



Old Boys – University RFC

WELLINGTON COLLEGE OLD BOYS &
VICTORIA UNIVERSITY OF WELLINGTON
RUGBY FOOTBALL CLUB INCORPORATED

CONSTITUTION

This is to certify that this Constitution of the Wellington College Old Boys & Victoria University of Wellington Rugby Football Club Incorporated was adopted by resolution at the 34th Annual General Meeting dated 28 February 2025 and certified under the Common Seal:



Chair

Secretary

President

TABLE OF CONTENTS

(CLICK ON CLAUSE TITLE FOR DIRECT LINK)

Clause No.	Clause Title	Page
	The Club	1
1.	Name	1
2.	Objects of the Club	1
3.	Powers of the Club	1
4.	Uniform	2
5.	Headquarters	2
6.	Season	2
7.	Signing of documents	3
8.	Privacy Act	3
9.	Structure of the Club	3
10.	The Executive	4
11.	Role of the Executive	4
12.	Nomination of Executive Members	5
13.	Appointment of Executive Members	5
14.	Cessation of Executive Members	5
15.	Procedures for the Executive	6
	Management of the Club	7
16.	Annual General Meeting	7
17.	Special General Meeting	8
18.	Voting at General Meetings	8
19.	Operational Rugby Sub-Committee Meetings	9
20.	Executive Meetings	9
21.	Quorum	10
22.	Specific Roles of Executive Members	10
	Club Membership	12
23.	Types of Membership	12
24.	Active Members	13
25.	Admission of Active Members	14
26.	Life Members	14
27.	Vice Presidents	14
28.	Honorary Vice Presidents	15
29.	Honorary Members	15
30.	Honorary Patrons	15
31.	Past Presidents	15
32.	Membership Register	15
33.	Cessation of Membership	15

34.	Re-admission of Former Members	16
35.	Obligations of Members	16
36.	Complaints and Disciplinary Procedures of the Club	16
	Money and other Assets of the Club	18
37.	Use of Money and other Assets	18
38.	Joining Fee, Subscriptions and Levies	18
39.	Additional Powers	19
40.	Financial	20
41.	Payments	20
42.	Appointment of an Audit Reviewer	20
43.	Altering the Rules or Name of the Club	20
44.	Winding Up	21
45.	Definitions	21
46.	Interpretation	22
	Schedule 1	23
	Code of Conduct	23
	Schedule 2	24
	Consent and Certificate of Officer(s)	24

RULES OF WELLINGTON COLLEGE OLD BOYS AND VICTORIA UNIVERSITY OF WELLINGTON RUGBY FOOTBALL CLUB INCORPORATED

THE CLUB

1. NAME

1(a) The name of the Club is “Wellington College Old Boys and Victoria University of Wellington Rugby Football Club Incorporated” (“the Club”) (“OBU”).

1(b) The Club is constituted by resolution of the 33rd Annual General Meeting held on the 23rd day of February 2024 and in accordance with the Incorporated Societies Act 2022.

[Return to Contents](#)

2. OBJECTS OF THE CLUB

The objects of the Club shall be:

2(a) To promote public participation in the game of Rugby Union Football to promote health.

2(b) To provide a means of management and control of the Club.

2(c) To promote and encourage physical fitness and physical and recreational activities of all kinds.

2(d) To provide training amenities and facilities for any or all members of the Club

2(e) To promote the development of players, coaches, officials and culture within the Club.

2(f) To maintain a liaison with the Wellington Rugby Football Union, The New Zealand Universities Rugby Football Council (Incorporated) and through these organisations, the New Zealand Rugby Football Union. Pecuniary gain is not an object of the Club.

[Return to Contents](#)

3. POWERS OF THE CLUB

The powers of the Club shall be:

3(a) To provide facilities and amenities including (by way of example only) clubrooms or similar amenities for the use of members and to make the same available to other persons on whatsoever terms and conditions the Executive may think fit.

3(b) To purchase, lease, erect or otherwise acquire land, buildings and all real and personal property which may be considered to be desirable and to manage, maintain, improve, exchange, lease, mortgage, dispose of or otherwise deal with any such property or any part thereof.

3(c) To raise or borrow money in such a manner as the Club thinks fit including upon the security of any mortgage, debenture or other charge over all or any part of the Club's property and to give any bond, guarantee or indemnity as may be deemed necessary or expedient.

3(d) To invest and deal with the funds of the Club upon such securities or otherwise in such manner as the Club may think fit. This may include opening and operating trading and savings bank accounts.

3(e) To employ staff and engage agents and appoint representatives as is necessary.

3(f) To appoint trustees of all or any of the funds or property of the Club and to vest such funds or property in such trustees.

3(g) To permit and publish any newspapers, magazines, websites (including social networking websites and blogs), periodicals, books, leaflets, films, videos, compact discs and other such descriptive informative or educational material as the Club may think fit.

3(h) To establish, support or aid any charitable sporting or recreational institution, trust or association and to make payments towards any benevolent objects as the Club may think fit.

3(i) To facilitate and terminate the membership of members of the Club.

3(j) To settle questions or disputes referred to the Club and discipline members of the Club pursuant to the Rules and the Club's Code of Conduct.

3(k) Do anything necessary or helpful which the Club may consider to be incidental or conducive to carrying into effect or attaining any of the objects of the Club.

[Return to Contents](#)

4. UNIFORM

The colours of the Club shall be green, white, black, blue and gold. The Executive shall have the power to approve any uniform style it thinks appropriate for teams playing for the Club and may change the uniform and/or colours of the Club from time to time as it sees fit.

[Return to Contents](#)

5. HEADQUARTERS

The headquarters of the Club shall be located as such a place the Executive decides from time to time.

[Return to Contents](#)

6. SEASON

For the purposes of this constitution a season shall be deemed to commence immediately upon the closing of an Annual General Meeting from which time all members of the Executive elected or appointed at such meeting shall take office.

[Return to Contents](#)

7. SIGNING OF DOCUMENTS

7(a) The Club shall have a common seal.

7(b) The Common Seal of the Club shall remain in the custody of the Secretary at the registered office of the Club and shall only be affixed to any deed or document or instrument in pursuance of a resolution of the Executive and in the presence of the Chair and two other members of the Executive.

7(c) General Documentation shall be executed on behalf of the Club if it is signed by the Chair.

7(d) Financial Documentation shall be executed on behalf of the Club if it is signed by the Chair and any one of the other members of the Executive.

