

**Road Controlling Authorities Forum (New Zealand)
Incorporated Rules**

April 2013

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Background

- A The New Zealand Transport Agency (NZ Transport Agency), Department of Conservation, Local Government New Zealand, and the local authorities of New Zealand are members of the Road Controlling Authorities Forum (New Zealand) Incorporated, an Incorporated Society under the Incorporated Societies Act 1908.
- B The Incorporated Rules developed for the Society in 2006 are now out of date and need to be revised. These are the revised Incorporated Rules, as agreed by the Society.

1 Formation

Name

- 1.1 The name of the Society shall be Road Controlling Authorities Forum (New Zealand) Incorporated (the **Society**).

Registered office

- 1.2 The registered office of the Society shall be at such place as the Executive Committee from time to time determines.

Objectives

- 1.3 The key objective of the Society is to be a knowledge community of Roading Asset Managers. The charitable aims and objects of the Society to the extent they are a charitable purpose within New Zealand are:
- To grow, capture and transfer knowledge and expertise to ensure that appropriate skills and capability are maintained within our member organisations.
 - To be the acknowledged point of contact between practitioners and researchers, policy developers, standard worker, and innovators in the pursuit of furthering and refining and embedding best practice.
 - To benefit the public of New Zealand by developing and promoting nationally consistent asset management and Roading standards including approaches to improving safety..
 - To enable member organisations to benchmark their performance.
 - To strengthen capability in the industry around being an exemplar client ensuring good performance around investment decisions, smart purchasing, procurement, balancing service levels and customer expectations.
- 1.4 For the avoidance of doubt, the objects of the Society expressed in clause **Error! Reference source not found.** are in no particular order or priority.
- 1.5 The Society's objects shall only be carried out in and to benefit people in New Zealand, however the Society may carry out activities outside New Zealand to promote the Society or the Society's activities, but only if the Society believes that such activities will be for the ultimate benefit of the people of New Zealand.

Powers of the Society

- 1.6 In addition to its statutory powers, the Society:
- 1.6.1 may use its funds to pay the costs and expenses of furthering or carrying out its objects, and for that purpose may employ such people as necessary;
 - 1.6.2 may purchase, lease, hire or otherwise acquire, may exchange, and may sell, lease or otherwise dispose of property, rights or privileges to further or carry out its objects as necessary;
 - 1.6.3 may negotiate joint venture agreements and other contracts to achieve the Society's objects;
 - 1.6.4 may invest in any investment in which a trustee may invest;
 - 1.6.5 shall have the power to borrow or raise money by debenture, bonds, mortgage and other means with or without security. However, this borrowing power shall only be exercised by a resolution at a General Meeting of which 10 clear days prior written notice has been given to all members;
 - 1.6.6 shall have the power to establish subsidiaries, and incorporate companies of which it can be a shareholder, for assisting in the furtherance of the Society's objectives; and
 - 1.6.7 shall have the power to do all lawful acts and things incidental or conducive to the attainment of the Society's objects.
- 1.7 Notwithstanding any other provision, the Society shall only use its money to further its charitable purposes as stated in clause 1.3 No money of the Society is to be applied for the sole personal or individual benefit of any member (see clause 1.8).

Prohibition against personal pecuniary profit

- 1.8 In the carrying on of any activity under these rules, and in the expenditure of Society funds, no benefit, advantage or income shall be afforded to or received, gained, achieved or derived by any member of the Society where that member, in his or her or its capacity as a member of the Society, is able in any way (whether directly or indirectly) to determine, or to materially influence the determination of:
- 1.8.1 the nature or amount of that benefit, advantage or income;
 - 1.8.2 the circumstances in which that benefit, advantage or income is, or is to be, so afforded, received, gained, achieved or derived.

