

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

## Your name and organisation

Name	Joanna Saywell
Organisation (if applicable)	Submitting as an individual but currently serving on the committee of an incorporated society.
Contact details	[REDACTED]

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## Responses to questions

Part 2 of the discussion document: section 254

Matter	Question
<p><i>Prescribing information that must be included or provided</i></p>	<p>Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(a)?</p>
<p>1</p>	<p>I am generally in support of the new Act as it the changes provide a good opportunity for societies to adopt a new constitution with standard format and wording that protect members’ interests.</p> <p>In my experience, having served on a number of committees, changing an existing constitution slightly opens up a whole can of worms. Past committee members get up-set if their particular clauses are tampered with or if there is a perceived act of self-interest on the part of the person wishing to clarify the rules. It is actually easier and simpler to re-write a constitution from scratch rather than attempt modifications to an old constitution that may have had its day.</p> <p>However, I have the following concerns.</p> <p>The greater the regulation of societies the less likely the new Act will achieve its purpose of making the law of societies “more accessible”.</p> <p><u>Officers versus Key Office Holders</u></p> <p>I am concerned at all the regulations relating to “officers” who are ALL the members of the committee plus any other person who exercises “significant influence over the management or administration of the society.” Presumably this means that a patron or a paid office administrator would have to be included.</p> <p>For most societies there are two or three key office holders on the committee (e.g. Chairman, Treasurer and Secretary) and several more who help with decision making, running meetings and looking after members interests in many different ways. For most societies the committee members are hard-working, conscientious volunteers and there are seldom enough volunteers to fill all the vacancies on the committees.</p> <p>Few of these volunteers receive any remuneration other than a contribution towards their expenses. Some societies allow for an “honorarium” to one or more key office holders but the amount offered barely covers the cost of their travel to meetings, telephone calls, internet connectivity or the computer equipment now needed for the successful running of the society.</p> <p>Our Association’s current constitution has the ability for up to 10 people on the committee. Assuming that we are a typical incorporated society, there could be over a quarter of a million “officers” that would need to be managed by the Registrar rather than just 24,000 “contact persons” or even 96,000 key office holders.</p>

Under the proposed regulations, all of these officers would need to inform the Registrar of their contact details, when they became an “officer”, when they ceased being an “officer”, every change of email address (including if their ISP ceased trading) and any other information deemed fit by the Registrar. The potential administration required for this is huge and does not appear to offer any additional benefits or protection to society members. There are also potential privacy and security concerns should this information become publicly available, as it could be if placed on the public register.

For example: several Property Investors Associations have been assisting charitable organisations in helping ex-prisoners find private rental accommodation via a “Ready-to-Rent” training programme. With the national shortage of rental accommodation there are likely to be a few ex-prisoners that may still not find accommodation despite attending the courses. If contact details for officers of the association are publicly available there is a risk that they could be targeted by aggrieved attendees.<sup>9(a)</sup> it is not clear why there needs to be information about (iv) every person named as an “officer” and whether this needs to be revised at every change of “officer” and whether this will be publicly available information. Later in the discussion each officer is expected to have an email address. Not all members have an email address so those members would be unable to stand for office on the committee.

The information up-loaded to the incorporated societies web-site becomes public information but these requirements breach privacy rules under the Privacy Act.

Another concern with this information is the ease with which it can be accessed by potential scammers who could purport to be acting on behalf of the Registrar and issue bogus infringement fines or commit other acts of fraud.

I believe that this requirement is unnecessary and could prevent people standing for committee when many societies are having difficulty finding sufficient volunteers. This requirement could be satisfied by a simple requirement to up-load the draft minutes of the AGM within two months of the AGM with the requirement that any minutes need to record the names of the people elected onto the committee for the following year and a summary of the past year’s activities (or President’s Report). One or two committee members or Patrons may change during the year but it would be unduly onerous to have to inform the Registrar every time.

One of the Key Office Holders could be the Contact Person. Only Key Office Holders would have access to the web-site to up-load documents.

