

# Fit and proper person form

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Last updated: April 2021

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## About this form

To hold any maritime document(s), you need to be a fit and proper person. This applies at all times while the documents are valid.

## How to complete this form

**You need to read and understand all of the information on this form including:**

- The NZ Police consent to disclosure (page 5)
- Identity documents (page 7)
- The Explanatory notes (page 11)

Note: You must have signed and dated this form no more than three months before we receive it. You must complete this form correctly for your application to be valid.

# 1. Personal details

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Please complete all of these fields.

Surname

Given name(s)

Other names used

Eg Alias(s), Maiden names

Nationality

Place of birth

Give the city and country

Date of birth

DD / MM / YYYY

Gender Male  Female

Home phone

Eg +64 1 234-5678

Mobile phone

Eg +64 21 123-4567

Fax number

Eg +64 1 234-6789

Email address

Postal address

Postcode

Residential address

(Fill in this section if different from postal address)

Postcode

City and country

## 2. Mandatory questions

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The following information is collected under Part 5 of the Maritime Transport Act 1994, which requires the holder or person exercising control over the privileges of a maritime document to be a fit and proper person. 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.

- |  | yes                      | / | no                       |
|--|--------------------------|---|--------------------------|
| 1 Have you ever been convicted (in any country) in any court of law for any transport safety regulatory offence(s)?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 2 Have you ever been convicted (in any country) in any court of law for any offence relating to controlled drugs (as defined in the Misuse of Drugs Act 1975) or relating to any prescription medicine (as defined in the Medicines Act 1981)? | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 3 Have you ever been convicted (in any country) in any court of law for any offence involving violence or causing danger to any person, or criminal damage?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 4 Have you had any document, licence or certificate of competency suspended, cancelled or revoked (in any country)?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 5 Have you (in any country) previously had an application for a document or certificate of competency or proficiency rejected?   | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 6 Have you been issued a traffic infringement notice or incurred any other traffic offence (in any country)?   | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 7 During the past five years, have you been issued a warning letter in relation to transport regulatory issues (in any country)?   | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 8 During the past five years, have you been given police diversion in respect of any transport offences (in any country)?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 9 Are you presently facing charges for transport safety regulatory offences (in any country)?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 10 Have you been convicted for any criminal offence or been given police diversion for any offence (in any country)?   | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 11 Are you presently facing charges for any offences (in any country)?   | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 12 Do you have any history of physical or mental health problems or serious behavioural problems?  | <input type="checkbox"/> |   | <input type="checkbox"/> |
| 13 Is there any other information that is relevant to your application that has not been addressed in the questions above?   | <input type="checkbox"/> |   | <input type="checkbox"/> |

## 2. Mandatory questions (continued)

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If you ticked yes for any of the questions on page 3, give details here.

Include an explanation of the circumstances and steps taken to address the issue, and attach any evidence to support these steps (such as references, certificates etc). Your application is likely to progress more quickly if the information you provide here is complete.

**Give further details here**

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

## 3. Your criminal history

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Attach a report of your criminal record history (including transport offences) from all countries outside of New Zealand.

Include all countries in which you have lived for more than 12 consecutive months within the last five years. Your report must be current, to within three months of leaving a country.

A report of your criminal record history is attached to this form

If you have ticked this box, please list below what has been attached

## 4. Declaration

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All applicants must read and complete this section.



### Consent to disclosure (for a NZ Police Vet Check)

1. The information about me that NZ Police may consider relevant to my application and release in vetting comprises any conviction history and, for certain agencies, infringement/demerit reports; and it may include other information such as active charges and warrants to arrest, any information received or obtained by NZ Police, and any interaction I have had with NZ Police in any context (including family violence), even where I have not been charged, or charges are withdrawn, or I have been acquitted (not guilty) of a charge, or I have been discharged without conviction.
2. Any conviction history will be released in accordance with the Criminal Records (Clean Slate) Act 2004; this means that, if I am 'eligible' for clean slate (e.g. no convictions for 7 years, never been to prison, no convictions for specified sexual offending, etc – see section 7 of the Act):
  - a. my criminal record of convictions will not be disclosed; but
  - b. if the role for which I have applied is an exception to the clean slate scheme (e.g. predominantly involving care and protection of a child or young person), my criminal record of convictions will be disclosed.
3. When releasing information to non-government Approved Agencies, Police may release the fact, without details, that suppressed information exists in relation to any conviction and, where NZ Police considers it relevant and justified, in relation to any current or past charge however it was resolved (e.g. withdrawn, discharged, acquitted).
4. Where NZ Police holds relevant information that it is unwilling to disclose to the Approved Agency for privacy, confidentiality or law enforcement reasons, NZ Police may recommend against unsupervised access to children or vulnerable persons (this is known as a 'red stamp').
5. The personal information I provide in this form is being collected for vetting purposes, and may also be used for the purpose of updating NZ Police records.
6. I may withdraw this consent, prior to Police's disclosure of the vetting result, by notifying the Approved Agency who will immediately notify NZ Police to cease the vetting process.
7. I am entitled to access the vetting result released to the Approved Agency and seek correction of Police information about me in accordance with the Privacy Act 2020, by making a request to the 'Approved Agency' within 20 working days of submitting this 'Request and Consent' form.
8. The Approved Agency will not make the completed form (including identification documents) or the results a permanent part of its records, but will:
  - a) retain the documentation not longer than twelve months following receipt of the result, unless a longer retention period is required under legislation; and
  - b) securely dispose of the documentation in accordance with clause 44 or any legislative requirement.
9. The information I have provided in this form relates to me and is correct.