2 Membership and representatives of members

New members (Member Organisations)

- 2.1 Any Organisation may become a member of the Society, either by virtue of being entitled to be a member, or upon application in accordance with these rules.
- 2.2 The following Organisations are entitled to be members of the Society and shall be admitted as members on provision of the information required by clause 2.9, and payment of the subscription in accordance with these rules:
- 2.2.1 any NZ local authority or council controlled organisation responsible for managing roads
 - 2.2.2 the NZ Transport Agency;

- 2.2.3 the Department of Conservation;
 - 2.2.4 Local Government New Zealand;
 - 2.2.5 Auckland Transport,
 - 2.2.6 Any NZ Local Authority Council Controlled Entity or Joint Venture responsible for Roothing Infrastructure
- 2.3 Any Organisation not mentioned in clause 2.2 may become a member by applying to the Executive Committee and paying the subscription, in accordance with these rules.
- 2.4 An individual belonging to a Member Organisation shall be described as a representative of the Member Organisation. Any representative of a Member Organisation must have a professional interest in matters relating to roading and/or road safety.

Associate membership – combined to be 2.3

Application for membership

- 2.5 To apply for membership of the Society, any Organisation who is not mentioned in clause 2.2 must submit an application in the form set out in Schedule 1. The application form must be lodged with the Executive Member (Administration) who must promptly refer the application to the Executive Committee. The Executive Committee must then decide whether to approve or reject each application.

Procedure if nomination accepted

- 2.6 If the Executive Committee approves an application, the Executive Member (Administration) must promptly notify the applicant Organisation in writing requesting that the applicant pay the subscription. If the amount is received within 28 days after the date of the notice from the Executive Member (Administration), the Executive Member (Administration) must enter the name of the applicant Organisation in the register of members. The applicant Organisation is then a member of the Society and shall be known as a “Member Organisation”.

Subscription

- 2.7 From time to time the Executive Committee shall set the formula for calculation of the subscription payable by members, which shall include a differential relating to the population or other base to which the Organisation is accountable.
- 2.8 Members must pay the subscription within one month of receipt of a notice of subscription. The Executive Committee shall not issue a notice of subscription more frequently than twice in any twelve month period.

Register of members

- 2.9 The Executive Member (Administration) shall keep and maintain a register of members in which shall be entered:
- 2.9.1 the full name of each Member Organisation and its address;
 - 2.9.2 the name and contact details of the nominated contact person for each Member Organisation; and
 - 2.9.3 the date of entry.
- 2.10 The register shall be available for inspection and copying by members upon request.

Resignation of member

- 2.11 A member of the Society may resign from the Society by giving notice in writing to the Executive Member (Administration) of its resignation.
- 2.12 The Executive Member (Administration) must record in the register of members the date on which the member ceased to be a member.

Expulsion of a member

- 2.13 If the Executive Committee believes that a member has failed to comply with these rules, or is guilty of conduct unbecoming of a member or prejudicial to the interests of the Society, it may resolve to do any of the following:
- 2.13.1 expel the member from the Society;
- 2.13.2 suspend the member from membership of the Society for a specified period.

Executive Committee must inform member of expulsion, suspension or fine

- 2.14 The Executive Committee must promptly notify the member of its resolution to expel or suspend the member and the grounds on which it is based.

Cessation of membership

- 2.15 A member who has resigned or been expelled from the Society shall cease to hold itself, himself or herself out as a member of the Society and shall return to the Society all material produced by the Society (including membership certificate, handbooks and manuals).

Readmission of former members

- 2.16 Any former member may apply for readmission as a member in the manner prescribed for admission of new members.

3 Meetings

Annual general meeting

- 3.1 The Society must convene an annual general meeting of its members in each calendar year. The Executive Committee must set the date of the meeting. The notice convening the annual general meeting must state that the meeting is the annual general meeting. The ordinary business of the annual general meeting is as follows:
- 3.1.1 to confirm the minutes of the last annual general meeting and any General Meeting held since that meeting;
- 3.1.2 to receive from the Executive Committee reports on the transactions of the Society during the last financial year;
- 3.1.3 to elect the Executive Members of the Executive Committee.
- 3.2 The meeting may also transact any special business of which notice is given in accordance with these rules.

Special general meetings

- 3.3 Any General Meeting of the Society except the annual general meeting is a special general meeting. The Executive Committee may convene a special general meeting

whenever it thinks fit. Reference in these rules to General Meetings includes both annual general meetings and special general meetings.