[Return to Contents](#)

8. PRIVACY ACT

8(a) Pursuant to the Privacy Act 2020, membership in the Club is conditional on each member irrevocably consenting to personal information in the form of his/her name, residential address, office held, telephone number and email being included in a membership list supplied by the Club to the Wellington Rugby Football Union for any one or more of the following purposes:

- For its records;
- Publication and distribution in the Wellington Rugby Football Union's handbook;
- Lodging nominations for trial and representative play;
- Forwarding to New Zealand Rugby Football Union and The New Zealand Universities Rugby Football Council (Incorporated) for their records.

[Return to Contents](#)

9. STRUCTURE OF THE CLUB

9(a) Responsibility for the management of the Club is vested in the Executive elected annually in accordance with this Constitution.

9(b) The Executive may at any time authorise and appoint any Sub- Committee(s), sections or other bodies as it may deem necessary or expedient. The Executive may revoke any such authority or appointment at any time.

9(c) Any section or other body authorised and appointed under the authority of the Executive and any amendment or variation of them shall likewise require the approval of the Executive.

[Return to Contents](#)

10. THE EXECUTIVE

10(a) The Club shall have an Executive, comprising of the following persons:

The President;

The Chair;

The Club Captain(s);

The Secretary;

The Treasurer;

One person nominated by the Junior Club;

The delegate to the Wellington Rugby Football Union;

Any other members as the Club shall decide from time to time.

10(b) Only members of the Club may be Executive members.

10(c) There shall be a minimum of 6 Executive members.

[Return to Contents](#)

11. ROLE OF THE EXECUTIVE

Subject to the rules of the Club (“the Rules”), the role of the Executive is to:

11(a) Administer, manage and control the Club.

11(b) Carry out the objects and purposes of the Club and use money and other assets to do that.

11(c) Manage the Club’s bank accounts.

11(d) Distribute Minutes of its meetings.

11(e) Ensure that all members follow the Club rules as set out in this constitution and the Code of Conduct.

11(f) Determine and implement procedures for dealing with complaints and disciplinary matters.

11(g) Set membership fees, including subscriptions and levies.

11(h) Make regulations.

11(i) Consider such other business as the Executive shall determine in its sole discretion.

[Return to Contents](#)

12. NOMINATION OF EXECUTIVE MEMBERS

12(a) Nominations for members of the Executive (other than the person nominated by the Junior Club) shall be called for at least 21 days before notice of an Annual General Meeting. Each candidate shall be proposed and seconded in writing by members and the completed nomination delivered via email to the Secretary at least 5 days before notice of the Annual General Meeting is sent to financial members. All retiring members of the Executive shall be eligible for re-election.

12(b) If the position of any Executive member becomes vacant at any time, the Executive shall appoint another Executive member to fill that vacancy until the next Annual General Meeting.

[Return to Contents](#)

13. APPOINTMENT OF EXECUTIVE MEMBERS

At the Annual General Meeting, the members may decide by majority vote:

13(a) The size of the Executive, provided that the Executive is no less than 6 as set out in clause 10 above;

13(b) Who will have the title of President, Chair, Club Captain(s), Secretary, Treasurer, WRFU Delegate and Vice-President(s) (if any);

13(c) Whether any Executive member may have more than one title;

13(d) How long each person will be an Executive member ('the Term'). Typically, all members will hold office until the conclusion of the next Annual General Meeting of the Club unless they sooner retire, die, become incapacitated or are expelled from office in accordance with clause 35 of this constitution;

13(e) No person will be eligible to be or remain an Executive member or sub-committee member, or member of any section or other body appointed by the Executive unless that person is a financial member at all relevant times;

13(f) Any member appointed as an Officer of the Club must Register using the appropriate official Club Registration Form and thereby certifies their eligibility, consent to be an officer of the Club for their elected term and to abide by Schedule 1. Elected Officers Code of Conduct and complies with the definitions and requirements set out in Schedule 2. Consent and Certificate of Officer(s).

[Return to Contents](#)

14. CESSATION OF EXECUTIVE MEMBERS

14(a) Persons cease to be Executive members when:

- They resign by giving written notice to the Executive.
- They are removed by majority vote of the Club at a Club Meeting.
- Their term expires.
- They cease to be a financial member.

14(b) If a person ceases to be an Executive member, that person must return all Club documents and property to the Executive within 3 weeks.

[Return to Contents](#)

15. PROCEDURES FOR THE EXECUTIVE

15(a) The Executive will at the Annual General Meeting or as soon as practicable after the Annual General Meeting appoint an Operational Rugby Sub-Committee comprising of the Chair, Club Captain(s), the Treasurer and any other members of the Club that the Executive will decide from time to time.

15(b) The Operational Rugby Sub-Committee will be empowered to take all Operational Decisions which might properly be taken by the Executive, but which must be taken before an Executive Meeting, Annual General Meeting, or Special General Meeting may be convened.

15(c) After the Annual General Meeting the Honorary Solicitor for the Club (who may be appointed by the Executive from time to time) will attend the first meeting of the Executive and explain to each and every member of the Executive the law relating to the fiduciary powers, duties, responsibilities and personal liabilities that are inherent in such role.

15(d) The Executive may seek advice from any member of the Club who is not a member of the Executive and for that purpose such person or persons may attend meetings of the Executive at the invitation of the Chair but shall have no voting rights.

15(e) The Executive has all the powers of the Club, unless the Executive's power is limited by this Constitution, or by a majority decision of the Club in the General Meeting.

15(f) Decisions of the Executive shall bind the Club, unless the Executive's power is limited by these Rules or by a majority decision of the Club.

15(g) Pursuant to clause 35 of this Constitution, any Executive member may face penalties for any breach, including but not limited to expulsion from office on the same grounds and in the same manner as any member being expelled from the Club in the General Meeting.

15(h) No Executive member shall be personally liable for the acts, receipts, neglects, or defaults of any other Executive member or for any loss, damage, or misfortune which shall occur during the execution of the duties of their office or in relation thereto unless it shall result from their own wilful default or dishonesty.

15(i) Executive members must disclose any conflict(s) of interest. A conflict of interest is where a situation arises where a person's personal interest or loyalties could affect their ability to make a decision in the best interest of the Club. A conflict of interest may be actual, potential or perceived and may be financial or non-financial. The Secretary shall register such conflicts of interest in the Conflicts of Interest Register.

[Return to Contents](#)

MANAGEMENT OF THE CLUB

16. ANNUAL GENERAL MEETING

16(a) The Annual General Meeting of the Club will be held within 6 months of the end of the financial year.

