

Certification application form

1. GENERAL INFORMATION

This form is required to allow the Commerce Commission (the Commission) to assess whether you (if you are a sole trader) or your directors and senior managers (if you are a company) are a fit and proper person/s to be a consumer credit provider or mobile trader under Part 5A of the Credit Contracts and Consumer Finance Act 2003 (CCCF Act). The onus is on you to satisfy the Commission. You must not provide consumer credit nor mobile trading services until you are certified.

- Please make sure the whole form is completed accurately and completely by you (if you are a sole trader) or each individual director or senior manager (if you are a company).
- Space has been provided in this application form to provide answers and relevant information. If you require more space continue on a separate sheet of paper if necessary. **Remember to sign and date any separate pages you include with this form.**
- Please email the completed form/s and all supporting documentation as separate attachments to the Commission Certification Team at certification@comcom.govt.nz.
- Please note that in addition to any information you provide with your application, the Commission may take into account any other matters it considers relevant to the decision about whether to certify the person as fit and proper.

Please note: The Commission reserves the right to request further information from you at any stage to assist it in determining your application.

Checklist

- Certification application form completed in full (as a separate attachment).
- Criminal history check from country outside New Zealand (if applicable) attached.
- Supporting documentation (if applicable) attached.
- Valid copy of your ID attached (as a separate attachment).

2. APPLICANT DETAILS

Please complete all of these fields.

Full legal name of company or sole trader to be certified:

FSP Number:

NZBN (if applicable):

Personal Details

Name: (first, middle and surname)

Other name(s): (including all other names you have previously been known by)

Contact details

Residential address:

Work address:

Telephone number:

Mobile number:

Email:

3. MANDATORY QUESTIONS:

The following information is collected under Part 5A of the CCCF Act.

3.1 Probity, reputation and financial integrity criteria questions

Questions answered as 'YES' in section 3.1 will not automatically result in a declined application. Each case will be considered individually on its merits. If you do answer 'YES' to any of the questions in this section, please:

- Provide detailed information, in the space provided on the next page, about each such matter
- Include supporting documents if applicable eg, court sentencing notes, police summaries, correspondence with the relevant regulatory body etc.

Note that you may be eligible under the Criminal Records (Clean Slate) Act 2004 to state that you have no criminal record even if you do have convictions. For more information, refer to the Ministry of Justice website.

Answer the following questions by ticking the box that applies to you.

- 1 Have you been convicted of a crime punishable by imprisonment in New Zealand or overseas? (even if you did not receive a sentence or imprisonment)
- YES NO

- 2 In the last 10 years have you been adjudicated bankrupt **OR** discharged from bankruptcy in New Zealand or overseas?
- YES NO

If you have answered 'yes' to this question, please provide a copy of the relevant official documents such as the decision of adjudication, discharge of bankruptcy (if applicable), receivers' or liquidators' report(s), etc., together with detailed information about the bankruptcy.

- 3 Are you or have you been at any time a director or senior manager of a corporate entity that has been placed into insolvent liquidation, receivership or voluntary administration in New Zealand or overseas?
- YES NO

If you have answered 'yes' to this question, please provide the name of the corporate entity/s name, when the liquidation event/s occurred, reason for liquidation event/s, etc., together with detailed information about the liquidation/receivership, including the total amount owing to creditors.

- 4 a. Have you ever been prohibited in New Zealand or overseas from acting as a director or promoter of a company?
- YES NO

and/or

- b. Have you ever acted either directly or indirectly in the management of a company while prohibited?
- YES NO

- 5 Have you, or an entity that you were a director or senior manager of, been investigated by the Commission or another New Zealand or overseas regulator that resulted in you receiving a conviction, judgment award, arranging a settlement, penalty, warning or compliance advice?
- YES NO

- 6 Have you held a directorship or senior management role in a corporate entity that engaged in conduct, while you were in that role, that resulted in that corporate entity being convicted of a criminal or civil offence or being subject to any regulatory action by a New Zealand or overseas agency resulting in a judgment award, penalty, settlement, warning, caution or compliance advice?
- YES NO