#### 4. Declaration (continued)

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By ticking this box, you (the above named person) declare that to the best of your knowledge and belief the statements made and the information supplied in this form and the attachments are true, complete and correct.

Caution: Providing false information or failing to disclose information relevant to the granting or holding of a maritime document is an offence under section 406 of the Maritime Transport Act. The penalty for this offence, in the case of an individual, is imprisonment for a term of up to 12 months or a fine of up to NZ\$10,000.

#### New Zealand Police

I authorise NZ Police to disclose any personal information it considers relevant to my application (as described above) to the Approved Agency making this request for the purpose of assessing my suitability.

#### Maritime New Zealand

I authorise the collection by the Director or his or her delegate from, and the disclosure to the Director by, any person, organisation or government department in any country of any details of the following information about me: my knowledge and compliance with the transport safety regulatory requirements; my physical or mental health or serious behavioural problems; any criminal investigations, charges or convictions, including any matters relating to any transport safety offence and any regulatory actions including the suspensions, revocation or refusal to issue a license or certificate of competency.

However, I do not consent to the release of any information to which the 'clean slate' scheme applies, pursuant to the Criminal Records (Clean Slate) Act 2004.

I authorise the Director to use, and disclose, the information obtained about me for any purpose associated with the lawful functions of the Director under the Maritime Transport Act, or other such purpose permitted by law.

Your signature

Date

DD / MM / YYYY

## 5. When and how to apply

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Apply when you have completed all of the requirements. Once we have received all of the information we need from you, it may take us up to 20 working days to process your application, so send it in as soon as possible.

Make sure you include all of the documents we have asked for. (If you have made a mistake or left out something we have asked for, your application is likely to be delayed)

### 5.1 Required documents

All applicants must provide sighted and signed copies of both:

- a Primary Identification (ID) document, **and**
- one other form of ID.

One of these forms of ID **must** be photographic.

Examples of accepted ID documents are listed below

Primary ID	Other form of ID
Passport (NZ or Overseas)	Driver Licence (NZ or Overseas)
NZ Firearms Licence	NZ Full Birth Certificate (issued prior to 1 January 1998)
NZ Full Birth Certificate (issued on or after 1 January 1998)	Overseas Birth Certificate
NZ Citizenship Certificate	18+ card
NZ Refugee Travel Document	Community Services card
NZ Emergency Travel Document	SuperGold Card
NZ Certificate of Identity	NZ Employee Photo Identification Card
	NZ Student Photo Identification Card
	Inland Revenue number
	NZ issued utility bill (issued not more than six months earlier)
	NZ Teachers Registration certificate
	NZ Electoral Roll Record
	International Driving Permit
	Steps to Freedom form

## 5.2 Sighted and signed copies

We need sighted and signed copies of your identity documents, not the original versions.

A sighted and signed copy is a photocopy that has been sighted and signed by a trusted referee, in person, confirming that the person presenting the identity documents is the same person that the documents refer to. The trusted referee **must** sight the original identity document before signing off the copy.

Sighted and signed copies must clearly show the trusted referee's name and title beneath their signature. MTOC holders must also include their MTOC number below their signature. Any additional pages must show the initials of the person sighting the document(s).

Your documents can be sighted and signed by the following trusted referees:

- a Justice of the Peace
- a Notary Public
- a barrister or solicitor of the High Court of New Zealand
- staff of an approved training provider\*
- Maritime Transport Operator Certificate (MTOC) holders
- Police
- Teachers
- Doctors
- Maritime NZ staff

If any of these documents have expired or will expire before we process your application, we need to see a sighted and signed copy of the new or renewed document.

