

NAME OF TRUST HERE (the Trust)

OFFICER CERTIFICATION

Officer Certification confirms that an officer of a charity is qualified to be an officer under section 36B of the Charities Act 2005. When the organisation is registered and after it is registered, the Trust must certify to Charities Services that each officer is qualified in terms of the Act.

An officer can be a person or a body corporate. Your officers include all your current trustees or members of your highest governing body, along with anyone occupying a position in the charity who is able to exercise significant influence over substantial decisions of the charity.

The disqualifying factors are set out in section 36B of the Charities Act 2005 and within the Trust Deed and are listed below.

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 (section 2(1) of the Crimes Act 1961) or tax evasion or other offence under section 143B of the Tax Administration Act 1994 and sentenced within the last seven years
- an individual who is 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 Financial Markets Conduct Act 2013, or the Takeovers Act 1993
- an individual who is subject to a banning order under subpart 7 of Part 4 of the Incorporated Societies Act 2022
- an individual who is subject to a property order 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 (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

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- an individual who has been convicted of an offence relating to the financing of terrorism under the Terrorism Suppression Act 2002, whether in New Zealand or elsewhere
- an individual who, or a body corporate that, does not comply with any qualifications for officers contained in the rules of your charity
- a person who has been disqualified from being an officer by the Charities Registration Board under section 36C of the Charities Act (which relates to serious wrongdoing by an officer in connection with a charity, or significant or persistent failure by an officer to meet their obligations under the Charities Act or any other enactment).
- ***If you have any, add here any other relevant clauses from your Trust Deed about who can be Trustees/Officers, for example: (i) not adjudicated bankrupt or (ii) not convicted of an indictable offence or offence for which a convicted person may be imprisoned or (iii) other as your Trust Deed***

Declaration

I accept the position of Trustee on the **Name of Organisation** and confirm that I qualify to be an officer, meeting the above criteria.

Signed:

Name: _____

Date: _____