- 7 Have you been prohibited from providing credit, or been the director or senior manager of a corporate entity that during the time you held that role was prohibited from providing credit?
- YES NO

- 8 Have you had disciplinary action taken against you in respect of a profession or occupation by a professional body, organisation, or regulatory body for persons engaging in that profession or occupation?
- YES NO

- 9 Have you, either as an individual certified by the Commission or as a director or senior manager of a certified corporate entity, failed to comply with any certification conditions imposed?
- YES NO

- 10 Have you, or a corporate entity that you were a senior manager or director of had a previous application for certification declined, suspended or cancelled by the Commission?
- YES NO

- 11 Have you, or an entity that you were a director or senior manager of, had an application for registration, certification, or licence for the provision of financial services declined, removed, suspended or cancelled by a regulatory body in New Zealand or overseas?
- YES NO

Please use the space below to:

- Provide detailed information about the circumstances of any matter that you have answered 'YES' to in the above probity, reputation and financial integrity questions.
- Provide information if you, or an entity that you are a director or senior manager of, have pending:
 - Criminal charges in New Zealand or overseas, or
 - Current investigations or unresolved queries or investigations by the Commission or another New Zealand or overseas regulator.
- Provide any other information that is, or may be relevant to this probity, reputation and financial integrity assessment.

Continue on a separate sheet of paper if necessary. Remember to sign and date any separate pages you include with this form.

SAMPLE

3.2 Competency and capability criteria questions

Please use the space below to answer the questions in section 3.2. Continue on a separate sheet of paper if necessary. **Remember to sign and date any separate pages you include with this form.**

3.2.1 Please describe the nature and scale of the organisation and the range of services and activities undertaken by the organisation.

3.2.2 What current and previous role(s) have you held in this organisation and how long have you held these role(s) for?

3.2.3 Please describe the responsibilities of your current role.

3.2.4 Please provide details of any directorships or senior management roles you currently hold/have held in the past 10 years – with a description of the nature of each organisation's business and the dates of your roles.

3.2.5 Please provide details of any other relevant employment history and experience.

3.2.6 Please provide details of your qualifications – including a description of the qualification, the date it was attained and the institution that granted the qualification.

3.2.7 Please provide details of any professional body memberships you hold/ or have held – including the name of the organisation and the dates of your membership.

3.2.8 Please provide details of other information, such as professional training courses, study, seminars or workshops that highlight your expertise or competence appropriate to your role in the organisation.

3.2.9 Provide any other information that is, or may be relevant to this competency and capability assessment. Continue on a separate sheet of paper if necessary. **Remember to sign and date any separate pages you include with this form.**

4. CRIMINAL CONVICTION HISTORY (CCH)

4.1 Countries Resided In Outside New Zealand

Include all countries outside New Zealand in which you have lived for 12 months or more within the last ten years (note that the 12 months do not need to be consecutive.)

Country	From (year)	To

4.2 New Zealand CCH

Once you have submitted this completed form to the Commission, then you will be emailed a link to access the Ministry of Justice (MOJ) online portal to complete the form for your CCH.

The Commission must receive a New Zealand CCH for all directors and senior managers even if they have never resided in New Zealand.

Your CCH will be sent directly to the Commission from the MOJ after you complete your CCH form through the online portal. Once the Commission has received your CCH from MOJ we will proceed with the assessment of your application.

4.3 Australian Police Report

If you have resided in Australia for 12 months or more within the last 10 years (note that the 12 months do not need to be consecutive), then you will need to attach an Australian police report of your criminal and infringement history (including transport offences).

Please note:

- You may submit either a Nationally Coordinated Criminal History Check or an Australian Federal Police check.
- Documents must be less than 3 months old.

4.4 International Police Report

If you have resided in a country outside New Zealand or Australia for 12 months or more within the last ten years (note that the 12 months do not need to be consecutive), then you will need to supply a police report of your criminal and infringement history (including transport offences), relating to that specific country, if you have been convicted of a crime punishable by imprisonment in that country (even if you did not receive a sentence of imprisonment).

