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Gambling Regulation Act 2003

NOTICE UNDER SECTION 5.3.2A

I, John Pandazopoulos MP, Minister for Gaming and Minister responsible for the **Gambling Regulation Act 2003** ("the Act"), by this Notice under section 5.3.2A of the Act call for registrations of interest in the grant of a public lottery licence.

This Notice differs from the draft Notice released by me on 19 May 2005 in that references to "draft" notice and "Proposed Amendments" have been deleted, paragraphs 2.1, 2.4 and 2.6.3 have been amended and some minor typing errors have been corrected.

JOHN PANDAZOPOULOS MP
Minister for Gaming

Gambling Regulation Act 2003 (Vic) Notice Calling for Registrations of Interest in the Grant of a Public Lottery Licence ("the Brief")

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This Brief consists of six Parts and four Annexures as follows:

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2. The Procedure for Registering an Interest in the Grant of a Public Lottery Licence;
3. The Minimum Standards that a Registrant must meet for a Registration of Interest to be considered by the Minister;
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SPECIAL

PART 1 – INTRODUCTION

1.1. INTRODUCTION

This Brief represents the first stage in the process for the award of new Public Lottery Licence or Licences following the completion of the review of Public Lottery Licences announced by the Minister for Gaming in July 2004, the Minister's announcement of the Proposed Post-2007 Lotteries Licensing Structure in March 2005 and the release of the Public Lottery Licensing Information Paper in April 2005.

This Brief details a prequalification stage which will enable the Minister to determine whether a Registrant is a suitable person to receive an invitation to apply for a Public Lottery Licence.

Persons interested in submitting a Registration of Interest should read this Brief carefully before doing so. In addition, potential Registrants should familiarise themselves with the provisions of the **Gambling Regulation Act 2003**, in particular Chapters 1, 5 and 10 of that Act, and the Information Paper.

Interested persons are encouraged to also look at a number of other documents referred to in this Brief and the location of those documents on the Internet is listed at the end of the Glossary.

Victorian Government's Statement of Principles

The Victorian Government has endorsed the following six principles to guide future gambling policy and legislative development. These principles will also inform the Licensing Process.

1. Developing and reinforcing the Victorian Government's commitment to responsible gambling through measures that assist and protect problem gamblers and those at risk of becoming problem gamblers, their families and the wider community;
2. Developing and maintaining the State's commitment to the highest standards of probity for gambling service providers;
3. Accepting gambling is a valid activity for many Victorians who are entitled to expect ongoing high standards of service, transparency and accountability from the gambling sector;
4. Ensuring that the legitimate financial benefits of gambling (both private and public) are transparent, appropriately recognisable and fairly distributed to the Victorian community;
5. That to the extent possible consistent with the other principles, gaming service providers operate in a competitive environment; and
6. Establishing proper consultative processes to ensure that appropriate information is given to, and input is received from, the wide variety of persons interested in gambling including stakeholders, affected parties and, to the widest extent possible, the broader Victorian community.

1.2. GLOSSARY

Applicant means an Eligible Registrant who has been short-listed on the basis of its Eligible Response and who has submitted an Application for a Public Lottery Licence in response to an invitation from the Minister.

Application means an Application for a Public Lottery Licence submitted by a short-listed Registrant.

Associate has the meaning given in section 1.4 of the Gambling Regulation Act.

Brief means this document which is the Notice calling for registrations of public interest in the grant of a Public Lottery Licence under section 5.3.2A of the Gambling Regulation Act that specifies the procedures for submitting a Registration of Interest, the information required, the minimum standards a Registrant must meet (including standards for an Eligible Response), matters on which the Commission will report to the Minister and all other matters the Minister considers relevant to a Registration of Interest.

Commission means the Victorian Commission for Gambling Regulation.

Department of Justice means the Department of Justice of the State.

Deposit means the deposit amount to be paid by a Registrant as required under paragraphs 3.12.3 of this Brief.

Distribution Approach means the method of distributing and selling of Public Lottery tickets or entries, including the nature and general location of retail outlets and, where permitted, any electronic distribution methods.

Eligible Registrant means a person who, in accordance with the Gambling Regulation Act has a physical place of business in Victoria and is not a natural person.

Eligible Response means a Registration of Interest submission by an Eligible Registrant that has been lodged with the Deposit and includes all the requisite information specified in this Brief.

Gambling Licences Review means the Gambling Licences Review Project Team of the Office of Gaming and Racing within the Department of Justice and the Steering Committee for the Gambling Licences Review.

Gambling Regulation Act means the **Gambling Regulation Act 2003 (Vic)** as amended from time to time.

Information Paper means the Public Lotteries Licensing Information Paper released by the Office of Gaming and Racing, Department of Justice and dated 15 April 2005.

Invitation to Apply means an invitation to apply for a Public Lottery Licence which the Minister may issue to short-listed Registrants under Chapter 5 of the Gambling Regulation Act.

Licence Commencement Date means 1 July 2007 or such later date specified by the Minister.

Licensee means the holder of a Public Lottery Licence.

Licensing Process means the procedure described generally in Parts 2, 6.3 and 6.4 of this Brief that will result in the grant of one exclusive Public Lottery Licence or up to three non-exclusive Public Lottery Licences, each of which are to commence on the Licence Commencement Date.

Minister means the Minister for Gaming for the State.

Project Director means the person from time to time appointed within the Department of Justice as the Project Director for the Gambling Licences Review.

Public Lottery means a public lottery as defined in section 5.1.2 of the Gambling Regulation Act.

Public Lottery Licence means a public lottery licence granted under Division 2 of Part 3 of Chapter 5 of the Gambling Regulation Act to conduct the types of public lotteries approved by the Minister.

Registrant means a person who submits a Registration of Interest.

Registration of Interest means a submission lodged by a Registrant in response to a call by the Minister made under Chapter 5 of the Gambling Regulation Act for registrations of interest in the grant of a public lottery licence.

Responsible Gambling Requirements means the Responsible Gambling Requirements set out in Part 4.9 of this Brief.

State means the Crown in right of the State of Victoria.

1.3. Internet Addresses for Related Documents and Information

Advertising Code of Ethics as adopted by the Australian Association of National Advertisers	http://www.aana.com.au/pdfs/AANACodeEthics.pdf
Gambling Licences Review website	The initial entry point for the Gambling Licences Review is: http://www.justice.vic.gov.au/CA2569020010922A/page/Gaming+and+Racing-Gambling+Licences+Review?OpenDocument&l=0-Gaming+and+Racing~&2=0-Gambling+Licences+Review~&3=~ . See also pages referred to on this webpage.
Gambling Regulation Act 2003	http://www.dms.dpc.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/a12f6f60fbd56800ca256de500201e54/143afb9d148a961fca256fd5000d8721/\$FILE/03-114a005.pdf
Gambling Regulation (Public Lottery Licences) Bill 2005	http://www.dms.dpc.vic.gov.au/domino/Web_Notes/LDMS/PubPDocs.nsf/ee665e366dcb6cb0ca256da400837f6b/7e85c1b4dc5e29e7ca256ff60027044f/\$FILE/551330bi2.pdf
Information Paper	http://www.justice.vic.gov.au/CA256902000FE154/Lookup/InformationPaper_Lotteries_Review_2005/\$file/Information%20Paper.pdf
Tattersall's Lottery Rules	https://site20.lotto.tatts.com/MCMS/FullScreenContent.aspx?page=aboutOurGamesTattslotto#tattslotto
Tattersall's public lottery licence	http://www.vcgr.vic.gov.au/domino/web_notes/vcgr/Images.nsf/Images/Tattersall_Lottery/\$File/Tattersall_Lottery.pdf
Victorian Government eTenders	www.tenders.vic.gov.au/domino/web_notes/etenders/etdrpublishing.nsf?Open
Victoria Government Gazette	http://www.gazette.vic.gov.au/

**PART 2 – THE PROCEDURE FOR REGISTERING AN INTEREST
IN THE GRANT OF A PUBLIC LOTTERY LICENCE**

2.1. Public Lottery Licences

The Minister proposes to grant a Public Lottery Licence in respect of the conduct of a number of Public Lotteries in Victoria to either:

- (i) a single exclusive Licensee in respect of Public Lotteries (not including an AFL footy tipping competition or like competition); or
- (ii) up to three non-exclusive Licensees in respect of Public Lotteries (not including an AFL footy tipping competition or like competition).

It is intended that any such Public Lottery Licence will be awarded for a period of 10 years, with such period to commence on the Licence Commencement Date.

2.2. Two Stage Process

There will be a two stage process for the granting of new Public Lottery Licences. This process will be conducted in accordance with the Gambling Regulation Act.

The first stage involves the Minister calling for registrations of interest in the grant of a public lottery licence which the Minister will do by notice published in the Victoria Government Gazette.

News of when the Minister has published a notice in the Government Gazette calling for registrations of interest will be posted on the Gambling Licences Review website.

This first stage will be followed by the Minister inviting a short-list of Registrants to apply for a Public Lottery Licence.

The second stage is outlined briefly in Part 6.3 of this Brief.

2.3. Evaluation

2.3.1 If the Minister determines that a Registration of Interest does not meet the requirements of paragraphs 3.1 and 3.2 of this Brief, the Minister may refuse to consider or consider further the Registration of Interest after having provided the Registrant with sufficient opportunity to make a written submission regarding whether the Registration of Interest is not an Eligible Response or is not complete.

2.3.2 Parts B, C, D, E and F of each Registration of Interest submission that meets the requirements of paragraphs 3.1 and 3.2 of this Brief will be forwarded by the Minister to the Commission. The Commission will report to the Minister –

- (i) on the extent to which each Registrant meets the probity standards; and
- (ii) the Registrant's capacity to operate a public lottery business as specified in Part 5 of this Brief.

2.3.3 Parts A, G and H of each Registration of Interest will be assessed by the Gambling Licences Review, which will report to the Minister regarding the extent to which each Public Lottery proposed in a Registration of Interest and the Distribution Approach for that Public Lottery complies with the requirements specified in Part 4 of the Brief.

2.3.4 Registrants will be short-listed by the Minister based on each Eligible Registrant's demonstrated ability to meet the specified requirements outlined in this Brief. Only Eligible Registrants that are short-listed will be invited to submit an Application for a Public Lottery Licence. Eligible Registrants that are not short-listed will not be provided with reasons why they were not selected for the short-list.

2.3.5 Evaluation of Proposed Types of Public Lotteries and Distribution Approaches

The Minister will consider each Public Lottery proposed by a Registrant and the Distribution Approach associated with that Public Lottery.

A Registrant whose Registration of Interest has been short-listed will be advised if there are any issues with a Public Lottery and the related Distribution Approach or Approaches proposed in its Registration of Interest. In this case the Registrant may be invited by the Project Director to modify aspects of the proposed Public Lottery or Distribution Approach within the timeframes specified by the Project Director. The Project Director will then consider such modifications and provide the Registrant with feedback on the modifications.

A Registrant whose Registration of Interest has been short-listed will only be permitted to modify aspects of its proposed Public Lotteries or Distribution Approaches to the extent approved by or on behalf of the Minister.

2.4. Timetable

The timetable outlined below is provided as an indication of timing for the grant of a Public Lottery Licence and is subject to the timely passage of the Proposed Amendments by the Parliament of Victoria. This timetable is subject to change at the discretion of the Minister and Registrants remaining in the Licensing Process will be advised by email of any changes to the timetable.

Public release of Draft Brief	Thursday 19 May 2005
Call for Registrations of Interest by notice in the Victoria Government Gazette	17 June 2005
Close of questions and clarifications	2.00 pm Australian Eastern Standard Time on Wednesday 6 July 2005 (1 week before closing date for Registration of Interest submissions)
Registration of Interest submissions due	By no later than 2.00 pm Australian Eastern Standard Time on Wednesday 13 July 2005
Evaluation of the Registrations of Interest	July 2005 to September 2005 (anticipated)
Issuance of Invitation to Apply to short-listed Registrants	September 2005 (anticipated)
Applications for a Public Lottery Licence due to be lodged	November 2005 (anticipated)
Evaluation of Applications for a Public Lottery Licence	November 2005 to early February 2006 (anticipated)
Announcement of successful Applicant(s)	Early 2006
Expiry of current Public Lottery Licence	30 June 2007
Commencement of new Public Lottery Licence(s)	Licence Commencement Date

2.5. Lodgement of a Registration of Interest

The Registration of Interest must be lodged BY HAND by no later than 2.00 pm Australian Eastern Standard Time (as determined by the Telstra timing device) on Wednesday 13 July 2005 to the:

Department of Justice Tender Box
Level 5, 452 Flinders Street
Melbourne, Victoria
Australia.

The Registration of Interest must be lodged in an envelope (or envelopes) clearly marked: "Public Lottery Licence – Registration of Interest – Tender No. 073/05".

If more than one envelope is used, these should be marked with part numbers (e.g. "Part 1 of 2").

The Registration of Interest must include the following:

1. Three (3) bound copies of which one (1) copy is to be marked original and the other two (2) marked as copies
2. One (1) unbound copy submitted as divisible Parts (A to I); and
3. Two (2) copies on CD or DVD in PDF format which is unlocked and in a form suitable for content extraction.

Each original Registration of Interest must also include the Deposit specified in Part 3 of this Brief.

2.6. Contact and Communications

2.6.1. Question and Answer Process

Registrants are permitted to ask questions about this Brief or seek clarification of the requirements of this Brief up until 2.00 pm Australian Eastern Standard Time on Wednesday 6 July 2005 (1 week before the closing date for Registration of Interest submissions). Questions and requests for clarification after this time will not be accepted.

All questions or requests for clarification will only be accepted when they are made by email to:

The Project Director,
Gambling Licences Review, at
Email address: gamblinglicencesreview@justice.vic.gov.au

All questions, requests for clarification and responses will be provided by email to all parties that register for this ROI on the Victorian Government Purchasing Board's eTenders website (<http://www.tenders.vic.gov.au/>). In the information provided to all parties, the questions will be amended and the responses will be drafted so as to not identify the person or organisation that submitted the question.

Because questions and responses will be published, potential Registrants should phrase questions so that they do not include proprietary information.