Special general meeting at request of members

- 3.4 The Executive Committee must also convene a special general meeting if not less than 3% of the total number of Member Organisations request the Executive Member (Administration) in writing to do so. The request must state the purpose of the meeting and must be signed by a representative of the Member Organisations making the request.

Notice of meetings

- 3.5 At least 14 days before the date fixed for a General Meeting of the Society, the Executive Member (Administration) must send each member of the Society a notice specifying the place, date and time of the meeting and the nature of the business to be transacted at it. The notice must be sent to the address and for the attention of the contact person noted in the register of members.

Limitation on business to be transacted

- 3.6 No business may be transacted at a General Meeting of the Society except the business specified in the notice of meeting. A member who wants an item of business to be transacted at a General Meeting may give notice of the business in writing to the Executive Member (Administration). The Executive Member (Administration) must include the business in the next notice of a General Meeting.

Quorum

- 3.7 An item of business may not be transacted at a General Meeting unless a quorum of Member Organisations entitled to vote is present while the item is being transacted. The quorum is at least 20 people from the Member Organisations. If a quorum is not present at the time for commencement of a meeting and is still not present half an hour later, the following rules apply:
- 3.7.1 if the meeting was convened at the written request of Member Organisations, the meeting is automatically dissolved;
 - 3.7.2 in any other case, the meeting is adjourned to another time and at the same place unless the chairperson specifies another place at the time of the adjournment or by a written notice given to members at least 24 hours before the date of the adjourned meeting.
- 3.8 If a quorum is not present at the time of the commencement of an adjourned meeting, and is still not present half an hour later, the quorum becomes 3 Member Organisations. If that quorum is not present, the meeting is automatically dissolved.

Chairperson at meetings

- 3.9 Every General Meeting of the Society will be chaired jointly by the Executive Member who is the representative of the NZ Transport Agency and the Executive Member who is the representative of Local Government New Zealand (the **chairpersons**). Where one or both of those persons are not present, their place shall be taken either by another representative from the NZ Transport Agency or Local Government New Zealand, or by a person (or persons) selected by the Executive Committee.

Adjournment of meetings

- 3.10 The chairpersons of a General Meeting at which a quorum is present may adjourn the meeting with the consent of the quorum. If a meeting is adjourned for 14 days or

more, notice of the adjourned meeting must be given in the same manner as the original meeting (refer to clause 3.5).

Limitation on business

- 3.11 No business may be transacted at an adjourned meeting except the business left unfinished at the original meeting.

Voting rights

- 3.12 Any representative of a Member Organisation is entitled to vote on any question that is to be decided at a General Meeting, provided that the representative is present at the meeting.
- 3.13 If votes on a question are tied, the motion is lost. The chairpersons of the meeting do not have a second or casting vote.

Voting by show of hands

- 3.14 A question that is to be decided at a General Meeting of the Society is to be decided on a show of hands of representatives of Member Organisations present at the meeting. Unless a poll is demanded in accordance with clause 3.15, a declaration by one of the chairpersons that a resolution has been carried, carried unanimously, carried by a particular majority, or lost, plus an entry to that effect in the minute book of the Society, is evidence of that fact, without proof of the number or proportion of the votes recorded for and against that resolution.

Demanding of poll

- 3.15 If at least 3 Member Organisations entitled to vote at a General Meeting demand a poll on a question that is to be decided at the meeting, the chairpersons must comply with that demand. The demand may be made before a show of hands of representatives of Member Organisations or immediately after the chairpersons' declaration on a show of hands. In the latter case, the poll overrides the show.
- 3.16 A poll that is demanded on the election of a chairperson or on a question of an adjournment must be taken immediately. Any other poll must be taken before the close of the meeting.

The entitlement to vote

- 3.17 Any representative of a Member Organisation is entitled to vote at a General Meeting unless the Organisation by which he or she is employed or with which he or she is associated owes an amount to the Society that is overdue.

