

CODE OF CONDUCT

China ADS Approved Inbound Tour Operators and Tour Guides



Doubtful Sound
Fiordland

Effective 13 January 2025



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



**100% PURE
NEW ZEALAND**



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Code of Conduct for China ADS Approved Inbound Tour Operators and Tour Guides

Context

The China Approved Destination Status (“ADS”) system is established pursuant to an agreement signed between the governments of New Zealand and the People’s Republic of China. The ADS system allows Chinese nationals to travel to New Zealand for leisure tourism.

This **Code** has been developed by the Ministry of Business, Innovation and Employment (“MBIE”) and Tourism New Zealand (“TNZ”) in consultation with members of the New Zealand tourism industry and relevant New Zealand government agencies to implement the **Government to Government agreement** and to deal effectively with the quality issues affecting the China inbound group tour market.

1. BACKGROUND

Purpose

- 1.1 The purpose of the **Code** is:
 - a. to improve New Zealand's competitive position in the China outbound tour market and encourage sustainable growth of China inbound tours to New Zealand;
 - b. to prescribe a set of procedures and standards which will ensure that **Chinese visitors** receive a good quality tour experience in New Zealand; and
 - c. to keep **Chinese visitors** safe and secure while travelling in New Zealand.
- 1.2 The **Code** is contractual in nature. By applying to be ADS approved, every **ADS approved ITO** and **ADS tour guide** agrees to accept, comply with, and be bound by the provisions of the Code.

Definitions and Interpretation

- 1.3 Defined terms used in the **Code** are set out in Appendix 1.
- 1.4 The provisions of the **Code** are to be interpreted:
 - a. so as to give effect to the purpose set out in section 1.1; and
 - b. in accordance with the rules of interpretation set out in Appendix 1.

Effective date

- 1.5 The original **Code** took effect on 21 September 2007. This was revoked and replaced on 1 July 2010, which in turn was revoked and replaced on 1 September 2012.
- 1.6 The **Code** has since been amended on the following dates prior to this amended Code:
 - a. 28 October 2013;
 - b. 1 October 2015
 - c. 7 November 2016; and
 - d. 8 June 2022
- 1.7 This amended **Code** has effect from **13 January 2025**.

Transitional provisions

- 1.8 All approvals or other decisions made by **TNZ** or **MBIE** under previous versions of this **Code** are not affected by this **Code**.

2. ADS APPROVAL FOR INBOUND TOUR OPERATORS

Effect of ADS Approval

- 2.1 ADS approval issued under this **Code** entitles the **ADS approved ITO**:
- a. to conduct and administer **ADS tours** by **Chinese visitors** to New Zealand in terms consistent with the **Government to Government Agreement**; and
 - b. to be listed as an **ADS approved ITO** in Annex Two of the **Government to Government Agreement**.

Applications for ADS Approval

- 2.2 A person may apply for ADS approval by:
- a. submitting to **TNZ** a completed application (*application form for ADS approval*) in the form set out in Schedule 1;
 - b. submitting to **TNZ** a signed *Deed of Undertaking* in the form set out in SCHEDULE 3: DEED OF UNDERTAKING (the witness to the *Deed of Undertaking* must not be a director, shareholder or employee of the **ADS approved ITO**); and
 - c. paying to **TNZ** the application fee as notified by **TNZ**.
- 2.3 **TNZ** will use its best endeavours to process an application for ADS approval within 90 **working days**.

Qualmark endorsement

- 2.4 All **ADS approved ITOs** must hold a **Qualmark** endorsement as either an Endorsed Visitor Service or as a **Tourism Export Council** Inbound Tour Operator.

Granting of ADS approval

- 2.5 ADS approval will be issued by **TNZ** on the terms and conditions set out in this Code.
- 2.6 **TNZ** will grant ADS approval and issue an ADS approval in the form set out in Schedule 4, if **TNZ** decides in its discretion that:
- a. the applicant is a **fit and proper person** to be an **ADS approved ITO** in terms of APPENDIX 3: Fit and Proper Person Requirements, each of its **controlling persons** and **associated persons** and each of its proposed **authorised ADS representatives** and **executive officers** is a **fit and proper person** in terms of APPENDIX 3 and
 - b. the application is in order; and
 - c. the applicant has fulfilled the obligations in section 2.2 of the **Code**; and
 - d. there is no good reason why ADS approval should not be granted.
- 2.7 If **TNZ** decides, in its discretion, not to grant ADS approval, it will notify the applicant.
- 2.8 If **TNZ** decides not to grant ADS approval:
- a. the applicant will have 10 **working days** from receipt of **TNZ's** notification to respond to **TNZ** in writing setting out why ADS approval should be granted; and
 - b. after considering the response from the applicant, **TNZ** must either:
 - i confirm its decision not to grant ADS approval; or
 - ii change its decision and grant ADS approval.

Term

- 2.9 If granted, the ADS approval will be issued for a period of 24 months from the date on which **TNZ** or **MBIE** notifies the applicant that the ADS approval has been granted.

Renewal

- 2.10 ADS approval issued under the **Code** may be renewed by the **ADS approved ITO** for further terms of 24 months:
- the **ADS approved ITO** must apply to **TNZ** for renewal at least 20 **working days** before the expiry of the term for which the ADS approval was last issued or renewed (as the case may be); and
 - any **ADS approved ITO** who has had ADS approval revoked or terminated under the **Code**, or has surrendered ADS approval, before the end of the initial (or renewed term as the case may be) cannot apply for or be granted renewal (or further renewal).

- 2.11 A person may apply for renewal of ADS approval by:

- submitting to **TNZ** a completed application (*application form for renewal of ADS approval*) in the form set out in Schedule 2;
- submitting to **TNZ** a signed *Deed of Undertaking* in the form set out in SCHEDULE 3: DEED OF UNDERTAKING; and
- paying to **TNZ** the renewal application fee as notified by **TNZ**.

TNZ will use its best endeavours to process an application for ADS approval within 30 **working days**.

- 2.12 If an **ADS approved ITO** is suspended at the time when its ADS approval comes due for renewal, it may apply for renewal following the process set out in sections 2.10 and 2.11. Any renewal granted to a suspended **ADS approved ITO** will be subject to the ITO completing the remainder of the suspension.

Right to request review

- 2.13 An unsuccessful applicant for ADS approval, or renewal of ADS approval, has the right to request a review of **TNZ's** decision by the **GM, Tourism, MBIE**.
- 2.14 An applicant may exercise their right to request review by notifying **TNZ** in writing within 10 **working days** of receiving **TNZ's** confirmation of its decision not to grant ADS approval.
- 2.15 The applicant's written notice must set out the reasons why the applicant considers that **TNZ's** decision to decline ADS approval is wrong and any supporting information relied on by the applicant.
- 2.16 After receiving notice of a request for review, **TNZ** must send the **GM, Tourism, MBIE** a report which contains:
- a copy of **TNZ's** decision not to grant ADS approval or renewal;
 - a copy of the applicant's written notice requesting review; and
 - any relevant supporting information.
- 2.17 On considering the report from **TNZ**, and having regard to any other relevant matters, the **GM, Tourism, MBIE** may:
- grant ADS approval or renewal;
 - decline to grant ADS approval or renewal; or
 - seek further information from **TNZ** and/or the applicant prior to making a decision;

and **GM, Tourism, MBIE** will use their best endeavours to notify the applicant and **TNZ** of his or her decision accordingly within 15 **working days** of receiving report from **TNZ** (excluding any time taken to receive and consider information under section 2.17(iii)).

Fees

2.18 The following provisions apply to fees:

- a. No part of the application fee will be refundable if the application for ADS approval or renewal is not granted.
- b. No part of the ADS approval fee will be refundable if the **ADS approved ITO's** ADS approval and/or Qualmark endorsement is suspended, revoked, terminated or surrendered before the approval period has expired.
- c. **TNZ** may change the application fee at any time and every change (and its effective date) will:
 - i be notified to all **ADS approved ITOs**;
 - ii be incorporated into Schedules SCHEDULE 1 and SCHEDULE 2: FORM OF APPLICATION FOR RENEWAL OF ADS APPROVAL of the **Code**; and
 - iii take effect on and from the date specified by **TNZ** (which must be more than 20 **working days** after the fee change has been notified).

Insolvency

2.19 If an **ADS approved ITO**:

- a. is unable to pay its debts as they become due in the normal course of business and the value of the **ADS approved ITO's** liabilities (including contingent liabilities) is greater than the value of its assets; or
- b. goes or is put into any form of receivership, liquidation or winding up; or
- c. goes or is put into any form of administration, statutory management, statutory supervision or any procedure for dissolution;

its ADS approval will be automatically revoked with immediate effect on and from the commencement of the insolvency, receivership, liquidation, winding up, administration, statutory management, statutory supervision or procedure for dissolution (as the case may be).

Change in Controlling Persons

2.20 The **ADS approved ITO** must notify **TNZ** immediately if it becomes aware of any event or circumstance which will change its **controlling persons** or its **associated persons**.

2.21 The **ADS approved ITO** will provide **TNZ** with the following information within 5 **working days** after the change:

- a. a description of the change;
- b. a list of **the controlling person or persons** of the **ADS approved ITO** immediately after the change; and
- c. all information about each new **controlling person** that is required by APPENDIX 3.

2.22 **TNZ** may request further information from the **ADS approved ITO** to assess whether or not the new **controlling person/s** should be approved as a **fit and proper person**. Any information requested by **TNZ** under this section must be provided by the **ADS approved ITO** to **TNZ** within 10 **working days** of the request.

2.23 If the **ADS approved ITO** does not provide **TNZ** with the information required under section 10 and/or section 2.21 within the required time the **ADS approved ITO's** ADS approval will be automatically suspended until the **ADS approved ITO** provides all the required information and the information is reviewed.

Change of name

2.24 The **ADS approved ITO** must notify **TNZ** immediately if it changes its name.

2.25 If the **ADS approved ITO** fails to notify **TNZ** of a change of name within 10 **working days** of the change being made, the **ADS approved ITO's** ADS approval will be automatically revoked with immediate effect.



3. OBLIGATIONS OF ADS APPROVED ITOS – GENERAL

Comply with Code and applicable laws

- 3.1 An **ADS approved ITO** must comply with the **Code** and with all New Zealand laws and regulations including (but without limitation) immigration, taxation, fair trading, health and safety and employment law, and vehicle and driver licensing in their activities relating to **ADS tours**; and, for the avoidance of doubt, where:
- an **ADS approved ITO** has failed to take reasonable steps to ensure compliance under this section; and
 - a failure by an **ADS approved ITO's** personnel, contractors or its **New Zealand ground component suppliers** to comply with the **Code** and/or with New Zealand laws and regulations occurs,

an **ADS approved ITO alone** will be liable and accountable under the **Code**.

- 3.2 An **ADS approved ITO** must:

- acknowledge that **Chinese travel sellers** will be required to comply with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time.
- not take any steps to prevent or discourage **Chinese travel sellers** from complying with the Chinese laws referred to in section 3.2(a).
- acknowledge that where **Chinese travel sellers** have breached the Chinese laws referred to in section 3.2(a), visitors on **ADS tours** will be entitled to a refund for any goods or service purchased in connection with that breach or breaches, provided that a Chinese visitor's refund request is made within 30 days of that visitor's return to China.
- ensure that it retains sufficient documentation to enable it to resolve any refund request made in respect of an **ADS tour** after that **ADS tour** has returned to China.

New Zealand Ground Component Suppliers

- 3.3 Only **ADS approved ITO's** can book, schedule, arrange and create **New Zealand ground components**. Each ADS itinerary can only be administered by one **ADS approved ITO**.
- 3.4 **The ADS approved ITO** may only use **New Zealand ground component suppliers** who comply with all New Zealand laws and regulations including (but without limitation) immigration, taxation, fair trading, health and safety and employment law, and vehicle and driver licensing. **The ADS approved ITO** may only use **transport providers** that supply coaches and drivers who meet all transport requirements set out in sections 4.12 to 4.16 of this **Code**.
- 3.5 If a **New Zealand ground component supplier** fails to comply with the laws and regulations of New Zealand or fails to comply with the transport requirements in SCHEDULE 7: OBLIGATIONS AND COMMITMENT OF TRANSPORT SERVICE PROVIDER TO ADS APPROVED INBOUND TOUR OPERATOR of the **Code, TNZ** may in its discretion prohibit **ADS approved ITOs** from using that **New Zealand ground component supplier** in connection with any **ADS tour** for a period of up to 12 months.

Lists of Subcontractors and Tour Guides

- 3.6 An **ADS approved ITO** must maintain, keep up to date, and produce to **TNZ** (on demand by **TNZ**) a list of each of the following:
- All **New Zealand ground component suppliers** used for **ADS tours** conducted or administered by the **ADS approved ITO**;
 - Records of the booking of all **New Zealand ground components** to demonstrate that they have been booked by the **ADS approved ITO** only;
 - All **tour guides** employed or contracted by the **ADS approved ITO** for **ADS tours** together with:
 - The date that the **tour guide** completed his or her Service IQ tour guiding qualifications;
 - A copy of the tour guide's current **ADS tour guide** ID card issued by **TNZ**;
 - The status of each **tour guide** as to citizenship, New Zealand residence and **permit to work** in New Zealand; and
 - The date on which each **tour guide** began and (if relevant) ceased to be employed or contracted by the **ADS approved ITO** for **ADS tours**.

Fit and Proper Person

- 3.7 An **ADS approved ITO** must continue to be a **fit and proper person** throughout the term of its ADS approval.
- 3.8 An **ADS approved ITO** must inform **TNZ** of any change in circumstances which is relevant to the **fit and proper person** standard.
- 3.9 If an **ADS approved ITO** becomes aware that any information which it has provided to **TNZ** in relation to the **fit and proper person** standard is incorrect, incomplete, or misleading it must immediately provide **TNZ** with the correct and complete information.
- 3.10 If at any time, **TNZ** determines that an **ADS approved ITO** is no longer a **fit and proper person** the **ADS approved ITO's** ADS approval will be automatically revoked with immediate effect.

Record Keeping

- 3.11 An **ADS approved ITO** must at all times:
- a. Maintain full and proper records, books and accounts for **ADS tours** conducted and administered by it:
 - i including (but without limitation) records of all commissions and other benefits received in respect of each **ADS tour**; and
 - ii in a manner that complies with New Zealand tax and company law requirements.
 - b. Without limiting section 3.11(a), maintain a file for each **ADS tour** which includes the following information:
 - i The **unique tour ID number** for the tour.
 - ii The name and contact details of the **Chinese travel seller** for the **ADS tour**.
 - iii The number of **Chinese visitors** on the tour.
 - iv The **itineraries** produced by the **ADS approved ITO** for the **ADS tour** under section 4.6(b) and 4.18 and all **itinerary** changes.
 - v The names and contact details of the **tour leader** and **tour guide** used for the **ADS tour**.
 - vi A list or copies of all invoices and credits issued by the **ADS approved ITO** for the **ADS tour** with dates, amounts and reference numbers, and separate columns for **GST** inclusive and **GST** exclusive amounts.
 - vii A list of all amounts received by or credited to the **ADS approved ITO** for the **ADS tour** from the **travel seller**, the **New Zealand ground component suppliers**, retail shopping outlets and other persons for the **ADS tour**, with the date, amount and currency of receipt, or credit, a reference number, banking details and separate columns for **GST** inclusive and **GST** exclusive amounts. Records of payments received from travel sellers must identify the **ADS tour** to which the payment relates.
 - viii A list or copies of all invoices and credits issued to the **ADS approved ITO** by **New Zealand ground component suppliers** for the **ADS tour** with dates, amounts and reference numbers and separate columns for **GST** inclusive and **GST** exclusive amounts.
 - ix All payments made or credits issued by the **ADS approved ITO** to **New Zealand ground component suppliers** for the **ADS tour** with dates, amounts and reference numbers and separate columns for **GST** inclusive and **GST** exclusive amounts.
 - x Statements issued by retail shopping outlets visited by each **ADS tour** or members of each **ADS tour**, whether **organised shopping** or otherwise, listing:
 - A the total amount spent by the **ADS tour** during each shopping visit; and
 - B all payments (commission or otherwise) made by the retail shopping outlet in connection with the **ADS tour**.
 - xi All agreements signed by **Chinese visitors** on the **ADS tour** in relation to **organised shopping** and / or optional **inclusions**, as required by Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time.
 - c. Make available the information required to be kept by section 3.11(a) and 3.11(b) for review by **TNZ** on request by **TNZ**.

Provision of information to TNZ

- 3.12 Every **ADS approved ITO** must act honestly and truthfully in all interactions with **TNZ**.
- 3.13 Every **ADS approved ITO** must take reasonable care to ensure that any information provided to **TNZ**, either voluntarily or as required under the **Code**, is true, complete, and not misleading.

Management Personnel

- 3.14 Every **ADS approved ITO** must employ or contract at least one full time manager.
- 3.15 The full time manager referred to in section 3.14 must:
- be based in New Zealand;
 - have had experience of at least one year (or full time equivalent) in managing inbound tour operations in New Zealand; and
 - be bilingual in English and Chinese.
- 3.16 If the full time manager referred to in section 3.14 ceases to be employed or contracted by the **ADS approved ITO** in that capacity, the **ADS approved ITO** must immediately notify **TNZ** and provide **TNZ** with the name and curriculum vitae of a replacement, who must also meet the criteria specified in section 3.14.

Authorised ADS Representatives

- 3.17 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**, unless **TNZ**, in its discretion, determines that, in all the circumstances, one authorised ADS representative is sufficient.
- 3.18 Any act or omission made by the **authorised ADS representative** will be considered to be an act or omission by the **ADS approved ITO** for the purposes of complying with the **Code**.
- 3.19 The **ADS approved ITO** will advise **TNZ** and **MBIE** in writing of the name and contact details of its **authorised ADS representatives** and of any change in representation as soon as practicable.

Assignment of ADS Approval

- 3.20 An ADS approval held or issued under this **Code** is not transferable or assignable by the **ADS approved ITO**, and any attempted or purported transfer or assignment of an ADS approval will:
- constitute a breach of the **Code**, and
 - result in the ADS approval of the offending **ADS approved ITO** being automatically and immediately revoked.