2.6.2. Prohibited Contact

Except as specified in this Brief, Registrants must not, and must ensure that their officers, employees, agents, contractors, advisors shareholders and Associates do not, contact, communicate with or seek assistance from, any officers, employees, agents or advisors of the Minister, the State, Members of Parliament or their staff and advisors in connection with this Brief or the Licensing Process. This obligation does not prevent a Registrant from continuing to engage with the Minister or the State as part of any dealings separate from this Licensing Process.

Except as permitted for the submission of a Registration of Interest or an Application for a Public Lottery Licence, the Registrant must not engage in any activities which may be perceived as influencing the outcome of this Licensing Process in any way.

2.6.3. Requests to Registrants for Further Information

The Gambling Licences Review or the Commission may, when evaluating Registrations of Interest, ask a Registrant to clarify information provided in its Registration of Interest or to provide further information and may do so with time limits for the Registrant's response.

Any such request from the Gambling Licences Review will only be made to the Registrant using the email address supplied in the Registrant's Registration of Interest. Any response by a Registrant to the Gambling Licences Review is to be provided in writing by email to its email address.

The Commission may contact a Registrant or one of its associates predominantly in writing, or by phone when necessary.

All responses by a Registrant to the Gambling Licences Review or the Commission will be taken to form part of the Registrant's Registration of Interest.

A Registrant is under no obligation to provide any clarification or further information. However, a Registrant and its associates should consider the implications for the Registration of Interest should either of them fail to submit such clarification or further information within the reasonable timeframe specified in the request.

2.6.4. Feedback

Each short-listed Registrant will be provided with feedback from the Project Director regarding its Registration of Interest submission which it may take into account when preparing its Application for a Licence.

PART 3 – THE MINIMUM STANDARDS THAT A REGISTRANT MUST MEET FOR A REGISTRATION OF INTEREST TO BE CONSIDERED BY THE MINISTER

This Part sets out the minimum standards, which includes the terms and conditions, that a Registrant must meet or agree to for a Registration of Interest to be considered by the Minister.

- 3.1** For a Registration of Interest to be considered by the Minister, each Registrant must be an Eligible Registrant, which, in accordance with section 5.3.2A(3) of the Gambling Regulation Act, –

- (i) has a physical place of business in Victoria; and
- (ii) is not a natural person.

- 3.2** For a Registration of Interest to be considered by the Minister for evaluation, each Registration of Interest submission must –

- (i) be lodged on or before the time specified in Part 2 of this Brief;
- (ii) be lodged with the Deposit specified in Part 3.12.3 of this Brief; and
- (iii) include all the requisite Information as specified in Part 4 of this Brief.

3.3 General Terms and Conditions for Submitting a Registration of Interest

Upon the lodgement of a Registration of Interest, a Registrant will be taken to have accepted and agreed to all the terms and conditions in this Part 3 of the Brief.

3.4 Collusive Bidding

Each Registrant, its respective officers, employees, agents and advisers, shareholders and Associates must not engage in any collusion, anti-competitive conduct or any other similar conduct with any other person in relation to the preparation, content or lodgement of their Registration of Interest (including any conduct which would be in breach of the **Collusive Practices Act 1965 (Vic)**).

The Minister reserves the right to refuse to consider, or to consider any further, a Registration of Interest or an Application for a Public Lottery Licence where the Registrant or Applicant (or their respective officers, employees, agents and advisers, shareholders or Associates) is found by the Minister to have engaged in collusive or anti-competitive conduct in relation to any part of the Licensing Process.

3.5 Consortia

A consortium of interested parties may submit a joint Registration of Interest, provided that:

- (i) the Registration of Interest is clearly identified as a joint Registration of Interest; and
- (ii) the Registration of Interest clearly identifies all the members of the consortium.

Members of a consortium must not be a party to any arrangement which prevents or affects the ability of any members from submitting a separate Registration of Interest (whether individually or as a member of another consortium).

The Minister will grant only one Public Lottery Licence to each successful Applicant that is a single legal entity (other than a natural person) and the Registration of Interest must specify which entity shall be the Public Lottery Licence holder if a licence is granted by the Minister.

3.6 State under No Obligation

This Brief is not an offer. It is an invitation for persons to submit a Registration of Interest. The Minister is under no obligation to short list a Registrant or grant a licence to a Registrant or an Applicant.

3.7 Accuracy of Information

All information provided to a Registrant is provided “as is” and no responsibility is taken for such information.

The State and the Minister give no warranty (whether express or implied) as to the accuracy, completeness or otherwise of any information or opinion (including any opinion on the Gambling Regulation Act or Proposed Amendments) whether provided in this Brief or an Invitation to Apply, or any other document and whether provided before or after the release of this Brief.

To the extent permitted by law, the State and the Minister are not liable, whether in negligence or otherwise, for any inaccuracies or deficiencies in this Brief or for any statement, evaluation or estimate made in this Brief that proves to be incorrect.

3.8 Reliance on Prior Information

This Brief supersedes all previous documents issued by the State on the Licensing Process including the Information Paper. In the event of inconsistencies between this Brief and any other previous documents the information contained in this Brief is that applicable to the Licensing Process.

3.9 Limitation on Liability

Neither the State, the Minister or the Commission will be, under any circumstances, liable to compensate a Registrant, an Applicant or any other party for any costs, expenses or losses incurred or suffered by that Registrant, Applicant or a party in evaluating or acting upon this Brief, an Invitation to Apply or any information supplementing, updating or amending this Brief or an Invitation to Apply, in submitting a Registration of Interest or an Application for a Public Lottery Licence or in providing any other document or otherwise participating in this Licensing Process.

The information provided in this Brief does not attempt to provide a comprehensive overview of all facts or law relevant to an application for a Public Lottery Licence and Registrants should make their own inquiries and obtain appropriate advice.

The acceptance or approval of a Registration of Interest, Public Lotteries or Distribution Approach by the Minister or the issue of an Invitation to Apply to a Registrant is no warranty as to the quality of the Registrant’s response, the viability of any Public Lottery proposed and the associated Distribution Approach or the fitness or capacity of the Registrant in conducting a Public Lottery. Neither the State, the Minister nor the Commission are liable for any loss or damage suffered by a Registrant in placing any reliance on such acceptance or approval.

3.10 Confidentiality

A Registrant, its officers, employees, agents, consultants, professional advisers, shareholders and Associates must not make or encourage public comment in relation to the Licensing Process or any other matter or thing relevant to the Licensing Process without the prior written consent of the Project Director.

Each Registration of Interest and any Application for a Public Lottery Licence will be treated as confidential. Information in a Registration of Interest and any Application for a Public Lottery Licence may be disclosed:

- (i) where required by the Auditor General, the Victorian Parliament or any relevant Committee of the Victorian Parliament;
- (ii) where required or permitted by law including under Chapter 10 of the Gambling Regulation Act, the **Freedom of Information Act 1982 (Vic)** and the **Public Records Act 1973 (Vic)**;
- (iii) for the purpose of investigation by any State or Federal government authority having regulatory or investigative functions, including the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission; or
- (iv) to consultants and advisers of the Minister, the Gambling Licences Review or the Commission engaged to assist with or advise on the Licensing Process.

3.11 Intellectual Property

All Intellectual Property Rights in the Brief, the Invitation to Apply or any other documents provided by the State in connection with the Licensing Process are owned by the State except as indicated otherwise. Each Registrant and any other interested party is granted a limited licence to use and reproduce such documents for the purpose of participating in the Licensing Process and submitting any documents as part of the Licensing Process.

By submitting a Registration of Interest, an Application for a Public Lottery Licence or any other document the Registrant grants the State a perpetual, irrevocable right to use, reproduce, copy or modify any such document or documents for the purposes of this Licensing Process and the purposes of the State, notwithstanding any copyright or other intellectual property that may subsist in such document(s).

3.12 Costs

3.12.1. Cost of Preparation

Each Registrant is responsible for the costs it incurs in preparing its Registration of Interest submission and any further information or documents requested by the Minister, the Gambling Licences Review or the Commission.

3.12.2. Commission's Costs of Investigation

Each Registrant will be required to meet the costs of the Commission in conducting its evaluation of the Parts of the Registration of Interest assigned to it in accordance with section 10.4.7 of the Gambling Regulation Act.

The Commission has provided an estimate of the possible cost of its evaluation of the relevant Parts of each Registration of Interest which may be of the order of AUD \$25,000.00. This amount is indicative only and the Registrant is responsible for meeting all the costs of the Commission in any investigation of its Registration of Interest.

Registrants should note that the actual cost will depend on the Registrant and the nature of the Registration of Interest submitted and the costs may exceed the estimate. The Commission is entitled to recover amounts in excess of this estimate.

The Commission has determined that where its costs are likely to exceed the estimates (as detailed below) the Commission will notify the Registrant of this fact and the likely further costs. It will then be at the Registrant's discretion as to whether it continues to participate in the Licensing Process and pay the further costs of the Commission.

Upon receiving any revised estimate from the Commission, a Registrant may withdraw from the Licensing Process and the Registrant will not incur any costs beyond the date that such withdrawal is communicated to the Commission (by email) and to the Minister

(by letter). The Registrant must pay amounts incurred up to the date of any such withdrawal. Amounts previously paid by the Registrant as part of the Licensing Process for costs actually incurred by the Commission are non-refundable.

3.12.3. Deposit

Each Registrant is required to make an initial deposit of \$10,000.00 for each Registration of Interest submitted. This Deposit is to be in the form of a bank cheque and made payable to the Victorian Commission for Gambling Regulation and must be lodged with the Registration of Interest, attached to Part A of the submission in a sealed envelope. This Deposit is to assure payment of amounts due and payable to the Commission.

The balance of the Deposit after deducting any outstanding payments (if any) will be refunded to each Registrant upon the Registrant ceasing to participate in the Licensing Process or at the end of the Licensing Process (whichever is the first to occur). The Registrant is not entitled to any interest derived from the Deposit.

3.12.4. Payment of Costs

The Commission will provide invoices to the Registrant in respect of all costs associated with the Commission's investigation process.

If the Deposit has been fully used before the Commission has completed its investigation of the Registrant and the associated Registration of Interest, the Commission will provide invoices to the Registrant in respect of all further costs associated with the investigation. The Registrant must pay the amount specified in the invoice to the Commission within 7 days of the invoice ("the Due Date").

If full payment is not made by the Due Date, the Commission may issue a further notice demanding immediate payment. The Registrant must make full payment within 7 days of receiving the further notice. If the Registrant fails to pay within this further 7 day period, the Registrant will be deemed to have withdrawn from the Licensing Process, and the Registration of Interest (whether or not it has been short-listed) will be rejected.

An Eligible Registrant may inspect a detailed analysis showing how the invoice was calculated at reasonable notice to the Commission.

3.13 Proposed Legislative Amendments

Registrants should note that proposals for legislative change by Registrants or Applicants are unlikely to be accepted. Any proposal for legislative change by a Registrant or Applicant might only be supported by the Minister if a substantial public benefit could be demonstrated.

3.14 Non-compliance

If a Registrant fails to comply with any requirements of this Brief, the Minister may in his absolute discretion:

- (i) disqualify the Registrant;
- (ii) require the Registrant to provide further information; or
- (iii) waive the non-compliance.

PART 4 – THE INFORMATION REQUIRED TO BE PROVIDED BY A REGISTRANT

4.1 A Registration of Interest must contain the information specified in this Part of the Brief. It must also be submitted in divisible parts (A, B, C, D, E, F, G and H) as specified in this Part of the Brief.

4.2 A Registration of Interest submission is to include the following eight Parts:

Part A Covering Letter, with the Deposit attached in a sealed envelope;

Part B Details of the Registrant lodging the Registration of Interest;

- Part C Commercial and Financial Capability to conduct a Public Lottery;
- Part D Ability to meet Technical Specifications;
- Part E Completed Company History Inquiry Form;
- Part F A Completed Associated Individual Probity Form for each Associate as identified and instructed in the Company History Inquiry Form;
- Part G Proposed Public Lotteries and associated Distribution Approaches; and
- Part H Number and Exclusivity of Licences.

4.3 **Part A – Covering Letter**

The covering letter should state clearly that the minimum standards, including the terms and conditions, set out in this Brief are acceptable to the Registrant.

It should also clearly identify, in summary form, all parties to the Registration of Interest and their intended respective roles. The Registration of Interest should be signed by the Managing Director and Secretary of the Registrant. If the Registrant is a consortium, then the Registration of Interest must be signed by the Managing Director and Secretary of each member of the consortium.

4.4 **Part B – Details of the Person (or Persons if a Consortium) lodging the Registration of Interest**

- (i) This Part should contain a more detailed description of the Registrant's organisation, including details of the organisational structure and the beneficial owners.
- (ii) If a Registrant represents a consortium, the names and addresses of all partners or consortium members and details of their beneficial ownership must be included together with signed letters of intent of the willingness of all other named parties to participate in the Registration of Interest and Licensing Process.
- (iii) This Part should contain details and names of key personnel and their anticipated roles and of professional consultants with details of their qualifications and experience.

4.5 **Part C – Commercial and Financial Capability to Conduct a Public Lottery.**

Part C of a Registration of Interest submission must address the Registrant's experience and resources or ability to harness the necessary experience and resources in each of the following attributes:

- (i) the scope and extent of the Registrant's current business activities, including (where the Registrant is a subsidiary) the nature and size of the current business activities of the consolidated entity;
- (ii) the scope and extent of the Registrant's business experience and resources, including (where the Registrant is a subsidiary) the nature and size of the business experience of the consolidated entity, and in particular:
 - its experience of, and resources for, operating in markets using broad distribution networks or outlets;
 - its experience and resources in providing professional standards training for retailers or distributors;
 - its experience of, and resources for, operating in a consumer products industry; and
 - the Registrant's marketing experience and resources, including (where the Registrant is a subsidiary) the nature and size of the marketing experience of the consolidated entity;

- (iii) an outline of the proposed Business Model or Models that –
 - outlines the initiatives and strategies the Registrant proposes to adopt to secure a level of business performance to meet the State's objectives;
 - outlines the initiatives that support any forecast financial performance; and
 - includes the names and brief profiles of the principal people who will be involved in the project;
- (iv) the details of the Registrant's experience and resources in operating commercial treasury functions, including (where the Registrant is a subsidiary) the details of the experience in and resources for operating commercial treasury functions of the consolidated entity; and
- (v) an outline of the proposed Financing Plan or Plans, including:
 - (i) historical and forecast financial information, including narrative assumptions for the forecasts, on the business of the Registrant; and
 - (ii) the Registrant's capacity to secure sufficient funds for capital costs and working capital, including prize payments, to enable the Registrant to operate a public lottery in accordance with the Business Model or Models for the term of the licence.

