enquiries**

Enquiries can be directed to:

Director

Office of Racing

Department of Education

PO Box 15033

CITY EAST QLD 4002

Or

OfficeOfRacing@qed.qld.gov.au.

**Application fee**

Please refer to Schedule 2 of the Racing Regulation 2013 to confirm the current application fee for approval as a control body. Following receipt of an application, the Department of Education will issue an invoice for the prescribed fee.

**Statutory Declaration – *Oaths Act 1867***

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do solemnly and sincerely declare the following:

(a) I hold the position of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in (name of approval applicant) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a corporation that wishes to apply for a control body approval under the *Racing Act 2002* (the Act), and I am (tick applicable response):

[ ]  an executive officer (as defined in schedule 1 of the Act) of the approval applicant who has knowledge of the relevant facts; or

[ ]  another person (other than an executive officer) who has knowledge of the relevant facts; and

(b) I am duly authorised by the approval applicant to make this declaration and complete the approval application.

[ ]  All information contained in this approval application and all information accompanying this approval application is true and correct in every detail and fully discloses the information required to complete the approval application.

[ ]  I understand that a person who provides a false matter in this declaration commits an offence.

(c) I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

(d) I state that:

A. This declaration was made in the form of an electronic document. (Cross-out if not applicable)

B. This declaration was electronically signed. (Cross-out if not applicable)

C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*. (Include this if the document made over audio visual link. Cross-out if not applicable)

Signed at ................................................................(location)

On: / / (date (DD / MM / YYYY))

Signature of declarant: .....................................................................................................................................

|  |  |  |  |
| --- | --- | --- | --- |
| ***Use this panel if signature witnessed on paper in person – DELETE OR CROSS OUT IF NOT APPLICABLE***

|  |  |
| --- | --- |
| In the presence of:……………………………………………….…. [insert full name of witness]  | .………………..………….…………………. [signature of witness] ………..………………………….[date] |
| ***Use this panel if a substitute signatory signs – DELETE OR CROSS OUT IF NOT APPLICABLE*** |

 |
| **Signed for and at the direction of the signatory by**………………………………………………..…[insert full name of substitute signatory] | .……..……..…………………………………. [signature of substitute signatory]…………….………………………….[date] |
| ***Use this panel if special witness signs – DELETE OR CROSS OUT IF NOT APPLICABLE*** |

In the presence of:

|  |  |
| --- | --- |
| ……………………………………………….…. [insert full name of special witness] ……………………………………………….[insert type of special witness] [[1]](#endnote-1)Special witness under the *Oaths Act 1867*……………………………………………….[insert witness’s place of employment or name of law practice][[2]](#endnote-2) | .………………..………….…………………. [signature of witness] ………..…………………………. [date] |
| ***For Special WITNESS to complete - Tick as applicable*** |
| 🞏🞏🞏🞏 | This declaration was made in the form of an electronic document. This declaration was electronically signed by the signatory or substitute signatory.I electronically signed this document. (Tick this box if you electronically signed the document or if you physically signed the document and sent a scanned copy of that document to the declarant). I meet the requirements to be a **special witness** under the *Oaths Act 1867*.*(see section 12 of the Oaths Act 1867)* |
| 🞏 | This statutory declaration was made, signed and witnessed over audio-visual link under Part 6A of the *Oaths Act 1867.* |
| 🞏 | I understand the requirements for witnessing a document by audio visual link and have taken reasonable steps to comply with those requirements. |

**\*\* IMPORTANT NOTE \*\***

**PLEASE COMPLETE THE NEXT PAGE TITLED**

**“*HOW THIS DOCUMENT WAS MADE*”.**

**HOW THIS DOCUMENT WAS MADE**

***The signatory and the witness must complete this page by ticking the appropriate boxes below.***

|  |  |
| --- | --- |
| *The signatory or substitute signatory must complete this section* | **SIGNATORY / SUBSTITUTE SIGNATORY to complete** |
| **Who signed this declaration?** |
|  | the signatory |
|  | a substitute signatory |
| **How did the signatory/substitute signatory sign?** |
|  | on paper |
|  | electronically |
| **How was this declaration witnessed?** |
|  | in person |
|  | over audio visual link |

|  |  |
| --- | --- |
| *The witness must complete this section* | **WITNESS to complete** |
| **How did you (the witness) sign this document?** |
|  | on paper |
|  | electronically |
| **What document did you (the witness) sign?**  |
|  | The same physical (paper) document that was signed in the presence of the signatory/substitute signatory |
|  | A copy of the document that was signed by the signatory/substitute signatory (e.g. a scanned copy of a paper signed document, a photocopy or printout) |
|  | A counterpart of the document (a copy of the document without the signature of the signatory/substitute signatory) |
| **What form of document did you (the witness) sign?** |
|  | paper  |
|  | electronic (tick this if you electronically signed the document or if you physically signed a copy of the document signed by the signatory/substitute signatory and then sent a scanned copy of that document to the signatory or other person) |
| **How was the substitute signatory directed to sign (if applicable)?** |
|  |  | in person by the signatory |
|  | over audio visual link by the signatory |

**Consent and authority for release of information**

Name of approval applicant ………………………………………………………… of (address):

(Line 1): …………………………………………………………………………

(Line 2): …………………………………………………………………………

(City/Town – State - Postcode): …………………………………………………….

1. acknowledges that the *Racing Act 2002* (the Act) authorises the chief executive to conduct investigations about the approval applicant for the purpose of assessing the approval applicant’s suitability as a control body;
2. authorises the chief executive and any person authorised by the chief executive, including any officer of the Department or Queensland Racing Integrity Commission (‘authorised person’), to conduct investigations in any jurisdiction, which may be relevant to assessing the approval applicant’s suitability as a control body;
3. authorises an officer of the Australian Taxation Office**,** the manager or other principal officer of any branch or office of a bank or financial institution in any jurisdiction to whom a copy of this consent and authority is presented to allow the chief executive or any authorised person to inspect and obtain copies of, or to release to the chief executive or any authorised person, any record, document or other information of any kind in written, electronic or any other form, which relates to or is relevant to the approval applicant and is held by the Australian Taxation Office, bank or financial institution;
4. authorises any officer of any police service, law enforcement agency or regulatory body in any jurisdiction to whom a copy of this consent and authority is presented to release to the chief executive or any authorised person any information or official record of any kind in written, electronic or any other form, which relates to the approval applicant and is held by the police service, law enforcement agency or regulatory body, including any information relating to the criminal history of the approval applicant;

Note:

* Law enforcement agency includes but is not limited to state, federal and overseas agencies such as police services, crime authorities, crime commissions, commissions against corruption, securities and investment commissions, customs services, taxation offices, competition and consumer commissions and gaming authorities.
1. agrees to obtain a consent signed by each person the chief executive considers is a business associate or executive associate of the approval applicant (associate) which is required to be obtained but whose consent does not accompany this control body approval application for the following:
	1. the collection of personal information about the associate by or for the chief executive;
	2. the collection of background information by or for the chief executive;
	3. the collection of information relating to the associate’s character or business reputation;
	4. the collection of information relating to the associate's current financial position and financial background; and
	5. a criminal history check.
2. undertakes that it will at all times indemnify any person authorised by this form to supply and disclose information, including the chief executive, any authorised person and any person referred to in items 3 and 4 above, against any liability that may arise from, and any actions, suits, proceedings, claims or demands made in connection with or as a consequence of, the supply or disclosure of the information.

Signed on behalf of ....................................................................................

by ......................................................................., being duly authorised,

this date (DD / MM / YYYY):……..………………..

Signature:.............................................................................................................

in the presence of ............................................................................................................., being a person aged 18 years or older.

Signature of witness ....................................................................................................................

**Part 1 Information to be attached**

The following information or documents must be **attached** to this form:

1. A brief history of the approval applicant.

This must include details of the original purpose and business of the approval applicant, the names of the founders and what funds were initially injected and by whom.