\*a list of approved training providers can be found on the Maritime NZ website [maritimenz.govt.nz](http://maritimenz.govt.nz)

## 5.3 Information for Trusted Referees

Trusted Referees must sign and date the copies of the identity documents, and endorse each of them appropriately e.g.

For non-photo ID: **"I have sighted the original version of this document"**

For photo ID: **"I have sighted the original version of this document and I have compared the photographic image with *[name of applicant]* and confirm they appear to be the same person."**

The Trusted Referee must also provide their name and contact details.

## 5.4 Trusted Referee Confirmation of Identity

### REFEREE DETAILS

Title	<input type="text"/>
Last name	<input type="text"/>
Given name(s)	<input type="text"/>
Postal address	<input type="text"/>
Occupation/Position	<input type="text"/>
Telephone	<input type="text"/>
Mobile	<input type="text"/>
Email Address	<input type="text"/>
MTOC Certificate Number (if MTOC holder)	<input type="text"/>

### Referee Certification

I certify that

(Write applicant's name)

is the person identified in the attached documents.

I confirm that I meet the requirements as a trusted referee.

Date:

(Date)

Referee's signature:

(Referee's signature)

## 5. When and how to apply (continued)

### 5.5 Where to send your application

Send your completed form and the other documents required to MNZ by email, courier or post.

Sending your application by email is preferred. Remember to sign the *Fit and proper person* form before scanning and attaching to the email along with your electronic photo and other documents. Make sure the scanned copies of your documents are legible and of a good quality.

Seafarers use these details	Operators use these details
<p><b>Email your application to:</b></p> <p>seafarers@maritimenz.govt.nz</p> <p><b>Or</b></p> <p><b>Courier your application to:</b></p> <p>Seafarer Certification Maritime New Zealand 1 Grey Street Wellington 6011 NEW ZEALAND</p> <p><b>Or</b></p> <p><b>Post your application to:</b></p> <p>Seafarer Certification Maritime New Zealand PO Box 25620 Wellington 6146 NEW ZEALAND</p>	<p><b>Email your application to:</b></p> <p>operators@maritimenz.govt.nz</p> <p><b>Or</b></p> <p><b>Courier your application to:</b></p> <p>Operator Certification Maritime New Zealand 1 Grey Street Wellington 6011 NEW ZEALAND</p> <p><b>Or</b></p> <p><b>Post your application to:</b></p> <p>Operator Certification Maritime New Zealand PO Box 25620 Wellington 6146 NEW ZEALAND</p>

## 6. Explanatory notes

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- A. 'Maritime Document' means any licence, permit, certificate or other document issued by the Director under section 41 of the Maritime Transport Act and includes certificates of competency, surveyor recognitions, maritime transport operator certificates and safe crewing documents.
- B. 'The Director' means the Director of Maritime New Zealand or his or her delegate.
- C. This form collects personal information about you, the applicant, for a maritime document. The purpose of collecting this information is to determine if you are a fit and proper person to hold the maritime document you have applied for. This is a requirement under the Maritime Transport Act 1994.
- D. The collection of this information is authorised by Part 5 (sections 41 and 50) of the Maritime Transport Act 1994.
- E. Supplying the information for this form is voluntary. However, the Director cannot issue you with a maritime document unless you meet the fit and proper person criteria set out in section 50 of the Maritime Transport Act 1994. The information requested in this form is required for such an assessment. It is your duty, as the applicant, to provide the Director with all the information and evidence necessary to demonstrate that you meet the fit and proper person criteria for a maritime document.
- F. The intended recipients of your information are the Director and relevant employees of Maritime New Zealand.
- G. Maritime New Zealand, located at 1 Grey Street, Wellington (PO Box 25620, Wellington 6146), is the agency collecting and holding the information you provide in this application.
- H. You have the right, in accordance with the Privacy Act 2020, to access and correct any personal information you supply to the Director on this form.
- I. If the Director proposes to take into account any information you have provided that is or may be prejudicial to you as an applicant for a maritime document, you will be notified of this and given a reasonable opportunity to refute or comment on the information.
- J. The Criminal Records (Clean Slate) Act 2004 provides a clean slate scheme for eligible individuals, preventing access to their criminal records. You must disclose all of your convictions if you are not protected by this scheme.
- K. You commit an offence under section 406 of the Maritime Transport Act 1994 if you communicate false information or fail to provide relevant information, including information required by this form. Every person who commits an offence against section 406 of the Maritime Transport Act is liable, in the case of an individual, to imprisonment for a term of up to 12 months or to a fine of up to NZ\$10,000.

It is a condition of every maritime document that the holder continues to be fit and proper.