

Form 2

UPDATE DETAILS FORM FOR A CHARITABLE ENTITY

Section 40 of the Charities Act 2005

Please complete this form in block print with a black or blue pen. All fields marked with an asterisk (*) are mandatory.

You **must** complete sections 1 and 9 of this form. For all other sections, you only need to complete the sections where you are making changes.

Please tick below the sections you are updating:*

- 1 CURRENT CHARITY DETAILS (**compulsory**)*
- 2 LEGAL NAME CHANGE
- 3 CHANGE TO BALANCE DATE
- 4 ADDRESS OF SERVICE
- 5 NEW OFFICER DETAILS
- 6 OFFICER REMOVAL OR DISQUALIFICATION
- 7 PURPOSE & STRUCTURE
- 8 CHARITY RULES
- 9 REVIEW & CERTIFY (**compulsory**)*

NOTE: You can view the information currently listed under your charity on the Charities Register at www.charities.govt.nz

1 CURRENT CHARITY DETAILS

You **must** complete this section. You can find these details on the Charities Register at www.charities.govt.nz

Current Charity Name*

Registration (CC) Number*

Charity NZBN Number
(see nzbn.govt.nz for details)

2 LEGAL NAME CHANGE

PLEASE NOTE: If your charity is registered with the Companies Office as an incorporated society, a registered charitable trust, or a company, you must send changes to its name to the Companies Office for their approval **before** notifying us.

Enter your charity's new legal name*

If your charity is known by any other name
(including trading name), enter it here*

3 CHANGE TO BALANCE DATE

If you wish to change the balance date (financial year end) for your charity, please complete this section.

Enter your charity's **current** balance date
(day/month/year)*

Enter your charity's **new** balance date
(day/month/year)*

If the period between the current and new balance dates is more than 15 months, or if you will not have a balance date in each calendar year, we will need to approve this change. Please explain why you are making this change.

4 ADDRESS OF SERVICE

If your address of service has changed, please enter the new details below.

Charity's Postal Address*

Charity's Street Address
(if different from postal address)

Phone (including area code)*

Fax

Email*

Primary Contact Details

If your primary contact's details have changed, please enter the new details below. This is the person we contact if we have questions about your charity. These details **will not** appear on the public Charities Register on our website.

First Name*

Last Name*

Email*

Phone (including area code)*

Other Phone

Fax

Alternative Contact

If you wish to provide an alternative contact's details, or if your existing alternative's contact details have changed, please enter the new details below. This is the person we will contact if the primary contact person above is not available. These details **will not** appear on the public Charities Register on our website.

First Name

Last Name

Email

Phone (including area code)

Other Phone

Fax

5 NEW OFFICER DETAILS

You must ensure that all new officers qualify to be officers under section 16 of the Charities Act 2005.

To qualify, an officer **must not** be:

- Disqualified from being an officer under the rules of your charity
- An individual who is under the age of 16 years
- An individual who, or a body corporate that, is disqualified from being an officer of a charitable entity by the Charities Registration Board under section 31(4) of the Charities Act 2005
- Undischarged bankrupt
- 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
- 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
- Subject to a property order 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

Once you have checked that new officers are qualified to become officers, please enter their details below (individuals or body corporates). If they do not qualify under the Act but you would like to apply for a waiver, please enter their details below and attach a letter explaining your reasons.

Officer 1

Effective Date (DD/MM/YY)*

Full Name*

(For a body corporate, enter its formal name)

Position Held*

Date of Birth*

(Not applicable if a body corporate)

Home Address*

(Not applicable if a body corporate)

Officer 2

Effective Date (DD/MM/YY)*

Full Name*

(For a body corporate, enter its formal name)

Position Held*

Date of Birth*

(Not applicable if a body corporate)

Home Address*

(Not applicable if a body corporate)

Officer 3

Effective Date (DD/MM/YY)*

Full Name*

(For a body corporate, enter its formal name)

Position Held*

Date of Birth*

(Not applicable if a body corporate)

Home Address*

(Not applicable if a body corporate)

Officer 4

Effective Date (DD/MM/YY)*

Full Name*

(For a body corporate, enter its formal name)

Position Held*

Date of Birth*

(Not applicable if a body corporate)

Home Address*

(Not applicable if a body corporate)

Officer 5

Effective Date (DD/MM/YY)*

Full Name*

(For a body corporate, enter its formal name)

Position Held*

Date of Birth*

(Not applicable if a body corporate)

Home Address*

(Not applicable if a body corporate)

If you have more than five new officers, please provide their details on a separate sheet of paper and attach to this form. Alternatively, please re-print pages 4-5, enter their details and attach to this form.

6**OFFICER REMOVAL OR DISQUALIFICATION**

To notify us of any officers you are removing from your charity, or to request a waiver for an officer who has been disqualified, please complete the information below.

