



## THE PURPOSE OF THIS KIT

*Keeping It Legal E Ai Ki Te Ture* is intended to help voluntary organisations comply with their legal obligations and develop strategies for managing risk effectively.

Voluntary organisations in New Zealand operate within a legal framework that can be complex and changeable. At the same time, many organisations do not have the resources to employ lawyers and accountants to guide them through the necessary processes. *Keeping It Legal E Ai Ki Te Ture* explains which laws apply to your organisation and in which situations, and gives guidance about how to make sure you comply with them.

### Helping you check you're on the right track

*Keeping It Legal E Ai Ki Te Ture* is not a substitute for legal advice – for that you will need to consult a lawyer. But the kit may help you find out what you need to ask your lawyer. It's intended to help you check you are on the right track, or to help identify legal areas in your organisation that need work.

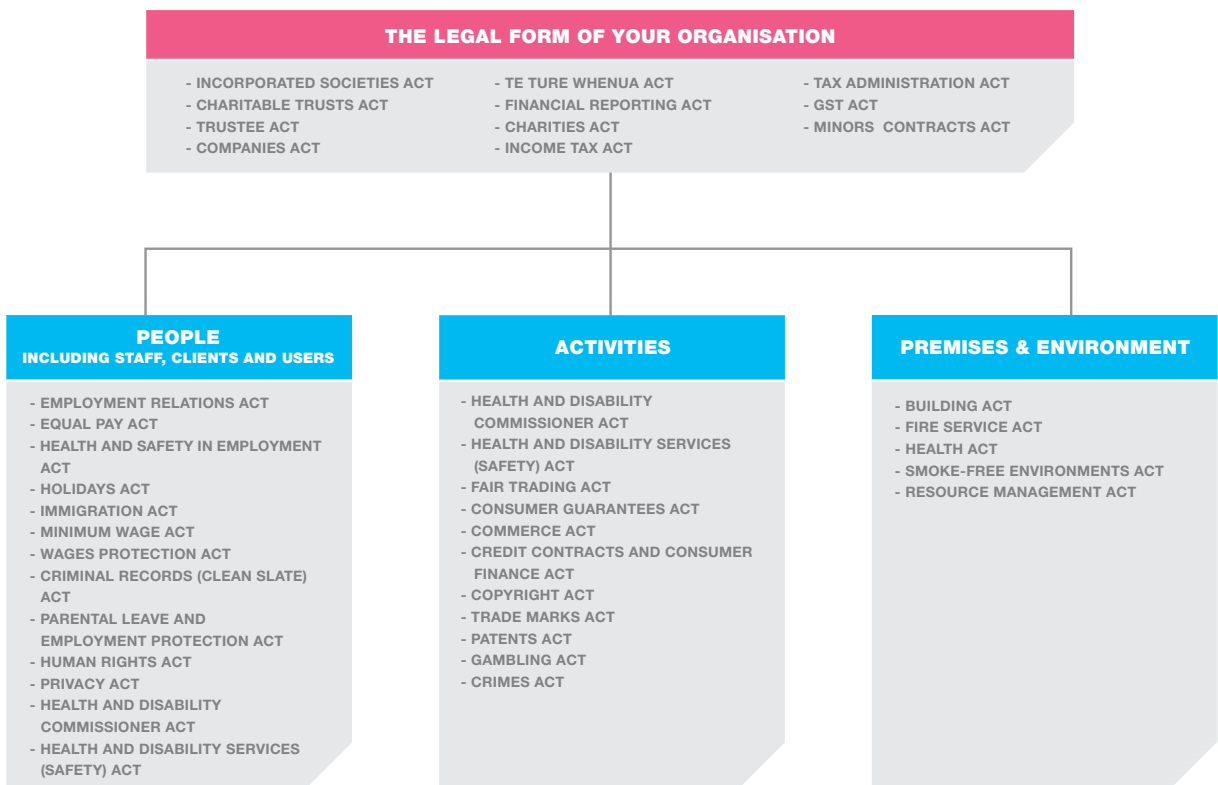
**Ignorance of the law is no defence to failing to comply with it. It's therefore important to identify the laws and regulations that apply to your organisation. You should also regularly review all your policies and procedures to make sure they take into account both changes to laws and regulations and changes in your organisation itself.**

## HOW TO USE THIS KIT

The kit consists of **four brochures** (including this one) and **18 fact sheets**:

- The **brochures** are the starting point. They include checklists of questions to help you identify the information you need to know, and direct you to the relevant fact sheets that contain the information. You can record the tasks that need to be done, and then who did them and when.
- The **fact sheets** explain the relevant legal requirements and responsibilities, and list useful resources where you can find more detailed information. The fact sheets cover different types of organisations, and also cover topics such as health and safety, privacy, human rights, trading, torts (civil wrongs) and criminal liability.