16(b) At least 21 days' notice of the date, time, place and business of the Annual General Meeting will be forwarded by means of post, facsimile transmission or email to every financial member for the time being at their last known address and listed on the Club's website not less than 14 days prior to the date of the proposed Annual General Meeting. Notice of the Annual General Meeting will be accompanied by the Club's, Financial Statements that have been subject to an Audit Review, the Audit Reviewer's Report, notice and material regarding the nomination of Executive members and the Club's Annual Report (or indication of how to access the Annual Report if not enclosed).

16(c) All Annual General Meetings or Special General Meetings will be chaired by the Chair or in the Chair's absence by the Treasurer or the Secretary. In the event neither of the foregoing members are present, those attending the Annual General meeting or Special General Meeting will elect a Chair of that Meeting.

16(d) The business of the Annual General Meeting will be to:

- Receive the Executive's annual report and the financial statements presented in accordance with clause 40 of this constitution.
- Provide a list of Nominees for the Executive (other than the person nominated by the Junior Club) and information about those Nominees if it has been provided. (The Secretary must not provide Members with information exceeding one side of an A4 sheet of paper per Nominee).
- Elect the Executive members for the ensuing year.
- Elect any Vice-President/s, who may hold the title of Vice-President for the season, provided that person remains a financial member of the Club during that term;
- Elect any Honorary Vice Presidents as identified by the Executive
- Receive the Chair's report on the business of the Club;
- Elect delegates to any such Standing Executive, Wellington Rugby Football Union Rugby Board, New Zealand Rugby Union, or association as the Club shall think fit.
- Provide any Minutes of the previous meeting(s);
- Transact any business pertaining to any subject raised by a financial member.
- Receive the Treasurer's report on the finances of the Club and the Statement of Accounts;
- Consider any motions;
- Determine and undertake any general business;
- Set the active and honorary subscriptions plus any deposits and rebates related thereto for the ensuing season.
- Approve any plans for the balance of the current and/or the next calendar year/s.
- Such other business as the Executive will determine in its sole discretion.

16(e) The order in which the business is transacted will be determined by the Chair of the Meeting.

16(f) Minutes of all Annual General Meetings shall be recorded by the Secretary or any person appointed to do so by the Annual General Meeting in the Secretary's absence.

17. SPECIAL GENERAL MEETING

17(a) Further General Meetings of the Club known as Special General Meetings may be convened at any time by the Secretary or Chair upon the written request of the Executive or upon the written request of not less than 20 financial members to transact such business specified in the application.

17(b) The Secretary will give all members at least 14 days written notice in the form set out in clause 16b of:

- The business to be conducted at any Special General Meeting;
- Notice of any motions and the Executive's recommendations about those motions. If the Secretary has sent notice to all members in good faith, the Meeting and its business will not be invalidated simply because 1 or more members do not receive the notice.

17(c) Minutes of all General Meetings shall be taken by the Secretary or any person appointed to do so by the General Meeting in the Secretary's absence.

[Return to Contents](#)

18. VOTING AT GENERAL MEETINGS

18(a) All members may attend and vote at General Meetings. All Members are entitled to one vote with the exception of the Junior Club which is entitled to three votes.

18(b) On any given motion at a General Meeting, the Chair will in good faith determine whether to vote by:

- Voices;
- Show of hands; or
- Secret ballot.

However, if any Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by secret ballot. If a secret ballot is held, the Chair will have a casting vote.

18(c) Except as otherwise provided in this Constitution, all decisions at General Meetings will be made by a majority of votes taken as the Chair of the meeting will direct but any 14 members may demand a poll by giving written notice to the Secretary at least 14 days before that meeting. The member may also provide information in support of that poll ("member's information"). The Executive may in its absolute discretion decide whether or not the Club will vote on the poll. However, if the member's motion is signed by at least a quarter of all members:

- It must be voted on at the Club Meeting; and
- The Secretary must give the member's information to all members at least 7 days before the Club meeting; or
- If the Secretary fails to do this, the Member has the right to raise the poll at the following club meeting.
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18(d) In the case of equality of votes the Chair of the meeting will have a second or casting vote.

18(e) No person will be eligible to vote at any General Meeting unless that person is a financial member.

18(f) All votes at any General Meeting will be recorded personally. Proxy votes will be recognised at Special General Meetings but will not be recognised at Annual General Meetings.

18(g) Members who are eligible to vote at Annual General and Special General Meetings but unable to attend in person, may join and vote in the meeting via electronic means such as video or conference call technology if it is made available. Such remote attendance will count towards the quorum requirements as needed. Should such electronic facilities be not able to be engaged at the Meeting(s) due to technical or other issues, the members affected are deemed to not be in attendance and cannot vote on any item of business. Eligible members wishing to join an Annual General or Special General Meeting via electronic means must advise the Secretary no later than 24 hours prior to the meeting to receive the required links or other instructions for joining the meeting.

18(h) The three votes that the Junior Club is entitled to shall be exercised by its three representatives with each entitled to one vote.

[Return to Contents](#)

19. OPERATIONAL RUGBY SUB-COMMITTEE MEETINGS

19(a) The Operational Rugby Sub-Committee will meet once monthly or at the discretion of the Executive and may do so by its members attending in person, by way of telephone conference, or other forms of electronic communication.

19(b) All decisions made by the Operational Rugby Sub-Committee will be reported by it to the next meeting of the Executive, Annual General Meeting or Special General Meeting (being whichever meeting is the first to arise) and recorded in the Minutes of that meeting.

[Return to Contents](#)

20. EXECUTIVE MEETINGS

20(a) The Executive will meet once monthly and may do so by its members attending in person, by way of telephone conference, or other forms of electronic communication.

20(b) All meetings of the Executive will be chaired by the Chair. In the event of the Chair is unavailable to attend a meeting/s of the Executive owing to illness or incapacity or for any other reason the remaining members for the Executive for the time being will appoint a Chair for such period as may be expedient in the circumstances.

20(c) No business will be transacted at any meeting unless a quorum is present at the commencement of such business.

20(d) Decisions will be by majority vote. In the case of equality of votes, the Chair of the meeting will have a second or casting vote.

20(e) It is the duty of all members of the Executive to attend all meetings of the Executive provided that the Executive may at its discretion grant to any member leave of absence for such period as it sees fit. Should any member be absent from three (3) consecutive meetings of the Executive meetings without a valid leave of absence such members will automatically cease to be members of the Executive.