Please note:

- The report must be issued from the relevant local law enforcement agency.
- Documents must be less than 3 months old.
- All documents not in English must be translated.
- Original documents must be sent in with the English translation.
- The Commission reserves the right to request further information from you at any stage to assist in determining your application.

5. PROVIDING A COPY OF YOUR ID

Please provide a copy of your ID with this application so we can check that the right person has filled in the required forms. Your ID must:

- be a clear and readable copy
- exactly match the details in your form – write your name on the form exactly as it is on your ID
- not be defaced.

You must use one of the following:

- Your New Zealand driver licence. This can be current or expired within the last 2 years, but must not be cancelled or a temporary licence.
- Your New Zealand passport. This must be signed and can be current or expired within the last 2 years, but must not be cancelled.
- Your overseas passport. This must be signed and current.
- Your New Zealand firearms licence. This must be current.

If you don't have any of these, you will need to complete a Proof of Identity form and Statutory Declaration form, which can be downloaded from the Ministry of Justice Website.

6. CONSENT TO DISCLOSE AND USE INFORMATION

In signing this declaration, you authorise the Commission to conduct enquiries and collect information including personal information about you from any third party, including any person and any New Zealand or overseas government agency, regulatory body or professional body – for the purpose of determining whether you are a fit and proper person to hold your position. This includes carrying out good character, qualification and criminal history checks. For that purpose, I authorise:

- The Commission to disclose my personal information to any third party for the purpose of determining whether I am a fit and proper person to hold my position.
- Any third party to disclose my personal information to the Commission for the purpose of determining whether I am a fit and proper person to hold my position.
- The Commission to use my personal information provided or collected about me in connection with the application.
- The Commission to disclose any of my personal information provided or collected about me, for the purposes of assessing the application, communicating the outcome of the assessment of the applicant entity (including publicly) or providing reasons for the Commission's position on the application.

"My personal information" may include information about me in relation to other entities that I have previously been associated with.

7. DECLARATION

I:

(Full name)

of:

(Town/city and country)

declare that:

The information provided in this form, and in the appendices attached to it, is true, correct and complete.

Signature:

Dated:

IMPORTANT: The CCCF Act provides it is an offence for any person to make (or authorise the making of) a statement that they know is false or misleading in a material particular. If convicted, the penalty is a fine up to \$200,000 (for an individual) or \$600,000 (for a body corporate). If you knowingly provide false or misleading information in this form then certification may not be granted or may be suspended or cancelled.

8. PRIVACY

We collect the information you provide in this form and in the course of assessing your application to enable the Commission to undertake our functions under the CCCF Act, including considering this application for certification under Part 5A of the Act and investigations and enforcement.

The Commission must be satisfied you are a fit and proper person to hold the position of director or senior manager before we can issue a certification. Providing the information in this form is voluntary but if you do not provide all or part of the information, the Commission may not be able to process this application for certification.

We collect, manage and dispose of your personal information consistent with our obligations under the Privacy Act 2020, Official Information Act 1982 and Public Records Act 2005. We will not use your personal information for any other purpose than for which it was obtained, unless it is:

- publicly available (and it would not be unfair or unreasonable to use the information);
- authorised by law;
- connected with, or directly related to the purpose for which it was obtained;
- used in a form in which you are not identifiable, or for statistical or research purposes and will not be published in a form which could reasonably identify you;
- necessary to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution or punishment of offences, or for the enforcement of a law imposing a pecuniary penalty;
- necessary for the protection of the public revenue;
- necessary for the conduct of proceedings before any court or tribunal (proceedings that have commenced or are reasonably in contemplation);
- necessary to prevent or lessen a serious threat to public health or safety, or the life or health of any individual; or
- authorised by the Privacy Commissioner.

You have the right to ask for a copy of any personal information we hold about you and to ask for it to be corrected if you think it is inaccurate. If you'd like to ask for a copy of your information, or to have it corrected please contact us at oa@comcom.govt.nz.