1. A statement of the approval applicant’s records prepared and signed by a certified practising accountant (CPA) or a qualified company auditor.

This statement must:

* 1. certify that the approval applicant’s records are up to date and, where applicable, in agreement with Australian Securities and Investments Commission (ASIC) records (or equivalent). The approval applicant’s records include such records as share registers, the approval applicant’s constitution or equivalent, register of directors, secretaries and managers, minutes of company meetings, financial reports and annual returns.
	2. identify tax returns due to be lodged for assessment and outstanding.
1. A flow chart supported by written text explaining the corporate structure in which the approval applicant exists. (Details must include the shareholding, the principal business and the names and addresses of the directors of each company within the corporate structure.)
2. A list of corporations in which any company identified in the corporate structure flow chart holds, or is able to exert influence over, greater than 15 per cent of the issued share capital.

(If none, advise accordingly.)

1. A description of the largest 20 shareholders of the approval applicant.

(Details should show the full name of each shareholder and the relevant number and percentage of shares held.)

1. A copy of the current constitution or equivalent of the approval applicant under the Corporations Act and a copy of the trust deed, if the approval applicant is a trustee of any trust.
2. A copy of the Certificate of Incorporation and each Certificate of Change of Name of Corporation.
3. A copyof the minute that provides the authority for the executive officer or other person to complete the approval application on behalf of the approval applicant.
4. An historical organisational extract from the Australian Securities and Investments Commission (ASIC) which identifies both current and historical information about the approval applicant. The historical organisational extract must have been issued within three months of the date of lodgement of this form.
5. A copy of the financial statements for the approval applicant and any holding or subsidiary company of the approval applicant, and the ultimate holding company and subsidiaries of the ultimate holding company, for each of the past five years. Copies of audited accounts should be provided if applicable.
6. A copy of the annual reports of the approval applicant and the ultimate holding company, for each of the last five years, if applicable.

(If not applicable provide reasons.)

1. A copy of the approval applicant’s chart of accounts.
2. Documentation in relation to each executive officer of the approval applicant to evidence that each of its executive officers has skills or experience in one or more of the following areas: the application code; accounting; animal welfare; business; commercial and marketing development; law.
3. A form providing consent and authority for information to be collected signed by each person who the approval applicant considers is a business associate or an executive associate of the approval applicant (form 5).
4. The approval applicant’s plans for managing the application code and a timetable for implementing all the plans as required by section 46(1)(f) of the *Racing Act 2002*, including the approval applicant’s proposals for policies and procedures required by section 46(2) and (3) and (4) of the Act and section 2A of the *Racing Regulation 2013*.
5. Written agreement to pay an amount that is the cost of any mediation under section 52 of the Act (Form 4).

**Part 2 Approval applicant’s details**

Information to be provided in writing.

1. Full name of corporation as currently incorporated

…………………………………………………………………………………

1. List all former names of the corporation

…………………………………………………………………………………

…………………………………………………………………………………

…………………………………………………………………………………

1. Registered office

(Line 1): …………………………………………………………………………

(Line 2): …………………………………………………………………………

(City/Town – State - Postcode): …………………………………………………….

1. Address of principal place of business

(Line 1): …………………………………………………………………………

(Line 2): …………………………………………………………………………

(City/Town – State - Postcode): …………………………………………………….

1. Years at this address: …………… years.
2. Postal address

(Line 1): …………………………………………………………………………

(Line 2): …………………………………………………………………………

(City/Town – State - Postcode): …………………………………………………….

1. Contact details

Telephone: Business ……………………………

After hours ……………………………

Mobile ……………………………….

Facsimile: ……………………………………………..

Email: ………………………………………………….

1. Preferred contact person ……………………………………. and position title …………………………………
2. Date of incorporation (DD / MM / YYYY): …………………………
3. Place of incorporation ………………………………………..
4. Australian company number (ACN or equivalent – please specify)

ACN: ………………………………………………….

ABN: ………………………………………………….