20(f) Subject to these rules, the Executive may regulate its own practices.

[Return to Contents](#)

21. QUORUM

21(a) Subject to clause 18 the quorum for any General Meeting will be constituted as the presence of 14 financial members at the meeting. For the purposes of determining the Quorum, each of the three representatives of the Junior Club shall be deemed to be a financial member.

21(b) The quorum for any Executive Meeting will be the Chair and any other 3 members of the Executive.

21(c) In the event that the quorum of any Meeting is not satisfied and the meeting is adjourned to a later date and time, the financial members who attend the General Meeting or Executive as the case may be at that later date or time will constitute a quorum.

[Return to Contents](#)

22. SPECIFIC ROLES OF EXECUTIVE MEMBERS

22(a) The **President's** role is to:

- Provide formal leadership to the Club.
- Represent the Club and speak on behalf of the Club on formal and social occasions.
- On appointment, the president holds a 2 year term with the right to be reappointed by the Club, provided that person remains a financial member of the Club throughout the duration of that period.
- To be eligible for appointment, the President must have previously been appointed as a Vice-President of the Club or be a Life Member of the Club.
- The President's duties do not extend to being responsible for the Management of the Club, which rests with the Executive under the general direction of the elected Chair.

22(b) The **Chair's** role is to:

- Ensure that the Rules are followed;
- Convene Meetings;
- Chair all Executive Meetings, deciding who may speak and when;
- Oversee the operation of the Club;
- Give a report on the operation of the Club at each Annual General Meeting;
- Advise the Registrar of Incorporated Societies of any rule changes or alterations or fundamental society changes;
- Undertake on behalf of the Executive such duties as it may require from time to time.

22(c) The **Club Captain(s)** role is to:

- Meet and welcome new members.
- Generally supervise all team training and practices.
- To ensure that all requirements of the New Zealand Rugby Football Union, The New Zealand Universities Rugby Football Council (Incorporated) and the Wellington Rugby Football Union, particularly relating to grading and

nomination of players, approval of team travel and other similar and associated matters are complied with.

- To arrange all pre-season selection trials and practice games and to oversee the initial and on-going selection of teams.
- Make final and binding decisions in cases where disputes have arisen relating to player selections.
- To assess the arrangements needed to host visiting teams and advise relevant Club personnel.
- To generally supervise all matters directly relating to the playing of Rugby Union Football in the Club.
- To do all such other acts relating to the affairs of the Club as the Executive may require.

22(d) The **Secretary's** role is to:

- Call all General Meetings and all meetings of the Executive, as required by this constitution;
- Keep the Register of Members;
- Hold the Club's records, documents and books;
- Receive and reply to all correspondence and electronic communications, as required by the Committee;
- Retain the common seal of the Club;
- Disseminate all correspondence and electronic communications received by the Club to the relevant delegates and members;
- Record and distribute copies of all Minutes of the Executive and of all Annual General Meetings and Special General Meetings to the following persons:
 - All Life Members;
 - The Club Audit Reviewer appointed by the Annual General Meeting each year;
 - The Club Solicitor appointed by the Annual General Meeting each year;
 - The Club President appointed by the Annual General Meeting each year.
- Act as the contact person for the purposes of the Incorporated Societies Act 2022.
- Keep the Register of Officers Conflicts of Interest

22(e) The **Treasurer's** role is to:

- Organise the collection of and account for all subscriptions, donations and other monies due to the Club;
- Disburse funds of the Club as determined by the Executive;
- Keep a true and accurate record in the Club's account book, so that the Club's financial situation can be clearly understood at any point in time;
- Give a financial report and statement of accounts (including an Income and Expenditure Account and Balance Sheet) at each Annual General Meeting and more often if either the Executive or a majority of the Club decides this in a meeting;
- Forward the annual financial statements for the Club to the Registrar of Incorporated Societies upon approval by the Members at an Annual General Meeting and to ensure all statutory provisions relating to the accounts of the Club are complied with.
- The Treasurer will be a signatory on every bank account operated by the Club.
- The Treasurer will at the end of each playing season collect and keep safe until the following season all team Bank Accounts.

[Return to Contents](#)

22(f) The role of the **Delegate to the Wellington Rugby Football Union (“WRFU”)** is to:

- Attend all Executive meetings and/or forward a written report to the WRFU.
- To liaise with other members of the Club to gauge feedback on relevant club issues.
- To offer support or help to other Club Committee members.
- To attend all WRFU Rugby Board meetings. If unable to do so, then give apology notice to WRFU and advise the Club’s alternate.
- To be the conduit between the Club and WRFU Rugby Board ensuring two-way communication occurs.
- Represent the Club at the WRFU Rugby Board with representations always being balanced with the need to act in the best interests of Rugby in Wellington.
- To act as a liaison officer/volunteer for WRFU events/Club Rugby activities.
- To sit on sub-committees (including Disciplinary) within the WRFU Rugby Board (as elected, required or requested by the WRFU Rugby Board) to set and monitor Rugby policy decisions.
- To do all such other acts relating to the affairs of the Club as the Executive may from time to time require.

[Return to Contents](#)

CLUB MEMBERSHIP

23. TYPES OF MEMBERSHIP

23(a) A member is either an Ordinary Member, a Life Member, a Vice President, an Honorary Vice President, the Junior Club, a Junior Member or an Honorary Member.

23(b) An ordinary member has the rights and responsibilities set out in these Rules.

Ordinary membership applies to all NZRU and OBU registered senior club players or supporters who have paid the appropriate individual subscription as set out at each Annual General Meeting. NZRU & OBU registered senior players who are registered with a team covered by the provision of a team subscription are deemed to be full ordinary members as long as a subscription equal to the amount set out for individual senior players as set at each Annual General Meeting has been paid to their respective team. In cases where this amount has not been paid, full rights are still accorded to the individual, with the exception of Voting Rights at Annual General Meetings and Special General Meetings.

23(c) A **Life Member** is a person who is acknowledged as a longstanding member of the Club who has given outstanding service to the Club over a significant number of years. A Life Member has all the rights and responsibilities of a financial member (including the right to vote), but does not have to pay fees, subscriptions, or levies. If a Life Member is elected and was previously a Vice President, his/her name shall be removed from the active Vice Presidents’ register and added to the Life Members’ register.