79(2)(c) For some societies the date on which each person became a member may have been lost over time or may even be before the society became incorporated. This would be better recorded in relation to recent memberships (e.g. within the past year with anything older being an existing membership). Even then, some memberships lapse and are later reinstated, or may be renewed under a different name. Which date should be recorded and why? We have memberships that cover both husband and wife under one membership, if they separate and have new partners but remain members do we have to record their old membership or new membership dates? Whilst the length of membership may confer benefits under the individual society constitutions there doesn’t seem to be a reason for it to be recorded for all societies.

79(2)(d) The register should not be required to have any more information than the absolute minimum to enable the society to communicate with members. However, the register needs to be secure and comply with the Privacy Act (see comments above regarding potential for scammers).

1

86(2) I agree that there should be even less required. Could the annual report be simply the President's or Chairman's report, the draft minutes of the AGM and the financial statements?

109(2) I am not sure of the reason behind the requirement for the society's membership figure (other than that it should be more than 10), nor do I see the need for all the names and addresses of the society's officers – if the officers change at the AGM, should the report give the names and addresses of the officers who held office for the period covered by the annual report or for the new period? Regardless this information should not be publicly available other than the draft AGM minutes in addition to the financial statements.

See comments above.

*Prescribing the manner in which things must be done*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(b)?

2

To prescribe that everything must be done through an Internet site designated by the Registrar makes the regulations unduly restrictive and inflexible. There will be some societies without ready access to the internet. There needs to be an alternative of some form that can achieve the same outcome.

Note that if all enquiries and applications, drafts etc. need to be done on line through the internet site there is limited ability to identify and rectify mistakes – a few years ago I thought that I had up-loaded and filed my society's financial statements but it was only after I received a number of emails saying that I had failed to do so that I realised that I had missed a crucial final step in the process. I needed to ring someone to find out which step I had missed. If everything is on line with no ability to speak to anyone or have automatic advice or verification then things can easily be missed or incorrectly notified.

Similarly, there needs to be a way of up-dating the regulations to allow for new technology.

There should always be an option for societies to lodge items independently of the web-site if they need to, but it may be that these societies are charged the costs for the registrar to up-load their details into the system. Similarly, the IRD prefer returns to be filed on line but accept postal returns.

109 (1) The deadline for filing financial returns i.e. within 6 months of the end of the society's financial year, may be insufficient for those societies that are required to have audited accounts signed off by members. (See comments below)

177(2)(b) and 186(2) If the Registrar intends to remove a society why is communication with the "contact" person and any known officers not given on the list of notices? What is the point of demanding that the contact details of the officers are given to the Registrar if he or she is not going to use them for such important occasions? There needs to be some consistency across the regulations relating to communications.

193(c) Newspapers are getting thinner and fewer. They may cease to exist in a few years. Many societies may not have an internet site of their own to which the public has free access. Where is the public forum for notifications going to be in the future?

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)?
Yes		
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)?
I agree, assuming that the expression "a limb hat" under 29. Should read "a line that" instead.		
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)?
<p>It appears that the desire for a majority of "independent" committee members is a means to get around potential bullying and in-house coercion. However, it is unclear how these committee members are appointed or removed and how much they are bound by the society's constitution. If they are on any committees are they "officers"?</p> <p>I am not sure that appointing "independent" committee members actually removes the risk of bullying. It would be better to have a requirement for secret ballots, remove preferential voting, limit the length of time anyone can serve as a key office holder (particularly as Chairman or President), and encourage as many people as possible to stand for committees if there is a risk of bullying. Being open and transparent in all dealings should help prevent bullying without the need for separate appointments.</p> <p>I have served as Secretary on a Committee where the Chairman liked to keep all email correspondence to himself. He did not like to share it amongst the committee but used to refer to it if he wanted to justify his decisions. The views expressed in the unseen emails carrying more weight than the views of the committee. Denying committee members, particularly the Secretary, access to society correspondence could be a form of bullying. Other committees I have served on have limited the number of years for the President to remain in office. This ensures that the President has a break and encourages others to stand for the role. Otherwise the President can start losing interest in the society or can dominate the committee losing volunteers.</p>		
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)?