## HOW DOES THE LAW AFFECT YOUR ORGANISATION?



**BROCHURE 1****This kit – What it's for and how to use it**

This brochure introduces the purpose and structure of *Keeping It Legal E Ai Ki Te Ture* and explains how to use the kit. It includes an introductory checklist of questions that helps you review how well you know your organisation. The checklist then points you to the brochure that deals with each set of issues.

**BROCHURE 2****The legal form of your organisation**

This brochure helps you to identify the legal form of your organisation and to understand the legal differences between each type. The brochure refers you to the fact sheets that explain how to set up each particular type of organisation (with branches or secondary structures as needed) and the administrative requirements the law imposes for each type.

**Relevant fact sheets**

*Fact sheet 1: Getting started*

*Fact sheet 2: Unincorporated groups*

*Fact sheet 3: Incorporated societies*

*Fact sheet 4: Trusts and charitable trust boards*

*Fact sheet 5: Relationships between national, branch and local offices*

*Fact sheet 6: Companies and other legal forms*

*Fact sheet 7: Charities Commission*

*Fact sheet 8: Taxation*

*Fact sheet 18: Contracts*

**BROCHURE 3****Laws you need to know about – People, activities, premises and environment**

This brochure helps you identify the key laws and regulations that affect your organisation and its activities, and how to comply with those laws. Many of these legal responsibilities also apply to volunteers working outside an organisational structure.

**Relevant fact sheets**

*Fact sheet 9: People – Volunteers, employees and contractors*

*Fact sheet 10: Health and safety*

*Fact sheet 11: Human rights and discrimination*

*Fact sheet 12: Privacy*

*Fact sheet 13: Premises and environment*

*Fact sheet 14: Trading and other activities*

*Fact sheet 15: Intellectual property*

*Fact sheet 16: Torts (civil wrongs) and criminal offences*

**BROCHURE 4****Keeping on track – Compliance and insurance**

This brochure provides guidelines for developing a compliance programme to meet your legal responsibilities. It also has information about using insurance appropriately to manage risks.

**Relevant fact sheets**

*Fact sheet 17: Insurance as a risk management tool*

Each brochure and fact sheet in this kit is dated with the month and year it was issued. The laws explained in the kit are likely to change from time to time – you can find an updated version of the kit at [www.keepingitlegal.net.nz](http://www.keepingitlegal.net.nz).

**GETTING STARTED:****HOW WELL DO YOU KNOW YOUR ORGANISATION AND THE LAWS THAT APPLY TO IT?**

The following questionnaire is designed for committee members, volunteers and paid staff in voluntary organisations in New Zealand. It's an initial checklist to help you review how well you know your organisation and its structure, and the various laws that might apply to it.

If you answer "Unsure" or "No" to any of these questions, go to the relevant brochure (shown in the right-hand column) for more detailed checklists that will help you find out exactly what you need to know.

		YES	NO OR UNSURE	BROCHURE
>	<b>Do you know what the legal form of your organisation is?</b> – unincorporated group – incorporated society – trust – charitable trust board – company – other	<input type="radio"/>	<input type="radio"/>	<b>2</b>
>	<b>Do you know what matters are dealt with in your constitution, rules or trust deed?</b> – requirements for annual meetings – size of committee and how it's elected – voting requirements (such as proxies) – allocation of tasks and responsibilities of officers – ability to change the constitution – appointment and exit procedures – property dealings – authorising contracts – annual reporting – financial reporting	<input type="radio"/>	<input type="radio"/>	<b>2</b>
>	<b>Do you know if your organisation has charitable status?</b>	<input type="radio"/>	<input type="radio"/>	<b>2</b>
>	<b>Do you understand the powers and obligations of members and decision-makers in these areas?</b> – liability – ability to enter into binding contracts – authority to act for the organisation – legal administrative requirements – managing conflict of interest	<input type="radio"/>	<input type="radio"/>	<b>2</b>
>	<b>Do you know about the legislation that applies to:</b> – people in your organisation? – your organisation's clients and consumers? – your organisation's activities? – your organisation's premises and environment?	<input type="radio"/>	<input type="radio"/>	<b>3</b>
>	<b>Do you understand about civil liability (for example, negligence and defamation) and criminal liability (for example, criminal nuisance)?</b>	<input type="radio"/>	<input type="radio"/>	<b>3</b>
>	<b>Do you have policies and procedures in place to ensure that your organisation complies with its responsibilities?</b>	<input type="radio"/>	<input type="radio"/>	<b>4</b>