23(d) A **Vice President** is a person who is acknowledged as having made a significant contribution to the Club over a significant number of years or whose contribution to the Club is otherwise deemed worthy of being elected Vice President by the Annual General Meeting. A Vice President has all the rights and responsibilities of a financial

member (including the right to vote) and has to pay the appropriate subscription each year to retain Vice Presidential status.

23(e) An **Honorary Vice President** is a person who has is deemed to be of strategic value to the Club and/or has provided significant sponsorship or other benefits to the Club. The Executive has the authority to bestow this on any individual it deems suitable during the season, however, in the case of an on-going appointment, this must be approved by the Annual General Meeting. An Honorary Vice President is not required to pay a subscription.

23(f) An **Honorary Member** is a person who is acknowledged as providing or having provided important services to the Club. An honorary member has none of the rights or privileges of a member and will not be liable to pay any subscription but will be deemed a bona fide member of the Club entitled to all the benefits and privileges of the Club and will abide by the Rules of the Club and decisions made by the Executive.

23(g) A **Junior Member** is either an NZRU and Junior Club registered player or a parent of a registered player with the Junior Club (who have paid appropriate subscription either "individual" or "family"). Junior Members have all rights and benefits of full membership with the exception of Voting Rights at Annual General Meetings and Special General Meetings. Junior Members who leave the Junior Club to go to secondary school are eligible to stay Junior Members and be registered on the OBU and Junior Club membership register each year until they leave secondary school.

23(h) New or returning members may be admitted or readmitted to the Club by the President, Club Captain, Secretary or the Chair provided that any person may also be admitted to membership by the Executive or at a General Meeting. All applications will be in such form as may from time to time be provided by the Executive for the purpose.

23(i) The Junior Club which is affiliated to the Club and has the object of promoting and administering junior rugby

[Return to Contents](#)

24. ACTIVE MEMBERS

24(a) An active member will cease to be a member in any of the following circumstances:

- If the member, by notice in writing to the Secretary, resigns before the commencement of the Club playing season. Any member whose resignation has not been received by the commencement of the Club playing season will be deemed a member for that season;
- If by one month of admission or readmission in any season the member has not paid the subscription for that season or the part thereof agreed by the Executive;
- If the member has been expelled from the Club in accordance with clause 36 of this Constitution.

[Return to Contents](#)

25. ADMISSION OF ACTIVE MEMBERS

25(a) To become an ordinary member, a person (“the Applicant”) must:

- Complete an application form, if the Executive requires this;
- Supply any other information the Executive requires; and
- Pay the joining and subscription fee, as they apply.
- Additionally, for the sole purpose of disciplinary action by the Club, any person who has played or participated in a game of Rugby for the Club (including having coached or been a spectator at any game) may be deemed to be an ordinary member of the Club.
- Completion of the appropriate annual Registration Form implies consent to being a member under the Incorporated Societies Act 2022
- By completing the appropriate annual Registration Form members acknowledge they are also bound by the Rules and Regulations made by New Zealand Rugby Union and Wellington Rugby Football Union (as amended from time to time) and bound by and will comply with, the Laws of the Game and the by-laws, regulations and resolutions of World Rugby, subject to domestic safety law variations adopted by New Zealand Rugby Union.

25(b) The Executive may interview the Applicant when it considers Membership applications.

25(c) The Executive will have complete discretion when it decides whether or not to let the Applicant become an ordinary member. The Executive will advise the Applicant of its decision and that decision will be final.

[Return to Contents](#)

26. LIFE MEMBERS

26(a) An ordinary member may become a Life Member only if:

- a nomination for election of Life Member has been received by the Secretary that meets the nomination format and time-line protocols as set out in Clause 12. Nomination of Executive Members and Clause 16. Annual General Meeting and then;
- the nomination and any supporting information has been presented to the existing Life Members for their consideration and the majority of existing Life Members recommend that the nomination proceed and then;
- the Executive, upon receipt of the recommendation from the Life Members for consideration, recommends that the Club should appoint the nominee as a Life Member and then;
- the Club passes a resolution at an Annual General or Special General Meeting, appointing the nominee as a Life Member by a two-thirds majority of those members present eligible to vote under Clause 23. Types of Membership

[Return to Contents](#)

27. VICE PRESIDENTS

27(a) An ordinary member may become a Vice President only if:

- The Executive recommends that the Club should appoint the ordinary member as a Vice President;
- The Club passes a resolution appointing the ordinary member as a Vice President by a two-thirds majority of those members present and voting;

28. HONORARY VICE PRESIDENTS

28(a) A member may become an Honorary Vice President only if:

- The Executive appoints a person as an Honorary Vice President;
- The Club passes a resolution confirming the appointment of the person as an Honorary Vice President for the coming season by a two-thirds majority of those members present and voting;

[Return to Contents](#)

29. HONORARY MEMBERS

29(a) An honorary member may be appointed by the Club if:

- The Executive recommends that the Club should appoint that person as an honorary member; and
- The Club passes a resolution appointing that person as an honorary member by a two-thirds majority of those members present and voting.

[Return to Contents](#)

30. HONORARY PATRONS

30(a) The Club will invite the Headmaster of Wellington College and Vice Chancellor of Victoria University of Wellington to be Patrons of the Club following appropriate resolution by the Annual General Meeting. Should one or more of the abovenamed office holders decline the invitation and the Executive consider it appropriate, one or more other individuals deemed suitable by the Executive may be invited on the terms and conditions that the Executive deem appropriate.

[Return to Contents](#)

31. PAST PRESIDENTS

31(a) A President shall be registered as a Past President once their tenure as President has ended. A Past President is exempt from subscriptions, fees & levies.

[Return to Contents](#)

32. MEMBERSHIP REGISTER

32(a) The Secretary will keep a register of members (“the Register”), which will contain the names, the addresses and telephone numbers of all members and the dates at which they become members.

32(b) If a member’s address or telephone number changes, that member will give a new address or telephone number to the Secretary.

32(c) Each member will provide such other details as the Executive requires

[Return to Contents](#)

33. CESSATION OF MEMBERSHIP

33(a) A person will cease to be a member of the Club if:

- That person resigns by giving written notice to the Secretary; or
- That person becomes a member or affiliate of any other Rugby club in the greater Wellington region; or
- That person has their membership terminated pursuant to a breach of clause 36 of this constitution

[Return to Contents](#)

34. RE-ADMISSION OF FORMER MEMBERS

34(a) Any former member who has resigned may apply for re-admission in the same way as a new applicant, but if the former member's membership was terminated by the Executive or the Club pursuant to any disciplinary process, the Applicant shall not be readmitted without the approval of the Executive.

