

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

Your name and organisation

Name	Chris Winstanley
Organisation (if applicable)	
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)?
	I have a concern about the proposal that all officers are required to provide a postal address and email which will be published. For small Incorporated Societies where officers tend to be volunteers this seems an unnecessary step. It should be sufficient for the address for service and contact person's email to be supplied and published.	
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)?
	I have considerable concern that the only system for communicating and providing documentation for the Registrar is via the internet. While I note that there is provision to overrule this method there is no indication of the basis on which that will occur or the provision of alternative templates or paper forms. It is well documented that this type of strategy excludes the old and the poor. I would be sure that there are a variety of current small incorporated societies run by older volunteers that struggle with the internet and uploading documents.	
3	<i>Authorising the Registrar to determine the manner in which things must be done</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(c)?
4	<i>Declaring persons to be, or not to be, officers</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(d)?
5	<i>Prescribing circumstances related to independent committee members</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(e)?

6	<i>Prescribing jurisdictions whose officer disqualifications we will recognise</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(f)?
7	<i>Prescribing the types of changes in officer information that must be notified</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(g)?
		It seems unnecessarily onerous to require notification of officer changes at the time of the actual change rather than allowing it to be notified at the time of filing the annual return, particularly as you are proposing a fine of \$100 (under No 13) for failure to do this at the time. By contrast it would make sense to require change of contact person at the time of the actual change.
8	<i>Regulating constitutional provisions on conflicts of interest</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(h)?
9	<i>Prescribing societies that can restrict general meeting attendance to delegates</i>	Do you have any suggestions regarding regulations that should be made under section 254(1)(i)?
10	<i>Defining the term 'total current assets'</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(j)?
11	<i>Prescribing additional requirements for the financial statements of small societies</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(k)?
		I particularly support the proposal not to make the financial reporting for small incorporated societies more onerous.

12	<i>Determining the class of society that must have its financial statements audited</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(l)? For example, do you agree that focusing on the proportion of societies that should be captured is appropriate?
	I agree with setting the financial threshold for audit at \$3million	
13	<i>Setting infringement fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?
	<p>See comment under No 7 re fine for failure to notify officer change at the time of the change. Generally I would support the levels of the fines proposed but think further clarification is required for the circumstances under which they should be waived. My concerns would be coloured by the impact of the recent pandemic on the ability for small incorporated societies to manage AGMs or even maintain contact with all their membership as they were force online- it was particularly complicated for societies with old constitutions that did not consider electronic communication to be an option.</p> <p>I have a further concern (outlined again under No 15 and 18) if email to the contact person is the only form of contact person. My experience of smaller societies where the contact person is a volunteer, that societies fail to comply because of muddle rather than intent i.e. the previous contact person dies, or leaves or fails to do a proper handover and the new person doesn't know what their obligations are.</p>	
14	<i>Prescribing the information to be included in infringement and reminder notices</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(n)?
15	<i>Removal and restoration of societies from the register</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(o)?
	Okay but see comments under No 13 and 18. I do not believe using only email is sufficient. I note that the more extensive options for communication under No 18 are all either/or I believe at least two of the options e.g email and post should be used where the communications are so significant to the future of the society	
16	<i>Prescribing certain matters relating to surplus assets</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(p)?

17	<i>Prescribing procedural requirements for surplus asset 'resolutions'</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(q)?
18	<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)?
		I am happy with the range of options for communicating notices under 254(1)(r) and mitigation provided under No 146 but would prefer more than one method of serving notice should be used not just relying on an email- because the Registrar sent it does not mean it has been read.
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>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(t)?
21	<i>Specifying matters concerning conversion into an incorporated society</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(u), (v) or (w)?

Part 3 of the discussion document: section 254

	Matter	Question
22	<i>Setting fees for the performance of functions or the exercise of powers</i>	Do you have any suggestions on regulations that should be made under section 255(1)(a)?
23	<i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?

24	<i>Setting other fees</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 255(1)(c)?

Part 4 of the discussion document: section 254

	Matter	Question
25	<i>Providing that certain rules apply</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 256(1)(a)?
26	<i>Providing that certain legislative rules do not apply</i>	Do you agree with MBIE's proposal that no regulations should be made at this stage under section 256(1)(b)?
27	<i>Prescribing matters for the purposes of Part 1 of Schedule 1</i>	Do you have any comments on MBIE's proposals regarding regulations under section 256(1)(c)?
		I repeat my concern that the internet is the only option as it excludes the poor and the old from participating.

Other comments

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