4.6 Part D – Ability to meet Specifications for Technical Capability and Adequate Systems for the Conduct of a Public Lottery Technical Specifications

4.6.1 General Description

In Part D of a Registration of Interest submission a Registrant needs to demonstrate that it has or will have sufficient technical capability and is capable of providing an effective, reliable and secure system for the conduct of a public lottery for the term of the licence.

The system consists of any instrument, contrivance or computer hardware or software or any other equipment that a Registrant proposes to use, or will cause or permit to be used, in connection with a public lottery and which will require the approval of the Commission under the proposed section 5.2.1A of the Gambling Regulation Act.

The Registrant is required, at a minimum, to address the criteria in paragraphs 4.6.2 to 4.6.5 inclusive.

4.6.2 Technical Overview

The Registrant is required to describe clearly the functionality and performance of its public lottery system or proposed system and the Registrant's technical capability to deliver and maintain the operation of the public lottery from the date of commencement of the licence period.

4.6.3 Continuity of Supply and Long-term Supply of Services

A Registrant must demonstrate that it is capable of conducting a sufficiently stable business that is able to be successfully operated over the period of the licence.

A Registrant must also demonstrate that it can be relied upon to supply and manage the computer systems and other technical requirements necessary for the continuous provision of a public lottery or lotteries and to do so for the period of the licence.

4.6.4 Organisation and Management Capabilities

A Registrant must show that its management and staff possess an adequate understanding of the major technical issues involved in conducting a public lottery and that it is organised appropriately to be able to address those issues.

A Registrant will need to provide evidence of capabilities in areas such as:

- (i) knowledge base;

- (ii) understanding of needs and facilities;
- (iii) operational environment; and
- (iv) procedures and confidentiality,

so that the Minister can have confidence that the Registrant's organisation fully understands its commitment and has the ability to provide the necessary services over the licence period.

4.6.5 Quality Assurance and Quality Control Standards that meet ISO 9000

A Registrant should –

- (i) be ISO 9000 certified; or
- (ii) satisfy the Minister that its organisation is capable to an equivalent or higher level; or
- (iii) demonstrate that it will actively undertake steps to gain ISO 9000 certification in accordance with a firm timetable; or
- (iv) be able to pass an independent audit of all areas canvassed by this document showing procedures, training, and record keeping.

Note that certification other than ISO 9000 may be accepted as being “equivalent” for the purpose of this requirement.

4.7 Part E – Completed Company History Inquiry Form (see Annexure A)

- (i) Part E of a Registration of Interest submission is to consist of a Company History Inquiry Form at Annexure A that has been completed and signed by an authorised person.
- (ii) If the Registrant is a subsidiary of one or more companies, completion of this Form includes ensuring that the person authorised to complete that Form is authorised to do so on behalf of the Registrant, its parent company and the ultimate holding company or companies of the Registrant.
- (iii) It is also necessary to ensure that the Registrant, its parent company and the ultimate holding company(ies) of the Registrant each complete and sign a Consent Form and Financial Release Form that are part of the Company History Inquiry Form.

4.8 Part F – Completed Associated Individual Probity Forms (see Annexure B)

Part F of a Registration of Interest submission is to consist of an Associated Individual Probity Form at Annexure B that has been completed and signed by each Associate who is so identified in the Company History Inquiry Form.

4.9 Part G – Proposed Public Lotteries and Distribution Approaches

4.9.1 For each Public Lottery proposed by the Registrant, Part G of a Registration of Interest must include:

- (i) a description of the Public Lottery;
- (ii) the main features of the lottery, including a description of how the lottery is to operate;
- (iii) the Distribution Approaches for the Public Lottery including how and where people will access the lottery, i.e. how and where they will obtain tickets or entries into the lottery; and
- (iv) how the Public Lottery and Distribution Approach(es) will comply with the Responsible Gambling Requirements set out in paragraph 4.9.2 of this Brief and the Responsible Gambling Strategy in Annexure C of this Brief.

4.9.2 Responsible Gambling Requirements

- (i) A Registrant will need to demonstrate that each proposed Public Lottery and Distribution Approaches will meet these minimum Responsible Gambling Requirements. In general each Public Lottery –
- must not create any continuous forms of play;
 - must not have a strong appeal to minors; and
 - must not be offensive or contrary to the public interest.
- (ii) For each Public Lottery or group of similar Public Lotteries a Registrant must provide a responsible gambling strategy which outlines:
- the targeted demographic for the Public Lottery, and any evidence to suggest take up by the intended market;
 - the proposed marketing scheme for the Public Lottery and how this marketing scheme will comply with advertising guidelines and other responsible gaming requirements;
 - measures to be implemented to promote responsible gambling;
 - measures to ensure that minors are precluded from purchasing tickets or entries for the Public Lottery; and
 - a description of the quickest possible result/re-purchase sequence.

4.9.3 Registrants should note that these Responsible Gambling Requirements are the minimum standard which must be met, however, the Minister will welcome proposals that extend beyond these minimum requirements at the Invitation to Apply stage.

4.10 Part H – Number and Exclusivity of Licences

As part of the assessment of the Applications for a Public Lottery Licence the Minister will make a decision on whether the Minister will grant:

- (i) one exclusive Public Lottery Licence covering defined Public Lotteries; or
- (ii) up to three non-exclusive Public Lottery Licences covering defined Public Lotteries.

A Registrant is required to provide in Part H of its submission details on the Registrant's interest in being either a single exclusive Licensee or one of up to three non-exclusive Licensees. A Registrant may provide multiple responses in respect of either or both alternatives and must indicate clearly which of its responses are made in the alternative.

At the end of the Application stage the Minister will determine whether to grant an exclusive Public Lottery Licence to a single Licensee or non-exclusive Licences to up to three Licensees. In making any such determination the Minister will look at which outcome will be of the most benefit to Victoria.

PART 5 – THE MATTERS CONCERNING A REGISTRANT ON WHICH THE COMMISSION WILL REPORT TO THE MINISTER

5.1 The Commission will be reporting to the Minister on its evaluation of the following matters –

5.1.1 Probity

The Registrant will need to provide sufficient information to demonstrate to the Commission that –

- (i) the Registrant and its immediate Associates are of good repute, having regard to character, honesty and integrity;
- (ii) the Registrant does not have an association with a person or body that is not of good repute having regard to character, honesty and integrity as a result of which the Registrant is likely to be significantly affected in an unsatisfactory manner; and
- (iii) the Registrant is of sound and stable financial background.

5.1.2 Commercial and Financial Capability

The Registrant will need to provide sufficient information to demonstrate to the Commission that –

- (i) the Registrant will be capable of having or raising financial resources that are adequate to ensure the financial viability of a public lottery business; and
- (ii) the Registrant has the capability to establish and maintain a successful public lottery business.

5.1.3 Technical Capacity

The Registrant will need to provide sufficient information to demonstrate to the Commission that the Registrant has, or will have, sufficient technical capability and access to adequate systems to conduct the Public Lottery that would be authorised by a Public Lottery Licence if a licence is granted.

**PART 6 – OTHER MATTERS THAT ARE RELEVANT
TO THE REGISTRATION OF INTEREST****6.1 Requirements for Types of Public Lotteries and Distribution Approaches**

6.1.1. When conducting an assessment of the Public Lotteries and Distribution Approaches proposed by each Registrant, the Minister will consider, among other things:

- (i) whether the Public Lotteries or Distribution Approaches do not result in a breach of Division 3 of Part 2 of Chapter 5 of the Gambling Regulation Act; and
- (ii) whether the Public Lottery is not:
 - a. unfair to players;
 - b. unreasonable; or
 - c. offensive or contrary to the public interest.

6.1.2. Registrants should note that any Public Lottery (apart from a soccer football pool) in which, whether at an earlier or later stage, a test of knowledge or skill is or may be required to be passed by any person in order to qualify him or her to receive a prize or to participate further in the Public Lottery will not be approved.

6.1.3. While a Registrant is not required to provide any particular Public Lottery a Registrant should bear in mind that, if short-listed, its subsequent Application for a Public Lottery Licence will be assessed on the basis of the Registrant's ability to maintain or contribute to the maintenance of the Victorian Government's tax revenue from Public Lotteries.

6.2 Public Lotteries Information**6.2.1. Sales Data**

To give Registrants an understanding of the Victorian lottery market (not including the Australian Footy Competition), the table in Annexure D shows sales in Victoria for each Public Lottery for each financial year from 1994–1995 to 2003–2004.

6.2.2. Release of Other Data and Information

It is intended that from 2008 information on expenditure on Public Lotteries on the basis of each major Public Lottery will be publicly released, probably on a six-monthly basis.

It is also intended that regulatory decisions about Public Lotteries that are not approved will be published.

6.3 Stage 2 – Invitations to Apply for a Licence

6.3.1. Short-listed Registrants will be invited to apply for a Public Lottery Licence under section 5.3.2A(7) of the Gambling Regulation Act and in accordance with the requirements specified in the Invitation to Apply.

Being invited to apply for a Public Lottery Licence only reflects a Registrant's short-listing and the Minister is not obliged to grant a Public Lottery Licence to any particular short-listed Registrant.

The requirements for an application for a Public Lottery Licence and the requirements to be met by an Applicant will be specified in the Invitation to Apply. Registrants should note that each Application for a Public Lottery Licence will be subject to an extensive and rigorous evaluation process to determine compliance with:

- (i) the Gambling Regulation Act, and in particular those criteria specified in section 5.3.4 of the Gambling Regulation Act; and
- (ii) any other criteria specified by the Minister.

6.3.2. Statutory Fees and Commission's Costs for Stage 2 – Application for a Licence

All short-listed Registrants who submit an Application for a Public Lottery Licence will be required to pay the licence application fee specified in section 5.3.3(3) of the Gambling Regulation Act. The fee at the time of publication of this Brief is AUD \$102.30.

In accordance with section 10.4.7 of the Gambling Regulation Act, each Applicant will be required to meet the costs of the Commission in conducting its evaluation of the Application for a Public Lottery Licence.

The Commission has provided an estimate of the possible cost of its evaluation of the relevant Parts of an Application which may be in the order of AUD \$200,000.00. This amount is indicative only and each Applicant will be responsible for meeting all the costs of the Commission in any investigation of its Application.

An Applicant for a Licence is likely to be required to submit a deposit as part of its Application for a Public Lottery Licence. This deposit may be in the order of AUD \$50,000.00. The details of any such requirement will be specified in the Invitation to Apply for a Licence documentation.

It should be noted that the actual cost of the Commission's assessment of an Application for a Licence will depend on the Applicant and the nature of the Application for a Public Lottery Licence submitted and the costs may exceed the estimate. The Commission is entitled to recover amounts in excess of this estimate.

6.3.3. Withdrawal by Applicant

An Applicant will be permitted to withdraw from the Licensing Process. Such withdrawal is to be communicated in writing to the Commission (by email) and the Minister (by letter). The Applicant must pay amounts incurred by the Commission up to the date and time any such withdrawal is received. Amounts previously paid by the Applicant as part of the Licensing Process are non-refundable.

6.3.4. Additional Criteria for the Grant of a Licence

The Information Paper has previously indicated that the Minister will consider the following additional criteria in considering any grant of a Public Lottery Licence.

- (i) Maintenance of existing revenue levels;
- (ii) Potential to increase sales;
- (iii) Premium payments offered;
- (iv) Responsible gambling strategy;
- (v) Economic benefits accruing to Victoria; and
- (vi) Additional measures offered above and beyond existing requirements, such as Corporate Governance standards.

6.4 Proposed Public Lottery Licence Conditions

6.4.1. The proposed licence will be in written form. The form of any Public Lottery Licence granted under this Licensing Process will not necessarily be similar to the current Public Lottery Licence.

6.4.2. The Minister may also require a Public Lottery Licensee to enter into an agreement with the Minister. The general content and extent of such an agreement is detailed below.

6.4.3. Licence Conditions

The Minister intends to include the following conditions in the Public Lottery Licence(s) to be granted at the conclusion of this Licensing Process.

The Public Lottery Licence will require the conduct of those Public Lotteries approved by the Minister at the conclusion of this Licensing Process.

Registrants should note that the Public Lottery Licence or Licences –

- (i) will not include the right to operate an AFL footy tipping competition (or like competition); and
- (ii) apart from soccer football pools, will not permit any Public Lottery in which, whether at an earlier or later stage, a test of knowledge or skill is or may be required to be passed by any person in order to qualify him or her to receive a prize or to participate further in the Public Lottery.

The Licence will include those features of the Registrant's Registration of Interest or Application for a Public Lottery Licence which are, in the opinion of the Minister, significant in the decision to grant the Public Lottery Licence to the Licensee.

The Licence and any agreement entered into between a Licensee and the Minister in support of the Licence will be public documents.

6.4.4. Retention of Some of the Current Licence Conditions

Conditions 1, 4, 8, 9, 10 and 13 in the current Tattersall's Public Lottery Licence will be substantially retained. For the assistance of Registrants the relevant provisions are extracted below.

- "1. The promoter must comply with the Act and all other applicable laws and regulations and must strictly observe the terms, conditions and provisions of this licence.*
- 4. The promoter indemnifies the Government of the State of Victoria against any action, claim, suit or demand, including costs or expenses, associated with the operation of the public lotteries save and except for any such action, claim, suit or demand which has resulted from the negligence of the State of Victoria or any decision made by the Victorian Casino and Gaming Authority in relation on the conduct of a public lottery which is in contravention of lottery rules made by the promoter pursuant to section 9 of the Act and not disallowed by the Victorian Casino and Gaming Authority pursuant to section 10 of the Act.*
- 8. The promoter shall continue to conduct each of the public lotteries unless the promoter can satisfy the Minister that a particular public lottery is not commercially viable.*
- 9. The promoter must at all reasonable times permit any person authorised in writing by the Minister to inspect and take copies from any accounts and records of the promoter or an agent of the promoter in respect of the public lotteries and give all reasonable assistance requested by that person in respect to the inspection or copying.*

10. *The amounts of commission or other remuneration derived from the sale of entries into the public lotteries payable to the promoter's agents shall not exceed those fixed by the Minister from time to time after consultation with the promoter.*
13. *The promoter shall promptly observe any lawful instruction given by the Minister."*

6.4.5. Conduct of the Licensee or Licensees

It is proposed that the post-2007 Public Lottery Licence or Licences is/are likely to contain the substance of the following conditions:

- (i) the Licensee must maintain a physical place of business in Victoria;
- (ii) the Licensee must remain solvent at all times, and must maintain sufficient capital reserves to pay the prizes for all the Public Lotteries drawn, regardless of whether the prizes are claimed or not;
- (iii) the Licence will prohibit exclusive distribution arrangements where the Licensee does not own or have effective control over the distributor(s);
- (iv) the Licensee will be expected to ensure that its conduct of public lotteries continuously meet the Responsible Gambling requirements outlined in this Brief during the term of the Licence.