[Return to Contents](#)

35. OBLIGATIONS OF MEMBERS

35(a) All members (and Executive members) will promote the purposes of the Club and will do nothing to bring the Club into disrepute.

[Return to Contents](#)

36. COMPLAINTS AND DISCIPLINARY PROCEDURES OF THE CLUB

36(a) The Executive may discipline any member(s) or team(s) of the Club provided notice of the Executive's decision to commence disciplinary action is issued to the member(s) or team(s) within the calendar year that the alleged disciplinary issue arose or within the time period at the discretion of the Executive for any breach/es of:

- The Rules of the Club or any Regulations made thereunder;
- Any lawful direction of the Committee of the Club;
- The Wellington Rugby Football Union (Inc.) By-Laws;
- The New Zealand Rugby Union Disciplinary Rules ("the Black Book");
- Criminal or summary offences related legislation; and
- Fraudulent or dishonest behaviour.

36(b) Any contravention of clause 35(a) may result in the Executive investigating and determining the appropriate sanction for the offending member(s) or team(s).

36(c) If, for any reason whatsoever, the Executive is of the view that a member(s) or teams(s) has breached clause 35(a), the Executive may give written notice to the member(s) or team(s) setting out:

- How the member(s) or team(s) is breaching clause 35(a);
- That the member(s) or team(s) may come before the Executive sub-committee, (if the Executive so chooses) which consists of 3 members of the Executive, to discuss the issues that have arisen and what the member(s) or team(s) must do to remedy the situation or the repercussions the member(s) or team(s) faces.

36(d) This disciplinary hearing may be held on a date and time as set by the Executive sub-committee and the respective parties involved.

36(e) That, within 7 days of the member(s) or team(s) meeting with the Executive sub-committee or the date that was proposed for the disciplinary hearing, the Executive sub-committee may in its absolute discretion immediately impose any of the disciplinary penalties set out in clause 36(j).

36(f) That the member(s) or team(s) may appeal to the full Executive at the next Executive meeting by giving written notice to the Secretary ("disciplinary notice") within 7 days of the member(s) or team(s) receiving notice of the Executive sub-committee's decision.

[Return to Contents](#)

36(g) Prior to the disciplinary hearing the Executive sub-committee must undertake an investigation of the alleged breach/es by the member(s) or team(s) involved.

36(h) A disciplinary hearing with the member(s) or team(s) will then be held on a date and time set by the Executive sub-committee that allows all parties directly involved with the matter to attend and have an opportunity to be heard. The structure and procedure of the disciplinary hearing is at the discretion of the Executive sub-committee.

36(i) After the meeting the Executive sub-committee has 14 days to make its decision in the form of a written notice to the member involved.

36(j) The penalties available to the Executive sub-committee and Executive include but are not limited to any one or more of the following:

- A caution, warning as to future conduct or reprimand;
- A fine not exceeding \$2,000.00 per member(s) and/or team(s);
- Reparation;
- Suspension for a specified number of matches or period of time;
- Exclusion orders from attending matches or having any involvement with any Club team(s) playing matches;
- Community or Club service at the Club's discretion;
- Suspension from involvement in Rugby officiating and/or administration;
- Termination of the member(s) or team(s) membership of the Club; or
- Any other punishment that the Executive sub-committee or Executive on appeal deems appropriate.

36(k) The Executive has the full and binding discretion to impose a penalty for any breach or misconduct of any member(s) or team(s) as it deems appropriate from time to time.

36(l) The Executive has the discretion to rely on the Wellington Rugby Football Union (Inc.) By-Laws and the Black Book, but is in no way constrained by the timeframes or formalities of the same.

36(m) The Executive has the discretion to discipline any member(s) or team(s) of the Club where the Wellington Rugby Football Union or any other body has also disciplined the member(s) or team(s) for any breach of clause 34(a).

36(n) The Executive sub-committee's notice of its decision must state that the member(s) or team(s) may appeal to the Executive at the next Executive Meeting by giving written notice to the Secretary ("disciplinary notice") within 7 days of the member(s) or team(s) receipt of the Executive sub-committee's decision.

36(o) If the member(s) or team(s) gives the member(s) or team(s) notice to the Secretary, the member(s) or team(s) will have the right to be heard at the next Executive Meeting. If the member(s) or team(s) chooses, the member(s) or team(s) may provide the Secretary with a written explanation of the events as the member(s) or team(s) sees them ("the explanation") and the member(s) or team(s) may require the Secretary to give the explanation to every other member within 7 days of the Secretary receiving the explanation. If the member(s) or team(s) is not satisfied that the other Executive members have had sufficient opportunity to consider the explanation, the member(s) or team(s) may defer their right to be heard until the following Executive Meeting.

[Return to Contents](#)

36(p) When the member(s) or team(s) is heard at a General Meeting, the Club may question the member(s) or team(s) and the Committee members.

36(q) The Executive shall then by majority vote decide whether to let the Executive's decision stand, or whether the Executive shall reconsider the penalty awarded. The Executive's decision will be final.

36(r) For the avoidance of doubt, the Executive may delegate its powers under clause 36(a) to any sub-committee, adjuncts, sections or other bodies as it deems in its sole discretion appropriate from time to time.

36(s) Any active member of the Club who is eligible to vote at a General Meeting can bring a formal complaint about any Club Member(s) or Team breaching Clause 35 and/or the Club's Code of Conduct by sending a formal written document to the Secretary (via post or email) setting out the nature of the complaint. The Secretary shall advise the Executive of the complaint which will in turn follow the procedures set out in Clause 36. Receipt of the complaint shall be acknowledged by the Secretary in writing who will then set out the procedures that will be followed and the timeframe for the resolution of the complaint.

36(t) any complaint received by the Club from non-eligible member(s) will be forwarded to the Executive for resolution via the Secretary, where, at the Executive's discretion, the complaint may be resolved using the formal procedures set out in Clause 36.

MONEY AND OTHER ASSETS OF THE CLUB

37. USE OF MONEY AND OTHER ASSETS

37(a) The Club may only use money and other assets if:

- It is for a purpose of the Club;
- It is not for the sole personal or individual benefit of any member; and
- That use has been approved by either the Executive or by majority vote of the Club.

[Return to Contents](#)

38. JOINING FEE, SUBSCRIPTIONS AND LEVIES

38(a) The Club will decide by majority vote at a Club meeting:

- What a member must pay to join the Club ("joining fee"); and
- What a member must pay in order to stay a member ("subscription") and how often the subscription must be paid.