Paid up capital: $ ……………………………………

1. Name of the ultimate holding entity of the corporation: ………………………………………………….
2. List the following details for each current director, company secretary and any other officeholder (including members of the management board, supervisory board or any other body, by whatever name called) as well as the chief executive officer (attach additional pages if required):

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth:  | Date of birth:  |

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth:  | Date of birth:  |

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth:  | Date of birth:  |

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth: | Date of birth:  |

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth:  | Date of birth:  |

|  |
| --- |
| Name:  |
| Position:  |
| Residential Address:  |
| Place of birth:  | Date of birth:  |

1. List the following details for each director, company secretary and other officeholder (including members of the management board, supervisory board or any other body, by whatever name called) who has ceased to hold office during the past five years (attach additional pages if required):

|  |
| --- |
| Name:  |
| Position last held: |
| Last known residential address:  |
| Date of cessation:  |

|  |
| --- |
| Name:  |
| Position last held; |
| Last known residential address:  |
| Date of cessation:  |

|  |
| --- |
| Name:  |
| Position last held: |
| Last known residential address:  |
| Date of cessation:  |

|  |
| --- |
| Name:  |
| Position last held:  |
| Last known residential address:  |
| Date of cessation:  |

|  |
| --- |
| Name:  |
| Position last held:  |
| Last known residential address:  |
| Date of cessation:  |

1. Apart from those identified in questions 12 and 13 above and the 20 largest shareholders (as advised by attachment—see Part 1, item E), does any person or organisation either directly or indirectly have a controlling interest or significant influence in the approval applicant? (This may include but is not limited to a finance provider).

[ ]  No

[ ]  Yes - if yes please provide details:

1. Section 47(c) of the Act requires an approval application to include evidence establishing that each of its executive officers has skills and experience in one or more of the following areas:
2. the proposed code of racing stated in this approval application (the application code ;
3. accounting;
4. animal welfare;
5. business;
6. commercial and marketing development;
7. law.

Please attach evidence to the approval application, detailing the relevant skills and experience for each of the approval applicant’s executive officers, in relation to the above areas.

1. Does the approval applicant have any other corporation, or person, acting on its behalf in Australia or overseas?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

List all business names, trading names and trademarks under which the approval applicant, or any holding or subsidiary company of the approval applicant, or the ultimate holding company and subsidiaries of the ultimate holding company operate.

|  |
| --- |
| Business names: |
| Trading names: |
| Trademarks: |

1. Is the approval applicant a trustee of any trust?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. Is the approval applicant or the ultimate holding entity of the approval applicant listed on the Australian Stock Exchange (or overseas equivalent)?

[ ]  No

[ ]  Yes

If yes, has the listed corporation ever been fined, suspended or reprimanded for breaches of the Australian Stock Exchange (or overseas equivalent) listing rules?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. List the following details for each company auditor and external accountant engaged for the approval applicant or any holding or subsidiary company of the approval applicant, or the ultimate holding company or any subsidiary company of the ultimate holding company over the past five years (attach additional pages if required):

Firm/company (1): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

Firm/company (2): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

Firm/company (3): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

Firm/company (4): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

1. To your knowledge while engaged by the approval applicant, did such auditors or external accountants become subject to investigation for any reason?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. List the following details of any legal advisers, solicitors and/or legal consultants engaged by the approval applicant over the past five years (attach additional pages if required):

Firm/company (1): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

Firm/company (2): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

Firm/company (3): …………………………………………………………………………………

Address: …………………………………………………………………………………

Period of engagement: …………………………………………………………………………………

1. Commencing with the current state and country, and working backwards, list all the states and countries in which the approval applicant has conducted business over the past 20 years (attach additional pages if needed):

| **State and country** | **Dates business conducted** |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**Part 3 Arrests, detentions and litigation**

In accordance with the definition of ‘disqualifying conviction’ and ‘spent conviction’ contained in schedule 1 of the *Racing Act 2002*, sections 5 and 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld)* do not apply when disclosing in this application a conviction for an offence under the repealed *Racing and Betting Act 1980*, the *Racing Act 2002* or a law of another state prescribed by the *Racing Regulation 2013* as a law about racing or betting. However, you may be entitled to claim a right of non-disclosure of matters arising under federal law or laws in jurisdictions other than Queensland.

