

SCHEDULE 2: FORM OF APPLICATION FOR RENEWAL OF ADS APPROVAL

1. Fee Payable on Application

The fee payable on application for ADS renewal under the Code is \$2,500 plus GST (i.e. \$2812.50).

2. Full name of applicant (in English and Chinese, if applicable):

2. Legal status of applicant (tick from the list below)

- | | | |
|---|---|--|
| <input type="checkbox"/> private company | <input type="checkbox"/> branch of overseas company | <input type="checkbox"/> unincorporated joint venture |
| <input type="checkbox"/> public company | <input type="checkbox"/> partnership | <input type="checkbox"/> unincorporated association |
| <input type="checkbox"/> Stock Exchange listed company – specify: | <input type="checkbox"/> trust | <input type="checkbox"/> other form of organisation – describe:..... |

Exchange/s where listed ...

3. Applicant’s place of incorporation and/or establishment.

Give name of country, and state or province if relevant

4. Applicant’s principal office

Give street address, mailing address, telephone number, fax number, email address.

5. If incorporation and/or establishment outside New Zealand, applicant’s principal office in New Zealand

Give street address, mailing address, telephone number, fax number, email address.

6. Applicant's company registration number, business registration number or equivalent

Give equivalent number (if issued) for a partnership, a trust, unincorporated joint venture, unincorporated association, other form of organisation):

7. Applicants IRD number (i.e. the tax payer number issued to the applicant by the New Zealand Inland Revenue Department):

8. Taxable periods for New Zealand GST assigned to the applicant under section 15 of the Goods and Services Tax Act 1985 (tick from the list below):

- Periods of 2 months – please specify whether:
 - category A (ending on the last days of January, March, May, July, September and November); or
 - category B (ending on the last days of February, April, June, August, October and December).
- Periods of 1 month
- Periods of 6 months – please specify the 2 months in which the applicant's taxable periods end:and

If the information as to the applicant's taxable periods for New Zealand GST, given in the answer to question 8 in the applicant's application for initial ADS approval or for the latest renewal (whichever is the more recent) is unchanged, current, correct and complete as at the date of this application

Tick the box

9. Please provide information about the applicants management officers:

If the information as to the applicant’s authorised management officers, given in the answer to question 9 in the applicant’s application for initial ADS approval or for the latest renewal (whichever is the more recent), or in the latest updated list provided by the applicant since the most recent application for ADS approval or renewal, is unchanged, current, correct and complete as at the date of this application

Tick the box:

- Authorised ADS Representatives
- Executive Officers
- Director or Equivalent
- Shareholders or Equivalent
- Controlling Person
- Associated Persons - who are associated because that *hold an ownership interest in the application*
- Associated Persons - who are associated because they have *business relationships of the specified kinds with the applicant*

If any of the as to the applicants authorised management officers has changed as at the date of this application please provide details below.

Management Officers	Full Name	<u>Home</u> Address (physical) Phone Number Email Address	<u>Work</u> Address (physical) Address (postal) Phone Number Email Address	Mobile Phone Number
Authorised ADS Representatives <i>(for definitions and functions see note 9)</i>				
Executive Officers <i>(for definition, see note 1, page 10)</i>				

Directors or Equivalent <i>(for definition, see note 2, page 10)</i>				
Shareholders or Equivalent <i>(for definition, see note 3, page 10)</i>				
Controlling Persons <i>(for definition, see note 4, page 10)</i>				
Associated persons who are associated because they hold an ownership interest in the application <i>(for definition see note 5, page 11)</i>				

Question 9 continued

Management Officers	Full Name	<u>Home</u> Address (physical) Phone Number Email Address	<u>Work</u> Address (physical) Address (postal) Phone Number Email Address	Mobile Phone Number
<p>Associated persons who are associated because they have <i>business relationships of the specified kinds with the applicant</i> <i>(for definition see note 6, page 12)</i></p>				

IMPORTANT NOTE:

Please provide the following documentation for all New Zealand-based staff and/or representatives **not included in your original application:**

- (NZ citizens) certified copies of their NZ citizenship certificate or NZ passport.
- (NZ residents) certified copies of their passport including the pages containing their valid residence visa/permit and returning residents' visa.
- (Holders of work permits) certified copies of their passport including the pages containing their valid work permit and visa.

10. The number of years and months for which:

- the applicant has conducted inbound tours in New Zealand; and
- each executive officer of the applicant (*for definition, see note 1*) has managed or administered inbound tours in New Zealand (*list separately each executive officer and his or her years of experience*).