38(b) The Executive may by majority vote impose a fee or levies on members up to a maximum total of \$500.00 in any one financial year.

38(c) All members except Life Members will pay to the Club a subscription for each season at a rate to be determined by each Annual General Meeting. All subscriptions will be paid to the Treasurer or such persons as the Treasurer may nominate before the first day of June in each season or, in the case of new or late returning active members joining or returning to the Club on or after the first day of June, within one month of admission or re-admission to the Club.

[Return to Contents](#)

38(d) If any member does not pay a subscription or levy by the date set by the Executive or the Club, that member will have a further period of 7 days to pay the subscription or levy. After the 7 day period, the member will (without being released from the obligation of payment have no membership rights and will not be entitled to participate in any Club activity until all arrears are paid and the member's Membership will be suspended until all arrears are paid in full.

[Return to Contents](#)

39. ADDITIONAL POWERS

39(a) The Club may:

- Employ people for the purposes of the Club. An employee of the Club will be precluded from holding any elected position in the Club;
- Exercise any power a trustee might exercise;
- Invest in any investment that a trustee might invest in;
- Borrow money and provide security for that if authorised by majority vote at any Club meeting.

[Return to Contents](#)

40 FINANCIAL

40(a) The financial year of the Club begins on 1 September every year and ends on 31 August of the next year.

40(b) The Club will ensure proper accounting records have been kept which present fairly the Club's financial position and financial performance. Financial statements will be presented by the Treasurer at each Annual General Meeting. This requirement also applies to the Executive, Sub-Committees, adjuncts, sections, teams and other bodies associated with the Club who may have cause to open bank accounts for which the Club has real or assumed responsibility.

40(c) Funds of the Club may be expended and liabilities incurred by the Club or the Executive, or any Sub-Committee, section, team or other body associated with the Club, only with the approval of the Executive and all or any other bank account or accounts shall be operated by the Treasurer and such other person or persons as authorised by the Executive as signatories to any particular account.

40(d) All funds received by or on behalf of the Club or other body associated with the Club will be banked in such bank account or accounts as may be determined by the Executive.

40(e) The Executive and every Sub-Committee will complete annual accounts within 2 calendar months of the conclusion of WRFU competition matches and forward these to the Treasurer who will include each such financial report in the Accounts of the Club presented to the Annual General meeting.

40(f) The Executive may direct at any time that an Interim Financial report, including details on any matter it deems relevant or expedient, be furnished to it in writing by the person or persons having control of any monies, funds, assets, or liabilities on behalf of the Club.

[Return to Contents](#)

41. PAYMENTS

41(a) All payments made by the Club must be by electronic transfer.

41(b) Every electronic transfer must be authorised by the Chair, or the Treasurer, or the Executive's duly appointed signatory and countersigned by one other Executive member.

41(c) The Club is authorised to receive donations as decided by the Executive from time to time. The Club is also authorised to make donations as decided by the Executive from time to time, provided the donations are pursuant to the objects of the Club.

[Return to Contents](#)

42. APPOINTMENT OF AN AUDIT REVIEWER

At the Annual General Meeting in each year, a Chartered Accountant or a Chartered Accountancy firm (or any such person/organisation deemed by the AGM qualified to undertake the intended review) shall be appointed for that year to review the accounts of the Club, assist in preparing and filing the accounts (if required) and certify his, her, or its satisfaction that the accounts are in order following that review. In the event that the Chartered Accountant or the accountancy firm shall retire from that role for whatever reason during that year, the Executive shall have the power to replace that person or firm.

That person or firm shall have access to all information as he, she or it thinks necessary for the proper performance of his/her or its duties.

[Return to Contents](#)

43 ALTERING THE RULES OR NAME OF THE CLUB

43(a) The Club may alter or replace these Rules, or alter the name of the Club, at a General Meeting by a resolution passed by a two-thirds majority of those members present and eligible to vote.

43(b) Notwithstanding any other provision of these Rules, any proposed motion to amend or replace these Rules shall be signed by at least 14 members and given in writing to the Secretary at least 28 days before the General meeting at which the motion is to be considered and accompanied by a written explanation of the reasons for the proposal.

43(c) At least 14 days before the General Meeting at which any Rule change is to be considered the Secretary will give to all members' written notice of the proposed motion, the reasons for the proposal and any recommendations the Executive has. Written notice will be deemed to be provided to all members if the proposed motion, the reasons for the proposal and any recommendations the Executive has are published on the Club's Website at least 14 days before the General Meeting.

43(d) When a rule change is approved by a General Meeting the Executive will cause to be filed with the Registrar of Incorporated Societies advice of the Rule changes in the required form.

[Return to Contents](#)

44. WINDING UP

44(a) If the Club is wound up:

- The Club's debts, costs and liabilities shall be paid;
- Surplus money and other assets of the Club may be disposed of:
- By resolution; or
- According to the provisions in the Incorporated Societies Act 2022.
- No distribution may be made to any member.
- The surplus money and other assets shall be distributed to Victoria University of Wellington and Wellington College in the proportions and amounts that the Executive deem appropriate.

[Return to Contents](#)

45. Definitions

In these Rules:

“Chair” means a person in the Executive who Chairs meetings and undertakes the role defined in clause 22(a).

“Club meeting” means any Annual General Meeting, or any Special General Meeting, but not an Executive meeting.

“Club Website” means the Club's official website <http://oburugby.com> or any other website that the Executive deems to be the Club's website from time to time.

“Code of Conduct” means the document attached as Schedule 1 to this constitution.

“electronic transfer” means a transfer of funds that is initiated by electronic means such as computer, telephone or ATM.

“Executive” means the Executive of the Club.

“Executive meeting” means a meeting of the Executive.

“Executive member” means any member who is on the Executive.

“Financial Documentation” means all documentation that relates to the finances of the Club.

“financial member” means an unsuspended member of the Club who has fully paid any subscription or fee deemed payable or has had said fees waived by the Executive or Annual General Meeting for the applicable financial year. Unsuspended Life Members, Honorary members and Executive members are also deemed financial members for the purposes of this constitution.

“financial year” means the year beginning and end as the Club decides for tax purposes.

“General Documentation” means all documentation that does not fit within the meaning of Financial Documentation.

“Junior Club” means the OBU Roosters Junior Rugby Club Incorporated or any successor body whether incorporated or unincorporated.

