

Private and confidential

Application for approval as a Control Body

(Section 10 Racing Act 2002)

Name of Approval Applicant

Application for approval as a Control Body

Section 10 of the *Racing Act 2002* (the Act) provides that a corporation may apply to the Minister responsible for Racing for approval as the control body for a code of racing or a proposed code of racing.

Section 8 of the Act provides that an eligible corporation is a corporation that is registered under the *Corporations Act 2001* and has a constitution that, at all times, requires at least 3 directors and the persons appointed or employed as executive officers of the corporation to be eligible individuals.

An eligible individual is defined in section 9 of the Act as an individual who:

- (a) is not affected by bankruptcy action;
- (b) does not have a disqualifying conviction;
- (c) is not subject to exclusion action under a control body's rules of racing;
- (d) is not licensed by, or is not an executive officer of a corporation that is licensed to be a control body;
- (e) is not a member of a committee, or employee, of
 - (i) a licensed club; or
 - (ii) an association formed to promote the interests of 1 or more participants in a code of racing, whether or not formed under the Act; and
- (f) is not disqualified from managing corporations, under the *Corporations Act 2001*, part 2D.6.

Before the Minister makes a decision in relation to the granting of an application for a control body approval, the Chief Executive and officers authorised by 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. Individuals will be required to agree to consent to their fingerprints being taken for the Chief Executive.

Section 313 of the Act provides that it is a criminal offence for a person to make a false statement in this form.

Instructions for completing this application form for a Control Body Approval

To assist in the timely consideration of this application, it is essential that the application be fully completed, paying particular attention to the following directions:

1. The application must be completed by:
 - (a) an Executive Officer of the Approval Applicant who has knowledge of the relevant facts; or
 - (b) another person who has knowledge of the relevant facts and is authorised by the Approval Applicant to complete this form.

(The authorisation to complete this application must be minuted).
2. Type or print in BLOCK LETTERS an answer to every question.
3. If a question does not apply to the Approval Applicant state “N/A” in response to that question.
4. If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
5. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an attachment page. When required to use an attachment page precede each answer thereon with the title applicable to that question and PRINT your name and sign your name in the bottom right corner of each page.
6. All dates should be completed in the format: DD/MM/YYYY.
7. Each page of this form and each attached page should be signed in the space provided by the person completing the form.
8. This form is to be completed in the English language. Any non-English documents required to be provided are to 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 should be obtained from the relevant authority of that country.
10. Please enclose the application fee prescribed under the *Racing Regulation 2003* with the application.
11. Any further inquiries should be directed to the Queensland Office of Racing Regulation, telephone + 61 7 3234 1400.

Important

Warning about false or misleading information or incomplete disclosure

Approval Applicants and other persons completing this form should be aware that section 313 of the *Racing Act 2002* provides that it is a criminal offence for a person to make a false statement in this form.

Persons who submit false or misleading information may be prosecuted.

Where a Control Body Approval is issued and it is subsequently found that full disclosures had not been made in relation to the Approval Applicant or business or executive associates or that false or misleading information had been provided, the Control Body may be required to show cause why action should not be taken. That action would determine whether the Control Body approval should be cancelled or suspended.

Privacy Statement

Queensland Treasury is collecting information, including personal information, on this form as required by the *Racing Act 2002* to process your application for approval as a control body. In accordance with the Act, some personal information may be passed on to the following agencies to assist with personal and criminal history searches:

- Queensland Police Service
- Police Departments in other States and Territories
- Crime and Misconduct Commission
- Australian Securities and Investments Commission (ASIC)
- a control body under the *Racing Act 2002* or a control body for a code of racing in another State or Territory

In addition, the Department may provide some of this information to the Australian Taxation Office and/or a relevant bank or financial institution to assist those organisations in providing information to the Department. In other circumstances, information on this form will not be disclosed without your authority unless authorised or required by law.

Certificate

I, hereby declare as follows:

(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*, and am authorised to complete this form **(authority to complete should be minuted and a copy of the relevant minute provided)**.

(b) I certify that the particulars contained herein are true and correct in every detail and fully disclose the information required to complete this form.