Notes:

* Law enforcement agency includes but is not limited to state, federal and overseas agencies such as police services, crime authorities, crime commissions, commissions against corruption, securities and investment commissions, customs services, taxation offices, competition and consumer commissions and gaming authorities.
* If you are seeking entitlement to non-disclosure and will not be answering the above questions please circle the relevant box(es). An attachment setting out the reasons for non-disclosure including copies of the relevant legislation should accompany this form.
1. Has the approval applicant, or any holding or subsidiary company, in Australia or elsewhere:
2. Been convicted of an offence? [ ]  Yes [ ]  No
3. Been investigated by a law enforcement agency? [ ]  Yes [ ]  No
4. Been summoned before a court to answer any offence? [ ]  Yes [ ]  No

If yes, please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. The following questions are about each executive officer of the approval applicant. Schedule 1 of the Act provides definitions for terms used in these questions:
2. Is any executive officer affected by bankruptcy action? [ ]  Yes [ ]  No
3. Does any executive officer have a disqualifying conviction? [ ]  Yes [ ]  No
4. Is any executive officer subject to an exclusion action? [ ]  Yes [ ]  No
5. Has any executive officer been disqualified from managing

corporations under the Corporations Act, part 2D.6? [ ]  Yes [ ]  No

1. Has any executive officer, at any time, had a licence

cancelled under the Act, or the *Racing Integrity Act 2016*? [ ]  Yes [ ]  No

1. Has any executive officer been investigated by a

law enforcement agency? [ ]  Yes [ ]  No

1. Has any executive officer been charged by a

law enforcement agency? [ ]  Yes [ ]  No

1. Has any executive officer been summoned before a court to

answer any offence whatsoever? [ ]  Yes [ ]  No

1. Has any executive officer had any charge proven without the

recording of a conviction? [ ]  Yes [ ]  No

1. Has any executive officer had civil proceedings instituted

against them? [ ]  Yes [ ]  No

If yes, please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. Has the approval applicant or any holding or subsidiary company of the approval applicant, or the ultimate holding company or any subsidiary company of the ultimate holding company, been the subject of any investigation by any government authority, i.e., by any state or commonwealth authority or department (or by any overseas equivalent)?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………….

1. Has the approval applicant or any holding or subsidiary company of the approval applicant, or the ultimate holding company or any subsidiary company of the ultimate holding company, had civil proceedings against it and is there any significant litigation currently in progress or pending?

[ ]  No

[ ]  Yes - if yes please provide details:

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1. Has the approval applicant or any holding or subsidiary company of the approval applicant, or the ultimate holding company or any subsidiary company of the ultimate holding company ever had:

(i) any licence issued under the Act or the *Racing Integrity Act 2016* cancelled? or

(ii) any licence, certificate or authority issued by a government agency in Australia or elsewhere relating to the conduct of gaming or any other business terminated, denied, suspended or revoked?

[ ]  No

[ ]  Yes - if yes please provide details:

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**Part 4 Financial**

1. List the following details of any persons, corporations or institutions from which the approval applicant has current loans or has obtained funds on loan during the past five years (attach additional pages if required):

Name of lender (1): …………………………………………………………………………………

Amount borrowed: …………………………………………………………………………………

Purpose of loan: …………………………………………………………………………………

Date of commencement: …………………………………………………………………………………

Expected repayment date: …………………………………………………………………………………

Secured or unsecured: …………………………………………………………………………………

Name of lender (2): …………………………………………………………………………………

Amount borrowed: …………………………………………………………………………………

Purpose of loan: …………………………………………………………………………………

Date of commencement: …………………………………………………………………………………

Expected repayment date: …………………………………………………………………………………

Secured or unsecured: …………………………………………………………………………………

Name of lender (3): …………………………………………………………………………………

Amount borrowed: …………………………………………………………………………………

Purpose of loan: …………………………………………………………………………………

Date of commencement: …………………………………………………………………………………

Expected repayment date: …………………………………………………………………………………

Secured or unsecured: …………………………………………………………………………………

1. Is there a relationship, other than creditor or debtor in respect of the loan, between the approval applicant and any lender named in Part 4 question 1 above?

