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| **Fit and Proper Policy Questionnaire for**  **Companies** |
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**NOTE - for the purpose of this document, “the applicant” refers to COMPANY NAME.**

1(a) Is the applicant currently insolvent or under administration?

Yes  No

If you answered “yes”, what are the circumstances that led to the insolvency or administration, and when did those circumstances arise?

Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1(b) Is any associate of the applicant currently insolvent, under administration or bankrupt?

*(For the purposes of these questions, section 16(4) of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) defines the term “associate” as “a director, partner, trustee, executive officer, secretary or any other officer or person associated or connected with the ownership, administration or management of the applicant's business.”)*

Yes  No

If you answered “yes”, what are the circumstances that led to the insolvency or administration, and when did those circumstances arise?

Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1(c) Has the applicant or any associate of the applicant previously been insolvent, under administration or bankrupt?

Yes  No

If you answered “yes”, what are the circumstances that led to the insolvency or administration, and when did those circumstances arise?

Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

**Note -** If the applicant or an associate of the applicant is currentlyinsolvent or under administration, section 16(2) of the MRSDA provides that the Minister cannot be satisfied that the applicant is a fit and proper person to hold a licence.

1. Has the Minister ever taken action against the applicant or any associate of the applicant under section 83 of the MRSDA to rehabilitate land because of any non-compliance with Part 7 of the MRSDA?

Yes  No

If you answered “yes”, what are the circumstances that led to the taking of that action, and when did those circumstances arise? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has a licence, issued under the MRSDA and held by the applicant or any associate of the applicant ever been cancelled?

Yes  No

If you answered “yes”, what are the circumstances that led to the cancellation, and when did those circumstances arise? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has the applicant or any associate of the applicant ever been convicted of an offence against the MRSDA?

Yes  No

If you answered “yes”, what was the nature of the offence, when was the offence committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has any Director, Secretary or any associate of the applicant ever been convicted of an offence involving fraud or dishonesty?

Yes  No

If you answered “yes”, what was the nature of the offence, when was the offence committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has any Director, Secretary or any associate of the applicant ever been disqualified from involvement in the management of a corporation?  Yes  No

If you answered “yes”, what are the circumstances that led to this, when did those circumstances arise, and (if relevant) when did the disqualification end? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has the applicant ever been in administration or receivership?

Yes  No  N/A

If you answered “yes”, what are the circumstances that led to this, when did those circumstances arise, and (if relevant) when did the administration or receivership end? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has any current associate of the applicant ever been a director or secretary of another company that has ever been in administration or receivership?

Yes  No

If you answered “yes”, what are the circumstances that led to this, when did those circumstances arise, and (if relevant) when did the administration or receivership end? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has the applicant or any associate of the applicant ever been found in breach of the MRSDA, or other resources management, environmental or safety legislation (that may include, but is not limited to, legislation administered by WorkSafe, the Environment Protection Authority, etc)? This includes any notices, infringements and/or prosecutions.

Yes  No  N/A

If you answered “yes”, what was the nature of the breach, when was the breach committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has the applicant ever been convicted of an offence involving the *Corporations Act 2001* (Cth)?

Yes  No

If you answered “yes”, what was the nature of the offence, when was the offence committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Is the applicant or any associate of the applicant currently under investigation for a breach of the MRSDA, or other resources management, environmental or safety legislation (that may include, but is not limited to, legislation administered by WorkSafe, the Environment Protection Authority, etc)? This includes any notices, infringements and/or prosecutions.

Yes  No  N/A

If you answered “yes”, what was the nature of the breach, when was the breach committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Is any Director, Secretary or any associate of the applicant in a management position of any other company that is currently under investigation for a breach of the MRSDA, or other resources management, environmental or safety legislation (that may include, but is not limited to, legislation administered by WorkSafe, the Environment Protection Authority, etc)? This includes any notices, infringements and/or prosecutions.

Yes  No  N/A

If you answered “yes”, what was the nature of the breach, when was the breach committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has the applicant or any associate of the applicant ever been found to be in breach of the MRSDA, or other resources management, environmental or safety legislation (that may include, but is not limited to, legislation administered by WorkSafe, the Environment Protection Authority, etc)? This includes any notices, infringements and/or prosecutions.

Yes  No

If you answered “yes”, what was the nature of the offence, when was the offence committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Is any Director, Secretary or any associate of the applicant in a management position of any other company that has ever been found to be in breach of the MRSDA, or other resources management, environmental or safety legislation (that may include, but is not limited to, legislation administered by WorkSafe, the Environment Protection Authority, etc)? This includes any notices, infringements and/or prosecutions.

Yes  No  N/A

If you answered “yes”, what was the nature of the breach, when was the breach committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Has any Director, Secretary or any associate of the applicant ever been convicted of a criminal offence?

Yes  No

If you answered “yes”, what was the nature of the offence, when was the offence committed, and what penalty was imposed? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Is any Director, Secretary or any associate of the applicant currently under investigation or been charged with a criminal offence?

Yes  No

If you answered “yes”, what is the nature of the conduct being investigated, and what offence is the person charged with? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter.

1. Does the applicant or any associate of the applicant have a history of failing to pay employees or contractors?

Yes  No

If you answered “yes”, what were the circumstances?

1. Does the applicant currently have any matters (other than compensation/land access issues) before any Court, Tribunal or the Mining Warden?

Yes  No

If you answered “yes”, what is the nature of the matter? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter or conduct.

1. Is there any other matter or conduct that is relevant to an assessment of whether the applicant or any associate of the applicant is likely to be appropriate persons to exercise any rights and responsibilities in respect of a licence in accordance with the MRSDA’s purpose, objectives and principles? For example, any matter or conduct relevant to the professional history, professional reputation or character of the applicant or any associate of the applicant.

Yes  No

If you answered “yes”, what is the nature of the matter or conduct? Please provide any relevant information that you believe should be considered by the Minister or the Minister’s delegate in relation to this matter or conduct.

Before you sign the declaration, ensure that:

* You have answered every question;
* All the information you have given is true and correct to the best of your knowledge;
* You have attached all the required supporting documentation

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| I/We declare that to the best of my/our knowledge, all the information I/we have given is true and correct. | |
| 1. **Name:** |  |
| **Position:** |  |
|  | **(Director or Secretary)** |
| **Signature:** |  |
| **Date:** |  |
| 1. **Name:** |  |
| **Position:** |  |
|  | **(Director or Secretary)** |
| **Signature:** |  |
| **Date:** |  |

Section 127(1) of the *Corporations Act 2001 (Cth)* states that:

A company may execute a document without using a common seal if the document is signed by:

1. 2 directors of the company; or
2. a director and the company secretary; or
3. for a proprietary company that has a sole director who is also the sole secretary—that director.