	Years	Months
Applicant		
Executive Officer (1) – Name:		
Executive Officer (2) – Name:		
Executive Officer (3) – Name:		
Executive Officer (4) – Name:		

11. Has the applicant or any of its authorised ADS representatives (*for definition and function see note 9*) executive officers, directors or equivalent, controlling persons or associated persons (*for definition see notes 1 to 6*)

failed to comply with the Code or its predecessor; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
failed to comply with other regulatory requirements relating to: the conduct, management or administration of tours for tourists; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
fair trading or trading practices in retail shopping outlets; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
committed:		
an offence involving dishonesty; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
an offence under regulatory requirements relating to:		
the conduct, management or administration of tours; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
fair trading or trading practices in retail shopping outlets; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
any crime of dishonesty (<i>for definition see note 7</i>); or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
and been convicted or had a civil penalty or administrative sanction imposed within the past 5 years; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
been prohibited, disqualified or banned from being a director of a company or taking part in the management of a company:		
in New Zealand under the Companies Act 1993 or the Securities Act 1978; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
subject to a substantially similar sanction in another country under equivalent legislation:		
whether in New Zealand or elsewhere; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
been convicted of any other criminal act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If you have answered “**Yes**” to any of the above please provide details on a separate sheet of paper and attach to this application form.

12. Is the applicant or any of its authorised ADS representatives (for definition see note 9), executive officers, directors or equivalent, controlling persons, or associated persons (for definitions see notes 1,2,4,5 and 6), or has the applicant or any of those persons, whether in New Zealand or elsewhere, within the past 5 years been (please tick):

Insolvent; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
an undischarged bankrupt; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
in any form of receivership, liquidation, winding up, administration, statutory management, statutory supervision or any procedure for dissolution	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If so give details below (continue on a separate sheet of paper if required).

13. List all New Zealand ground component suppliers (for definition see note 8) used by the applicant for ADS tours – provide for each supplier

If the ground component supplier information provided with your original application for ADS approval, or with your latest renewal application (whichever is the more recent) is unchanged, current, and correct as at the date of this application please tick the relevant box(es) below:

Accommodation	<input type="checkbox"/>
Activities	<input type="checkbox"/>
Attractions	<input type="checkbox"/>
Restaurant	<input type="checkbox"/>
Transport	<input type="checkbox"/>
Other	<input type="checkbox"/>

If any of the information concerning your ground component suppliers has changed as at the date of this application please provide details below

Please complete the table below if you use *ITOC allied members* to supply New Zealand ground components for ADS tours (refer to <http://www.itoc.org.nz/allied.asp> for the list of ITOC allied members)

Type of ground component supplier	Name of ground component supplier	Contact person for ground component supplier
Accommodation		

Activities		
Attractions		
Restaurant		
Transport		
Other		

14. Please provide copies of the applicant’s financial statements:

- for the full year financial period most recently ended;
- (if most recent full year financial period ended more than 6 months before the date of this application) for the 6 month financial period most recently ended;
- which have been completed by a chartered accountant; and
- which include:
 1. the accountant’s statement/notes to the financial statement,
 2. a statement of financial position,
 3. a statement of financial performance, and
 4. a statement of movement in equity.

15. Declaration:

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

I understand that if I make any false statements, or provide any false or misleading information, this application for Approved Destination Status may be declined.

I understand that I am required to inform Tourism New Zealand about any relevant changes to the circumstances of my business that occur after I lodge this application.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as an ADS Tour Operator as required by the Code of Conduct.

I authorise Tourism New Zealand to make any enquiries it deems necessary in respect of the documents or information provided in respect of this application, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for Approved Destination Status approval.

I accept that any advice given to me by Tourism New Zealand before lodging this application was intended to assist me, and that acting on that advice does not mean that this application for Approved Destination Status will be approved.

Note: This form must be signed by a person who has authority to make representations and enter into agreements on the Applicant’s behalf.

Job title or position: _____
Signature of applicant: _____
Date: ____ (Day) ____ (Month) _____ (Year)

Notes:

Note 1:

The term "executive officer" is defined in Appendix 1 of the Code to mean:

- (a) (where the applicant is a company) a director of the company;
- (b) (in the case of an applicant that is a company incorporated outside New Zealand) the secretary of the company;
- (c) the executive in charge of the applicant's operations in New Zealand;
- (d) the authorised ADS representatives appointed (or, where the applicant is not an existing ADS approved ITO, to be appointed) by the applicant; and
- (e) each person who has responsibility for, or takes part in, the day to day management of ADS tours conducted or administered, or to be conducted or administered, by the applicant.

Note 2:

In the case of an applicant that is not a company but is a partnership, trust, unincorporated joint venture, unincorporated association or other form of organisation, the persons who are equivalent to the directors of the company are:

- (a) *in the case of a partnership*, the partners;
- (b) *in the case of a trust*, the trustees;
- (c) *in the case of an unincorporated joint venture*, the members of the management committee, executive committee, or equivalent group; and
- (d) *in the case of an unincorporated association or any other form of organisation*, the members of the board or committee of the association or organisation.

Note 3:

In the case of an applicant that is not a company but is a partnership, trust, unincorporated joint venture, unincorporated association or other form of organisation, the persons who are equivalent to the shareholders of a company are:

- (a) *in the case of a partnership*, the partners;
- (b) *in the case of a trust*, the beneficiaries;
- (c) *in the case of an unincorporated joint venture*, the persons who are joint venturers in, members of or participants in the joint venture; and
- (d) *in the case of an unincorporated association or any other form of organisation*, the members of the association or organisation.