4 Executive Committee

Executive Committee to manage the Society

- 4.1 The Society is to be managed by the Executive Committee. The Executive Committee may exercise all the powers of the Society except those that the rules require to be exercised at an annual general meeting or special general meeting.
- 4.2 The Executive Committee comprises a group of Executive Members, who will be equally responsible for the effective management of the Society. The Executive Members shall be:
- 4.2.1 A representative appointed by the NZ Transport Agency;
 - 4.2.2 A representative appointed by Local Government New Zealand;

- 4.2.3 A representative appointed by the Department of Conservation;
 - 4.2.4 A representative appointed by Auckland Transport;
 - 4.2.5 A minimum of 4, but no more than 7 representatives elected in accordance with clause 4.8.
- 4.3 The Executive Committee will jointly appoint an Executive Member to each of the following roles:
- 4.3.1 Executive Member (Administration)
 - 4.3.2 Executive Member (Finance)
- 4.4 A list of the current Executive Members (including the members appointed to the Administration and Finance roles) will be included on the Society's website.

Chairperson of Executive Committee

- 4.5 The Executive Committee shall be chaired by the Executive Member who is the representative of the NZ Transport Agency, or in that person's absence, by a deputy chairperson elected annually by the Executive Committee.

Functions of the Executive Member (Administration)

- 4.6 The Executive Member (Administration) of the Society must:
- 4.6.1 keep minutes of the resolutions and proceedings of each General Meeting and each Executive Committee meeting in the Society's minute book and the Executive Committee's minute book. The Executive Member (Administration) must record in the minutes of an Executive Committee meeting the name of the Executive Committee members present;
 - 4.6.2 keep members of the Executive Committee informed promptly of all significant events;
 - 4.6.3 maintain regular communication with members;
 - 4.6.4 provide such information as may be requested from time to time by any member;
 - 4.6.5 complete such other duties as the Executive Committee may determine from time to time.

Executive Member (Finance) to keep accounts

- 4.7 The Executive Member (Finance) must collect all money due to the Society and make all payments authorised by the Society. The Executive Member (Finance) must also keep accurate books and accounts of the financial affairs of the Society including full details of receipts and expenditure.

Election of Executive Members

- 4.8 The Executive Member roles on the Executive Committee (other than the representative Executive Members in clause 4.2.1 – 4.2.4) shall be elected by the majority of representatives of Member Organisations at the annual general meeting each year. All Executive Members must be a representative of a Member Organisation.
- 4.9 Each Executive Member shall be appointed for a two year period. Executive Members hold office until the end of the annual general meeting 2 years after the date of his or

her election or appointment. Each Executive Member is eligible for re-election or re-appointment.

- 4.10 If there is a casual vacancy in an Executive Member role on the Executive Committee, the Executive Committee may appoint a representative of a Member Organisation to fill the vacancy. That person holds office until the end of the next annual general meeting after the date of the appointment.

Nomination for election

- 4.11 A nomination of a candidate for election as an Executive Member must be in writing and signed by representatives of 2 Member Organisations. It must be accompanied by a written consent of the candidate (which may be endorsed on the nomination). It must be given to the Executive Member (Administration) at least 7 days before the date of the annual general meeting.
- 4.12 If only one nomination is properly made for an Executive Member role, the candidate nominated is to be treated as having been elected.
- 4.13 If no nomination is properly made for an Executive Member role, further nominations must be called for at the annual general meeting.

Vacation of office

- 4.14 The office of an Executive Member becomes vacant if:
- 4.14.1 the Executive Member or the Organisation the Executive Member is employed by or associated with ceases to be a member of the Society;
 - 4.14.2 the Executive Member resigns from office by giving the Executive Member (Administration) notice in writing (If the Executive Member (Administration) resigns, then notice must be given to the chairperson of the Executive Committee);
 - 4.14.3 the Executive Member ceases to be employed by or associated with an Organisation which is a member of the Society;
 - 4.14.4 the Executive Member becomes bankrupt;
 - 4.14.5 the Executive Member dies.

Removal from Executive Committee

- 4.15 A General Meeting of the Society may resolve to remove an Executive Member before his or her term of office ends, and may appoint another person in his or her place for the remainder of the term.