	<p>I would have thought that disqualification rules should apply to all people whether the grounds for disqualification are for activities abroad or in New Zealand (i.e. not just in Australia or New Zealand). However, where it may not be possible to check a recent migrant's overseas activities it may be more appropriate to state that recent migrants to New Zealand (within the last two or three years) should not hold the office of President, Chairman, Secretary or Treasurer until they have been resident in New Zealand for at least three years, or have served on the committee for two years prior.</p>		
7	<table border="1" data-bbox="244 450 1401 667"> <tr> <td data-bbox="244 450 496 667"><i>Prescribing the types of changes in officer information that must be notified</i></td> <td data-bbox="496 450 1401 667">Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(g)?</td> </tr> </table> <p>I believe that these rules in the Act are bureaucratic and serve no useful purpose for the majority of "officers" or members. I believe that only the two or three key officers – President or Chairman, the Treasurer and the Secretary should be required to be covered by this regulation and one of the three can act as the "contact person" responsible for recording these changes.</p> <p>Similarly, the time to make these changes on the web-site needs to be relatively flexible as some committees may not meet more regularly than three monthly – if a resignation needs to be discussed at a committee meeting before it can be changed on the web-site then there may be several months between the time of resignation and the ability to notify the Registrar.</p> <p>Most "officers" are appointed at the AGM so a copy of the draft minutes from the AGM listing the newly appointed officers (without any contact details) should be sufficient to satisfy the regulations. However, it is also possible that one or two key positions remain unfilled until after the first committee meeting.</p>	<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)?
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8	<table border="1" data-bbox="244 1182 1401 1366"> <tr> <td data-bbox="244 1182 496 1366"><i>Regulating constitutional provisions on conflicts of interest</i></td> <td data-bbox="496 1182 1401 1366">Do you agree with MBIE's proposal that no regulations should be made at this stage under section 254(1)(h)?</td> </tr> </table> <p>I agree that no regulations are required.</p>	<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)?
<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	<table border="1" data-bbox="244 1435 1401 1659"> <tr> <td data-bbox="244 1435 496 1659"><i>Prescribing societies that can restrict general meeting attendance to delegates</i></td> <td data-bbox="496 1435 1401 1659">Do you have any suggestions regarding regulations that should be made under section 254(1)(i)?</td> </tr> </table> <p>I believe that all members should have the opportunity for attending a society's AGM and I welcome the opening up of meetings to remote attendance and remote voting. I am a member of a number of national societies and have only been able to attend their AGM's if I also book to attend the society's national conference. During the Covid 19 lock-downs I was able to attend more AGM's than I had ever managed before.</p> <p>Remote attendance and remote voting (including postal) should be covered in the relevant constitution rules and not something for the regulator.</p>	<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)?
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	<i>Defining the term 'total current assets'</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(j)?
10	To avoid confusion and the need to re-value assets every year – “total current assets” in this context should ONLY be cash in the bank or on hand. i.e. not even office equipment or clubhouse bar stock. I also believe that the threshold figure of \$50,000 is too low for most small societies to remain financially stable.	
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 agree that no further regulation should be made for small societies.		
	<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?
12	<p>We used to include a requirement for our accounts to be audited. The cost of auditing accounts for our small association was quoted as being close to the minimum of \$6,000 once the definition of audits was up-dated. Since our nett “profit” in any year is plus or minus \$2,000 this would have quickly eroded our bank balance to nothing. We had to change our constitution to remove the term “audit” so that we did not incur the expense the following year.</p> <p>One other problem with auditing our accounts was that our financial year ends on 31<sup>st</sup> December. Our accountant (who assists the treasurer) is normally on holiday for most of January so the financial statements were never ready for an audit until after our AGM in early February. We were meant to present our audited accounts to the members not the unaudited ones.</p>	
13	<p>I support measures to ensure that the threshold where financial statements need to be audited be raised to a figure that is above the requirements for a charitable organisation. Your suggestion of defining large societies that must be audited as the top 1% or those with revenue/expenditure in excess of \$3.0 million. This does not prevent smaller societies from requiring audits in their constitution but does mean that the majority of societies do not need to spend unnecessary money on an audit.</p> <p>I believe that all societies' members should have the right to ask that an independent review of their accounts and processes. The reviewer would need to be independent and of suitable standing in the community (fit and proper person). However, the reviewer does not need to be qualified in any other way.</p>	
14	<i>Setting infringement fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?

