

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

Your name and organisation

Name	Barbara Lewis
Organisation (if applicable)	New Zealand Society for Music Therapy Incorporated
Contact details	[REDACTED]

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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)?
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)?
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)?

Comments below are in the reference to the following two paragraphs in the Consultation Document

36. We recognise the value that outsiders (or people who are independent of the society) can bring to the committee of an incorporated society. This includes their ability to be objective and impartial and bring expertise and other skills, such as business skills and knowledge, to the committee.¹⁶ It is well accepted that in certain circumstances, that value is such that it is important to allow those outsiders to hold a majority (or indeed all) of the committee seats.

*37. This is particularly the case within **national and regional sporting and physical recreation societies, where lack of good governance capability** in the past has had significant impacts not just on the achievement of the societies' purposes (such as increasing participation in physical activity or successful sporting results)¹⁷, but also on the level of protection for individuals participating in such activity and the consequential reputation of sport in New Zealand – for example, concerns about individuals' wellbeing (as evidenced in recent reports on cycling and gymnastics).*

The New Zealand Society for Music Therapy Inc (NZSMT) notes that the regulations may apply only to sporting and physical recreation societies. We wish to suggest that this **should not be restricted to only these areas.**

The purpose of NZSMT (in brief) is to raise awareness of music therapy and to provide the safe practice of music therapists. The membership comprises music therapists (around 60% of total) and other members who range from musicians, educators, health professionals and others with an interest in music therapy. Although not in all cases, but often, music therapists may have outstanding musical and therapeutic abilities, but as is similar with sporting and physical recreation may not have governance skills, as this is not a core role of a music therapist. It has often been the "other members" who have provided key governance positions, alongside music therapists, to lead the society successfully in governing and managing the organisation.

Some examples:

The first Chair was Gerald Kember, solicitor and All Black
1978- 1989 President, Dr Arthur Fieldhouse, Emeritus Professor of Education, VUW
1999-1997 Judith White, eminent musician and music educator
1998-2007 Morva Croxson CBE, music therapist but also Chancellor of Massey University
2008-2017 as more music therapists were registered they took President and Chair positions
2017-2021 Linda Webb MNZM, musician, educator, researcher with a strong governance background in a number of music-related organisations including MENZA, CANZ
2021-2022 Stephen Guerin, CEO, PGG Wrightson and Chartered Member of the Institute of Directors

In addition over the years some reputed persons with knowledge of governance served on the national body including Barbara Mabbett, former Manager of Learning Media (MoE), Anne O'Rourke, former principal of Baradene College and Education Inspector, Dept of Education. Sir Roy McKenzie, philanthropist, who gave financial advice and financial support over many years.

As is shown above there were many people with governance and financial skills who supported and served on the national body. The Society believes that a mix of music therapy skilled people alongside those versed in governance can add value to the organisation. Such independent people contribute to a well-run organisation that works in a balanced way as do many businesses who have technical specialists, IT specialists, and financial advisers as well as governance leaders who all make a successful group supporting the core aims and values of the organisation.

Majority on national body to be music therapists

However it was always important to NZMST that there be a majority of music therapists on the national body and we would not seek an exemption in this regard; this may not be the case for others.

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)?
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)?

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?
13	<i>Setting infringement fees</i>	Do you have any comments on MBIE's proposals regarding regulations under section 254(1)(m)?
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)?
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)?

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)?

Other comments

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