6.4.6. Continuity and Agreement between the Minister and the Licensee in Support of the Public Lottery Licence

The Minister will require the preferred Applicant or Applicants to enter into an agreement with the Minister which may address the following issues, in addition to any other matters as they arise during the Licensing Process.

Any transition to a new Public Lottery Licence will be required to be managed by the Licensee or Licensees as smoothly as possible, so as to maintain the interest of players and reduce any risk of loss of revenue. The Minister expects the preferred Applicant(s) to minimise any interruption to the operation of any Public Lottery. Preferred Applicant(s) will be required to have sufficient business, delivery and communications systems in place on the Licence Commencement Date to ensure that players have convenient and functional access as soon as operations begin.

Any Applicant who is issued with a Public Lottery Licence will be required to have a fully operational Public Lottery on the Licence Commencement Date. Each Applicant will be required to demonstrate this capability during the course of the Licensing Process and will be required to meet timelines for the implementation of the public lottery licence infrastructure leading up to the Licence Commencement Date.

In addition, an Applicant will be required to demonstrate that it has sufficiently considered the issue of transitional operations from the current holder of the Public Lottery Licence upon cessation of the existing Public Lottery Licence on 30 June 2007.

The agreement may also include provisions to the following effect:

- (i) The Minister will reserve the right to grant additional licences to recognise the development of a national public lottery market, if such a market eventuates;
- (ii) The Licensee will promptly provide the Minister with a copy of any national or international lottery bloc arrangements to which it is a party and any amendments to those arrangements.

6.4.7. Duration

It is proposed that the Public Lottery Licence will be awarded for the maximum period permitted under the Gambling Regulation Act. Under the Proposed Amendments this is a period of 10 years commencing on the Licence Commencement Date.

Annexure A

Company History Inquiry Form

Public Lottery Licence - Registration of Interest

IMPORTANT INFORMATION

This Company History Inquiry form sets out the information required from interested parties for probity assessment by the Victorian Commission for Gambling Regulation (the Commission).

Directions for Completion

- Ensure that you type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply to you or if there are no details to disclose in response to a particular question, state N/A in response.
- If the space available is insufficient, please supply the required information on an attachment page. Begin each answer with the title and reference of that question.
- Ensure ALL required attachments are enclosed with this registration of interest submission.
- If the company lodging a Registration of Interest in a grant of a public lottery licence represents a consortium of companies, each company within the consortium must complete a Company History Inquiry Form.

Definitions

• Commission	means the Victorian Commission for Gambling Regulation
• Company	means the corporation that is submitting a Registration of Interest in the grant of a Public Lottery Licence
• Parent Company	means a corporation that holds a controlling interest in the shares of the Company submitting a Registration of Interest
• Ultimate Holding Company	means a corporation that is a holding company of the Company that is submitting a Registration of Interest in the grant of a Public Lottery Licence and is itself a subsidiary of no other corporation.

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Annexure A – Company History Inquiry Form

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Privacy Policy

In accordance with the Commission's privacy policy and relevant laws, you may be able to gain access to any personal or health information held about you by the Commission. A full copy of the Commission's privacy policy can be obtained from its website at www.vcgr.vic.gov.au. Alternatively, you can ask that a copy of the relevant privacy policy be sent to you by contacting the Privacy Project Manager on telephone (03) 9651 3333 or by email at VCGR.Contact@vcgr.vic.gov.au.

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Annexure A – Company History Inquiry Form

**COMPANY HISTORY INQUIRY FORM FOR REGISTRATION OF INTEREST IN THE
GRANT OF A PUBLIC LOTTERY LICENCE**

Full name of Company
(Company name)

Company's registered office address:
.....

Company's business address:
.....

Telephone number: (.....) Facsimile number: (.....)

Email address:

Note: this Form must be completed by an officer who is authorised to complete this Form on behalf of the Company, and the Company's Parent Company (if applicable) and Ultimate Holding Company (if applicable).

Full name of authorised officer
(Authorised company officer on behalf of Company)

Position with Company:
(Position/Title)

Authorised officer's contact details:

Business Hours: (.....) Mobile Telephone:

Facsimile: (.....) Email Address:

I, the undersigned declare that:

- (i) I am authorised to complete this Form on behalf of the Company, its Parent Company and the Ultimate Holding Company;
- (ii) All statements contained in and all matters accompanying this Form are true and correct in all details and fully disclose all information required to complete the Form.

Signature of Authorised Officer:

Date:/...../.....
(Day/Month/Year)

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Annexure A – Company History Inquiry Form

Section 1 - Company Information

COMPANY DETAILS	
<p>1. Full name of Company submitting a Registration of Interest:</p> <p>.....</p> <p>Please provide the following details:</p> <p>Australian Company Number (ACN):</p> <p>Australian Business Number (ABN):</p> <p>Please attach the following documents:</p> <p>(i) A Copy of the Certificate of Incorporation must be provided. Do not send original.</p> <p>• Is a copy of the Certificate of Incorporation attached? YES <input type="checkbox"/></p> <p>(ii) A copy of the Constitution/Replaceable Rules must be provided. Do not send original.</p> <p>• Copy of Constitution/Replaceable Rules attached? YES <input type="checkbox"/></p> <p>(iii) A corporate family tree detailing the relationship of the Company to any subsidiary, parent and related entities must be provided, if applicable, and shareholders with 10% or more of shares are to be listed for each entity.</p> <p>• Is a copy of the corporate family tree attached? YES <input type="checkbox"/></p>	
<p>2. Does the Company intend to operate under any other business/trading name/s?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES, provide details below.</p> <p>.....</p> <p>.....</p>	
<p>3. In Victoria or elsewhere, has there been any action taken against the Company, its Parent Company or the Ultimate Holding Company by any government regulatory body in the last ten (10) years (eg letter of censure, formal hearing, public censure etc)?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES, provide the following details for each case and the name of the relevant company:</p> <p>(i) Name of Government Regulatory Body:</p> <p>Name of Company</p> <p>Nature of Action: Date of Hearing:/...../.....</p> <p>Result:</p> <p>(ii) Name of Government Regulatory Body:</p> <p>Name of Company</p> <p>Nature of Action: Date of Hearing:/...../.....</p> <p>Result:</p>	

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Annexure A – Company History Inquiry Form

4. In Victoria or elsewhere, is there any action by a government regulatory body pending or currently being pursued against the Company, its Parent Company or the Ultimate Holding Company? YES ☐ NO ☐

If YES, provide the following details for each case and the name of the relevant company:

Name of Government Regulatory Body:

Name of Company

Nature of Action:

Date Matter is Scheduled to be Heard: .. / .. / ..

LITIGATION

5. In Victoria or elsewhere, has there been any litigation (legal action) taken against the Company, its Parent Company or the Ultimate Holding Company or was any one of those Companies a party to any litigation (litigation which is not still pending and was settled either through a court hearing or out of court), during the last ten (10) years? YES ☐ NO ☐

If YES, provide the following details for each case and the name of the relevant company:

Nature of litigation:

Name of Company

Result/Settlement:

Court or tribunal where matter was heard:

Case number issued by the court or tribunal:

Date of delivery of judgement: ... / ... / ...

6. To your knowledge, is there any litigation currently in progress against the Company, its Parent Company or the Ultimate Holding Company? YES ☐ NO ☐

If YES, provide the following details for each case:

Nature of litigation:

Name of Company

Court or tribunal where matter is scheduled to be heard (if applicable):

Next scheduled hearing date: ... / ... / ...

Case number issued by the court or tribunal (if known):

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Annexure A – Company History Inquiry Form

GAMING HISTORY	
<p align="center">IMPORTANT INFORMATION</p> <p>Questions 7 to 9 require you to provide information relating to the gaming history of the Company, its Parent Company or the Ultimate Holding Company, in particular licensing/authorisation details. When completing this section you must include details of any licences for registration, approval, authorisation or any other forms of approval.</p>	
<p>7. in Victoria or elsewhere, has the Company, its Parent Company or the Ultimate Holding Company ever applied for ANY other gaming industry licence, approval, authorisation or registration? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES, proceed to question 8. If NO, proceed to question 10.</p>	
<p>8. If YES to question 7, provide the following details for each licence application, request for approval, authorisation or registration.</p> <p>(a) If the application, request for approval, authorisation or registration was granted/approved, provide details below:</p> <p>Name of Company</p> <p>Type of licence/approval:</p> <p>Name shown on licence/approval:</p> <p>Licence No (if known): Jurisdiction*:</p> <p>Licence/approval/association dates (if known) From/..... To/..... (month/year) (month/year)</p> <p>(b) If the application, request for approval, authorisation or registration was refused or withdrawn, provide details below: (include details of type of approval sought, date of application, jurisdiction* applied to and reason for refusal or withdrawal of request)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>* the jurisdiction is the State or Territory and, if outside Australia, the country and locality in which the licence, approval or authorisation was sought</p>	
<p>9. With respect to question 8(a), has the Company, its Parent Company or the Ultimate Holding Company ever had a licence, approval, authorisation or registration suspended, cancelled, amended or revoked, or has it ever been the subject of disciplinary action by a gambling regulatory body (include details of any special conditions or restrictions imposed on a licence, approval or authorisation)? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>If YES, provide details:</p> <p>Name of Company</p> <p>.....</p> <p>.....</p>	

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Annexure A – Company History Inquiry Form

CHARGES, FINDINGS OF GUILT AND CONVICTIONS

10. (a) Has the Company, its Parent Company or the Ultimate Holding Company ever been, in Victoria or elsewhere, found guilty of any offence?

YES ☐ NO ☐

(b) To your knowledge, is there any investigation or charge currently pending against the Company, its Parent Company or the Ultimate Holding Company in respect of any offence, in Victoria or elsewhere?

YES ☐ NO ☐

If **YES** to question 10(a) or (b), give details in space provided below. List all cases.

Name of Company

Nature of Offence

Date:/...../..... Jurisdiction*:

Result (if finalised):
Result of Hearing or other Disposition

* the jurisdiction is the State or Territory and, if outside Australia, the country and locality of the offence, conviction, or charge

Note: Indicate on an attachment page if the current ownership or management structure of the relevant company (eg. directors, shareholders, trustees, beneficiaries, etc) differs in any way from the ownership or management structure of that company at the time of the offence(s).

Section 2 –Corporate Structure and Establishment of Associates

11. How are the profits of the Company's proposed public lottery business to be distributed (eg. dividends to shareholders, capital reinvestment plans etc)?

.....
.....
.....
.....
.....

12. Provide details of the proposed management structure over the operations of the proposed public lottery business. Include the name of the chief operating/executive officer responsible for the management and operations or business of the Company. Also include details of any existing or proposed, management contract arrangements, franchise arrangements or agency or licensee arrangements relevant to a public lottery business.

.....
.....
.....

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Annexure A – Company History Inquiry Form

IMPORTANT INFORMATION**a. Companies incorporated under Australian Corporations Law**

When submitting this form, it **MUST** be accompanied by an **ORIGINAL** Historical Organisational Extract from the Australian Securities and Investments Commission (ASIC) in relation to the Company and, if applicable, its parent company or ultimate holding company. When making a search application to ASIC, ensure that you specify that you require an Historical Organisational Extract and **not** a Current Organisational Extract. If this form is lodged with an extract other than an Historical Organisational Extract it will be considered incomplete and will be returned to you to be re-lodged when you have obtained the correct extract.

The Historical Organisational Extract **MUST** be current at the time of lodgement of this form and not exceed three (3) months from the date of issue by ASIC. Instructions on obtaining the Company's Historical Organisational Extract are provided in Enclosure 1.

b. Companies not incorporated under Australian Law

An Historical Organisational Extract from ASIC will not be required for Companies that are **either not** registered with ASIC or not incorporated under Australian Law. To assist the Commission with its investigations it is requested that a Company and, if applicable, its parent company or ultimate holding company, based outside Australia seek a similar report from an overseas equivalent agency to be forwarded for the Commission's consideration. For further details about Historical Organisational Extracts and the type of information contained in the report, please refer to the instructions contained in Enclosure 1.

13. Historical Organisational Extract from ASIC

Is the company's original Historical Organisational Extract from ASIC attached?

YES ☐ NA ☐

Is the parent and/or ultimate holding company's original Historical Organisational Extract/s from ASIC attached?

YES ☐ N/A ☐**OR**

Is an overseas equivalent report attached for the company?

YES ☐ NA ☐

Is an overseas equivalent report attached for the parent and/or ultimate holding company?

YES ☐ N/A ☐**14. Does the Company have an Ultimate Holding Company (as defined in Corporations Law)?**YES ☐ NO ☐

If NO, proceed to question 15. If YES, provide the ultimate holding company's name below:

Name of ultimate holding company:

15. Give the total number of ORDINARY SHARES (voting and income entitlement shares) and PREFERENCE SHARES (income entitlement shares only) of the Company:

(a) ORDINARY SHARES (voting and income entitlement shares): Total number:

(b) PREFERENCE SHARES (income entitlement shares only): Total number:

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Annexure A – Company History Inquiry Form

- 16.** List below the names of **ALL** shareholders who hold 5% or more of the total number of shares in the Company, and the number of shares held by each:

Full name of shareholder	Class of share	Number of shares held
.....
.....
.....
.....
.....

Note: All individuals identified above that hold **10% or more** of the total number of shares in the Company **MUST** complete an Associated Individual Probity Inquiry Form.