Allowing Use of Name

- 3.21 The **ADS approved ITO** must not allow the use of its name or letterhead by any other person or organisation for any purpose, whether in connection with the **China ADS system** or otherwise.
- 3.22 Without limiting section 3.21, the **ADS approved ITO** must not use, or allow the use of, its name or letterhead in an application for **ADS visas** for a proposed **ADS tour** which is to be conducted and administered by a person other than the **ADS approved ITO**.

Expiry, Revocation or Suspension of Approval

- 3.23 Where an **ADS approved ITO**'s ADS approval has expired or has been suspended or revoked, the provisions of sections 5.11 and 5.12 apply.

4. OBLIGATIONS OF ADS APPROVED ITOS IN RELATION TO ADS TOURS

Good Quality Tour Experience

- 4.1 The primary obligation of the **ADS approved ITO** is to provide a good quality tour experience for the **Chinese visitors** on the **ADS tours** which the **ADS approved ITO** conducts and administers. The Code requires the **ADS tour** to be satisfactory to the **Chinese visitors** on the **ADS tour** in the sense that:
- a. the **Chinese visitors** are provided with:
 - i a tour in accordance with the **itinerary** they paid for in the tour price; and
 - ii **attractions, activities, accommodation, meals** and **transport** to the standard they paid for in the tour price; and
 - b. the **itinerary**, and the **attractions, activities, accommodation, meals** and **transport** provided by the **ADS approved ITO** meet the reasonable expectations of the **Chinese visitors**; and
 - c. the **Chinese visitors** leave New Zealand after the end of the **ADS tour** with a good impression of the tour experience and of the tour arrangements within New Zealand; and
 - d. the **itinerary** complies with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time.
- 4.2 An **ADS approved ITO** must, at all times, conduct and administer **ADS tours** to a high professional standard of service and accountability and manage the ADS tour groups in a proper and professional manner consistent with obligations under the **Code**.
- 4.3 An **ADS approved ITO** is at all times responsible for conducting and administering all components of an ADS tour which are regulated by the **Code**. This obligation cannot be delegated.

Duty of Care

- 4.4 Every **ADS approved ITO** owes a duty of care to the **Chinese visitors** on each **ADS tour** to ensure that:
- a. the **Chinese visitors** are treated at all times as one would treat a welcome guest in one's own home (despite the fact that they have paid for the **ADS tour**); and
 - b. the **Chinese visitors'** stay in New Zealand is made as enjoyable as possible for them.
- 4.5 Without limiting the generality of section 4.4, every **ADS approved ITO** owes a specific duty of care to the **Chinese visitors** on an **ADS tour** to ensure that they:
- a. are kept safe and secure while in New Zealand;
 - b. are not exposed to, or subjected to, physical or psychological harm;
 - c. are given full, comprehensive and accurate information in answer to their questions and otherwise; and
 - d. have any complaints about the **ADS tour** dealt with promptly and effectively.

Documents to be provided to Chinese travel seller for ADS visa application

- 4.6 An ADS approved ITO must, for each ADS tour to be conducted and administered by it, provide a Chinese travel seller the following, for the purposes of obtaining **ADS visas**:
- a. two copies of the Summary Sheet which includes, amongst other information, a statement of the **tour fee** agreed to be paid by the **Chinese travel seller** to the **ADS approved ITO** for the proposed **ADS tour**, expressed in Chinese Yuan if negotiated in Chinese Yuan, US dollars if negotiated in US dollars and in New Zealand dollars if negotiated in New Zealand dollars. The Summary Sheet is required to be signed by an authorised officer of the **Chinese travel seller** and by an **authorised ADS representative** of the **ADS approved ITO**; and
 - b. two copies of the **itinerary** for the proposed **ADS tour** in New Zealand, or the New Zealand leg of the **ADS tour**, produced by the **ADS approved ITO** and in the form set out in APPENDIX 2: Itinerary Requirements

Use Unique Tour ID Number

- 4.7 An **ADS approved ITO** must use a **unique tour ID number** for each **ADS tour** to be conducted and administered by it as follows:
- a. The **unique tour ID number** assigned to a proposed **ADS tour** must be included in all documents and communications relating to that **ADS tour** (to the Chinese visitors, suppliers, contractors and TNZ) including (but without limitation) on every **itinerary** for that **ADS tour**.
 - b. If a proposed **ADS tour** is cancelled or otherwise does not proceed, the **unique tour ID number** assigned to that proposed **ADS tour** must not be used for any other **ADS tour** or proposed **ADS tour**.
- 4.8 An **ADS approved ITO** must ensure that a sign is supplied to the tour guide, which shows:
- a. the words “ADS Tour Group” in large letters;
 - b. the **unique tour ID number** for the **ADS tour**;
 - c. the name of the **Chinese travel seller** for the **ADS tour**; and
 - d. the name and address of the **ADS approved ITO** for the **ADS tour** and the contact details for the **authorised ADS representatives** for the **ADS approved ITO**.
- 4.9 Alternatively to section 4.8, the **ADS approved ITO** can supply a voucher to the tour guide, which shows:
- a. the **unique ADS tour ID number** for the **ADS tour**;
 - b. the name and address of the **ADS approved ITO** for the **ADS tour**;
 - c. the **Department of Conservation** registration code;
 - d. the number of **visitors** in the group; and
 - e. the arrival and departure dates for New Zealand.

Cancellation, Change of Tour Itinerary, Tour Dates

- 4.10 If an event occurs or a circumstance arises which requires the cancellation, or a change in the planned **itinerary**, of an **ADS tour**, or the New Zealand leg of an **ADS tour** (whether before or after the tour group arrives in New Zealand), the **ADS approved ITO** for that **ADS tour** must as soon as possible:
- a. change the **itinerary** for the **ADS tour**, or the New Zealand leg of the **ADS tour**, to accommodate that event or circumstance in accordance with section 4.17 (except where there is, or has to be, a cancellation of the entire **ADS tour**);
 - b. notify **TNZ** of the cancellation of the **ADS tour**; and
 - c. notify the **Chinese travel seller** for the **ADS tour** of the cancellation or the change, and provide the **Chinese travel seller** with a copy of the changed **itinerary** within two **working days** after the change has been made.

Incident reporting procedure

- 4.11 An **ADS approved ITO** must provide **TNZ** with an **incident report** using the form contained in Schedule 8 of the Code within 48 hours of any incident which may put the safety and security of the **Chinese visitors** at risk, including, but not limited to:
- a. any theft or other offence affecting the **Chinese visitors**;
 - b. any incident where a **Chinese visitor** is lost or missing from the tour group; or
 - c. any road accident involving the **Chinese visitors**.

Buses and Coaches

- 4.12 Every **transport provider** used for an **ADS tour** must be **Qualmark endorsed**.
- 4.13 Every **transport provider** engaged by or for an **ADS tour** must complete the form set out at Schedule 7 and provide a copy of the completed form to **TNZ** at request.
- 4.14 All vehicles used for **ADS tours** must have functioning seatbelts fitted and available for use. The vehicle must carry a valid Certificate of Fitness, have an up to date registration and otherwise be road-worthy and fit for purpose. The age of vehicle should not exceed the maximum age of 15 years from year of manufacture.
- 4.15 **TNZ** may in its discretion, on a case-by-case basis, allow an **ADS approved ITO** to use a non-**Qualmark endorsed** transport provider for a specified **ADS tour** where the **ADS approved ITO** has demonstrably made an effort to secure the services of a **Code-compliant** transport provider but for reasons beyond the **ADS approved ITO's** control has been unable to do so. Only when **TNZ** determines in its sole discretion that, in all of the circumstances, an exemption is required, will one be granted.
- 4.16 To apply for an exemption under section 4.15, the **ADS approved ITO** must send a completed exemption request form to China Market Development Unit prior to the arrival of the **ADS tour** in New Zealand. The exemption request form is published on **TNZ's** website.

Itineraries

- 4.17 The **ADS approved ITO** must provide and operate an **itinerary** for each **ADS tour**, or the New Zealand leg of each **ADS tour**, as set out below:
- a. the **itinerary** must contain all of the information set out in APPENDIX 2;
 - b. the **itinerary** must be the same as the **itinerary** provided to the **Chinese travel seller** under section 4.6(b) on the basis of which the **ADS visa** applications for that **ADS tour** were granted;
 - c. the **ADS approved ITO** must ensure that it, and the **New Zealand ground component suppliers** for that **ADS tour**, deliver or provide all the services, visits, **attractions** and **activities** listed in the **itinerary** and to the standard set out in the **itinerary**;
 - d. the **itinerary** may be changed only where, and to the extent that:
 - i the change is required as the result of circumstances beyond the **ADS approved ITO's** control; and
 - ii the change is fair and reasonable under the circumstances and provides value for money which is comparable with, or better than, the original **itinerary**.

Free time

- 4.18 An **ADS approved ITO** may provide for the **Chinese visitors** to have **free time** during the **ADS tour**.
- 4.19 Any **free time** must be clearly indicated on the tour **itinerary**.
- 4.20 The **ADS approved ITO** must ensure that, during any free time, the **ADS tour guide** and **transport provider** can be contacted by the **Chinese visitors** and remain available in case of emergency.

Accommodation

- 4.21 Unless an exemption is granted under clause 4.23, or the accommodation is pre-approved by **TNZ** under clause 4.25, all accommodation included in an **ADS tour** must be:
- a. hotel accommodation with a Qualmark rating of 3 stars or higher and a Qualmark Sustainable Business Award of Bronze or higher; or
 - b. bed and breakfast accommodation with a Qualmark rating of 3 stars or higher and a Qualmark Sustainable Business Award of Bronze or higher; or
 - c. self-contained accommodation with a Qualmark rating of 4 stars or higher, and Qualmark Sustainable Business Award of Bronze or higher.

- 4.22 Where self-contained accommodation or bed and breakfast accommodation where no dinner is provided is provided, the **ADS approved ITO** must clearly state in the **itinerary** the arrangements that have been made for each **ADS tour** group meal, including:
- a. the name and address of the restaurant used to provide each meal;
 - b. the name of the company or organisation used to transport the **ADS tour** group to and from each restaurant; and
 - c. the date and time of each meal, and transportation to/from each meal.
- 4.23 **TNZ** may, on a case-by-case basis, allow an **ADS approved ITO** to use a non-**Qualmark endorsed** accommodation provider for a specified **ADS tour** where the **ADS approved ITO** has demonstrably made an effort to secure the services of a **Code**-compliant accommodation provider for the **ADS tour** and **TNZ** determines in its sole discretion that, in all of the circumstances, an exemption should be granted.
- 4.24 To apply for an exemption under section 4.23, the **ADS approved ITO** must send a completed exemption request form to China Market Development Unit prior to the arrival of the **ADS tour** in New Zealand. The exemption request form is published on **TNZ's** website.
- 4.25 **TNZ** may, in its discretion, from time to time publish a list of pre-approved non-**Qualmark endorsed** accommodation providers which may be used by **ADS approved ITOs** for **ADS tours** without the need for an exemption granted by **TNZ** under section 4.23.

Organised shopping

- 4.26 All retail shopping outlets visited by an **ADS tour** as part of **organised shopping** must be **Qualmark endorsed**.
- 4.27 An **ADS approved ITO** must not:
- a. require an **ADS tour** group to shop in a retail shopping outlet against their wishes; or
 - b. take any steps to impede an **ADS tour** group from shopping in their choice of retail shopping outlets.
- 4.28 The amount of time spent in **organised shopping** is to be no more than:
- a. 1.5 hours of **organised shopping** time for each full day spent in New Zealand plus one **duty free shop** visit per visit to New Zealand; or
 - b. 3 hours of **organised shopping** time over two consecutive full days spent in New Zealand plus one **duty free shop** visit per visit to New Zealand. The amount of time spent at any single **organised shopping** venue may not be longer than 1.5 hours. *For example. Day Two: 2 hours of organised shopping at two souvenir shops (1 hour at each shop); Day Three: 1 hour of organised shopping at one souvenir shop.*
 - c. The amount of time spent at any **duty free shop** visit may not be longer than 1.5 hours.

Tour inclusions

- 4.29 All paid **tour inclusion** providers, including providers that supply **tour inclusions** as part of accommodation, visited by an **ADS tour** group must be **Qualmark endorsed**.
- 4.30 **ADS tour** groups must be taken to no less than the number of **tour inclusions** set out below:
- a. for a North Island tour, two paid **tour inclusions**;
 - b. for a South Island tour, one of the following:
 - i two paid **tour inclusions**;
 - ii one paid **tour inclusion** and one optional **tour inclusion**; or
 - iii two optional **tour inclusions**; and
 - c. for a **North Island & South Island tour**, one of the following:
 - i four paid **tour inclusions**;
 - ii three paid **tour inclusions** and one optional **tour inclusion**; or
 - iii two paid **tour inclusions** and two optional **tour inclusions**.

- 4.31 The minimum charge to visitors or participants for each paid **tour inclusion** must be NZ\$40.
- 4.32 TNZ may, on a case by case basis, allow an **ADS approved ITO** to use a **tour inclusion** which is provided by a non-**Qualmark endorsed** provider for a specified **ADS tour** where the **ADS approved ITO** has demonstrably made an effort to secure the services of a **Qualmark endorsed** provider for the **tour inclusion** TNZ determines in its sole discretion that, in all of the circumstances, an exemption should be granted.
- 4.33 To apply for an exemption under section 4.32, the **ADS approved ITO** must send a completed exemption request form to China Market Development Unit prior to the arrival of the **ADS tour** in New Zealand. The exemption request form is published on **TNZ's** website.

Meals

- 4.34 All meals must be of a standard that meets the reasonable expectations of the **Chinese visitors**.
- 4.35 Restaurants used for **ADS tours** must comply with all legal requirements associated with the operation of a restaurant business in New Zealand, including but not limited to food safety, employment, consumer protection, sale of liquor, and tax requirements.

Tour guides

- 4.36 The **ADS approved ITO** must:
- a. employ or contract an **ADS approved tour guide** for every **ADS tour**; and
 - b. ensure that the **ADS approved tour guide** accompanies the ADS tour group during working hours and, outside working hours, is available in the case of an emergency.
- 4.37 **TNZ** may, on a case-by-case basis, allow an **ADS approved ITO** to use a non-**ADS approved tour guide** for a specified **ADS tour** where the **ADS approved ITO** has demonstrably made an effort to secure the services of an **ADS approved tour guide** to take the **ADS tour** and **TNZ** determines in its sole discretion that, in all of the circumstances, an exemption should be granted.
- 4.38 To apply for an exemption under section 4.37, the **ADS approved ITO** must send a completed exemption request form to China Market Development Unit prior to the arrival of the **ADS tour** in New Zealand. The exemption request form is published on **TNZ's** website.
- 4.39 **TNZ** may, in its discretion, from time to time publish a list of pre-approved non-**ADS approved tour guides** who may be used by **ADS approved ITOs** for **ADS tours** without the need for an exemption granted by **TNZ** under section 4.37.
- 4.40 A non-**ADS approved tour guide** is eligible for inclusion on the list of pre-approved non-**ADS approved tour guides** where the following conditions are met:
- a. the **tour guide** is enrolled with Service IQ and has made reasonable progress in their study; and
 - b. the **tour guide** holds a current first aid certificate;
- and **TNZ** determines in its sole discretion that, in all of the circumstances, it is appropriate for the **tour guide** to be included on the list for such a time as specified by **TNZ**.
- 4.41 Non-**ADS approved tour guides** used for taking **ADS tours** under section 4.37 or section 4.39 must comply with the obligations listed in section 3 of Schedule 5.
- 4.42 **TNZ** may decide, in its sole discretion, that any non-**ADS approved tour guides** found not to have complied with the obligations listed in section 3 of SCHEDULE 5: FORM OF APPLICATION FOR ADS TOUR GUIDE APPROVAL are not eligible to take **ADS tours** under section 4.37 or section 4.39 again.

5. ADS APPROVED ITO: BREACHES OF THE CODE

5.1 If, in the course of exercising its inspection and review powers, **TNZ** becomes aware of any potential breach of the **Code** by an **ADS approved ITO**, it will deal with the potential breach as follows:

- a. **TNZ** will notify the **ADS approved ITO** of the potential breach and inform the **ADS approved ITO** of the action which **TNZ** proposes to take in relation to the breach.
- b. The **ADS approved ITO** will have 5 **working days** from **TNZ's** notification to respond to **TNZ** in writing and explain:
 - i why the asserted breach should not be considered to be a breach of the **Code**; and/or
 - ii why the proposed action should not be taken.
- c. If **TNZ** does not receive a response from the **ADS approved ITO**, **TNZ** will take the proposed action and notify the **ADS approved ITO**.
- d. If **TNZ** receives a response from the **ADS approved ITO**, **TNZ** will consider that response and may decide to:
 - i take no further action;
 - ii award demerit points in accordance with Appendix 4;
 - iii suspend the **ADS approved ITO**, in which case the provisions of section 5.11 apply; or
 - iv revoke the **ADS approved ITO's** ADS approval, in which case the provisions of section 5.12 apply;

and **TNZ** will notify the **ADS approved ITO** of its decision.

5.2 In all other cases, **TNZ** will deal with any potential breach of the **Code** by an **ADS approved ITO** as follows:

- a. **TNZ** will notify the **ADS approved ITO** of the potential breach and ask for an explanation as to whether the potential breach occurred, and if so, why it occurred.
- b. The **ADS approved ITO** will have 5 **working days** to provide **TNZ** with an explanation in writing as to whether and, if so, why the potential breach occurred.
- c. **TNZ** will consider any explanation provided by the **ADS approved ITO** and any other information **TNZ** considers relevant to the circumstances of the potential breach and make a preliminary decision as to whether the breach occurred or not.
- d. If **TNZ's** preliminary decision is that the breach did not occur, it will notify the **ADS approved ITO** of that decision and that no further action will be taken.
- e. If **TNZ's** preliminary decision is that the breach occurred, it will notify the **ADS approved ITO** of that decision and the action which **TNZ** proposes to take in relation to the breach.
- f. The **ADS approved ITO** will have 10 **working days** from **TNZ's** notification to respond to **TNZ** in writing and explain:
 - i why the asserted breach should not be considered a breach of the **Code**; and/or
 - ii why the proposed action should not be taken.
- g. **TNZ**, having considered any response by the **ADS approved ITO** under section 5.2(f), may decide:
 - i to take no further action;
 - ii to award demerit points in accordance with Appendix 4;
 - iii to suspend the ADS approved ITO, in which case the provisions of section 5.11 apply; or
 - iv to revoke the ITO's ADS approval, in which case the provisions of section 5.12 apply;

and will notify the **ADS approved ITO** of its decision.