Signed at this day of 20

(Signature)

in the presence of

(Signature of Witness)

A Justice of the Peace/Legal Practitioner

Full Name of Witness

Address

Telephone ()

Acknowledgement and undertaking

The Approval Applicant undertakes to supply the following information if requested to do so:

- (a) copies of income tax returns and tax assessments;
- (b) copies of relevant minutes of shareholder and director meetings;
- (c) explanations relevant to the published financial statements; and
- (d) copies of the corporation's shareholder register.

The Approval Applicant also acknowledges that it is a condition precedent to the consideration of an application for a control body approval that each of the Approval Applicant's executive officers and business and executive associates have consented to having their fingerprints taken for the Chief Executive. Definitions for "executive officer", "business associate" and "executive associate" are contained in Schedule 3 of the *Racing Act 2002*

Acknowledgement and authority for release of information by an Approval Applicant

(Name of Approval Applicant)

of

(Address)

herein referred to as the Approval Applicant:

1. acknowledges that the *Racing Act 2002* (the Act) authorises the Chief Executive to cause to be made investigations about the Approval Applicant for the purposes of determining the Approval Applicant's suitability for the purposes of the Act;
2. authorises the Chief Executive and any person authorised to conduct any investigations or enquiries on behalf of the Chief Executive for the purposes of the Act, including any officer of the Queensland Office of Racing Regulation ("Authorised Person"), to obtain any information and make any investigations or enquiries in any jurisdiction which relate to the Approval Applicant and may be relevant to any of the purposes of the Act.
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 Authority is presented to allow any Authorised Person to inspect and obtain copies of, or to release to 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 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, agency or body, including any information relating to the criminal history of the Approval Applicant; and
5. agrees to obtain a consent signed by each person the Chief Executive considers is a business associate or executive associate of the Approval Applicant which is required to be obtained but whose consent does not accompany this Control Body Approval Application for the following:
 - (a) if the associate is an individual — the individual’s fingerprints being taken for the Chief Executive;
 - (b) for information about the associate to be obtained for the Chief Executive; and
 - (c) for the associate’s background to be investigated for the Chief Executive.

The Approval Applicant undertakes that it will at all times sufficiently indemnify those officers referred to in 3 and 4 above and the Authorised Person and keep those officers referred to in 3 and 4 above and the Authorised Person indemnified against all liability in respect of the supply or disclosure in accordance with the Act, of the information, and against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken against those officers referred to in 3 and 4 above and the Authorised Person or incurred or become payable by those officers referred to in 3 and 4 above or the Authorised Person in respect thereof.

Signed on behalf of

by being duly authorised

this day of 20

(Signature)

in the presence of

(Signature of Witness)

A Justice of the Peace/Legal Practitioner

(Full Name of Witness)

Part One – Control Body Approval Applicant’s details

Information to be provided by way of attachments

The following attachments must accompany this form:

- A. A brief history of the Approval Applicant. *(This should include details of the original purpose and business of the corporation, the names of the founders and what funds were initially injected and by whom).*
- B. A “Statement of the Corporation’s Records” to be prepared and signed by a Certified Practising Accountant (CPA) or a qualified company auditor.
(This Statement should:
 - (i) Certify that the corporation’s records are up to date and, where applicable, in agreement with Australian Securities and Investments Commission (ASIC) records (or equivalent). The Corporation’s records include such records as share registers, the corporation’s constitution or equivalent, register of directors, secretaries and managers, minutes of company meetings, financial reports and annual returns; and*
 - (ii) Identify tax returns due to be lodged for assessment and outstanding).*
- C. A flow chart supported by written text explaining the corporate structure in which the Approval Applicant exists.
(Details should include the shareholding, the principal business and the names and addresses of the directors of each company within the corporate structure).
- D. A list of corporations in which any company identified in the corporate structure flow chart holds greater, or is able to exert influence over, greater than 15% of the issued share capital.
(If none, advise accordingly).
- E. 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).
- F. A copy of the current constitution or equivalent of the Approval Applicant.
- G. A copy of the Certificate of Incorporation and each Certificate of Change of Name of Corporation.
- H. A copy of the financial statements for the Approval Applicant and any holding company, for each of the last five years. Copies of audited accounts should be provided if applicable.
- I. A copy of the annual reports of the Approval Applicant for each of the last five years, if applicable.
(If not applicable provide reasons).

