



Form 2

Officer certification form

Section 16, Charities Act 2005

Before you begin to fill out this form, please take a few moments to read the notes below.

What is the purpose of this form?

This form certifies that officers are qualified under section 16 of the Charities Act. The reasons that *prevent* officers from qualifying are on the back of the form.

Use this form to certify officers if you are applying to register or after you have registered.

Or, you can certify officers online by logging into your account at www.charities.govt.nz

Helpful tip – some charities tell us they certify officers online but keep a paper form copy, signed by the officer, in their files as an additional record.

Which officers should you certify?

If you are a trust

Your officers are all your current trustees.

Step 1

Identify your trustees and check that you have the correct number.

Example – if your trust deed specifies a minimum of five trustees you must certify at least five trustees.

Step 2

Certify all current trustees as officers.

If you are not a trust

Your officers are the members of your highest governing body **and** those in a position to have significant influence over your management or administration.

In some cases, such as a co-operative, the officers may be all the members.

Step 1

Identify all the members of your board or highest governing body and check that you have the right number according to your rules.

Example – if your rules specify a board or committee of five members you must certify each of the five as an officer.

Step 2

Identify all those in paid or unpaid roles that have significant influence over your charity's management or administration, day-to-day operations, decision-making or expenditure of funds. These could include you:

- chief executive
- treasurer
- finance officer
- staff who manage contracts for the charity
- staff that have access to, or control over, your charity's funds or its financial arrangements.

You must also certify as an officer anyone in the charity who could direct a personal benefit or a business advantage to themselves or anyone else.

Example - a member of the charity who could influence the letting of a contract to a close business associate or family member.

Step 3

Certify all those identified as officers in steps 1 and 2.

If in doubt, we suggest you certify those that you think *may* be officers, rather than not certify them.

Frequently asked questions

What if an officer doesn't qualify?

Your charity won't qualify for registration with a disqualified officer.

You may decide to replace the disqualified officer, or you can ask us to allow your charity to be registered with the disqualified officer. In this case, instead of sending us an officer form, the other officers should send us a letter explaining:

- the legal name of your charity
- the name of the officer
- the position the officer holds in your organisation
- which disqualifying factors apply to the officer
- why you think we should allow the charity to be registered with a disqualified officer.

The Charities Registration Board will consider your request and let you know its decision in writing.

What if an officer becomes disqualified after they have been certified?

Your charity won't qualify for registration with a disqualified officer.

Refer to our information sheet *Disqualified officers* to see what your options are.

Where can you get more copies of this form?

All our forms are available at www.charities.govt.nz

We will accept photocopied forms.

Or, you can certify officers online by logging into your account at www.charities.govt.nz

Further information

We hope this information has been helpful. If you need more information please contact us on info@charities.govt.nz or 0508 242 748.

Disqualifying factors in Section 16(2) of the *Charities Act 2005*

To qualify as an officer under the Charities Act an officer must not be:

- an undischarged bankrupt
- under the age of 16 years
- convicted of a crime involving dishonesty (section 2(1) of the *Crimes Act 1961*) and sentenced within the last 7 years
- prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the *Companies Act 1993*, the *Securities Act 1978*, the *Securities Markets Act 1988*, or the *Takeovers Act 1993*
- disqualified by the Charities Registration Board under section 31(4) of the *Charities Act 2005*
- subject to a property order made under the *Protection of Personal and Property Rights Act 1988*, or have their property managed by a trustee corporation under section 32 of that Act (this relates to people who are not fully able to manage their affairs)
- a body corporate that is being wound up, is in liquidation or receivership, or is subject to statutory management under the *Corporations (Investigation and Management) Act 1989*
- disqualified from being an officer under the rules of their charity.

If any of the above disqualifying factors apply to an officer who has been appointed under an Act or by the Governor-General, Governor-General in Council, or a Minister of the Crown, that officer will automatically qualify as an officer. If this applies, please tick as indicated on the form.

What if an officer doesn't qualify?

Your charity won't qualify for registration if a current officer isn't qualified and the Charities Registration Board has not granted a request to allow registration with that officer.

See the guidance notes at the beginning of this form for more details about disqualified officers.

You may also attach a letter asking us to restrict information from public access

We may, under section 25 of the Charities Act, restrict public access to information on the Charities Register if we believe it is in the public interest to do so. See our information sheet *Restricting public access to your information on the Charities Register* for more details.

If you would like any of the information in this form to be restricted from public access, please attach a letter that includes:

- details about the information you would like restricted
- why it is in the public interest to have it restricted
- evidence to support your request.

Internal Affairs will consider your request and let you know its decision.

Please note: your request will be considered on a case-by-case basis, and even if restricted, this information will still be subject to requests under the *Official Information Act 1982*.

Privacy and information use

The information that you have provided in this form is held and used by Internal Affairs to determine your ongoing eligibility for registration and to carry out its functions under the *Charities Act 2005*.

The Charities Act 2005 authorises the supply of information or documents held on the Register to the Inland Revenue Department to assist in the carrying out of powers and functions under any of the Inland Revenue Acts.

The Statistics Act 1975 allows for the information, once collected, to be used for statistical purposes by Statistics New Zealand. Information supplied to Statistics New Zealand is used for statistical purposes only and is arranged to prevent particulars published about any person from being identifiable (except by the person who supplied the information), unless the person has agreed or publication identifying the person is unavoidable.

The Privacy Act 1993 provides that you may access or correct personal information about you held by Internal Affairs.

If you wish to access or correct your personal information, please contact Internal Affairs - Charities, PO Box 30112, Lower Hutt 5040.