Relevant information

- 5.3 The processes set out in section 5.1 do not require **TNZ** to undertake any investigation into any potential breach of the Code or seek out any information from third parties.
- 5.4 **TNZ** is entitled to rely on information provided by the **ADS approved ITO**. An **ADS approved ITO** is responsible for ensuring that it provides **TNZ** will all information which the **ADS approved ITO** considers to be relevant to the potential breach and the circumstances relating to it.
- 5.5 For the avoidance of doubt, an **ADS approved ITO**'s general obligations under sections 3.11 and 3.12 apply to any information and/or response provided to **TNZ** under section 5.1.
- 5.6 **TNZ** may however, at its discretion, take into account any information, from any source, which **TNZ** considers relevant to the potential breach and/or the circumstances of the potential breach.
- 5.7 In the event any of the information **TNZ** proposes to take into consideration is adverse to the relevant **ADS approved ITO**, **TNZ** will:
- disclose the information to the **ADS approved ITO**; and
 - provide the **ADS approved ITO** with a reasonable opportunity to comment on and, if applicable, correct the information.

Demerit point thresholds

- 5.8 Demerit points awarded to an **ADS approved ITO** expire after 24 months.
- 5.9 Demerit points awarded to an **ADS approved ITO** which have not expired are added together to determine an **ADS approved ITO**'s demerit point total.
- 5.10 When an **ADS approved ITO**'s demerit point total reaches the following thresholds, the following penalties will automatically apply:
- 10 demerit points = the **ADS approved ITO** will be automatically suspended from conducting and administering **ADS tours** for 2 months.
 - 20 demerit points = the **ADS approved ITO** will automatically be suspended from conducting and administering **ADS tours** for a further 3 months.
 - 30 demerit points = the **ADS approved ITO**'s **ADS approval** will be automatically revoked.

Suspension

- 5.11 From the time an **ADS approved ITO**'s ADS approval is suspended:
- the **ADS approved ITO** must cease conducting and administering **ADS tours** but:
 - the **ADS approved ITO** may carry out and complete **ADS tours** which are either already in New Zealand or en route to New Zealand at the time of suspension; and
 - if, at the time of suspension, **ADS visas** have been granted for a proposed **ADS tour** to be conducted and administered by the **ADS approved ITO**, the **ADS approved ITO** must arrange for that tour to be conducted and administered by another **ADS approved ITO**.
 - until the time when the suspension is lifted, the **ADS approved ITO** must not:
 - conduct and administer **ADS tours**; or
 - hold itself out to be an **ADS approved ITO**.
 - if its ADS approval is suspended on conditions, the **ADS approved ITO** must:
 - comply with the conditions attached to the suspension; and
 - where those conditions include required corrective action by the **ADS approved ITO**, implement, carry out and complete the corrective action in accordance with the terms of the requirement.
 - if its ADS approval is suspended on conditions and the conditions are not met throughout the period of the suspension or the required corrective action is not carried out and completed, the **ADS approved ITO**'s ADS approval will be automatically revoked.

Revocation

- 5.12 From the time when the **ADS approved ITO's** ADS approval is revoked:
- a. the **ADS approved ITO** must cease conducting and administering **ADS tours** but:
 - i the **ADS approved ITO** may carry out and complete **ADS tours** which are either in New Zealand or en route to New Zealand at the time of revocation; and
 - ii if, at the time of revocation, **ADS visas** have been granted for a proposed **ADS tour** to be conducted and administered by the **ADS approved ITO**, the **ADS approved ITO** must arrange for that tour to be conducted and administered by another **ADS approved ITO**.
 - b. from the time when its ADS approval is revoked, the **ADS approved ITO** must not:
 - i conduct and administer **ADS tours**; or
 - ii hold itself out to be an **ADS approved ITO**.

Right to request review

- 5.13 An **ADS approved ITO** which has been suspended or revoked by **TNZ** under 5.1d.iii) or 5.1d.iv), has the right to request a review of **TNZ's** decision by the **GM, Tourism, MBIE**.
- 5.14 An **ADS approved ITO** may exercise its right to request review by notifying **TNZ** in writing within 10 **working days** of receiving **TNZ's** decision.
- 5.15 The **ADS approved ITO's** written notice must set out the reasons why the **ADS approved ITO** considers that **TNZ's** decision is wrong, and any supporting information relied on by the **ADS approved ITO**.
- 5.16 After receiving a notice of a request for review, **TNZ** must send the **GM, Tourism, MBIE** a report which contains:
- a. a copy of **TNZ's** decision to suspend or revoke the **ADS approved ITO**;
 - b. a copy of the **ADS approved ITO's** written notice requesting review; and
 - c. any relevant supporting information.
- 5.17 On considering the report from **TNZ**, and having regard to any other relevant matters, the **GM, Tourism, MBIE** may:
- a. uphold **TNZ's** decision;
 - b. quash **TNZ's** decision and substitute the **GM, Tourism, MBIE's** own decision; or
 - c. seek further information from **TNZ** and/or the **ADS approved ITO** prior to making a decision;
- and **GM, Tourism, MBIE** will use their best endeavours to notify the **ADS approved ITO** and **TNZ** of its decision within 15 **working days** of receiving the report from **TNZ** (excluding any time taken to receive and consider information under section 2.17iii).



6. ADS APPROVAL FOR TOUR GUIDES

Applications for ADS tour guide approval

- 6.1 A person may apply to **TNZ** for ADS tour guide approval by submitting to **TNZ** a completed application in the form set out in SCHEDULE 5.
- 6.2 **TNZ** will use its best endeavours to process the application for ADS tour guide approval within 10 **working days**.
- 6.3 An applicant for ADS tour guide approval must be able to establish, to the level of the requirements set out at SCHEDULE 5, that they:
- a. are bilingual in Chinese and English;
 - b. are of **good character**;
 - c. are sufficiently qualified to guide inbound tours in New Zealand (an exemption to tour guide training requirements may be sought under section 6.4);
 - d. are entitled to work in New Zealand;
 - e. have at least six months' experience guiding inbound tours in New Zealand;
 - f. have a satisfactory health and safety record as a tour guide; and
 - g. agree to comply with the obligations set out at Section 3 of SCHEDULE 5.
- **TNZ** may, in its discretion, grant an exemption to the tour guide training requirements set out in section 6.3c), if the applicant for ADS tour guide approval can establish, to the satisfaction of **TNZ**, that he or she has:
 - total guiding experience of 5 or more years (or 5 years full-time equivalent but on a part time basis), or
 - a minimum of 24 consecutive months' experience guiding inbound tours in New Zealand.
- To be considered for this exemption, an applicant will be required to supply:
- a. evidence that he or she has been residing and working lawfully as a tour guide in New Zealand for a minimum period of a total of 5 years, or guiding consecutively for a minimum of 24 months;
 - b. letters from a minimum of two tour operators confirming tours conducted by the applicant on behalf of these operators;
 - c. letters from a minimum of two other members of the tourism industry (such as **accommodation providers**, **transportation providers** and **activity providers**) confirming the type and term of their relationship with the applicant; and
 - d. where relevant, evidence of work visas issued by Immigration New Zealand confirming the applicant's employment as a tour guide.
- 6.4 **TNZ** will grant ADS approval to a tour guide if **TNZ** decides, in its discretion, that:
- a. the applicant is of **good character**;
 - b. the application is in order;
 - c. the applicant satisfies the requirements set out in SCHEDULE 5; and
 - d. there is no good reason why ADS approval should not be granted.
- 6.5 If **TNZ**, in its discretion, decides not to grant ADS approval, **TNZ** will notify the applicant.

ADS tour guide renewal process and ID cards

- 6.6 **ADS tour guides** must apply for renewal of their **ADS approved tour guide status** by completing the renewal form included at Schedule 6 and supplying **TNZ** with the following information at least 15 working days before the expiration of their **ADS approved tour guide status**:
- a. evidence of the tour guide's entitlement to work in New Zealand;
 - b. an up-to-date passport style photograph (less than 6 months old);
 - c. current contact details – including phone number, address and email address;
 - d. a valid first aid certificate with at least 6 months validity;
 - e. a copy of a completed criminal record via Ministry of Justice's Third Party request; and
 - f. either:
 - i. if they have worked consistently as an **ADS tour guide** in the 12 months prior to their renewal application, evidence of this work experience, such as a letter from their employer; or
 - ii. If they have not worked consistently as an **ADS tour guide** in the 12 months prior to their renewal application, evidence of completion of health and safety training as approved by **TNZ** at its sole discretion.
- 6.7 If an **ADS tour guide's** approval status expires before they applied for a renewal, their **ADS approved tour guide** status will be revoked. However they will be able to apply for renewal under clause 6.6 after their status has been revoked at any time.
- 6.8 On granting a tour guide ADS approval or renewed approval, **TNZ** will issue the **ADS tour guide** with an ID card. All **ADS approved tour guides** must hold a valid **ADS tour guide** ID card.
- 6.9 All **ADS tour guide** ID cards are valid from 3 years from the date of issue.

Allowing Use of Name

- 6.10 An **ADS approved tour guide** must not allow the use of his or her name for an **ADS tour** which is to be conducted and administered by a person other than the **ADS approved tour guide**.

Comply with applicable laws and Code

- 6.11 **ADS approved tour guides** must comply with:
- a. all laws and regulations of New Zealand including (but without limitation) immigration, taxation, fair trading, and employment law, and vehicle and driver licensing in his or her activities relating to **ADS tours**.
 - b. the Code and Section 3 of Schedule 5 as amended from time to time.
- 6.12 Any breaches or potential breaches of section 6.11 will be dealt with by **TNZ** in its discretion on a case by case basis.

Breach by an ADS approved tour guide

- 6.13 Any breach of the terms and conditions in the declaration in Section 3 of SCHEDULE 5 of the **Code** constitutes a breach of the **Code** and attracts **demerit points** in accordance with the table included in APPENDIX 5.
- 6.14 **TNZ** may, at its discretion, (but acting reasonably) on a case by case basis elect to:
- a. impose an amount of demerit points different to those set out in Appendix 5; or
 - b. recommend suspension or revocation of the **ADS approved tour guide's ADS approval**.
- 6.15 Breaches or potential breaches of the **Code** by **ADS approved tour guides** will result in the following:
- a. **TNZ** will draw the potential breach to the attention of the **ADS approved tour guide** in writing and ask for an explanation as to whether the potential breach occurred and, if so, why it occurred.
 - b. The **ADS approved tour guide** will have the opportunity to provide **TNZ** with a written explanation as to whether and, if so, why the potential breach occurred.
 - c. If **TNZ** does not receive a response from the **ADS approved tour guide**, **TNZ** will take the proposed action and notify the **ADS approved tour guide**.
 - d. If a response is received, **TNZ** will consider any explanation provided and any other information **TNZ** considers relevant to the circumstances of the potential breach and make a preliminary decision as to whether the breach occurred or not.
 - e. If **TNZ's** preliminary decision is that the breach did not occur, it will notify the **ADS approved tour guide** of that decision and that no further action will be taken.
 - f. If **TNZ's** preliminary decision is that the breach occurred, it will notify the **ADS approved tour guide** of that decision and the action which **TNZ** proposes to take.
 - g. The **ADS approved tour guide** will have 10 **working days** from **TNZ's** notification to respond to **TNZ** in writing and explain:
 - i why the asserted breach should not be considered a breach of the **Code**; and/or
 - ii why the proposed action should not be taken.
 - h. **TNZ**, having considered any response by the **ADS approved tour guide** under section 6.15(b), may, at its discretion, decide:
 - i to take no further action;
 - ii to award demerit points;
 - iii to suspend the **ADS approved tour guide's** ADS approval; or
 - iv to revoke the **ADS approved tour guide's** ADS approval;and will notify the **ADS approved tour guide** of its decision.

Interim suspension

- 6.16 Where **TNZ** has reason to believe that the conduct of an **ADS approved tour guide** may pose a risk to the safety and/or security of the **Chinese visitors**, **TNZ** may suspend the tour guide's **ADS approval** pending the completion of the process for dealing with a breach of the **Code**.
- 6.17 If **TNZ** decides to suspend an **ADS approved tour guide** under section 6.16, **TNZ** will immediately inform the **ADS approved tour guide** of the decision and the reasons for it.
- 6.18 **TNZ** must revoke a suspension made under section 6.16 as soon as practicable if **TNZ** is satisfied that the **tour guide** no longer poses a risk to the safety and/or security of the **Chinese visitors** and in all other ways meets the eligibility criteria of the **Code**.
- 6.19 A suspension under section 6.16 ceases to have effect when:
- a. **TNZ** makes a decision under section 6.15(h); or
 - b. the suspension is revoked by **TNZ** under section 6.18.

Demerit points – thresholds

- 6.20 Demerit points awarded to an **ADS approved tour guide** expire after 3 years.
- 6.21 Demerit points awarded to an **ADS approved tour guide** which have not expired are added together to determine an **ADS approved tour guide's** demerit point total.
- 6.22 When an **ADS approved tour guide's** demerit point total reaches the following thresholds, the following penalties will automatically apply:
- a. 10 demerit points = the **ADS approved tour guide** will be automatically suspended from taking **ADS tours** for 2 months.
 - b. 20 demerit points = the **ADS approved tour guide's ADS approval** will be automatically revoked.

Suspension of an ADS approved tour guide's ADS approval

- 6.23 When the **ADS approved tour guide's** ADS approval is suspended:
- a. the **ADS approved tour guide** must cease conducting and administering **ADS tours** but the **ADS approved tour guide** may carry out and complete **ADS tours** which are either, in New Zealand or en route to New Zealand, at the time of suspension.
 - b. until the time when the suspension is lifted, the **ADS approved tour guide** must not:
 - i act as a tour guide in respect of **ADS tours**; or
 - ii hold themselves out to be an **ADS approved tour guide**.
 - c. If his or her ADS approval is suspended on conditions, the **ADS approved tour guide** must:
 - i comply with the conditions attached to the suspension; and
 - ii where those conditions include required corrective action by the **ADS approved tour guide**, implement, carry out and complete the corrective action in accordance with the terms of the requirement.
 - d. if his or her ADS approval is suspended on conditions or required to carry out corrective action and the conditions are not met throughout the period of the suspension or the required corrective action is not carried out and completed, the **ADS approved tour guide's** ADS approval will be automatically revoked.

Revocation of an ADS approved tour guide's approval

- 6.24 From the time when the **ADS approved tour guide's** ADS approval is revoked:
- a. the **tour guide** must inform any **ADS approved ITOs** which the tour guide is employed or contracted to guide upcoming **ADS tours**;
 - b. the **ADS approved tour guide** must cease conducting and administering **ADS tours** but may carry out and complete **ADS tours** which are either in New Zealand or en route to New Zealand at the time of revocation.
 - c. the **ADS approved tour guide** must not:
 - i act as a tour guide in respect of **ADS tours**; or
 - ii hold themselves out to be an **ADS approved tour guide**.

Right to request review

- 6.25 Tour guides who do not accept the decision made by **TNZ** under section 6 of the Code, (including a decision to decline **ADS approval**, to allocate demerit points, or to suspend or revoke an **ADS tour guide's** ADS approval) may write to the **GM, Tourism, MBIE** to request a review of this decision.
- 6.26 This request for review must be made in writing no more than 14 days from the date of **TNZ's** original decision letter.
- 6.27 The tour guide's request for review must set out the reasons why the tour guide considers that **TNZ's** decision is wrong and any supporting information relied on by the tour guide.
- 6.28 After receiving notice of a request for review, **TNZ** will send the **GM, Tourism, MBIE** a report which contains:
- a copy of **TNZ's** decision;
 - a copy of the tour guide's written notice requesting review; and
 - any relevant supporting information.
- 6.29 On considering the report from **TNZ**, and having regard to any other relevant matters, the **GM, Tourism, MBIE** may:
- uphold **TNZ's** decision;
 - quash **TNZ's** decision and substitute the **GM, Tourism, MBIE's** own decision; or
 - seek further information from **TNZ** and/or the applicant prior to making a decision,
 - and **GM, Tourism, MBIE** will use his or her best endeavours to notify the applicant and **TNZ** of its decision accordingly within 15 **working days** of receiving the report from **TNZ** (excluding any time taken to receive and consider information under section 2.17iii).

7. ADS VISITOR FEEDBACK AND COMPLAINTS

- 7.1 **Chinese visitors** can register complaints or feedback about an **ADS tour or an ADS approved tour guide** by sending an email to chinamarket@tnz.govt.nz.
- 7.2 Any complaint or feedback must include the following information:
- the name of the person making the complaint;
 - the contact details of the person making the complaint; and
 - the name of the **ADS approved ITO** who conducted and administered the **ADS tour** and/or the name of the tour guide who guided the **ADS tour**.

Complaint procedures

- 7.3 Any complaint that relates to a potential breach of the **Code** will be dealt with in accordance with the process in sections 5 and 6 of the **Code**.
- 7.4 Any complaints which do not relate to a breach of the **Code** will be dealt with by **TNZ** as follows:
- TNZ** will pass all complaints about an **ADS tour** to the **ADS approved ITO** that conducted and administered the **ADS tour** as soon as possible after receipt of the complaint, to enable the **ADS approved ITO** to resolve the complaint to the satisfaction of the complainant.
 - The **ADS approved ITO** will advise **TNZ** of the steps that it has taken to resolve the complaint within 10 **working days** from the date that the complaint was brought to its attention by **TNZ**.

8. TNZ RIGHT TO REVIEW

- 8.1 **TNZ** has the right to review the records, books and accounts of the **ADS approved ITO**, in relation to **ADS tours** conducted and administered by the **ADS approved ITO** at any time and from time to time.
- 8.2 **TNZ** may require that the information requested under section 8.1 will be provided within a specified timeframe.

ADS approved ITO's obligations on review

- 8.3 On receiving a request for review from **TNZ** under section 8.1, the **ADS approved ITO** must:
- a. make available to **TNZ**:
 - i all records, books, accounts and all other information requested by **TNZ** relating to **ADS tours**; and
 - ii all personnel requested by **TNZ** for interview about **ADS tours**;
 - b. answer questions by **TNZ** about **ADS tours**;
 - c. ensure that the information and answers are accurate, comprehensive and not misleading; and
 - d. ensure that the information requested by **TNZ** is provided within the timeframe specified by **TNZ** under section 8.2.
- 8.4 For the avoidance of doubt, an **ADS approved ITO's** general obligations under sections 3.11 and 3.12 apply to any information provided to **TNZ** in response to a request under section 8.1.

Information required during first 12 months as ADS approved ITO

- 8.5 During the initial 12 months of ADS approval, an **ADS approved ITO** must provide to **TNZ** the following information concerning **ADS tours** conducted and administered by the **ADS approved ITO** upon request by **TNZ**:
- a. a list containing **unique tour ID numbers** of every North Island tour, South Island tour and North Island/South Island tour conducted and administered by the **ADS approved ITO** which was completed during the review period;
 - b. the aggregate costs (expressed in dollars (including GST)) incurred by the **ADS approved ITO** during the review period for **New Zealand ground components** provided for each **ADS tour** listed under section 8.5(a);
 - c. the amount (expressed in dollars (including GST)) invoiced by the **ADS approved ITO** during the review period for each **ADS tour** listed under section 8.5(a);
 - d. the amount (expressed in dollars (including GST)) received by the **ADS approved ITO** during the review period for each **ADS tour** listed under section 8.5(a);
 - e. the amount of sales commissions (expressed in dollars (including GST)) received by the **ADS approved ITO** during the review period for each **ADS tour** listed under section 8.5(a);
 - f. the total **organised shopping** time provided for each **ADS tour** (including the names, dates and times of the retail shopping outlets visited); and
 - g. statements issued by retail shopping outlets visited by each **ADS tour** or members of each **ADS tour**, whether **organised shopping** or otherwise, listing:
 - i the total amount spent by the **ADS tour** during each shopping visit, and;
 - ii all payments (commission or otherwise) made by the retail shopping outlet in connection with the **ADS tour**.

Review visits

- 8.6 Within 12 months from the date that ADS approval is granted, **TNZ** will conduct a routine **review visit** to the premises of an **ADS approved ITO** to check compliance with the **Code**. The **review visit** will involve a compliance assessment of the **ADS approved ITO**, its business and operations and its records, books, accounts, management systems and **ADS tour** files (including in electronic form).
- 8.7 In addition to the routine **review visit** required by section 8.6, **TNZ** may decide to conduct additional **review visits** to the premises of an **ADS approved ITO** based on its findings in the routine **review visit**.
- 8.8 **TNZ** may conduct an event **review visit** to the premises of an **ADS approved ITO** at any time to check compliance with the **Code** should **TNZ** (acting reasonably) believe that circumstances require such an event **review visit**. The event **review visit** may involve a compliance assessment of the **ADS approved ITO**, its business and operations and its records, books, accounts, management systems, and **ADS tour** files (including in electronic form).
- 8.9 When exercising a power given by sections 8.6, 8.7 or 8.8, **TNZ** must:
- give at least 2 **working days**' prior notice to the **ADS approved ITO** of the visit; and
 - arrange a time acceptable to the **ADS approved ITO** for the visit to be carried out;
- unless **TNZ** in its absolute discretion believes that exercise of the power without prior notice or prior arrangement is necessary and/or desirable.

Financial records review

- 8.10 **TNZ** may, at any time, require an **ADS approved ITO** to provide a copy of its financial records for the full year financial period most recently ended.
- 8.11 **TNZ** may require the information requested under section 8.10 to be provided within a specified timeframe.

9. ADMINISTRATION

TNZ's Powers

- 9.1 **TNZ** has the following powers for the purposes of administering the **Code** and checking or verifying that an **ADS approved tour guide** is conducting an **ADS tour**. It can:
- intercept an **ADS tour** group at any point while the group is on the **ADS tour** in New Zealand and:
 - interview and question the **tour guide** conducting the **ADS tour**,
 - (as required) take photographs of any of the following: **New Zealand ground components, tour guide, driver, or tour leader**; and/or
 - request the itinerary and/or ADS Approval ID card be provided immediately the **tour guide** conducting the **ADS tour**, and/or the driver and the **tour leader**.
 - arrange for the tour route followed and places visited by an **ADS tour** to be observed and reported on by **TNZ** or any other person.
 - share information relating to an **ADS approved ITO** and/or to **ADS tours** and/or to ADS approved tour guides with:
 - ministers of the crown and other government agencies in New Zealand;
 - MOCT** and other government agencies in China;
 - government agencies in countries other than New Zealand and China; and
 - Qualmark** (or any other tourism quality agency),where **TNZ** believes that the sharing of information is necessary or desirable in order to assist in the administration or enforcement of the **Code** or of the laws or other standards administered and enforced by those other agencies in New Zealand, China or other countries.
 - impose and amend fees and other charges for applications for ADS approval, holding an ADS approval, renewal of an ADS approval, and otherwise for the administration or enforcement of the **Code**.
 - carry out any powers pursuant to clause 9 itself, or appoint a third party to carry out such powers, as determined by **TNZ** in its sole discretion.

- 9.2 **TNZ** may, by prior written approval, grant an exemption to an **ADS approved ITO** (or a class of **ADS approved ITOs**) from any requirement(s) of the **Code** where **TNZ** is satisfied, in its sole discretion, that:
- a. the approval will not undermine the purpose of the **Code**; and
 - b. unusual or extraordinary circumstances exist meaning that it is necessary and desirable that an exemption be given.

Notice by TNZ

- 9.3 Information obtained in the exercise of powers under sections 9.1a) and 9.1b) may be used in connection with any action under the **Code** provided that:
- a. before **TNZ** relies on any such information in relation to a specific **ADS approved ITO** or **ADS approved tour guide** in any action under the **Code**, **TNZ** must draw that information to the attention of the **ADS approved ITO** and/or **ADS approved tour guide**, and ask for an explanation or comment; and
 - b. the **ADS approved ITO** and/or **ADS approved tour guide** will have 5 **working days** to provide **TNZ** with a comment in writing.

TNZ Personnel to Carry and Produce Identification Cards

- 9.4 **TNZ** must ensure that its compliance monitoring personnel:
- a. are issued with an identification card confirming their identity and their appointment as compliance monitoring personnel for the purposes of the **Code**; and
 - b. on first exercising any power or authority under the **Code** in relation to an **ADS approved ITO** or any other person, produce the identification card and evidence of their identity.

Register: Inbound tour operators

- 9.5 **TNZ** must maintain a register showing all ADS approvals and renewals issued and all suspensions, revocations, terminations and surrenders of ADS approvals, in accordance with the following provisions:
- a. for each ADS approval or renewal issued, the register will show:
 - i the name and address of the holder;
 - ii the dates of issue and expiry of the ADS approval; and
 - iii the names and contact details of the **authorised ADS representatives** appointed by the holder.
 - b. the register will be kept in soft copy posted on **TNZ's** website.
 - c. the register will be updated by **TNZ** from time to time.

Register: ADS approved tour guides

- 9.6 **TNZ** must maintain a register showing all ADS tour guide approvals and all suspensions, revocations, terminations and surrenders of ADS tour guide approvals, in accordance with the following provisions:
- a. For each ADS approval issued, the register will show the name and email address of the **ADS approved tour guide** approved by **TNZ**.
 - b. The register will be kept in soft copy posted on **TNZ's** website.
 - c. The register will be updated by **TNZ** from time to time.

Notices

- 9.7 A notification, notice or any other document required or authorised by the **Code** may be:
- a. sent by prepaid mail to the recipient's address, if the address is in New Zealand and the notice is sent from within New Zealand;
 - b. sent by prepaid airmail to the recipient's address, if the address is outside New Zealand and the notice is sent from within New Zealand;
 - c. sent by email to the email address of the recipient; or
 - d. delivered to the recipient's address.
 - e. Change of Address
- 9.8 If an **ADS approved ITO** changes its physical address, mailing address or email address, it is required to notify **MBIE** and **TNZ** of its new address, or email address as soon as possible.

Amendments to the Code

- 9.9 **TNZ** and **MBIE** may amend this **Code** at any time and from time to time, after consultation with the **ADS steering group** and any other persons whom **TNZ** considers appropriate to consult.
- 9.10 Amendments to this **Code** will:
- a. be incorporated into this **Code**;
 - b. be notified to all **ADS approved ITOs** and other persons affected; and
 - c. take effect on and from a stated future date which:
 - i will allow the **ADS approved ITOs** a reasonable period of time to change their business operations and record keeping so as to enable them to comply with the **Code** as amended; but
 - ii may not be less than 20 **working days** after all **ADS approved ITOs** and other persons affected have been notified of the amendment.
- 9.11 A copy of the current version of the **Code** will be available at all times on the **TNZ** website.

Revocation and Replacement

- 9.12 **TNZ** and **MBIE** may at any time and from time to time revoke this **Code** and replace it with another code intended to enable effective management, administration and enforcement of the **China ADS system**.



APPENDIX 1: Defined Terms and Rules of Interpretation

1. In the **Code**, unless the context requires otherwise:

accommodation means – hotels, motels, bed and breakfasts, farmstays, or any other place where there is payment in exchange for a place for **Chinese visitors** to stay for a night:

activity means:

- (a) a cultural entertainment activity (by way of example, but not by way of limitation, a visit to a marae or to a venue with displays of sheep shearing, sheep handling etc); and
- (b) a recreational activity (by way of example, but not by way of limitation, a game of golf, a bush walk, a jet boat ride, white-water rafting, a scenic launch trip or caving).

ADS approved tour guide means a tour guide approved under section 6.4.

ADS approved Chinese travel seller means a **Chinese travel seller** that has been authorised by **MOCT**, Immigration New Zealand and Tourism New Zealand to promote, organise and sell **ADS tour** packages to Chinese nationals intending to travel to New Zealand for leisure purposes.

ADS approved ITO means an **ITO** which holds ADS approval under the **China ADS system**.

ADS steering group means the group of tourism industry representatives appointed by **TNZ** and **MBIE** from time to time in order to provide feedback to **TNZ** and **MBIE** in relation to compliance and operational aspects of the **Code** and the **China ADS system** generally.

ADS tour means an inbound tour group of **Chinese visitors** who hold **ADS visas** authorising their entry to New Zealand.

ADS visa means a visa authorising entry into New Zealand by a **Chinese visitor** which has been issued by Immigration New Zealand under the **China ADS system**.

associated person has the meaning given to it in section 6 of this Appendix.

attraction means a place of interest in New Zealand or off the coast of New Zealand which is visited by tourists.

authorised ADS representative in relation to an **ADS approved ITO** means a person authorised by the **ADS approved ITO** under section 3.17.

bare trust means a trust under which the trustee holds property or other rights on behalf of, and to the order of, the beneficiary.

CE, TNZ means the chief executive of Tourism New Zealand or his or her delegate.

China ADS system means the China Approved Destination Status system established pursuant to the **Government to Government Agreement**.

Chinese travel seller means an international travel retailer or wholesaler in China which promotes, organises and sells tour packages to Chinese nationals intending to travel to New Zealand for leisure purposes.

Chinese visitor, or **visitor**, means a Chinese national who comes to New Zealand as part of an inbound tour group under an **ADS visa** issued pursuant to the **China ADS system**.

Code means this Code as amended from time to time and includes all the Appendices and Schedules to it.

company includes:

- (a) a company incorporated outside New Zealand; and
- (b) a body corporate, whether incorporated in New Zealand or elsewhere, which is a legal entity in its own right separate from its members, shareholders and office holders.

controlling person has the meaning given to it in section 5 of this Appendix.

crime of dishonesty means:

- (a) a crime described in:
 - (i) Part 6 of the Crimes Act 1961, except the crimes described in sections 118 to 122 (inclusive); and
 - (ii) Part 10 of the Crimes Act 1961, except the crimes described in sections 267 to 272 (inclusive); and
- (b) any crime the same as, or similar to, a crime described in paragraph (a) which was committed in a country outside New Zealand.

Department of Conservation is the leading central government agency responsible for the conservation of New Zealand's natural and historic heritage.

duty free shop means a retail shopping outlet which is:

- (a) licensed pursuant to section 12 of the Customs and Excise Act 1996 to operate a sealed bag, or equivalent, system; or
- (b) located within an area licensed pursuant to section 12 of the Customs and Excise Act 1996 as a Customs controlled area for the processing of persons arriving in or departing from New Zealand.

executive officer in relation to an **ADS approved ITO** means:

- (a) (where the **ADS approved ITO** is a **company**) a director of the **company**;
- (b) (where the **ADS approved ITO** is a **company** incorporated outside New Zealand) the secretary of the **company**;
- (c) the executive in charge of the **ADS approved ITO's** operations in New Zealand (by whatever name called);
- (d) the **authorised ADS representatives** appointed by the **ADS approved ITO**; and
- (e) a person (by whatever name called) who has responsibility for, or takes part in, the day to day management of **ADS tours** conducted or administered by the **ADS approved ITO**.

fit and proper person has the meaning given to it in APPENDIX 3.

free time means time when the **tour group** has no scheduled activity, travel, or meal and is not accompanied by the **ADS approved tour guide**.

GM, Tourism, MBIE means the General Manager of Tourism, Ministry of Business, Innovation and Employment or his or her delegate.

Good character has the meaning given to it in Appendix 6.

Government to Government Agreement means the agreement between the Government of New Zealand and the Government of the People's Republic of China entered into by an exchange of letters dated 4 May 1999 and includes:

- (a) all amendments to that agreement before and after the effective date of the **Code**; and
- (b) any agreement entered into by those governments which supersedes or replaces that agreement.

GST means the goods and services tax payable under the Goods and Services Tax Act 1985.

incurred, in relation to a person, to a cost or expense and to a review period, means that the person becomes definitively committed to the cost or expense in the **review period**, in the sense that a legal obligation to pay the cost or expense in the future has accrued in the **review period**.

ITO means Inbound Tour Operator (being a person who, or a company which, carries on business conducting and administering inbound tours in New Zealand).

itinerary means an itinerary for an inbound tour in New Zealand.

licensed passenger service vehicle means a vehicle licensed by the **New Zealand Transport Agency** to carry a number of passengers at least equal to the number of **visitors** included in the **ADS tour** which the vehicle is being used to transport; and, for the avoidance of doubt, includes a coach.

MOCT means Ministry of Culture and Tourism of the People's Republic of China.

MBIE means the Ministry of Business, Innovation and Employment.

New Zealand ground components means transport, accommodation, meals, **activities** and **attractions** in New Zealand.

New Zealand ground component supplier means a person who or which provides a **New Zealand ground component** for an **ADS tour** and for the avoidance of doubt, includes a **transport provider**.

New Zealand Transport Agency is a Crown entity established under the Land Transport Management Amendment Act 2004.

North Island tour means an **ADS tour** which visits only places in the North Island of New Zealand (whether or not it also visits Australia or any other country outside New Zealand).

North Island & South Island tour means an **ADS tour** which visits places in both the North Island and the South Island of New Zealand (whether or not it also visits places in Australia or any other country outside New Zealand).

optional inclusion, in relation to an **ADS tour**, means an inclusion which:

- (a) is not a **tour inclusion**; and
- (b) is listed, and has a price in New Zealand dollars quoted for it, in the **itinerary** for that **ADS tour**.

organised shopping, in relation to an **ADS tour**, means a visit by a tour group, or members of a tour group, on an **ADS tour** to a retail shopping outlet or factory outlet open to the public in New Zealand:

- (a) which is arranged or facilitated by the **ADS approved ITO** or **Chinese travel seller** conducting or administering that **ADS tour** or by an **associated person** of that **ADS approved ITO**; and
- (b) where the tour group is, or the tour group members are, accompanied by the **tour leader**, the **tour guide** or an **associated person** of the **ADS approved ITO** conducting or administering that **ADS tour**;

but does not include one visit by the tour group, or members of the tour group, to a **duty free shop** on the day when the tour group arrives in, or departs from, New Zealand.

permit to work means a permit to work in New Zealand either on an unrestricted basis or on such a basis as legally entitles the holder to work as a tour guide in New Zealand.

Qualmark endorsed, in relation to an entity, means:

- (a) that the entity has been assessed by Qualmark New Zealand Limited and:
 - (i) in the case of accommodation providers, has been awarded the star grading equal to or exceeding the star grading required by the **Code**; or
 - (ii) in any other case, has received a 'pass' endorsement; or
- (b) that the entity has been approved by an assessment body recognised by **TNZ** as being equivalent to the Qualmark New Zealand Limited standard.

review visit means a visit to an **ADS approved ITO's** office premises by **TNZ** and/or a person contracted by **TNZ** in order to assess compliance with the **Code** on the part of the **ADS approved ITO**.

South Island tour means an **ADS tour** which visits only places in the South Island of New Zealand (whether it also visits Australia or any other country outside New Zealand).

TNZ means the New Zealand Tourism Board; a Crown entity established under the New Zealand Tourism Board Act 1991 and trading as Tourism New Zealand.

tour fee, in relation to an **ADS tour**, means the total amount to be paid by or on behalf of the **Chinese travel seller** for:

- (a) the **New Zealand ground components** for that **ADS tour**; and
- (b) the fee or margin for the **ADS approved ITO** which conducts and administers that **ADS tour**.

tour guide, in relation to an **ADS tour**, means the guide for that tour employed or contracted by the **ADS approved ITO** which conducts and administers that tour in New Zealand and, for the avoidance of doubt, includes a driver/guide.

tour inclusion, in relation to an **ADS tour**, means a visit to an attraction or location or participation in an activity at an attraction or in a location as part of that tour.

tour leader, in relation to an **ADS tour**, means the person employed or contracted by the **China travel seller** to lead the tour group in New Zealand on its behalf.

Tourism Export Council is the representative body of inbound tour operators in New Zealand, and includes any other such representative organisation with a similar role and membership requirements.

transport provider means a person who, or a company which, provides transport in connection with an **ADS tour**.

unique tour ID number, in relation to an **ADS tour**, means the **unique tour ID number** assigned to that tour as provided in section 4.7.

working day means:

- (a) in relation to New Zealand, a day other than:
 - (i) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Labour Day, Matariki and Waitangi Day;
 - (ii) a day in the period commencing with the 25th day of December in any year and ending with the 2nd day of January in the following year;
 - (iii) if the 1st day of January in any year falls on a Friday, the following Monday; and
 - (iii) if the 1st day of January in any year falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (b) in relation to a country other than New Zealand, a day:
 - (i) which is not a secular or religious holiday observed by 90% or more of the population of that country; and
 - (ii) on which all or most of the retail banks throughout the country are open for business.

Rules of Interpretation

- 2. This **Code** is to be interpreted in accordance with the rules set out in sections 2.1 to 2.11 inclusive of this Appendix, unless specifically provided otherwise or unless the context requires otherwise:
 - 2.1 Words or phrases (other than section headings) appearing in the **Code** in bold letters are defined terms and shall bear the meanings given to them in this Appendix.
 - 2.2 Words used in the **Code** importing the singular only are to include the plural and vice versa and words importing one gender only are to include every other gender.
 - 2.3 All derivatives of a defined term are to be construed in accordance with the meaning given to the term in the **Code**.
 - 2.4 Headings and lists of headings in the **Code** are for convenience only and are not to affect the interpretation of the provisions of this **Code**.
 - 2.5 A reference in this **Code** to a section, subsection or other subdivision is to be read as:
 - (a) a reference to that section, subsection, or other subdivision of the **Code** if the reference appears in the **Code**; and
 - (b) as a reference to that section, subsection, or other subdivision of the Schedule or Appendix, if the reference appears in a Schedule or Appendix.
 - 2.6 References in the **Code** and its Schedules and Appendices to:
 - (a) any statute, decree or regulation are to include all regulations, orders or notices made under or pursuant to such statute or decree or such regulations, and
 - (b) to a statute, decree or regulation are to include all statutes, decrees or regulations subsequently enacted by way of amendment of, or in substitution for, the statute, decree, or regulations referred to.
 - 2.7 References in this **Code** and its Schedules and Appendices to persons are to include individuals, **companies**, corporations, firms, partnerships, joint ventures, associations, organisations, trusts, states or agencies of state, government departments and local and municipal authorities, in each case whether or not having separate legal personality.
 - 2.8 If there is a conflict or inconsistency as between:
 - (a) the **Code** (including for this purpose Appendix 1) and another Schedule or Appendix, the **Code** (including Appendix 1) is to prevail; and
 - (b) Appendix 1 and another Schedule or Appendix to the **Code**, Appendix 1 is to prevail.
 - 2.9 References in the **Code** and its Schedules and Appendices to:
 - (a) a person, are to include that person's successors and representatives; and
 - (b) a **company**, is to include that **company's** successors.

- 2.10 References in the **Code** and its Schedules and Appendices to dollars or “\$” are references to the lawful currency of New Zealand, except where indicated otherwise.
- 2.11 References in the **Code** and its Schedules and Appendices to time are references to New Zealand time.

Day on Which an ADS Tour is Completed

- 3. For the purposes of this **Code**, an **ADS tour** is completed on the day when the tour group leaves New Zealand:
 - 3.1 at the end of the tour to return to China; or
 - 3.2 at the end of the New Zealand leg of the tour to continue with the next leg of the tour in another jurisdiction; as the case may be.

Days Spent in New Zealand

- 4. The number of full days spent in New Zealand by a tour group on an **ADS tour** will be calculated as follows:
 - 4.1 a full day means a day beginning at 12.01am and ending at the next following 12am midnight for which the tour group is in New Zealand; and
 - 4.2 the day on which the tour group arrives in New Zealand and the day on which the tour group leaves New Zealand, will not be counted as full days.

Controlling Person

- 5. For the purposes of this **Code**:
 - 5.1 the **controlling person** of a **company** is:
 - 5.1.1 the person who or which holds directly or indirectly more than 50% of the voting shares of the **company**;
 - 5.1.2 the person who or which is entitled to receive more than 50% of the dividends paid, and other distributions made, by the **company**;
 - 5.1.3 the person who or which has directly or indirectly the right to appoint or remove a majority of the board of directors of the **company**; and
 - 5.1.4 the person in accordance with whose directions the **company** may be required to or is accustomed to act.
 - 5.2 the **controlling person** of a partnership is:
 - 5.2.1 the person who or which holds more than 50% of the votes on decisions by partnership; or
 - 5.2.2 the person who or which is entitled to more than 50% of the profits of the partnership.
 - 5.3 the controlling person of a trust is:
 - 5.3.1 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; and
 - 5.3.2 where the trust is not a **bare trust**, the trustee.
 - 5.4 the **controlling person** of an unincorporated joint venture, association or other organisation is:
 - 5.4.1 the person who or which controls more than 50% of the votes on decisions by the unincorporated body; and
 - 5.4.2 the person who or which is entitled to more than 50% of the revenue or profits received by the unincorporated body; and
 - 5.5 the rules in section 7 of this Appendix are to be applied in the interpretation of this section 5.

Associated Persons

6. For the purposes of this **Code** the persons described in section 6.1 and section 6.2 of this Appendix are **associated persons**:
- 6.1 the following persons are **associated persons** at a given time:
- 6.1.1 a **company** and a person (other than a **company**) where, at the time:
- (a) the person holds, or is treated as holding, 20% or more of the voting shares of the **company**;
 - or
 - (b) the person holds, or is treated as holding, shares carrying the entitlement to receive 20% or more of the dividends paid, and other distributions made, by the **company**;
- 6.1.2 two **companies** where, at the time:
- (a) one **company** is the **controlling person** of the other **company**;
 - (b) there is a person who or which holds directly or indirectly an aggregate of 20% or more of the voting shares in each **company**; or
 - (c) there is a person who or which is entitled to receive 20% or more of the dividends paid, and other distributions made, by each **company**;
- 6.1.3 a partnership and a person:
- (a) who is at the time a partner in the partnership; or
 - (b) where the person and any partner in the partnership are **associated persons** at the time;
- 6.1.4 a trustee of a trust and a person:
- (a) who is a settlor of the trust;
 - (b) who is a beneficiary, or eligible to benefit, under the trust; or
 - (c) who is the trustee of another trust, where the same person is a settlor of both trusts; and
- 6.1.5 an unincorporated joint venture, association or other organisation and a person where, at the time:
- (a) the person holds 20% or more of the votes on decisions by the unincorporated body; or
 - (b) the person is entitled to 20% or more of the revenue or profits received by the unincorporated body;
- and
- 6.1.6 persons who habitually act in concert and, where three or more persons habitually act in concert, each such person is treated as being associated with each of the others; and
- 6.2 an **ADS approved ITO** and the persons described below are **associated persons**:
- 6.2.1 the **ADS approved ITO** 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 **ADS tour** related activities of the **ADS approved ITO**;
- 6.2.2 the **ADS approved ITO** and a person who has the right to share in any profits or revenue derived by the **ADS approved ITO** from **ADS tours** (otherwise than by way of an ownership or participatory interest in the **ADS approved ITO**); or
- 6.3 The rules in section 7 of this Appendix are to be applied in the interpretation of this section 6.

Rules for Interpretation and Application of Sections 5 and 6 of Appendix

7. For the purposes of sections 5 and 6 of this Appendix:
- 7.1 shares are to be treated as “held” by the beneficial owner of those shares;
- 7.2 shares held by a nominee on behalf of another person are to be treated as “held” by that other person;

- 7.3 shares in one **company** (“company A”) held by another **company** (“company B”) are to be treated as being “held” proportionately by the shareholders in company B (unless company A or company B is a widely held **company** listed on a Stock Exchange in New Zealand or elsewhere, in which case that **company** is to be treated as a single shareholder that is not a **company** for the purposes of this section 7.3); and this paragraph is to be applied and re-applied as often as is necessary until the point is reached where at least 100% of the shares of company A are treated as held by persons who are not **companies**;
- 7.4 shares held by a partnership are to be treated as “held” by the partners in the partnership in proportion to their respective rights to the profits of the partnership;
- 7.5 shares held by a trust are to be treated as “held”:
- 7.5.1 where the trust is a **bare trust**, by the beneficiaries of the trust in proportion to their respective entitlements to the income distributed by the trust to beneficiaries; and
- 7.5.2 where the trust is not a **bare trust**, by the trustee and, if more than one, in equal proportions;
- 7.6 shares held by an unincorporated joint venture, association or other organisation are to be treated as “held” by the participants in the unincorporated body in proportion to their respective entitlements to the revenue or profits received by the unincorporated body; and
- 7.7 voting shares are:
- 7.7.1 shares carrying the right, at the relevant time, to vote at a meeting of the shareholders of the **company**;
- 7.7.2 shares or other securities which:
- (a) are convertible into shares of the **company**; and
- (b) carry the right, at the relevant time, to vote at a meeting of the shareholders of the **company** before they have been converted; and
- 7.7.3 options, warrants or other rights to acquire shares in the **company** which carry the right, at the relevant time, to vote at a meeting of the shareholders of the **company** before the right to acquire shares has been exercised.
- 7.8 where persons who are **associated persons**:
- 7.8.1 hold, or are treated as holding, shares in a **company**, votes or entitlements to revenue or profits in an unincorporated joint venture, association or other organisation or entitlements to income distributions from a trust; and
- 7.8.2 their holdings or de facto holdings of shares, votes or entitlements to revenue or profits or entitlements to income distributions (as the case may be) aggregate more than 50% of such interests in the corporate entity, unincorporated entity or trust concerned;
- then for the purposes of the **Code**:
- 7.8.3 those associated persons are to be treated as a single person who or which is the **controlling person** of the corporate entity, unincorporated entity or trust (as the case may be); and
- 7.8.4 each of those associated persons is to be treated as the **controlling person** of that corporate entity, unincorporated entity or trust (as the case may be); and
- 7.9 then for the purposes of the **Code**:
- 7.9.1 where a **company** (“company B”) holds shares in another **company** (“company A”), the shares in company A will be treated as held by the shareholders of company B in the proportions of their respective shareholdings in company B;
- 7.9.2 where shares in company B are in turn held by a **company** (“company C”), the process described in section 7.9.1 is to be repeated for company C and then in succession for every **company** in a chain of **companies** with ownership until all the shares in company A are held, or treated as held, by shareholders that are not **companies**; and
- 7.9.3 where company A, company B, company C or any other **company** in a chain of **companies** with ownership is a widely held **company** listed on a Stock Exchange in New Zealand or elsewhere, that **company** will be treated as a single shareholder that is not a **company** for the purposes of this section 7.9;
- and the definitions of **controlling person** and **associated person** will then be applied to company A and its shareholders or deemed shareholders that are not **companies**.

APPENDIX 2: Itinerary Requirements

A Interpretation

In this Appendix, unless the context requires otherwise:

- (i) terms used in this Appendix, which are defined in Appendix 1, will have the meanings given to them in Appendix 1; and
- (ii) the term **optional tour feature** means **activities**, accommodation or meal upgrades and other additional benefits which:
 - (a) are not **paid inclusions**; and
 - (b) are listed in the **itinerary** for the **ADS tour**, provided under section 4.18 of the **Code**, as available to **Chinese visitors** on the **ADS tour**.

B Itinerary

An **ADS tour itinerary** prepared by an **ADS approved ITO** to be submitted with an **ADS visa** application must contain the following information:

1. Identification

- 1.1 Identification details for the **ADS approved ITO**, as follows:
 - (a) Physical address
 - (b) Postal address
 - (c) Tel (24 hour)
 - (d) Email
 - (e) Contact person

2. Unique Tour ID Number

3. Tourists, Travel Agent

- 3.1 Total number of **visitors**, including details of any health conditions, physical impairments or disabilities of the **visitors** that may impact upon activities.
- 3.2 **Chinese travel seller**: *[Insert name of agent, office address, daytime telephone number, 24 hour contact number, and contact person].*

4. Tour Dates

- 4.1 Dates of the start and finish of the tour in New Zealand.
- 4.2 Points and times and dates of arrival in, and departure from, New Zealand and flight number(s).

5. Contact Details

- 5.1 Accommodation: *[Insert full contact details for each hotel at which the group will be staying during the tour. Include full hotel name, address, dates of stay for each property and telephone numbers. Also include Qualmark endorsement details and star rating].*
- 5.2 Tour Guides: *[Insert names and contact details including mobile phone number].*
- 5.3 Coach Company/Companies: *[Insert full company name for each coach company used during the tour and telephone numbers (for daytime and 24 hours) and contact person].*
- 5.4 Organised Shopping Venues: *[insert name, address and telephone number of shopping venue to be visited and duration of visit. Include a description of the types of goods that will be available].*

6. In-tour Costs

- 6.1 The charge payable by each tour group member for the **ADS tour** including:
- (a) all accommodation, meals and services; and
 - (b) entrance to all **attractions, activities** and other places;
- which are shown on the **itinerary** as part of the tour package.
- 6.2 All charges payable for **optional tour features** including but not limited to accommodation or meal upgrades, and additional **activities**, shown in both dollars and RMB.

7. Daily Itinerary

- 7.1 Set out below is an example of the format, and the information to be shown, in an **ADS tour itinerary** for each full day and part day spent in New Zealand:
- 0800 [insert tour guide name or other identifier] MEET ARRIVAL AT [insert airport] AND COACH TRANSFER [insert coach company name] TO [insert hotel name]. [Insert any other information such as where to leave luggage if rooms are not ready].
- 1000 DEPART FOR CITY COACH TOUR WITH [insert coach company] INCLUDING [insert description of city tour including all stops and whether the tour includes entry into certain places or just a drive by].
- 1200 COACH TRANSFER TO [insert type of food] LUNCH AT [insert restaurant name, address and telephone number].
- 1300 COACH TRANSFER TO [insert attraction name, address and telephone number and a brief outline of the activity or activities the tourists will or may undertake].
- 1500 COACH TRANSFER TO [insert name, address and telephone number of shopping venue to be visited, and duration of visit. Include a description of the types of goods that will be available].
- 1600 COACH TRANSFER TO [insert attraction name, address and telephone number and a brief outline of the activity or activities the tourists will or may undertake].
- 1700 COACH TRANSFER TO [insert name of organised shopping venue to be visited].
- 1745 RETURN TO HOTEL BY COACH TRANSFER
- 1830 COACH TRANSFER TO [insert restaurant name, address and telephone number] for [insert type/style of food i.e. Chinese/Western/Other Asian].
- 2000 COACH TRANSFER TO HOTEL. OVERNIGHT AT [insert hotel name and address].
- 7.2 The **itinerary** must include all relevant details of each **activity** to be undertaken throughout the period of the tour and should also include an assessment of any hazards and risks that may be associated with an activity and how those will be effectively controlled and managed.
- 7.3 For each shopping venue (whether stand-alone or attached to an attraction or other venue) to be visited on the tour where the **ADS approved ITO** will, or should reasonably expect, to receive (directly or indirectly) a commission or other benefit arising from the group visit, the **itinerary** must include the following statement:
- “Purchases made may result in a commission or other benefit being paid to or received by your inbound tour operator, tour guide, tour leader or ADS approved Chinese travel agent”.*

APPENDIX 3: Fit and Proper Person Requirements

Requirements for an ITO applying for ADS approval

1. An ITO applying for ADS approval must demonstrate that:
 - a. It has the capacity, ability and intention to conduct and administer good quality ADS tours.
 - b. It has at least one year's experience successfully managing inbound tours in New Zealand.
 - c. It has a history of compliance with New Zealand laws and regulations.
 - d. It has not previously conducted and/or administered any ADS tour without ADS approval.
 - e. It is not in any form of receivership, liquidation, winding up, administration, statutory management, statutory supervision or any procedure for dissolution.
 - f. It maintains a physical place of business in New Zealand.
 - g. It has financial substance, including:
 - i. It is registered as a New Zealand company under the Companies Act 1993, or an equivalent register;
 - ii. It has a tax number and files income tax and **GST** returns in New Zealand; and
 - iii. It is able to pay its debts as they become due in the normal course of business and the value of its assets are greater than the value of its liabilities (including contingent liabilities).
2. An ITO applying for ADS approval must demonstrate that each of its **authorised ADS representatives, executive officers, controlling persons** and **associated persons**:
 - a. Has a history of compliance with New Zealand laws and regulations.
 - b. Is not an undischarged bankrupt or in any form of receivership, liquidation, winding up, administration, statutory management, statutory supervision or any procedure for dissolution.
 - c. Has not been prohibited, disqualified or banned from being a director of a **company**, or from taking part in the management of a **company**, under the Companies Act 1993 or the Securities Act 1978 or equivalent legislation in an overseas country.
 - d. Has not had any involvement in any aspect of conducting and/or administering any **ADS tour** without ADS approval.
3. If an **ITO** provides false or misleading information to **TNZ** in relation to the **fit and proper person** requirements, **TNZ** may, in its discretion, refuse to grant the **ITO** ADS approval.

On-going requirements for ADS approved ITOs

4. An **ADS approved ITO** must be able to demonstrate on renewal, or at any other time requested by **TNZ**, that:
 - a. It has the capacity, ability and intention to conduct and administer good quality ADS tours which comply with the requirements of the Code reliably and on a continuous basis.
 - b. It has a history of compliance with New Zealand laws and regulations.
 - c. It is not in any form of receivership, liquidation, winding up, administration, statutory management, statutory supervision or any procedure for dissolution.
 - d. It maintains a physical place of business in New Zealand.
 - e. It has financial substance, including:
 - iv. It is registered as a New Zealand company under the Companies Act 1993, or an equivalent register;
 - v. It has a tax number and files income tax and **GST** returns in New Zealand; and
 - vi. It is able to pay its debts as they become due in the normal course of business and the value of its assets are greater than the value of its liabilities (including contingent liabilities).

5. An **ADS approved ITO** must be able to demonstrate on renewal, or at any other time requested by **TNZ**, that each of its **authorised ADS representatives, executive officers, controlling persons** and **associated persons**:
- a. Has a history of compliance with New Zealand laws and regulations, including immigration law.
 - b. Is not an undischarged bankrupt or in any form of receivership, liquidation, winding up, administration, statutory management, statutory supervision or any procedure for dissolution.
 - c. Has not been prohibited, disqualified or banned from being a director of a **company**, of from taking part in the management of a **company**, under the Companies Act 1993 or the Securities Act 1978 or equivalent legislation in an overseas country.

TNZ's discretion

6. When assessing whether or not a person should be approved, or continue to be approved, as a **fit and proper person**, **TNZ** may, in its absolute discretion:
- a. seek and take into account information from any source, including but not limited to Immigration New Zealand;
 - b. have regard to time passed since any event;
 - c. have regard to any additional matters **TNZ** thinks fit; and
 - d. give relative weight to information and other matters as **TNZ** thinks fit.

Adverse information

7. If **TNZ** proposes to take into account information which reflects adversely on a person being evaluated under this Appendix, **TNZ** must first:
- a. disclose that information to the person; and
 - b. give the person a reasonable opportunity to comment on it or to refute it; before acting on the information.
8. If **TNZ** discovers, after granting ADS approval, that information which **TNZ** relied on in making a determination that a person was a fit and proper person was incorrect or misleading, it may, in its sole discretion, determine that the person is no longer a fit and proper person for the purposes of the China ADS system.

APPENDIX 4: Demerit points for ADS ITO breaches of the Code

Breach of the Code		Demerit points allocated
2.20-2.22	Notification of change in controlling or associated persons	2
3.1-3.2	Comply with the Code and applicable laws	On a case by case basis*
3.3	New Zealand Ground Component Suppliers	On a case by case basis*
3.6	List of Subcontractors and Tour Guides	2
3.6-3.9	Notify TNZ of information relevant to fit and proper person standard	2
3.11	Record Keeping	3
3.12-3.13	Provision of Information to TNZ	5
3.14, 3.15 & 3.16	Management Personnel	3
3.17 & 3.19	Authorised ADS Representatives	3
4.1 & 4.2	Good Quality Tour Experience	On a case by case basis
4.3	Conduct and Administer all tour components	3
4.4 & 4.5	Duty of Care	On a case by case basis
4.6	Documents to be provided to Chinese travel seller for ADS visa application	2
4.7, 4.8 & 4.9	Use unique Tour ID Number	2
4.10	Cancellation, Change of Tour Itinerary, Tour Dates	2
4.11	Incident reporting procedure	2
4.12, 4.13 & 4.14	Buses and Coaches	3
	· for not using a Qualmark endorsed vehicle.	5
	· for not using a vehicle with seatbelts fitted	5
	· for not using a vehicle with current Certificate of Fitness	3
	· for not using a vehicle with a current registration	3
4.17	Itineraries	2
4.18 & 4.19	Free Time	2
4.21 & 4.22	Accommodation	3
4.26, 4.27 & 4.28	Organised Shopping	3
4.29 & 4.30	Tour inclusions	3
4.34 & 4.35	Meals	2
4.36	Tour guides	3
7.4(b)	Advise TNZ of steps taken to resolve complaint	2
8.3	ADS approved ITO's obligations on review	3
8.5	Information required during first 12 months as ADS approved ITO	2
9.8	Change of address	2
The following breaches will result in automatic suspension or revocation		
2.24-2.25	Notification of change of name	Revocation
3.20	Assignment of ADS Approval	Revocation
3.21-3.22	Allowing use of name	Suspension for 3 months

*Note: when assessing a potential breach of the Code on a case by case basis, **TNZ** may, in its discretion, allocate demerit points, or suspend or revoke the **ADS approved ITO's** ADS approval, depending on the severity of the breach.

APPENDIX 5: Demerit points for ADS tour guides breaches of the Code

In any instance where TNZ determines that an **ADS approved tour guide** has breached the Code, that breach shall incur demerit points. The number of demerit points incurred is as per the below table. The table below provides illustrative examples only and other breaches may also warrant demerit points which will be allocated depending upon the severity of the breach as determined by TNZ:

Breach of terms and conditions		Demerit points allocated
1.	ADS signage not displayed on the dashboard or windscreen of the tour vehicle in a position that is fully visible and clearly readable from outside the vehicle or not provided by coach driver or ADS approved tour guide to TNZ staff upon request.	1
2.	Tour guide ADS approval ID Card not worn or not presented to a TNZ staff member on request.	1
3.	Tour guide fails to deliver services, visits, attractions and activities to the best of their ability.	3
4.	Tour guide not tidily presented (examples of untidy presentation include wearing ripped jeans, ripped t-shirts, singlets, shorts, sandals/jandals or dirty sports shoes).	1
5.	Tour guide behaviour unprofessional (examples of unprofessional behaviours include, but are not limited to: attending to personal errands, playing hand-held electronic games while guiding, consuming food or drinks when there is a clear sign saying not to, etc.)	3
6.	Tour guide imposes charges for services or entrance to attractions, activities, venues or other places which have already been charged for in the package price paid for the tour.	5
7.	Tour guide provides misleading information to Chinese visitors including in respect of any charges imposed for optional tour inclusions introduced to visitors on an ADS tour.	5
8.	Tour guide: <ul style="list-style-type: none"> • requires Chinese visitors to shop in retail shopping outlets against their wishes; • impedes the Chinese visitors from shopping in their choice of shopping outlets; • for each ADS tour group, spends more than 1.5 hours at each organised shopping venue per full day spent in New Zealand, or more than 3 hours of total organised shopping time over two consecutive full days spent in New Zealand. 	5
8.1		5
8.2		3
8.3	3	3
9	Tour guide fails to comply with obligations under the Health and Safety at Work Act 2015 and /or fails to take reasonably practical steps to ensure the health and safety of visitors during the course of all ADS tours. Tour guide fails to hold a valid first aid certificate.	On a case by case basis 3
10	Tour guide refuses to provide information, or provides misleading and/or inaccurate information, to TNZ staff or investigators concerning an ADS tour that he or she is responsible for guiding.	5
11	Tour guide allows their name to be used for an ADS tour which is conducted and administered by another person.	5
12	Tour guide fails to comply with a law or regulation of New Zealand in the tour guide's activities relating to ADS tours .	On a case by case basis
13	Tour guide fails to accompany the ADS tour for the duration of the tour in New Zealand or fails to remain with the tour group during working hours.	On a case by case basis
14	Tour guide fails to take reasonable steps to ensure that the Chinese visitors are kept safe and secure while in New Zealand and are not exposed to, or subjected to, physical or psychological harm.	On a case by case basis

APPENDIX 6: Good character requirements for tour guides

- 1.1 In order to be approved as an **ADS approved tour guide**, the applicant must satisfy **TNZ** that they are of **good character**.
- 1.2 Once ADS approved, the tour guide's ADS approval continues in force on the condition that the **ADS approved tour guide** continues to be of **good character**.
- 1.3 If an **ADS approved tour guide** is not, or ceases to be, of **good character** **TNZ** may initiate the procedure for suspension or revocation of the **ADS approved tour guide**'s ADS approval under section 6.15 of the Code.
- 1.4 When assessing whether an applicant is of good character, **TNZ** may, in its absolute discretion:
 - a. seek and consider such information as **TNZ** thinks fit, including information obtained from any source, including but not limited to Immigration New Zealand;
 - b. have regard to such information and other matters as **TNZ** thinks fit; and
 - c. give such weight to information and other matters as **TNZ** thinks fit.
- 1.5 Without limiting the matters to which **TNZ** may have regard to under section 1.4 of this Appendix, **TNZ** may have regard to the following matters in particular:
 - a. whether the applicant has been convicted of any criminal, driving, or health and safety offences in New Zealand or overseas; and, if so:
 - i. the nature of the offence; and
 - ii. the time that has elapsed since the offence was committed; and
 - iii. the person's age when the offence was committed; and
 - b. whether the applicant has any pending criminal, driving or health and safety charges in New Zealand or overseas;
 - c. whether the applicant has had any involvement in guiding ADS tours prior to being ADS approved (without being granted an exemption by **TNZ**);
 - d. any previous breaches of the Code committed by the tour guide while guiding ADS tours under an exemption granted by **TNZ** under sections 4.37 or 4.39; and
 - e. whether the applicant has provided any false or misleading information to **TNZ** or any other Government Agency, including but not limited to Immigration New Zealand.
- 1.6 If an **ADS approved tour guide** becomes aware of any information which is relevant to the **good character** standard and which has not been previously disclosed to **TNZ**, the **ADS approved tour guide** must immediately disclose that information to **TNZ**.

SCHEDULE 1: APPLICATION FORM FOR ADS APPROVAL

To be used by ITOs applying for ADS approval for the first time



Please send your completed application form and supporting documentation to Tourism New Zealand by email.

Email	chinamarket@tnz.govt.nz
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Fee Payable on Application

The fee payable on biannual application for ADS approval under the Code is \$3,000.00 plus GST (i.e. \$3,450.00).

1. Company full name (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, email address.

5. If incorporated and/or established outside New Zealand, applicant's principal office in New Zealand

Give street address, mailing address, telephone 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. Applicant's IRD number (i.e. the tax payer number issued to the applicant by the New Zealand Inland Revenue Department, please provide an IRD Certificate verifying this number):

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 _____

9. Please provide information about the applicant's management officers:

Management Officers	Full Name	Work Address (physical) Address (postal) Phone Number Email Address	Mobile Phone Number
Authorised ADS Representatives <i>(for definitions and functions see note 9)</i> <i>Note: In an application for a new ADS approval, proposed to be appointed</i>			
Executive Officers <i>(for definition, see note 1)</i>			
Directors or Equivalent <i>(for definition, see note 2)</i>			
Shareholders or Equivalent <i>(for definition, see note 3)</i>			
Controlling Persons <i>(for definition, see note 4)</i>			
Associated persons who are associated because they hold an ownership interest in the application <i>(for definition see note 5)</i>			
Associated persons who are associated because they have business relationships of the specified kinds with the applicant <i>(for definition see note 6)</i>			

IMPORTANT NOTE:

Please provide the following documentation for all New Zealand-based staff and/or representatives:

- (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) in the past three years:

had any involvement in any aspect of conducting and / or administering an ADS tour prior to lodging the application for ADS approval; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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
ever been prosecuted by WorkSafe in relation to a health and safety matter; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ever been subject to other enforcement action by WorkSafe including, for example, infringement notices or improvement notices; 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 involving health and safety; 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 (for definition see note 7); 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; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
subject to any pending charge, summons, or aware of any upcoming court appearance?	<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.

For all NZ-based staff and/or representatives directly involved in the conduct or administration of ADS tours, a copy of a completed criminal conviction check following a Ministry of Justice criminal record online (or paper) request needs to be submitted with this application.

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. Financial records:

Please provide copies of the applicant's financial statements:

- for the full year 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.
- If the most recent full financial period ended more than six months before the date of this application, a letter from a chartered accountant stating that the company is a going concern.

Please provide a copy of the applicant's bank statements for the six-month period before the date of this application.

14. 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 if TNZ determines that I have made any false statements, or provided any false or misleading information, in this application for ADS approval, this may be treated by TNZ as a breach of the Code and / or a breach of the ongoing fit and proper person requirement, as the case may be.

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, or prosecutions 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, but not limited to Immigration New Zealand and 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.

I acknowledge that **Chinese travel sellers** are required to comply with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time. I acknowledge that if a **Chinese travel seller** breaches Article 35, visitors on **ADS tours** will be entitled to a refund for any good and services purchased in connection with that breach or breaches, provided that a Chinese visitor's refund request is made within 30 days of that visitor's return to China.

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)

15. Checklist. Please make sure that you have included the following documents with this application:

- Qualmark certificate showing endorsement as either an Endorsed Visitor Service or as a Tourism Export Council Inbound Tour Operator
- Fully completed application form.
- Application fee of \$3,450.00 (GST inclusive). *Invoice will be issued when application has been finalised*
- A signed and completed copy of Schedule 3.
- Certificate of Incorporation issued by the New Zealand Companies Office.
- Financial statements (*see section 13 of this form for details*). These statements need to include a breakdown of non-commission and commission-based sales amounts and must be accompanied by a letter issued and signed by the company accountant.
- Bank statements for the six-month period before the date of this application
- GST Statement of Account certificates issued by the Inland Revenue Department for the previous 6 months.
- Company brochure (if available).
- Company profile (if the parent company is based outside New Zealand we require a profile of the New Zealand-based branch), including the following information:
 - Organisational structure
 - Staff numbers
 - Staff roles and responsibilities
 - Target markets
 - Products and Services
 - Future plans for the business
- For all NZ-based staff and/or authorised ADS representatives, certified documentation confirming their NZ citizenship, NZ residence or work permit status.
- Signed authorisation form to collect private information for all NZ based staff
- CVs for Company Directors and authorised ADS representatives
- The following information from each of the last 20 tours completed by the tour operator:
 - the tour itinerary;
 - the number of tourists in the tour group; and
 - confirmation of the visa status of the tour.

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

- 3.11 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**.
- 3.12 **TNZ, MBIE** 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**.
- 3.13 The **ADS approved ITO** will advise **TNZ** and **MBIE** in writing of the name and contact details of its **authorised ADS representatives** and of all changes as soon as possible.

SCHEDULE 2:

FORM OF APPLICATION FOR RENEWAL OF ADS APPROVAL

To be used by existing **ADS approved ITOs** reapplying for ADS approval under the **Code**



Please send your completed application form and supporting documentation to Tourism New Zealand by email.

Email	chinamarket@tnz.govt.nz
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1. Fee Payable on Application

The fee payable on application for ADS renewal under the Code is \$3,000.00 plus GST (i.e. \$3,450.00).

2. Company full name (in English and Chinese, if applicable):

3. Applicant's principal office (if changed)

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

4. 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 _____

5. Please provide information about the applicants management officers:

Management Officers	Full Name	Work 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)</i>			
Directors or Equivalent <i>(for definition, see note 2)</i>			
Shareholders or Equivalent <i>(for definition, see note 3)</i>			
Controlling Persons <i>(for definition, see note 4)</i>			
Associated persons who are associated because they hold an ownership interest in the application <i>(for definition see note 5)</i>			
Associated persons who are associated because they have business relationships of the specified kinds with the applicant <i>(for definition see note 6)</i>			

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.

6. 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:		

7. 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) in the past three years:

Please note that past non-compliance does not necessarily impact on the renewal of ADS approval.

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
been prosecuted by WorkSafe in relation to a health and safety matter; or	<input type="checkbox"/> Yes	<input type="checkbox"/> No
been subject to other enforcement action by WorkSafe including, for example, infringement notices or improvement notices; 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 involving health and safety; 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 (for definition see note 7); 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.

8. 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).

9. Financial records:

Please provide copies of the applicant's financial statements:

- for the two most recent full year financial periods;
- 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.

OR

- a letter issued by an external Chartered Public Accountant confirming that the applicant's business is a going concern and that the applicant satisfies the solvency test as that test is defined in the Companies Act 1993.

10. 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 if TNZ determines that I have made any false statements, or provided any false or misleading information, in this application for renewal of ADS approval, this may be treated by TNZ as a breach of the Code and / or a breach of the ongoing fit and proper person requirement, as the case may be.

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 or prosecutions 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.

I acknowledge that **Chinese travel sellers** are required to comply with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time. I acknowledge that if a **Chinese travel seller** breaches Article 35, visitors on **ADS tours** will be entitled to a refund for any goods and services purchased in connection with that breach or breaches, provided that a Chinese visitor's refund request is made within 30 days of that visitor's return to China.

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) _____

11. Checklist. Please make sure that you have included the following documents with this application:

- Fully completed application form.
- Application fee of \$3,450.00 (GST inclusive). *Invoice will be issued when application has been finalised*
- Financial statements or letter from a Chartered Accountant (*see section 9 of this form for details*).
Any financial statements provided need to include a breakdown of non-commission and commission-based sales amounts and must be accompanied by a letter issued and signed by the company accountant. A letter from a Chartered Account must confirm that the business is a going concern and satisfies the solvency test as that test is defined in the Companies Act 1993.
- GST Statement of Account certificates issued by the Inland Revenue Department for the previous 6 months.
- For all new NZ-based staff and/or authorised ADS representatives not declared on your original application, certified documentation confirming their immigration status and a copy of a completed criminal record via Ministry of Justice's Third Party request (*see Important Note in section 5 of this form for the information required*).
- Signed authorisation form to collect private information for all NZ based staff (new staff only)

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 to mean:

- (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

- 3.17 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**.
- 3.18 **TNZ, MBIE** 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**.
- 3.19 The **ADS approved ITO** will advise **TNZ** and **MBIE** in writing of the name and contact details of its **authorised ADS representatives** and of all changes as soon as possible.

SCHEDULE 3:

DEED OF UNDERTAKING

To be signed by every existing ADS Approved ITO applying for ADS Approval under the Code, and by every applicant for a new ADS Approval under the Code, and submitted with the application. The witness to the deed must be an independent third party and not be a director, shareholder or employee of the **ADS approved ITO**.

DEED dated the _____ day of _____, 20 _____

PARTIES (NAME OF ITO): _____ (“Applicant”)

NEW ZEALAND TOURISM BOARD: a Crown entity established under the Tourism Board Act 1991 trading as Tourism New Zealand and having its principal office at Wellington (“TNZ”)

BACKGROUND

- A. Applicant has applied to TNZ for approval as an ADS Approved ITO under the Code of Conduct for China ADS Approved Inbound Tour Operators (“Code”) which is administered by TNZ; and
- B. Applicant has agreed to accept, comply with and be bound by the provisions of the Code with effect from the date of application for ADS approval;

AGREEMENT

Interpretation

1. In this Deed, unless the context requires otherwise:
 - 1.1 the terms Applicant, TNZ and Code will each have the meaning given to it above; and
 - 1.2 terms used in this Deed, which are defined in the Code, will have the meanings given to them in the Code.

Application of Code

2. Applicant agrees to accept, comply with and be bound by the provisions of the Code, including any amendments to the Code made by TNZ from time to time, with effect from the date of the application for ADS approval.

Information Required for Application

3. In order to enable TNZ to consider the application, Applicant agrees to provide to TNZ:
 - 3.1 all information about the Applicant, the Applicant’s business and operations, the Applicant’s controlling persons, the Applicant’s associated persons, the Applicant’s authorised ADS representatives, the Applicant’s senior executive managing ADS tours and the Applicant’s executive officers which is required by the application form in Schedule 1 of the Code; and
 - 3.2 promptly on request by TNZ, and in any event within 10 working days after TNZ’s request, all such further information as TNZ (acting reasonably) requires to assess whether or not the application should be granted.

Information Required by Code

4. Where the Applicant is an existing ITO applying for ADS approval under the Code pursuant to section 3 of Schedule 3, the Applicant agrees to provide to TNZ all information which the Code requires to be provided to TNZ by an ADS Approved ITO throughout the period while TNZ is considering and deciding on the application:
 - 4.1 *time period:* for all time periods:
 - (a) *commencing:* commencing on and from 01 September 2012; and
 - (b) *ending:* ending on the date when:
 - (i) *application:* the application is finally granted or declined; or
 - (ii) *proceedings:* all administrative or Court proceedings issued by the Applicant in relation to the application;
 whichever is the later; and
 - 4.2 *as if ITO:* as if the Applicant were an ADS approved ITO throughout the time period in section 4.1 above.

Liability

- 5. Neither:
 - 5.1 TNZ nor any officer, employee or adviser of TNZ;
 - 5.2 MBIE nor any manager, employee or adviser of MBIE;
 - 5.3 GM, Tourism, MBIE; nor
 - 5.4 the Crown;

will be liable in tort, contract or otherwise for any action taken or not taken in the exercise or intended exercise in good faith of the powers or discretions conferred by the Code in relation to the application.

Term, Currency of Deed

- 6. This Deed will take effect on and from the date of the application and will continue in full force and effect until the date when:
 - 6.1 if the application for ADS is approval is granted, the ADS approval (including any renewal of ADS approval) expires, is surrendered, revoked or otherwise terminates;
 - 6.2 the application for ADS approval is finally declined; or
 - 6.3 all administrative or Court proceedings issued by the Applicant in relation to the application are finally disposed of;
 whichever is the later.

Continuing application of Deed

- 7. If the application for ADS approval is granted, from and after the time when the ITO’s ADS approval (including any renewal of ADS approval) comes to an end (whether by revocation, termination, expiry or surrender) this Deed will continue to bind the parties with respect to all acts, omissions, circumstances and events occurring before the time when the ITO’s ADS approval came to an end.

Successors

- 8. This Deed will bind the Applicant and its successors, and will continue in force in favour of TNZ and its successors.

Privity

- 9. The Applicant acknowledges that, for the purposes of the Contracts (Privity) Act 1982 section 5 of this Deed is for the benefit of, and intended to be enforceable by, the persons named or described in sections 5.1, 5.2, 5.3 and 5.4.

EXECUTED as a Deed on the date stated on the first page

SIGNED by [name of Applicant]
 by its duly authorised agent/s
 in the presence of:

name:

position:

name:

position:

name: _____

city, town of residence: _____

Occupation: _____

SCHEDULE 4: FORM OF ADS APPROVAL

Approval of inbound tour operator under the China approved destination (ADS) system



Pursuant to the Code of Conduct for China ADS Approved Inbound Tour Operators (“Code”) the **New Zealand Tourism Board** a Crown entity established under the Tourism Board Act 1991 and trading as **Tourism New Zealand** hereby grants to *[name of holder; legal status of holder; place of incorporation, establishment or principal office of holder]* approval as an inbound tour operator to conduct inbound tour groups of **Chinese visitors** travelling to New Zealand for leisure tours (“ADS tours”).

1. This approval entitles *[full name of holder]* (“holder”) to:
 - 1.1 conduct and administer ADS tours in terms of the agreement between the Government of New Zealand and the Government of the People’s Republic of China entered into by an exchange of letters dated 4 May 1999 (as subsequently amended, or revoked and replaced) (“Government to Government Agreement”); and
 - 1.2. be listed as an ADS approved inbound tour operator in Annex Two of the Government to Government Agreement;until the approval expires, is suspended or is revoked under the Code or is surrendered.

2. This approval is issued:
 - 2.1 on the terms and conditions set out in the Code; and
 - 2.2 on condition that the holder complies with the Code.All references to the Code in this approval include the Code as current at the date of this approval and as amended, or revoked and replaced, after the date of this approval.

3. This approval is issued for a term of 24 months commencing on *[here insert date of issue]* and is renewable thereafter for further terms of 24 months each on the terms and conditions set out in the Code.

DATED at Auckland/Wellington this _____ day of _____, 20 _____

[Chief Executive, other senior management position]

Tourism New Zealand

SCHEDULE 5:
FORM OF APPLICATION FOR ADS TOUR GUIDE APPROVAL



Please send your completed application form and supporting documentation to Tourism New Zealand by email.

Email	chinamarket@tnz.govt.nz
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SECTION ONE: APPLICANT DETAILS

1. Full name (in English and Chinese):

2. Date of birth: _____

3. Contact details:

Give street address, mailing address (if different), telephone number, email address.

4. Immigration status (tick one):

- New Zealand Citizen New Zealand residence visa /permit holder New Zealand work visa /permit holder
- Other (please state): _____

5. Evidence of English language: non-native speakers of English only (tick one):

- IELTS (“International English Language Testing System”) certificate Letter from Immigration New Zealand New Zealand Qualification
- Undergraduate degree certificate from Chinese university, majoring in English TEM4 or TEM8 English language examination certificate Other (please state) _____

6. Evidence of Chinese language: non-native speakers of Chinese only:

- HSK (“Hanyu Shuiping Kaoshi”) Certificate

7. Length of experience guiding inbound tours in New Zealand:

_____ years _____ months

8. Name(s) of Inbound Tour Operator(s) that you work for (please list below):

9. Tour guide qualification:

You are applying for one of the following (please tick one):

- National Award in Guided Interpretation Tour Guide Exemption (section 6.3 applies)

IMPORTANT NOTE: Please supply the following information (in addition to that listed in Section Two of this form) if you are applying for an exemption to ADS tour guide training requirements under section 6.4 of the **Code**:

- Evidence that he or she has been residing and working lawfully as a tour guide in New Zealand for a minimum period of a total of 5 or more years, or consecutively for a minimum of 24 months
- Letters from a minimum of two tour operators confirming tours conducted by you on behalf of these operators; and
- Letters from a minimum of two other members of the tourism industry (such as accommodation, transportation and activities providers) confirming the type and term of their relationship with you; and
- (where relevant) evidence of work visas issued by Immigration New Zealand confirming your employment as a tour guide.

SECTION TWO: REQUIRED DOCUMENTATION

Please attach copies of the following documents with your fully completed application form:

- (New Zealand citizens only) A certified genuine copy of the personal details page of your passport
(仅限新西兰公民) 新西兰公民身份证明或新西兰护照的公证复印件。
- (Foreign passport holders only) A certified genuine copy of the personal details page of your **passport** AND a copy of the page(s) containing your current valid **New Zealand visa** and **permit**.
(仅限其他外国护照持有者) 护照主页及印有有效签证页的公证复印件。
- (Non-native English language speakers only) Evidence of your **English language** level as follows, either:
(仅限英语为非母语者) 证明英文能力的资料如下:
 - 1) An original or certified genuine IELTS certificate showing you have achieved an IELTS score (Academic or General) of 5 or above in each of the Speaking and Listening sections of the examination, or 雅思证书的原件或公证件一份, 证明申请人在听、说单项考试达到了 5 分或以上的成绩 (学术或普通类都可); 或
 - 2) Original or certified genuine documentation issued by Immigration New Zealand, confirming that you have been approved New Zealand residence under either the General Skills or Skilled Migrant category. If you were included as the partner of a General Skills or Skilled Migrant category applicant, you must demonstrate that you was assessed by Immigration New Zealand as having met the minimum English language standards applicable, or
新西兰移民局的确认函 (原件或公证件), 证明申请人的永久居留身份是在技术移民 (原称为一般技术移民) 类别下审核并批准的, 并在由新西兰移民局提供的证明函中证明申请人的英文已达到新西兰移民局对申请人所设定的最低英文的要求。如果申请人是通过家庭伴侣关系申请的, 则需证明其英文满足了新西兰移民局在工作移民类或是技术移民类下对副申请人所设定的最低英文要求; 或
 - 3) An original or certified genuine qualification certificate for a course of study completed by you which was taught entirely in English in New Zealand and which required a minimum of two years of full-time study. This qualification must be New Zealand Qualifications Authority (“NZQA”) recognised and be registered at level 5 or higher on the NZQA National Qualification Framework (“NQF”). More information about NZQA and NQF can be found at www.nzqa.govt.nz, or
新西兰毕业证书的原件或公证件一份, 证明申请人接受的是全英文教学并且拥有最少两年的全日制学习。此证书必须是通过新西兰学历评估局认证并拥有在全国学历大纲基础上注册成为等 5 或以上的等级。有关新西兰学历评估局和全国学历大纲的更多信息, 请登录 www.nzqa.govt.nz; 或

- 4) An original or certified genuine qualification certificate confirming your completion of a 4-year undergraduate degree majoring in English at a Chinese University, or
申请人毕业于中国的大学英语系本科的毕业证书的原件或公证件一份；或
- 5) An original or certified genuine qualification certificate confirming that you have achieved a pass mark in either “TEM 4” or “TEM 8” English language examinations.
申请人通过“TEM 4”或“TEM 8”英语考试的原件或公证件一份。
- 6) Other documentary evidence of your English language level, which **TNZ** in its discretion may choose to accept as confirmation that you meet English language requirements. **TNZ** may conduct an interview in English with you as part of this assessment.
新西兰旅游局有权接受并认可其他能证明申请人英文水平的资料。新西兰旅游局可能会通过英文面试来衡量申请人的英文水平。

- *(Non-native Chinese language speakers only)* An original or certified genuine copy of the Hanyu Shuiping Kaoshi (“HSK”) certificate showing that you have achieved a score of 9 or higher in the Hanyu Shuiping Kaoshi (HSK) **Chinese language** advanced test. More information about the HSK can be found at: chinesetest.cn.
(仅限中文为非母语者) 申请人通过“汉语水平考试”9分或以上的证书原件或复印件一份。有关汉语水平考试的更多信息，请登陆：chinesetest.cn。
- A copy of your valid First Aid Certificate (Work Place First Aid Certificate — must meet NZQA Unit Standard 6400, 6401, and 6402).
申请人的有效急救证书复印件一份。
- A copy of a completed criminal record via Ministry of Justice’s Third Party request
申请人的完整无犯罪证明
- Reference letters from current or past employers you have worked for to prove that you have at least six months tour guiding experience.
现任或者前任雇主证明信证明申请人有累计至少6个月的导游经验，可同时提交多份雇主证明信。

SECTION THREE: DECLARATION

Should I be granted ADS tour guide approval, I agree to abide by the below terms and conditions.

一旦我的导游资质被批准，我同意遵守以下的条款。

I understand that my failure to comply with any of these terms and conditions may constitute a breach of the Code (see sections 6.3 & 6.11 of the Code).

我清楚如果我未能遵守以下的任何条款，都有可能造成违规（参见准则第6.3条和6.11条）

1. I will at all times ensure that a sign bearing the **unique tour ID number** is displayed on the dashboard or windscreen of the coach or other licensed passenger service vehicle used to transport an **ADS tour**, in a position such that it is fully visible and clearly readable from outside the vehicle, **OR** I will hold a copy of this sign and present it to **TNZ** staff upon request or alternatively ensure that the coach driver holds a copy of the ADS sign and presents a copy of this sign to **TNZ** staff upon request.

我保证在旅游车或其它用于接待ADS组团的载客巴士的仪表盘或挡风玻璃上随时陈列有一份印有ADS代码的ADS标示牌，或者，我会携带此标示牌，并按要求向新西兰旅游局人员出示，或者确保旅游车驾驶员持有一份ADS标示牌，并按要求向新西兰旅游局人员出示。

2. I will either wear or hold my ADS Approval ID Card when conducting **ADS tours**, and present this card to a **TNZ** staff member upon request.

我保证在接待ADS团的任何情况下，都会佩戴或携带我的ADS导游资格认证卡，并按要求向新西兰旅游局人员出示。

3. I will deliver or provide all of the services, visits, **attractions** and **activities** listed in the itinerary to the best of my ability.

我保证尽我最大的能力提供行程上所注明的所有服务项目，如景点及活动项目。

4. I will be tidily presented at all times while guiding **ADS tours**. (examples of untidy presentation include: wearing ripped jeans, ripped t-shirts, singlets, shorts, sandals/jandals or dirty sports shoes).
在带团过程中，我一定会保持一个干净、整洁的仪容、仪表（非干净、整洁的仪容包括：破牛仔裤、T恤、拖鞋、短裤、人字拖或脏球鞋）。
5. I will conduct myself and behave professionally while guiding **ADS tours**. (examples of unprofessional behaviour include: attending to personal errands, playing hand-held electronic games while guiding).
在带团过程中，我一定会举止端正、行为得体（行为不得体包括：在带团过程中处理私事，玩电动等）。
6. I will not impose or obtain from the **visitors**, charges for services or entrance to **attractions, activities**, venues or other places which have already been charged for in the package price paid for the tour.
我一定不会以任何形式向游客额外征收免费的活动项目、景点；或是团费里已经包括的活动项目、景点。
7. I will not provide misleading information to **visitors**, including in respect of any charges imposed for optional tour inclusions introduced to visitors on an **ADS tour**. *For example: advising visitors about a fictitious entry charge to a tourist attraction which is free for entry to the public is likely to constitute misleading conduct.*
我不会向游客提供有误导性的信息，这包括向游客征收在带团过程中推荐的自费项目。例如：向游客虚报门票其实是向公众免费开放的场所很有可能构成了误导性行为。
8. I will not:
- 我一定不会：
- 8.1. require **Chinese visitors** to shop in retail shopping outlets against their wishes;
强迫中国游客在零售店购物；
- 8.2. take any steps which impede Chinese visitors from shopping in their choice of retail outlets; or
阻止中国游客去他们想去的零售店购物；
- 8.3. for each ADS tour group, spend more than 1.5 hours at each **organised shopping** venue per full day spent in New Zealand, or more than 3 hours of total organised shopping time over two consecutive full days spent in New Zealand.
让ADS团在新西兰的拟定购物零售店每天购物超过1.5小时，或连续两天超过3小时。
9. I will give full, comprehensive and accurate information to **visitors** during the course of **ADS tours**. My commentary will include insightful interpretation on New Zealand's geographical, ecological and cultural heritage in order to enrich **ADS tour group visitors'** understanding and appreciation of New Zealand.
在带团过程中，我一定会向游客提供全面、完整及真实的信息。我的解说词会含有新西兰相关的地理、生态及文化遗产方面的知识以丰富游客对新西兰的理解及欣赏。
10. I will provide reasonable notice to inbound tour operators contracting my services of my unavailability to guide any **ADS tour**. Under ordinary circumstances reasonable notice is a period of not less than 3 working days prior to the arrival of an **ADS tour** in New Zealand.
我会及时通知地接社如果我因故不能带团。在通常情况下，及时有效的通知是指在ADS团抵达新西兰前3天内。
11. I have read and understood my obligations under the Health and Safety at Work Act 2015 and will take all reasonably practicable steps to ensure the health and safety of **visitors** during the course of all **ADS tours**. I currently hold and will continue to hold a valid First Aid Certificate.
我已阅读并理解工作场所健康与安全法（2015）条款下我的责任和义务，并会采取一切合理可行的步骤确保在带所有ADS团过程中游客的健康和安全。我目前持有并将持续持有一份有效的急救证书。
12. When interviewed by **TNZ** staff or authorised representatives during the course of an **ADS tour**, I will answer all questions asked about the tour to the best of my knowledge and ensure that the information and answers that I provide are accurate, comprehensive and truthful (see section 9.1(a)(i) of the Code).
如果在接待ADS团的过程中有新西兰旅游局的工作人员或经授权的代表对我进行面试，我保证会据实以告（参考准则9.1(a)(i)）。

13. I will not allow the use of my name for an **ADS tour** which is to be conducted and administered by a person other than myself.
我不会允许其它人用我ADS资质导游的名义带队并管理ADS团。
14. I will comply with all laws and regulations of New Zealand in my activities relating to **ADS tours**.
我在带团过程中会遵守新西兰法律法规。
15. I will accompany the ADS tour group for the duration of the **ADS tour** in New Zealand. During working hours, I will remain with the tour group and be available to provide assistance, guidance and information to the tour group.
我在带团的工作时间内不会脱离旅游团，保证在他们需要的时候提供必要的信息和协助。
16. I will provide the tour leader and Chinese visitors with my contact information before any scheduled **free time**. During any **free time**, I will be available to be contacted in the case of an emergency.
在带团期间的自由时间安排中，我会提供给团队我的联系方式，并且在紧急情况下能联系到我。
17. I will at all times take reasonable steps to ensure that the **Chinese visitors** are kept safe and secure for the duration of the **ADS tour** in New Zealand and are not exposed to, or subjected to, physical or psychological harm.
我作为ADS导游，将一直采取合理步骤，确保游客安全，并且不受任何身体或心理上的威胁或虐待。
18. I will act honestly and truthfully in all interactions with TNZ. I will take reasonable steps to ensure that all information which I provide to TNZ is true, complete, and not misleading.
我保证诚实守信，确保我提供给TNZ所有信息都是真实完整，没有误导性。
19. I acknowledge that the **Chinese travel seller** is required to comply with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time.