Have all individuals identified above completed an Associated Individual Probity Inquiry Form?
YES ☐

- 17.** Do any of the shareholders holding 5% or more of shares in the Company hold those shares on behalf of, or in trust for any person or entity?

YES ☐ NO ☐

If **YES**, provide details below:

Shares held by	Full name of beneficial owner	No. of shares
.....
.....
.....

Note: All individuals identified above that hold **10% or more** of the total number of shares in the Company **MUST** complete an Associated Individual Probity Inquiry Form.

Have all individuals identified above completed an Associated Individual Probity Inquiry Form?
YES ☐

- 18.** List below the names of all current office holders (company directors, secretary, etc) of the Company.

Full name of office holder	Position held
.....
.....
.....
.....

Note: All individuals identified above **MUST** complete an Associated Individual Probity Inquiry Form.

Have all individuals identified above completed an Associated Individual Probity Inquiry Form?
YES ☐

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Annexure A – Company History Inquiry Form

19. Is the Company a Corporate Trustee? Yes ☐ No ☐

If YES, Provide the following details:

(a) Name(s) of Trust:

Address:

Type of Trust (tick one only): Discretionary Trust ☐ Unit Trust ☐

A copy of the trust deed **MUST** accompany the application (do not send original).

Is a copy of trust deed attached? YES ☐ N/A ☐

(b) List below details of the individuals and/or entities that are beneficiaries or unit holders of the Trust:

Full Name	Company – Individual (tick appropriate box)		Voting	% of Ownership Income
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>

(c) Specify which of the beneficiaries/unit holders of the Trust received 10% or more of the Trust's income distribution in any one of the last three (3) years:

.....

(d) Of the Trust beneficiaries/unit holders, identify those who, by virtue of the Trust Deed have voting rights enabling them individually or as a group to remove/change the Trustee or to influence the decisions of the Trustee.

.....

Note: All individuals identified in question 19(d) above MUST complete an Associated Individual Probity Inquiry Form.

Have all individuals identified in question 19(d) above completed an Associated Individual Probity Inquiry Form?

YES ☐

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Annexure A – Company History Inquiry Form

Section 3 - Company's Financial Particulars

20. Provide the name and full address of all financial institutions and other sources with which the Company has accounts, borrowings or investments:

- (i) Financial Institution/Source name:
 Branch/Source address:
 Nature of account:
- (ii) Financial Institution/Source name:
 Branch/Source address:
 Nature of account:
- (iii) Financial Institution/Source name:
 Branch/Source address:
 Nature of account:

21. Has the Company, its Parent Company or the Ultimate Holding Company ever been in receivership, voluntary administration, bankruptcy, a scheme of arrangement or a formal administration (eg. agent for mortgagee appointed)? Include any pending arrangement for any of the above.

YES ☐ NO ☐

If **YES**, please provide details below, including the name of the relevant company:

.....

IMPORTANT INFORMATION**Company Extract from Baycorp Advantage**

This application form **MUST** be accompanied by an **ORIGINAL** Company Extract from Baycorp Advantage in relation to the Company, its Parent Company (if applicable) and the Ultimate Holding Company (if applicable). The extract/s **MUST** be current at the time of a Company registering its interest in a public lottery licence and not exceed three (3) months from the date of issue by Baycorp Advantage. Instructions on obtaining a Company Extract are provided in Enclosure 2.

A Company Extract from Baycorp Advantage will not be required for Company's which are **not** registered with the Australian Securities and Investments Commission. In this situation, the Company's authorised officer is required to certify (see question 23) that the entity will not be recorded with Baycorp Advantage.

22. Company Extract/s from Baycorp Advantage

Original Company Extract/s from Baycorp Advantage attached? YES ☐

OR

The Company is not registered with the Australian Securities and Investments Commission. As Authorised Officer completing the application form on behalf of the Company, I hereby certify that the Company is not recorded with Baycorp Advantage.

YES ☐

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Annexure A – Company History Inquiry Form

23. Is the Company, its Parent Company or the Ultimate Holding Company currently in default of any debt incurred solely or jointly in the name of one of these companies? Include details ONLY where payment is overdue or in arrears. YES ☐ NO ☐

If **YES**, complete the following (Note: All amounts must be stated in Australian currency):

Name of Company:

Financial Institution or creditor:

Amount owing (total amount): \$ Amount in default (total amount): \$

Date payment was due:/...../.....

24. Company's Financial Statements

The Company **MUST** provide financial statements, certified in accordance with the Victorian Commission for Gambling Regulation's guidelines for the certification of financial statements provided at Enclosure 3, for the last three financial years.

The financial statements must include:

- a balance sheet;
- a profit and loss statement (including details of secured and unsecured loans, amounts and sources of funds);
- a cash flow statement and explanatory notes; and
- a list of creditors.

If the most recent completed financial year is more than six months from the date of this Registration of Interest, unaudited financial statements covering this period must also be provided.

Note: All Companies lodging this Company History Inquiry Form relating to a Registration of Interest **MUST** provide a Financial Institution letter completed in accordance with **question 26**.

24(a) Has the Company traded for three years or more? YES ☐ NO ☐

If YES to question 24(a), are COPIES of the Company's financial statements for the past three years (including the most recently completed financial year) attached? YES ☐

If NO to question 24(a), tick the appropriate box below (you must tick either (i), (ii) or (iii) below):

- (i) The Company has been trading for less than one year (and financial statements for the most recently completed financial year period are not available). I understand the requirements detailed at question 26 must be completed and provided as part of the application. YES ☐
- (ii) The Company has been trading for more than one year but less than two. A COPY of the Company's financial statements for the most recently completed financial year is attached. In addition, I understand the requirements detailed at question 26 must be completed and provided as part of the application. YES ☐
- (iii) The Company has been trading for more than two years but less than three. A COPY of the Company's financial statements for the past two years (including the most recently completed financial year) is attached. In addition, I understand the requirements detailed at question 26 must be completed and provided as part of the application form. YES ☐

24(b) Is the date of this Registration of Interest for the grant of a public lottery licence more than six months from the most recently completed financial year? YES ☐ NO ☐

If YES to question 24(b), is a COPY of the Company's unaudited financial statements covering the period from the end of the last financial year to the date of this application attached? YES ☐

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Annexure A – Company History Inquiry Form

25. Parent Company's Financial Statements

Financial statements for the Parent Company (Holding Company) **MUST** be provided for the last three years, including the most recently completed financial year. The financial statements must be audited as to whether the financial statements are presented fairly in accordance with applicable Accounting Standards and any other mandatory professional reporting requirements and must include:

- a balance sheet;
- a profit and loss statement (including details of secured and unsecured loans, amounts and sources of funds);
- a cash flow statement and explanatory notes; and
- a list of creditors.

If the most recent completed financial year is more than six months from the date of application, unaudited financial statements covering this period must also be provided.

Note: The Parent Company **MUST** provide as part of this Company History Inquiry Form relating to a public lottery licence a Financial Institution letter completed in accordance with **question 26**.

25(a) Has the Parent Company traded for less than three years? YES ☐ NO ☐

If NO to question 25(a), are COPIES of the Parent Company's financial statements for the past three years (including the most recently completed financial year) attached? YES ☐

If YES to question 25(a), tick the appropriate box below (you must tick **either** (i), (ii) or (iii) below):

- (i) the Parent Company has been trading for less than one year (and financial statements for the most recently completed financial year period are not available). I understand the requirements detailed at question 26 must be completed and provided as part of the application. YES ☐
- (ii) The Parent Company has been trading for more than one year but less than two. A COPY of the Parent Company's financial statements for the most recently completed financial year are attached. In addition, I understand the requirements detailed at question 26 must be completed and provided as part of the application. YES ☐
- (iii) The Parent Company has been trading for more than two years but less than three. A COPY of the holding company's financial statements for the past two years (including the most recently completed financial year) are attached. In addition, I understand the requirements detailed at question 26 must be completed and provided as part of this Form. YES ☐

25(b) Is the date of this registration of interest for the grant of a public lottery licence more than six months from the Parent Company's most recently completed financial year? YES ☐ NO ☐

If YES to question 25(b), is a COPY of the Parent Company's unaudited financial statements covering the period from the end of the last financial year to the date of this application attached? YES ☐

Section 4 – Release and Consent Forms

26. You are now required to complete the following –

- Financial Information Release Form, and
- Consent For Release of Information of Law Enforcement Agencies

for each of the Company, its Parent Company (if applicable) and the Ultimate Holding Company (if applicable).

Financial Institution letter/s attached? YES ☐

Consent For Release of Information of Law Enforcement Agencies form/s attached? YES ☐

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Annexure A – Company History Inquiry Form

Gambling Regulation Act 2003 (Victoria)
FINANCIAL INFORMATION RELEASE FORM

In the matter of a registration of interest for the grant of a public lottery licence by:

Name:
(Print the Corporation's name)

..... ('the Corporation')
(Full address of the Corporation)

I,
(Full name of authorised officer signing the application on behalf of the Corporation)

being the duly authorised officer of the Corporation named above hereby authorise all **persons** who receive this **release form** from the Victorian Commission for Gambling Regulation and its staff to undertake the **authorised actions** for the **authorised purposes** as set out below:

AUTHORISED ACTIONS

1. To allow the Victorian Commission for Gambling Regulation, its staff or any other person appointed in writing by the Commission, to inspect and obtain a copy of any document, record or correspondence in the possession or under the control of the person, which contains information pertaining to the Corporation (or to the Corporation and another person and to any subsidiary, related body corporate, trust or partnership to which the Corporation was a party), including but not limited to -
 - any loan information;
 - any information relating to an account held with a financial institution (passbook, statement or other), including information relating to withdrawals, deposits, transfers and balances;
 - any information (including trust account information) of any solicitor, accountant, real estate agent and other fiduciary.
2. To answer written or verbal queries of, and to provide information (by any means) to the Victorian Commission for Gambling Regulation, its staff, or any other person appointed in writing by the Commission to undertake the authorised actions, about the financial resources of the Corporation.

AUTHORISED PURPOSES

To enable the Victorian Commission for Gambling Regulation to report to the Minister regarding the financial history and resources of a Corporation registering its interest in the grant of a public lottery licence.

Signed:
(Authorised officer's signature)

Dated: / /
(Day/Month/Year)

NOTES

1. This **financial information release form** is required to assist the Commission with its enquiries. Among the people to whom it is intended to produce this form are banks and other financial institutions, solicitors, accountants, financial advisers and any other person or organisation who or which has lent money to or borrowed from the Corporation.
2. In this **financial information release form**-
 - reference to an inspector is reference to an Inspector appointed under the *Gambling Regulation Act 2003*;
 - reference to a member of staff of the Commission is a reference to a person employed by the Commission to assist in the administration of the *Gambling Regulation Act 2003*.
3. A photocopy of this form will be considered as effective and as valid as the original.

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Annexure A – Company History Inquiry Form

Gambling Regulation Act 2003 (Victoria)**CONSENT FOR RELEASE OF INFORMATION OF LAW ENFORCEMENT AGENCIES**

In the matter of a registration of interest for the grant of a public lottery licence by:

Name: of
(Print the Corporation's name)Address: ('the Corporation')
(Full address of the Corporation)Authorised Officer:
(Full name of authorised officer signing this Consent Form on behalf of the Corporation)**CONSENT**

The Corporation hereby consents, for the purposes of registering the an interest in the grant of a public lottery licence under the *Gambling Regulation Act 2003*, to all probity investigations carried out by the Victorian Commission for Gambling Regulation and its staff, including but not limited to:-

(a) Inspection of criminal, intelligence or other records kept or maintained by:

- | | |
|-----------------------------------|---|
| * the Victoria Police; | * any State, Territory, Federal or overseas police force; |
| * any crime investigation agency; | * any corporate regulatory agency; |
| * any gaming regulatory body; | * any casino regulatory body; |
| * any Court; | * any government agency. |

(collectively referred to as 'law enforcement agencies')

(b) Release of particulars of any convictions, findings of guilt or other information recorded against the Corporation by the law enforcement agencies including, without limitation:-

- * details of all prosecutions, including acquittals and matters withdrawn or dismissed and all findings of guilt, whether or not a conviction was recorded to which the Corporation, was a party including any subsidiary, related body corporate, trust or partnership;
- * present matters or charges still outstanding;
- * law enforcement agencies intelligence howsoever obtained;
- * any other matters recorded as arising either in Victoria or elsewhere by any law enforcement agency and considered relevant to the Victorian Commission for Gambling Regulation.

ACKNOWLEDGMENT

The Corporation acknowledges having read and understood the terms of the consent and the release and each has noted that independent legal advice may be sought before signing this consent.

This consent commences on the date below and continues until the later of:-

- * its revocation in writing by the Corporation to the Commission;
- * the Corporation's withdrawal or elimination from the two-stage licensing process for the grant of a public lottery licence under the *Gambling Regulation Act 2003* (Vic.).

A photocopy of this Authorisation will be considered as effective and as valid as the original

EXECUTION AS A DEED

..... Dated the day of
Signature of Authorised Officer on behalf of the Corporation (day) (month) (year)

.....
Signature of witness (any adult can be a witness) Printed name of witness

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Annexure A – Company History Inquiry Form

ENCLOSURE 1 - HISTORICAL ORGANISATIONAL EXTRACT FROM THE AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

As part of this Company History Inquiry Form relating to a public lottery licence, you must apply for the Company's Historical Organisational Extract which identifies the type, status, registered address, roles within the organisation, share structure, members, charges and documents lodged, (current and historical) of organisations registered with the Australian Securities & Investments Commission (ASIC).

When making a search application to ASIC, ensure that you specify that you require an Historical Organisational Extract and **not** a Current Organisational Extract. An Historical organisational Extract identifies **both current and historical** information about the Company, while the Current Extract identifies only current information. If this application form is lodged with an extract other than an Historical Organisational Extract it will be considered incomplete and will be returned for re-lodgement when the correct extract has been obtained.

The Company's Historical Organisational Extract **MUST** be current at the time of application and not exceed three (3) months from the date of issue. If you fail to meet any of these requirements (i.e. you do not provide the Company's Historical Organisational Extract or certificate or you enclose either a photocopied extract or certificate or an extract or certificate exceeding 3 months from the date of issue) the application form will be considered incomplete and will be returned to you.

