



## FIT AND PROPER PERSON FORM – MAR MSS 128 (FORMERLY 15076)

Please read the explanatory notes on page 6 before filling out this form.

This Fit and Proper Person Form is an Application for a: (please tick one)

Seafarer qualification

Safe Ship Management Certificate (SSM)

Company name:  
(if applicable) \_\_\_\_\_

Position in company:  
(if applicable) \_\_\_\_\_

Vessel name(s): \_\_\_\_\_

MNZ number: \_\_\_\_\_

Safe Operating Plan (SOP)

Company name:  
(if applicable) \_\_\_\_\_

Position in company:  
(if applicable) \_\_\_\_\_

Unique ID number: \_\_\_\_\_

Other

Company name:  
(if applicable) \_\_\_\_\_

Position in company:  
(if applicable) \_\_\_\_\_

### A. PERSONAL INFORMATION

Family name: \_\_\_\_\_ First name(s): \_\_\_\_\_

Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_  
(town and country)

Postal address: \_\_\_\_\_

Residential address: \_\_\_\_\_  
(if different from postal address)

Phone numbers: \_\_\_\_\_ Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_



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### B. HONESTY

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.

Please answer the following questions:

	Yes	No
1. Have you, in any country, been convicted for any transport safety regulatory offence?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you ever been convicted 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 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, in any country, had any document, licence or certificate of competency suspended or cancelled or revoked?	<input type="checkbox"/>	<input type="checkbox"/>
5. Have you, in any country, previously had an application for a document or certificate of competency rejected?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have you, in any country, been issued a traffic infringement notice or incurred any other traffic offence?	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you, in any country, during the past 5 years been issued a warning letter in relation to transport regulatory issues?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have you, in any country, during the past 5 years been given police diversion in respect of any transport offences?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are you, in any country, presently facing charges for transport safety regulatory offences?	<input type="checkbox"/>	<input type="checkbox"/>
10. Have you, in any country, been convicted for any criminal offence or been given police diversion for any offence?	<input type="checkbox"/>	<input type="checkbox"/>
11. Are you, in any country, presently facing charges for any offence?	<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"/>

If you have ticked yes to any of the above questions, please add details below.

Details/explanation (please attach separate pages if required; these should be signed and dated)

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Separate pages attached



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### C. DECLARATION

I declare that to the best of my knowledge and belief the statements made and the information supplied in this questionnaire and the attachments are complete and correct.

#### Consent to Disclosure and Collection

I authorise the collection by the Director of Maritime New Zealand or his or her delegate (hereinafter referred to as “the Director”) 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 suspension, revocation or refusal to issue a licence 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.

Applicant’s signature

Date

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**NOTE:** The provision of false information or failure to disclose information relevant to the granting or holding of a maritime document constitutes an offence under section 406 of the Maritime Transport Act and is subject, in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$5000.



## CONSENT TO DISCLOSURE OF INFORMATION

Licensing and Vetting Service Centre  
Office of the Commissioner  
PO Box 3017  
WELLINGTON

Level 10, Optimisation House  
1 Grey Street  
PO Box 27006  
WELLINGTON

Freephone: 0508 225 522  
Phone: 04 473 0111  
www.maritimenz.govt.nz

I, .....  
(Surname) (Fore Name(s))

.....  
(Maiden or any other names used)

Sex ..... (M/F) Date and place of birth .....

Nationality .....

Residential Address .....

Suburb ..... City .....

NZ Driver Licence Number .....

Hereby consent to the disclosure by the New Zealand Police of any information they may have pursuant to this application, to the **Maritime New Zealand**. I understand that any record of criminal convictions I might have will automatically be concealed if I meet the eligibility criteria stipulated in Section 7 of the Criminal Records (Clean Slat) Act 2004.

Signed ..... Date .....

### COMMENTS OF THE NEW ZEALAND POLICE

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## THE CRIMINAL RECORDS (CLEAN SLATE) ACT 2004

This Act came into force on 29 November 2004.