In completing this application form, I confirm the following statements. Should I be granted ADS tour guide approval, I agree that these statements will continue to be accurate.

在完成此申请表之际，我确认以下声明属实。如我的导游资质申请被批准，我同意此声明书将会继续属实。

I understand that my failure to comply with these statements may result in either my application for ADS tour guide approval being declined or in a breach of the Code (see section 6.3 and 6.11 of the Code).

我清楚如我未能遵循此声明书中的要求，将有可能导致我的导游资质申请被拒绝，或是违规（参见准则第6.3和6.11条）。

20. I am of good character. I have not, and will not, supply false or misleading information to **TNZ** or any other government agency, including in the completion of this application form. If I have committed any driving-related, health and safety or other criminal offences, I have declared these to **TNZ**.
我品行端正。我从未，也决不会向新西兰旅游局或其它政府部门提供虚假信息，包括目前正在填写的导游申请表。如果我因驾驶、健康和安法或其他刑事过错有任何的犯罪记录，我会如实向新西兰旅游局明。
21. Neither I nor my tour guiding company (if applicable) have been investigated or prosecuted by WorkSafe New Zealand, nor received any other enforcement action, such as an infringement notice or improvement notice.
我声明不论是我还是我所在导游服务公司（如有）从未被新西兰工作安全局调查或起诉，或收到任何其他强制执行令，如违反通知书或整改通知书。
22. I have not had any involvement in any aspect of conducting and / or administering an ADS tour (including providing tour guide services in respect of any ADS tour) prior to lodging my application for ADS tour guide approval.
在我向新西兰旅游局递交申请成为ADS导游之前，我从来没有参与任何跟ADS团队相关的操作和管理，也没有从事任何ADS团队的导游工作。

23. I am currently the holder of New Zealand citizenship, New Zealand residence or a work permit that entitles me to work as a tour guide in New Zealand. I will advise **TNZ** immediately if my immigration status changes, rendering me ineligible to work as a tour guide in New Zealand.

我是新西兰公民，永久居民或工作签证持有者，工作签证允许我在新西兰以导游为职。若我的签证有任何的变动导致我无法继续导游的工作，我会立即通知新西兰旅游局。

24. Pursuant to section 9.5 of the **Code** I understand that, if I am granted ADS approval, my name and current email address will be added to the **ADS approved tour guide** register kept on **TNZ's** website.

根据准则第9.5条我清楚地知道一旦我的申请被批准，我的姓名和电子邮箱地址会公布在新西兰旅游局网站之ADS资质导游名册上。

(Signed) _____

Full name (in English and in Chinese): _____

Date: _____

Acknowledgment

I acknowledge that if I am granted ADS approval, I understand and agree to TNZ publishing my name and current email address on the ADS approved tour guide register kept on TNZ's website.

(Signed) _____

Full name (in English and in Chinese): _____

Date: _____

Please make sure that you have included the following documents with this application:

- Completed and signed application form
- (NZ Passport) - A certified copy of the personal details page
- (Foreign Passport) - A certified copy of personal details page, and certified copy of other pages containing current valid New Zealand visa or permit
- Evidence of English eligibility for Non-native English speaker, such as:
 1. IELTS certificate, or
 2. Documentation issued by Immigration New Zealand, or
 3. New Zealand Qualification Certificate - NZQA Level 5 or higher, or
 4. Certificate of Undergraduate Degree majoring in English at a Chinese University, or
 5. TEM 4 or TEM 8 English language certificate
- Evidence for Non-native Chinese speaker, such as:
 1. Hanyu Shuiping Kaoshi (HSK)
- A copy of valid First Aid certificate meets NZQA Unit Standard 6400,6401 & 6402 (This can be supply upon the completion of training)
- Reference letter from employer to proof minimum of six months tour guide experience
- For Tour Guide Exemption programme, additional documentation is required, such as:
 1. Two letters from tour operators
 2. Two other letters from other members of tourism industry

Refer to Section 2 of the application form for further information on the documents.

SCHEDULE 6: FORM OF APPLICATION FOR ADS TOUR GUIDE RENEWAL



Please send your completed application form and supporting documentation to Tourism New Zealand by email.

Email	chinamarket@tnz.govt.nz
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SECTION ONE: APPLICANT DETAILS

1. Full name (in English and Chinese):

2. Date of birth:

3. Contact details:

Give street address, mailing address (if different), telephone number, email address.

4. Immigration status (tick one):

New Zealand Citizen

New Zealand residence visa
/permit holder

New Zealand work visa
/permit holder

Other (please state):

SECTION TWO: REQUIRED DOCUMENTATION

Please attach copies of the following documents with your fully completed application form:

- (New Zealand citizens only) A copy of the personal details page of your **passport**
- (Foreign passport holders only) A copy of the personal details page of your **passport** AND a copy of the page(s) containing your current valid **New Zealand visa** and **permit**
- A copy of your valid First Aid Certificate (Work Place First Aid Certificat – must meet NZQA Unit Standard 6400, 6401, and 6402), with validity of 6 months or more from date of application
- A recent full colour photo (within 6 months)
- Either:
 - If you have worked as an ADS tour guide consistently during the 12 month period prior to this renewal application, evidence of this work experience (e.g. a letter from your employer); or
 - If you have not worked as an ADS tour guide during the 12 month period for to this renewal, evidence of completion of a health and safety refresher course (or other course approved by TNZ at its sole discretion)

SECTION THREE: OTHER CONFIRMATIONS

7. Length of experience guiding inbound tours in New Zealand:

_____ years _____ months

8. Name(s) of Inbound Tour Operator(s) that you work for (please list below):

SECTION THREE: DECLARATION

Should my application for ADS tour guide approval renewal be granted I agree to abide by the below terms and conditions.

一旦我的导游资质更新被批准，我同意遵守以下的条款。

I understand that my failure to comply with any of these terms and conditions may constitute a breach of the Code (see sections 6.3 and 6.11 of the Code).

我清楚如果我未能遵守以下的任何条款，都有可能造成违规（参见准则第6.3和6.11条）

1. I will at all times ensure that a sign bearing the **unique tour ID number** is displayed on the dashboard or windscreen of the coach or other licensed passenger service vehicle used to transport an **ADS tour**, in a position such that it is fully visible and clearly readable from outside the vehicle, **OR** I will hold a copy of this sign and present it to **TNZ** staff upon request or alternatively ensure that the coach driver holds a copy of the ADS sign and presents a copy of this sign to **TNZ** staff upon request.

我保证在旅游车或其它用于接待 ADS 组团的载客巴士的仪表盘或挡风玻璃上随时陈列有一份印有 ADS 代码的 ADS 标示牌，或者，我会携带此标示牌，并按要求向新西兰旅游局人员出示，或者确保旅游车驾驶员持有一份 ADS 标示牌，并按要求向新西兰旅游局人员出示。

2. I will either wear or hold my ADS Approval ID Card when conducting **ADS tours**, and present this card to a **TNZ** staff member upon request.

我保证在接待 ADS 团的任何情况下，都会佩戴或携带我的 ADS 导游资格认证卡，并按要求向新西兰旅游局人员出示。

3. I will deliver or provide all of the services, visits, attractions and activities listed in the itinerary to the best of my ability.

我保证尽我最大的能力提供行程上所注明的所有服务项目，如景点及活动项目。

4. I will be tidily presented at all times while guiding **ADS tours**. (examples of untidy presentation include: wearing ripped jeans, ripped t-shirts, singlets, shorts, sandals/jandals or dirty sports shoes).

在带团过程中，我一定会保持一个干净、整洁的仪容、仪表（非干净、整洁的仪容包括：破牛仔裤、T 恤拖鞋、短裤、人字拖或脏球鞋）。

5. I will conduct myself and behave professionally while guiding **ADS tours**. (examples of unprofessional behaviour include: attending to personal errands, playing hand-held electronic games while guiding).

在带团过程中，我一定会举止端正、行为得体（行为不得体包括：在带团过程中处理私事，玩电动等）。

6. I will not impose or obtain from the **visitors**, charges for services or entrance to **attractions, activities**, venues or other places which have already been charged for in the package price paid for the tour.

我一定不会以任何形式向游客额外征收免费的活动项目、景点；或是团费里已经包括的活动项目、景点。

7. I will not provide misleading information to **visitors**, including in respect of any charges imposed for optional tour inclusions introduced to visitors on an **ADS tour**. *For example: advising visitors about a fictitious entry charge to a tourist attraction which is free for entry to the public is likely to constitute misleading conduct.*

我不会向游客提供有误导性的信息，这包括向游客征收在带团过程中推荐的自费项目。例如：向游客虚报门票其实是向公众免费开放的场所很有可能构成了误导性行为。

8. I will not:

我一定不会：

- 8.1. require **Chinese visitors** to shop in retail shopping outlets against their wishes;
强迫中国游客在零售店购物；
- 8.2. take any steps which impede Chinese visitors from shopping in their choice of retail outlets; or
阻止中国游客去他们想去的零售店购物；
- 8.3. for each ADS tour group, spend more than 1.5 hours at each **organised shopping** venue per full day spent in New Zealand, or more than 3 hours of total organised shopping time over two consecutive full days spent in New Zealand.

让ADS团在新西兰的拟定购物零售店每天购物超过1.5 小时，或连续两天超过3 小时。

9. I will give full, comprehensive and accurate information to **visitors** during the course of **ADS tours**. My commentary will include insightful interpretation on New Zealand's geographical, ecological and cultural heritage in order to enrich **ADS tour group visitors'** understanding and appreciation of New Zealand.

在带团过程中，我一定会向游客提供全面、完整及真实的信息。我的解说词会含有新西兰相关的地理、生态及文化遗产方面的知识以丰富游客对新西兰的理解及欣赏。

10. I will provide reasonable notice to inbound tour operators contracting my services of my unavailability to guide any **ADS tour**. Under ordinary circumstances reasonable notice is a period of not less than 3 working days prior to the arrival of an **ADS tour** in New Zealand.

我会及时通知地接社如果我因故不能带团。在通常情况下，及时有效的通知是指在ADS团抵达新西兰前3天内。

11. I have read and understood my obligations under the Health and Safety at Work Act 2015 and will take all reasonably practicable steps to ensure the health and safety of **visitors** during the course of all **ADS tours**. I currently hold and will continue to hold a valid First Aid Certificate.

我已阅读并理解工作场所健康与安全法2015条款下我的责任和义务，并会采取一切合理可行的步骤确保在带所有ADS团过程中游客的健康和安全。我目前持有并将持续持有一份有效的急救证书。

12. When interviewed by **TNZ** staff or authorised representatives during the course of an **ADS tour**, I will answer all questions asked about the tour to the best of my knowledge and ensure that the information and answers that I provide are accurate, comprehensive and truthful (see section 9.1(a)(i) of the Code).

如果在接待ADS团的过程中有新西兰旅游局的工作人员或经授权的代表对我进行面试，我保证会据实以告（参考准则9.1(a)(i)）。

13. I will not allow the use of my name for an **ADS tour** which is to be conducted and administered by a person other than myself.

我不会允许其它人用我ADS资质导游的名义带队并管理ADS团。

14. I will comply with all laws and regulations of New Zealand in my activities relating to **ADS tours**.

我在带团过程中会遵守新西兰法律法规。

15. I will accompany the ADS tour group for the duration of the **ADS tour** in New Zealand. During working hours, I will remain with the tour group and be available to provide assistance, guidance and information to the tour group.

我在带团的工作时间内不会脱离旅游团，保证在他们需要的时候提供必要的信息和协助。

16. I will provide the tour leader and Chinese visitors with my contact information before any scheduled **free time**. During any **free time**, I will be available to be contacted in the case of an emergency.
在带团期间的自由时间安排中，我会提供给团队我的联系方式，并且在紧急情况下能联系到我。
17. I will at all times take reasonable steps to ensure that the **Chinese visitors** are kept safe and secure for the duration of the **ADS tour** in New Zealand and are not exposed to, or subjected to, physical or psychological harm.
我作为ADS导游，将一直采取合理步骤，确保游客安全，并且不受任何身体或心理上的威胁或虐待。
18. I will act honestly and truthfully in all interactions with TNZ. I will take reasonable steps to ensure that all information which I provide to TNZ is true, complete, and not misleading.
我保证诚实诚信，确保我提供给TNZ所有信息都是真实完整，没有误导性。
19. I acknowledge that the **Chinese travel seller** is required to comply with Article 35 of the Tourism Law of the People's Republic of China, as amended from time to time.

In completing this application form, I confirm the following statements. Should my renewal application be approved, I agree that these statements will continue to be accurate.

在完成此申请表之际，我确认以下声明属实。如我的导游资质更新申请被批准，我同意此声明书将会继续属实。

I understand that my failure to comply with these statements may result in either my application for ADS tour guide approval renewal being declined or in a breach of the Code (see sections 6.3 & 6.11 of the Code).

我清楚如我未能遵循此声明书的要求，将有可能导致我的导游资质更新申请被拒绝，或是违规（参见准则第6.3和6.11条）。

20. I am of good character. I have not, and will not, supply false or misleading information to **TNZ** or any other government agency, including in the completion of this application form. If I have committed any driving-related, health and safety or other criminal offences, I have declared these to **TNZ**.
我品行端正。我从未，也决不会向新西兰旅游局或其它政府部门提供虚假信息，包括目前正在填写的导游申请表。如果我因驾驶、健康和安法或其他刑事过错有任何的犯罪记录，我会如实向新西兰旅游局声明。
21. Neither I nor my tour guiding company (if applicable) have been investigated or prosecuted by WorkSafe New Zealand, nor received any other enforcement action, such as an infringement notice or improvement notice.
我声明不论是我还是我所在导游服务公司（如有）从未被新西兰工作安全局调查或起诉，或收到任何其他强制执行令，如违反通知书或整改通知书。
22. I am currently the holder of New Zealand citizenship, New Zealand residence or a work permit that entitles me to work as a tour guide in New Zealand. I will advise **TNZ** immediately if my immigration status changes, rendering me ineligible to work as a tour guide in New Zealand.
我是新西兰公民，永久居民或工作签证持有者，工作签证允许我在新西兰以导游为职。若我的签证有任何的变动导致我无法继续导游的工作，我会立即通知新西兰旅游局。
23. Pursuant to section 9.5 of the **Code** I understand that, if my renewal application is approved, my name and current email address will be added to the **ADS approved tour guide** register kept on **TNZ's** website.
根据准则第9.5条我清楚地知道一旦我的更新申请被批准，我的姓名和电子邮箱地址会公布在新西兰旅游局网站之ADS资质导游名册上。

(Signed) _____

Full name (in English and in Chinese): _____

Date: _____

Acknowledgment

I acknowledge that if my renewal application is approved, I understand and agree to TNZ publishing my name and current email address on the ADS approved tour guide register kept on TNZ's website.

(Signed) _____

Full name (in English and in Chinese): _____

Date: _____

Please make sure that you have included the following documents with this application:

- Completed and signed application form
- (NZ Passport) - A copy of the personal details page
- (Foreign Passport) – A copy of personal details page, and copy of other pages containing current valid New Zealand visa or permit
- A copy of valid First Aid certificate meets NZQA Unit Standard 6400,6401 & 6402, with at least 6 months of validity
- A recent full colour photo in jpeg against white, or light coloured background
- Evidence of:
 1. Employer letter confirm that you've been working as an ADS Tour Guide during the 12 months prior to the renewal, or
 2. Evidence of completion of a health and safety refresher course

SCHEDULE 7:

OBLIGATIONS AND COMMITMENT OF TRANSPORT SERVICE PROVIDER TO ADS APPROVED INBOUND TOUR OPERATOR



NAME OF TRANSPORT SERVICE PROVIDER: _____

NAME OF ADS APPROVED INBOUND TOUR OPERATOR: _____

1. Transport Service Licence

The transport service I provide operates under Transport Service Licence number _____. The person in control of this service is _____. I undertake to advise, in writing, the ITO to whom I am contracted to provide transport services of any change to these details within 5 working days of the change occurring.

2. Drivers registered on TORO (Transport Register on Line)

I confirm that all of my drivers who will drive a bus/coach or any other type vehicle carrying tour passengers hold a valid driver's license and passenger endorsement and are registered on TORO and new drivers will be added to this register prior to them undertaking any driving duties.

3. Workplace health and safety

I recognise that any vehicle that is driven in conjunction with an approved tour is the driver's workplace and acknowledge my responsibilities under the Health and Safety at Work Act 2015 to this. This includes ensuring drivers are fit for duty including not being affected by fatigue and having an excellent health and safety record.

4. Work time and logbooks

I have appropriate systems in place to manage and monitor my drivers' compliance with the work time and logbooks rules as detailed in the Land Transport Act 1998 and the Land Transport Rule Work Time and Logbooks 1999.

5. Record keeping

I keep the records as required by section 30ZD of the Land Transport Act 1998. These records include: time records, wages records, other related employment records, accommodation records and receipts relevant to each driver and fuel records and receipts for each vehicle.

6. Compliant vehicles

I have systems in place to ensure that the vehicles I operate are in a roadworthy and compliant condition at all times. These systems include:

- Ensuring road user charges are current and sufficient for the weight of the vehicle.
- Requiring the driver to complete a daily vehicle per-use check prior to using the vehicle each working day, reporting any faults found during these checks with feedback to the driver as to what action was taken on each fault reported.
- I have a planned maintenance schedule in place for each vehicle together with maintenance records that are reviewed at regular intervals to identify any abnormal vehicle maintenance issues.

7. ADS tour requirements

I will fully comply with the following criteria in respect of all ADS tours for which I am engaged to provide transport and/or tour guiding services:

- I hold Qualmark endorsement.
- All vehicles used for **ADS tours** must have functioning seatbelts fitted and available for use.
- The vehicle must be road-worthy and carry a valid Certificate of Fitness, Registration and, not exceed the maximum age of 15 years from year of manufacture.
- If a “driver/guide” is used to convey an ADS tour group, this person must hold current ADS approved tour guide status and a current ID card.

Signed:

Date:

Name:

Position:

Company Name:



Fox Glacier, West Coast



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI



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