

## DIRECTOR/SENIOR MANAGER STATUTORY DECLARATION FORM

LICENSING OF ADMINISTRATORS OF FINANCIAL BENCHMARKS  
UNDER PART 6 OF THE FINANCIAL MARKETS CONDUCT ACT 2013 (The Act)

**IMPORTANT: Your responses must include matters in New Zealand and overseas.**

### Personal details

**Name**

**Date of birth**

**Email address**

**Home address**

**Daytime phone number**

**Applicant's name**

**Applicant's Financial Service  
Provider (FSP) number  
Licence/s sought by Applicant**

FSP

**Professional details**

My \_\_\_\_\_ position with the Applicant is as a  
of the Applicant.

I confirm that I have provided a curriculum vitae with full details  
of my professional background.

### Professional history

1. Are you currently a member of any professional bodies in New Zealand or overseas?

If yes, provide details and evidence of all relevant professional memberships.

2. Have you ever been refused registration or entrance to a professional body, or had your membership ceased, suspended or cancelled, whether in New Zealand or overseas?

If yes, provide details of the profession or occupation for which you had entry refused or membership revoked, including details of the profession or occupation, and the reasons for the decision.

3. Have you ever been refused registration or entrance, or barred from the right to carry on any profession or occupation, which is relevant to the role of a director or senior manager in New Zealand or overseas?

If yes, provide details of the profession or occupation you were restricted entry into, including details of the profession or occupation, and the reasons for the refusal.

4. Have you been the subject of any disciplinary action taken by a disciplinary body for any profession or occupation in New Zealand or overseas?

If yes, describe when and why the disciplinary action was taken, details of the disciplinary body that took the disciplinary action, and the outcome of that action.

5. Within the last seven (7) years, have you been a director of, or partner in, or held any position of senior management in, any company that has gone into liquidation or receivership while you were connected to that organisation?

If yes, provide the details of the company, your association with the company, and the circumstances surrounding the liquidation or receivership.

6. Have you ever been dismissed, or subject to disciplinary proceedings resulting in a written warning, for any position of trust, fiduciary appointment or similar position in New Zealand or overseas?

If yes, provide the details of the position, including when it was held, and the reason(s) you were dismissed, or what the circumstances were for the written warning.

### Character assessment

7. Have you ever been convicted of a civil or criminal offence relating to dishonesty, fraud, or misleading or deceptive conduct?

***NOTE: You do not need to answer yes if the conviction is eligible for concealment under the Criminal Records (Clean Slate) Act 2004. This includes convictions received outside New Zealand that would be eligible for concealment if made in New Zealand.***

If yes, provide full details of the conviction(s):

8. Have you ever been, or are you currently, the subject of any investigation (or charges) for civil or criminal offending relating to dishonesty, fraud, or misleading or deceptive conduct?

If yes, please provide full details of the investigation, including the relevant regulatory body.

9. Have you ever been the subject of a civil or criminal proceeding, or any regulatory or disciplinary action, or decision taken or made by any regulatory body, which resulted in you being found guilty or liable, having a penalty or order imposed, having a licence or authorisation declined, suspended or cancelled (in any profession, role or industry), or being barred from participating in any profession, role or industry?

***NOTE: You do not need to answer yes if the conviction is eligible for concealment under the Criminal Records (Clean Slate) Act 2004. This includes convictions received outside New Zealand that would be eligible for concealment if made in New Zealand.***

If yes, provide full details of each proceeding, including the relevant regulatory body and outcome.

10. Have you ever been, or are you currently, the subject of any investigation or proceeding started (or decided) by any regulatory body?

If yes, please provide full details of each investigation, including regulatory body.

11. Have you ever been a director of, or partner in, or held any position of senior management in any company that has been the subject of a civil or criminal proceeding, or any regulatory or disciplinary action, or decision taken or made by any regulatory body, which resulted in being found guilty or liable, having a penalty or order imposed, having a licence or authorisation declined, suspended or cancelled (in any profession, role or industry), or being barred from participating in any profession, role or industry?

If yes, provide full details of each proceeding, including the relevant regulatory body and outcome.

12. Are you subject to any pending proceedings or actions (in New Zealand or overseas) that would mean you would have to answer 'Yes' to any of the above questions were an adverse finding reached?

If yes, provide full details of each proceeding, including the relevant regulatory and possible outcome.

13. Are there any other disclosures that may be relevant to the FMA considering your fitness to act in a position of authority in a licensed entity (for example, past dismissal from an employer or fraudulent activity)?

If yes, provide full details of such disclosures.

## Warning

If you knowingly provide false information in this declaration you may commit an offence. You could also jeopardise your licence. For the purpose of verifying information provided in the application process, the Financial Markets Authority (FMA) may seek further information from the Applicant or from a third party.

Under section 412 of the Financial Markets Conduct Act 2013 (the **Act**), a licensee must report to the FMA if a licensee believes that the information provided while applying for a licence under the Act is false or misleading in a material way. The FMA may exercise powers under section 414 of the Act, including the power to suspend or cancel a licence, if the information provided by a licensee while applying for a licence is false or misleading in a material way.

Under section 512 of the Act, every person commits an offence who, with respect to a document required by or for the purposes of the Act, makes, or authorises the making of, a statement that is false or misleading in a material particular, knowing it to be false or misleading, and is liable on conviction to imprisonment for up to five years, a fine not exceeding \$200,000, or both.

## Statutory declaration

I solemnly and sincerely declare that:

- the information provided in this form is full and correct.
- I understand the Applicant's obligations under the Financial Markets Conduct Act 2013 and the Financial Markets Conduct Regulations 2014.
- I am aware that the information provided in this form is being collected for the FMA. In submitting (or authorising this form to be submitted), I authorise:
  - the FMA to collect personal information from any person, including any New Zealand or overseas government agency or professional body (a 'third party'), to determine my good character as a senior manager or director of the Applicant, including carrying out identity, good character, qualification, and criminal checks
  - the FMA to disclose personal information to a third party.
  - a third party to disclose personal information to the FMA.
  - the FMA to use personal information provided in, or collected in connection with, this licensing application in performing its functions.

Signed:

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Full name:

Position:

Date: