



Introduction to Form 2 Officer Certification Form

Section 16, Charities Act 2005

This is a form to certify an officer of an organisation that wishes to register as a charitable entity or a new officer of a registered charitable entity.

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

How do I use this form?

We have written guidance notes for each question to help you to complete your answers and find some of the information you will need.

You must send us a completed *Officer Certification Form* for each of your officers.

If your organisation is a trust, your officers are your trustees. If it is not a trust, your officers are all the members of your board, or governing body. They may include your secretary, treasurer and committee members. If you do not have trustees, a board or governing body, your officers are all the people in a position to have significant influence over your management or administration.

Your rules should clarify who the officers of your organisation are. If your rules say your organisation must have, for example, four officers, you must certify the four officers using a separate *Officer Certification Form* for each officer.

Once each *Officer Certification Form* has been completed and signed, please send to us either:

- with your application form and supporting documents, or
- with a *Notification of Change Form* or an *Annual Return Form* if this form is for a new officer of a charity that is already registered.

What is the purpose of this form?

This form certifies that officers are qualified to be officers under section 16 of the Charities Act 2005. It is important that you read the list of reasons that prevent officers from qualifying on page 2. Fact sheet 8 – *Officer Certification* explains more about this.

When should I use this form?

To certify officers:

- as part of the application to register your organisation or
- once registered, when new officers are appointed.

Who should fill out this form?

Anyone can complete this form but the person who signs it must be able to certify that the officer is qualified to be an officer under the Charities Act.

Who should sign this form?

Anyone can sign this form but they must be able to certify that the officer is qualified to be an officer under the Charities Act. Page 2 guidelines explain more about this.

Who are our officers?

If you are a trust your officers are all of your current trustees and no others.

If you are not a trust your officers are all of the members of your board or governing body and no others.

If you don't have a board or governing body your officers are all of the people in a position to have significant influence over your management and administration.

If your organisation is not a trust and has nothing in its rules to show who the officers are, or who the governing body is, then the officers are all of the people who are entitled to vote at its decision-making meetings.

What happens if I do not qualify as an officer?

The Charities Commission may allow some unqualified officers. The Charities Act says that you cannot be an officer if any of the "disqualifying factors" listed at the end of this form apply to you. However, it also says that the Commission may allow you to be an officer, even if one of these "disqualifying factors" does apply.

If you think it is appropriate for you to be an officer but you do not qualify, do not send us this form. Instead, you should write to us explaining which disqualifying factor applies to you and why you consider you should be allowed to be an officer (please include in your letter the legal name of your organisation). The Commission will consider your request and let you know its decision in writing.

Will all the information I provide in this form be available to the public?

Yes, each completed *Officer Certification Form* will be publicly available on the Charities Register.

The Charities Commission may restrict public access to information on the Register if it believes it is in the public interest to do so. If you would like information restricted from public access, please include a written request explaining your reasons. The Commission will consider your request and let you know its decision in writing.

Can this form be completed online?

No, but if you are completing the application form online, you can upload a scanned *Officer Certification Form* as part of the application process. Please make sure you scan and send pages 1 and 2. Alternatively, you can post it to us.

Where can I get other copies of this form?

You may wish to print *Officer Certification Forms* from our website, www.charities.govt.nz. Or, if you prefer, you can request paper copies by emailing info@charities.govt.nz or by calling us on our free information line 0508 242 748.

Photocopied forms are acceptable.

What address should I post this form to?

Charities Commission
Processing Centre
PO Box 30112
Lower Hutt, 5040

Further information

We hope this information has been helpful. If you are unsure about how to continue with your officer certification, or you need more information, please contact us on our free information line 0508 242 748 or email info@charities.govt.nz.

You can find fact sheets and more information at www.charities.govt.nz. Alternatively, contact us on our free information line 0508 242 748 or email info@charities.govt.nz and ask for the fact sheets to be sent to you.

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

Who can the Charities Commission contact if we have any questions about this form?

Please give us the names and contact details of two people (who are familiar with the information in this form) that we can talk to if we need to discuss anything in relation to this form. Their names and contact details are not part of the application and will not be available for the public to see on the Charities Register.

