|  |
| --- |
| Fit and Proper Policy Questionnaire |
|  |

**Name: <INDIVIDUAL’S NAME>**

1(a) Are you currently insolvent or bankrupt?

[ ]  Yes [ ]  No

If you answered “yes”, what are the circumstances that led to the situation 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) Are any associates of yours 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 situation 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 any associate of yours previously been insolvent, under administration or bankrupt?

[ ]  Yes [ ]  No

If you answered “yes”, what are the circumstances that led to the led to the situation 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 you or any associate of yours 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 you or any associate of yours 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. Have you or any associate of yours 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. Have you or any associate of yours 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. Have you or any associate of yours 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. Have you or any associate of yours ever been involved with the management of a company that has been in administration or receivership?

[ ]  Yes [ ]  No

If you answered “yes”, 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. Have you or any associate of yours 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

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. Are you or any associate of yours, 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

If you answered “yes”, what is the nature of the alleged breach and when did the alleged breach occur? 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. Have you or any associate of yours 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 is the nature of the alleged breach and when did the alleged breach occur? 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. Have you or any associate of yours 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. Are you or any associate of yours 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. Do you or any of your associates have a history of failing to pay employees or contractors?

[ ]  Yes [ ]  No

If you answered “yes”, what were the circumstances? 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. Do you currently have any matters (other than compensation/land access issues) before a court/tribunal or the Mining Warden?

[ ]  Yes [ ]  No

If you answered “yes”, 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 there any other matter or conduct that is relevant to an assessment of whether the your or any of your associates are 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 an associate.

[ ]  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

I declare that all the information provided is true and correct

Name:…………………………………………………………………………

Signature:…………………………………………………………………….

Date:………………………………………………………………………………..

Any personal information provided in this form is collected, used and stored by the Department of Energy, Environment and Climate Action

(DEECA) for the purpose of assessing and facilitating your application(s), and to assist in the performance of duties under the *Mineral Resources (Sustainable Development) Act 1990* (MRSDA) and associated Regulations.

You have the right to access this information by contacting the Earth Resources Information Centre, Department of Energy, Environment and Climate Action, Level 15, 1 Spring Street, Melbourne VIC 3000.

The information may be disclosed to the Victoria Police, the Australian Securities and Investments Commission and other government organisations for the purpose of administering or enforcing the MRSDA or a relevant Act. Limited personal information may be available to the public for the purpose of land use advice.