- J. A copy of the Approval Applicant's Chart of Accounts.
- K. A 'Consent and authority for information about associate to be obtained for Chief Executive form' (Form 5) signed by each person who the Approval Applicant considers is a business associate or an executive associate of the Approval Applicant.
- L. The Approval Applicant's plans for developing, operating and managing the application code and a timetable for implementing the plans as required by section 11(1)(f), including proposals for policies required by section 11(2), (3) and (4) of the *Racing Act 2002* (the Act).
- M. Written agreement to pay an amount that is the cost of any mediation under section 17 of the Act, divided equally among the number of approval applicants who are given a notice about the mediation under section 17 of the Act (Form 4).

Signature:

Part Two

Information to be provided in writing.

A. Approval Applicant details

(1.) Full name of corporation as currently incorporated

(2.) Other names the corporation has been known by

(3.) Registered Office

(4.) Address of principal place of business

() (Years at this address)

(5.) Postal address

(6.) Telephones: Business

After Hours

Mobile

Facsimile

Email

(7.) Preferred contact person

(8.) Date of incorporation

(9.) Place of incorporation

(10.) #Australian Company Number (ACN or equivalent - please specify)

ABN

(11.) Paid up capital

(12.) Name of the ultimate holding entity of the corporation

Signature:

(13.) 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:

Name	Position	Residential address	Place and date of birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

List the following details for each director, company secretary and other officeholder who has ceased to hold office during the last five years:

Name	Last known residential address	Date of cessation
_____	_____	_____
_____	_____	_____
_____	_____	_____

(14.) Apart from those identified in Questions 12 and 13 above and the 20 largest shareholders (as advised by attachment – see Part One, 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). YES NO

If yes, please provide details

(15.) Does the Approval Applicant have any other corporation, or person, acting on its behalf in Australia or overseas? YES NO

If yes, please provide details

Signature:

(16.) List all trading names and trade marks under which the Approval Applicant, its holding company and subsidiaries of the holding company operate.

(17.) Is the Approval Applicant a trustee of any trust? YES NO

If yes, please provide details

(18.) Is the Approval Applicant or the ultimate holding entity of the Approval Applicant listed on the Australian Stock Exchange (or overseas equivalent)? YES NO

If yes, has the listed corporation ever been fined, suspended or reprimanded for breaches of the Australian Stock Exchange (or overseas equivalent) listing rules? YES NO

If yes, please provide details

(19.) List the following details for each company auditor and external accountant engaged over the last five years:

Firm/Company	Address	Period of engagement

Signature:

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(20.) To your knowledge while engaged by the Approval Applicant, did such auditors or external accountants become subject to investigation for any reason? YES NO

If yes, please provide details

(21.) List the following details of any legal advisers, solicitors and/or consultants engaged by the Approval Applicant over the last five years:

Firm/Company	Address	Period and capacity of engagement
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
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(22.) 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 last 20 years:

State and Country	Dates business conducted
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Signature:

B. Arrests, detentions and litigation

(1.) Has the Approval Applicant, or any holding or subsidiary company, in Australia or elsewhere:

(a) Been convicted of an offence? YES NO

(b) Been investigated by a law enforcement agency? YES NO

(c) Been summoned before a court to answer any offence? YES NO

If yes, please provide details

(2.) Has any executive officer of the Approval Applicant, acting in that capacity, in Australia or elsewhere:

(a) Been convicted of a disqualifying offence? YES NO

(b) Been investigated by a law enforcement agency? YES NO

(c) Been charged by a law enforcement agency? YES NO

(d) Been summoned before a court to answer any offence whatsoever? YES NO

(e) Had any charge proven without the recording of a conviction? YES NO

(f) Had civil proceedings instituted against them? YES NO

If yes, please provide details

In accordance with the definition of “disqualifying conviction” and “spent conviction” contained in Schedule 3 of the *Racing Act 2002*, sections 5 & 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986* of Queensland 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 2003* 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 other jurisdictions other than Queensland.

Signature:

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 place a cross in the box. An attachment setting out the reasons for non-disclosure including copies of the relevant legislation should accompany this form.