All matters detailed in the Company's Historical Organisational Extract are taken into consideration by the Victorian Commission for Gambling Regulation. Should you wish to dispute any of the information disclosed in the Company's Historical Organisational Extract you should do so with ASIC **PRIOR** to lodging your application.

Fee for Searching ASIC Databases

Fees are payable for searching ASIC databases. ASIC fees for on-line/telephone searches through brokers may differ from the fees charged at an ASIC Business centre. Information brokers, however, may charge a service delivery fee in addition to the ASIC fee. The delivery fee may vary between brokers. ASIC does not regulate the amount of broker delivery fees. ASIC can advise you of the cost of obtaining an Historical Organisational Extract.

How to apply for your Historical Organisational Extract

An Historical Organisational Extract can be obtained from either ASIC Business Centres, Local ASIC Representatives or Information Brokers. Locations of information providers are listed below.

ASIC BUSINESS CENTRES LOCATIONS IN VICTORIA

Melbourne Business Centre Level 17, CU Tower 485 La Trobe Street Melbourne Vic 3001 Phone: (03) 9280 3500 Fax: (03) 9280 3550	ASIC Information Processing Centre 14 – 22 Grey Street Traralgon Vic 3844 Phone: (03) 5177 3988 Fax: (03) 5177 3999	Geelong Business Centre Ground Centre 200 Malop Street Geelong Vic 3212 Phone: (03) 5229 2966 Fax: (03) 5229 2940
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LOCATIONS OF ASIC REPRESENTATIVES SERVICING VICTORIA

Belbridge Hague & Co 522 Kiewa Street Albury NSW 2640 Phone (02) 6021 2500	Cahills 7-9 View Point Bendigo Vic 3550 Phone (03) 5443 9344	Sinclair & Wilson 177 Korait Street Warrnambool Vic 3280 Phone (03) 5562 1922
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Details of other information providers can be obtained by contacting ASIC's Infoline by telephone on 1300 300 630 or by email at www.asic.gov.au.

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Annexure A – Company History Inquiry Form

ENCLOSURE 2 — COMPANY EXTRACT FROM BAYCORP ADVANTAGE

As part of this probity inquiry form relating to a public lottery licence, you must apply to Baycorp Advantage for the Company's Company Extract which will identify any matters entered against the Company by any financial provider.

The Company's **ORIGINAL** Company Extract **MUST** be forwarded to the Victorian Commission for Gambling Regulation with this application form. The file **MUST** be current at the time of lodgement of the application form and be not more than three (3) months from the date of issue by Baycorp Advantage. If you fail to meet any of these requirements (i.e. you do not provide the Company's Company Extract or you enclose either a photocopied file or a file exceeding 3 months from the date of issue) the application form will be considered incomplete and will be returned to you.

All matters detailed in the Company's Company Extract are taken into consideration by the Commission and are essential to allow an assessment of the Company's financial resources. Should you wish to dispute any of the information disclosed in the Company's Company Extract you should do so with Baycorp Advantage **PRIOR** to lodging your application form.

HOW TO APPLY FOR THE COMPANY'S COMPANY EXTRACT

To apply for the Company's Company Extract, a written application **signed by the authorised company officer** on behalf of the Company (a current company director/secretary of the Company) needs to be made to:

Mail Request to:

Public Access Division, Baycorp Advantage
PO Box 964, NORTH SYDNEY, NSW 2059

Fax Request on: (02) 9951 7880

Telephone Request or Enquiries to: (02) 9464 6000

As part of your application to Baycorp Advantage you should provide the following details:

Authorised company officer details:

- authorised officer's full name (surname, first and middle names);
- position within Company (eg company director); and
- telephone number including area code (business hours contact number).

Company details:

- the Company's name (company name); and
- the Company's Australian Company Number (ACN).

Baycorp Advantage can advise you of the cost of obtaining a Company Extract. Arrangements for fee payment can be made over the telephone by credit card, or payment may be made by money order or bank cheque (personal cheques are not accepted). For credit card payment over the telephone, please contact Baycorp Advantage on telephone (02) 9464 6000 and follow the recorded instructions.

Baycorp Advantage will usually provide you with the Company's Company Extract within 24 hours of receiving your request, although some applications may take longer to process.

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Annexure A – Company History Inquiry Form

ENCLOSURE 3 — GUIDELINES FOR CERTIFICATION OF FINANCIAL STATEMENTS

**Victorian Commission for Gambling Regulation
Guidelines for Certification of Financial Statements
Accompanying a Company History Inquiry Form relating to a Registration of Interest in the
Grant of a Public Lottery Licence**

INTRODUCTION

The Victorian Commission for Gambling Regulation requires that Companies lodging this Company History Inquiry Form relating to a public lottery licence must submit financial statements consisting of balance sheet, profit and loss statement and explanatory notes for the most recently completed financial year.

The Commission also requires financial statements of the Company's other business interests to assess the Company's financial resources.

In addition, it is the responsibility of the Company to be able to show, by way of consolidated financial statements, the net financial arrangements of the overall group of business entities, if necessary to do so. The financial statements of the Company must be:

1. Audited by a registered company auditor, or
2. Certified as to their accuracy by a registered company auditor or a financial member of the Institute of Chartered Accountants in Australia or CPA Australia, in the prescribed format as outlined in Attachment 3A.

Exempt proprietary companies where all members agree not to appoint an auditor along with unincorporated clubs, partnerships, trusts and sole traders are excluded from current legal requirements to undertake audits.

To meet the Victorian Commission for Gambling Regulation requirements, the financial statements for an Company are required to comply with the following guidelines, in accordance with the Australian Auditing Standard AUS802: "The Audit Report on Financial Information Other than a General Purpose Financial Report", Paragraphs 1 to 21 inclusive as issued by the Australian Accounting Research Foundation.

The Accountant who is to perform the certification of the financial statements should undertake the following procedures prior to the preparation of a report to the Victorian Commission for Gambling Regulation as outlined in Attachment 3 which is required to accompany the financial statements. Comparative figures for the previous financial year must be included in the financial statements in accordance with the Accounting Standard AASB1018 "Profit and Loss Accounts."

Accountants certifying statements must be objective, impartial and free of conflicts of interest in the performance of their professional duties. Accordingly, accountants are referred to Statement of Auditing Practice AUP 32 "Audit Independence". In particular, professional ethics demand that auditors should not accept engagements if they hold or have held the office of director in audit clients or their related companies.

General

A review of the books and records to:

1. Determine whether they are appropriate for the business and maintained up to date; and
2. Confirm the financial statements are in accordance with the books and records of the Company.

Revenue and Expenditure

Confirm all taxation returns of the Company have been lodged with the Australian Taxation Office.

Current Assets

- **Cash at Bank**

Confirm cash balances directly with the deposit holder in writing. Examine bank reconciliations for accuracy.

- **Debtors**

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Annexure A – Company History Inquiry Form

Review an aged debtors listing at balance date for collectability of amounts due. Report total debtors believed to be doubtful. If amounts have been outstanding for longer than 60 days, explain why it is believed that these amounts are collectable.

Stock

Confirm the inventory valuation is calculated in accordance with the Accounting Standards.

- **Other Current Assets**

Confirm all other current asset balances at balance date.

Non-Current Assets

- **Physical Assets**

Confirm physical non-current assets and explain the valuation if these assets have not been recorded at cost (less depreciation).

- **Intangible Assets**

Ensure intangible assets are valued in accordance with the appropriate accounting standard.

Current Liabilities

- **Creditors**

Obtain an aged trial balance at balance date, determine the fifteen major suppliers and agree balance date liabilities to statements. If statements are unavailable, confirm the balances due directly with the suppliers

Review cash payments records to ensure all major creditors are included at balance date.

- **Accruals**

Review the following accruals and ensure that at balance date, the appropriate accrual has been included in the financial statements. The certification should specifically report circumstances where more than the current month is included in the accrual, or if penalties have been charged during the last year.

- | | |
|--|---------------|
| - Licence Fees | - Payroll Tax |
| - Group Tax | - Workcover |
| - Rental, rates and taxes on properties | - Utilities |
| - Employee entitlements including superannuation | |

- **Other Current Liabilities**

Confirm all other current liabilities (including bank overdraft) at balance date.

Non-Current Liabilities

- **Borrowings/Liabilities**

Directly confirm in writing the balances due, both current and non-current, and ensure that all interest has been accrued. Include in the certification, any circumstances where interest and/or principal repayments have been deferred, re-scheduled or capitalised. For shareholder/director loans, obtain confirmation of terms and period for repayment.

- **Contingent Liabilities**

Confirm that all contingent liabilities have been identified and included in the notes to the accounts.

- **Other Non-Current Liabilities**

Confirm all other non-current liabilities at balance date.

Equity

- **Shareholder funds** (if applicable)

Confirm the authorised, issued and paid-up amounts of share capital.

Note: The following note should be included as part of the special purpose financial report under the heading "**Basis of Accounting**".

"This special purpose financial report has been prepared for the purpose of lodging this probity inquiry form relating to a public lottery licence under the *Gambling Regulation Act 2003*. Australian Accounting Standards have been adopted in the preparation and presentation of the special purpose

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Annexure A – Company History Inquiry Form
--

financial report except for the following: *(list the Accounting Standards not complied with, and reasons for non-compliance, in the financial statements).*³¹

Note: If you have any enquiries in relation to the Guidelines, please contact the Commission via the email address for the Public Lottery Licensing Process.

Annexure A – Company History Inquiry Form

ENCLOSURE 4 — REPORT TO THE VICTORIAN COMMISSION FOR GAMBLING REGULATION

You have asked us to apply certain agreed procedures ("the Procedures"), as enumerated in the Victorian Commission for Gambling Regulation's publication "*Guidelines for Certification of Financial Statements*" accompanying a Company History Inquiry Form, to the Special Purpose Financial Report of

..... ("the Company").

The Special Purpose Financial Report is for the purpose of the Company's registration of interest in the grant of a public lottery licence under the *Gambling Regulation Act 2003*. The Special Purpose Financial Report comprises the balance sheet, profit and loss statement and notes set out on

pages to accompanying this report.

The Special Purpose Financial Report is the responsibility of the Directors/Owners of the Company. Our responsibility is to carry out the agreed Procedures and report our findings. We have applied the Procedures to the Special Purpose Financial Report of the Company for the

year ended

These Procedures were performed solely to assist in the evaluation of the Company's Company History Inquiry Form relating to a Registration of Interest in the grant of a public lottery licence. These procedures are substantially less in scope than an audit, the objective of which is to enable an auditor express an opinion on such financial information. Accordingly, we do not express such an opinion.

We report that the agreed Procedures were satisfactorily completed and no exceptions or reportable matters were noted. / The following exceptions arose which we now bring to your attention: (*only if matters are reported*). (*Delete whichever sentence does not apply.*)

Procedure reference **Exception noted / reportable matter**

Except for the matters reported in the immediately preceding paragraph, based on the application of the agreed principles referred to above, nothing came to our attention that caused us to believe that the Special Purpose Financial Report is not presented fairly in accordance with the basis of accounting disclosed in Note 1 of the Special Purpose Financial Report. If we had performed additional procedures or audited the Special Purpose Financial Report, other matters might have come to our attention that would have been reported to you.

This Report is intended solely for your information and should not be presented to, or relied upon by any other parties, without our knowledge and consent.

Signed:

Partner: Date:/...../.....

Member: CPA Australia / Institute of Chartered Accountants (*please specify*)

Firm:

Address:

.....

Annexure A – Company History Inquiry Form

ENCLOSURE 5 — FINANCIAL INSTITUTION LETTER**SAMPLE LETTER - FOR YOUR USE****INFORMATION FROM YOUR BANK OR FINANCIAL INSTITUTION**

The Manager,

.....
.....
.....

(Name/Address of Bank)

Dear/Sir/Madam

..... (Company's name) has applied to the Victorian Commission for Gambling Regulation for a public lottery licence .

As part of the application process, the Commission is performing a review, we request that you provide the following details:

- i. The amounts outstanding and available under all facilities made available;
- ii. The next review date and expiry date for each existing facility;
- iii. The security held over each facility outlined above;
- iv. Whether any of the original facilities are in default of any payments of principal or interest;
- v. The nature of any current or previous discussions between yourselves and the Company which may materially impact upon the continuing availability of facility or have previously resulted in alterations to the original funding facility; and
- vi. Confirm that the bank supports the application.

The completion of this review is an integral part of the processing of the application for a public lottery licence, and accordingly, I would appreciate your reply at the earliest convenience.

Please forward your reply on this matter directly to the undersigned at the address listed below.

Yours sincerely,

..... (Name)
..... (Position)
..... (Address)

Annexure B - Associated Individual Probity Form

Annexure B**Associated Individual Probity Form****Public Lottery Licence - Registration of Interest****IMPORTANT INFORMATION**

This form is to be completed by all persons identified in questions 16, 17, 18 and 19 of the Company History Inquiry Form as being required to do so.

Each person completing this Form is referred to as an "associate".

Directions for Completion

- Ensure that you type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply to you or if there are no details to disclose in response to a particular question, state N/A in response.
- If the space available is insufficient, please supply the required information on an attachment page. Begin each answer with the title and reference of that question.
- Ensure ALL required attachments are enclosed with your application form.
- Include an email address to enable the Commission to send any queries to you.

Privacy Policy

In accordance with the Commission's privacy policy and relevant laws, you may be able to gain access to any personal or health information held about you by the Commission. A full copy of the Commission's privacy policy can be obtained from its website at www.vcgr.vic.gov.au. Alternatively, you can ask that a copy of the relevant privacy policy be sent to you by contacting the Privacy Project Manager on telephone (03) 9651 3333 or by email at VCGR.Contact@vcgr.vic.gov.au.