Proceedings of Executive Committee

- 4.16 The Executive Committee must meet at least 3 times each calendar year. The chairperson or any 4 Executive Members may convene a meeting. Adequate notice of a meeting must be given to Executive Members. The notice must specify the place, date and time of the meeting and the nature of business to be transacted at it.

Quorum at an Executive Committee meeting

- 4.17 An item of business may not be transacted at an Executive Committee meeting unless a quorum of members entitled to vote is present while the item is being transacted. The quorum is 4 Executive Members. If a quorum is not present at the time for commencement of a meeting, and is still not present half an hour later, the meeting is adjourned to another time and at the same place unless the chairperson

specifies another place at the time of the adjournment or by written notice given to the Executive Members at least 24 hours before the date of the adjourned meeting.

- 4.18 If a quorum is not present at the time of the commencement of an adjourned meeting, and is not present half an hour later, the meeting is automatically dissolved.

Adjournment of Executive Committee meetings

- 4.19 The chairperson of an Executive Committee meeting at which a quorum is present may adjourn the meeting with the consent of the quorum. If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in the same manner as the original meeting (refer to clause 4.16).

Voting by show of hands at an Executive Committee meeting

- 4.20 A question that is to be decided at an Executive Committee meeting must be decided on a show of hands. Unless a poll is demanded in accordance with the next clause, a declaration by the chairperson that a resolution has been carried, carried unanimously, carried by a particular majority or lost, plus an entry to that effect in the minute book of the Society, is evidence of the fact, without proof of the number or proportion of the votes recorded for and against that resolution.

Demanding a poll at an Executive Committee meeting

- 4.21 If at least 3 members entitled to vote at an Executive Committee meeting demand a poll on the question that is to be decided, the chairperson must comply with that demand. The demand may be made before a show of hands or immediately after the chairperson's declaration on a show of hands. In the latter case the poll overrides the show of hands.

Entitlement to vote at an Executive Committee meeting

- 4.22 A person is entitled to vote at an Executive Committee meeting unless the Organisation he or she is employed by or associated with owes an amount to the Society that is overdue.

Subcommittees

- 4.23 The Executive Committee may appoint subcommittees of the Society consisting of such persons and for such purposes as the Executive Committee thinks fit. At least 2 members of every subcommittee must be representatives of a Member Organisation. Subcommittees shall only have the powers and duties that are conferred on them by the Executive Committee. Subcommittees may be known as 'working groups'.

Indemnity

- 4.24 The members of the Executive Committee and any subcommittee appointed under clause 4.23 shall at all times be held indemnified by the Society from and against all claims, acts, proceedings and damages made, suffered or sustained by an Executive Committee or subcommittee member as a result of his or her carrying out in good faith the requirements of the Executive Committee, subcommittee or the Society.

5 Incorporation and Charities Act 2005

Incorporation under the Incorporated Societies Act 1908

- 5.1 The Executive Committee shall ensure the continuing incorporation of the Society under the Incorporated Societies Act 1908.

Charitable status under Charities Act 2005

- 5.2 The Executive Committee shall ensure that the Society retains its status as a Charitable entity under the Charities Act 2005 by ensuring that the Society is maintained exclusively for charitable purposes and is not carried on for the private pecuniary profit of any individual.

Common seal

- 5.3 The common seal of the Society shall be held by the Executive Member (Administration) who shall be responsible for its safe custody. Any documents required to be signed under the common seal shall be attested by any 2 Executive Members in accordance with clause 6.4.1.

6 Miscellaneous

Alteration of rules

- 6.1 The rules of the Society may be altered, added to or rescinded at any General Meeting of the Society provided that the addition, alteration or rescission does not jeopardise the Society's ability to retain its status as a Charitable Entity (see clause 5.2). The notice given to members shall contain a copy of or state briefly the nature of the resolution to be moved at the General Meeting. A copy of the motion, resolution or business shall be lodged with the Executive Member (Administration) at least 14 days prior to the meeting. The resolution shall be effective if passed by not less than three quarters of the members present at the meeting.
- 6.2 The Society shall register any alteration or addition to the rules as required by the Incorporated Societies Act 1908 or any Act passed in substitution for it.