I am confused regarding the infringement fees and who pays, how they get notified and how committee members can be safeguarded against potential scammers. Particularly since all actions are failures to do something which is probably because the person who would have done the thing has left and no-one else knows how to access the web-site or that the Registrar needs to know trivial items such as that a new tea-lady has been appointed onto the committee.

Is the society liable for the fines or individual officers? If individual officers are liable, they may refuse to stand for election. Societies could fold if there are insufficient members willing to serve on the committee. Most members stand for office on a voluntary basis, for the good of the society, and receive no remuneration or benefit other than the appreciation of their fellow members. Why would they risk incurring a fine (that may be greater than their annual membership fee) for forgetting to do something, with the potential for that fine to remain on their record indefinitely?

Duties for named office holders, such as the treasurer, would need to be spelled out in the society's constitution and those office holders appointed at the AGM. Where office holders are left vacant another named office holder would be required to perform their duties until the vacancy is filled.

I know of one relatively small national society where they took a year to up-date their old constitution. The new constitution was eventually approved at an AGM. By the time the president, and all other relevant officers, in various parts of New Zealand, had signed the amended constitution they were told was too late to up-load it to the web-site, so they are still working under the old constitution.

As an example of potential infringements, during the Covid restrictions we had difficulty holding our AGM and had to postpone it a month, even then we only just reached the required number of people to form a quorum. If we had not reached a quorum, would we have been fined for not holding the AGM?

When you set infringement fees there needs to be an in depth consideration of the possible circumstances where it may have been impossible to comply. There needs to be a suitable period of grace where officers are given time to rectify any omissions or errors, or explain why they are unable to comply.

I would also favour not imposing any fees or charges until the legislation is well established, and all societies have managed to re-register.

Our treasurer resigned and we were without a new treasurer until we could appoint one at the next committee meeting (two months after our AGM). This meant that I had to up-load the financial statements to the web-site. I managed to do this but then received reminders for a month following saying that I had not up-loaded them. After several emails I discovered that lodging the financial statements is a two-step process and I had failed to carry out the second part.

If most of the minor infringements would not incur any fine for a charity, why impose fines for a voluntary not-for-profit society?

Voluntary office holders, who receive no remuneration or honorariums, should not be liable for any fines.

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*Prescribing the information to be included in infringement and reminder notices*

Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(n)?



	<p>There should be no fines imposed on officers who are working in a voluntary capacity. Fines imposed on societies for failure to protect members interests would also seem to be counterproductive.</p> <p>Rather than jumping straight to an Infringement Notice and fine there should first be an opportunity for the society to rectify the failure so that no enforcement action is required.</p> <p>Maybe there needs to be an Advisory Notice that reminds officers of their obligations and gives a suitable period of time to rectify omissions.</p>	
	<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)?
16	<p>177(1)(a) Persons to whom the Registrar must give notice when proposing to remove a society should include ALL key office holders, not just the "contact person" who may be on leave at the time of the notice.</p> <p>177(2)(a) Minimum period (number of working days) that Registrar can set for objections to his notice of intended removal needs to be sufficient for the society to hold a Special General Meeting (SGM) of members to discuss the notice and determine what objections there are.</p> <p>Most SGM's require one calendar month notice, plus organisation of documentation before and after the meeting so the minimum period should be 60 working days unless the removal has been instigated by the society itself at a SGM.</p>	
17	<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)?
	No	
18	<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)?
	Yes	
19	<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)?