[ ]  No

[ ]  Yes - if yes please provide details:

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1. Has there been any material change to the financial situation of the approval applicant, or any holding or subsidiary company of the approval applicant, or the ultimate holding company or any subsidiary company of the ultimate holding company since the last accounts for the approval applicant were made up, which could impact upon the approval applicant’s operations?

[ ]  No

[ ]  Yes - if yes please provide details:

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1. List the following details of all bank accounts operated by the approval applicant:

Account name (1): …………………………………………………………………………………

Purpose of account/loan: …………………………………………………………………………………

Bank branch and country: …………………………………………………………………………………

Account number: …………………………………………………………………………………

Account name (2): …………………………………………………………………………………

Purpose of account/loan: …………………………………………………………………………………

Bank branch and country: …………………………………………………………………………………

Account number: …………………………………………………………………………………

Account name (3): …………………………………………………………………………………

Purpose of account/loan: …………………………………………………………………………………

Bank branch and country: …………………………………………………………………………………

Account number: …………………………………………………………………………………

Account name (4): …………………………………………………………………………………

Purpose of account/loan: …………………………………………………………………………………

Bank branch and country: …………………………………………………………………………………

Account number: …………………………………………………………………………………

1. List the following details for each investment which currently represents greater than five percent of the approval applicant’s total assets:

| **Description of investment** | **Percentage of total assets** |
| --- | --- |
|  |  |
|  |  |
|  |  |
|  |  |

1. Has the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company:
	1. been placed into liquidation, receivership, scheme of arrangement or under other formal insolvency administration?
	2. had an agent for the mortgagee appointed?
	3. had an investigation into the affairs of the company authorised under the Australian Securities and Investment Commission, its predecessors or equivalent overseas body?

[ ]  No

[ ]  Yes - if yes please complete the following:

Type of proceedings …………………………………………………………………………………

Commencement date …………………………………………………………………………………

Company name …………………………………………………………………………………

Name of trustee, administrator

liquidator or receiver/manager: …………………………………………………………………………

Telephone …………………………………………………………………………………

Details of circumstances leading to proceedings (including details of any pending arrangements) and a copy of the external administrators report should be attached if available.

1. Are there any outstanding claims or litigation which could adversely affect the financial viability of the approval applicant?

[ ]  No

[ ]  Yes - if yes please provide details:

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1. Is the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, up to date with taxation lodgements?

[ ]  No

[ ]  Yes

If no, please provide details:

…………………………………………………………………………………………………………………….

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1. Is the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, or a director of the approval applicant or one of these companies, being investigated by any taxation authority in any country?

[ ]  No

[ ]  Yes - if yes please provide details:

…………………………………………………………………………………………………………………….

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1. Has the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, or a director of the approval applicant or one of these companies, been investigated by any taxation authority in any country?

[ ]  No

[ ]  Yes - if yes please provide details:

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**Part 5 Involvement in racing and wagering**

1. Have any executive officers of the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, been associated with the ownership, administration or management of:
2. A licensed club under the *Racing Act 2002* or a race club, harness club or greyhound club under the repealed *Racing and Betting Act 1980* ?

[ ]  Yes [ ]  No

1. A race club in another state, territory or country?

[ ]  Yes [ ]  No

1. A racing association?

[ ]  Yes [ ]  No

1. An association formed for the purpose of promoting the interests of one or more participants in the racing industry in Queensland, or other states, territories of Australia or other countries?

[ ]  Yes [ ]  No

1. Another control body or a controlling body for a code of racing in another state, territory or country?

[ ]  Yes [ ]  No

1. Racing animals?

[ ]  Yes [ ]  No

1. Business of breeding racing animals?

[ ]  Yes [ ]  No

1. Syndicates or companies involved in racing or breeding animals?

[ ]  Yes [ ]  No

1. The provision of services to the racing industry, including but not limited to televising races and race events, construction of racing facilities, catering and maintenance of buildings or racecourses?

[ ]  Yes [ ]  No

1. A casino or keno or lottery operations?

[ ]  Yes [ ]  No

1. Race or sports wagering operations (including bookmaking)?

[ ]  Yes [ ]  No

1. A business conducting interactive gambling operations?

[ ]  Yes [ ]  No

1. A club, hotel or tavern?

[ ]  Yes [ ]  No

1. a) Is any executive officer of the approval applicant or any of its holding or subsidiary companies or its ultimate holding company or subsidiaries of the ultimate holding company, licensed by, the Queensland Racing Integrity Commission? or

b) is any executive officer of the approval applicant or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, an executive officer of a corporation that is licensed by, the Queensland Racing Integrity Commission?

[ ]  No

[ ]  Yes - if yes please provide details:

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1. Has the approval applicant, or any of its holding or subsidiary companies, or its ultimate holding company or subsidiaries of the ultimate holding company, been subject to a probity investigation by this or any other jurisdiction?

[ ]  No

[ ]  Yes - if yes please provide details:

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**Part 6 Influences and conflicts of interest**

The chief executive must be advised of any matter which could be seen as having a potential undue or improper influence on the conduct or outcome of a probity investigation or the consideration of an application for a control body approval. Disclosure must also be made of any person with a potential conflict of interest.

1. Are you aware of any executive officer, employee or shareholder of the approval applicant or any other person associated with the approval applicant who is, or who is the spouse or child or parent of:
2. A Member of the Legislative Assembly (Queensland)?

[ ]  Yes [ ]  No

1. A staff member of a Member of the Legislative Assembly (Queensland)?

[ ]  Yes [ ]  No

1. A councillor of a local government in Queensland?

[ ]  Yes [ ]  No

 If you answered ‘Yes’ to a), b) or c), please provide details:

…………………………………………………………………………………………………………………….

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1. Has the approval applicant, an executive officer, employee or shareholder of the approval applicant, or a person or another company acting on behalf of the approval applicant, been involved in any lobbying, meetings, discussions or negotiations with any government official in regard to this application or any other application for a control body approval?

[ ]  Yes [ ]  No

If yes, provide details of the official’s name, name of people acting on behalf of the approval applicant, and the date and nature of any lobbying, meeting, discussion or negotiations held.

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**Checklist**

Before submitting this form please complete the following checklist. If you are unable to complete the checklist you are advised that under section 56 of the Act, the chief executive may issue a notice requiring further information to be provided and the approval application will not be further considered until the requirement is complied with.

Please ensure you have:

[ ]  Read the Instructions for completion

[ ]  Answered all questions in writing

[ ]  Answered all questions completely

[ ]  Completed and signed the declaration and

[ ]  Completed and signed the consent and authority for release of information by an approval applicant.

Please ensure the following documentation is attached to this form:

[ ]  A brief history of the approval applicant

[ ]  A statement of the of the approval applicant’s records prepared and signed by a certified practising accountant (CPA) or a qualified company auditor, including the information requested in Part 1, item ‘B’

[ ]  A corporate structure flow chart with explanatory text

[ ]  A list of corporations in which any company identified in the corporate structure flow chart holds, or is able to exert influence over, greater than 15 per cent of the issued share capital. (If none, advise accordingly.)

[ ]  A description of the largest 20 shareholders of the approval applicant

[ ]  A copy of the approval applicant’s constitution under the Corporations Act or equivalent and a copy of the trust deed, if the approval applicant is a trustee of any trust.

[ ]  A copy of the Certificate of Incorporation and any Certificate of Change of Name

[ ]  Copies of the financial statements of the approval applicant and any holding or subsidiary company of the approval applicant, and the ultimate holding company and subsidiaries of the ultimate holding company, for each of the past five years

[ ]  Copies of the annual reports of the approval applicant and the ultimate holding company, for each of the past five years

[ ]  A copy of the approval applicant’s chart of accounts.