(3.) Has the Approval Applicant or any holding or subsidiary 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)? YES NO

If yes, please provide details

(4.) Has the Approval Applicant or any holding or subsidiary company had civil proceedings against it and is there any significant litigation currently in progress or pending? YES NO

If yes, please provide details

(5.) Has the Approval Applicant or any holding or subsidiary company ever had 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? YES NO

If yes, please provide details

Signature:

(4.) List the following details of all bank accounts operated by the Approval Applicant:

Account name	Purpose of loan	Bank branch and country	Account number

(5.) List the following details for each investment which currently represents greater than 5% of the Approval Applicant’s total assets:

Description of investment	Percentage of total assets

(6.) Has the Approval Applicant or any of its holding or subsidiary companies:

- (a) been placed into liquidation, receivership, scheme of arrangement or under other formal insolvency administration;
- (b) had an agent for the mortgagee appointed; or
- (c) had an investigation into the affairs of the company authorised under the Australian Securities and Investment Commission, its predecessors or equivalent overseas body?

YES NO

If yes, complete the following:

Type of proceedings:

Commencement date: / /

Company Name:

Signature:

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.

(7.) Are there any outstanding claims or litigation which could adversely affect the financial viability of the corporation? YES NO

If yes, please provide details

(8.) Is the Approval Applicant, and any holding or subsidiary company up to date with taxation lodgements? YES NO

If no, please provide reasons

(9.) Is the Approval Applicant or any holding or subsidiary company, or a director of the company or any holding or subsidiary company, being investigated by any taxation authority in any country? YES NO

If yes, please provide details

(10.) Has the Approval Applicant or any holding or holding company subsidiaries or a director of the company or any holding or holding company subsidiaries, been investigated by any taxation authority in any country? YES NO

If yes, please provide details

Signature:

D. Involvement in Racing

(1.) Has the Approval Applicant or any holding company or holding company subsidiaries, been associated with the ownership, administration or management of:

(a) 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* or in another jurisdiction; YES NO

(b) a racing association established under the *Racing Act 2002*; YES NO

(c) an association formed for the purpose of promoting the interests of one or more participants in the racing industry; YES NO

(d) another control body; YES NO

(e) racing animals; YES NO

(f) business of breeding racing animals; YES NO

(g) syndicates or companies involved in racing or breeding animals; YES NO

(h) 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 and racecourses; YES NO

(i) a casino or keno or lottery operations; YES NO

(j) interactive gambling operations; YES NO

(k) race or sports wagering operations (including bookmaking); or YES NO

(l) a club, hotel or tavern? YES NO

(2.) Has the Approval Applicant been licensed by a control body including, for example, as a racing bookmaker? YES NO

If yes, please provide details

Signature:

- (3.) Has the Approval Applicant or any holding company or holding company subsidiaries been subject to a probity investigation by this or any other jurisdiction? YES NO

If yes, please provide details

E. Influences, conflict of interest and disqualified persons

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. Disclosures must also be made of persons with a potential conflict of interest or who may be classified as disqualified persons.

- (1.) Are you aware of any person or shareholder associated with the corporation who is, or who is the spouse or child or parent of:
- (a) a Member of the Legislative Assembly (Queensland); or YES NO
- (b) a staff member of a Member of the Legislative Assembly (Queensland); or YES NO
- (c) a councillor of a local government in Queensland? YES NO

If yes, please provide details

Signature:

Checklist

Before submitting this form please complete the following checklist. If you are unable to complete the checklist you are advised that delays in processing the application or conducting the probity investigation may be experienced. You should advise when the outstanding matters are to be submitted.

I hereby certify I have:

- Read the Instructions for Completion
- Signed each page of the form
- Answered all questions in writing
- Answered all questions completely
- Completed and signed the Certificate (page 5) and Acknowledgment and undertaking (page 6) and Acknowledgement and authority for release of information by an Approval Applicant (page 6)

Attached the following:

- A brief history of the Approval Applicant
- Signed Consent and authority for information about associate to be obtained for Chief Executive (Form 5)
- A "Statement of Company Records"
- A corporate structure flow chart with explanatory text
- A description of the largest 20 shareholders
- A copy of the Approval Applicant's constitution or equivalent
- A copy of the Certificate of Incorporation and any Certificate of Change of Name
- Copies of the financial statements for each of the last 5 years
- Copies of the Annual Reports for each of the last 5 years
- A copy of the Chart of Accounts for each of the last 5 years

(Signature)

(Full Name)