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ATTACHMENTS TO THE FORM

Instructions on obtaining:

National Police Certificate (NPC) from the Victoria Police	Enclosure 1
Historical Personal Name Extract from the Australian Securities and Investments Commission	Enclosure 2
Personal Credit File from Baycorp Advantage	Enclosure 3
Baycorp Advantage Standard File Service Request From	Enclosure 4

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Annexure B - Associated Individual Probity Form

VICTORIA

Gambling Regulation Act 2003

CONSENT TO ACCESS RECORDS OF LAW ENFORCEMENT AGENCIES

Name:
 (Full name of Associate - print name)

Address: ('Associate')
 (Full address of Associate)

CONSENT

I hereby consent, for the purposes of a registration of interest for the grant of a public lottery licence pursuant to the *Gambling Regulation Act 2003*, to all probity investigations carried out by the Victorian Commission for Gambling Regulation and its staff, including but not limited to:-

(a) Inspection of criminal, intelligence or other records kept or maintained by:

- | | |
|-----------------------------------|---|
| * the Victoria Police; | * any State, Territory, federal or overseas police force; |
| * any crime investigation agency; | * any corporate regulatory agency; |
| * any gaming regulatory body; | * any casino regulatory body; |
| * any Court; | * any government agency. |

(collectively referred to as 'law enforcement agencies')

(b) Release of particulars of any convictions, findings of guilt or other information recorded against me by the law enforcement agencies including, without limitation:-

- * details of all prosecutions, including acquittals and matters withdrawn or dismissed and all findings of guilt, whether or not a conviction was recorded;
- * matters or charges still outstanding;
- * law enforcement agencies intelligence howsoever obtained;
- * any other matters recorded as arising either in Victoria or elsewhere by any law enforcement agency and considered relevant to the investigation or assessment of my probity.

ACKNOWLEDGMENT

I acknowledge having read and understood the terms of the consent and the release and have noted that independent legal advice may be sought before signing this consent.

A photocopy of this Authorisation will be considered as effective and as valid as the original

EXECUTION AS A DEED

Dated the day of
 (Day) (Month) (Year)

.....
 Signature of Associate

.....
 Signature of Witness

.....
 Printed Name of Witness (any adult can be a witness)

Annexure B - Associated Individual Probity Form

ASSOCIATE'S PERSONAL INFORMATION

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Annexure B - Associated Individual Probity Form

LITIGATION	
8.	During the last ten (10) years, have you ever had any litigation (legal action) taken against you, or were you a party to any litigation, whether personally (i.e. as an individual) and/or via business associations (eg legal action involving a company of which you were or are a director/office holder, or involving a partnership of which you were or are a partner etc)? Provide details of any litigation which is not still pending and was settled either through a court hearing or out of court. YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES, provide the following details for each case:	
(i)	Nature of Litigation: Result/Settlement: Court or tribunal where matter was heard: Case no. issued by the court or tribunal: Date of delivery of judgement:/...../.....
(ii)	Nature of Litigation: Result/Settlement: Court or tribunal where matter was heard: Case no. issued by the court or tribunal: Date of delivery of judgement:/...../.....
9.	To your knowledge, is there any litigation (legal action) pending or currently being pursued against you, or are you currently a party to any litigation, whether personally (i.e. as an individual) and/or via business associations (eg legal action involving a company of which you were or are a director/office holder, or involving a partnership of which you were or are a partner etc)? YES <input type="checkbox"/> NO <input type="checkbox"/>
If YES, provide the following details (for each action):	
(i)	Nature of Litigation: Court or tribunal where matter is scheduled to be heard (if applicable): Next scheduled hearing date:/...../..... Case no. issued by the court or tribunal: (if known)
(ii)	Nature of Litigation: Court or tribunal where matter is scheduled to be heard (if applicable): Next scheduled hearing date:/...../..... Case no. issued by the court or tribunal: (if known)

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Annexure B - Associated Individual Probity Form

BUSINESS INTERESTS**IMPORTANT INFORMATION****Historical Personal Name Extract from the Australian Securities and Investments Commission****Individuals residing in Australia**

Whether or not you have ever been the director or secretary of a company registered with the Australian Securities and Investments Commission (ASIC), your application form **MUST** be accompanied by your **ORIGINAL** Historical Personal Name Extract from ASIC. If you are not recorded on ASIC's database you will still be provided with a Report to that effect.

When making your search application to ASIC, ensure that you specify that you require an Historical Personal Name Extract and **not** a Current Personal Name Extract. If your application form is lodged with an extract other than an Historical Personal Name Extract it will be considered incomplete and will be returned to you to be re-lodged when you have obtained the correct extract.

Your Historical Personal Name Extract **MUST** be current at the time of lodgement of this form and not exceed three (3) months from the date of issue by ASIC. Instructions on obtaining your Historical Personal Name Extract are provided in Enclosure 1.

Individuals residing outside Australia

If you do not reside in Australia and are not now and have never been a director or secretary of a company registered with ASIC you are not required to apply to ASIC for an Historical Personal Name Extract. Instead, to assist the Commission with its investigations it is requested that you seek a similar report from an overseas equivalent agency to be forwarded for the Commission's consideration. For further details about Historical Personal Name Extract and the type of information contained in the report, please refer to the instruction contained in Enclosure 2. In addition, details of any business interests held by you (whether within or outside Australia) must be disclosed at Question 11.

10. Historical Personal Name Extract from the Australian Securities and Investments Commission.

I have enclosed my ORIGINAL Historical Personal Name Extract from the Australian Securities and Investments Commission. YES ☐

(Note: To avoid your form being returned to you, ensure you have provided an Historical Personal Name Extract from ASIC and **not** a Current Personal Name Extract.)

OR

Overseas equivalent report attached? YES ☐ N/A ☐

IMPORTANT INFORMATION

When completing question 11 you must disclose details of:

- **ALL** directorships (either within or outside Australia), including positions of director, secretary etc, you have held (whether or not the company is trading) over the last three (3) years **not** reported in your Historical Personal Name Extract; and
- **ALL** business interests or partnerships you have been involved in, including provision of finance of \$50,000 (Australian currency) or more in relation to any business dealing, over the last three (3) years (either within or outside Australia).

Include details of **ALL** interests/directorships (either within or outside Australia), **whether or not they relate to the business of the applicant.**

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Annexure B - Associated Individual Probity Form

11. Other than disclosed in your Historical Personal Name Extract from the Australian Securities and Investments Commission, have you held within the last three (3) years ANY directorships, business interests or partnerships (either within or outside Australia), including those directorships, business interests or partnerships which you have resigned from?

YES ☐ NO ☐

If YES, provide details below:

.....

.....

.....

.....

12. Have you ever been disqualified from acting as a director of a company under any of the provisions of current or previous Australian Corporations and Securities Legislation (or overseas equivalent)?

YES ☐ NO ☐If YES, complete the following: Date of disqualification:/...../.....
(Day/Month/Year)

Reason for disqualification (Include details of any pending arrangements):

.....

.....

.....

.....

GAMING HISTORY

IMPORTANT INFORMATION

Questions 13 to 15 require you to provide information relating to your gaming history, in particular licensing/authorisation details. When completing this section you must include details of any licences for registration, approval, authorisation or any other forms of approval.

13. Have you ever applied (in Victoria or elsewhere) for ANY gambling industry licence, approval, authorisation or registration?

YES ☐ NO ☐

If YES, proceed to question 14. If NO, proceed to question 15.

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Annexure B - Associated Individual Probity Form

14. If **YES** to question 13, provide the following details for each application/request for approval/registration.

(a) If the application, request for approval, authorisation or registration was granted/approved, provide details below:

Type of licence/approval:

Name shown on licence/approval:

Licence No (if known): Jurisdiction *:

Licence/approval/association dates (if known) From/..... To/.....
(month/year) (month/year)

(b) If the application, request for approval, authorisation or registration was refused or withdrawn, provide details below: (include details of type of approval sought, date of application, jurisdiction * applied to and reason for refusal or withdrawal of request)

.....
.....
.....
.....

* the jurisdiction is the State or Territory and, if outside Australia, the country and locality the licence, approval or authorisation was sought

15. With respect to question 14 (a), have you ever had a licence, approval, authorisation or registration suspended, cancelled amended or revoked, or have you ever been the subject of disciplinary action by a gaming regulatory body? (Include details of any special conditions or restrictions imposed on a licence, approval or authorisation)

YES ☐ NO ☐

If **YES**, provide details:

.....
.....
.....
.....

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Annexure B - Associated Individual Probity Form

CHARGES, FINDINGS OF GUILT AND CONVICTIONS**IMPORTANT INFORMATION****Individuals residing in Australia**

Your Associate form **MUST** be accompanied by your **ORIGINAL** National Police Certificate (NPC) obtained by you from the Victoria Police. Your NPC **MUST** be obtained not more than three (3) months before lodgement of this form. Instructions on obtaining your NPC are provided in Enclosure 1.

Please note that if no offence has occurred in the last 10 years your NPC may not include details of any offences over 10 years old. Details of any offence **not included** in your NPC **must** be disclosed at question 17. You must include details of **all** offences, even those over 10 years old, excluding Children's Court matters more than 10 years old and non-custodial traffic matters (non-custodial traffic matters are those for which a penalty other than a gaol sentence or community based order was given). You **must** disclose all convictions, findings of guilt, bonds and other court orders and provide details of all outstanding charges.

Individuals Residing Outside Australia

Individuals **not** currently residing in Australia and who would not be recorded with the Victoria Police are not required to apply to the Victoria Police for their NPC. To assist the Commission with its investigations it is requested that Associates residing outside Australia seek an equivalent report from their local Police Agency to be lodged for the Commission's consideration. For further details about the NPC and the type of information contained in the report, please refer to the instructions contained in Enclosure 1. Individuals in this situation are also required to disclose whether or not they have ever lived in Australia for any period of time.

16. National Police Certificate from the Victoria Police**(a) For completion by Individuals residing in Australia**

Have you enclosed your ORIGINAL National Police Certificate from the Victoria Police? YES ☐

(b) For completion by Individuals residing outside Australia

Have you provided an equivalent report from your local Police Agency? YES ☐

Have you ever lived in Australia for any period of time? YES ☐ NO ☐

If YES, provide the following details:

Period of Residence in Australia: From/..... To/.....
(Month/Year) (Month/Year)

IMPORTANT INFORMATION

Question 17 relates to any other matters **NOT** reported in your NPC (or overseas equivalent Police report).

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Annexure B - Associated Individual Probity Form

17. Other than already disclosed in your NPC (or overseas equivalent Police report), in Victoria or elsewhere:-

(a) have you ever been found guilty of any offence? (This includes matters where a good behaviour bond is given or matters where no conviction is recorded)

YES ☐ NO ☐

(b) to your knowledge, is there any investigation or charge currently pending against you in respect of any offence?

YES ☐ NO ☐

For each question, do not include children's court matters more than 10 years old and non-custodial traffic matters. (Non-custodial traffic matters are those for which a penalty other than a gaol sentence or community based order was given) If you have answered **YES** to either question 17 (a) or (b), give full details on an attachment page and list all cases without exception.

Section 2 - Associate's Financial Particulars

18. Have you ever been bankrupt or subject to an arrangement under the *Bankruptcy Act* 1966 (eg. Part X) or, for overseas applicants, equivalent bankruptcy legislation? YES ☐ NO ☐

If **YES**, complete the following:

Date of Bankruptcy/Arrangement:/...../.....
(Day/Month/Year)

Date of Discharge/Completion (proposed date):/...../.....
(Day/Month/Year)

Note: If you are a discharged bankrupt, a copy of your Certificate of Discharge from Bankruptcy must accompany this application. Do not send the original certificate. A **copy** only should be attached. Applicants residing outside Australia should provide an equivalent document if available.

Copy of Certificate of Discharge from Bankruptcy, or overseas equivalent document, enclosed?
YES ☐ NO ☐

Name of Trustee:

Address:
No. Street City/Town/Suburb

.....
State Postcode Telephone Number

Provide details of circumstances leading to Bankruptcy/Arrangement proceedings (including details of any pending arrangements) on an attachment page.

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Annexure B - Associated Individual Probity Form

19. Are you currently, or have you been a director or officer of a company;

(a) which has been placed into liquidation (except members' voluntary liquidation), receivership, scheme of arrangement or under other formal insolvency administration?

YES ☐ NO ☐

(b) where an agent for the mortgagee has been appointed (eg. borrower in default of a debenture mortgage or floating charge over company assets)?

YES ☐ NO ☐

(c) where an investigation into the affairs of the company has been authorised under the Australian Securities and Investments Commission or its predecessors?

YES ☐ NO ☐

Include details of any pending arrangements. (For former or current US citizens, include any Chapter 11 Bankruptcy arrangements)

If **YES** to any of the above, complete the following:

Company Name:

Type of proceedings:

Commencement date:/...../.....

Details of Trustee, Administrator, Liquidator or Receiver/Manager:

Name:

Telephone Number: (.....).....

Provide details of circumstances leading to proceedings (Including details of any pending arrangements) on an attachment page.

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Annexure B - Associated Individual Probity Form

IMPORTANT INFORMATION**Personal Credit File from Baycorp Advantage****Individuals residing in Australia**

Your Associate form **MUST** be accompanied by your **ORIGINAL** personal credit file obtained by you from Baycorp Advantage. Your personal credit file **MUST** be current at the time of lodgement of this form and not exceed three (3) months from the date of issue by Baycorp Advantage. Instructions on obtaining your personal credit file are provided in Enclosure 3.

Individuals residing outside Australia

Associates **not** currently residing in Australia and who would **not** be recorded with Baycorp Advantage are not required to apply to Baycorp Advantage for their personal credit file. Individuals in this situation are required to indicate at question 20 (b) that they will not be recorded with Baycorp Advantage. (Note that if you have ever lived in Australia and applied for credit etc, or through your involvement as a director, shareholder etc of an Australian registered company, you may be recorded with Baycorp Advantage.)

Associates **not** currently residing in Australia are required to disclose details of any debts where payment is overdue or in arrears (either within or outside Australia) at question 21.

20. Personal Credit File from Baycorp Advantage

(a) Have you enclosed your ORIGINAL personal credit file? YES ☐ NO ☐

If **NO**, complete the following:

(b) I hereby certify that I do not reside in Australia and I am not recorded with Baycorp Advantage.
YES ☐

21. Are you currently in default of any debt incurred solely or jointly in your name? Include details only where payment is overdue or in arrears.

YES ☐ NO ☐

If **YES**, complete the following:

(i) Financial Institution or creditor:

Amount owing: \$ Amount in default: \$ Date payment was due: / /
(total amount) (total amount)

(ii) Financial Institution or creditor:

Amount owing: \$ Amount in default: \$ Date payment was due: / /
(total amount) (total amount)

(iii) Financial Institution or creditor:

Amount owing: \$ Amount in default: \$ Date payment was due: / /
(total amount) (total amount)

Section 3 – Declaration by Associate

In the matter of my being an associate of a Company registering interest for the grant of a public lottery licence, I declare that all statements contained in and all matters accompanying this Form are true and correct in every detail and fully disclose all information required to complete the Form.