[ ]  A copyof the minute that provides the authority to appoint an authorised officer to act on behalf of the approval applicant and to complete this form.

☐ An historical organisational extract from the Australian Securities and Investments Commission (ASIC).

☐ Documentation in relation to each executive officer of the approval applicant to evidence that each of its executive officers has skills or experience in one or more of the following areas: the application code; accounting; animal welfare; business; commercial and marketing development; law.

[ ]  Consent and authority for information about persons to be obtained for the chief executive (**Form 5**)

[ ]  Plans and implementation timetable for nominated code/codes of racing

[ ]  Agreement to pay costs of mediation (**Form 4**)

**Lodgement**

Please lodge the completed form, any supporting documentation to the address below:

Director

Office for Racing

Department of Education

PO Box 15033

CITY EAST QLD 4002

Alternatively, the form and supporting documentation may be emailed to OfficeofRacing@qed.qld.gov.au.

This is a guide only and is intended to provide general information. Please delete once complete.

**WHO CAN WITNESS A STATUTORY DECLARATION**

**IN QUEENSLAND**

A statutory declaration under the *Oaths Act 1867* in Queensland must be signed in the presence of an eligible witness. Who can witness a statutory declaration depends on how the document is signed (whether on paper or electronically), and whether the witness is present in person or by audio visual link.

**Signing on paper in the physical presence of witness**

If the statutory declaration is to be signed on paper and in person, the witness can be:

* a justice of the peace (JP)
* a commissioner for declarations (Cdec)
* a notary public
* a lawyer
* a licensed conveyancer in another State or Territory
* any person who is authorised by law to administer an oath in another State or Territory
* another person prescribed by regulation.

**Signing electronically or witnessing over audio visual link**

If the statutory declaration is to be:

* signed electronically (whether witnessed in person or by audio visual link); or
* witnessed over audio visual link (whether signed on paper or electronically),

the witness must be a **special witness**.

A **special witness** is:

* an Australian legal practitioner (i.e. a lawyer with a current practising certificate)
* a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer
* an **approved** JP
* an **approved** Cdec
* if the document was prepared by a law practice – a JP or Cdec who is employed by the law practice and who witnesses documents in the course of that employment
* a notary public
* another person prescribed by regulation.

This is a guide only and is intended to provide general information. Please delete once complete.

**WHO CAN SIGN A STATUTORY DECLARATION AS A SUBSTITUTE SIGNATORY**

A substitute signatory is a person directed by the signatory to sign the statutory declaration on their behalf. The person who witnesses the statutory declaration must also observe the signatory giving the direction to the substitute signatory – this may occur in person or by audio visual link.

**Who can’t be a substitute signatory**

* The person who witnesses the statutory declaration
* A person excluded under any other law from signing the document as a substitute signatory

**Who can be a substitute signatory**

* Any adult (aged 18 years or over) with capacity can be a substitute signatory, except for those persons excluded above,
* However, if the signatory directs the substitute signatory over audio visual link to sign the document (i.e. they are not physically in each other’s presence when the direction is given), then the substitute signatory must be:
	+ any Australian legal practitioner
	+ a government legal officer who is an Australian lawyer and who witnesses documents in the course of the government work engaged in by the officer
	+ an employee of the Public Trustee of Queensland.

Note that whenever audio visual links are used to make a document (regardless of whether the witness or substitute signatory are present by audio visual link), the document must be witnessed by a **special witness** (refer above).

1. Insert the witness’ capacity that makes them eligible to witness the statutory declaration, including as a special witness under section 16C or part 6A of the *Oaths Act 1867*. For example, Australian legal practitioner, lawyer, justice of the peace, commissioner for declarations, notary public, a justice of the peace or commissioner for declarations approved by the Chief Executive under section 12(2) of the *Oaths Act 1867*, government legal officer, etc. [↑](#endnote-ref-1)
2. For example, the name of the place of employment or law practice for the Australian legal practitioner, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc. [↑](#endnote-ref-2)