***You may insert your letterhead icon/logo here***

**SD1.2 Declaration**

***by current or proposed senior manager of licence applicant***

|  |
| --- |
| **Applicant**  ***for a market services licence under Financial Markets Conduct Act 2013 (Part 6)*** |
| **Applicant name**  | **Applicant FSP number** | **Licence/s sought by Applicant** |

|  |
| --- |
| **Senior manager (current or proposed)  *to be completed by person making the declaration*** |
| **Personal details** | **Gender** *tick one* € Male € Female  | **Date of birth** **/ /** **DD MM YY** |
| **Your name** | **First name** | **Middle name(s)** | **Last name** |
| **Other names you are, or have ever been known as e.g. maiden names, aliases** | **First name** | **Middle name(s)** | **Last name** |
| **Contact email and daytime phone** | **Business email** | **Landline/mobile – include area code**  |
| **Residential details** | **Street number and name** | **Suburb** |
| **Town or city** | **Postcode** | **Country** |
| **Professional details** | *tick one* I am a € **current** € **proposed** senior manager of the Applicant’s business  |
| I have provided: € a **curriculum vitae** with full details of my professional background in **appendix 2**€ a **position description** with full details about my senior manager’s role in **appendix 3** |

|  |
| --- |
| **My declaration for the ‘fit and proper’ assessment*** *Please select YES or NO for each question.* ***If any answer is YES, you must provide full details in appendix 1.***
* *You must answer each question in relation to both New Zealand and/or other jurisdictions.*
 |
|  | Have you ever been charged with or convicted of (in New Zealand or overseas) a criminal offence relating to dishonesty, fraud, or misleading or deceptive conduct? | € YES € NO |
|  | Have you ever been convicted (in New Zealand or overseas) of any offence for which you were sentenced to, or were liable to be sentenced to, a term of imprisonment (even if you were not imprisoned)? | € YES € NO |
|  | Have you ever been charged with or convicted of an offence, or subject to a proceeding:1. In **New Zealand** under any financial markets legislation, as defined in the Financial Markets Authority Act 2011?
2. In a**nother jurisdiction** under any financial markets legislation equivalent to that referred to in ‘a’ above?
 | € YES € NO |
|  | Have you ever been the subject of any civil proceedings (in New Zealand or overseas) for conduct relating to dishonesty, fraud, or misleading or deceptive conduct?  | € YES € NO |
|  | Have you ever been the subject of any proceedings or action taken by a regulatory authority in New Zealand, or overseas?  | € YES € NO |
|  |  In the last 15 years have you been (in New Zealand or overseas) a trustee, director or partner of, or held any position of senior management in, any company or other incorporated or unincorporated entity which, while you were connected to that entity: 1. Was placed into liquidation, administration, receivership or statutory management (or any overseas equivalent status), or
2. Entered into any compromise agreement, moratorium or other restructuring to avoid liquidation, administration or receivership (or any overseas equivalent)?
 | € YES € NO |
|  | Have you ever been banned (in New Zealand or overseas) from:1. Providing financial services, or
2. Acting as director of a company or other incorporated body, or
3. Being involved in the management of any class of incorporated or unincorporated entity?
 | € YES € NO |
|  | Have you ever been dismissed or asked to resign, or subject to disciplinary proceedings resulting from, or in respect of, a position of trust, fiduciary appointment or similar (in New Zealand or overseas)? | € YES € NO |
|  | Have you ever been refused registration or other entry into, or restricted from the right to carry on in, any profession or occupation under the law of the country, or under the membership rules of any professional body *at any time* (in New Zealand or overseas)?  | € YES € NO |
|  | In the last 15 years have you been made bankrupt, entered into a compromise agreement with creditors or been placed into statutory management (in New Zealand or overseas)? | € YES € NO |
|  | Are you subject to any pending proceedings or actions (in New Zealand or overseas) that mean you would have to answer YES to any of the above questions if an adverse finding is reached? | € YES € NO |

|  |
| --- |
| **Consent and declaration** |
| **Consent to disclosure of information**I understand the information provided in this form is being collected by the Financial Markets Authority (FMA) in relation to an application for a financial market services licence from the FMA.In signing this declaration, I authorise the FMA to conduct enquiries and collect personal information about me 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 I am a **fit and proper** person to hold the position of **senior manager** of the Applicant’s proposed licensed business. This includes carrying out identity, good character, qualification and criminal record checks.**For that purpose I authorise:*** The FMA to disclose my personal information to any third party
* The third party to disclose my personal information to the FMA
* The FMA to use my personal information, provided or collected in connection with the Applicant’s market services licence application, when the FMA performs its functions and exercises its powers under the Financial Markets Conduct Act 2013 (FMC Act), or any other legislation
	+ The FMA to disclose any personal information provided or collected about me to the Applicant, for the purposes of assessing the application, communicating the outcome of the assessment or providing reasons for the FMA’s position on the application.

 **Declaration**I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ***Full name******Town/city and country***  **Declare that:**1. I am a current/proposed (*delete one*) senior manager of the Applicant.
2. I understand under section 396(b) of the FMC Act, to issue a market services licence the FMA must be satisfied I am a fit and proper person to hold the position of senior manager in the Applicant’s licensed business.

 1. I understand that for the purposes of section 396(c) and (d) of the FMC Act, the FMA must have regard to any conviction, order made, or successful disciplinary action taken under a relevant proceeding or action against a senior manager of the Applicant as a ‘relevant party’.
2. The information provided in this form, and in the appendices attached to it, is true, correct and complete.

|  |
| --- |
| **Signature** |
| **Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_**  |

 |

*Applicant: please upload signed form to your application – and retain original on file. We may ask for this later.*

*Please use these appendices to provide the background and professional information requested. Your completed declaration, including appendices, should be provided and uploaded as one document.*

|  |
| --- |
| **Appendix 1: Disclosure for ‘fit and proper’ assessment***If you said* ***YES*** *to any of the questions 1-11 please provide full details below next to the correct question number.* |
| **Q 1** |
| **Q 2** |
| **Q 3** |
| **Q 4** |
| **Q 5** |
| **Q 6** |
| **Q 7** |
| **Q 8** |
| **Q 9** |
| **Q 10** |
| **Q 11** |

|  |
| --- |
| **Appendix 2: Curriculum Vitae** |
| **Employment history** | Please give brief details of your employment history – include employer name, role title, description of job, dates of the role, and if the role was overseas (name country).  |
| **Qualifications** | Please give brief details of your qualifications – including a description of the qualification, the date it was attained and the institution that granted the qualification. |
| **Directorships** | Please give brief details of any directorships you hold/have held – with a description of the nature of each company’s business and the dates of your directorship. |
| **Professional memberships** | Please give brief details of any professional body memberships you hold/or have held – including the name of the organisation and the dates of your membership. |
| **Professional development** | Please give brief details of other information, such as professional training courses or study, that highlight your expertise or competence appropriate to your role in the licensed business. |

|  |
| --- |
| **Appendix 3: Position description**  |
| What is your position title?  |
| What position do you report to?  | How many direct reports to your role? |
| What is the description of your role? |
| What are your key accountabilities? |