Please use a blue or black pen to complete this form.

First name: CRYSTAL

Surname: CLAYTON

Daytime phone: 09 9163777

Fax: 09 3032311

Email: crystal.clayton@dla
philippsfox.com

First name: LYNETTE

Surname: SMITH

Daytime phone: 09 3003812

Fax: 09 3032311

Email: lynette.smith@dla
philippsfox.com

Guidelines for questions 1–5

Entity details

1

If your organisation is in the process of applying to register, use the name given in answer to question 1 in the application form.

If your organisation has already registered with the Commission, please use its registered name. You will find the registered name on your Charities Commission registration certificate or on the Charities Register at www.charities.govt.nz. Alternatively, call us on our free information line 0508 242 748.

2

If your organisation is not registered with us yet please write "N/A" in answer to this question.

If you are registered with us you will find your registration number on your Charities Commission registration certificate or on the Charities Register at www.charities.govt.nz. Alternatively, call us on our free information line 0508 242 748.

Officer details

3

Your rules should explain who your officers are.

If you are certifying a body corporate as an officer, please write its full formal name. It will be unusual for your organisation to be its own officer.

4

If you have a title such as secretary or treasurer, please use that. If you are a trustee, board member or committee member with no specific title, please write either trustee, board member, committee member or whatever is appropriate for you.

5

If you are not sure of the date, you should find it noted in the minutes of the meeting at which you were appointed. If your appointment or election was a long time ago, it might be difficult to find the date. In this case leave the answer blank and we will use the date the charity was registered.

Certification

Officers may sign to certify themselves. A person may also sign on behalf of an officer as long as they can certify that the officer is qualified.

If the officer is a body corporate, a person may sign on its behalf to avoid the need to sign under seal.

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

To qualify, an officer must not be:

- an individual who is an undischarged bankrupt
- an individual who is under the age of 16 years
- an individual who, or a body corporate that, has been convicted of a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961) and has been sentenced for that crime within the last 7 years
- an individual who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, section 383, or section 385 of the Companies Act 1993
- an individual who, or a body corporate that, is disqualified from being an officer of a charitable entity under section 31(4) of the Charities Act 2005
- an individual who is subject to a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act
- 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
- in relation to any particular entity, an individual who, or a body corporate that, does not comply with any qualifications for officers contained in the rules of that entity.

These criteria do not apply to:

- officers appointed under an Act (that uses their name or, instead of using their actual name, refers to a position currently held); or
- officers appointed by the Governor-General, by the Governor-General in Council or by a Minister of the Crown.

If you think it is appropriate for you to be an officer but you do not qualify, you should write to us explaining which disqualifying factor applies to you and why you should be allowed to be an officer. The Commission will consider your request and let you know its decision in writing.

An organisation will not qualify for registration if a current officer is not qualified and we do not grant a request to certify that officer.

Request for information on the Register to be restricted from public access

The Charities Commission may restrict public access to information on the Charities Register if it believes it is in the interest of the public to do so. If you would like any of the information in this form restricted from public access, please indicate below and include a written request explaining your reasons with this application. The Commission will consider your request and let you know its decision in writing.

Yes, we wish to submit a written request to restrict information from public access.

Please note:

- The Charities Commission may, under section 25 of the Charities Act 2005, prevent or restrict public access to information or documents if it considers it to be in the public interest to do so. Please note that this information or these documents will still be subject to requests under the Official Information Act 1982 that will be considered by the Charities Commission on a case-by-case basis.
- All requests to prevent or restrict public access to information or documents will be evaluated and you will be advised of the Charities Commission's decision.

Privacy and information use

The information that you have provided in this form will be held and used by the Charities Commission to determine your 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 of charitable entities 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 will be used for statistical purposes only and will be 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 the Charities Commission. If you wish to access or correct your personal information, please contact the Charities Commission, PO Box 8072, Wellington, 6143.

Where to send your form

Charities Commission
Processing Centre
PO Box 30112
Lower Hutt, 5040