Signature of associate: Date: / /

Signature of witness: *

* Any adult can be a witness.

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Annexure B - Associated Individual Probity Form

ENCLOSURE 1 - NATIONAL POLICE CERTIFICATE (NPC) FROM THE VICTORIA POLICE

You are required to provide a National Police Certificate (NPC) as part of your Associated Individual Probity Form. To obtain your NPC, you must make an application to the Victoria Police **PRIOR** to forwarding your Associated Individual Probity Form to the Victorian Commission for Gambling Regulation.

Your NPC from the Victoria Police will provide details of findings of guilt recorded against you, anywhere in Australia, if your most recent offence was in the last ten years (or if you have had a custodial sentence that has expired in the last ten years). Please note that if 10 years have elapsed since a person was last found guilty of an offence (or since the expiration of a person's last custodial sentence), Victoria Police will in most instances, advise that the person has no disclosable court outcomes. However, Victoria Police reserves the right to release older information where its release is considered to be in the interests of crime prevention and public safety.

Your **ORIGINAL NPC MUST** be forwarded to the Commission with your associate form. The NPC **MUST** be current at the time of lodgement of your Form and not exceed three months from the date of issue by the Victoria Police. If you fail to meet any of these requirements (you do not provide your NPC, or enclose either a photocopied NPC or NPC more than three months from the date of issue) your Associated Individual Probity Form will be considered incomplete and will be returned to you.

All matters detailed on your NPC are taken into consideration by the Commission and are essential to allow assessment of your character, honesty and integrity. Should you wish to dispute any of the information disclosed in your NPC you should do so **PRIOR** to lodging your Associated Individual Probity Form, by writing to:

The Manager, Data Quality Unit, Records Services Branch, Victoria Police, PO Box 418, Melbourne Victoria 8005.

HOW TO APPLY FOR YOUR NPC

To obtain your National Police Certificate (NPC) from the Victoria Police you must complete a Victoria Police 'Consent to Check and Release National Police Record'. For your convenience, the appropriate Victoria Police consent form has been enclosed with this form.

To obtain your NPC, a completed consent form and required attachments must be sent to:

**Public Enquiry Service
Records Services Branch
Victoria Police
PO Box 418
MELBOURNE VIC 8005**

Your application to the Public Enquiry Service of the Victoria Police **must include**:

- completed, signed and witnessed Victoria Police 'Consent to Check and Release National Police Record' form;
- photocopy of your current driver's licence or passport; and
- cheque or money order payable to the 'Victoria Police'.

When completing the Victoria Police 'Consent to Check and Release Police Record - For VCGR Applicant Use Only' form, you must ensure that:

- all sections of the form are completed;
- the form is completed in ink and in BLOCK LETTERS
- none of the wording of the form is altered or deleted in any way; and

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Annexure B - Associated Individual Probity Form
--

- the form is signed and dated by both you and a witness.

Please note that, from the date applications are received at the Public Enquiry Service of the Victoria Police you should allow 10 working days for applications to be processed. A receipt will not be issued unless specifically requested.

If you have any enquiries regarding this process or the information contained in your NPC, please contact the Public Enquiry Service of the Victoria Police on telephone (03) 9247 5907.

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Annexure B - Associated Individual Probity Form

ENCLOSURE 2 - HISTORICAL PERSONAL NAME EXTRACT FROM THE AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

If you have ever been the director or secretary of a company registered with the Australian Securities and Investments Commission (ASIC), as part of your Associated Individual Probity Form, you must apply for your Historical Personal Name Extract from ASIC.

When making your search application to ASIC, ensure that you specify that you require an Historical Personal Name Extract and **not** a Current Personal Name Extract. An Historical Personal Name Extract identifies **both current and historical** roles held by you in organisations registered with ASIC, while the Current Extract identifies only current roles. If your associated individual form is lodged with an extract other than an Historical Personal Name Extract it will be considered incomplete and will be returned to you to be re-lodged when you have obtained the correct extract.

Your **ORIGINAL** Historical Personal Name Extract **MUST** be attached with your Associated Individual Probity Form. The Historical Personal Name Extract **MUST** be current at the time of lodgement of your form and not exceed three (3) months from the date of issue. If you fail to meet any of these requirements (i.e. you do not provide your Historical Personal Name Extract, or you enclose a photocopied extract or extract exceeding 3 months from the date of issue) your Associated Individual Probity Form will be considered incomplete and will be returned to you.

All matters detailed on your Historical Personal Name Extract may be taken into consideration by the Commission. Should you wish to dispute any of the information disclosed in your Historical Personal Name Extract you should do so with ASIC **PRIOR** to lodging your Associated Individual Probity Form.

Fees — Fees are payable for searching ASIC databases. ASIC fees for on-line/telephone searches through brokers may differ from the fees charged at an ASIC Business Centre. Information brokers, however, may charge a service delivery fee in addition to the ASIC fee. The delivery fee may vary between brokers. ASIC does not regulate the amount of the broker delivery fees.

ASIC can advise you of the cost of obtaining an Historical Personal Name Extract

How to apply for your organisational Extract

An Historical Personal Name Extract can be obtained from either ASIC Business Centres, Local ASIC Representatives or Information Brokers. Locations of information providers are listed below.

ASIC BUSINESS CENTRE LOCATIONS IN VICTORIA

Melbourne Business Centre	ASIC Information Processing Centre	Geelong Business Centre
Level 17, CU Tower 485 La Trobe Street Melbourne Vic 3001 Phone: (03) 9280 3500 Fax: (03) 9280 3550	14 – 22 Grey Street Traralgon Vic 3844 Phone: (03) 5177 3988 Fax: (03) 5177 3999	Ground Centre 200 Malop Street Geelong Vic 3212 Phone: (03) 5229 2966 Fax: (03) 5229 2940

LOCATIONS OF ASIC REPRESENTATIVES SERVICING VICTORIA

Belbridge Hague & Co 522 Kiewa Street Albury NSW 2640 Phone (02) 6021 2500	Cahills 7-9 View Point Bendigo Vic 3550 Phone (03) 5443 9344	Sinclair & Wilson 177 Koroit Street Warrnambool Vic 3280 Phone (03) 5562 1922
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Details of other information providers can be obtained by contacting ASIC's Infoline by telephone on 1300 300 360 or by email at www.asic.gov.au.

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Individual Number:

Annexure B - Associated Individual Probity Form**ENCLOSURE 3 - PERSONAL CREDIT FILE FROM BAYCORP ADVANTAGE**

As part of your associate form, you must also apply to Baycorp Advantage for your personal credit file which will identify any matters entered against your name by any financial provider.

Your **ORIGINAL** personal credit file **MUST** be attached with your Associated Individual Probity Form. The file **MUST** be current at the time of lodgement of your Form and be not more than three months from the date of issue by Baycorp Advantage. If you fail to meet any of these requirements (i.e. you do not provide your personal credit file, or enclose either a photocopied file or a file exceeding three months from the date of issue) your Associated Individual Probity Form will be considered incomplete and will be returned to you.

All matters detailed in your personal credit file are taken into consideration by the Commission and are essential to allow an assessment of your financial resources. Should you wish to dispute any of the information disclosed in your personal credit file you should do so with Baycorp Advantage **PRIOR** to lodging your associate form.

HOW TO APPLY FOR YOUR PERSONAL CREDIT FILE.

To apply for your personal credit file, a signed written application needs to be made to:

By Mail:

Public Access Division, Baycorp Advantage
PO Box 964, NORTH SYDNEY, NSW 2059

Or Request by Fax to: (02) 9951 7880

Telephone enquiries: (02) 9464 6000

As part of your application to Baycorp Advantage you should provide your:

- full name (surname, first and middle names);
- current residential address;
- former residential address (if moved in the last 5 years);
- date of birth;
- driver's licence number; and
- telephone number including area code (business hours number).

Baycorp Advantage will provide you with a copy of your personal credit file at no cost, usually within two weeks of receiving your request, although some applications may take longer to process.

If you wish to obtain a copy of your personal credit file within 24 hours you can apply for a fax copy. Baycorp Advantage can advise you of the cost of obtaining a fax copy. Arrangements for fee payment for a fax copy can be made over the telephone by credit card or payment may be made by money order or bank cheque (personal cheques are not accepted).

If you wish to use this facility please contact Baycorp Advantage on telephone (02) 9464 6000 and follow the recorded instructions.

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Annexure B - Associated Individual Probity Form

ENCLOSURE 4



MY CREDIT FILE

STANDARD FILE SERVICE

* Please complete all details and send to the address below your request must be in writing. The identity information is required to assist us in locating your file.

FULL NAME:

DATE OF BIRTH:

DRIVERS LICENCE NUMBER:

CURRENT RESIDENTIAL ADDRESS:

..... POST CODE:

YOUR PREVIOUS ADDRESS(ES) FOR THE PAST 5 YEARS (FROM MOST RECENT TO OLDEST)

.....

.....

CONTACT PHONE NUMBER: FAX NUMBER:

CURRENT EMPLOYER:

LAST CREDIT APPLICATION:

YOUR REASON FOR THE REQUEST:

☐ NECESSARY FOR THE PUBLIC LOTTERY LICENSING PROCESS

SIGNATURE:

DATE: .. / .. / ..

Annexure C – Responsible Gambling Strategy

Annexure C — Responsible Gambling Strategy**C.1. Introduction**

The Responsible Gambling Requirements and any proposed initiatives in response to these requirements will form part of the evaluation process and may, at the Minister's discretion, be incorporated into the licence or an agreement between the Minister and a Licensee.

C.2. Point-of-sale environment

The point-of-sale environment should reflect the commitment of the Government, providers and retailers to responsible gambling. It should deter the sale of lottery products to minors, and be a potential point of referral to help services for those who need them. It should not encourage excessive gambling, or prey upon the vulnerable. For example, licence conditions could include the following requirements.

C.3. Player information

Information to be available from retailers and head office providing information for players such as:

- problem gambling services;
- law relating to sale to minors and how members of the public can respond if they suspect a retailer of illegal sale; and
- odds of winning and the return to player.

C.4. Signage

Prominent display of prescribed signs in retail outlets indicating information such as:

- problem gambling services;
- law relating to sale to minors and how members of the public can respond if they suspect a retailer of illegal sale;
- restrictions on credit.

C.5. Staff training

Retail staff to be provided with information and appropriate site-based training in the responsible service of lottery products including:

- laws relating to sale to minors;
- laws relating to provision of credit;
- managing intoxicated players;
- appropriate responses to distressed players and those seeking help for excessive gambling;
- prohibition of staff gratuities (staff not to require gratuities, or accept significant presents, from lottery prize winners); and

Annexure C – Responsible Gambling Strategy

- limits on cash payouts.

C.6. Financial controls

Restrictions on the payment of winnings such as:

- a limit on the amount of winnings which can be paid in cash; and
- lottery retailers not to cash winning cheques.

C.7. Advertising and promotions

Advertising and promotions should comply, at a minimum, with the Advertising Code of Ethics as adopted by the Australian National Association of Advertisers. Marketing, including advertising and promotions must not:

- represent an irresponsible trading practice
- target people not of lottery playing age;
- be false, misleading or deceptive;
- implicitly or explicitly misrepresent the probability of winning a prize;
- give the impression that buying lottery tickets is a reasonable strategy for financial attainment;
- offend prevailing community standards;
- be targeted at vulnerable or disadvantaged groups;
- include misleading statements about odds or prizes;
- publish or cause to be published anything which identifies customers who have won a prize without their prior consent; and
- depict or promote the consumption of alcohol while buying a lottery product.

C.8. Public Lottery development and distribution arrangements

The design of new Public Lotteries and distribution arrangements should take into account prevailing attitudes and research findings regarding responsible gambling. All proposals for new Public Lotteries and new distribution arrangements should be accompanied by a responsible gambling strategy and detailed information as to how underage players would be precluded, specific to the Public Lottery's design.

The lottery Licensee(s) will be restricted from engaging in exclusive distribution arrangements where the licensee(s) do not own or have effective control over the distributor(s).

C.9. Monitoring

The lottery Licensee(s) will be expected to establish appropriate assurance systems regarding the implementation and maintenance of these licence conditions. The Commission will review these systems and undertake appropriate site visits.

Annexure D – Public Lotteries Sales Data

Public Lottery	Victorian Sales by financial year or part of a financial year where the public lottery commenced or finished part way through a financial year (in thousands of dollars)									
	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Tattsлото - Saturday Lotto	\$417,160	\$446,087	\$393,413	\$410,632	\$415,494	\$422,031	\$421,791	\$434,208	\$465,721	\$495,528
Tattsлото - Mid Week	\$115,370	\$97,618								
Tattsлото - Extra	\$2,897									
Wednesday Lotto										
Powerball		\$16,761	\$113,286	\$112,863	\$153,042	\$136,843	\$175,679	\$170,690	\$220,857	\$212,432
Oz Lotto	\$82,059	\$85,576	\$78,787	\$92,241	\$79,671	\$75,336	\$72,169	\$73,374	\$68,325	\$68,094
Instant	\$83,761	\$72,425	\$60,444	\$59,174	\$59,536	\$64,036	\$57,453	\$55,899	\$59,417	\$61,965
Keno	\$51,641	\$49,212	\$51,914	\$49,893	\$50,737	\$48,628	\$45,791	\$42,626	\$42,981	\$42,982
Sweeps Melbourne Cup	\$846	\$806	\$609	\$419						
Tatts 2	\$11,547	\$11,680	\$11,668	\$12,615	\$13,554	\$12,962	\$13,115	\$13,864	\$14,650	\$15,331
Super 66	\$8,651	\$7,502	\$6,512	\$6,410	\$6,123	\$5,815	\$5,482	\$5,188	\$4,886	\$4,787
Soccer Pools	\$3,004	\$3,529	\$2,658	\$2,488	\$2,512	\$2,201	\$2,220	\$2,038	\$2,184	\$1,905
	\$776,937	\$791,197	\$719,291	\$746,735	\$780,669	\$787,561	\$830,191	\$834,942	\$915,461	\$943,353

Source: The Victorian Commission for Gambling Regulation

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Notice calling for Registrations of Interest in the grant of a Public Lottery Licence

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