“Majority vote” means a vote made by more than half of the members who are present at a meeting and who are entitled to vote and voting at that meeting upon a resolution put to that meeting.

“meeting” means any General Meeting, any Special General Meeting and any Executive Meeting as the case may be.

“money or other assets” means any real or personal property or any interest therein, owned or controlled to any extent by the Club.

“Operational Decisions” means any decisions of the Club that are not of a financial nature, but relate to the day to day functioning of the Club.

“payment” means any transfer of legal tender by cash, electronic transfer, or any other means of paying legal tender.

“Rules” means these rules, being the rules of the Club.

“Secretary” means a person in the Executive whose role is defined in clause 22(d) of the Constitution.

“security” shall have the meaning ascribed to that term in the Securities Act 1978 or any Act passed in substitution therefore.

“Treasurer” means a person in the Executive whose role is defined in clause 22(e) of the Constitution.

“use money or other assets” means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any way deal with, Money or other assets.

“written notice” means hand-written, printed or electronic communication of words or a combination of these methods.

[Return to Contents](#)

46. INTERPRETATION

In this Constitution and in any other Regulations associated with this Constitution unless the context otherwise requires, any reference to:

- Statutory provisions will be construed as references to those provisions as they may be amended or re-enacted or as their application is modified by other provisions from time to time.
- Clauses are clauses to this Constitution and any Annexures referred to form part of this Constitution.
- Currency is to New Zealand currency.
 - The plural includes the singular and vice versa and words importing gender imports all genders.
 - Any obligation not to do something will be deemed to include an obligation not to suffer, permit or cause that thing to be done.

[Return to Contents](#)

SCHEDULE 1

CODE OF CONDUCT

Player Code of Conduct

- Players must abide by the laws of the game.
- Players must play their best and uphold fair play at all times.
- Players must never argue with the referee.
- Players must never put the Club into disrepute.
- Players must control their temper at all times.
- Players must play equally hard for themselves and their team.
- Players must exemplify commitment to the Club and their team at all times. This includes attending all practices and matches.
- Players must recognise the achievement of other players and applaud all good play, whether by your team or your opponent.
- Players must aim to have fun and improve their skills.
- Players must play for enjoyment.

Coach Code of Conduct

- Coaches must positively reinforce the actions of players.
- Coaches must lead by example.
- Coaches must be honest and promote honesty among players.
- Coaches must create an enjoyable environment in which to play the game.
- Coaches must encourage team respect for referees.
- Coaches must give all players the opportunity to participate in the game.
- Coaches must encourage and foster fairness and discipline.
- Coaches must be reasonable on the demand on player's time, energy and enthusiasm.
- Coaches must foster and encourage sportsmanship.

Spectator Code of Conduct

- Spectators must be positive with the referee and never interfere with the referee.
- Spectators must acknowledge the efforts of the referee.
- Spectators must let players play their game, not your game.
- Spectators must applaud the performance of both teams.
- Spectators must praise efforts, not results.
- Spectators must set an example for the players.

Elected Officers Code of Conduct

- Act in good faith and in the best interests of the Club.
- Exercise powers for proper purposes only.
- Comply with the Incorporate Societies Act 2022 and the Club's constitution.
- Exercise reasonable care and diligence.
- Not create a substantial risk of serious loss to creditors.
- Not incur an obligation the officer doesn't reasonably believe the Club can perform.
- Advise the Secretary of any conflicts of interest for inclusion in the Conflicts of Interest Register

[Return to Contents](#)

SCHEDULE 2

CONSENT AND CERTIFICATE OF OFFICER(S)

Officers elected by Annual General Meeting, Special General Meeting or appointed by the Executive (under its authority to make such appointments) must Register as an Officer of the Club using the Club's Registration system before conducting any authorised Club business.

By completing all required fields in the Club's Registration Form and agreeing to the terms and conditions, Officers are also completing & certifying their eligibility under the requirements of the Consent Form to be an Officer as set out in the Incorporated Societies Act 2022.

Before agreeing to the terms in the Club's Registration Form, Officers of the Club must ensure that they meet the qualification criteria set out in section 47 of the Incorporated Societies Act 2022 as follows:

1. Every officer of a society must be a natural person.
2. The following persons are disqualified from being elected or appointed or otherwise holding office as an officer of a society:
 - a). a person who is under 16 years of age
 - b). a person who is an undischarged bankrupt
 - c). a person 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
 - d). a person who is disqualified from being an officer of a charitable entity under section 31(4)(b) of the Charities Act 2005
 - e). a person who has been convicted of any of the following, and has been sentenced for the offence, within the last 7 years:
 - i. an offence under subpart 6 of Part 4 of the Incorporated Societies Act 2022
 - ii. a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act (1961)
 - iii. an offence under section 143B of the Tax Administration Act 1994
 - iv. an offence under section 22(2) of the Incorporated Societies Act 2022
 - v. an offence, in a country, State, or territory other than New Zealand, that is substantially similar to an offence specified in subparagraphs i - iv
 - vi. a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere.
 - f). a person who is subject to any of the following orders:
 - i. a banning order under subpart 7 of Part 4 of the Incorporated Societies Act 2022
 - ii. an order under section 108 of the Credit Contracts and Consumer Finance Act 2003
 - iii. a forfeiture order under the Criminal Proceeds (Recovery) Act 2009
 - iv. 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.

g). a person who is subject to an order that is substantially similar to an order referred to in paragraph f). under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the regulations.

h). in relation to the society, a person who does not comply with any qualifications for officers contained in the society's constitution.

3. A natural person who is disqualified from being an officer but who acts as an officer is an officer for the purposes of a provision of this Act that imposes a duty or an obligation on an officer.

Club Registration Procedures and Requirements

For the Officer Registration Form, under the requirements of the Incorporated Societies Act 2022, the following minimum information is to be collected, certified by the registering officer & appropriately stored:

Society Name:

Wellington College Old Boys & Victoria University of Wellington Rugby Football Club Inc.

Registration Number:

217783

Officer's Details:

Full Legal Name (as shown in appropriate identification such as passport):

First Name Middle Name(s) Surname

Contact street address

Contact email address

Date elected / appointed: (date of AGM, SGM or Executive Meeting)

The following declaration is to be included in the terms and conditions for certification by the registering Officer:

I consent to be an Officer of Wellington College Old Boys & Victoria University of Wellington Rugby Football Club Inc. and certify that I am not disqualified from being appointed or holding office as an Officer of a society, under the terms of the Incorporated Societies Act 2022.

[Return to Contents](#)