The introduction of the Criminal Records (Clean Slate) Act 2004 is automatic and it will not be necessary for you to apply for a "clean slate".

This legislation is designed to allow individuals with less serious convictions who have been conviction-free for at least seven years to put their past behind them. It will enable eligible individuals to conceal convictions in most circumstances. There are some exceptions when individuals' convictions can continue to be disclosed.

An individual must meet all of the criteria in section 7 of the Act before all of their convictions can be concealed. The general criteria for obtaining the benefits of the "clean slate" scheme are that an individual must have:

1. no convictions within the last seven years;
2. never been sentenced to a custodial sentence (eg imprisonment, corrective training, borstal);
3. never been ordered by a Court during a criminal case to be detained in a hospital due to his/her mental condition, instead of being sentenced;
4. not been convicted of a "specific offence" (eg sexual offending against children and young people or the mentally impaired);
5. paid in full any fine, reparation or costs ordered by the Court in a criminal case; and
6. never been indefinitely disqualified from driving under section 65 Land Transport Act 1998 or earlier equivalent provision.

Should you wish to be more fully informed of the provisions and requirements of the Criminal Records (Clean Slate) Act 2004, a copy of the Act may be purchased from any Whitcoulls Bookshop nationwide; Bennetts Government Bookshop, Auckland; Books 'a' Plenty, Tauranga; McLeods Booksellers, Rotorua; Muirs Bookshop, Gisborne; London Bookshop Centre City, New Plymouth; Beattie and Forbes, Napier; Bennetts on Broadway, Palmerston North; Hedleys Bookshop, Masterton; Bowen House, Wellington and Chapters and Verses, Timaru.

If you complete the enclosed "Consent to Disclosure of Information" form, you are agreeing to the Police National Headquarters releasing any record of criminal and road transport related convictions, should you have been convicted of any criminal offence within the immediate past seven years.

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### E. EXPLANATORY NOTES

- (a) Definitions used in this form:  
“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, SSM certificates, surveyor recognitions and safe crewing documents.
- (b) This form collects personal information about you, the applicant for a maritime document. The purpose of collecting this information is to determine whether you are a fit and proper person, as required under the Maritime Transport Act 1994, to hold the maritime document you have applied for.
- (c) The collection of this information is authorised by Part 5 (sections 41 and 50) of the Maritime Transport Act 1994.
- (d) Supplying the information requested is voluntary. However, the Director of Maritime New Zealand (Director) cannot issue you with a maritime document unless he or she is satisfied that 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. As the applicant for a maritime document, it is your duty to provide the Director with all the information and evidence to demonstrate that you meet the prescribed fit and proper person criteria.
- (e) The intended recipients of the information are the Director of Maritime New Zealand (Director) and relevant employees of MNZ.
- (f) Maritime New Zealand (1 Grey Street, Wellington, PO Box 27006, Wellington), is the agency collecting and holding the information you provide in this application.
- (g) You have the right, in accordance with the Privacy Act 1993, to access and correct any personal information you supply to the Director on this form.
- (h) If the Director proposes to take into account any information that 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.
- (i) The Criminal Records (Clean Slate) Act 2004 provides a clean slate scheme for eligible individuals that prevents access to their criminal records. If you are not protected by this scheme, all convictions must be disclosed.
- (j) Every person commits an offence under section 406 of the Maritime Transport Act 1994 if they 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 not exceeding twelve months or to a fine not exceeding \$5000.

**IT IS A CONDITION OF EVERY MARITIME DOCUMENT THAT THE HOLDER CONTINUES TO BE FIT AND PROPER.**

**Please return completed form to:**

The Director  
Maritime New Zealand  
Level 10, Optimisation House, 1 Grey Street  
PO Box 27006  
Wellington 6011  
New Zealand  
Fax +64 4 494 1263