Execution of documents

- 6.3 The Executive Member (Administration) shall retain the common seal of the Society.
- 6.4 Documents shall be executed by the Society pursuant to a resolution of the Executive Committee:
- 6.4.1 by affixing the common seal witnessed by any two Executive Members; or
 - 6.4.2 where the document is not required by statute to be executed under common seal, by any two Executive Members signing on behalf of the Society.

Annual financial statements

- 6.5 Every year a set of annual financial statements shall be prepared by or at the instigation of the Executive Member (Finance) showing all the receipts and expenditure of the Society since the preceding annual financial statements and shall include a general statement of the funds, effects, liabilities, assets and all mortgages, charges and securities of any description affecting any property of the Society.
- 6.6 The annual financial statements shall be audited prior to the annual general meeting in each year.
- 6.7 The annual financial statements shall be submitted to and approved by the members at the annual general meeting of the Society.
- 6.8 The Executive Member (Finance) shall send the annual financial statements and a certificate in the required form signed by him or her certifying that the annual financial statements have been approved, to the Registrar of Incorporated Societies.

Financial year

- 6.9 The financial year of the Society shall be from 1 April to 31 March or as may otherwise be determined by the Executive Committee.

Fees and expenses for Executive Committee members

- 6.10 Executive Members shall be entitled to reimbursement of reasonable travel and other expenses incurred while on Society business, as approved by the Executive Committee.
- 6.11 The Executive Member (Administration) and the Executive Member (Finance) shall be entitled to reimbursement for the reasonable costs associated with the administration of the Society. These costs will be determined and agreed by the Executive Committee.

Liability of members

- 6.12 No member shall be under any liability in respect of any contract or other obligation made or incurred by the Society.

Winding up

- 6.13 The Society may be dissolved and its affairs wound up by a resolution passed by a majority of votes at a General Meeting. The notice for that General Meeting must specify winding up the Society as the business, or part of the business, of the meeting.
- 6.14 If the Society is wound up, the surplus assets after payment of all debts, costs and liabilities shall be disposed of in accordance with the terms of a resolution passed at a special general meeting called for that purpose. The surplus assets or funds must be given or transferred to some other Charitable Entity within New Zealand having charitable objectives similar to those of the Society.
- 6.15 No portion of the assets or the funds of the Society may be transferred directly to any member or members of the Society.

Notices

- 6.16 A notice or other document may be served on a member of the Society either personally or by sending it by post, facsimile or email to the member, and at the address, shown on the register of members. A notice or other document sent by post is to be treated as having been given to the member:
- (a) if sent by post, at the time the letter would have been delivered in the ordinary course of the post;
 - (b) if sent by facsimile or email, on the date of transmission.

7 Definitions

- 7.1 In these rules the following definitions apply:

Associate member - removed

Charitable Entity means a charitable entity as defined in the Charities Act 2005.

Executive Committee means the committee which manages the Society, comprising the Executive Members listed in clause 4.2.

Executive Member means a member of the Executive Committee.

Executive Member (Administration) means the Executive Member who has been appointed by the Executive Committee to be the Executive Member (Administration).

Executive Member (Finance) means the Executive Member who has been appointed by the Executive Committee to be the Executive Member (Finance).

General Meeting means a special general meeting or an annual general meeting of the Society.

Member Organisation means an Organisation approved as a member under clause 2.6.

Organisation means a company, incorporated society, incorporated charitable trust, local authority (as defined in the Local Government Act 2002), or other corporate body or organisation.

Society means Road Controlling Authorities Forum (New Zealand) Incorporated.

Schedule 1

Application for membership of Road Controlling Authorities Forum (New Zealand) Incorporated (Society) (clause 2.5)

To: Executive member (Administration)

Name of Organisation	
Address of Organisation	
Nature of Organisation	

Name of nominated contact person	
Contact person's designation/title	
Contact person's email address	
Contact person's phone number(s)	

The above Organisation applies for membership of the Road Controlling Authorities Forum (New Zealand) Incorporated, and nominates the person named above as the contact person for the Organisation.

<p>_____</p> <p>Signed for and on behalf of the Organisation</p> <p>Full name:</p> <p>Position:</p> <p>Date:</p>
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