

***Qualifications of officers of charitable entities***

- (1) A person who is not disqualified by this section is qualified to be an officer of a charitable entity.
- (2) The following persons are disqualified from being officers of charitable entities:
  - (a) an individual who is an undischarged bankrupt:
  - (b) an individual who is under the age of 16 years:
  - (c) an individual who, or a body corporate that, has been convicted of either of the following and has been sentenced for the offence within the last 7 years:
    - (i) a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961):
    - (ii) an offence under [section 143B](#) of the Tax Administration Act 1994:
  - (d) an individual who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the [Companies Act 1993](#), the [Financial Markets Conduct Act 2013](#), or the [Takeovers Act 1993](#):
  - (e) an individual who, or a body corporate that, is disqualified from being an officer of a charitable entity under [section 31\(4\)](#):
  - (f) an individual who is subject to 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 body corporate that is being wound up, is in liquidation or receivership, or is subject to statutory management under the [Corporations \(Investigation and Management\) Act 1989](#):
  - (h) in relation to any particular entity, an individual who, or a body corporate that, does not comply with any qualifications for officers contained in the rules of that entity.
- (3) Subsection (2) does not apply to an officer of an entity if that officer was appointed, under an Act, by the Governor-General, by the Governor-General in Council, or by a Minister.
- (4) The Board may waive the application of any of the disqualifying factors set out in subsection (2)(a) to (g) in relation to an officer of that entity.
- (5) If the Board waives the application of a disqualifying factor set out in subsection (2)(a) to (g), the officer to whom the waiver relates must not be treated as being disqualified from being an officer of a charitable entity in relation to the entity by reason of the application of that disqualifying factor.
- (6) The waiver may be granted on any terms or conditions that the Board thinks fit.
- (7) The Board may vary a waiver in the same way as a waiver may be granted under this section.
- (8) The Board may revoke a waiver granted under this section.