Officer Removal or Disqualification 1

Full Name*

(If it's a body corporate, enter its formal name)

Position Held*

Email Address*

Phone*

Please select one option below for the reason for removing this officer*

No longer an officer → Last date as an officer (DD/MM/YY): _____

Deceased → Last date as an officer (DD/MM/YY): _____

Officer disqualification → Effective date of disqualification (DD/MM/YY): _____

If you selected Officer disqualification above, please select the reason for disqualification:*

- Disqualified from being an officer under the rules of your charity
- An individual who is under the age of 16 years
- An individual who, or a body corporate that, is disqualified from being an officer of a charitable entity by the Charities Registration Board under section 31(4) of the Charities Act 2005
- Undischarged bankrupt
- 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
- 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
- Subject to a property order 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

Waiver

If you think it is appropriate for the officer to remain as an officer, tell us why in the space below. We will consider your request and let you know our decision in writing. Please note - if the officer is not qualified under your charity's rules, we cannot grant your request.

I believe it is appropriate for this person to remain as an officer for the reasons given below:

Officer Removal or Disqualification 2

Full Name*

(If it's a body corporate, enter its formal name)

Position Held*

Email Address*

Phone*

Please select one option below for the reason for removing this officer*

No longer an officer → Last date as an officer (DD/MM/YY): _____

Deceased → Last date as an officer (DD/MM/YY): _____

Officer disqualification → Effective date of disqualification (DD/MM/YY): _____

If you selected Officer disqualification above, please select the reason for disqualification:*

- Disqualified from being an officer under the rules of your charity
- An individual who is under the age of 16 years
- An individual who, or a body corporate that, is disqualified from being an officer of a charitable entity by the Charities Registration Board under section 31(4) of the Charities Act 2005
- Undischarged bankrupt
- 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
- 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
- Subject to a property order 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

Waiver

If you think it is appropriate for the officer to remain as an officer, tell us why in the space below. We will consider your request and let you know our decision in writing. Please note - if the officer is not qualified under your charity's rules, we cannot grant your request.

I believe it is appropriate for this person to remain as an officer for the reasons given below:

You can attach a supporting document with details on the disqualification if you wish.

If you have more than two officers to remove, please provide their details on a separate sheet of paper and attach to this form. Alternatively, please re-print pages 6 and 7, enter their details and attach to this form.

7 PURPOSE & STRUCTURE

Purpose & Structure

If your purpose, structure, activity, sector or beneficiary information has changed, please enter the new details below.

Charitable Purpose*

Entity Structure*

Activity, Sector and Beneficiary

▶ Main Activity*

(Please select **one** option from the following for your charity's **main** activity.)

- Makes grants/loans to individuals
 - Provides services (e.g. care/counselling)
 - Makes grants to organisations (including schools or other charities)
 - Provides advice/information/advocacy
 - Provides other finance (e.g. investment funds)
 - Sponsors/undertakes research
 - Provides human resources (e.g. staff/volunteers)
 - Acts as an umbrella/resource body
 - Provides buildings/facilities/open space
 - Provides religious services/activities
 - Other (*please state below*)
-

▶ Main Sector*

(Please select **one** option from the following for your charity's **main** sector in which it operates.)

- | | |
|--|---|
| <input type="checkbox"/> Accommodation/housing | <input type="checkbox"/> Religious activities |
| <input type="checkbox"/> Education/training/research | <input type="checkbox"/> Arts/culture/heritage |
| <input type="checkbox"/> Health | <input type="checkbox"/> Sport/recreation |
| <input type="checkbox"/> Environment/conservation | <input type="checkbox"/> Care/protection of animals |
| <input type="checkbox"/> Marae on reservation land | <input type="checkbox"/> International activities |
| <input type="checkbox"/> Community development | <input type="checkbox"/> Economic development |
| <input type="checkbox"/> Emergency/disaster relief | <input type="checkbox"/> Fundraising |
| <input type="checkbox"/> Social services | <input type="checkbox"/> People with disabilities |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Promotion of volunteering |
| <input type="checkbox"/> Other (<i>please state below</i>) | |
-

► Main Beneficiary*
(Please select **one** option from the following
for the **main** beneficiary of your charity)

- | | |
|---|---|
| <input type="checkbox"/> Children/young people | <input type="checkbox"/> Religious groups |
| <input type="checkbox"/> Family/whanau | <input type="checkbox"/> Other charities |
| <input type="checkbox"/> People with disabilities | <input type="checkbox"/> General public |
| <input type="checkbox"/> Older people | <input type="checkbox"/> Animals |
| <input type="checkbox"/> Migrants/refugees | |
| <input type="checkbox"/> Voluntary bodies other than charities | |
| <input type="checkbox"/> People of a certain ethnic/racial origin | |
| <input type="checkbox"/> Other (please state below) | |
-

8 CHARITY RULES

If your rules have changed, please complete the information below.