	<p>By referring to the Companies Act 1993 the suggestions are all out of date. There is no guarantee of delivery unless notice is physically delivered with a signature. Emails can be acknowledged when opened but can easily be wrongly labelled as spam and deleted.</p> <p>I suggest that regulations be made under section 254(1)(r) requiring all documents including documents in a legal proceeding to be served on a society by TWO or THREE (in the case of legal proceedings) of the following methods as follows:</p> <ul style="list-style-type: none"> <li>a. i. by couriered delivery to the society’s contact person; AND either</li> <li>ii. by delivery to another officer of the society; or</li> <li>iii. by delivery to an employee of the society at the society’s registered office; or</li> <li>iv. by leaving it at the society’s registered office or address for service; or</li> <li>v. in accordance with an agreement made with the society.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>b. by posting it to the society’s registered office or address for service (noting that the current state of the postal service is poor and that delivery of post can take several weeks)</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>d. by emailing it to the society at an email address that is used by the SOCIETY for the majority of their correspondence.</li> </ul> <p>Note that correspondence posted to a registered office or PO Box may not be collected by the society for several weeks. Our society used to have a PO Box and check it once a month just before our committee meeting. With the loss of cheques, we no longer get payment of memberships via post so have closed our PO Box.</p> <p>Similarly, post sent to residential addresses can get mislaid or take several weeks to be delivered, particularly over holiday periods.</p> <p>Most societies and businesses do not use facsimiles any more – some can still receive them but generally when they arrive they sit in a remote printer somewhere until they are thrown out by someone who thinks they are uncollected printing.</p> <p>By serving notices in more than one way it is hoped that at least someone in the society will become aware of an issue.</p> <p>Whichever methods are used by the Registrar they need to be secure and not easily spoofed by scammers.</p>	
20	<p><i>Prescribing how documents must be served on a person</i></p>	<p>Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(s)?</p> <p>I don’t believe that there is any reason or time when notices need to be served on individuals or other Members of the society unless they act fraudulently or not in accordance with the aims and constitution of the relevant society.</p> <p>None of the suggested methods of serving documents to individuals include emailing them, so why does the Registrar need their email addresses?</p>
21	<p><i>Prescribing matters relating to the incorporated societies register</i></p>	<p>Do you have any comments on MBIE’s proposals regarding regulations under section 254(1)(t)?</p>

	I agree that there should be no additional criteria. However, I am concerned that the register may be searched on the name of the officers. This would appear to be contrary to privacy provisions. Ideally only the contact person's name should be visible.	
22	<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)?
	No	

### Part 3 of the discussion document: section 254

	Matter	Question
23	<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)?
	<p>Ideally there should be no fees. If fees need to be set they need to be commensurate with any benefits there are for being an incorporated society. E.g. a saving on the tax on the first \$1,000 of income could be considered as saving \$100 in tax, so any fee would need to be less than this.</p> <p>However, it costs government departments about \$100/payment to collect payments (invoicing, receipting, bank processing etc.) so there is no benefit in charging fees.</p>	
24	<i>Setting late fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 255(1)(b)?
	<p>I can understand the prescribed fee being set at \$25 including GST. This minimum fee is unlikely to cover the money handling administration costs (invoicing, postage, bank transaction fees, matching of payments with invoices etc.) so will cost the Registrar more to issue than a simple warning letter to remind the society to meet their obligations.</p> <p>The time for applying penalties needs to be extended. Society officers may not have regular monthly meetings, particularly societies that cover the whole of New Zealand. Therefore, a notice delivered to a registered office may not be seen for a number of weeks. (When we had a PO Box for our mail it was only cleared once a month, just prior to a committee meeting.) 25 working days is too short a period for receiving a notice and acting upon it, even assuming that the document was readily available and not reliant on a signature from a key officer.</p>	
25		I would suggest that the fees for late filing be set at \$0.00 inclusive of GST if the late filing is remedied within 60 working days and \$100.00 inclusive of GST if it is still outstanding after that time. (see comments earlier about time to action resolutions, changes to constitutions, election of officers, and other changes).

26	<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)?
	I agree that no other regulations should be set.	

