


Submission template

Submission on *Consultation on regulations for the Incorporated Societies Act 2022*

Your name and organisation

Name	Anthony Parker
Organisation (if applicable)	Acacia Park Landowners Association
Contact details	

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Responses to questions

Part 2 of the discussion document: section 254

	Matter	Question
1	<i>Prescribing information that must be included or provided</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(a)?
		<p>NZBN MBIE proposes that, under the regulations, the information accompanying the amendment, and amended constitution, should include among other things a society's NZBN but MBIE do not propose that Information to be included in an incorporation application includes the society's NZBN. Is it necessary for societies to have a NZBN? Not all societies have a NZBN or would seem to need one. Getting one is another extra job which societies have to do. What are the reasons behind the proposal that all societies must have one to register an amendment?</p> <p>If it is considered necessary, then surely if it has to be included in the information accompanying an amendment, then it should also be included in the information when making an incorporation application.</p> <p>Registered Office - Section 9a Of the Act – Information to be included in an incorporation application. The proposed regulations state that the physical address of the registered office must be included in the application. If incorporated societies need to provide a contact address, an address for service and the addresses and contact details of all officers why do they need to have a registered office? The NZ Companies Office describes the registered office as the place where a company's books and records are kept. In our society the treasurer keeps all the financial records, and the secretary keeps all the minutes and other records. They are not kept in one place.</p> <p>In what circumstances would it be necessary for MBIE to know where a society's records are kept? If they did need to know they could just contact one of the officers to find out where they are.</p> <p>Additionally, if MBIE decide that all societies must have a registered office perhaps there should be a clause detailing what the registered office must be used for eg. Keeping the society's records.</p> <p>Minutes – The act states that financial records must be kept for seven years but there is little mention of minutes other than in section 88 which says that members may request the minutes of the most recent general meeting.</p> <p>I would have thought that it would be prescribed that minutes of all meetings both committee and general should be kept and it would prescribed how long they should be kept for.</p>
2	<i>Prescribing the manner in which things must be done</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(b)?
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	<i>Prescribing how documents must be served on a society</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(r)?
18		<p>2.2.19.2 Service in legal proceedings 150. Based on section 387A of the Companies Act, we propose that regulations be made under section 254(1)(s) requiring documents in a legal proceeding to be served on officers of the society as follows: a. by delivery to the officer; or b. by leaving it at the officer's residential address or address for service; or c. by leaving it at the society's registered office or address for service; or d. by serving it in accordance with any directions as to service given by the court having jurisdiction in the proceedings; or e. in accordance with an agreement made with the officer; or</p> <p>I am concerned by the section that says leave it at the officer's residential address. It does not say whereabouts it must be left. Does it mean leaving it by the front door? Whereabouts on the property can it be left? I think it should only say leave it at the officer's address for service and not at the officer's residential address. There are plenty of other ways of serving the documents.</p>
19	<i>Prescribing how documents must be served on a person</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(s)?
20	<i>Prescribing matters relating to the incorporated societies register</i>	
21	<i>Specifying matters concerning conversion into an incorporated society</i>	

Part 3 of the discussion document: section 254

	Matter	Question
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Part 4 of the discussion document: section 254

	Matter	Question
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Other comments

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