Please select which part/s of your rules
have changed*

- | | |
|--|--|
| <input type="checkbox"/> Whole new rules | <input type="checkbox"/> Winding up |
| <input type="checkbox"/> Purpose | <input type="checkbox"/> Protection against private profit |
| <input type="checkbox"/> Other | |

Please describe what clauses of your
rules have changed and why*

Please attach a **copy** of your amended rules (or variation document). This document needs to be signed by all officers of your charity. If your charity is incorporated, please also advise the Companies Office of the rules change. We recommend that you also include a **copy** of your meeting minutes where the rules change was agreed to as this will assist us in processing your rules change.

Restricting Information

The Charities Act 2005 emphasises transparency and the availability of information about registered charities to "promote public trust and confidence in the charitable sector".

The Act requires information on the Charities Register to be available to the public. However, it also allows Charities Services to prevent the public from seeing information or documents if it is in the "public interest" to do so. **This is a high threshold.** Please refer to "Restricting information" on our website for guidance. Any such information or documents will still be subject to requests under the Official Information Act 1982.

If after reading the guidelines you still wish to request that information or documents be restricted, please attach a letter that covers the following:

- What information you would like restricted
- Why you think it is in the public interest to have it restricted
- Evidence to support your request

I would like to restrict information in this form from the public view. I have attached a letter with the above information.

Certification

I certify that the information in this form is correct and that I am authorised to complete this form. I also certify that I am authorised to complete new officer details and/or remove officers (if applicable) on the officer/s behalf.

If I have added **new** officer/s in this form, I certify that they **are not** disqualified from being an officer of a charitable entity in terms of section 16(2) of the Charities Act 2005 (these are listed on page 4). In some cases, officers have been appointed under an Act, by the Governor-General, by the Governor-General in Council, or by a Minister of the Crown. If this is the case, I certify that the named officer has been appointed under an Act, by the Governor-General, by the Governor-General in Council, or by a Minister of the Crown.

Full Name*

Position*

Signature*

Date*

Email*

Phone*

Final check before you send

Please ensure you have done the following before you send us your documents:

- Completed all mandatory fields
- Ticked all relevant checkboxes
- Signed the form above
- Attached any relevant documents

Post your completed form to:

Charities Services
PO Box 12138
Thorndon
Wellington Central
6011

Privacy Statement

Purpose and Scope

The purpose of this privacy statement is to let you know when we collect personal information as part of the update details form and what we do with it.

Collection, Storage and Use of Personal Information

Collection and use of personal information

We require you to provide some personal information when you complete this form. For example, we require personal information about officers of charities, including full name, date of birth and residential address details. We also require up-to-date contact details for your charity, which includes a contact name, email and phone number.

This information is used to help us carry out functions under the Charities Act 2005. For example, identifying details of officers may be used to check that officers are not disqualified under the Charities Act 2005 because, for instance, they are an undischarged bankrupt or are under the age of 16 years, or when investigating suspected wrongdoing. We may also use personal information provided to us for other reasons permitted by law (including by the Charities Act 2005 and the Privacy Act 1993).

If you are providing personal information on behalf of officers of your charity, you must tell them what it is being collected for and obtain their consent to you providing the information to us on their behalf.

If you choose not to provide this information, your charity could be in breach of statutory obligations (for example, the Charities Act 2005 requires charities to notify us of certain changes to your charity, using the prescribed form, within 3 months). A significant or persistent failure by a charity to meet its obligations under the Charities Act 2005 is a ground for deregistering a charity and removing it from the Charities Register.

Access to and disclosure of personal information

When you provide personal information, it will be accessible by Department of Internal Affairs' staff and authorised third parties (such as third-party contractors) to the extent that is necessary, for example for them to administer or work on the Charities database. We will store and keep personal information secure in accordance with the Privacy Act 1993, and agents will be subject to information security and privacy requirements.

Personal information will only be disclosed or shared where required or otherwise permitted by law. For example, the Charities Act 2005 requires the publicly-accessible Charities Register to contain the names of both current and former officers of registered charities. However, **officers' residential address details and dates of birth will not be publicly available**. The Charities Act 2005 also authorises the supply of information or documents held on the Charities Register to the Inland Revenue Department to assist in the carrying out of powers and functions under any of the Inland Revenue Acts. Personal information of officers may be shared where this is necessary for compliance purposes, for example, to investigate a complaint.

Records and retention of personal information

We will retain personal information indefinitely, because the Charities Act 2005 requires the Charities Register to contain the names of both current and former officers of registered charities. This information is also required to support our ongoing regulatory work.

Rights of Access and Correction

You have the right to:

- find out from us whether we hold personal information about you;
- access that information; and, if applicable
- request corrections to that information.

You can call 0508 CHARITIES (0508 242 748), email info@charities.govt.nz, or write to us at: **Charities Services, PO Box 12138, Thorndon, Wellington Central 6011.**

You can also log on to your charity's online account on the Charities Services website (www.charities.govt.nz) to view the officer details for your charity.