#### Part 4 of the discussion document: section 254

	<b>Matter</b>	<b>Question</b>
27	<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)?
	yes	
28	<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)?
	yes	
29	<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)?
	See below	

Clause	Description	MBIE proposal	Comments
5(3)(a)	Information to accompany a reregistration application	We propose this be the same as the information to be provided by new societies when they register (see section 2.2.1 above) – plus their NZBN.	Agreed but see comments above regarding officers' private information. The only names of officers required should be the President or Chairman, Secretary, and Treasurer with one of them being the Contact Person.
5(3)(e)	Fee to accompany a reregistration application	At this stage, we simply seek your views on whether you are in favour of, or against, a fee for re-registration (given it would likely be around \$50 if it were introduced). If you are against, please indicate how the costs to the Companies Office of processing reregistrations could be funded.	I am not in favour of a fee for re-registration as this is being forced on all societies. There should be minimal costs for re-registration since all work will be done by the societies themselves accessing the web-site. The only costs would be for a help-desk if it is difficult to navigate the site. Having said that, fees of less than \$100 cost government departments more to invoice and process than they are worth.
5(3)(f)	Any additional reregistration application process requirements	Except with the leave of the Registrar given in his or her absolute discretion, every application for reregistration must be filed online through the	There should be a postal option for re-registrations by societies that are not computer savvy and options for postal communications rather than emails where some societies may not be appropriately set up.

		Internet site designated by the Registrar.	There may be additional fees for this but it should remain as an option.
9(3)(b)(ii)	Manner in which a society must approve an amendment to its existing rules, as an alternative to a majority vote at an AGM	At this stage, we do not propose that the regulations set out an alternative to approving the amendments through a majority vote at an AGM.	Suggest that you add the option of a majority vote at an AGM or Special General Meeting (rules are often discussed and tweaked at the AGM so the final wording may still need to be “rubber stamped” – signed off at the next meeting. Waiting for the next AGM risks the rules being re-discussed and tweaked again.)
9(5)	The amount payable for failure to give the Registrar, within 25 working day, a copy of certain amendments to a constitution	If delivered not later than 25 working days after the time prescribed: \$25 (including GST) If delivered more than 25 working days after the time prescribed: \$100 (including GST)	25 working days is not long enough where documents need to be sent around the country for signature.
9(5)(b)	Information that must accompany amendments to the rules of an existing society	We propose this be the same as the information to be provided by new societies when they register (see section 2.2.1 above) – plus their NZBN.	There is no need to include ALL names email addresses, postal addresses etc. for ALL officers. This also may infringe on privacy rights.
10(2)(a)(ii)	Manner in which a society must approve a new constitution, as an alternative to a majority vote at an AGM	At this stage, we do not propose that the regulations set out an alternative to approving the new constitution through a majority vote at an AGM.	This should include the option of a SGM (note that the notices and required quorum for the SGM would be the same as the AGM).
12(6)	Manner in which a restoration application must be made, when an existing society misses the deadline for reregistration	Except with the leave of the Registrar given in his or her absolute discretion, every application for restoration must be filed online through the Internet site designated by the Registrar.	See comments above regarding on-line registration.
17(3)	Manner in which a parent society or a branch of the society must notify the Registrar that sections 6 and 7 of the 1920 Act should no longer apply	Except with the leave of the Registrar given in his or her absolute discretion, notice of any request that sections 6 and 7 of the 1920 Act should no longer apply must be filed online through the Internet site designated by the Registrar.	There should be options for postal notifications albeit that fees may be greater.



## Other comments

I believe that the regulations for Incorporated Societies need to be as simple as possible to ensure that the 24,000 currently incorporated societies can continue to function. They benefit all New Zealanders, encouraging community engagement and well-being. The majority of the societies are run by volunteers. These volunteers come from all walks of life with a whole range of skills and administrative abilities. At the moment, approximately a quarter of a million people are on committees for one or more societies.

Regulations and fines that are overly prescriptive, expect a short turn-around on communications, or require excessive quantities of information to be lodged on line, can increase the work-load on volunteers and reduce the number of people willing to stand on committees.

Some societies only meet once a year at their AGM.

We will all need to write new constitutions for our societies, and each will take anything from a year to two years to be approved, even longer if it is not possible to approve them at a SGM. Changing constitutions is fraught with difficulties as every member wants to have their say or revert back to old wording. When we removed the requirements for our finances to be audited it took 4 months to produce draft wording, send it to members, receive feedback and then hold the AGM. Even then we needed a Special General Meeting to agree the final wording.