Note 4:

The term "controlling person" is defined in Appendix 1 of the Code as follows:

- (a) *in the case of a company*, the person:
 - (i) who or which holds directly or indirectly more than 50% of the voting shares in the company;
 - (ii) who or which is entitled to receive more than 50% of the dividends paid, or other distributions made, by the company;
 - (iii) who or which has directly or indirectly the right to appoint or remove a majority of the board of directors of the company; or
 - (iv) in accordance with whose directions the company may be required to act or is entitled to act.
- (b) *in the case of a partnership*, the person who or which:
 - (i) holds more than 50% of the votes on decisions by the partnership; or

(ii) is entitled to more than 50% of the profits of the partnership.

(c) *in the case of a trust:*

- (i) where the trust is a bare trust, the person who or which is entitled to more than 50% of the income distributed by the trust to beneficiaries; or
- (ii) where the trust is not a bare trust, the trustee.

(d) *in the case of an unincorporated association or any other form of organisation, the person who or which:*

- (i) controls more than 50% of the votes on decisions by the association or organisation; or
- (ii) is entitled to more than 50% of the revenue or profits received by the association or organisation.

Where shares in the applicant are held by a company, ("Company A"), the shares in the applicant that are held by Company A are treated as being held by the shareholders in Company A in the proportions of their respective shareholdings in Company A. Where shares in Company A are in turn held by a company ("Company B"), the process described above is to be repeated for Company B and then in succession for all companies in a chain of companies with ownership until all the shares in the applicant are held by, or treated as held by, shareholders that are not companies. Where shares in an applicant are owned by one or more companies, or by a chain of companies with ownership, TNZ may have to come back to the applicant on one or more occasions with further questions and obtain further information about the shareholding companies, in order to apply the principles in the previous two sentences.

Note 5:

The term "associated person" is defined in Appendix 1 of the Code, in relation to persons *holding ownership interest* in the applicant, as follows:

- (a) *in the case of a company, the company and a person who or which:*
 - (i) holds directly or indirectly 20% or more of the voting shares in the company; or
 - (ii) holds directly or indirectly shares carrying the entitlement to receive 20% or more of the dividends paid, and other distributions made, by the company.
- (b) *in the case of two companies, the two companies are associated where:*
 - (i) one company is the controlling person of the other;
 - (ii) one person holds directly or indirectly more than 20% of the voting shares in each company; or
 - (iii) one person holds directly or indirectly shares carrying the entitlement to receive 20% or more of the dividends paid, and the other distributions made, by each company;
- (c) *in the case of a partnership, the partnership and a person:*
 - (i) who is a partner; or
 - (ii) who is associated with a partner in the partnership.
- (d) *in the case of a trust, the trust and a person:*
 - (i) who is the settlor of the trust;
 - (ii) who is a beneficiary, or eligible to benefit, under the trust;
 - and
 - (iii) who is the trustee of another trust, where the same person is the settlor of both trusts.
- (e) *in the case of an unincorporated joint venture, association or other organisation, ("unincorporated body"), the unincorporated body and a person who or which:*
 - (i) holds 20% or more of the votes on decisions by the unincorporated body; or

- (ii) is entitled to 20% or more of the revenue or profits received by the unincorporated body.

Where 2 or more associated persons hold directly or indirectly an ownership interest in a company, partnership, trust or unincorporated body and their holdings aggregate more than 50% of the ownership interests in the company, partnership, trust or unincorporated body, those associated persons are treated as a deemed single person which is the controlling person of the company, partnership, trust or unincorporated body and each of those associated persons is deemed to be a controlling person of the company, partnership, trust or unincorporated body.

Note 6:

The term “associated persons” is defined in Appendix 1 of the Code in relation to persons *having business relationships* with the applicant as follows:

- (a) persons who habitually act in concert;
- (b) the applicant and a person (other than a controlling person or an executive officer) who or which has the right to direct some or all of the applicants ADS tour related activities;
- (c) the applicant and a person who has the right to share in any profits or revenue derived from ADS tours (otherwise than via an ownership or a participatory interest in the applicant); or

Note 7:

The term “crimes of dishonesty” is defined in Appendix 1 of the Code to mean a crime described in Part 6 of the Crimes Act 1961 (except sections 118 to 122) or in Part 10 of the Crimes Act 1961 (except sections 267 to 272), and the same or similar crimes in a country outside New Zealand.

Note 8:

The term “New Zealand ground component suppliers” is defined in Appendix 1 of the Code to mean the suppliers of transport, accommodation, restaurants, activities and attractions to ADS tours in New Zealand, which are, or are to be, used by the applicant.

Note 9:

Code of Conduct Section 3: AUTHORISED ADS REPRESENTATIVES

- 3.12 Every **ADS approved ITO** must appoint, and at all times maintain, two **authorised ADS representatives** to act for and on behalf of the **ADS approved ITO** for all purposes in relation to the **Code**.
- 3.13 **TNZ, TMT** and all other persons will be entitled to rely on all acts, omissions, matters or things done, made or authorised by an **authorised ADS representative** appointed by the **ADS approved ITO** in that capacity or in relation to **ADS tours**.
- 3.14 The **ADS approved ITO** will advise **TNZ** and **TMT** in writing of the name and contact details of its **authorised ADS representatives** and of all changes as soon as possible.

