

Declaration of Included Persons (under the Fisheries Act 1996)

This form is a declaration by you about your relationships with other persons in the fishing industry (included persons), for the purposes of administering sections 59, 60 and 61 (aggregation limits) and sections 78 and 79 (prohibitions and suspensions of permits) of the Fisheries Act 1996.

Applicant/Registered Client Details

Client Number

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Full Legal Name

If you require further explanation, we suggest that you contact a solicitor.

Do you have any included persons for the purposes of sections 59 (aggregation limits), 78 and 79 (prohibitions and suspensions of permits)?

- Yes → Complete the remainder of this form, sign the declaration and forward the form to FishServe.
- No → Sign the declaration and forward the form to FishServe

Additional Pages

Have you attached any additional pages?

- No Yes → Total number of additional pages

Initials

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FishServe Use Only

Data Entry Initials _____

Data Entry completed ___/___/___

OFFICE USE ONLY

DATE PRESENTED

A Aggregation Limits

Please list below all included persons for the purposes of administrating sections 59, 60 and 61 of the Fisheries Act 1996. Please refer to the notes on the opposite page for assistance.



	Client Number	Legal Name	Description of Relationship
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

B Permit Suspensions/Conditions

Please list below all included persons for the purposes of administrating sections 78 and 79 of the Fisheries Act 1996. Please refer to the notes on the opposite page for assistance.



	Client Number	Legal Name	Description of Relationship
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

Note

If you wish to add more included persons than the space provided please photocopy this page.

Initials

Notes

Client Number

Please enter the included person's client number

Description of Relationship

A For the purposes of included persons in regards to aggregation limits.

Please select the word that describes your relationship and use this word in the 'Description of Relationship' section:

- Associate
- Director/Employee
- Other
- Partnership
- Relative
- Trustee/Beneficiary

Description of Relationship

B For the purposes of included persons in regards to permit suspensions/conditions.

Please select the word that describes your relationship and use this word in the 'Description of Relationship' section:

- Parent/Subsidiary Company
- Partnership
- Unincorporated Joint Venture
- Other

Declaration

This declaration must be made by the applicant/registered client. The included persons do not need to sign this form.

I declare that:

- I have informed the persons listed on this form that I have declared them as included with me for the purposes of the Fisheries Act 1996.
- I understand that the information on this declaration will be used to administer sections 59, 60, 61, 78, 79 and 255 of the Fisheries Act 1996, which may result in the forfeiture of quota of an included person, or suspension or prohibition of a permit of an included person.
- The information I have given on this application is true and correct in all respects.
- I understand I am required to notify FishServe if there are any changes in the particulars provided on this form.
- I am aware it is an offence to knowingly provide false or misleading information or omit any material information to obtain a benefit under the Fisheries Act 1996.
- I have read and understood the Collection of Personal Information details supplied with this form.

If there are more signatories than space provided make further declarations on a copy of this page.

Full Name of Signatory	Position	Signature	Date
			/ /
			/ /
			/ /
			/ /

Relationships for the purposes of administering Aggregation Limits in accordance with Sections 59, 60 (4) and 61 of the Fisheries Act 1996

For the purposes of section 59, 60(4) and 61, the term person, in relation to a particular person includes:

- (a) Any person who is in partnership with the person;
- (b) Any person who is a director or employee of the company of which the person is a director or employee;
- (c) Any person who is a relative of a person as defined in paragraph (a) of the definition of that term in section OB 1 of the Income Tax Act 1994;
- (d) Any person who would be an associated person under the test provided in section OD 7 of the Income Tax Act 1994, except that subparagraph (a)(v) of the definition of market value circumstance in section OB 1 of that Act does not apply;

Note that for the purposes of these sections the Treaty of Waitangi Fisheries Commission is not regarded as being included with any other person.

Relationships for the purposes of administering Conditions and Suspensions of Permits in accordance with Sections 78 and 79 of the Fisheries Act 1996

For the purposes of sections 78 and 79 a person or entity is to be treated as a person included with the commercial fisher if the person or entity is:

- (a) Subsidiary of the commercial fisher within the meaning of section 5 of the Companies Act 1993; or
- (b) A company of which the commercial fisher is a subsidiary within the meaning of section 5 of the Companies Act 1993; or
- (c) A partnership or unincorporated joint venture that would be a subsidiary of the commercial fisher, or of which the commercial fisher would be a subsidiary, if the partnership or joint venture were incorporated as a company with shareholders corresponding to the interests, including returns, of the partners in the partnership or participants in the joint venture.

Note that for the purposes of these sections the Treaty of Waitangi Fisheries Commission is not regarded as being included with any other person.

Privacy Act 2020—Collection of Personal Information

Your personal information is being collected for purposes relating to the management of fisheries resources in accordance with the Fisheries Act 1996.

The agency that will collect and hold your personal information is FishServe (Commercial Fisheries Services Limited, PO Box 297, Wellington, 6140).

The provision of this information is required for this declaration.

It is an offence under the Fisheries Act 1996 to neglect or refuse to supply the information required, to fail to complete and furnish any of the required information, or to make a false or misleading statement or entry of information.

You have the right of access to, and correction of, your personal information.

You may apply to FishServe to prevent the display of your personal address on registers kept under the Fisheries Act 1996 where you consider that disclosure would be prejudicial to your personal safety or to the safety of your family.

General Notes

All information on this application must be typewritten or hand printed in legible letters using ink. Correction fluid may not be used.

The person/s signing this form must initial every page.

All amendments and any additional pages must be initialed by the person/s signing this form.

Please present this document by post to FishServe, PO Box 297, Wellington or in person to Level 6, 135 Victoria Street, Wellington.

If you have any queries regarding this form, please contact the FishServe helpline on 04 460 9555.